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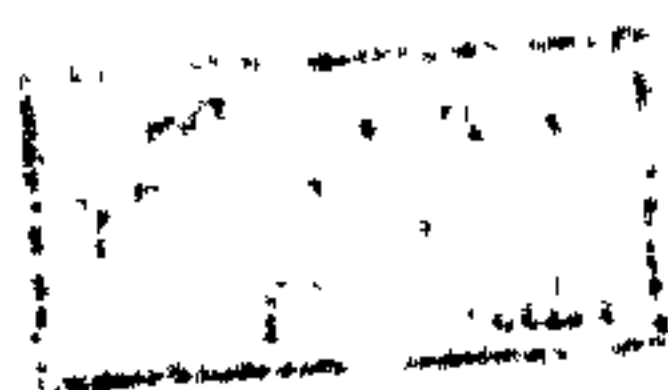
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The Materialist Interpretation of John Millar's Philosophical History: Towards a Critical Appraisal

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Dissertation for Ph.D
Glasgow University
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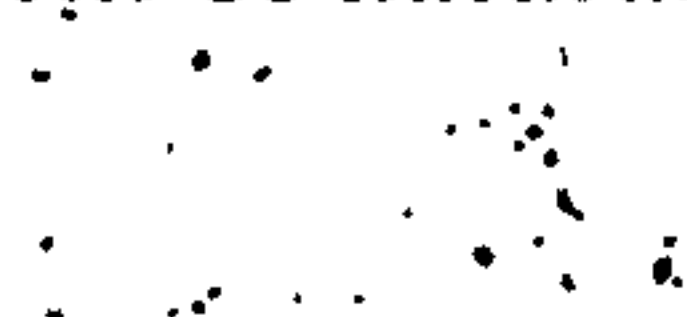


Abstract

The Materialist Interpretation of John Millar's Philosophical History: Towards a Critical Appraisal

This dissertation examines aspects of John Millar's philosophical history in order to provide grounds for a critical appraisal of the content of his contribution to social and historical science. Using Millar's published books and lectures in civil law as primary sources, it is suggested that Millar applied an empiricist method to the principles of jurisprudence. Millar shared this method with Hume and Smith. Implicit within the method was the abstraction of an ideal observer or spectator. This abstraction was derived from the use of an empiricist method to understand the operations of the minds of particular individual subjects on the pre-determined experience of immediate circumstances. The method assumed that the operations of subjects' minds on the objects of their experience included classification, comparison, generalisation, conjecture, inference, imaginative identification and experiment. Millar's method is therefore characterised as both conjectural and individualistic.

Through a critique of Ronald Meek's seminal statements on Millar's materialism, certain issues are investigated for further critical appraisal. These include Millar's political economy, his conception of civil society, and his political theory. It is argued Millar had a conception of generalised commodity production and exchange; that this conception was derived from the assumption that subjects are self-interested; and that the latter assumption was necessary to explain the origins, emergence and development of civil and political society. Millar assumed that individuals' pursuit of self-interested goals gave rise to ideas of positive law, freely alienable property, different distributions of property, and feelings of liberty. It is suggested that Millar's theorisation of the effect of the latter on forms of government is derived from a combined use of Smith's principles of authority and utility with Hume's commercialised Harringtonianism. This led Millar to conjecture that generalised commodity production and exchange caused two contrary tendencies to operate on the political superstructure. The first was towards despotic forms of military rule. The second was towards representative forms of parliamentary democracy. Neither of these tendencies were controllable and it was an accident of Britain's island status that a balance between the two tendencies had been established. The dissertation includes a comparison of Millar's method with Marx's, and a discussion of the possibility that Millar's philosophical history might be a form of naturalistic materialism.



"Depend upon it, this rage of trade will destroy itself. You and I shall not see it, but the time will come when there will be an end of it."

Dr. Johnson

"Adults cannot become children again, or they become childish. But do they not find a joy in the child's naivete, and must they themselves not strive to reproduce its truth at a higher stage?"

Marx

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Abbreviations

By author, the following abbreviations of frequently cited works (and editions used) are inserted in parentheses in the text.

HUME

- AS* Of the Rise and Progress of the Arts and Sciences (1742) in *Essays: Moral, Political and Literary* (1779) ed. E. Miller, 1987
- BG* Whether the British Government inclines more to Absolute Monarchy, or to a Republic (1741) in ed. Miller, 1987
- CL* Of Civil Liberty (1741; original title, Of Liberty and Despotism) in ed. Miller, 1987
- NC* Of National Characters (1748) in ed. Miller, 1987
- OC* Of the Original Contract (1748) in ed. Miller, 1987
- RA* Of Refinement in the Arts (1752; original title, Of Luxury) in ed. Miller, 1987
- EPM* *An Enquiry concerning the Principles of Morals* (1751), eds L. Selby-Bigge & P. Nidditch, 1975
- EHU* *An Enquiry concerning Human Understanding* (1748), eds. L. Selby-Bigge & P. Nidditch, 1975
- HE* *The History of England* (1786), 1824
- THN* *A Treatise of Human Nature* (1739/40), ed. L. Selby-Bigge, 1888

MILLAR

- AC* The Advancement of Manufactures, Commerce and the Arts, since the Reign of William III, and the Tendency of this Advancement to diffuse a Spirit of Liberty and Independence (1803) in *Historical View*, vol. 4
- AC(L)* Ibid. (1803) reprinted with new title as "Millar's Philosophy of Economics" in *John Millar of Glasgow*, W. Lehmann, 1960
- LG1771* Lectures on Government. Extended by George Skene, (1771)
- LG1792* Lectures on Government in 3 vols. taken by his son, James Millar (1792)
- LJ1789* Copy of Mr. Millar's Notes on the Institutes of Justinian, According to Heineccus, Glasgow 1789. By Alexander Dunlop Jr. 1816
- OR* *The Origin of the Distinction of Ranks* (1806), 4th edn.
- HV* *An Historical View of the English Government* (1803), 4 vols., 1812
- RGI* Review of the Government of Ireland (1803) in *Historical View*, vol. 4

SMITH

- LJ(A)* *Lectures on Jurisprudence*, Report of 1762-3, eds R. Meek, D. Raphael & P. Stein, 1982
- LJ(B)* *Ibid.*, Report of 1766, 1982
- TMS* *The Theory of Moral Sentiments* (1759, 1st edn.), eds A. Macfie & D. Raphael, 1976
- WN* *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776) eds R. Campbell & A. Skinner, 1981

Part One:

The Background

Chapter One:

A Purview

1.1 The Origins

My interest in studying John Millar started over ten years ago in 1986 when I was studying part-time as a post-graduate student for a taught Master's qualification at Glasgow University's Centre for Socialist Theory and Movements. The Centre's brochure advertised the Scottish Enlightenment as a topic students could study. One of my teachers gave me an article written by Andrew Skinner, Professor of Political Economy at Glasgow University, to read. It was titled "A Scottish Contribution to Marxist Sociology?"¹ Skinner mentioned Millar in this article which had been published in a book of essays in honour of Ronald Meek. Meek had preceded Skinner as Professor of Political Economy at Glasgow and had published books and articles on the history of economic thought, Smith, Marx, Turgot, the Physiocrats and the Scottish Enlightenment. He is most famous for his book on the labour theory of value.²

Further reading informed me that Meek had been a student at Cambridge and that, like certain academics teaching at Cambridge, such as Roy Pascal, had connections with the former Soviet Union through their association with the British Communist Party. Roy Pascal was the editor of an early English edition of Marx and Engels' *The German Ideology*.³ He and his wife, Fania, were members of the "Friends of the Soviet Union". Fania Pascal had taught Ludwig Wittgenstein Russian before his trip to Moscow in 1935.⁴

In the 1930s, Pascal had written a highly influential article on prominent and, at that time, neglected thinkers of the Scottish Enlightenment such as Robertson, Ferguson and Millar. In this article he argued that the Scots had a version of Marx's materialist understanding of history.⁵ This thesis was based on two assumptions. The first was that the Scottish eighteenth century philosophers paid attention to activity motivated by the satisfaction of subsistence needs. The second was that they had recognised the influence that property had on forms of government.

¹Skinner A.S. (1982) "A Scottish Contribution to Marxist Sociology?" In Bradley & Howard (eds) *Classical and Marxian Political Economy*, London: pp79-114.

²Meek R.L. (1956) *Studies in the Labour Theory of Value*, London.

³Marx K. & Engels F. (1846) *The German Ideology: Parts I and III*, Pascal R. (ed.) New York, 1947.

⁴Pascal F. (1984) "Wittgenstein. A Personal Memoir." In Rhees R. (ed.) *Recollections of Wittgenstein*, Oxford: pp12-49. Moran J. (1972) "Wittgenstein and Russia." *New Left Review*. 73: 85-96.

⁵Pascal R. (1938) "Property and Society. The Scottish Historical School of the Eighteenth Century." *Modern Quarterly*, vol. 1: 167-179.

Ronald Meek developed this thesis in an article he wrote in the 1950s.⁶ He later added that the Scots knew of Marx's distinction between economic base and political superstructure.⁷ Having read Pascal and Meek's articles on the Scots, I then turned to Andrew Skinner's articles on Adam Smith. I found out that Skinner's earliest articles in the 1960s used Marxian sounding language when he discussed Adam Smith. However, in later publications on Smith's historical and social theory, his references to the idea, for example, that Smith had a notion of "productive forces" became fewer.⁸ Skinner's article in honour of his teacher in 1982 was a review of the Meek/Pascal thesis as applied to Smith. It concluded that Smith was "neither determinist nor materialist in his interpretation of history". Skinner also noted that Smith's notion of individual motivation was "not necessarily materialistic"⁹ and that Meek had drawn "very limited" parallels between Millar and Marx.¹⁰ What Skinner took from Meek, however, was the salience of "four stages" (hunting, pasturage, agriculture and commerce) in accounts the Scots give of the development of the idea of property and changes in customs, manners and law.

Following a quote from Robertson's *History of America*,¹¹ Pascal had described the "four stages" as different "modes of subsistence". This quote is important because of Robertson's use of "modes". A "mode of subsistence" sounds something like a "mode of production". In the Soviet account of Marx, history was supposed to move automatically through stages, each stage with its corresponding property relations, towards the "socialist" mode of production (i.e. the Soviet Union).¹² The Scots were supposed to have recognised something similar as having happened on the way to commercial society. This movement through stages enabled Pascal and Meek to

⁶Meek R.L. (1954) "The Scottish Contribution to Marxist Sociology." In Saville J. (ed.) *Democracy and the Labour Movement*, London. Reprinted with amendments in Meek R.L. (1967) *Economics and Ideology and Other Essays*, London: pp34-50.

⁷Meek R.L. (1976a) "The Great Whole Man." *Times Literary Supplement*, 3 December, 1976. Quoted in Skinner, 1982: p86.

⁸. Compare Skinner A.S. (1965) "Economics and History-the Scottish Enlightenment." In *Scottish Journal of Political Economy*, vol.12: pp1-22, in which he refers to Millar's emphasis on "historically inevitable" productive forces (p7) with his later (1996) "Historical Theory.", chap. 4 of *A System of Social Science*, Oxford: pp76-105. In the latter he refers to "economic" forces and "modes of subsistence" when discussing the Smith's historical theory. Skinner is the most eminent of contemporary scholars who uphold a diluted version of the sociological or economic interpretation of Smith and Millar's historical theory. See chapter three for his use of "factors".

⁹Skinner, "Contribution?", p100.

¹⁰Skinner, "Contribution?", p104.

¹¹Robertson W. (1777) *A History of America In Works*, Stewart D. (ed.) in one volume, Edinburgh, 1840.

¹²Commission of the Central Committee of the C.P.S.U. (B). (ed.) (1938) *The History of the Communist Party of the Soviet Union (Bolsheviks): Short Course*. See in particular chapter four, part two: "Dialectical and Historical Materialism." The latter was written by Stalin and is republished in Franklin B. (ed.) (1973) *The Essential Stalin*, London: pp300-333.

characterise both Marx and the Scots as having a materialist understanding of history. This consisted of a four stage theory defined by modes of subsistence or production.

The use of the phrase "four stage theory" has now become quite common in literature on Millar and other eighteenth century Scots theorists. It is the only thing left of the original Pascal/Meek interpretation. For example, it continues in the work of Peter Stein and Istvan Hont, both of whom have followed Meek by examining the origins of the appearance of stages in ancient and early modern political and jurisprudential thought.¹³ The mode of subsistence has been presented as the key category for understanding Millar's method in a few recent articles by Paul Bowles. Unlike Stein and Hont, however, Bowles has also kept alive the notion of an affinity between the Scots' social and historical theory and historical materialism arguing, for example, that Millar's account of the position of women is similar to Engels'.¹⁴

Skinner's 1982 article also made reference to the debate on the transition from feudalism to capitalism between Maurice Dobb and Paul Sweezy. He claimed that Smith would have agreed with Sweezy. The cause of the transition from feudalism to capitalism was "exogenous rather than endogenous pressures."¹⁵ Dobb's commitment to the existence of "socialism" arising in one country influenced the position he took in this debate. Dobb had a version of the idea that capitalism had arisen in one country. Capitalism had developed first in England through primitive accumulation and was then exported to the rest of the world. The transition, therefore, was not a world-wide development but a national one.¹⁶

The relevance of Smith to this debate has been revived recently in an article by John Salter. Salter concludes that if "materialist" means "secular" then Smith indeed had a version of historical materialism. What is different from Skinner/Pascal/Meek is that Salter has moved the focus away from modes of subsistence to how Smith theorised dependence and the acquisition of surpluses.¹⁷

Reading Skinner's 1982 article led me to choose John Millar's social philosophy as a topic for the research-based dissertation component of my Master's degree.

¹³Stein P. (1988) "The Four Stage Theory of the Development of Societies." In Stein, *The Character and Influence of the Roman Civil Law*, London: pp395-409. Also Hont I. (1987) "The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the 'Four Stage Theory'." In Pagden (ed.) *The Languages of Political Theory in Early Modern Europe*, Cambridge, 1987: pp253- 276.

¹⁴Bowles P. (1986) "John Millar, the Legislator and the Mode of Subsistence" *History of European Ideas*, 7: pp237-251. Also Bowles P. (1990) "Millar and Engels on the History of Women and the Family." *History of European Ideas*, vol. 12/5, 1990: 595-610.

¹⁵Skinner, *Contribution?*, p100.

¹⁶Dobb M. (1946) *Studies in the Development of Capitalism*, London. For Sweezy's critique see his essays in Hilton R. (ed.) (1976) *The Transition from Feudalism to Capitalism*, London & New York: pp33-56 & pp102-108.

¹⁷Salter J. (1992) "Adam Smith on Feudalism, Commerce and Slavery." *History of Political Thought* vol.XIII, 2, Summer: pp219-241.

According to Meek, Millar was the Scot who had the clearest understanding of a "true philosophy of history".¹⁸ He was the most "materialist" of all the Scots. If the thesis applied to Millar, then, given his closeness to Smith, perhaps it could also have been extended to his teacher.

The dissertation argued that the term "mode of subsistence" as applied to Millar's use of the four stages was misleading because it implied that, according to Millar, individuals were exclusively motivated by the desire to satisfy subsistence needs for food, clothing and shelter. Certainly Millar thought that the satisfaction of such needs prompted individuals to engage in productive activity; however, he also thought that other needs were as important (or more important). Following Smith, he thought that the needs for praise or respectful attention were also crucial. He thought that the most obvious means to the end of satisfying these needs was the acquisition of wealth in the form of surpluses. These could either be exchanged as commodities or used to support dependants. Moreover, he thought that, because of natural scarcities, only a few hardworking and thrifty individuals could acquire surpluses through their labour. It was therefore in their interests to agree to rules that secured these surpluses as property. Moreover, it was in the interests of those individuals who through misfortune, fecklessness or prodigality had been unable to acquire surpluses, to acquiesce to the wishes of the propertied class upon whom they were dependent for subsistence and protection. I therefore suggested that the more appropriate terms to describe the four stages would be "modes of acquisition of surpluses" or (given the juridical form taken for granted in Millar's theory) "modes of the acquisition of property".

1.2 A Current Impasse

Reading the critical literature on Millar and the Scots subsequent to Pascal and Meek's thesis brought me to the conclusion that there now appears to be an impasse in scholarship over the interpretation of the development of ideas in the Scottish Enlightenment. There appear to be two broad interpretative camps. One these emphasises the continuity of a natural law tradition in Scotland. It is especially associated with the work of Duncan Forbes and Knud Haakonssen. The other is more disparate but tends to follow the work of J.G.A. Pocock on the Scots' incorporation and reworking of the language of civic virtue. Both camps are aware that a competitive struggle for pre-eminence is awkward and have been in the process of some attempt at reconciliation or regroupment. Both Pocock and Haakonssen have tried to reconcile the two approaches and accommodate the one to the other.¹⁹

¹⁸Meek R.L. (1976b) *Social Science and the Ignoble Savage*, Cambridge: pp161-162.

¹⁹Pocock J.G.A. (1983) "Cambridge paradigms and Scotch philosophers: a study of the relations between the civic humanist and the civil jurisprudential interpretation of eighteenth-century social

Moreover, Pocock and Haakonssen have attempted to engage critically with the so-called "economic" or "materialist" interpretation of Meek to a greater or lesser extent. The latter has been identified as Marxian in character and inspiration. Pocock's reaction to Pascal and Meek's original idea that Scots such as Millar had an economic interpretation of society and history, has emphasised the Scots' reformulation of ideas of virtue handed down through political discourse from Machiavelli through Harrington.²⁰ Forbes and Haakonssen, on the other hand, have taken up the theme of natural jurisprudence, placing not only Hume and Smith, but also Millar, within this context. This understanding of their theorisation of the progress of society attempts to reconcile their interest in economic matters within a developing historical science of jurisprudence pioneered by Montesquieu.²¹

1.2.1 Scientific Whiggism and Natural Jurisprudence

An important influence on subsequent research on Millar has been that of Duncan Forbes. Forbes has written much on Smith, Millar and Hume's historiography emphasising the influence of the tradition of natural law thinkers going back to Grotius and Pufendorf. He is important because at the same time that Meek was giving his materialist interpretation of Millar in the mid-1950s, Forbes was writing about Smith and Millar as sceptical or scientific Whigs.²²

Forbes distinguishes between what he calls the vulgar Whig position and the position taken by the Scots. The former was associated, amongst other things, with a glorification of the 1688 settlement, the denigration of the freedoms of other countries, and the notion that the ancient liberties of the Anglo-Saxons had been fought for and preserved by parliament in an ancient English constitution. The Scots, following Hume, demonstrated that liberty post-1688 was of a qualitatively different nature than that of the "rude" Germans - it was a liberty based on the calming and calculating influence of commerce, luxury and the rule of law rather than on the free play of violent passions caused by natural scarcities and an absence of law and order. Their

thought." In Hont & Ignatieff (eds) *Wealth and Virtue*, Cambridge: pp235-252. Also Haakonssen K. (1989) "Natural Jurisprudence in the Scottish Enlightenment: Summary of an Interpretation." In MacCormick & Bankowski (eds) *Enlightenment, Rights and Revolution*, Aberdeen: pp36-49.

²⁰Pocock, *paradigms*, pp242-243. Pocock concedes to Meek's followers that the Scots came close to thinking that "men create themselves in history through their modes of production". In contrast he expresses impatience with interpreters who use the word "bourgeois". Michael Ignatieff (whose article on Millar attempts to synthesise all three interpretations) also makes concessions to materialist sociology when he refers to Millar's "dialectic between improvements in the mode of subsistence and the spiral of human needs." p.336 of Ignatieff M. (1983) "John Millar and individualism." In Hont & Ignatieff, *Wealth and Virtue*, Cambridge: pp317-343.

²¹Haakonssen makes no concessions to the Marxian language of the economic interpretation.

²²Forbes D. (1954) "Scientific Whiggism: Adam Smith and John Millar." *Cambridge Journal*, vol.7: 643-670. Also in Cunningham Wood (ed.) (1984) *Adam Smith. Critical Assessments*, London & Canberra: pp273-96. Forbes' thesis is further developed in his "Sceptical Whiggism, Commerce and Liberty." In Skinner & Wilson (eds) (1975) *Essays on Adam Smith*, Oxford: pp179-202.

aim was to write history impartially, - free of the party prejudices of either Whig or Tory. To do this they had to develop a philosophical method based on human nature as outlined by Hume in the *Treatise*, the latter being, according to an interpretation close to Forbes', a development of ideas already familiar to those schooled in the natural law theories of Grotius, Pufendorf and Locke.²³ Like the salience given by Meek to the four stages, Forbes' distinction between vulgar and scientific Whiggism has also passed into the literature.²⁴

After presenting an alternative interpretation of the significance of Smith and Millar to that of Meek, Forbes went on to write a book on Hume's application of his philosophy to politics and history.²⁵ Forbes suggested in this book that there is more in common between Hume and Millar than has been noticed by most writers. Hume's influence on Millar had been ignored by Meek on the grounds that Hume's writings on politics and history did not demonstrate a clear outline of four modes of subsistence.

In the 1950s it appeared as if there were two competing interpretations of Millar: Meek versus Forbes. When I read their two seminal 1950s articles together, it seemed to me that Forbes made a concession to Meek when he admitted that Smith and Millar had a notion of economic progress. I was also impressed by Forbes' depth of knowledge of the texts, his fluent and lively style of writing, his concern to place the Scots in the context of the politics of the day, and his historical understanding both of the intellectual background to their writings and of their original contribution to historiography.

The work of Knud Haakonssen in this area has also been influential.²⁶ Haakonssen has developed a perspective on Millar, Smith and Hume which situates them firmly within a developing tradition of natural jurisprudence. However, unlike Forbes, who chose to write little about Pascal and Meek's original thesis, Haakonssen has confronted the challenge head on by criticising vigorously the doctrine of "economic determinism" and arguing that it has no relevance to Smith or Millar's social theory.²⁷ He has gone further than Forbes by stating that the problem with so-called Marxian interpretations of Millar is that they ignore the obvious presence of natural rights.²⁸

²³Buckle S. (1991) *Natural Law and the Theory of Property: Grotius to Hume* Oxford.

²⁴For a recent example see Kidd C. (1993) *Subverting Scotland's Past: Scottish Whig Historians and the creation of an anglo-British Identity 1689-c1800*, Cambridge. Kidd follows Forbes' characterisation by referring to eighteenth century Scottish social and historical theorists as "sociological" Whigs. Sociological Whiggism demonstrated that the personal liberties secured by union with the English constitution were superior to those guaranteed by the ancient Scottish constitution. Kidd offers this as an explanation of why Scottish nationalism, - unlike nationalisms in other European nations of the time, - failed to take root in the nineteenth century.

²⁵Forbes D. (1975) *Hume's Philosophical Politics*, Cambridge.

²⁶Haakonssen K. (1996) *Natural Law and Moral Philosophy*, Cambridge.

²⁷Haakonssen K. (1981) *The Science of the Legislator*, Cambridge: pp178-189.

²⁸Haakonssen K. (1985) "John Millar and the Science of a Legislator." *The Juridical Review*, Edinburgh: 41-68. Reprinted with amendments in Haakonssen *Natural Law*: pp154-181. "The main

Haakonssen's critique has redressed an imbalance in previous scholarship. I have attempted to acknowledge his contribution in this dissertation.²⁹

Although Haakonssen has written that Millar's spectator-based jurisprudence has a place for history, he has given little attention to the relationship between juridical and economic categories in scientific Whig historiography. Like almost every scholar in the field, his critique had assumed that people would understand what "economic" meant when used as an adjective to qualify "motive", "progress", "individual" or "determinism". It is clear that, although most writers and thinkers on Smith and Millar have used the term to describe aspects of Scottish eighteenth century theories of society and history, they have used it uncritically. This assumption about the use of the term "economic" has been typical of every scholar regardless of their loyalties or antipathies to the Marxist project in the history of political and economic thought.

1.2.2 Civic Virtue and Moveable Property

A later development in scholarship on Millar includes the entry of the American scholar J.G.A. Pocock into Scottish Enlightenment studies.³⁰ Pocock is one of the leading scholars in the field of the history of ideas.³¹ Pocock has written a huge book on the influence of Machiavellian thought on subsequent thinkers.³² Pocock draws attention to the notion of civic virtue Machiavelli took from the ancients. Civic virtue became, according to Pocock, associated with landed property and civilian or citizens' militias. When Pocock moved into eighteenth century studies, he observed how, post 1688, the country ideologists in England, such as Bolingbroke, had used Harrington to criticise the corruption and patronage associated with the ruling group of court Whigs.³³ Pocock examines a wide range of political writings of the period and

obstacle to the materialist interpretation of Millar is, however, the presence of a clear idea of natural law and rights." 1985: p65. 1996: p178.

²⁹Like Haakonssen, Smith's jurisprudence is discussed separately from his social and historical theory in Campbell T.D. (1971) *Adam Smith's Science of Morals*, London.

³⁰Pocock mentions Millar in his (1975) *The Machiavellian Moment*, Princeton: p502. He states that Millar uses the categories of virtue and corruption to organise his understanding of history. See also his (1985) "The varieties of whiggism from Exclusion to Reform: A history of ideology and discourse." In *Virtue, commerce and history*, Cambridge: pp215-315. Millar is discussed on pp298-299 as a Whig who substitutes corruption for the royal prerogative as the chief threat to constitutional liberty.

³¹See Pocock J.G.A. (1957) *The Ancient Constitution and the Feudal Law*, Cambridge, and his introduction to (1977) *The Political Works of James Harrington*, Cambridge. Pocock attacks the notion that Harrington was aware of the economic relations of his day. For a reply, see Macpherson C.B. (1962) *The Political Theory of Possessive Individualism*, Oxford: pp174- 182. Macpherson came the closest to attempting a Marxian interpretation of Locke, Hobbes, and Harrington of any academic during the Cold War. I discuss the concept of economic activity Macpherson uses in his bold article on the "economic penetration" of classical liberal political theory in chapter five.

³²Pocock, *Moment*, 1975.

³³The "court" and "country" distinction was based on different factions amongst the landed gentry of the period, - "court" being the faction with the favour of the monarch and "country" being the faction

concludes that a change takes place in the attitude writers have to, what Millar called, "moveable" property (as opposed to "fixed" property).

Much depends on the interpretation of the term "moveable". Pocock, following the language used in eighteenth century literature, classifies money and capital (as opposed to land) as mobile property. Nonetheless, by the eighteenth century, most landed property in England had taken the social form of value.³⁴ It therefore became not only alienable as a commodity but capitalised. For example, revenue in the form of ground rent was becoming increasingly dependent upon surplus value generated through the exchange of the capital of industrialising farm-owning capitalists with the labour power of an agrarian proletariat. As a technical instrument of production, land was not moveable. It was therefore described as fixed property. However, in the economic form of value, like every other commodity, it was transferable from subject to subject according to the interests of its owner. The juridical distinction between fixed and moveable property both masked and reflected these changing economic relationships.

Millar, for example, conceived of the transference of all forms of property as a right that became self evident only when ideas, customs and manners had changed with the maturation of the division of labour. In other words, it was only when commodity production had become generalised within a commercial society that every thoughtful individual could perceive the right of transference as an idea that naturally addressed their needs for economic and social improvement. The free alienation of all forms of property, including land, was what he called a "species" of natural right. The justice of this natural right was well understood if individuals were to adopt the perspective of a disinterested spectator. Thus he thought that customary juridical barriers to the right of alienation, such as entails, were fetters upon the individual's natural propensity to better themselves.³⁵ His examination of the injustice of entails prompted him to state what was to become a maxim of later liberal doctrine: "When a law is directly contrary to the bent of a whole people, it must either be repealed or evaded." (*HV*, vol.2, p403).

Despite the persistence, therefore, of Millar's use of a language that contrasted land as fixed property with commodities as moveable property, once commodity production had become generalised (so that land itself had become subject to frequent sales and purchases), Millar recognised that every form of property was freely alienable or transferable. The alienable nature of every form of property met the

without. See Dickinson H.T. (1977) *Liberty and Property. Political Ideology in Eighteenth-Century Britain*, London.

³⁴Marx K. (1894) *Capital Vol.III*, Moscow edn, 1959. Divergent juristic forms of landed property take on the economic form of value, so that land "merely represents a certain money assessment" to the landowner. The latter's organic connection with his land is so completely severed that he "may spend his whole life in Constantinople, while his estates lie in Scotland." p603.

³⁵See chapter eight.

requirements of the individual subject of experience's perception of his natural rights. The actual or potential perception of these rights was a necessary condition for human social life. This perception flourished within civilised societies founded on the mundane contractual exchanges of commodities and the rule of law. When land became exchangeable with money, like every other commodity, it was also potentially moveable. This recognition of the subordination of land to the alienable form of the commodity and money is present in his jurisprudential writings despite his continued use of the traditional "fixed/moveable" distinction.

Pocock claims that, in the eighteenth century, people possessing moveable property in the form of money and capital became an object of admiration rather than disparagement. This change in attitude coincided with what is called the "financial revolution" - the establishment of the Bank of England and a system of public credit.³⁶ The state became dependent on loans from the latter as a source of revenue, and financiers and merchants were able to move, through the influence of the crown and the bequest of land, into the gentry class. Pocock situates the Scots as the group of thinkers who made civic virtue compatible with the accumulation of wealth and professional armies, thus destroying its previous association with landed property and citizen militias.

Pocock is clearly correct to note this historical change in eighteenth century ideas. However, his focus on the role of the personal influence of the crown as the means by which merchants came into the possession of landed property is too limited. The emergence of the modern credit system in the seventeenth and eighteenth centuries marked a successful struggle to subordinate the ancient form of usurer's capital as interest-bearing capital to modern productive industrial and commercial capital.³⁷ Financiers had an interest in lending to those landowners who invested their capital in improvements that made land more productive of value. These included turning every tiller of the land into a wage labourer and introducing scientific techniques of agronomy.

The public credit system, therefore, helped to speed up the transference of land from landowners who had extracted a surplus in the form of rent in cash or kind from the labour of a dependent peasantry to landowners who extracted a surplus in the form of money-rents given to them by independent capitalist farmers as loans for the use of their land. Landowners also used credit to transform themselves into capitalist farmers who derived surplus value through the immediate exploitation of an agrarian proletariat. As historians such as Devine have shown, from the mid to late eighteenth century there was a significant economic transference of land in Scotland from the

³⁶Dickson P.G.M. (1970)*The Financial Revolution in England: A Study in the Development of Public Credit, 1688-1756*, London.

³⁷Marx, *Capital Vol.III*, p589.

impoverished gentry to merchants enriched by trade in tobacco.³⁸ Land was bought in order to exploit its mineral resources. The processes of capitalising the land, investing in agrarian technique and transforming unproductive dependent labour into productive wage labour were therefore rapidly advanced.

Pocock's contribution to the history of ideas is imposing and deserves an appraisal which I could not begin to attempt here.³⁹ He is not afraid of criticism and is, himself, an explicit critic of what he understands to be Marxist approaches to seventeenth and eighteenth century history.⁴⁰ As a result, he has been described as having a "revisionist" approach to the history of ideas.⁴¹ My limited understanding of revisionism in history follows that of Christopher Hill who opposes it to realism. Hill argues that real social changes, (such as the English Revolution) can take place before they are given a name (such as "revolution"). Just because there is no word for a thing does not mean that the thing does not exist.⁴² Thus, just because there was no language in the eighteenth century to distinguish between land as part of the material technical process from its social form of value, and therefore land continued to be referred to in the juridical language as "fixed" as opposed to "moveable" property, did not mean that land had not become a commodity like every other means of production, and therefore exchangeable as money and capital.

1.3 Natural Law and the Subject of Experience

My own inclinations have drawn me closer to the natural law interpretation than to Pocock's. An approach that confines itself solely to the investigation of actually existing language usage tends to look backwards into history rather than forwards. It sees thinkers in a context determined exclusively by past language usage. Although such an approach notes changes in usage, it cannot explain them except by referring back to previous usages. It can note only that there is some kind of unspecified correspondence between real political, social and economic changes, and changes in the form of their description. There also seems to be a radically sceptical tendency latent within this interpretation that motivates criticisms of both liberal and Marxist views on the development of history on the grounds that there is no rational justification for thinking that there can be progress or development in either the

³⁸Devine T.M. (1975) *The Tobacco Lords: a Study of the Tobacco Merchants of Glasgow*, Edinburgh: pp18 -33.

³⁹Pocock has a developed theory of the history of ideas. See his (1972) "Languages and their Implications: the Transformation of the Study of Political Thought." In Pocock, *Politics, Language and Time*, London: pp3-4.

⁴⁰Pocock, *Varieties*, pp241-243.

⁴¹Kramnick I.F. (1982) "Republican Revisionism Revisited," *American Historical Review* LXXXVII, 3: 629-664. Mentioned by Pocock as placing his emphasis on the republican tradition of thought in the "reactionary column" of bourgeois scholarship. *Varieties*, p242.

⁴²Hill C. (1990) "The word 'Revolution'." In *A Nation of Change and Novelty*, London: pp100-120.

categories of thought or in society itself. Perhaps this is one of the reasons the approach has been labelled "revisionist".

On the other hand, a Marxist reading of the natural law tradition has the potential to explain the close relationship between the emergence of a scientific conception of society and the needs of bourgeois society. For example, that aspect of Roman law called the *jus gentium* was brought into being by trade with foreign tribes and resident aliens. Any person outwith the Roman public law association and the jurisdiction of the *jus civile* was subject to these regulations. The *jus gentium* was therefore both closely connected with the nature and purpose of economic activity and, through its universal application to non-civilians, had the appearance of natural law. It was the only law to which strangers from different cultures could be made accountable. The category of natural law in the ancient world therefore co-incided with the needs and interests of commodity owners from geographically and culturally diverse countries. Natural law could not have taken the character of the *jus gentium* confined to the local norms and customs peculiar to isolated tribes and civilisations. Moreover, as Hume pointed out in his *History of England*, the rediscovery of Justinian's Institutes and its elaboration of the laws applicable to mercantile transactions played a decisive role within the sphere of ideology in assisting a transition from, as he perceived it, the "barbarism" of the Medieval period to the "civilisation" of his own times. Natural law became the chief ideological weapon of the emergent bourgeoisie in its struggle against feudalism. It assisted mercantile states in their colonial expansion and played a crucial role in the conceptualisation of the state and society in seventeenth and eighteenth century political and economic writings.⁴³ Along, therefore, with those who emphasise the natural law tradition in Scotland, such as Haakonssen, I have given special attention to the core of Millar's intellectual work: his lectures on private and public law.

If Pashukanis is correct, then concepts that become the foundation for political and economic theories such as contract, alienable property and rights are the product of

⁴³For natural law as the ideology of the bourgeoisie in its revolutionary period, see Pashukanis E.B. (1924) *Law and Marxism: A General Theory. Towards a Critique of Fundamental Juridical Concepts*. Einhorn (trans.) Arthur (ed.) Worcester, 1989: pp73-84. For natural law and modern theories of society and politics, see Gierke O. (1934) *Natural Law and the Theory of Society 1500-1800*, Cambridge. Also Binns D. (1977) "From Natural Law to Sociology.", chapter eight of *Beyond the Sociology of Conflict*, London: pp174-210. For natural law and colonialism, see Pawlisch H.S. (1985) "Law as an Instrument of Colonialism.", chapter one of *Sir John Davies and the Conquest of Ireland*, Cambridge: pp3-14. Pawlisch criticises Pocock's thesis that English common lawyers had little interest or knowledge of Roman civil law as "extremely narrow": p161. He suggests that the assumption that English lawyers' preoccupation with "a mythical Anglo-Saxon past" was a result of such ignorance "needs to be thoroughly revised": p.175. If English lawyers were both aware of and used the categories of civil law for colonial purposes, this throws doubt upon the Pocock's thesis that there was "an unique Anglo-American political tradition at variance with the conventional ideas of individualistic liberalism." Haakonssen, *Summary*, p37.

commodity owners' reflection upon social relations subsumed by exchange.⁴⁴ Moreover it is also true that the political economy of Smith and the Physiocrats emerges out of a combination of jurisprudence with the Baconian inspired project of scientific inquiry. The latter has undoubtedly contributed to the development of the productive forces of an ascendant capitalism.

Empiricist jurisprudence, I argue, presupposed that the subject of experience and knowledge was sovereign. This subject was a juridically derived abstraction enriched by the results of scientific inquiry. However, this abstraction was not just a product of thought imposed upon social reality by philosophers and jurisprudentialists. Nor can it be reduced to an epiphenomenal excrescence of a bourgeois legal superstructure.⁴⁵ The subject of experience was indeed historically contingent upon the emergence of a commodity capitalist society. However, it also reflected an objective social reality, however contingent, in which real subjects of experience recognised themselves and others as possessing rights, interests and needs, including the need to escape from the painful experiences of natural scarcity, political and religious oppression, and hard labour.

What is unique about the abstraction is that historically determined subjects of experience perceived their rights, interests and needs as inherent aspects of human nature. As such, the needs of humans at a particular period of human development were perceived to coincide both with humanity at every possible stage of its conjectured development in the past and at every possible stage of its imagined future development. This period of human development coincided with the eighteenth century Enlightenment. It was characterised by the triumph and consolidation of expansion of the productive forces within the form of capital accumulation. It is a period in which, despite the occasional observation on the corruption of sexual manners and the deleterious effects on the minds of detail labourers within a technical division of labour, the subject experienced no seriously disturbing limits to the potential of an uncontrolled market to satisfy individuals' physical and psychological needs. Moreover, the interests of capital appeared for a short time to coincide with the interests of humanity as a whole. Juridical and political institutions that did not guarantee individual freedoms to pursue an innocent labouring and calculative wealth-creating interest would therefore be reformed or abolished according to the subject's well-informed judgements of utility and propriety.

⁴⁴Pashukanis, *Law*, chapter four: "Commodity and Subject." pp108-133.

⁴⁵This "soap bubble" interpretation of the Marxist approach to the determination of concepts and categories is the one most frequently adopted by adversaries. Labriola comments that political views, sciences, and systems of law are not "pure appearances, soap bubbles" but "real things" that constitute but are insufficient to explain civilisation. Their derivation and development require explanation within the totality of the determinations of humanity's struggle for existence. Labriola A. (1908) *Essays on the Materialistic Conception of History*, Chicago: pp124-126.

Thus the spectator-based theory of property used by Smith and Millar is closely related to an empiricist theory of knowledge. This theory has commodity owners' needs for laws that protect their interests at its heart. Locke's theory that the natural right to property was established because the individual mixes his labour with the object of his work, was too limited a conception for the Scots. Smith and Millar needed to give individuals a natural right to property acquired through the exchange of commodities on which they had not necessarily expended any of their own labour. This property is money and capital. They therefore developed a theory that divorced property conceptually from labour (except insofar as the painful experience of labour was one of the considerations the spectator would bear in mind when determining an act of injustice).⁴⁶ At the same time they affirmed a strong causal connection between a complex bourgeois notion of property (as the right to alienate property in the individual's exclusive possession freely) and activity productive of exchangeable commodities. This theory also accounted for the approval individuals felt when confronted with people who controlled wealth in the value form. This approval, of course, did not exclude wealth acquired by individuals through their own labour. On the contrary, the spectator's approval confirmed both the justice of property acquired through the individual's own labour and the prudence and fortitude of the independent commodity producer. Thus Millar was quite happy to use the language of the individual's natural right to the "fruits of their own labour" without being committed in any way to a Lockean labour-mixing theory of property.⁴⁷

I have tended to follow a qualified approach to the jurisprudential path of an inquiry into the relationship between Millar's understanding of political economy, and his philosophical or scientific approach to history. It is qualified in two ways. The first is that a jurisprudential approach to history that pays attention to the subject's interests in economic matters does not necessarily exclude the influence of Harrington. Hume, for example, was happy to use Harrington's principle of the balance of property to theorise forms of government and political changes.⁴⁸ This principle seems to me to be compatible with the Baconian notion of "political arithmetic" - the attempt to quantify aspects of social reality that informed the seventeenth century writings on trade by people like Petty and North. Hume's use of the principle, however, was an improvement upon Harrington's because he focused on revenue derived from property used as a means to secure the political and economic dependence of the weak upon the strong and the poor upon the rich.

⁴⁶See chapter eight.

⁴⁷See Haakonssen's correction of Medick and Leppert-Fogen's assumption that Millar adopted Locke's theory of property. "Millar": p62. *Natural Law*: p175.

⁴⁸See chapter eleven.

Much depended, however, on how the distribution of property could be measured. Harrington was ambiguous. On the one hand, he measured property technically - by the size of a piece of land or by the time it takes to cultivate it. He had the yeoman farmer or free independent peasant in mind. On the other hand, he measured property in terms of the revenue derived from a piece of land. Harrington did not specify how the extent of this revenue was to be calculated. There are three connected possibilities. It could have been calculated either in the form of the valuation made by the state for tax purposes; in terms of its exchangeable value were the land to be sold; or in terms of the value the produce of the land realised when it reached the market. Harrington neither distinguished these different forms of monetary valuation, nor allowed that wealth in the form of money or commodities - his "moveable" property - be included as part of any determination of the balance. Yet, by posing the possibility of measuring revenues, he made it likely that later thinkers would include merchant and industrial capital invested in agricultural production as sources of revenue. These could be included in later calculations of the distribution of property in a society. Hume and Millar seem to make these moves consciously or unconsciously.⁴⁹

The second qualification is that a jurisprudential approach to history that focused on the judgements an ideal spectator made about the juridical and political institutions of government was also informed by actual subjects' perceptions of what motivated them to engage in productive or economic activity - what, in other words, they perceived to be useful means to the satisfaction of valued material and psychological ends for themselves and others, - whether these ends be the respectful attention of others, access to knowledge and education, the consumption of luxurious commodities or whatever else, including forms of law and government, that interested them. This entailed an understanding of how generalised commodity production and the division of labour could bring benefits to the self-interested subject. It was this perception that led merchants to a theoretical inquiry into money, value and the commodity in the seventeenth century - an investigation that provided philosophers and legislators with the concepts and categories that characterised the emergence of a separate discipline of political economy in the following century.

The adoption of a qualified approach to jurisprudential historiography differentiates the content of this dissertation from another Marxian-inspired critique of Millar's social science. This is associated with the work of Hans Medick and Annette Leppert-Fogen.⁵⁰ Medick and Leppert-Fogen were the first scholars to point out that Millar's political economy was incapable of grasping the concept of exploitation. They correctly showed that Millar understood capital as a thing rather than as a social

⁴⁹See chapter eleven.

⁵⁰Medick H. & Leppert-Fogen A. (1974) "Frühe Sozialwissenschaft als Ideologie des Kleinen Bürgertums: John Millar of Glasgow 1735-1801." In *Sozialgeschichte Heute*, Göttingen: pp22-48.

relation. They clearly demonstrated two salient characteristics of Millar's theorisation of capital. The first was that Millar thought that capital was acquired through the frugal and parsimonious habits of individuals.⁵¹ The second was that Millar conceived of capital as a technical factor of production.⁵² Medick and Leppert-Fogen went on to argue that Millar was unable to accurately conceptualise the dominant social relations of commodity-capitalist society because his thinking reflected contradictions inherent within the consciousness of the petit bourgeoisie. The petit bourgeoisie were a class that wanted to free a commodity-producing society from legal and political restrictions at the same time as refusing to face up to the capitalist consequences of ubiquitous exchange on the proletariat.⁵³ Medick and Leppert-Fogen suggest that Millar was an apologist for the petit bourgeoisie and that the contradictory nature of the consciousness of this class explains why Millar argued that greater social equality would be the outcome of a policy of *laissez faire* at the same time as maintaining that social inequality was a necessary and inevitable feature of every conceivable form of society.⁵⁴

In contrast to this position, I argue that the ideological content of Millar's science is classically bourgeois precisely because it rests so obviously on the notion of the abstraction of the individual as an actual or potential owner of commodities. This conception of the individual followed from Millar's adoption of the empiricist attempt to explain natural law according to the operations of the mind of the self-interested subject of experience. Millar thought that individuals would be interested in acquiring property regardless of whether they were actual petit commodity producers, propertyless proletarians, capitalists, landed proprietors, citizens, savages, women or children. He thought that every individual had an interest in alienating the property he

⁵¹"Gesamtokonomisch bildet es jenen Teil des 'national produce', der das Resultat der Sparsamkeit und Konsumrestriktion produktiv arbeitender Individuen ist: 'capital is composed of what is *saved* from the produce which (has) . . . not been *consumed* by individuals.'" [their emphasis] Medick & Leppert-Fogen, "Frühe Sozialwissenschaft", p30.

⁵²"Gleichwohl ist der Übergang zur Dreiklassentheorie auf der Grundlage ökonomischer Bestimmungen ideologisch: Der Ansatz bei den *technischen* Funktionen des Kapitals, der die heute herrschende Theorie von der 'Produktivität des Kapitals' antizipiert, lässt die Wirkung des Kapitals als *gesellschaftliches* Ausbeutungsverhältnis in den Hintergrund treten, ja das Kapital selber als eine nur zum Wohl der Arbeiter erfundene Einrichtung erscheinen." [their emphasis] Medick & Leppert-Fogen, "Frühe Sozialwissenschaft", p31.

⁵³"Vielmehr sind jene Unstimmigkeiten der Theorie aus der spezifischen, *in sich widersprüchlichen* Situation einer Klasse abzuleiten, die einerseits die warenproduzierende Gesellschaft, in der 'every man thus lives by exchanging, or becomes in some measure a merchant', von den Begrenzungen eines Subsystems befreien wollte, so dass schliesslich 'the society itself grow to be what is properly called a commercial society', während sie auf der anderen Seite die *kapitalistischen Konsequenzen* des ubiquitären Tauschs scheute." [their emphasis] Medick & Leppert-Fogen, "Frühe Sozialwissenschaft", pp27-28.

⁵⁴"Doch beugt Millar einer allzu radikalen Auslegung seiner Intentionen auch vor, wenn er lediglich die '*excessive* inequality of property' zum Gegenstand seiner Kritik macht, nicht aber die 'inequality' schlechthin, die nur durch eine 'equalization of property' konsequent aufzuheben wäre." [their emphasis] Medick & Leppert-Fogen, "Frühe Sozialwissenschaft", p33.

or she came to possess free from arbitrary juridical and political restrictions. It was individuals' experience of a world of scarcities of the means of subsistence that inclined them to recognise an interest in competing against others for the accumulation of property. Millar thought that forms of government were necessary that both enforced the rights of the propertied against the propertyless, and provided opportunities for propertyless individuals to acquire alienable property in their own right. For example, Millar's consciousness of the deleterious effects of the technical division of labour on the minds of manual workers led him to argue that public education would have a twofold beneficial effect. Firstly, it would provide manual workers with the practical knowledge of how to acquire property. Secondly, it would provide them with the theoretical knowledge of the political, economic and juridical inevitability of social inequality, - of how it was impossible to conceive of a civilised society that did not rest upon a social division between a superior knowledgeable class of individuals and an inferior ignorant class of individuals.⁵⁵ As such, Millar tended, if anything, to anticipate nineteenth century forms of paternalistic welfare liberalism rather than Marxian socialism. Millar was not, I contend, an apologist for the *petit bourgeoisie*. Rather, he articulated the most advanced form of British bourgeois thought possible in a historical period prior to the emergence of proletarian forms of consciousness. The latter were to posit the proletariat as a collectivity with the potential to transform society. This was, of course, long after Millar's death.

1.4 The Issues and their Investigation

The following inquiry does not pretend to be a fully comprehensive reading of Millar. The latter would go beyond the scope of this dissertation. It would feature extensive discussions of the influence of Kames and of other philosophers and historians that Millar recommended his students read. These include Sydney, Locke, Temple, Priestly and Robertson. There is also plenty of scope for further research on the impact of contemporary French thought on Millar. This has been pioneered by Michel Faure's work on the relationship of Millar's historiography to Diderot's "*science de l'homme public*". Faure has pointed out the similarity of Millar's historiography to that of contemporary French historians such as Bossuet and Goguet. There is work to be done on Millar's philosophical relationship to Voltaire and Rousseau. Millar recommended Voltaire's historiography and criticised Rousseau's.

Moreover a more comprehensive account of Millar would pay greater attention to his relationship to developing currents in Whig political thought towards the end of the eighteenth century and his likely responses both to the literature provoked by the French Revolution and to the repression suffered by friends and allies who, like Millar

⁵⁵See chapter three.

supported parliamentary reform and opposed the war against France. This dissertation, for example, makes no reference to two anonymous political pamphlets attributed to Millar, *The Letters of Crito* and *The Letters of Sidney*. My reason for doing so has been based on the doubts Haakonssen raised concerning the attribution of their authorship to Millar. I have taken for granted Haakonssen's argument that these pamphlets could as well have been written by his nephew, John Craig, or by one of the many other distinguished pupils Millar taught.⁵⁶ Nonetheless, whether or not Millar was the author of these pamphlets, they are evidence of a current of thought for which he was directly or indirectly responsible. There is clearly further work to be done both comparing these pamphlets with Millar's lectures and books and comparing them with other popular political writings of the period. A fully comprehensive account of Millar's life would go beyond the short account I have given in chapter two. It would include a thorough examination of the political economy of Scotland in the eighteenth century; a well developed Marxian theory of the history of ideas, and an application of this theory to the Enlightenment both as a world-wide socio-historical movement and as a phenomenon specific to eighteenth century Scotland.

This account would also pay greater attention to the position of women and children in eighteenth century society and the implications that an empiricist jurisprudence had for including women within the abstraction of the individual as a subject of experience. I have assumed throughout this dissertation that Millar thought of particular subjects as patriarchal heads of households with dependent wives and children and that this followed from an application of empiricist methods to an examination of the rights within marriage between husbands and wives. Nonetheless there is evidence that Millar also thought that women, as objects of male attention, had an effect on men's manners and customs. The empiricist theory of the operations of the mind entailed that women were as capable of sympathising with the interested and disinterested passions of other individuals as men. The emphasis I give to Millar's quasi-contractual theory of acquiescence mediated by utility in chapter eight therefore has relevance to his understanding of the dependence of women upon men for a means of subsistence and protection. It is a short step from recognising this relationship to arguing that it follows from Millar's method that he would have conceived of a woman as a subject of experience with as strong an interest in acquiring alienable property through her own activities as any other propertyless individual. I am conscious therefore both of the under-theorised nature of this inquiry as well as the possible

⁵⁶See Haakonssen, *Natural Law*, p155 n7.

inaccuracies of some of the empirical detail given in the historical account of Millar's life.⁵⁷

What follows is narrowly focused on Meek's interpretation and on critical responses to this interpretation in subsequent research. Following Pascal, Meek is considered to be the authority on the materialist or economic interpretation of Millar. His propositions regarding the unity of the relationship between Millar and Marx are itemised in the following list:

(1a) Millar developed a "new way of looking at society".⁵⁸

(1b) This was a philosophy of history that could appropriately be called a "materialist conception of history".⁵⁹

(2) Millar's materialist conception of history assumed that "basic economic factors" influenced "power-relations" through "changes in property relations".⁶⁰

(3) Millar identified "what might be called 'techno-economic bases' for certain great social changes . . . such as the institution of private property, the rise of commodity production and trade, and the institution and abolition of slavery".⁶¹

(4) In his examination of English history, Millar saw "the civil war quite clearly a class war".⁶²

(5) "Millar was certainly well aware of 'the existence of classes in modern society'".⁶³

Meek's propositions regarding the differentiation between the relationship between Millar and Marx are itemised in the subsequent list:

⁵⁷For example, my discovery of Paul B. Wood's 1984 thesis on Reid which includes details of his appointment at Glasgow University, came too late for me to find out whether his research sheds light on my speculations regarding Millar's opposition to Reid's appointment. See chapter two.

⁵⁸Meek, "Contribution", 1967, p41.

⁵⁹Meek, "Contribution", 1967, p42.

⁶⁰ibid.

⁶¹ibid.

⁶²Meek, "Contribution", 1967, p43.

⁶³Meek, "Contribution", 1967, p44.

(6) Millar had no "feeling for the dialectic of social change". This was "conspicuously lacking".⁶⁴

(7) Millar "denied that the labour-capital relationship was based upon exploitation". What impressed Millar was "the capacity of the labourer to become a little capitalist himself" not "the subordination of the labourer to the capitalist".⁶⁵

(8) It followed that, unlike Marx, Millar theorised the transition from feudalism to capitalism as one in which there was "the emergence of a state of economic and political *independence*" [Meek's emphasis] not "the substitution of a new ruling class, with a new method of exploitation, for an old one."⁶⁶

The truth or falsity of these propositions will be assessed in the final chapter. In order to make this assessment, it will be necessary to engage firstly with economic, juridical and political aspects of Millar's philosophical history, and, secondly, with Hume's and Smith's influence on Millar. Because Hume does not have a clearly stated four stage theory, Meek tended to ignore his contribution to Millar's intellectual development. This dissertation has attempted to re-establish the affinity Millar felt for Hume's philosophical history. It presents Millar as a critical follower of Hume. Smith's influence is self-evident and I have spent much time comparing Millar's thinking on jurisprudence and political economy with Smith's.

Within the narrow focus I have chosen to adopt, there have been three major issues that dominated the research. The first was whether or not it made any sense to describe Millar's theory as an economic interpretation of society and history - indeed whether it was appropriate to describe it as a species of economic determinism or not. The second followed from Meek's application to Millar of the second half of Pascal's general assumptions about eighteenth century Scottish social and historical theory. This was that Scottish theorists had recognised a causal relationship between the distribution of property and forms of government. The third was the relationship, if any, Millar might have had to Marx.

There are three appendices attached to the main body of this work. Appendix one consists of a detailed textual examination of Millar's short essay on Ireland in volume four of *Historical View*.⁶⁷ Through a comparison with Hume's remarks on the Irish, I

⁶⁴Meek, "Contribution", 1967, p43.

⁶⁵Meek, "Contribution", 1967, p45.

⁶⁶ibid.

⁶⁷A fuller version of this can be found in Smith P.B. (1996) "Conjecture, Acquiescence and John Millar's History of Ireland." *The European Legacy* vol.1, 8: 2227-2248.

attempt to show how Millar reasons historically using the conjectural, hypothetical method discussed in chapter eight and the political theory discussed in chapter ten. Appendix two consists of some remarks on the use of Millar's lectures in the main body of the dissertation and appendix three is a reproduction of Millar's lecture notes on ethics. The latter have particular relevance to chapter eight.

John Millar is a minor figure of the Scottish Enlightenment. His intellectual achievement is overshadowed by those of his contemporaries, David Hume and Adam Smith, both of whom, unlike Millar, have made world historical contributions to science and philosophy. In a grand account of the progress of world culture, it would be easy to ignore Millar. This is not the case with Hume and Smith, who were recognised as major thinkers in their life times and became the starting points for future scientific inquiry. Given Millar's close proximity to and affinity with Hume and Smith, it would prove impossible to ignore the contribution of both Hume and Smith to Millar's own intellectual development in this dissertation. Chapter two therefore comprises a biographical account of Millar's life. This will mention the influence Hume and Smith had on Millar as teachers and friends.

Chapter Two:

Life and Intellectual Development

2. 1 Early Life and Education

John Millar was born in 1735 at Shotts, twenty-four miles west of Edinburgh. His father, James Millar, was an ordained minister of the Church of Scotland. Millar's mother was the daughter of a local gentleman "of considerable estate in the county of Lanark".¹ Millar was the eldest of four children.

The family owned a small estate at Milheugh near Blantyre in Lanarkshire. John Craig, Millar's nephew and biographer, described the natural beauty of the estate at Milheugh in the following terms:

"It consists of several small meadows separated from each other by the Calder, a little stream which winds among them, sometimes skirting, at other times intersecting the valley. The bushes which fringe the edges of the rivulet, and a number of large trees standing near the house, and shading some of its principal walks, give great richness to the scene, while the steep banks which rise from each side of the valley suggest ideas of retirement and seclusion."²

The estate included a mill. Millar's ancestors had owned and worked the mill at least since the Reformation, if not as far back as the time of Robert the Bruce. All the male inheritors of the estate had been christened John, and, when Millar was born, the owner of estate was his uncle, also called John. Millar's uncle was a lawyer who lived at Milheugh. He suffered from bad health and had given up his practice in Edinburgh to retire to the family estate.

In 1737, when Millar was aged two, his father's ministry was transferred from Shotts to a parish in Hamilton, the nearest large town in Lanarkshire near Milheugh. James lived in Hamilton until his death. Millar's father was an active member of the Kirk. He was well known for leading a clerical opposition to an evangelical preacher called George Whitefield, writing polemical pamphlets and organising meetings.³

¹John Craig (1806) *An Account of the Life and Writings of John Millar Esq.* Prefix to John Millar *The Origin of the Distinction of Ranks*, 4th edn Edinburgh. Reprint, Bristol 1990: pi. Craig and Lehmann's (1960) *John Millar of Glasgow 1735-1801*, (Cambridge) are the chief sources for this biography.

²Craig, *Account*, plxxi.

³Whitefield preached to open-air meetings of tens of thousands at Cambuslang, near Glasgow, in the 1740s. His emphasis on emotionalism and mass conversion was seen as potentially destabilising of the religious and political establishment by both liberal theologians and orthodox Calvinists. See Sher R.B. (1985) *Church and University in the Scottish Enlightenment*, Princeton: pp31-32.

When James and his family moved to Hamilton, Millar was sent to live with his uncle at Milheugh. Millar spent every summer with his parents and the rest of the year with his uncle. John, the uncle, became a surrogate parent, - looking after, educating and raising his young nephew. Moreover, the uncle had a greater influence over Millar's career than his father. After considering following James into the ministry, Millar chose law.

The uncle taught his nephew to read at home. At the age of seven, Millar went to Hamilton Grammar School where he learnt Latin and Greek. In 1746, aged eleven (not an unusual age for a student to start university studies in those days), he was accepted as a student at Glasgow College to train as a minister of the Kirk. Millar, it seems, did not enjoy studying orthodox Presbyterian doctrine with its dreich, gloomy and desolate conception of human nature.⁴ No doubt discussions with his uncle at home in Milheugh influenced his mind. Millar's uncle was well read in law, jurisprudence and the constitutional history of Scotland and England. Millar studied law at Glasgow for six years where in 1751, aged sixteen, he attended Adam Smith's lectures on moral philosophy and jurisprudence.

Adam Smith of Kirkcaldy was then an eminent figure in Scottish intellectual circles. Fluent in French, Smith was knowledgeable of the literary movement in Europe, now known as the Enlightenment. Smith was impressed by the young student, Millar, and conversations between them established a lasting friendship based on mutual respect and esteem.

2.2 A Rapidly Changing Environment

In the mid-1700s when Millar studied in Glasgow, the city had a small population of about 18,000. When the English author Daniel Defoe visited Glasgow in 1721, he described it as "one of the cleanliest, most beautiful and best built cities in Great Britain".⁵ Broom still grew on the Broomielaw. Cattle were pastured in Cowcaddens. St. Enoch's Square was a private garden and the life of the town clustered around the Cross, Trongate, Gallowgate and the High Street. Glasgow College stood beside the High Street at the top of which St. Mungo's Cathedral still stands today.

In subsequent decades, Glasgow changed rapidly. The River Clyde was deepened, allowing ships to land at the Broomielaw. Scotland had united with England in 1707

⁴This followed Calvinist and Augustinian conceptions of human nature prescribed in the *Westminster Confession of Faith* (1647). Human nature was "deceitful altogether and desperately wicked" and "disabled and made opposite to all Good, and wholly inclined to all Evil". See Lovejoy A.O. (1961) *Reflections on Human Nature*, Baltimore: p3. Also Downie R.S. (1994) introduction to Hutcheson's *Philosophical Writings*, London: pxxi. The *Confession* was adopted by the Scottish Parliament in 1643 and ratified as part of the constitution of the Kirk in 1690 by William III. See Smout T.C. (1985) *A History of the Scottish People 1560-1830*, London: p63 & p65.

⁵Lehmann, *Millar*, 1960: p12.

and, as a result, Scottish merchants had gained access to trade with the English colonies in America and the West Indies. Glasgow was soon to become a leading port of entry for cargoes of sugar and tobacco. By 1755, when Millar was twenty, Glasgow's population had grown to 27,451. At the time of his death in 1801, it had almost quadrupled to 83,769. In 1771, 47 million tons of tobacco were imported through Glasgow. Glasgow's merchants came to dominate the importation of tobacco world-wide, out-competing their rivals in Bristol and Rotterdam. A newly enriched commercial class invested their wealth in land and industry. They bought estates from impoverished members of the gentry and turned them into profitable capitalist enterprises. They encouraged their tenants to spin and weave linen and cotton materials for export. They promoted the sciences and the arts. James Watt's discovery of steam power provided the new technology that brought into being the industrial revolution. Powered by steam engines, capital invested in mechanical looms and free wage labour eventually forced the older mode of domestic spinning and weaving into extinction. Factories driven by steam sprang up in well-watered places such as New Lanark by the Falls of the River Clyde. Merchant capital was quickly converted into banking and industrial capital. Skilled and unskilled labour was sucked into Glasgow from the Highlands, Ayrshire, Lanarkshire and Ireland. The demand for labour was greater than its supply. Wages were, for a while, generally high. The standard of living of even the poorest labourer seemed to be rising.⁶

Millar lived through these changes and attempted to understand their effects on the social, political, intellectual and moral lives of individuals. Moreover, he was aware that such changes were not confined to Glasgow or the West of Scotland alone but had implications for a world in transition to what we now appreciate to be a mature form of industrial capitalism.

2.3 The Movement for Improvement

One of the ways in which members of the Scottish middle class, such as Millar, helped themselves to understand and promote the changes they experienced was to form or join an "improving" society. Improvement or "betterment" was the catch word of the Scottish version of the Enlightenment. The word had a long history. It was associated not only with profitable economic activity such as the enclosure of land, but also with the profits or fruits of spiritual, intellectual and moral labour.⁷ Thus to better oneself not only involved working hard, saving and investing one's wealth prudently,

⁶Wage increases from 1750 to 1790 rose two and a half to three times compared to only a fifty per cent rise in the price of oatmeal, the staple Scottish food. The standard of living for unskilled labourers therefore rose above subsistence. See contemporary statistics mentioned by Smout, *History*, 1985: p479.

⁷See discussion of Smith's category of "betterment", and Millar's understanding of "improvement" in chapter nine.

but also studying regularly, cultivating polite manners, interesting conversation and sympathising with the feelings of others. To become a respected citizen, the individual had to better himself in all these ways.

Millar was both a philosopher of improvement and an improver in his practical affairs. His uncle gave him Whitemoss, a small farm near the village of Kilbride seven miles from Glasgow. Every summer, Millar focused his attention on making the farm more comfortable and profitable:

"Many a scheme did he devise for raising crops, and clothing his fields with verdure; and, though these schemes were never very successful, they were carried on at little expense, served to amuse his leisure, and, to a certain degree, diminished the natural bleakness immediately round his house."⁸

After the Union in 1707, the notion of improvement had a special role to play in Scotland. Many Scots resented losing the privileges associated with an independent Scottish parliament. Others thought that, compared with England and France, Scotland was a backward, relatively uncivilised country. They supported the Union because they hoped it would bring them economic and political rewards. In order to take full advantage of English trade and to promote their interests in the government at Westminster, members of the Scottish middle class felt the need to improve their written and spoken English. Some of the first improving societies were established for this purpose and, early on in the century, English teachers such as Thomas Sheridan, the father of the playwright Richard Brinsley Sheridan, was invited to Edinburgh to give lessons in elocution and rhetoric.

Until the Union of the Crowns in 1603 when James VI took the Scottish court to London, French had been one of the preferred languages of Scottish sovereigns and their courtiers. Although there was an established philosophical and political literature in Scots, knowledge of French literature continued to be indispensable to most people with literary aspirations. However, in the eighteenth century a decisive shift took place in the favour of English. English became the preferred language of the educated Scot. David Hume, the Scottish philosopher and historian, wrote his most famous philosophical work, *A Treatise of Human Nature*, in a Jesuit seminary in France in the 1730s. He toyed with the idea of writing it in French but decided that it would be more widely read if written in English. Adam Smith made his reputation in Edinburgh by lecturing not in philosophy or economics but in rhetoric and belles lettres. These lectures covered topics such as literary style and forms of expression in different countries and at different historical periods. They were original because of Smith's

⁸Craig, *Account*, pplxviii-lxix.

focus on world literature and his speculations on the origin of languages. Nonetheless the practical point of the lectures was to help individuals improve their written English.

Scottish pride in their improving efforts did not just entail, as Hume is acknowledged to have done, writing English better than anyone in England. It also inspired poets and novelists such as Robert Burns, James Hogg and John Galt to write eloquent and moving songs and stories in vernacular Scots. This helped to preserve and advance Scots in a literary and oral form. It ensured that Scots would continue to be the creative form of self expression and assertion of national difference it is today.

Societies mushroomed on the fertile soil of the improving activities of Scots. The Scottish elite was determined to out-shine the English and the French by their cultural, scientific and economic achievements. All aspects of literature were discussed within them. In one society you could discuss philosophical literature and speculate on whether we have any knowledge of the world other than internally perceived ideas or impressions. In another, you could listen to an erudite dissertation on horticulture and debate the best methods of growing vegetables more profitably in your garden or estate. Moreover these societies were open to any member of the Scottish establishment and their friends.⁹

Glasgow College's Literary Society was one such example. Professors from the College established the Society in 1752 when Millar was seventeen. It probably continued to meet until after Millar's death in 1801. Members included academics, students, doctors, lawyers, ministers, architects and merchants. Members distinguished for their writing were the philosophers Adam Smith, David Hume, Adam Ferguson and Thomas Reid; politicians such as Edmund Burke; scientists such as the engineer James Watt, the chemist William Cullen, and the mathematician Robert Simson. The Society met at the College every Friday evening at 5.30p.m. from November until May during the year. Each member of the Society was obliged to give a talk. Any member who failed to do so, would be punished by a heavy fine.¹⁰ The talk was given and followed by an informal discussion or debate. Afterwards, those who wished to continue their conversations would retire to a local tavern in the town such as "The Saracen's Head" for refreshment. Millar was an ardent devotee of the Society and it is in this setting that we can imagine Millar discussing aspects of trade, commerce and industry with local merchants.¹¹

⁹McElroy D. (1969) *Scotland's Age of Improvement*, Washington.

¹⁰See *Minutes, Literary Society in Glasgow College 1764-79* (Glasgow University Special Collections. Ms. Murray 505).

¹¹Millar gave a paper entitled "The Expediency of restraining the importation of foreign Grain or bestowing a bounty upon the exportation of what is produced at home." on 28/11/77. Most of the papers he gave were on topics that figured strongly in his lectures and books e.g. the English parliament (25/1/65), feudal law (17/1/66), arts and manufactures (6/1/69), Spartan government (9/1/67), decline of the arts and government (8/1/68), the condition of servants in different countries

2.4 A Tutor, Lawyer and Teacher

In 1757, aged twenty two, Millar moved into the household of Henry Home, Lord Kames. For three years Millar was employed as a private tutor to Kames' son George Drummond. Kames was one of the most influential men in Scotland of his day. As a commissioner for the Forfeited Estates, he was involved in perhaps the most difficult political, juridical and economic task of eighteenth century Scotland. This was the management and disposal of the Highland estates confiscated by the government after the Jacobite rebellion of 1745. This confiscation marks the beginning of political and economic changes that led to the Highland Clearances. The clearances broke up the ancient Gaelic clan system. They were the result of subordinating the land in the Highlands to capital. The land was transformed from communal property used by the whole clan as a means of subsistence, into private property used for capital-intensive sheep and cattle farming as a means of profit. As a result, thousands of Highland Gaels were forcibly dispossessed and displaced. Many emigrated to Canada and America. Most moved into the towns and cities of the Lowlands in search of waged work.

Kames had the responsibility of making of these confiscated estates profitable and secure. Highland Gaels would never again threaten the stability of Britain by assisting a Catholic pretender to the throne. Some of the estates were given back to clan chiefs; the majority were sold to whoever would buy them. Moreover, Kames was a leading intellectual in his own right, writing extensively on law, ethics, aesthetics, history, and new agricultural techniques such as the application of machinery to the land. Millar must have impressed Kames, because Kames was later to support his appointment as a professor. It is likely they would have spent many hours exchanging philosophical ideas whilst Millar was employed in Kames' home.

Kames also introduced Millar to David Hume, who was shortly to find great fame by turning from writing philosophy to history. His *History of England* became the standard textbook for the following century. Thereafter, Hume followed Millar's career with great interest and considered him as a good friend. In return, Millar dedicated his life to writing a philosophical history of the English constitution. This attempted to improve on and correct Hume's own perception of English history and included dissertations on the history of Scotland and Ireland.¹² Millar also defended Hume's philosophy against the criticisms of Thomas Reid in vigorous debates during Literary Society meetings.

In 1759, aged twenty-four, Millar married a Glasgow woman, Margaret Craig. Eighteenth century Europe was a patriarchal society in which women were denied

(5/1/70), Germanic tribes (15/11/76), and the post-1688 settlement (27/11/78). An exception was a paper on Horace (4/1/71). See *Minutes*. None of these talks survives as a written paper.

¹²See appendix one.

property rights and citizenship. Nonetheless, Millar was an attentive husband who believed in a companionate rather than a mercenary form of marriage. In his first book, *The Origin of the Distinction of Ranks*, he attempted to explain how the passion of love was derived from the effect that feudal property relations had on the sexual instinct. He thought that the respectful treatment of women was a sign of a civilised society, that the company of women improved men's behaviour, and that the social status of women would change the more time men had to spend socialising with them. He fathered thirteen children with his wife Margaret. Two died at birth. Ten survived - seven daughters and four sons.

Millar did not take his bar examination in Edinburgh until 1760, when he was twenty-five. As an advocate, he specialised in criminal cases and became known as an articulate and successful defence lawyer. He continued to practise law when he was appointed to his first and only academic position. This was the Chair of Civil Law at Glasgow College. Millar used this position to lecture on public and private law, and the law of England and Scotland. Both Kames and Smith had recommended his appointment and he started teaching a year after he qualified as an advocate in 1761, aged twenty-six. Millar immediately made progressive changes to the teaching of jurisprudence. The first was to stop teaching and examining in Latin and to adopt English as his mode of communication and assessment. The second was to improvise rather than read from notes. A third was his encouragement of student discussion after he had finished lecturing. Millar's egalitarian attitude to his students is described by his nephew in the following way:

"While under Mr. Millar's care, all his pupils were treated alike; or rather the differences which might be remarked in his attentions, were the consequence of superior talents or application, never of superior rank."¹³

Millar became popular with his students. When he started he had only four pupils attending his classes. Within a few years, he had a class of forty. Millar's efforts made the chair in civil law at Glasgow as distinguished as Blackstone's Viner chair at Oxford. It became fashionable to study law with Millar. He taught some of the most talented young men of the Whig elite in Britain, shaping the minds of many of the most distinguished politicians of the early to middle periods of the nineteenth century including one prime minister, Lord Melbourne.

Millar's popularity is well evidenced in the following description by one of his students:

¹³Craig, *Account*, plxviii.

"He was a fine muscular man, somewhat above the middle size, with a square chest and shapely bust, a prominent chin, grey eyes that were unmatched in expression, and a head that would have become a Roman senator. He was said to be a capital fencer . . . But the glory was to see his intellectual gladiatorship, when he would slay or pink into convulsions some offensive political antagonist."¹⁴

Apart from the content and methods of his teaching which, as the above quote demonstrates, clearly entertained his student audiences, Millar's reputation amongst students grew because he was prepared to defend them when they were accused of misconduct by the College authorities. An excellent example is the case of David Woodburn, a divinity student, whom the College Senate charged with heresy, blasphemy and conduct unbefitting a student in 1768. Woodburn was put on trial and Millar defended him. Blasphemy was still a serious charge in Scotland. At the end of the seventeenth century, a scandal hit Edinburgh when a student called Aikenhead had been executed for blasphemy. During the sixteenth century, there had been powerful theocratic tendencies in Scotland. Attendance at parish kirk services had been compulsory. Non-attenders were threatened by "jougs", a form of handcuffing. Evil talk had been punished by the "brank", a padlocked helmet of iron that thrust a triangular tongue into the victim's mouth. In mid-eighteenth century Glasgow theocratic oppression had lost much of its force. Nonetheless it still rested on a body of popular support.¹⁵ The allegations against Woodburn included that he had said he could learn more by going to the theatre than by attending classes in Logic and Metaphysics. Millar's defence of Woodburn at the trial was a success. It must have made him something of a hero to his students. Millar also defended students charged with libel and assault.

2.5 Religion and the Appointment of Reid

Millar's approach to religion was historical and, following Hume's lead, he attempted to explain how religious beliefs, doctrines and rituals changed with changes in society. He preferred his own country's version of Christianity to any other. He criticised religions that promoted asceticism, prevented priests from marrying, and cultivated ignorance and superstition amongst the masses. Although he formally observed the rites of the Kirk, had his children baptised and was buried after a

¹⁴Lehmann, *Millar*, p30.

¹⁵The "kirk stool" was used an instrument of public rebuke and humiliation for sexual offences, drunkenness or breaches of sabbath observances. The General Assembly retained the power to call a national fast for harvest failure or military defeat. Ministers might make home visits to examine families on their religious beliefs and habits of domestic worship. The frequency and intensity of these aspects of theocratic oppression were in decline throughout the century but retained an influence on the population. Smout, *History*, p219.

Presbyterian funeral, there is no evidence that he was especially devout. If he were, like Hume, inclined to agnosticism or atheism, it would have been prudent for someone in his position to have expressed these views in private. Hume had, of course, been charged with heresy by the Assembly of the Kirk, denounced as an infidel and atheist, and, as a result, been prevented from teaching in a Scottish University. Moreover, Smith's piety had been challenged on the grounds that he had not observed Presbyterian ritual as strictly as he might have whilst employed as Professor of Moral Philosophy by Glasgow College. Millar followed Hume and Smith in attempting to explain human virtue and happiness according to scientifically observable principles of the mind, such as sympathy and utility. These principles operated in every social and historical circumstance. They helped explain the moral content of religious doctrines and were applicable to secular life.

Millar's teaching appointment started in 1761 and he would have been in post for three years before Smith left to be replaced by Thomas Reid. Smith had followed a threefold division within the Moral Philosophy curriculum at Glasgow of natural theology, ethics and natural jurisprudence. He had added on to the last part the section on police. This evolved out of the political theory contained within discussions of public law within the section on jurisprudence.

Reid was to break with this tradition, restructuring the course into three new sections: pneumatology, ethics and politics. Pneumatology covered both Reid's theory of the mind and his theory of morals plus an examination of the divine mind. The section on ethics was divided into "Duties to God" and "Duties to Others". Jurisprudence was subsumed within the latter. The restructuring of the course marked the end of the teaching of jurisprudence in Glasgow according to empiricist principles. These had informed the teaching of moral philosophy of Francis Hutcheson, Smith's predecessor. Hutcheson followed Locke and Shaftesbury by attempting to theorise the moral sense as a cognitive faculty perceiving moral qualities.¹⁶ Thus Hutcheson's, and later Hume's, attempt to ground natural law within human nature grew out of theories of aesthetics and ethics which relied on a notion of the moral sense as a perceptual faculty.¹⁷ The introduction of the notion of an impartial spectator was intended by Hutcheson, Hume and Smith to escape some of the epistemological problems of the relationship between moral perceptions and moral qualities.¹⁸ Perceptions were not moral perceptions unless they gained approval from the standpoint of the disinterested mind of a spectator who was neither the initiator nor beneficiary of the action

¹⁶This argued by Norton D.F. in (1985) "Hutcheson's Moral Realism." *Journal of the History of Philosophy*, 23: 392-418.

¹⁷"Following Hutcheson, Hume explains moral and aesthetic perception in terms heavily indebted to the Lockian account of secondary qualities." Buckle, *Natural Law*, p277.

¹⁸Buckle, *Natural Law*, p278.

observed. Approval and disapproval depended, in turn, upon the awareness of the spectator of feelings, passions or sentiments that corresponded (via the communicative mechanism of sympathy) with feelings experienced by the initiator or beneficiary. In this way moral ideas of virtue, aesthetic ideas of beauty, and juridical and political ideas of property could be explained as perceptions of the qualities of actions. These actions required a detailed knowledge of their subjective intent and objective effect. An important source of this knowledge was gained from historical and other forms of literature.

By ditching the notion of ideas and feelings as the immediate internal objects of perception, Reid was able to circumvent the problems and solutions of an empiricist science of morals and law. Virtue, according to Reid, was founded on self-evident duties proscribed by God. Moral truths were evident to anyone who can "see at one glance what is right and what is wrong in conduct".¹⁹ Commenting on the tradition of natural jurisprudential writers preceding him, he stated that it was not necessary to offer "Reasons to support truths that are self-evident when considered in general"²⁰ Self-evident duties did not require reasoning because they were derived from God's relationship to humanity. Knowledge of this relationship was all that was necessary to understand, for example, the natural rights individuals had to property. Thus his account of the origin of the right to property was both parsonical and ahistorical. Reid derived the natural right of occupation, the foundation of property, from table manners. God is the Great Entertainer who invites all his creatures to feast to a table at which everything is held in common. The greedy person who takes more than their fair share is obviously bad mannered. The good manners of the "well-bred man" who wants everyone to be as "cheerful and happy" as himself only takes a fair share. He therefore taught that the right of occupation was established out of the self-evident duty the individual has to God to behave well at His table.²¹

Reid had shown no interest in jurisprudence whilst at Aberdeen. After his appointment to the Glasgow post, he had to produce a two-month course in natural law at short notice.²² At first, he seems to have been lost, teaching from a textbook left by Hutcheson and asking students for copies of notes they had taken of Smith's lectures. Once he got into his stride he taught jurisprudence without giving much attention to the historical origins of jurisprudential ideas and institutions.²³ It is

¹⁹Reid T. (1766-70) *Practical Ethics: Being Lectures and Papers on Natural Religion, Self Government, Natural Jurisprudence, and the Law of Nations*. Haakonssen K. (ed.) Princeton, 1990: p192.

²⁰Reid, *Ethics*, p192.

²¹Reid, *Ethics*, pp205-206.

²²Haakonssen's introduction. Reid, *Ethics*, p32.

²³Berry C.J. (1992) has remarked that Reid had "little expertise" in jurisprudence. It is "therefore not surprising that their content [Reid's lectures] is not novel (there is little, for example, of the historical

reasonable to suppose that Reid's lack of concern for historical theorising followed from his rejection of the empiricist commitment to the existence of ideas and feelings as internal objects of perception. If the right to property was a self-evident duty in all times and places, then Reid might have thought that attempts to explain how individuals had arrived at certain ideas of property (and how these ideas had developed and changed according to their different command of knowledge of the arts and sciences) was an unnecessary form of false reasoning. This line of thought would, of course, require more argument than is possible here.

The point of the above digression is to emphasise the breach of tradition in the theorising and teaching of moral philosophy and jurisprudence that Reid's appointment marked at Glasgow in 1764. Millar opposed this appointment. There is unfortunately no evidence I am aware of to explain the reasons for Millar's opposition.²⁴ The most obvious objection would have been that Reid, who had no knowledge or apparent interest in the topic, would have been an incompetent teacher of jurisprudence. Millar and Reid shared a similar political outlook, both being liberal Whigs.²⁵ Both thinkers supported the outbreak of the French Revolution.

It would have been risky, probably foolhardy, for Millar to have opposed Reid on religious grounds. For example, it is highly unlikely that Millar would have objected to Reid's appointment on the grounds that his interpretation of moral philosophy and jurisprudence had a theological content. Smith and Millar had to work within an "atmosphere of jealous and censorious theological vigilance".²⁶ This generated criticisms of Smith's apparent lack of piety and malicious gossip about his friendship with Hume the atheist. For Millar to have opposed Reid's appointment on religious grounds, would have brought Millar into conflict not only with his former patron, Kames, (who supported Reid's appointment), but also with the whole of the Moderate establishment of the Presbyterian Kirk, of which Reid was a notable member.²⁷ Moreover such an opposition, coupled with Millar's acknowledged friendship with Hume and his subsequent defence of Hume's philosophical views against Reid, could have jeopardised the security of Millar's own appointment and reputation in the University.

It is possible to imagine that Millar might have thought that Reid was insufficiently qualified to take on the complexities of the administration of Glasgow College. Millar might have favoured an internal appointee. Glasgow University was at the time "two

theorising around which Smith organised his version of this lecture course)." Review of Reid's *Ethics*. In *Utilitas*, Nov: p331.

²⁴Haakonssen states that they "may have been" intellectual. Introduction to Reid, *Ethics*, p22.

²⁵*ibid*.

²⁶Rae J.(1895) *Life of Adam Smith*, London. Reprint, 1965, New Jersey.

²⁷Haakonssen's introduction to Reid, *Ethics*, p.12.

distinct corporations, with two distinct governing bodies"²⁸ This generated considerable administrative friction between and amongst professors. Smith appears to have enjoyed his administrative tasks, managing the library funds as Quaestor from 1758 until 1764, holding the post of Dean of Faculty from 1760 to 1762, and Vice-Rector from 1762 to 1764. Reid had thirteen years of administrative experience at King's College, Aberdeen. He had served on various committees, looked after the college's finances, represented the college in the General Assembly of the Church of Scotland, initiated educational reforms and unsuccessfully attempted to amalgamate the two Aberdeen Colleges.²⁹ Although his administrative competence could never have been in question, he would have been unfamiliar with the continual in-fighting at Glasgow. He did not enjoy his first year of administrative work at Glasgow, complaining to an Aberdonian friend that he had to attend five or six unpleasant meetings every week dominated by "an evil spirit of party".³⁰

However, given that there was no person employed at Glasgow who had as great a command of moral philosophy as Reid (save perhaps Millar himself) this possibility must also be ruled out.³¹ It is clear from other sources that he opposed Reid's philosophical views in debates over papers Reid gave in the Glasgow College Literary Society. Reid used the Society to try out material that later figured in his books. He argued strongly against Hume's scepticism. In the early years of his appointment he gave papers on moral character in 1766 and whether moral obligation is discerned by reason or sentiment in 1769.³² The texts of these papers have been lost, but from Craig's account of Millar's participation in the debates that followed, we know that Millar vigorously defended Hume's "metaphysical opinions . . . contained in his Essays". Both thinkers "used every exertion to support his own opinions and overthrow those of his opponent". This was a "frequent, and even acrimonious disputation".³³ On the other hand, according to Dugald Stewart, Reid was "delighted with the good humoured opposition which his opinions never failed to encounter in the acuteness of Millar . . . warm from the lessons of a different school."³⁴

This leads one to speculate how far Millar was conscious of being the sole remaining representative and embodiment of a school of thought at Glasgow that had its immediate predecessors in Smith, Hume, Kames, Montesquieu, Hutcheson and Gershom Carmichael, and roots in a Lockean interpretation of Pufendorf and Grotius. What is noticeable about this school in general is the secularising tendencies of its

²⁸Rae, *Life*, pp69-70.

²⁹Haakonssen's introduction to Reid, *Ethics*, p13.

³⁰Rae, *Life*, pp69.

³¹For Millar's command of moral philosophy see the reprint of his lectures in appendix three.

³²Haakonssen's introduction to Reid, *Ethics*, p25.

³³Craig, *Account*, pplxi-lxii.

³⁴Stewart D. *Works*, vol.x, p262. Quoted by Lehmann, *Millar*, p53n.

approach to natural law, its attempts to theorise natural law within the framework of an empiricist understanding of human nature, its commitment to an experimental hypothetico-inductive method of inquiry following a Baconian agenda, and its search for uniform principles that can explain, amongst other things, the origins of jurisprudential ideas and institutions and the deviations of legal and customary practices from those that would be approved by a well-informed, disinterested observer. These features of the school included testable hypotheses concerning the probable causal connections between economic activity and political and juridical institutions and ideas. The last is especially associated with Millar, whose results were the outcome of a comparative and hypothetical method shared by many of his empiricist and natural jurisprudential predecessors.

2.6 Slavery and Reform

Millar was a political intellectual. He is notable for his contributions both to the movements for the abolition of slavery and for parliamentary reform.

In his first book, *The Origin of the Distinction of Ranks* published in 1771 when he was thirty-six, Millar gave moral and economic arguments against slavery. It is likely that he knew of land-owners, such as the Duke of Hamilton, who used white slaves bonded by debt to extract coal from mines on an estate close to Milheugh in Lanarkshire. There were also Glasgow merchants involved in the African slave trade.

For example, in 1760, John Glassford, a Glasgow merchant went into partnership with an English merchant to exploit the West Indian market in tobacco, indigoes and sugar. Glassford owned twenty-five ships and his business had an annual turnover of half a million pounds.³⁵ The slave trade of in the eighteenth century was triangular. Ships travelled a three-sided journey down, across and back over the Atlantic. Pick-up points were in Britain, Africa and the American colonies. The slave ship sailed from Glasgow packed with a cargo of manufactured goods. These were exchanged for a profit on the coast of Africa for slaves. Slaves were traded for another profit on the plantations for sugar or tobacco. Sugar or tobacco was then taken back across the Atlantic and sold for a final profit to wholesalers who distributed the commodities throughout the European market. The slave trade was not unique to Glasgow. It had, of course, been well established by English merchants long before Scottish merchants were allowed to profit from its wealth. Nor was the slave trade the sole source of Glasgow's growth in prosperity. Nonetheless the trade in African slaves played an

³⁵Williams E. (1944) *Capitalism and Slavery*, North Carolina: p102.

important role in accumulating the initial capital that could be later invested in other productive ventures.³⁶

Millar, of course, was not alone in calling for the abolition of slavery. In 1791, Millar moved that Glasgow College give William Wilberforce, the Member of Parliament and Christian leader of the anti-slavery movement, an honorary degree in law. However, he was perhaps one of the first to give clear economic arguments against the trade. Millar used statistics to show that a greater profit could be gained from the exploitation of free wage labour than from slave labour.³⁷ It is arguable that economic considerations (which appealed more to the self interests of merchants and slave masters) were more decisive in winning slaves their freedom than moral or religious ones. The white slaves of Scotland won their freedom at the end of the century. The black slaves of the British Empire had to wait until 1833.

Millar was a dedicated Whig. His engagement with the movement for parliamentary reform was therefore motivated by his commitment to the freedoms established by the English parliament in the 1688 constitutional settlement. During the eighteenth century Millar was fearful that the wealth of the Crown had grown to such an extent that the monarch would be able to re-establish effective control over parliament. He thought this influence was being used to forward the interests of the Royal family and their allies within the landed aristocracy. The Crown's wealth depended on loans from the recently established Bank of England. These were given to fight various foreign wars including the Anglo-French colonial rivalry in the Seven Years War from 1756 to 1763, and the War of American Independence from 1776 to 1783. In return, financiers were given political and other privileges. Millar observed that this wealth was being used to patronise and influence parliamentary representatives. In 1784, he came to the conclusion that the only way of limiting the power of the Crown was to increase the level of popular representation in parliament. The reform movement came into being in the context of a representative system in which, as late as 1830, only 3,000 people were eligible to vote in Scotland out of a population of 2,300,000. Moreover, the representatives sent from the burghs, now including large prosperous cities such as Glasgow, were appointees and unelected. There was only one such representative for all of Glasgow, Renfrew, Rutherglen and Dumbarton.³⁸

The hostile attitude of those opposed to reform reveals the intensity of class division on the issue. In 1793, Thomas Muir, a Scottish lawyer, leading reform activist

³⁶"The rise of banking in Glasgow was intimately connected with the triangular trade." Williams, *Slavery*, p101. Williams notes the success of Andrew Buchanan's Ship Bank. A typical career progression of the period was from tradesman to merchant to banker and landowner.

³⁷See chapter twelve.

³⁸Lehmann, *Millar*, p72.

and former student of Millar's, was charged with sedition, found guilty and sentenced to transportation to Botany Bay for fourteen years. Summing up, Judge Braxfield described the reformers as a "rabble of ignorant weavers". The weavers were, of course, one section of the newly prosperous literate working class. This section was soon to be driven out of existence in competition with machine-driven factories reliant on child and female labour - a familiar characteristic of the shape of the industrial revolution in the early nineteenth century. Braxfield asked of the weavers:

"What right have they to representation? . . . A government in every country should be just like a corporation, and in this country it is made up of the landed interest, which alone has the right to be represented. As for the rabble, who have nothing but personal property, what hold has the nation on them?"³⁹

Weavers had property in their tools and their looms. This was their personal property. The cotton they wove into cloth was owned by merchant middle-men. In return for working the cotton, they were paid wages. Real property was the land on which people such as the weavers lived and had to pay rent for out of their wages. This class dimension was reflected in Millar's thought. Millar adopted Smith's distinction between the three major classes in society: land-owners who derived a revenue from rent, capitalists who got theirs from profits, and labourers whose means of subsistence was derived from wages.⁴⁰

Thomas Muir, like Millar, was a member of a reform group called "The Society of the Friends of the People". This was one of many reform societies that sprung up in Britain towards the end of the eighteenth century. The Scottish section of the "Friends of the People" was remarkable in that subscription rates were low enough for wage workers such as the weavers to join. The weavers were typical of those skilled workers who had the means and desire to better themselves through hard work, saving and study. Reform societies such as the "Friends" anticipated the cross-class alliance of industrial capitalists and workers that eventually defeated the political and economic stranglehold the landed aristocracy had over the British government. This was symbolised in the victory of the repeal of the Corn Laws in the early nineteenth century.

2.7 Revolution, War and Death

Like most of his liberal Whig contemporaries, Millar welcomed the French Revolution in 1789. Before the war with France, he attended annual dinners

³⁹Lehmann, *Millar*, p70.

⁴⁰See chapter seven.

celebrating the fall of the Bastille. He would have participated in toasting the standing army of France, the natural rights of man and the abolition of the slave trade. He hoped that the example of the Revolution would speed up the process of reform in Britain and thereby weaken the power of the Crown. He observed in a letter of 1790 that:

"it is impossible that the people of England will be contented with a national assembly so ill constituted while they have the example of one so much superior in France."⁴¹

Millar's optimism was premature. When war was declared against France in 1792, parliament passed a series of acts directed both at the reform societies and the newly emerging combinations of workers now called "trade unions". Corresponding Societies in which people communicated their hopes for reform were banned. Books such as Thomas Paine's *The Rights of Man*, which compared the English constitution unfavourably with the French, were taken out of libraries and burnt. Many of the modern methods of state control were used then: censorship of the press, opening of mail by a secret police, the banning of meetings, the imprisonment of radical and trade union leaders, and state-encouraged jingoistic mobs shouting "For Church and King!" These physically intimidated dissidents and their families, invading their homes and burning them down.⁴²

The subsequent terror was particularly severe in Scotland. After Muir's punishment, all Scottish lawyers had to be careful about what they said and wrote in public. Millar was denounced as a "Jacobin" who was corrupting the minds of young people in his lectures. His son John, a reformer, was forced to flee to America convinced he would be charged with sedition. Millar was one of the few who refused to give up their convictions. In 1793, Millar organised a petition against the war consisting of 40,000 signatures. He argued that the government had gone to war abroad in order to stifle the movement for reform at home. In 1798, at the height of the repression when he was sixty-three, Millar moved opposition to a special tax of £300 imposed by the government on Glasgow College in aid of the war effort.

Millar was no revolutionary. Like many of his liberal Whig friends he turned against the French Revolution when it was forced to confront working class demands. He was opposed to what he saw as the Jacobins' attempt to abolish ranks. Authority held on the basis of wealth was necessary for social order, peace and the rule of law. Moreover, he was hardly a democrat. Millar was opposed to universal suffrage. He

⁴¹Millar's letter to Samuel Rose, 16 February 1790 (Glasgow University Special Collections. Ms Gen 520/48). Quoted in Haakonssen, *Natural Law*, p167, n47.

⁴²See Meikle H.W. (1912) *Scotland and the French Revolution*, Glasgow.

wanted a limited extension of the suffrage to include the commercial and industrial interests of his day.⁴³

Like his opponents, Millar tended to think of ownership of landed property as the guarantor of social stability and order. Landed wealth inspired a proper attitude to authority. Nonetheless, he welcomed the free sale of land to whoever had the capital to make it the most productive even if this meant the impoverishment of ancient families through the dismemberment of their estates. He thought that what he called a "fluctuation" of landed property through the sale of estates would cause land to fall into the hands of those in the lower ranks who had made their fortunes through commerce and manufactures. He thought that labourers had the chance of becoming capitalists if they worked hard, saved their wages and employed others, and that the concentration of the most economically active of the population in towns facilitated combinations of employers and workers. An urban population was therefore more capable of resisting and, if necessary, overthrowing oppressive governments. He thought these processes would naturally bring about a greater element of social equality and liberty to society and government.

His liberal principles were similar to those of his teacher Smith's: the state would be more prosperous and secure if it did not interfere in the economic activities of self-interested individuals. However, if capitalists were unable to provide education for their workers, the state should step in. Like Smith, he recognised that the repetitive tasks workers were forced to do in factories destroyed their intelligence. He thought that, without a proper education, labourers would be less productive and prone to the ideas of extremists and agitators. Moreover, he observed that market forces had a tendency to destroy family life through the growth of prostitution and increased opportunities for men to be unfaithful to their wives. He thought that it was impossible for governments to remedy or correct this tendency.

In 1785, aged fifty, Millar's uncle died. Millar became the proprietor of the Milheugh estate, and he lived many happy years there with his numerous family until his death in 1801. Whenever he could, he turned his attention to landscaping and improving the estate. As his nephew recalls:

"He removed many formal hedges which sub-divided the little meadows, or by stiff unbending lines marked too distinctly the course of the rivulet. He formed the old orchard into pleasing groups of trees around the house, left bushes irregularly scattered on the banks of the stream, and carried plantations along the top of the banks. Everything thrived in this sheltered situation, and Milheugh is now one of the

⁴³"Mr. Millar was ever decidedly hostile to the system of *universal suffrage*" [his emphasis] which would "completely annihilate the control of the wiser part of the nation" and "enable the poor to dictate laws equally unjust and destructive." Craig, *Account*, pcvi.

sweetest retirements that could be desired. Its beauties are elegant and simple, and perhaps it would be difficult to point out any further embellishments that would accord with the character of the place."⁴⁴

Millar lost his wife after a long and painful illness in 1795. He had been happily married for thirty-four years. Millar himself died suddenly in the summer of 1801. He sat out in the sun for too long, became ill with sunstroke and, thus weakened, died from pleurisy overnight aged sixty-six. He had recovered from a serious inflammation of the lungs a few years previously.

2.8 A Posthumous Reputation

Only the first volume of Millar's second and final published work, *A Historical View of the English Government*, had been published, in 1787. It was well received. We do not know whether the stressful events of his later years or preoccupations with his family and estate affected his writing. However, a final version of the book in four volumes was edited by his nephew and published posthumously in 1803.

The book was, at one level, a reply to Hume's history of England, correcting biases and inaccuracies Millar found in Hume's work. At another, it was also an example of the historiography Hume had himself promoted. Hume had attempted to give an impartial account of English history based on empiricist methods. He had developed these methods in his *Enquiry* and *Essays*. Smith had applied them to jurisprudence in the Lectures Millar attended. Both Hume's and Smith's philosophical, political and economic writings were crucial influences on Millar's own.

Hume, for example, had tried to escape the influence of party prejudices that had bedevilled early eighteenth century histories of England. Many people thought it was impossible for an Englishman to write an impartial account of the history of the country.⁴⁵ To write impartially was to write on the side of the English constitution. A party, by definition, put its sectional interests before the public interest of the country's laws and liberties. Because Tory, Whig, Court and Country all claimed their interests coincided with the constitution, party-influenced histories collided in competition with one another. Hume's history can therefore be understood as an attempt to bring unity and coherence to the British ruling class's perception of its origins.

By combining opposing views, Hume attempted to break through the historiographical deadlock of the preceding politically prejudiced histories. He aspired to write a non-party history of England. He argued that the transfer of power from the sovereign to the commons had established a modern form of liberty. The nature of the

⁴⁴Craig, *Account*, plxxi.

⁴⁵Forbes, *Politics*, p233.

latter differed from ancient Saxon liberty. The new liberty coincided with changes in the circumstances of English society, in particular the effect of commerce and manufactures on manners, customs and laws. It followed that blaming any of the principal actors in the conflict between crown and parliament was improper. Impartial history was therefore non-party, on the side of the constitution, and explained the difference between ancient and modern liberty.

Millar thought that Hume had not been completely successful in his account. Hume had not explained English historical changes in a connected fashion. On the other hand, he was keen to demonstrate that history could be written, as he thought Hume had attempted to do, with the use of a scientific method. This method entailed adopting forms of writing that integrated a narrative account of events in the lives of famous historical individuals with causal explanations of changes that affected the whole of the political and juridical constitution of a country.

Millar's views on historiography are to be found in his lectures on government.⁴⁶ In these he compared different forms of historiography. He mentioned histories written as a form of biography "in which the achievements of particular princes or great men are displayed, and in which every other circumstance is regarded as of a subordinate nature" (*LG 1792,6*) and compared them with histories in which "observations concerning customs, manners, and laws, come to be more and more intermixed, by which the thread of the narrative was in some degree interrupted, and rendered as a mere story less interesting." (*LG 1792,7*).

Exemplars of this non-narrative form of historiography amongst the ancients were Polybius and Tacitus, and amongst the moderns were Voltaire, Robertson and Hume. Hume had "separated a number of details from the main course of the narrative" and therefore produced a more "scientific method of writing history". This method, according to Millar, divided historiography into six separate topics: "1. Events (containing battles and negotiations) 2. Civil Government. 3. Religious Government. 4. Commerce and Manufactures. 5. Arts and Sciences. 6. Manners, Customs and Private Laws." (*LG 1792,8*). By writing dissertations on these separate topics Millar thought that historians were better able to compare the influence of one upon the other. It is possible to go through Millar's the text of *Historical View* and classify the content of his chapters according to the above topics.

Millar therefore down-played narrative in favour of conjectural hypotheses on the causal influence of the above topics. Thus historical changes in the development of the arts and sciences caused changes in manners, customs and laws; changes in the development of commerce and manufactures caused changes in the arts and sciences; changes in the development of civil or religious government caused changes in

⁴⁶Ms Gen 289-29, Glasgow University Special Collections. See appendix two for details.

commerce and manufactures and vice versa. Causal relationships were also reflected in the titles he gave to the dissertations in the last volume of the book.⁴⁷

Chapters of *Historical View* which contain narrative without mention of the causal influence of the topics he listed in the lectures are rare. There is only one such chapter in volume one. This is Chapter X: *Events from Egbert to the Norman Conquest*. Even those chapters of volumes two and three that are predominantly narrative in form, such as his accounts of the reigns of Henry VII (II, Chapter IX), Henry VIII (II, Chapter X), Edward VI, Mary, and Elizabeth (II, Chapter XI), Cromwell (III, Chapter V) and William and Mary (III, Chapter VII), all connect historical events with discussions of the changing nature of civil government, commerce and manufactures and arts and sciences during the periods of their reigns.

When the completed four volumes of *Historical View* appeared in 1803, the book was critically reviewed by Francis Jeffrey in the *Edinburgh Review*. Jeffrey thought Millar's book failed on two counts: firstly it was too general and lacked the fine empirical detail that was required for a good account of English history. Secondly, Millar could not escape what Jeffrey considered were Whig party prejudices when assessing the contribution of the Stuart monarchs to English political life. Jeffrey suggested that Millar's historical inquiry degenerated into "the controversial wranglings of party politicians" at this point.⁴⁸ It therefore failed to be a truly impartial account.

The political and intellectual climate had changed and this had effects on the literary tastes of the British elite. Jeffrey criticised Millar for having a stodgy and plain style of writing and for being a doctrinaire historian typical of the, by then, unfashionable school of Scottish historiography.⁴⁹

Nonetheless, English "radicals" such as the young utilitarian thinker John Stuart Mill remained enthusiastic about the work. In the 1820s, Mill described Millar as a superior writer to the fashionable French historians of his time.⁵⁰ Mill compared his work with Hume's and Hallam's histories. Hallam's writing consisted too much of "tiresome and useless narrative". This was not something Mill could find fault with in Millar's writing. As observed above, narrative played a subordinate role to the explanations Millar gave of changes in the constitution. Mill also thought that Hume had failed to produce an impartial history. Hume's history was a "standing example" of

⁴⁷For example "How far the Advancement of Commerce and Manufactures has contributed to the Extension and Diffusion of Knowledge and Literature." (HV,4,138-161).

⁴⁸Jeffrey, *Review*, p164.

⁴⁹Millar's literary style was "heavy, cold and inelegant." Jeffrey, *Review*, p155. Millar "asserted, where he ought to have proved; advanced a conjecture for a certainty". Jeffrey, *Review*, p157.

⁵⁰Mill J.S. (1826) *Modern French Historical Works*. Westminster Review VI, July. In *Collected Works*, Robson J.M. (ed.) vol.XX, Toronto, 1985: pp17-52.

the deep root that the influence of party could have "in the public mind".⁵¹ In contrast to Hume and Hallam, Millar was the greatest philosophical historian Britain had produced. His account of feudal society was unsurpassed.

After Mill, Millar was pretty well forgotten in Britain. Shortly after publication in Britain, Millar's *Origins of Ranks* had been translated into German and reviewed by Herder.⁵² Much later, Millar's intellectual achievement was remembered in passing by two Germans: Karl Marx and Werner Sombart. In the 1850s Marx copied out lengthy passages from Millar's *Origins of Ranks* in notebooks he was compiling in preparation for writing the *Grundrisse*.⁵³ In 1923, Werner Sombart mentioned Millar as a founding father of modern sociology.⁵⁴ Millar had originated the "techno-economic" interpretation of history.⁵⁵ The twentieth century revival of interest in Millar in English-speaking countries has, until recently, been forced to engage with this sociological perspective on Millar's philosophical history. This is so regardless of whether Sombart was the first to formulate it and regardless of more recent contextual interpretations. Possible reasons for this are discussed in chapter four.

Perhaps the greatest posthumous tribute to Millar came from his nephew and biographer. Craig described him as a man who exemplified the Scottish eighteenth century conception of virtue:

"He was, indeed, always disposed to do good, whether to a friend or to a stranger. So far was he from being actuated by selfish considerations, that his generosity sometimes exceeded what his limited fortune might altogether warrant. Nothing was so despicable in his mind, as any sordid attention to money; and, while he knew that he could place

⁵¹Mill, *French Works*, p19.

⁵²Herder J.G. (1772) *Bemerkungen uber den Unterschied der Stande in der burgerlichen Gesellschaft von Joh. Millar Esq. Aus dem Englischen*. Leipzig. Ven Schwidert 1772. Sept. In *Samtliche Werke*, vol.V, Supan edn, Berlin, 1877: pp452-456.

⁵³Marx's unpublished hand-written copies of sections of chapters 1-5 of Millar's *Origin of Ranks* in notebook B59 pp6-16. (International Institute of Social History, Amsterdam). Marx does not appear to have known about Millar's *Historical View*. As far as I know, there is no reference to Millar in any of Marx's original work. Nor is there any evidence of an influence that Millar might have had on Marx. The observed similarities between Millar and Marx must therefore be explained in terms other than direct influence. See chapter three.

⁵⁴Sombart W. (1923)*Die Anfange der Soziologie*. In Palyi M. (ed.) *Hauptprobleme der Soziologie: Erinnerungsgabe an Max Weber*, 2 vols. Munich-Leipzig.Vol.I: pp11-14. Sombart held "that Millar so completely anticipated Engels's ideas . . . that the latter contributed not a single idea not already present . . . in the former." Quoted in Lehmann, Millar, p133. Bowles (1990) also compares Millar's *Origin of Ranks* with Engels' *Origin of the Family, Private Property and the State*, and concludes that a feminist contribution to the explanation of the origins of women's oppression might be better.

⁵⁵"Techno-economic" is a phrase Meek took from Sombart, *Contribution*, p42. Lehmann, borrows it to characterise both Marx and Millar's historical and social theory as forms of "techno-economic determinism." *Millar*, pp131-133.

his family in independent circumstances, he was less anxious about farther accumulation."⁵⁶

⁵⁶Craig, *Account*, pcxxii.

Part Two: Interpretative Aspects

Chapter Three: Philosophical Considerations

My method of proceeding in this initial examination of Meek's most substantial and contestable thesis on Millar's materialism is the following: I shall give a reading of one of Millar's essays *How far the Advancement of Commerce and Manufactures has contributed to the Extension and Diffusion of Knowledge and Literature* (HV,4,138-161). This reading will illustrate the various aspects of Millar's thought I intend to develop in the main body of this dissertation. I shall therefore focus on aspects of the essay that are informed by Millar's political economy, his conjectural method, his individualism, his political theory and his thinking on the relationship between property and liberty. I shall then turn to two considerations that would throw doubt on Meek's thesis. These are that the thesis is misleading for the following reasons: the first is that it does not help students to distinguish between Millar's empiricist philosophy of history and the nature of eighteenth century materialism. The second is that it does not help students to distinguish the philosophical presuppositions Millar took for granted from those of Marx. In the light of these considerations I shall briefly consider a few of Marx and Engels' statements on the materialist understanding of history. I shall argue that they identified a relationship between this understanding before and after the impact of German idealist philosophy. This relationship was between what Marx and Engels understood to be naturalistic and dialectical forms of materialism. The former was, as they put it, "in the toils of political ideology".¹ I shall then return to Millar's essay in order to illustrate the nature of this ideology.

Through a comparison of Millar's fundamental premises of human history with those of Marx and Engels', I shall conclude that there is scope for agreement with Meek. This scope depends, however, on whether the student understands, accepts or rejects a dialectical essentialist approach to the understanding of the evolution of society, history and human consciousness. This understanding emerged out of the early nineteenth century school of Hegelian idealist German philosophy. At best, Meek's thesis was therefore an accurate intuition - an informed guess - leading to a dead end. This cul-de-sac, as I shall argue in chapter four, consisted of comparing the superficial appearance of a similarity between steps in Millar's modes of the acquisition of property with models of materialist sociology reproduced in undergraduate textbooks and elsewhere.

¹Marx & Engels (1846) *German Ideology*, Arthur (ed.) p49.

3.1 An Initial Case Study

Millar's essay, as the title suggests, set out to demonstrate the causal influence of generalised commodity production and exchange upon the quantity and quality of knowledge available to a population. Individuals required knowledge of various kinds in order to better themselves. For example, without a knowledge both of their own and others' interests, they could neither better themselves nor have any comprehension of the circumstances that would better others. Knowledge of interests was derived both from subjects' experience and observation of the internal workings of their own minds and also of their experience and observation of external circumstances.

These external circumstances were "the objects around us, whether of art or nature" (*HV*,4,138). If subjects used the faculty their minds had to pay attention to these objects, then they could exercise their "capacity of exercising the intellectual powers" (*ibid*). This capacity included forms of reasoning such as arrangements of the ideas of the objects according to their "analogies and resemblances" (*ibid*). Individuals also observed that when their faculty of attention was engaged in productive activity, "which is necessary to preserve a relish for enjoyment", they experienced pleasurable feelings necessary for their happiness. Without this engagement, "the mind sinks into apathy and dejection" (*HV*,4,139). Here Millar followed Hume who had written:

"In times when industry and the arts flourish, men are kept in perpetual occupation, and enjoy, as their reward, the occupation itself, as well as those pleasures which are the fruit of their labour." (*RA*,270)

According to Hume, when the subject's faculty of attention was engaged on the object of productive activity, then "a relish for action and pleasure" was promoted (*ibid*), and the mind "acquires new vigour; enlarges its powers and faculties". In contrast, when the subject's mind was deprived of the opportunity of labouring for a living, then it would sink into "languor and lethargy, that destroys all enjoyment" (*ibid*). The depressing experience of the landed proprietor who did not make his capital work for him in productive investment was well known to the eighteenth century subject of experience. Through a process of conjectural reasoning it could be inferred that both the mind of the savage and that of the worker who, through unemployment, fell into the population surplus to capital's requirements would experience a similar feeling of depression.

Millar observed that generalised commodity production was associated with an inequality in the distribution of wealth. Those born into wealth were "exempted from bodily labour" (*HV*,4,139). Their minds could not, therefore, experience the enjoyment of manual work in the same way that a craftsman or labourer could. However, just as the subject experienced pleasure both from productive activity and from the objects he

produced, so the minds of those "born to affluent fortunes" (*HV*,4,139) could enjoy "those objects which are agreeable to the senses" (*ibid*). When contemplating the objects produced by the craft labour of others, the subject would experience a "pleasing agitation" of the passions (*HV*,4,140).

Millar theorised the division of labour between mental and manual labour in terms of two empirically observable classes of people: individuals exempted from bodily labour and those engaged in bodily labour. Both classes were relatively well off, but the first class was knowledgeable and the latter ignorant and stupid. This caused him some anxiety for:

"It were to be wished that wealth and knowledge should go hand in hand, and that the acquisition of the former should lead to the possession of the latter." (*HV*,4,155)

This wish had not come true and afforded "a view not very pleasant in the history of mankind" (*ibid*). If prosperous manual workers were ignorant and stupid, then there were potentially dangerous political consequences. They could become "the dupes of their superiors" (*HV*,4,156). The ignorant and stupid peasants of "what are called the dark-ages" were persuaded to give over "a proportion of their possessions" to the knowledgeable clergy (*HV*,4,157). This led to "ecclesiastical tyranny" (*ibid*). By analogy it was possible to reason that ignorant manual workers would also be persuaded to give up their liberty to their more knowledgeable superiors. This would be a new form of tyranny. However, Millar argued that it would be unlikely that the high-ranking class of those exempted from bodily labour would find it in their interest to establish a tyranny of the intellect over low-ranking manual workers. Millar argued that both classes would find it in their mutual interest to support "a liberal plan for the instruction of the lower orders" (*HV*,4,161), funded out of public revenue and modelled on the parish schools in Scotland.

The higher ranks had an interest in the security of their property from "the commission of crimes" (*HV*,4,158). They would be interested in lower orders that were "sober and industrious, honest and faithful, affectionate and conscientious in their domestic concerns, peaceable in their manners, and averse from riot and disorder" (*ibid*). The lower orders, on the other hand, would benefit from gaining knowledge that would enable them to better themselves by learning "to form a proper estimate of the objects which will promote their true happiness" (*HV*,4,159). They would gain the knowledge of what it is to be a good citizen and be able to detect the errors of thinking in "religion, morality, or government, which designing men may endeavour to propagate" (*ibid*). They would therefore be less inclined to succumb to "the intrigues of any plausible projector" (*ibid*).

There is an apparent contradiction in Millar's separation of the population of a commercial society into the two classes of individuals exempted from bodily labour and individuals engaged in bodily labour. As I noted above, individuals exempted from labour included those born to affluent fortunes whose pleasure was derived not from their own labouring activity but from the contemplation of the objects created by the labouring activity of others. On the other hand, as I shall demonstrate below, the class of people who were exempted from bodily labour included individuals whose wealth was derived not from inheritance but from their economic activity within a social division of labour. Moreover, Millar was to make inferences concerning the effects of artificial and natural objects on the minds of those individuals engaged in a social division of labour. These inferences would attempt to explain why it was that the class of people exempted from bodily labour were more knowledgeable than those engaged in bodily labour.

As I shall argue in chapter seven, Millar made no distinction between the social and technical divisions of labour. Moreover he conceived of commodity production and exchange as a material-technical process. Commodities were exchanged according to their utility to the subject. The subject conceived of savings of labour-time expended in the production of commodities according to the savings in revenue a capitalist gained from the introduction of a technical division of labour, and also according to the savings of labour-time experienced either through the use of machinery or through the hire of labourers.

Thus Millar's observations of the effects of generalised commodity production on a population were that an undifferentiated division of labour introduced a variety of different occupations. These were the "subject of lucrative employments" (*HV*,4,141). This "separation of different trades and professions" (*HV*,4,144) brought into being lawyers, clergy, doctors, painters, sculptors, musicians, scientists, teachers, athletes, merchants, artificers, and mechanics or labourers. Labourers or artificers were the majority of the population. The latter were further sub-divided into agricultural and industrial labourers. All these were lucrative professions and Millar observed that pin makers (a sub-class of the class of industrial labourers or commercial mechanics) would be able to buy good clothes and books out of their wages (*HV*,4,154-5). Competition, supply and demand regulated the income derived from these employments whether the subject was engaged in the production of commodities as things or as services. Thus teachers or instructors were hired "at an expence moderate to individuals" (*HV*,4,147) and the cost of their hire was "cheapened by mutual competition and demand" (*ibid*).

The inference he made to connect the class of people exempted from bodily labour with intellectual labour, and therefore with knowledge, was based on the hypothesis that the division of labour had observable effects on the workings of the mind of the

individual subject. The experience of individuals engaged in mental labour was that the subject's mind was engaged in an "extensive application to a variety of objects" (*HV*,4,144). These exercised "the united powers of imagination and judgement" (*ibid*). The faculties of the subject's mind were therefore fully engaged and the fund of ideas derived from attention to a multiplicity of different objects enlarged.

On the contrary, the experience of individuals engaged in manual labour was that the attentive faculty of the subject's mind was fixed continuously on one object. Thus pin makers employed their "whole labour in sharpening the point, or in putting on the head of a pin" (*HV*,4,154). As the employment of manual workers required "constant attention to an object which can afford no variety of occupation to their minds, they are apt to acquire an habitual vacancy of thought" (*HV*,4,145). Thus: "In proportion as the operation which they perform is narrow, it will supply them with few ideas" (*ibid*). Millar suggested that the few ideas they had were the prospect of "the grateful returns of bodily repose and sleep" (*HV*,4,145-146), and wages that could buy them pleasures such as "drinking and dissipation" (*ibid*). The manual worker's constant attention to the "minute sub-division of labour" (*HV*,4,153) entailed that he was "stripped of his mental powers, and converted into the mere instrument of labour" (*HV*,4,152). He was no longer a person but a tool or a machine. Manual workers became "like machines, actuated by a regular weight, and performing certain movements with great celerity and exactness, but of small compass, and unfitted for any other use" (*HV*,4,146).

The acuteness of this observation of the dehumanisation of the detail labourer - the conversion of a labourer into a thing, in other words, the reification of the labourer - is reminiscent of aspects of Marx's theory of alienation.² It was not, however, derived from any proto-Marxian political economy. Millar, for example, had no understanding that the social division of labour required by capital entails that workers sell their labour power as a commodity. He did not have the slightest idea that the use value of labour power generates surplus value, nor that, when exchanged for variable capital, the worker's living labour is necessarily subordinated to dead labour. He could not have conceived of how dead labour, embodied in machinery and raw materials, takes the social form of constant capital.

Millar's observation was rather derived from Hume's and Smith's assumptions about how different circumstances would affect the workings of the subject's mind. Hume had observed that the powers of the subject's mind were invigorated by industry. Smith, on the other hand, had conceived of the experience of labour as a

²Marx K. (1844) "It is true that labour produces wonderful things for the rich - but for the worker it produces privation. It produces palaces - but for the worker hovels. It produces beauty - but for the worker deformity. It replaces labour by machines, but it throws one section of the workers back to a barbarous type of labour, and it turns the other section into a machine. It produces intelligence - but for the worker, stupidity, cretinism." *Economic and Philosophic Manuscripts of 1844*, Moscow, 1977: p70.

painful activity. These perceptions were not necessarily in conflict within the experience of the eighteenth century subject. From the perspective of the craft or independent producer who converted the value of the commodities made and sold into capital, labour was not only a means of escaping the fear of not having a means of subsistence but also to the imagined end of the pleasure derived from having needs for praise and attention met through his possession of wealth. Conversely, from the perspective of the craft or independent producer unsuccessful in realising the value of their commodity through exchange, labour was the painful experience of the loss of particular concrete skills. Rather than becoming a capitalist, this producer was converted into a proletarianised abstract labourer within the manufactory. Finally from the perspective of both the independent commodity producer and the commercialised landed proprietor, the subject had the prospect of the enjoyment of the commodities acquired through increasing wages, profits or rents.

Millar could therefore include within the classification of individuals who were exempted from bodily labour both those who were leisured through having inherited wealth and those who were engaged in intellectual labour. The former's minds were denied the enjoyment gained from the production of commodities. Their minds would therefore be prone to feelings of apathy and dejection. On the other hand, the pleasure they derived from the contemplation of a variety of objects produced by intellectual labour, such as music, paintings and books, was sufficient to engage their attentive faculties, supply their minds with an enlarged stock of ideas, and develop their intellectual powers.

Millar used conjectural reasoning throughout the essay. The subject's mind, as I have demonstrated, was furnished with ideas derived from objects of perception that it immediately confronted. So furnished, it was able to compare resemblances between objects of perception and reason analogically according to the powers of the subject's imagination. Its intellectual powers were "limited" by the objects of attention presented to it (*HV*,4,143). In other words, the operations of actual minds were limited by circumstances. Certain objects and activities were experienced as inherently pleasurable; others were experienced as inherently painful. The imagined pleasures operated on the mind to dispose the subject to admire and imitate superiors (*HV*,4,147). By this means, individuals came to an understanding of the principle of authority. They were aware of passions and interests that were in opposition to one another as well as disinterested passions that led to "ties of sympathy and affection" (*HV*,4,140). They therefore came to an understanding of the principle of utility. They could make judgements of the utility of "a system of rules" for enforcing the subject's rights to his person and property (*HV*,4,140). They could judge how far the division of labour was useful to every subject and how there could be no doubt in individuals' minds that economic activity was "calculated for promoting their improvement"

(*HV*,4,143). They could make judgements of whether it was advantageous to keep the lower orders in ignorance, whether this idea was "revolting to all feelings of humanity" (*HV*,4,159), and whether it was advantageous to the public to promote subsidised education for the lower orders.

Millar was therefore able to make various observations and inferences derived from the comparison of ideas and the imaginative use of analogy. These would be in accord with the subject's well informed experience of immediate circumstances and were capable of being falsified through both private thought experiments and publicly observable investigations.

The most significant of these focused on comparisons of rude with civilised society and on how the subject's mind would operate in the imagined circumstances of the absence of generalised commodity production and a division of labour. Writing in Scotland gave Millar an advantage. Lowland readers could compare the actual experience of the long-standing effects of the division of labour on their own minds with the actual experience of Highland subjects who had only recently come to experience its effects. Scotland provided the perfect experimental conditions to test hypotheses concerning the workings of the mind in society in transition from barbarism to civilisation. Scotland was a country in which "commerce and manufactures have made less progress than in England" (*HV*,4,152). Moreover, compared with the "southern counties in Scotland", the Highlands were "still further behind in commercial improvements" (*HV*,4,153).

In order to establish what effects the division of labour had on the intellectual powers of the mind, Millar needed to know what would have been the effects on the mind of people who had lived before a division of labour had come into being. The conjecture that the minds of individuals who lived in original rude circumstances would operate in a similar fashion to the minds of individuals living in contemporary rude circumstances could be proved only from the subject's present time experience and observation. The latter was of a world in which generalised commodity production and exchange had long been established. Moreover, through the theoretical work undertaken by philosophers of jurisprudence, it had been established that every subject was free and equal to every other and had natural rights to their self-preservation and property.

Thus Millar's first fundamental conjecture about the imagined subject living in an original rude condition was the following:

"The first aim of every people is to procure subsistence; their next is to defend and secure their acquisitions. Men who live in the same society, or who have any intercourse with one another, are often linked together by the ties of sympathy and affection; as, on the other hand, they are apt, from opposite interests and passions, to

dispute and quarrel, and to commit mutual injuries. From these different situations, they become sensible of the duties they owe to each other, and of the rights which belong to them in their various relations and capacities." (*HV*,4,140)

The universal truth of the above propositions could be confirmed in the experience of subjects from an examination of both the operations of their own minds as self interested agents and as disinterested spectators of their own and others' actions. It could also be confirmed by the observation, not only of the atomised social relations of a commodity capitalist society but also of the disintegration of pre-capitalist societies as social relations and surpluses became commodified. What could be concluded from this conjecture was, firstly, that the abstract subject of experience was universally motivated by interests and passions, and, secondly, that the operation of passions and interests on the minds of concrete particular subjects drew them inevitably into conflict with one another. In order for subjects to become "sensible" of their duties and rights, they first had to experience this conflict in terms of the unpleasant effects of passions such as resentment and disappointment. Moreover, as I shall show in chapter eight, particular subjects would have to be able both to observe the interested disputes of others impartially and to experience coincidental and comparable feelings as sympathetic spectators. As I shall argue there, the assumption that informed Smith's empiricist theory of natural rights was that the experience of circumstances of scarcity were universal and eternal.

The second conjecture concerning individuals living in rude circumstances was that, in the absence of laws, morality and government that protected their persons and property, their equality of ability and opportunity to compete with other individuals for scarce resources would be more evident than in a civilised society in which people inherited affluent fortunes. It would follow that, in a world of absolute scarcity, individuals motivated to acquire the knowledge they needed to better themselves would be less privileged or handicapped by inequalities of wealth. Moreover, the capacity of subjects' minds to gain ideas through their labouring activity would be less limited by the habits of dependence and submission. Thus:

"In ruder and simpler times, before labour is much subdivided, the whole stock of knowledge existing in a country will be scanty, but it will be more equally diffused over the different ranks, and each individual of the lower orders will have nearly the same opportunities and motives with his superiors, for exerting the different powers of his mind." (*HV*,4,149)

Contemporary observations of tribal societies in which it was supposed that property was jointly owned and in which inequalities based on wealth were relatively

unknown would confirm the truth of this conjecture. In *The Origin of Ranks*, Millar had used Bossuet's observations of contemporary native Borneans to substantiate Gilbert Stuart's observations that "land is appropriated by tribes before it becomes the property of individuals" (*OR*, 155, n). He had used the historical testimony of Caesar on the Suevi to confirm the probability of the truth of Stuart's observation, the Suevi having "no separate landed possessions belonging to individuals" (*OR*, 156). Moreover he had used observations drawn from the Highland clan system to prove the probability of the existence of an "ancient community of pasture grounds" (*OR*, 158). His explanation of these facts was conjectural and based on jurisprudential assumptions about the subject's natural rights and Millar's empiricist reading of the workings of the subject's mind in circumstances of scarcity. Thus he argued that individual heads of households would recognise that it was in their interests to "unite and assist one another" in the management of the hard labour involved in cultivating the ground:

"and, therefore, as each individual is entitled to the fruit of his labour, the crop, which has been raised by the joint labour of all, is deemed the property of the whole society."
(*OR*, 155)

These two assumptions - firstly, that subjects' perception of their right to acquire the means of self preservation through their own labour was universal, and, secondly, that there was an equality of ability and opportunity between particular subjects in competition for scarce resources irrespective of rank - would guide his comparison between the operation of the intellectual powers of the "rude mechanic" (*HV*, 4, 149) and "mechanics of a commercial nation" (*HV*, 4, 151). This would lead to Millar's conclusion that the intelligence of the rude mechanic was superior to that of the commercial mechanic.

This conclusion was important because it entailed that, in common with those high-ranking individuals born to inherited wealth and their professional allies, labourers circumstanced by a scarcity of the means of subsistence would be more likely to be knowledgeable of the public utility of a system of law and government that safeguarded their private interests in bettering themselves. This was primarily of historical import in explaining how generalised commodity production and exchange and a social division of labour had come into being. However, Millar's conclusions could also be used for contemporary political argument. If, for example, the independence of industrial workers entailed that their mode of work led both to a dissolution of previous habits of deference and submission to their superiors and also to a diminution of their intellectual powers through a subordination of their labour to the technical division of labour, then it would be the superior intelligence of the

peasantry and of a population surplus to the requirements of capital who would appreciate the advantages of continued submission to the wealthy and powerful.

Millar did not have a conceptual framework within which to theorise a population surplus to capital's requirements. Nonetheless, he observed the existence of a population of unable to find or keep work. Thus he remarked that:

"in a commercial and populous nation, in which the bulk of the people must work hard for a livelihood, many individuals are, by a variety of accidents, reduced to indigence; while at the same time, from their numbers, as well as from the prevailing spirit of the age, their misery is little regarded by their fellow creatures." (*OR*,287-288)

Millar suggested that it was the accident of individuals' personalities that caused the misery of this population. The self-interested "spirit of the age" paid little attention to their suffering. Nonetheless, the utilitarian aspect of Millar's principle of authority entailed that dependence of this surplus population on the poor-rate for subsistence would incline indigent individuals to realise that it was in their interests to submit to the wealthy and knowledgeable more immediately than those working "hard for a livelihood".

Millar argued that the character of the rude mechanic would be "very different from that of a mechanic, in a more advanced country" (*HV*,4,150). The latter "combine, like the wheels of a machine, in producing a complicated system of operations" (*HV*,4,151). In contrast, in a rude nation, subjects "individually provide for themselves" (*HV*,4,150). In the absence of the socialising effects of generalised commodity production and exchange and a social division of labour, "No man relies upon the exertions of his neighbour" (*ibid*). In a rude nation, the mechanic made his own tools, his own clothes, his own house, took up arms to defend the town he lived in, and, as patriarchal head of a household, "directs his wife and children in cultivating, a small patch of ground, on which he raises part of his provisions" (*HV*,4,149). As I shall show in chapters six, seven and eight, despite his observations on original communal property and his explanation of how the idea of freely alienable property arose, Millar could not escape the temptation of imagining individuals as having the capacity and opportunity to alienate any surpluses they had acquired as property through their own labour. Thus the rude mechanic "must buy the materials, and sell or barter the produce of his labour" (*HV*,4,149-150). He was therefore not only a soldier, a horticulturist, a tool-maker, a house-builder and a tailor, but also "in some respects, a merchant" (*HV*,4,150).

These conjectures about the rude mechanic were empirically confirmed by observations of the activities of contemporary peasants. Peasants ploughed, sowed and reaped the land. They made and repaired their own tools. They reared cattle, rode

horses, and were, in some respects, merchants, preparing the products of their labour for the market, and becoming "frequently a grazier and a corn merchant" (*HV*,4,153-154).

Millar's conjectures about the rude mechanic appear to be contradictory. Throughout his work, he presupposed that it was the individual subject's experience of scarcity that motivated him to produce and exchange commodities and acquire property through the saving of his labour. As a result of this activity, a division of labour had come into being. However, in the example of the rude mechanic, he presupposed that there was a social division between labouring activity in the towns and the countryside. There was also a regular exchange of raw materials with finished products. His conjectural method therefore led him to presuppose the existence of a division of labour in order to explain how a division of labour came into being.

This apparent contradiction becomes clearer as Millar developed his argument concerning the comparative intelligences of the rude with the commercial mechanic. Unlike the latter whose attention was fixed on one object, Millar argued that the rude mechanic's attention was directed to many objects. It is clear from the following statement that Millar had no way of distinguishing a society in which a social division of labour existed on the basis of commodity production and exchange, from a world in which there was a technical division of labour specific to a commodity capitalist society.

"all the members of a rude nation, being forced to exercise a great number of unconnected professions, and individually to provide for themselves, what each stands in need of, their attention is directed to a variety of objects; and their knowledge is extended in proportion." (*HV*,4,150)

Millar assumed that, in the absence of the technical division of labour specific to a commodity capitalist society, there would be no social division of labour. The products of human labouring activity would be unconnected by sale and purchase and men would therefore labour in an isolated fashion providing for themselves and their dependent wives and children in separate households. In the absence of the social form that the division of labour had taken in a commodity capitalist society, there could be no form of society except isolated nuclear families and no division of labour but a natural one between men and women. As I shall show in chapter nine, these families would associate together only for securing protection or a means of subsistence, if the father thought it was in his interests to do so.

However, if subjects gained knowledge through ideas derived from their attentive faculties being focused on a variety or multiplicity of objects, then they would be more intelligent than individuals whose faculties were fixed on to one object. Thus the rude

mechanic "employs for the relief of his wants, or in defence of what belongs to him, either the strength of his body or the ingenuity of his mind, all the talents which he has been able to acquire, all the faculties with which nature has endowed him" (*HV*,4,150). Millar's conjectural comparison of the effects of a technical division of labour on the minds of the subject with that of the operation of his mind in its absence led him to infer of the commercial mechanic that:

"He would be greatly inferior in real intelligence and acuteness; much less qualified to converse with his superiors, to take advantage of their foibles, to give a plausible account of his measures, or to adapt his behaviour to any peculiar and unexpected emergency." (*HV*,4,155)

Millar argued that both the intellectual worker within the division of labour and the peasant outwith it, were more intelligent than the manual worker. This was because peasants' and intellectual workers' attentive faculties were engaged in occupations that enabled them to derive a large fund of ideas - what Millar called "general knowledge" (*HV*,4,139). Without this fund of ideas, it would not be possible for the subject to have the knowledge of an interest in betterment or improvement, for "in proportion as the people are more intelligent and quick-sighted, they will be more apt, in their mutual intercourse, to have their private interest in view, as well as to be more artful and subtle in pursuing it" (*HV*,4,153).

As I have noted above, Millar's conclusions led him to worry that, if a majority of the population were manual industrial workers and the circumstances of their work made them less intelligent, then they would lose sight of the possibilities of further betterment or improvement. If their minds were "unenlivened by any prospects, but such as are derived from the future wages of their labour, or from the grateful returns of bodily repose and sleep" (*HV*,4,145-146), then they would lose sight of their interest in preserving the practice "of the various duties incumbent upon them" to be "sober, industrious, honest and faithful" (*HV*,4,158-159). If their work disabled them from the knowledge of these interests, then, dissipating their wages on alcohol or other items of luxurious consumption, they would not save sufficient to hire the labour of others and accumulate capital. They would be less able to take advantage of the foibles of their superiors. Their minds would be unable to "form a proper estimate of the objects which will promote their true happiness" (*HV*,4,159). Without publicly funded education, they would not have sufficient knowledge to realise that it was in their interests to avoid the "commission of crime", to be "peaceable in their manners, and averse from riot and disorder" (*HV*,4,158). Given that the encouragement of manual workers' knowledge of their interests was also to the advantage of the wealthy and knowledgeable, Millar thought the latter class should consider plans that would

involve state expenditure on "the institution of schools, and seminaries of education, to communicate, as far as possible, to the most useful, but humble class of citizens, that knowledge which their way of life has, in some degree, prevented them from acquiring" (*HV*,4,160).

Moreover, it is clear that Millar was not just recommending this plan to the enlightened legislative elite of British society but to the "the other mercantile countries of Europe" (*HV*,4,151). His method entailed that, where there were the same external circumstances, the subject's mind would experience the same effects. Millar tried to demonstrate the truth of and explain the reasons for the universally held belief that "in proportion to the advancement of commerce and manufactures, the common people have less information, and less curiosity upon general topics; less capacity, beyond the limits of their own employment, of entering into conversation, or of conducting, with propriety and dexterity, the petty transactions which accident may throw in their way" (*HV*,4,151-152).

3.2 Two Considerations

I have discussed the essay above not only to illustrate topics I shall cover in the main body of this dissertation but also to give the reader sufficient information to make a judgement on the character of Millar's philosophical history. This judgement is required in order to confirm or deny Meek's claim that Millar developed a new way of looking at society that was materialist in conception.

There are two substantial considerations that throw doubt on Meek's claim. The first is that to accept its truth would be to blur distinctions that exist between Millar's philosophical approach to history and other eighteenth century approaches to history that might have been considered materialist in conception. The second is that to accept its truth would be to blur and further confuse Millar's approach with that of Marx and Engels.

The most famous and influential candidate for a materialist conception of society in the eighteenth century was Montesquieu's explanation of differences in customs, manners and laws according to the effects of climate on the physical constitution of the individual. Montesquieu had conjectured that heat and cold had different effects on the human body. Using experiments he had conducted with a microscope on the tongue of a dead sheep, half of which had been frozen, Montesquieu concluded that differences in temperature had an effect on the nerves. When he compared the frozen part of the tongue with the unfrozen part under the microscope, he observed that small protuberances had disappeared in the former that were present in the latter. He conjectured that, when the protuberances were visible, the sheep would have a vivid sensation of taste, but when they were invisible its sensation would be dull. By a process of analogy and inference, he reasoned that a cold climate would make the

nerves and muscular fibres of the human body contract. A hot climate would make them expand. A contraction would cause the blood to push against the heart, and the heart would have more power. A more powerful heart would mean that people were more courageous. In contrast, a hot climate would relax the muscles and nerves. Blood would flow from the heart to other parts of the body. The heart would be weaker. Therefore people would be timid. Cold, by contracting the nerves of the skin, would make people less sensitive to pain. Heat, by opening the nerves would make them more susceptible to pleasure. People in hot climates would therefore be more interested in sex and love. People in cold climates would be more capable of enduring pain. It followed from these arguments that people in hot countries tended to be lazy and peaceable - people in cold countries industrious and war-like.³

Montesquieu thought that all the passions could, in theory, be explained with reference to physical changes in the heart, muscles and nerves caused by changes in temperature and diet. As I shall show in chapter eight, Millar followed Hume's scepticism regarding the influences of physical causes on the passions. Consistent with their empiricism, they rejected these hypotheses, not because they thought that physical causes did not operate on the body and mind, but because contemporary science was insufficiently advanced to construct experiments that enabled the subject of experience to observe the causal connections between physical changes in the body and the passions. Millar and Hume thought that it would be sufficient to explain differences in customs, manners and laws between nations according to the experience subjects had of the workings of their minds on immediate circumstances. A thorough examination of the contents of the mind of the eighteenth century subject revealed that there were certain universal goals motivating individuals to act. These included, amongst other things, the pursuit of pleasure derived from attention, praise and the company of others and delight in artificially manufactured or natural objects. They also included the avoidance of pain derived from hunger, thirst or isolation and the prevention of distress caused by disappointment or frustrated expectations. These pleasures and pains caused certain passions to arise, the intensity of which was channelled in a positive direction by rational calculative judgements of utility and interest.

Millar and Hume's scepticism concerning the operation of physical causes on the mind did not rule out the possibility of establishing causal connections between a material environment on the passions and interests. If science could establish these connections and make them visible in the experience of the subject, then they would have adapted their hypotheses accordingly. Whilst he rejected the influence of climate on the passions on the grounds that the same passions motivated the subject to act

³Montesquieu, *Spirit of the Laws*, pp231-234.

irrespective of whether the climate was hot or cold, Millar was well aware that "the fertility or barrenness of the soil, the nature of its productions" (OR,2) had a causal effect on the range of objects the mind could pay attention to. The material environment was therefore crucial to explaining the ideas to which universally experienced passions became attached. For example, if people lived by the sea, their appetite for food would adapt to this environment. Rather than hunt animals, they would learn to fish, build and navigate boats as a means to avoiding the pain of hunger. A passion of vanity attached to the idea of the praise and attention the subject gained from his skills would motivate him to acquire surpluses of fish and not of animal meat.

If, as I have suggested above, Hume and Millar were sceptical materialists, then the distinction between their approach to history and Montesquieu's is retained and the consideration that threw doubt on Meek's characterisation of Millar loses some of its force. Millar was conscious of his debt to Montesquieu. As I shall show in chapter eight, Millar regarded Montesquieu as being the first thinker to have established causal connections between economic activity and laws, customs, manners and ideas of property.

Nonetheless, Meek's intention was not to establish a philosophical affinity between Millar and eighteenth century materialists. It was rather to establish an affinity between Millar and nineteenth century materialists such as Marx and Engels. I turn now to the second consideration that throws doubt on the truth of his claim.

This consideration makes the point that the philosophy that informs Marx's theory of history is so qualitatively different from the empiricism guiding Millar's that to suggest that they are related does a disservice to both. Any relation that they do appear to have is a pure coincidence. It gains force in the absence of any references Marx or Engels made to Millar. The consideration takes into account that Marx's theory of history is incomprehensible without an understanding of an essentialism he learnt from Hegel and Aristotle. Marx was committed, like Aristotle and Hegel, to an ontology of entities with real substantial natures irreducible to the atomised contents of sensory experience. I have argued here that Hume and Millar's starting point was the experiential contents of the mind of an abstract universal subject derived from the actual phenomenal content of the minds of concrete particular eighteenth century subjects. In complete contrast, Marx's starting point was the concrete universal of homogeneous human labour and the specific historical social forms within which labour is conducted.⁴ To state, therefore, as Meek did, that Millar had no feeling for the dialectic of social change is jejune. It is jejune because, without an understanding

⁴"Since there are only people and their activities (concrete useful labour, and labour time), all particular historical forms in which people labour, and all the categories specific to those historical forms can only have as their essence people and their labour." Meikle, *Essentialism*, p48.

of contradiction between the concrete universal of human labour and specific social forms, there can be no knowledge of a dialectic of social change. Millar neither possessed this understanding, nor could he have ever had this understanding whilst he remained an empiricist theorist of jurisprudence.

If these methodological considerations are correct, then they are perhaps the strongest force that would incline the student to reject the truth of Meek's claim. The only evidence that could be used to support it would be Marx and Engels' own characterisation of their eighteenth century French and English predecessors. They stated that the French and English had made the "first attempts to give the writing of history a materialistic basis by being the first to write histories of civil society, of commerce and industry."⁵ In conclusion, I shall attempt to explain firstly what they might have meant by this statement; secondly the distinction Marx made between naturalistic and dialectical materialism, and finally the relevance that an understanding of naturalistic materialism might have to an appreciation of Millar's essay discussed above.

3.3 Some Superficial Similarities

When Marx and Engels wrote the above statement they were in the process of coming to terms with their philosophical and intellectual heritage. This was German idealism. They were "dealing with the Germans".⁶ They stated that the Germans had never had a historian. German historiography's finest thinker had been Hegel, but Hegel's philosophy of history was not real history. Hegel and his followers had conceived of real interests as "pure thoughts".⁷ The result was a form of historiography that made religion into the driving force of history.

The Germans had never had a real historian because their methodological starting point was abstract consciousness not the real consciousness of actual living individuals. The starting point of real history was real, active humans, living individuals with the kinds of consciousness that belongs to them.⁸ This emphasis on real individuals, however, did not entail that their method was individualistic. Marx and Engels retained the belief inherited from their idealist past that the consciousness of individuals could be comprehended only as a mediated "moment" within a natural and social totality or evolving substantial entity. This totality changed through the reciprocal action of its various sides. These came into contradiction with one another, and, through a process of supersession, the totality changed as it retained what was rational and abolished what was irrational. Marx and Engels' notion of rationality was

⁵Marx & Engels, *German Ideology*, pp48-49.

⁶Marx & Engels, *German Ideology*, p48.

⁷Marx & Engels, *German Ideology*, p60.

⁸Marx & Engels, *German Ideology*, p47.

Aristotelian and Hegelian in conception. It therefore entailed an inquiry into the form and content of substantial species and non-species activity necessary for the survival, flourishing and realisation of the potential of human individuals.

Marx and Engels identified four mediated moments within the evolving totality. They described these as universal premises or aspects of social activity that have "existed simultaneously since the dawn of history and the first men, and which still assert themselves today."⁹ These four moments consist of, firstly, the production of the means to satisfy needs such as "eating, drinking, a habitation, clothing and many other things"; secondly, the production of new needs; thirdly, reproductive and productive relations between women and men, children and parents; and, fourthly, the combination of the specific modes of the production and reproduction of the three preceding moments of the totality of human life with a specific modes of co-operation. The modes of production and co-operation, each analytically distinguishable but genetically united, are separately and combined forces of production.¹⁰

Each of the four moments within the totality is mediated through a form of reciprocal action both between labouring individuals' relation with nature and with one another. None of the moments is a stage in history. Each moment is, separately and combined, a universal precondition for actual human history and the study of it. It followed, according to Marx and Engels, that the study of actual human history was inconceivable without a study of different social forms that industry and exchange have taken and continue to take. Given that the French and English had written histories of industry and exchange, then they were materialistic in "an extremely one-sided fashion".¹¹

The fifth moment within the totality is human consciousness. This is the consciousness human individuals have of the other four moments. Consciousness takes an objective form with language. Language, which has existed throughout human history, articulates the consciousness of real individuals in their social relations as producers of needs. Language and consciousness originate within specific modes of production and co-operation. It follows that theoretical language can come into being only with the emergence of a division of labour between mental and manual labour. The nature of this division, in turn, depends upon the social form of the surplus produced through specific modes of production and co-operation. If the various historically emergent forms of artistic, religious, political, juridical and scientific knowledge have their origin within the totality of productive forces, it follows that

⁹Marx & Engels, *German Ideology*, p50.

¹⁰Marx & Engels, *German Ideology*, pp48-49.

¹¹Marx & Engels, *German Ideology*, p49. Marx and Engels are Anglo-centric in their characterisation of Scottish philosophers. They described Hume and Smith as English. Empiricism was a philosophical doctrine that took root in the English speaking world of which Scotland was a part.

they have their origin within the production of needs, new needs, and the family as the latter changes shape within modes of production and co-operation. Ideas are formed within "the mass of productive forces" that are handed down from one generation to another.¹² If consciousness and language are objectified in the skills, techniques and products of artistic, religious and scientific labour, and if consciousness is, itself, a fifth moment within the social totality, it follows that consciousness is also a productive force. However, as a moment of the totality, consciousness, like the other moments, can come into contradiction with the totality of productive forces.¹³

It is within this critique of German idealism - a critique that in the process of negating its idealist form reaffirmed its metaphysical content - that Marx and Engels positively appraise eighteenth century histories of industry and exchange. At the level of appearance, it is not difficult to approximate aspects of Millar's philosophical history with the requirements laid down by Marx and Engels for a history of humanity. Millar, indeed, paid attention to the first three universal moments or premises of history. As I observed in chapter two, Millar identified his own historiography with the "more scientific method of writing history" (LG1792,1,1,6) of Voltaire, Robertson and Hume. The latter historians had written general histories of industry and exchange. They had given histories of the progress of commerce and manufactures separately or integrated within their narratives.

As Pascal and Meek noticed, Millar and his contemporaries, had recognised that the first needs that humans paid attention to were the production of those needs necessary for subsistence. They had reasoned that, when these needs were met, they paid attention to the production of new needs - "luxuries" or "conveniences". Millar had written a general history of men's relationships with women in *The Origin of Ranks*. He had made reference to children's relationships with their parents, especially sons' relationships with their fathers. As I have discussed above, he had written on the relationship between the emergence of a division of labour and generalised commodity exchange and the extent of knowledge within a population.

Nonetheless, these superficial similarities are overwhelmed by the profound differences between Millar's and Marx's methods. Marx and Engels' theorisation of consciousness as a universal moment of a totality entailed that the nature of this consciousness had its origin within the interaction of the other four moments. The particular consciousnesses of real individuals were therefore determined by - and determining forces of - the circumstances given to those individuals by pre-existing productive forces. Millar, on the other hand, posed the consciousness of an abstraction of the individual subject, the operation of whose mind would be universally known if

¹²Marx & Engels, *German Ideology*, p59.

¹³Marx & Engels, *German Ideology*, pp58-59.

real individual subjects were to generalise from the particular ideas and feelings they immediately experienced. The consciousness of this abstract subject was therefore a result of a process of generalisation from particular ideas and feelings causally connected with experiences of actual circumstances, to those ideas and feelings the subject would be likely to experience in imagined different circumstances. As I shall stress throughout this dissertation, the generalised ideas and feelings the subject was imagined to experience in every similar circumstance, were derived from the experience of real, living eighteenth century individuals, rich or poor, propertied or propertyless, women or men. The consciousness of the abstract universal subject was therefore limited by the development of the totality of productive forces at a specific historical period.

This difference of method is well illustrated by their treatment of private and public interests. Marx and Engels conceived of conflicting private interests arising out of private property and the division of labour. They conceived of private property and the division of labour as "identical expressions" of the same moment of the development of forces of production. This moment characterises every form of society in which surplus labour is pumped out of the immediate producers: the "power of disposing of the labour power of others".¹⁴ Private property is the expression of this moment in the form of the disposal of the product of labour power. The division of labour is the expression of this moment in the form of the activity of disposing of labour power itself. The consciousness of contradiction between a private interest and a public interest therefore presupposed a real contradiction between the disposal of labour power, its products and the social form of the mode of production and co-operation, such as slavery, serfdom or wage slavery.

Millar, on the other hand, conceived of private property and a division of labour arising out of conflicting private interests. Millar's ideal consciousness of the abstract subject conformed the requirements of natural law. The subject was ideally free, equal and autonomous. In contrast, the actual consciousness of the eighteenth century subject was that individuals were socially unequal, dependent on commodity production and exchange for subsistence, and atomised in competition with one another for markets in capital and labour power. The experience of this subject was of both being driven by passions and interests to compete and of exercising a capacity to empathise with the passions and interests of competitors.

As I have mentioned above, Millar's universal premises of human history were twofold. Firstly, individuals had to "procure subsistence" and, secondly, they had to "defend and secure their acquisitions" (*HV*, 4, 140). Millar inferred from the subject's actual and ideal experience that wherever formally free and equal individuals

¹⁴Marx & Engels, *German Ideology*, pp52-53.

associated they would be driven to "dispute and quarrel" because of opposing passions and interests. Built in to this inference is the assumption that the circumstances of scarcity would determine the ideas and feelings of the subject in every imaginable situation or condition. Particular ideas of property and justice, a division of labour, commodity production and exchange and the non-familial associations of individuals, would therefore come into being out of subjects' reflection on their interests and passions. Once the subject's actual opposing passions and interests were brought into accord with the requirements of the formal equalities and liberties of the ideal subject in natural law, private property and a division of labour became universal conditions for the reproduction not only of civil society, but of every conceivable civilised society. Without subjects' recognition of their interests in freely alienable private property; of a division of labour between capitalists, landlords, and labourers; and of the preservation of those disinterested passions that assisted betterment and submission; the freedom of actual subjects to act on their opposing passions and interests would correspond to anarchy and barbarism.

As I have shown above, the effect of the technical division of labour on the minds of industrial workers prompted Millar's concern that such workers might lose sight of the knowledge of interests self-evident to an ideal subject of experience. I have also remarked that Millar's method led him into apparent contradictions regarding human history. These included the presupposition that the emergence of a division of labour, generalised commodity exchange and social inequality required a subject with a pre-historical knowledge of these historically specific determinations of productive forces.

3.4 Naturalistic and Dialectical Materialism

The differences of method I have highlighted above were hinted at by Marx as he wrote notes to himself for further development in the *Grundrisse*. In these notes, he made a distinction between his own dialectical method of understanding history and what he called "naturalistic materialism". He wrote:

*"Accusations about the materialism of this conception. Relation to naturalistic materialism. Dialectic of the concepts productive force (means of production) and relation of production, [his italics] a dialectic whose boundaries are determined, and which does not suspend [aufhebt] the real difference."*¹⁵

Marx made further reference to this method in his *Preface* when he instructed the historian to determine the dialectical boundaries between material forces of production

¹⁵Marx, *Grundrisse*, p109. What follows is indebted to Meszaros's unpublished paper. It was a talk that Meszaros gave to this paper at Glasgow University in 1997 that brought this distinction to my attention.

and relations of production within the totality of the economic structure of society.¹⁶ My reading of this passage is that the dialectical boundaries of the "material forces of production and relations of production" correspond to the fourth moment of the universal premises of human history that Marx and Engels mention in the *German Ideology*. This is the combination between modes of production and co-operation. The latter, as I have suggested, includes the three preceding moments. My reading of "economic structure", in the *Preface*, is that it refers to the dialectical interaction between all four moments within the evolving social totality from the stage when value is peripheral to the productive forces to the stage when value dominates them. My reason for this reading is that, when Marx introduced the foundation/superstructure metaphor, he used it illustrate the determined relationship between "forms of social consciousness" and economic structure. I have discussed "forms of social consciousness" above as a fifth moment within the totality in my interpretation of Marx and Engels' historical method in the *German Ideology* above.

It is easy to be misled by metaphors if they are taken literally. The foundation/superstructure metaphor is spatial. Taken literally, it entails that forms of consciousness are built on top of the economic structure. If the economic structure collapses, then the forms of consciousness built on it automatically collapse with it. If old forms of consciousness are exploded, the same economic structure can be used to build new forms of consciousness out of the rubble of the old. Conversely, dismantle the economic structure, and the forms of consciousness are dismantled with it. Dismantle the forms of consciousness, however, and the economic structure persists until either it too is dismantled or new forms of consciousness are built on it. Taken literally, the metaphor is suggestive of a form of social engineering alien to Marx's conception of revolutionary social change through contradiction and supersession. It is also suggestive of the peculiar reasoning that a collapse of financial markets, as happened in Asia at the end of the twentieth century, would lead to an automatic collapse of the structure of the state.

As a metaphor, however, it was a powerful reminder of the imperative Marx and Engels set for historians to explain the emergence of the skills, techniques and the products of artistic, religious and scientific labour influencing the consciousness of real individuals according to the division between mental and manual labour. As I have mentioned above, the nature of this division, in turn, depends upon the social form of the surplus produced through specific modes of production and co-operation.¹⁷

¹⁶Marx, *Preface*, p20.

¹⁷It was also a reminder to intellectuals and revolutionaries that their consciousness is not only determined by their autonomous subjectivity, but also by the evolving social totality. This could not be changed by critical revolutionary activity isolated from the objective categories in the process of their dialectical movement through contradiction. Subjective forms of critical consciousness are necessary

Millar, like Marx, used the metaphor of foundation/superstructure. This allows for a further superficial approximation of his thinking with that of Marx's. Just as Marx used the metaphor to encapsulate one aspect of his dialectical method, so Millar used it to give a brief outline of his own theory of history. Thus he wrote at the beginning of *Historical View*:

"it ought to be considered, that the foundations of our present constitution were laid in that early [Saxon] period; and that, without examining the principles upon which it is founded, we cannot form a just opinion concerning the nature of the superstructure."
(*HV*, 1, 6)

As I shall discuss further in chapter eleven, this quote proves that there is a continuity of the use of the metaphor from Harrington to Millar. However, if it is a mistake to use the metaphor to prove an unbroken continuity of historical method from Harrington and Millar, so it would be an even greater mistake to suppose that there was a continuity of method from Harrington to Marx. Put differently, it would be Harrington in the seventeenth century, rather than Millar or the other Scots in the eighteenth century, that anticipated Marx's dialectical materialist conception of history.¹⁸

Millar's superstructure is much narrower in scope than Marx's. Marx's legal and political superstructure corresponds to the form of consciousness of individuals as privately interested. However, the category of private interest, according to Marx, arose historically from the different forms of the disposal of labour power and its products within modes of production and co-operation, the social form of which entailed the extraction of a surplus labour from the immediate producers. As Hirschman has indicated, it was a category that emerged to prominence in the consciousness of individuals during the transitional period from a feudal form of the appropriation of the surplus to a capitalist form.¹⁹

but insufficient to bring into being the rational society desired by intellectuals and revolutionaries. Collective realisation of these forms of consciousness requires objective universal conditions.

¹⁸This is precisely what Bernstein attempted to do. According to Bernstein, Harrington was an exponent of "modern scientific socialism". *Cromwell and Communism*, (p210). This was because of his "historical mode of treatment, which represents a noble anticipation of the materialistic conception of history elaborated by Marx and Engels" (p199).

¹⁹Hirschman's starting point and conclusion is Weber's *The Protestant Ethic*. He thinks that capitalism was "an assault on pre-existing systems of ideas and of socio-economic relations" and suggests the interests/passions dichotomy was a transitional development in the history of ideas. 1971, p4. The transition he focuses on is not between feudalism and capitalism but between Christian disapproval and secular approval of the desire for money. Following Weber, he tries to be value-neutral, hoping that his thesis will be useful to "both critics and defenders of capitalism", and that it will "raise the level of debate" between the antagonists. *Passions and the Interests*, (p135). Hirschman's thesis is discussed further in chapter nine.

In contrast, according to Millar, the form of consciousness that characterised the superstructure of the eighteenth century British government was "the diffusion of liberty through a multitude of people" (*HV*,1,6). These ideas and feelings of liberty in turn depended on changes in the distribution of property and a means of subsistence since the time of the Saxons. Whilst the rude Saxon's passions were unrestrained by laws that secured the subject's interests in accumulating property, he had a certain liberty to exercise them in robbery and plunder. In contrast, the civilised eighteenth century Briton's interests in accumulating property were safeguarded by laws that promoted the general interest. He was less dependent upon his superiors for subsistence and protection and he belonged to a class of independent commodity producers that controlled the legislative powers of the superstructure. The principles that explained these changes were those of authority and utility.²⁰ These principles were abstracted from the eighteenth century subject's experience of the operations on his mind of immediate circumstances. These circumstances were the totality of social relations at a particular stage in which the potential antagonism between labour and capital had made little impact on consciousness. These principles remained, as Marx and Engels put it, "in the toils of political ideology". Authority was the Tory principle and utility the Whig principle. They also remained in the toils of juridical and economic ideology. The fetishism of commodities influenced the methods of an empiricist jurisprudence. These required that juridical, economic and political relations between individuals be theorised as relations between reified sensory perceptions, impressions, ideas and feelings within the minds of abstract individual subjects. The applications of these methods were to serve a useful political purpose in uniting what had been mutually antagonistic factions within the ruling class into a consensus that economic improvement was in the general interest.

Marx's note in the *Grundrisse* is the only time that he mentioned naturalistic materialism. Nonetheless, it is possible to give a reading of what he might have meant by the term from other passages in which he referred to materialist philosophy and eighteenth century thought. It is possible to discuss Millar's philosophical history in the light of this reading. In the *Theses on Feuerbach* he noted a defect in "hitherto existing materialism". This was that:

"the thing, reality, sensuousness, is conceived only in the form of *the object of contemplation*, but not as sensuous human activity, practice, not subjectively" [his emphasis]²¹

²⁰See chapter ten for discussion.

²¹Marx K. (1845) "Theses on Feuerbach, I", reprinted in Arthur (ed.) 1970: p121.

To develop an overall interpretation of eighteenth century empiricist philosophy on the basis of this remark is beyond the scope of this dissertation. It would require a thorough examination of the attitude of German idealism to empiricism and eighteenth century materialism. Nonetheless, if Marx's insight is helpful in appraising Meek's proposition about Millar, then it would follow that Millar would conceive of objects of sensory perception contemplatively whether they be internal objects such as impressions, ideas or passions, or external objects such as things or actions. The evidence that he was inclined to a contemplative appreciation, is in the essay discussed above. Millar described circumstances external to the subject's mind as "objects around us, whether of art or nature" (*HV*,4,138). These caused the subject to have internally experienced ideas which could be arranged according to analogical or comparative reasoning. They also caused the subject to experience various pleasures or pains. The subject therefore had the capacity to reflect experimentally on the contents of the mind. This brought individuals to the consciousness that they had interests in acquiring "those objects which are agreeable to the sense" (*HV*,4,139). When, as spectator, the subject observed the actions of others, the faculty of the imagination enabled the mind to experience feelings that corresponded to those of others. For example, it was the subject's imagination of the feelings of pleasure the rich individual acquired as an object of the admiration and praise of others that produced a corresponding feeling of pleasure. Further reflection on these feelings gave individuals the idea that it was in their interests to take the required forms of action that would better themselves. The question arises whether these acts of reflection are synonymous with the contemplative attitude that Marx thought was a defect of the forms of materialistic philosophy that preceded his own.

When Marx stated that sensuous activity or practice was not viewed subjectively by materialist philosophy, at first sight this would appear to have no relevance to the empiricist assumptions Millar adopted. Millar, following Hume, thought that theoretical and practical activity was experienced subjectively as a "relish for enjoyment" (*HV*,4,139). This implies that he thought that activity was inherently pleasurable. It was pleasurable whether or not the subject paid any attention to the feelings of pleasure he experienced. On the other hand, if the subject were to have a knowledge of his interests, he would have to adopt a contemplative or reflective attitude to the objects that caused him to have pleasurable or painful sensations. Millar's detail labourer was unable to adopt such an attitude. Millar thought that the only idea that gave labourers pleasure was the anticipation of relief from bodily and mental exhaustion and, of course, their wages. Their attentive faculties focused on the one object at work, they were incapable of thinking much beyond the pleasures derived from the satisfaction of his bodily appetites for sleep, food, drink and buying clothes. They were even incapable of reflecting on the pleasures derived from the

company of their peers, drawing "but little improvement from the society of companions" (*HV*,4,146). The "theoretical attitude" that Marx thought was typical of "all hitherto existing materialism" was not, according to Millar, typical of manual workers' subjective perception of sensuous activity. The theoretical attitude that would enable them to acquire knowledge of the utility of cultivating sober and industrious habits, and avoiding crime, had to be brought to them by placing them in "schools and seminaries of education" (*HV*,4,160). The consciousness of the manual worker was, however, clearly the object of the theoretical attitude of a philosopher. This philosopher, Millar, was equipped with a well developed theory of how circumstances were likely to effect the mind of the subject.

The third of Marx's *Theses on Feuerbach* states the following:

"The materialist doctrine concerning the changing of circumstances and upbringing forgets that *circumstances* are changed by men and that it is essential to educate the educator. This doctrine must, therefore, divide society into two parts, one of which is superior to society" [his emphasis].²²

Again, at the level of superficial appearance, the truth of Meek's substantial proposition on the materialist nature of Millar's philosophical history can be affirmed. As I have shown, Millar divided the populations of both pre-commercial and commercial societies into two broad classes: the superior knowledgeable class of individuals exempted from bodily labour, and the inferior ignorant class of individuals engaged in bodily labour. In the dark ages of pre-commercial society, the interests of the superior class led them to use their knowledge to dupe the inferior class into giving them part of their property. In the enlightened age of commercial society, the more theoretically minded of the superior class realised that it was in the public interest that the state provide education for the inferior class.

This placed intellectual workers in an antagonistic relationship to manual workers. There could be no process of reciprocal learning in education process. The intellectual worker could learn nothing from the manual worker because the latter possessed little if any knowledge. The manual worker had no knowledge or skills other than that of the end of a pin and how to sharpen it. The manual worker's conditions of work and their effect on the mind were well known to the intellectual worker. The latter had a theory to explain it. Contemplating its effects would give the intellectual worker no pleasure. According to theory, it would evoke a sympathetic feeling of distress. At best, reflections on this feeling might prompt the spectator to think that it was unjust that generalised commodity production and exchange should make the majority of the

²²Marx, "Theses on Feuerbach III", reprinted in Arthur (ed.) 1970: p121.

population ignorant and stupid. Millar's reflections did not go this far; however, in calling on his class to institute a "liberal plan for the instruction of lower orders", he did appeal to the "humanity and public spirit of the present age". If the eighteenth century subject's experience of feelings of humanity and utilitarian reasoning could introduce measures "for the maintenance of the poor, for the relief of the diseased and infirm, and for the correction of the malefactor" (*HV*,4,161), then they could also introduce public education.

Moreover, as I shall discuss in chapter nine, Millar adopted the explanation Smith gave of betterment and submission. This required that the division of society into superior and inferior parts was a necessary condition for civilisation and morality. The circumstances necessary for betterment required that there be divisions between rich and poor and between the knowledgeable and the ignorant. Poor inferiors had to be able to imagine the pleasures of their rich superiors in order to be motivated to industry and assume the appropriate deferential manners. Ignorant inferiors had to be instructed by knowledgeable superiors that the praise and admiration the wealthy acquired was not necessarily on account of their virtue. Virtue was acquired through the strenuous exercise of the subject's command of inappropriate manifestations of the passions.²³ In both cases, superiors could learn little from their inferiors. The rich learnt little that could give them pleasure from the contemplation of the poor. The knowledgeable learnt little about virtue from the lack of self-command the ignorant had over their passions. The empirical observations that women tended to suffer pain with greater fortitude than men, or that a merchant tended to be less courageous than a savage were not intended to inspire the subject to virtue. They were an application of a theory of the workings of the mind to actual circumstances. Millar's own vision of a more equal society presupposed a continued division of society into superior and inferior parts. Betterment, submission, the fluctuation of property and public education would ensure that there was an equal opportunity for every individual who possessed the appropriate habits, manners and knowledge of interests to move from a position of inferiority to one of superiority.

Marx made few direct references to eighteenth century ideas. One of these is found at the beginning of the *Grundrisse*:

"Smith and Ricardo still stand with both feet on the shoulders of the eighteenth century prophets, in whose imagination this eighteenth century individual - the product on the

²³Craig described Millar's conception of virtue in the following way: "The degree of applause excited by virtue is not dependent solely on the propriety and utility of the action, but also on the difficulty which we know the agent must have overcome, and the mental energy which he has displayed, in reducing his feelings to the level of those of the unconcerned spectator. The passions, in many cases, being slightly affected, a small exertion is sufficient; in other situations, the utmost self-command is indispensable" (*OR*,xxx).

one side of the dissolution of the feudal forms of society, on the other side of the new forces of production developed since the sixteenth century - appears as an ideal, whose existence they project into the past. Not as an historic result but as history's point of departure. As the Natural Individual appropriate to their notion of human nature, not arising historically, but posited by nature. This illusion has been common to each new epoch to this day."²⁴

If Marx intended his followers to examine the relationship between the ideal of the natural individual and the consciousness of real eighteenth century individuals, then it should be possible to appraise the naturalistic materialism of Millar's philosophy of history critically. In which case, Meek may well be proved right in having described Millar's jurisprudential historiography as being materialist in conception. On the other hand, Meek was wrong to state that Millar produced a new way of looking at society that was, by virtue of its conception, necessarily true. By the time Millar was writing *Historical View*, he was reproducing an old way of looking at society. The publication of Millar's book in 1803 marked the end of a classical tradition. The book was the last example of history written by an eighteenth century empiricist philosopher informed by a school of natural jurisprudence stretching back to Hobbes and Grotius. Millar was rediscovered through a peculiar accident of twentieth century history. This was that Millar's historiography appeared to be identical to received sociological models. These are derived from what became an apologetic doctrine of stages of modes of production so artfully promoted throughout the world by friends of the former Soviet Union, their allies and fellow travellers.

²⁴Marx, *Grundrisse*, pp83-84.

Chapter Four:

Sociological Considerations

4.1 The Emergence of a Sociological Approach

The neglect Millar suffered from in the development of Anglo-American intellectual life in the nineteenth and early twentieth centuries was shared by most of his contemporaries excepting Smith and Hume. Nonetheless the establishment of a discipline of academic sociology and the debate over whether sociology could achieve scientific status prompted early twentieth century scholars to suggest that the origins of sociological method lay in the Enlightenment in general and Scottish eighteenth century thought in particular.¹ Moreover, the revival of interest in the latter coincided with attempts by academics who were sympathetic to the former Soviet Union to establish a place for the teaching of a version of Marx within bourgeois universities.

The consensus established amongst orthodox economists was that the foundations of Marx's political economy in a labour theory of value were unscientific. Orthodox economics rejected the doctrine on the basis of the Austrian economist Bohm-Bawerk's criticisms of Marx's *Capital* at the end of the nineteenth century.² There could be no place for Marx in the teaching of an economic science that considered the labour theory of value to be a pre-scientific doctrine.³ A space, however, could be made within sociology departments for a version of Marx. This is the thinker who had some interesting insights into the relationship between society and the individual. Establishing that Marx's insights were similar to Ferguson's or Millar's could assist this project if it could be argued that, not only had twentieth century sociological methods

¹Pascal mentions Huth H. (1907) *Soziale und individualistische Auffassung im 18ten Jahrhundert*, Leipzig, as providing material which shows how Ferguson laid the basis for a modern comparative "sociological method" ("Property & Society", 173, n2). American pioneers of the thesis that the Scots' social theory anticipated sociology are Lehmann W.C. (1930) *Adam Ferguson and the Beginnings of Modern Sociology*, New York, and Bryson G.(1945) *Man and Society: The Scottish Inquiry of the Eighteenth Century*, Princeton, reprint New York, 1968: pp148-172. For a succinct review of the significance sociologists have given to the Scots, see Berry C.J.(1997) *Social Theory of the Scottish Enlightenment*, Edinburgh: pp194-196.

²Bohm-Bawerk E. von. (1896) *Zum Abschluss des Marxischen System*. Sweezy P.M. (ed.) (1949) *Karl Marx and the close of his system*, New York.

³Throughout the nineteenth and twentieth centuries, the teaching of Marx's political economy has taken place in Britain almost exclusively outwith the economics departments of universities. An exception was Maurice Dobb at Cambridge. Dobb, under the influence of Pierro Sraffa, was responsible for the growth of a neo-Ricardian interpretation of Marx. See MacIntyre S. (1980) *A Proletarian Science: Marxism in Britain 1917-1933*, Cambridge: pp.169-171. Neo-Ricardian "Marxism" has taken root in a few economics departments since the Second World War. Meek's contribution to this school was to re-establish the credibility of the labour theory of value of Smith, Ricardo and Marx as a topic of interest to economists.

but also Marx's methods been anticipated almost a hundred years previously by certain obscure Scottish philosophers.

Thus Pascal criticised sociological interpreters of Ferguson for ignoring the "main theme" of Ferguson's social theory. This was that:

"'civil society' owes its form and development to the structure and development of private property, and that the mode of this social development is one of progress through internal contradictions, through the struggle between classes with an antagonistic relationship to property."⁴

Pascal thought that Ferguson, like Marx, had a theory of contradiction and class struggle. If Ferguson were truly so advanced in his social theory, then it would appear that Pascal was correct to suggest that a Marxist philosophy of history and society had come into being before Marx's birth. Moreover if the latter were true (and it were true that Marx was an original sociological theorist), then sociologists had a mistaken or one-sided appreciation of the historical significance of Ferguson to their discipline. Pascal's reading of the introduction to Millar's *The Origins of Ranks* gave additional support to his correction of writers such as W.C. Lehmann who had interpreted the significance of the Scots in terms of their anticipation of modern sociological methods. Pascal stated of Millar's introduction that it is a "succinct statement of historical materialism". This was so because Millar, according to Pascal, isolated economic factors that determined individuals' thinking, behaviour, feelings, choices, class identities, as well as their laws and governments.⁵ Pascal referred the reader to Sombart for his "admiring account" of Millar. Pascal was either unaware or uncritical of the fact that Sombart considered Millar a better sociologist than Engels.⁶

By the time that Lehmann published his book on Millar in 1960, an interpretation had emerged that conceived of Millar and other Scottish thinkers such as Smith, Ferguson and Robertson as founders of a type of sociology which shared more with Marx than any other subsequent sociological theorist. This type of sociology has been described as "materialist", thus making a strong connection between Millar and what was understood to be the Marxist materialist conception of history. The latter was thought of as hinging on a philosophical doctrine of economic determinism. Thus Lehmann made reluctant concessions to Pascal's criticisms. He referred to the "loosely termed", "so-called", "if it should be called that at all" techno-economic determinism of Millar's approach to history and society.⁷

⁴Pascal, "Property & Society", 178. I shall discuss Millar's notion of class in chapter twelve.

⁵Pascal, "Property & Society", 175.

⁶Pascal, "Property & Society", 178. See chapter two for Sombart's remarks.

⁷Lehmann, *Millar*, pp129, 131 & 132.

4.2 Sociology and Social Science

Sociology can be distinguished from social science. To state, for example, that eighteenth century Scots are the founders of modern social science is somewhat different from stating that they are the founders of a particular type of sociology. There is sufficient evidence to show that Millar and Smith were concerned with a scientific approach to society. Moral philosophy, at the time they were writing, included explorations into the explanation of human behaviour in society. Moreover the successes derived from observation and experiment in natural philosophy inspired an exploration of the use of these methods in moral philosophy.

The idea that the project of the Enlightenment was inspired by the philosophical and scientific achievements of Bacon, Locke and Newton is orthodox and well-established.⁸ Millar, following Smith and Hume, adopted an experimental, comparative, inductive or probabilistic method to the study of societies.⁹ Moreover, the emergence of political economy from jurisprudence as a particular branch of the "science of the legislator"¹⁰ reinforces the point that the changing political and economic establishment of bourgeois society in the eighteenth century needed explanations and theories that would explain the development and difference of the new form of market society from previous non-market forms. This was necessary for economic, political and social policy to take shape in the form of legislation.

There is no difficulty, therefore, in showing that one of the most significant contributions that the Enlightenment made to human civilisation is the birth of a recognisably modern form of social science with political economy as its crowning glory.¹¹ However, the sociological readings under consideration make a different claim. This is that the Scots invented or pre-figured a type of sociology that is materialist. This claim does not make sense without a particular reading of the significance of Marx as a sociologist who categorised societies according to schemas or types called "modes of production".

⁸"The [French] *philosophes* themselves saw three Englishmen as the prophets of Enlightenment, and they dedicated their *Encyclopedie* to Bacon, Locke, and Newton." Kramnick I.F. (1995) *The Portable Enlightenment Reader*, Penguin: pix. Millar signposted two of these influences, Bacon and Newton, comparing Montesquieu with the former and Smith with the latter. He therefore acknowledged all four as pioneers in the methods he adopted himself. (HV,2,429).

⁹See chapter eight.

¹⁰Haakonssen (1981,1996) adopts this phrase as a title for the natural jurisprudential interpretation he has furthered. Its origins are in Smith's definition of political economy as "a branch of the science of a statesman or legislator". (WN, I,Intro.1,428).

¹¹See chapter seven.

4.3 Textbook Models

The sociological models I discuss here have been taken from textbook readings of Marx, the most important text of his being the *Preface to the Contribution to the Critique of Political Economy*.¹² This text is usually understood to be an authoritative statement of the philosophical method underpinning the doctrines of historical materialism and economic determinism.¹³ In this text, Marx mentioned four modes of production - the Asiatic, ancient, feudal and modern bourgeois modes of production. The *Preface* mentioned a conflict between "productive forces" and "relations of production" which brought into being social revolution. It also described the economic foundation of society as something which determined the political, juridical, artistic and religious superstructure. Property relations were described by Marx as the legal form in which relations of production take shape.¹⁴

In the first sociological model derived from this text, productive forces are conceived of as pure technique abstracted from social form and the economic organisation of social labour.¹⁵ Smith has been acclaimed as the founder of this model.¹⁶ A favourite additional source of authority for this version is a quote from Marx's *The Poverty of Philosophy*:

"In acquiring new productive forces men change their mode of production; and in changing their mode of production, in changing the way of earning their living, they change all their social relations. The hand-mill gives you society with the feudal lord; the steam-mill, society with the industrial capitalist."¹⁷

This sociological model states that the mode of production is a type of society in which scientific and technical developments determine all other social relations.¹⁸

¹²Marx K. (1859) *Critique*, Dobb M. (ed.) Moscow, 1970: pp19-23.

¹³I have given a different reading of this text in chapter three.

¹⁴Marx, *Critique*, p.21

¹⁵Thus Bilton T., Bonnett K., Jones P., Skinner D., Stanworth M., and Webster A., (eds) (1996) ask students whether "a focus on the production of goods" is the best way to analyse society. *Introductory Sociology*, 3rd edn: p87.

¹⁶According to Rigby S. (1987) Robertson, Smith and Millar, were the founders of this sociological model, not Marx. Rigby calls it "productive force determinism". Rigby cites Meek as his authority. *Marxism and History*, Manchester: pp72-73.

¹⁷Marx K. (1847) *Poverty*, Peking edn, 1978: p103.

¹⁸Marx is not so jejune. He distinguished between economic categories and productive forces (in the form of machinery and a technical division of labour). Thus: "Machinery is no more an economic category than the bullock that drags the plough. Machinery is merely a productive force." (*Poverty*, p128). His discussion presupposed the distinction between the social and technical divisions of labour. Thus the general rule he described: "The less authority presides over the division of labour inside society [social division of labour] the more the division of labour develops inside the workshop [technical division of labour]" (*Poverty*, p130). For the modern technical division of labour in a workshop or factory to become an economic category, Marx thought that the productive process needed to be subsumed within a social division of labour dominated by the value form. The

Within this sociological model, economic activity is understood to be productive activity embodied within the forms of tools, machinery and a technical division of labour. The latter are now thought of as determining all other social relations. The productive process is therefore a technological rather than an economic process.¹⁹

In the second sociological model derived from Marx's *Preface*, productive relations are conceived of as relations between classes. A favourite additional source of authority for this version is a quote from Marx and Engels' *The Manifesto of the Communist Party*:

"The history of all hitherto existing society is the history of class struggles."²⁰

Class relations are characterised by different patterns of ownership of the means of production. Patterns of ownership correspond to different forms of property or legal relations.²¹ Thus if capitalists own the means of production and most workers are wage-workers, then the society has a capitalist mode of production. The corresponding juridical relations will enforce private property in the factories, workshops and machinery, and individual freedoms to buy and sell. If lords and barons own the means of production and most workers are peasants, then the society has a feudal mode of production. The corresponding juridical relations will enforce private property in the land and the bondage of serfdom to the land. If ancient civilians own the means of production and most workers are slaves, then the society has a slave mode of production. The corresponding juridical relations will enforce private property in the ownership of slaves, and political freedoms for the civilians but not for slaves. Finally, if the nation owns the means of production and the majority of the population is working class, the society has a "socialist" mode of production. The corresponding juridical relations will enforce nationalised property relations and restrict or outlaw individual freedoms to buy and sell. Each stage of society or mode of production has its own matching property or legal relations. Societies move from

distinction he made between the technical and social divisions of labour is discussed further in chapter seven.

¹⁹Productive activity and technique would be economic if they generated commodities, value or surplus value. They would be economic if production were geared to a market or they were themselves subsumed within the commodity form. They would be economic categories within these particular social forms. This is argued below and assumed throughout chapter seven.

²⁰Marx, K. & Engels F. (1848) "Manifesto". In Tucker R.C. (ed.) (1978) *The Marx-Engels Reader*, 2nd. edn, London & New York.

²¹Thus Bilton T., Bonnett K., Jones P., Skinner D., Stanworth M., and Webster A. (eds) tell students that capitalists acquire a surplus "purely and simply by virtue of being owners". The model states that class is determined by property rights in the process of production: capitalists have rights, but workers do not. The model is then shown to be mistaken. *Introductory Sociology*: p143.

one mode of production to another "through the struggle between classes with an antagonistic relationship to property."²²

The above models can be used conjointly.²³ Thus at the same time as the class struggle overthrows the property relations of the old mode of production, there is a new development of technique. This is the economic base that determines the superstructural character of the property relations of the new mode of production.

The relationship between these models and Marx's social science is a matter of controversy amongst interpreters. Scott Meikle, for example, has argued that they have little, if any, relationship to Marx's historical method.²⁴ They have persisted as the dominant interpretation of Marx's theory of history because of their codification within Stalinist history textbooks. If Meikle is correct, then these models will disintegrate and disappear as quickly as has former USSR.²⁵ This section, however, reviews the problems of scholarship that have arisen with the notion that Millar is a materialist sociologist of the type committed to one or both of the models outlined above.

4.4 Modes and Stages

Along with Ferguson and Robertson, Pascal argued that Millar elaborated upon foundations laid by Smith for "a new interpretation of society which is undoubtedly materialistic".²⁶ Pascal mentioned three possible criteria for this interpretation. The first was that a materialist interpretation was one in which the evolution of society is described as a "secular process".²⁷ The second is that societies are classified according to "modes of subsistence" - a term derived from Robertson.²⁸ The third is that

²²Pascal, "Property and Society", p178.

²³Rigby pits one model against the other and decides that the second based on "productive relations" is more useful for historians than the first based on "productive forces". *Marxism*: p299.

²⁴In contrast Rigby argues that students will find a discussion of this argument confusing and pointless. He thinks that the way history students have used textbook models reveals more about the truth of Marx's abstractions than an inquiry into the role they played in Marx's own theory. Thus, "Putting Marx to work is rather a better way of assessing his contribution to historiography than the futile labour of attempting to discover what he really meant." *Marxism*: p3.

²⁵Meikle S. (1995) argues that sociological models are interesting because they leave out Marx's theory of value ("Marx and the Stalinist History Textbook." In *Critique* 27, 181-201). Taken as a complete theory, they "can be stated without mentioning surplus, class, or value." 189. Marx's theory of history is "sociological" only in the sense that it aspires to a social science that unites an Aristotelian (and Hegelian) inspired philosophical view with political economy. Sociological models tend to conceive of laws in terms of efficient causation. Marx's conception of law relies on a conception of the normal behaviour of a whole entity "in this case a social formation, its potentialities of development, and the limits of its possibilities of adaptation to change." 187.

²⁶Pascal, "Property & Society", 173.

²⁷Pascal, "Property & Society", 171.

²⁸Or "mode of production". Thus "The form of the group is determined by the mode of production, and he [Ferguson] distinguishes the same four forms of society as Smith." Pascal, "Property & Society", 173.

property is given a determining role in explanations of different forms of government.²⁹

It is the second claim that has had the most influence. The observation is that the Scots periodised social and historical development into four stages of different modes of subsistence based on hunting, pasturage of animals, agriculture and commerce.³⁰ This perception was developed by Ronald Meek and applied to Millar. As mentioned previously, Meek has stated that the four stages are a "master-principle" which Millar applied as a "true philosophy of history".³¹ For Meek it is the evidence of the four stages theory which proves that Millar had a materialist interpretation. Millar was therefore a classical "sociologist" with a theory similar "in its broad outlines" to "Marxist sociology". The truth, according to Meek, was that Millar applied modes of subsistence to history more expertly, more explicitly and more carefully than any other eighteenth century thinker.³² Ever since Meek recommended that scholars pay attention to modes of subsistence in Millar, they have therefore tended to ignore Hume's influence on him. Meek found an "almost studied" absence of such modes in Hume's essays.³³ Meek's evaluation suggested an irreconcilable gap between the theories of the two historians.³⁴

Meek has claimed that the sequence of modes of subsistence he finds in Smith is "the organising principle of considerable power and importance".³⁵ Meek's presentation of Millar's "master-principle" leaves the reader in no doubt that he intends this to refer to the organising principle of the four stages.³⁶ Thus Meek writes:

"We could select almost any part of the first section of his lectures on Government, where the four stages theory appears as the guiding principle throughout; almost any

²⁹"like Smith and Ferguson, he [Marx] considers that the forms of social development are determined by the nature and forms of property." Pascal, "Property & Society", 174 n1. Also "Millar shows how property relationships determine the form of family relationships, sexual morality, and love." Pascal, "Property & Society", 176.

³⁰See chapter eight for Millar's use of these stages and their relationship to different ideas of property.

³¹Meek, *Ignoble Savage*, pp161-162.

³²Meek, *Ignoble Savage*, p162.

³³Meek, *Ignoble Savage*, pp30-31. This may be a reason why some writers make cautious comparisons between Hume's economic approach to history and Adam Smith's and Millar's. The following avoid strong inferences from Hume to Smith and Millar. Stockton C.N. (1976) "Economics and the Mechanism of Historical Progress in Hume's History." In Livingston & King (eds) *Hume: A Re-evaluation*, New York: pp296-320. Danford J.W. (1990) "Hume's History and the Parameters of Economic Development." In Capaldi & Livingston (eds) *Liberty in Hume's History of England*, Dordrecht: pp155-194. In contrast Stein argues that Hume "cleared the way" for a fourth commercial stage. "The Four Stage Theory", pp401-402.

³⁴Paul Bowles upholds Meek's evaluation. See Bowles, "John Millar, the Legislator". Also (1985) "The Origin of Property and the Development of Scottish Historical Science." *Journal of the History of Ideas*, 46. April: 197-209. Hume is not mentioned as an antecedent in either article.

³⁵Meek, *Ignoble Savage*, p120.

³⁶Meek, *Ignoble Savage*, p165.

of the chapters on his 'Origin of Ranks'; a large number of passages in the early chapters of his "Historical View of the English Government"; and almost any of the remarkable dissertations published posthumously as Vol. IV of the third (1803) edition of the *Historical View*".³⁷

4.5 A Weberian Alternative

In contrast to Meek (who emphasised the Scots' attention to empirical accounts of the development of different societies in the literature available to them), Hopfl has argued that the Scots were unconcerned whether or not the actual history of particular societies conformed to supposed historical sequence of the four stages.³⁸ They adopted a model of history that relied on a Weberian ideal type of society. This had a typical starting point - the rude and savage condition; a typical terminus - the polished and civilised condition; and a typical course of advancement from hunting, through pasturage and agriculture, to commerce.³⁹

Millar's four stages, therefore, were not intended to describe society in its actual development but the kind of progress that would take place as a result of the unintended consequences of individuals' typical conduct in the ideal circumstances of an imagined typical nation or society. This conduct was regulated by a narrow range of motives such as Hume's "ambition, avarice, self-love, vanity, friendship, generosity, and public spirit".⁴⁰

If Hopfl is correct about the use the Scots make of stages, then the question arises whether the materialist sociological model to which they are assimilated also relies on ideal types of society. They would be ideal types of society if no actual societies conformed to the models proposed but the models helped to classify certain types of individual goal-directed ends. If it is not possible to read off the actual forms of juridical relations and government from the type of productive activity that dominates a particular society, then the sociological utility of the model tends to diminish. If actuality demonstrates, for instance, that wage-labour and private property co-exist with absolute monarchies and totalitarian states, then a model that specifies that representative democracy is the ideal type of government for a capitalist society may appear false.

For the moment however it is enough to remark that for Pascal and Meek, a materialist sociology is one that causally connects the material-productive process with other forms of activity. Stages are types of society organised either around different

³⁷Meek, *Ignoble Savage*, pp165-166.

³⁸Hopfl H.M. (1978) "From Savage to Scotsman: Conjectural History in the Scottish Enlightenment." *Journal of British Studies* 17: 19-40.

³⁹Hopfl, "Conjectural History", 25.

⁴⁰Hopfl, "Conjectural History", 34. I shall discuss Hopfl's interpretation in chapters eight and nine.

aspects of the material-technical process or around particular types of property relations. Within one model, the level of the development of technique is an indicator of the level of the development of society as a whole. Within the other, the differing types of property relations are an indicator of the state of the class struggle. In both models, the way in which the surplus is pumped out of unfree labour and the particular social form of that productive activity takes drop out of view.

4.6 Textbook Marxism Assessed

This materialist interpretation was furthered in Skinner's early work.⁴¹ Skinner applied a sociological model to Smith and suggested that the "exchange economy" or "agrarian capitalism" corresponded to Smith's fourth stage of commerce and manufactures. Skinner conceived of the Scots' stages as stages in the development of the productive forces. Quantitative developments in the productive forces (understood as an increasing number of people being involved in manufacturing and trade) caused a qualitative change in the nature of the relations of dependence between villains and their feudal masters. Skinner thought of feudalism in terms of Smith's third agricultural stage and capitalism as a fourth commercial stage.

Salter is the latest scholar to defend the materialist interpretation. However, his version retains very little that resembles the textbook sociological models derived from simple readings of Marx. What is left of the interpretation is a definition of "materialism" as a doctrine that states: "for certain actions, laws, policies and political and legal conditions to be possible, certain material conditions have to be present and that these material conditions, while usually the result of human actions are not the result of design, of purposeful human action."⁴² If the word "material" is left out of this definition, then the doctrine ceases to be controversial. It merely re-states Pascal's insight that the Scots' philosophy of history is conceived of in secular or naturalistic terms. It is consistent with Hopfl's descriptions of the Scots as wanting to eliminate from explanations "everything except ordinary ('natural') interests and motives, requiring no superhuman (or, indeed, above-average) largeness of views, genius, or nobility of purpose."⁴³ It is also consistent with the opinion that the Scots' observations on society include a notion of social outcomes as the consequence of unintended actions.⁴⁴

Thus Pascal's and Meek's original thesis that Smith and Millar are founders of a particular type of sociology conforming to materialist sociological models has

⁴¹Skinner, "Economics and History".

⁴²Salter, "Adam Smith", 223.

⁴³Hopfl, "Conjectural History", 31.

⁴⁴Forbes, "Scientific Whiggism". Also Schneider L. (1972). "Tension in the Thought of John Millar." *Studies in Burke and his Time* 13: 2083-2098.

gradually dropped from view. Salter is forced to admit both that it is a mistake to redefine "Smith's categories in terms of Marxian ones", and that the four stages referred to as "modes of subsistence" are not concepts that correspond to "what Marx meant by mode of production".⁴⁵ On the other hand, as a result of a rethinking of the question of the relationship between Smith and Marx, there has been a positive outcome. This is that Salter brings back into view the relationship between political economy and social science when he focuses on the categories of surplus and dependence in the two thinkers.

Skinner mentions the surplus when referring to Smith's discussion of changes in property rights in the feudal period.⁴⁶ Salter recognises correctly that Marx gave central place "to the way in which the economic surplus was generated from the labourer."⁴⁷ The question then arises of whether Smith and Millar have a concept of an economic surplus and, if so, how this is conceived. Salter states that the difference between Smith and Marx on the role that the surplus played in their different accounts of transition is that Smith, unlike Marx, drew attention to the way in which the surplus was consumed rather than the way it was produced. He states that, according to Smith, the landlord shared his surplus with his tenants and that this was the source of his authority.⁴⁸

The category of economic dependence surfaces in Salter's criticisms of Winch and Haakonssen. Salter states that the latter are reluctant to recognise that for Smith "wealth and political power hinges, at least partly, on the economic dependence of the poor on the rich."⁴⁹ This dependence is created by the feudal landlord sharing his surplus with his tenants. Salter, therefore, suggests that Smith has a concept of dependence that is logically or causally connected to the notion of a surplus and that both surplus and dependence are economic categories.⁵⁰

4.7 The Problem of Economic Determinism

Part of the problem with the models of materialist sociology described above, is that they have also been described as "economic determinist".

Meek writes of:

⁴⁵Salter, "Adam Smith", 228.

⁴⁶Skinner, "Contribution?", "the great proprietor has still nothing on which to expend his surpluses other than on the maintenance of dependants." p94.

⁴⁷Salter, "Adam Smith", 240.

⁴⁸Salter, "Adam Smith", 233 & 241. Millar's concept of surplus is discussed in chapters six and seven.

⁴⁹Salter, "Adam Smith", 235.

⁵⁰Millar's concept of dependence is discussed in chapter eleven.

"the ubiquity in Smith's work of the modern notion of a causal link between economic basis and social superstructure"⁵¹

He continues:

"Those of us who have noticed the importance of these elements in Smith's work, but have hesitated about committing ourselves to a term as extreme as economic determinism, need hesitate no longer"⁵²

The notion that materialist sociology is the same doctrine as economic determinism is a consequence of textbook readings of Marx. Following Pascal/Meek, "materialism" and "economic determinism" have been understood as two labels describing the same sociological models. In these models, economic or material needs are understood as subsistence needs for food, shelter and clothing. These determine the ideas that people have. Ignatieff, for example, recommends "materialism" as the correct word to describe Millar's theory because it makes "the satisfaction of basic human needs, rather than conscious intention, the motor of historical change". It makes "laws, manners and rank systems as dependent upon stages of subsistence".⁵³ In this view, Millar explained the progress of society in terms of stages in the means by which individuals satisfy their basic subsistence or "economic" needs.

Haakonssen also follows Pascal, Meek and Skinner uncritically. He does not attempt to make any distinction between "economic" and "materialist": the two terms are interchangeable and the proposition that an economic interpretation of history is a materialist one is tautologous. Thus he can refer to those scholars who take Millar's achievement to be "a materialist, or economic interpretation of history" as describing an identical theory with two different possible names. He notes that this interpretation suffers from vagueness.⁵⁴ However, this vagueness does not prevent him from trying to make sense of it in order to criticise it. Haakonssen decides that it is both a theory of determining factors, and also a theory of economic motivation.

Economic determinism has therefore been taken to mean, firstly a doctrine that reduces ideas, institutions and individual subjectivity to economic activity; secondly, a doctrine that states that individuals are motivated exclusively or predominately by subsistence need or monetary gain; and thirdly, a doctrine based on the hypostatized language of causal factors.

⁵¹Meek, "The Great Whole Man." Quoted in Skinner, "Contribution?", p86.

⁵²Meek, "The Great Whole Man."

⁵³Ignatieff, "Millar", p318.

⁵⁴Haakonssen, *Legislator*, p182.

4.8 Economic Determinism and Epiphenomena

The first notion is that economic determinism entails a reduction of subjectivity in general and intellectual activity in particular to economic activity. One version of this idea has come to be known as epiphenomenalism. According to this doctrine, mental events are understood exclusively as the effects of physical changes in the body. When consciousness is understood as a phenomenal process caused by physical activity in the brain, then the experience of the will as a subjectively experienced mental activity appears to be an illusion. Mental activity is reduced to what appears to be the activity of the brain. It has no effect on the activity of the brain. Thought of in this way, the notion of free will can be disposed of as a metaphysical error with superstitious connotations. The complexity of mental activity is reduced to a succession of simple atomistic internal events. These are nothing more or less than events in the brain. These events can be further reduced to the behaviour of molecular or atomic particles. Epiphenomenalism is a sub-species of what Meikle has called "reductive materialism".⁵⁵

By analogy with this theory, a crude interpretation of Marx's statement of method in the *Preface* has come into being.⁵⁶ The doctrine that has come to be known as economic determinism looks on social consciousness as exclusively the effect of productive activity. This is usually narrowly conceived of as pecuniary activity directed to the satisfaction of subsistence needs for food, clothing and shelter. Just as mental activity has no effect on the activity of the brain, so, by analogy, it follows that legal, political, religious, artistic or philosophical activity has no effect on economic activity. The complexity of social consciousness is reduced to a succession of economic events of production, exchange and consumption. These events can be further reduced to the desires of atomistic individuals motivated by the satisfaction of pleasures and avoidance of pains. If the possession of money triggers pleasurable sensations and its absence is accompanied by pain or distress, then all forms of social consciousness can be reduced to the economic motives of individuals.

There is therefore a relationship between the differing notions of the doctrine of economic determinism as a reduction of ideas to economic activity and of motives to monetary gain. This relationship is clear to a reader familiar with positivist models of scientific explanation. Positivist accounts of science oblige the inquirer to commit

⁵⁵Meikle S. (1985) *Essentialism in the Thought of Karl Marx*, London: p154.

⁵⁶This pre-dates the textbook models discussed above. MacIntyre states that it was an "established Fabian criticism" of Marxism in the 1920s. It was used by Ramsey MacDonald, Harold Laski, Bertrand Russell, Graham Wallas, and Cyril Joad. *Proletarian Science*, pp115-116. In the *Preface*, Marx stated that changes in the economic foundation of society lead to changes in what he called the "superstructure". The metaphor of a society as a building with a foundation below ground and a structure above ground was used by Harrington, Millar (*III*, 1, 127) and Marx. See discussion in chapter three.

themselves to various metaphysical or ontological assumptions. These include a theory of knowledge that prioritises sensory impressions or sense data. The latter are the foundations of all knowledge. A crude positivist account of the relationship between economic activity and other forms of activity might start with impressions of pleasure and pain, then move to basic desires and needs for food, shelter and clothing. These give pleasure when satisfied and pain when denied. The next move is to suppose that individuals are motivated to engage in the exchange of money for commodities as a means to satisfy pleasures and relieve pains. Property, law and government then become necessary to encourage exchange and prevent the distress caused by any interference with, interruption or breakdown of the means to the satisfaction of pleasures.

In this account, ideas of property, law and government are reduced to impressions of pleasure and pain, and the reasons for such social institutions are reduced to the mechanistic operation of a total aggregate of individuals' economic motives. The positivism evident in this account is to be found in the attempt to give explanations in terms of the interaction of atomistic entities: social institutions in terms of individuals' motives and the ideas of these institutions in terms of sensory impressions of pleasure and pain.

Recently Marxist philosophers have challenged positivist interpretations of Marx in an attempt to re-establish the classical foundations of Marx's essentialist and dialectical method of explanation.⁵⁷ Some scholars have also made efforts to show that this sort of account has little relationship to Smith's thinking on moral philosophy, jurisprudence and political economy.

Thus both Winch and Hopfl reject a description of the Scots' philosophical history in terms of a "base/superstructure" paradigm because consciousness and political and legal institutions are treated as "epiphenomenal".⁵⁸ This rejection is important for three reasons. The first is that the crude positivist understanding of "economic determinism" has been internalised into many scholars' readings of Marx (or in Marxian-sounding language when applied to the Scots).

The second is that they want to emphasise the independence of the political and juridical spheres from economic activity in the Scots' writings. Thus the Scots do not

⁵⁷Meikle S. *Essentialism*. See also Meikle S. (1986), "Making Nonsense of Marx." *Inquiry* 29: 29-43, and Meikle S. (1991) "History of philosophy: the metaphysics of substance in Marx." In Carver T. (ed.) *The Cambridge Companion to Marx*, Cambridge: pp296-319. Also Meszaros I. *The Nature of Historical Determination* unpub. paper. n.d. 22 pages.

⁵⁸"To the latter ['ideational' and 'political' agencies], 'economic determinism' allots only a derivative, secondary or merely epiphenomenal status." Hopfl, "Conjectural History", 33. See also: "Political and legal institutions are treated as epiphenomenal to underlying economic forces." p.258 of Winch D. (1983) "Adam Smith's 'enduring particular result'." In Hont & Ignatieff (eds) pp.253-269. The point is further repeated in Winch D. (1978) *Adam Smith's Politics: an Essay in Historiographic Revision*. (Cambridge) p.27.

"minimise the significance of political as opposed to economic circumstances . . . still less, to allot to economic circumstances an automatic causal priority."⁵⁹ And: "No Scottish philosopher was prepared to assert anything comparable to the view that the character of the political institutions of a society is merely derivative from its economic arrangements."⁶⁰

The third is that they want to show the utility the Scots' philosophical history had to the contemporary legislator or policy maker when attempting to "remove injustices and adapt institutions to changing circumstance."⁶¹

Concomitantly, scholars have been keen to show that, although the Scots give explanations of individuals' social motivation, these explanations can not be easily confined to simple internal promptings for the satisfaction of subsistence need or monetary gain (what is thought of as an economic motive). Thus Hopfl states that the Scots explained changes in customs and manners by reference to a variety of different motives. Thus as, mentioned above, he quotes Hume's list of "ambition, avarice, self-love, vanity, friendship, generosity, public spirit" (*EHU*, 65,83). Hopfl states that "no motive or interest" (such as the passion of "avarice" - the closest in meaning to "economic motive") had "an automatic priority over the others."⁶²

Winch's project is to refute what he identifies as an influential story of Smith's role within the history of ideas. This is that Smith is "an upholder of a system of natural liberty within which individuals possess certain natural rights and pursue selfish ends of an economic character."⁶³ That Smith might be an economic determinist of a Marxian type is a small part of a wider story that situates Smith in a line of evolution from Locke to Marx. Marxian interpretations of Smith are a divergent variant of what he calls the "liberal capitalist perspective". This relies on the notion that the classical thinkers of the bourgeoisie have a notion of the individual as economically motivated. Winch's book sides with Pocock's characterisation of the Scots as civic moralists as much concerned with the market's corruption of the citizen's virtue, as with its extensions of the individual's liberty and opportunities to acquire property.⁶⁴ Thus:

"Smith does not make use of the construct known as 'economic man'. Self-interest is not directed solely by pecuniary motives towards economic ends: honour, vanity,

⁵⁹Hopfl, "Conjectural History", 35.

⁶⁰Hopfl, "Conjectural History", 36.

⁶¹Winch, "particular result", p258.

⁶²Hopfl, "Conjectural History", 35.

⁶³Winch, *Smith's Politics*, p13.

⁶⁴Winch, *Smith's Politics*, Winch records his debt to Pocock (and Forbes) in his (1996) *Riches and Poverty: An intellectual history of political economy in Britain: 1750-1834*, Cambridge: pp17-18.

social esteem, love of ease, and love of domination figure alongside the more usual considerations of commercial gain as motives in economic as well as other pursuits."⁶⁵

Winch's denial that Smith has a notion of man as an economic animal is a corrective to those economists who might want to make Smith conform to a model of human behaviour that ignores moral or political motives. However it is less convincing as a corrective of C. B. Macpherson's thesis. This is that there are certain assumptions that unite both classical bourgeois political and economic thinkers of the seventeenth and eighteenth centuries and the later conception of a liberal-democratic society.⁶⁶ Winch's correctives depend upon exposing the crude conflation of the concept of self-interest with "pecuniary motive" or monetary gain. Although this may or may not be a mistake made by nineteenth century economists, it is not one that Macpherson, or for that matter Marx, appear to make. The Marxian insight is that the notion of private interest is socially determined rather than an eternal natural attribute. It therefore presupposes a society in which commodity production and exchange is in the process of becoming generalised to all forms of activity. This insight does not entail reducing the category of self-interest to a "pecuniary motive". Rather it suggests that there are limits to theories that make the self-interested subject the key theoretical abstraction for the scientific understanding of society.

The Marxian insight does not therefore contradict Winch's remarks that despite the seventeenth and eighteenth century concept of interest often connoting a pecuniary interest, Smith's employment of the term was intended to cover "men's aspirations or ambitions in general".⁶⁷ Smith's notion was no doubt much richer than that of his nineteenth and twentieth century followers. If Smith's notion of self-interest included the satisfaction gained from the esteem and praise of others - whether morally deserved or not - and if, (once the martial virtues of barbarism began to lose their influence), economic activity became the main path to the realisation of this goal, then the subjective end can happily differ from the objective means of achieving the end. I argue throughout this thesis that Millar follows Smith in this respect.⁶⁸

Although Haakonssen makes the connection between economic determinism and economic motives more explicitly than Winch, his argument uses a similar example. His notion of an economic motive is broader than monetary gain and includes "the procurement of the necessities for subsistence."⁶⁹ Haakonssen challenges Meek's statement that the Scots think that "the way in which people get their living is

⁶⁵Winch, *Smith's Politics*, p167.

⁶⁶Macpherson, *Possessive Individualism*.

⁶⁷Winch, *Smith's Politics*, p168.

⁶⁸See chapters eight, nine and ten.

⁶⁹Haakonssen, *Legislator*, p183.

conceived to determine the main lines along which they think and behave."⁷⁰ He argues that Smith denies that subsistence needs motivate people, rather it is taste and vanity. For Smith it is aesthetic rather than economic needs that motivate people. The passage he quotes is from Smith's *Theory of Moral Sentiments*. He quotes Smith on betterment: "it is the vanity, not the ease, or the pleasure, which interests us." (*TMS*, I.iii.2, I, 50). Haakonssen reads "economic needs" to mean "subsistence needs". He therefore thinks he can refute the claim that Smith has an economic interpretation of history. He writes:

"It is not economic needs which motivate men to make the world go round. It is rather an aestheticized version of the taste and delicacy which raised men above the rest of the animal creation".⁷¹

Haakonssen also argues that Smith has no notion of determinism in the sense discussed above as a doctrine opposed to free will.

4.9 One Factor or Many?

The question arises whether these scholars have been tilting at windmills with their criticisms of the attribution of the doctrine of economic determinism to the Scots' philosophical history. Most scholars are happy to admit that, for Millar, economic activity has some bearing upon their explanation of changes in society.⁷² But they have yet to give a coherent account of how Millar conceives of economic activity and the role it plays in explaining changes in ideas, habits, laws and governments. If the thesis were presented in a textbook fashion with the apologetic intent of establishing a space for academics sympathetic to the former Soviet Union in the British establishment, then it would be no surprise that the arguments made against it should also appear to be disjointed and based on long-standing prejudices against and positivist misconceptions over the nature of Marx's historical theory.

Pascal's and Meek's original thesis used a cluster of words such as "basic economic factors", "economic base and superstructure", and "mode of production". I have indicated above how these are essential to the type of materialist sociology thought of as Marxist. The jargon, however, also included examples of the non-Marxian hypostatized language of "factors". There is a parallel use of "factors" in orthodox economics.⁷³

⁷⁰Meek, "Contribution", 40. Quoted in Haakonssen, *Legislator*, p181.

⁷¹Haakonssen, *Legislator*, p181.

⁷²Thus: "In Millar...everything is explained in terms of the progress of society, and the economic interpretation is basic." Forbes, (1954) "Scientific Whiggism", 663-664.

⁷³Just as in economics, capital, labour and land become hypostatized factors of production that are causally connected within a model that can operate independently of social relations, so the

Thus Pascal, quoting Millar's recommendation to study circumstances such as "the fertility or barrenness of the soil; the nature of productions; the nature of the labour required; the size of population; the proficiency in arts; the advantages accruing from mutual transactions" in order to understand the causes of the differing laws and governments in the world (*OR*,2), commented that these circumstances constitute economic factors which produce habits, attitudes, and forms of behaviour. Meek reiterated Pascal in the statement that Millar's theory assumes "basic economic factors" which influence "power relations", through the mediation of "induced changes in property relations".⁷⁴

Skinner favours a multifactoral theory which allows non-economic factors a role. He concluded his assessment of Meek's contribution by stating that, although Smith "gave due weight to the importance of economic factors", he also took into consideration "quirks of character, physical elements and pure accident".⁷⁵

In the absence of specifying exactly what they understood by Marx's theory of history, Pascal, Meek and Skinner stated that Smith and Millar conformed to it by making the economic factor the sole determining condition for the actions of individuals. This has allowed the imagination of later scholars to understand the economic factor both as a hypostatized entity that restricts individual free will, and as an economic motive for subsistence satisfaction or pecuniary gain. This is the substance of Haakonssen's and Winch's criticisms.

Haakonssen, following Skinner, interprets Smith's social and historical theory as conforming to a multifactoral theory. He links factors to motivation and appeals to consensus scholarship to affirm this viewpoint:

"everyone agrees that, according to Smith, economic factors can only be socially determining through their influence on individuals"⁷⁶

As a multi-factoralist, Haakonssen wants to include, amongst other factors, religious, legal, political, moral and chance factors as socially determining. His list of factors also includes the individual factor. The economic was just one factor or motive amongst many. He thereby characterises Millar and Smith as "methodological individualists" who recognised that there are a "multiplicity of elements at play".⁷⁷

"economic" becomes causally connected to other social factors such as the "religious", the "political" and the "juridical" etc. within a sociological model that can operate independently of social relations. For a critique of the hypostatized concept of factors, see Plekhanov G. V. (1897) "On the Materialist Understanding of History" in *Selected Philosophical Works* vol. 2. Moscow, 1976: pp222-250.

⁷⁴Meek, "Contribution", p42.

⁷⁵Skinner, "Contribution?", p102.

⁷⁶Haakonssen, *Legislator*, p182.

⁷⁷Haakonssen, *Legislator*, p182.

Along, therefore, with the textbook models discussed above, economic determinism has also come to be understood as a sociological doctrine that states that an economic factor has the sole determining influence on political and other institutions. Determinism (as opposed to free will) had become, for Haakonssen, the central issue at stake. Haakonssen wanted to free Smith from the suggestion of the notion of a determinism that denies the possibility of free will. By emphasising the role of accident in Smith's historiography, he unwittingly suggested that individual freedom is to be found in chance events. Haakonssen therefore presented Smith as arguing that all factors have some determining influence. There are "hard" determining factors, "like the absence of sea transport for a country", and "soft" ones "like an individual's decisions to act." And there are "many other causal influences besides motives".⁷⁸ The suggestion of an infinite number of subjective individual motives and the casual use of the term "factors" is, I would suggest, neither helpful nor illuminating.

Concluding his discussion of Smith's historical methodology he writes:

"If we have to choose between the view that "the economic" is a necessary and sufficient condition for historical change, and the view that it is merely a necessary condition, we can safely say that the former was not Smith's view. But the latter is obviously true in the sense that certain broad generalisations of an economic kind are necessary for certain broad, general kinds of social and political organisation".⁷⁹

Thus, according to Haakonssen, either (1) Smith thought that it is impossible to conceive of historical change that is not also economic change, but that it is possible to conceive of economic changes that are not historical changes; or (2) Smith thought that it is possible to conceive of historical change that is not economic change, but impossible to conceive of economic changes that are not historical. Haakonssen's meaning is unclear. If he intends (1), then it is difficult to imagine what a non-historical economic change might be. If he intends (2), and he also wants to prove that Smith's historical method is qualitatively different from Marx's, he brings the two thinkers into a close alliance. Marx would have agreed with (2).

4.10 Opposing Economic to Juridical

What is interesting about Haakonssen's discussion is that, taking a lead from Pascal, Meek and Skinner, he did not think it necessary to define or discuss the category or meaning of "economic". Other than references to the notion of "subsistence" and "mode of subsistence" that have peppered the literature on the four

⁷⁸Haakonssen, *Legislator*, pp186-187.

⁷⁹Haakonssen, *Legislator*, p.188.

stages, Haakonssen did not discuss what it was that might be distinctively "economic" in Smith's conception of historical change. We are therefore left in the dark concerning the kind of "broad generalisations" Haakonssen considers to be "economic" and how they can in any meaningful way be said to be "necessary".

Haakonssen has no sympathy for the economic interpretation of Millar, because the latter has had no place for "the presence of a clear idea of natural law and rights."⁸⁰ Sociological accounts ignore the "normative discipline of natural jurisprudence" that he has given so much attention to in his book on Smith and elsewhere. Yet on Millar, he states:

"As in Smith the economic elements dominate and are necessary for any social change, but they are hardly ever alone or sufficient".⁸¹

However, rather than attempting to grapple with the necessary relationship between economic elements and juridical change, he is content to remark that it is difficult to make any sense of the economic or materialist interpretation. He quotes Millar on the ultimate cause of the French Revolution being the progress of knowledge, science and philosophy, and, appealing to the well-informed reader either wryly or in puzzlement, comments that Millar is, indeed, a "strange historical materialist."⁸²

In conclusion, I have suggested that much of the confusion caused by describing Smith and Millar as economic determinists is derived from textbook readings of Marx, internalised by students without much attention to the philosophical content of Marx's critical theory. There is a body of orthodox writings demonstrating that Marx does not reduce ideas to epiphenomena flitting out of economic activity - floating like soap bubbles on the surface of a lake.⁸³ He does not reduce individual motivation to a desire for subsistence or monetary gain. He does not deny free will. If these doctrines are essential to the doctrine of economic determinism, they have no bearing on Marx's historical theory. That these ideas have come to be associated with classical Marxism therefore requires a social, historical and intellectual explanation that would go beyond the scope of this dissertation.

As Hopfl, Winch and Haakonssen have shown, economic determinism, so conceived, has no application to Millar and Smith. What has been lost, however, in this negative characterisation is the relationship that Millar thought existed between economic activity, ideas, and juridical and political institutions. Scholars agree that

⁸⁰Haakonssen, "Millar", 65 & *Natural Law*, p178.

⁸¹Haakonssen, "Millar", 65 & *Natural Law*, p178.

⁸²Haakonssen, "Millar", 65 & *Natural Law*, p178.

⁸³Labriola, *Essays*, p126.

there is some such relationship. If they were to follow Macpherson in conceiving property as an economic category then it would be easy to show that, like other thinkers before him, Millar thought that there was a causal relationship between economic activity and the political constitution. Millar states unequivocally:

"The distribution of property among any people is the principal circumstance that contributes . . . to determine the form of their political constitution." (*HV*, 1,127).

This maxim is found in the works of James Harrington and is, arguably, as ancient as Aristotle.⁸⁴ The evidence of this quote alone would justify describing Millar as a "property determinist".⁸⁵ I discuss what it could have meant to Millar in chapter eleven.

⁸⁴According to James Madison, fourth President of the United States and founding father of the American Constitution, this maxim was as "old as political science itself". In essay Number Ten of *The Federalist*, Madison attributed the maxim that property is "the true basis and measure of power" to Aristotle, Bacon, Raleigh and Harrington. Quoted in Beard C.A. (1957) *The Economic Basis of Politics and Related Writings*, New York: p38.

⁸⁵The assumption that property is an economic rather than a juridical category, led Beard to claim Madison for his own theory of politics. Madison wrote: "From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results." Beard comments: "This inexorable economic fact is the basis of political fact." *Economic Basis*, p35. Lehmann remarks that Beard thought Madison was the "most systematic exponent of 'economic determinism' after Harrington." *Millar*, p154.

Part Three:

Economic Aspects

Chapter Five:

Economic Activity

As I noted in the previous chapter, the notion of "economic activity" is taken for granted in much of the recent work on Millar and Smith. It has been, on the one hand, thought of as productive activity and, on the other, as the satisfaction of individuals' requirements for subsistence. These are analytically different categories, although genetically related. For example, from the perspective of immediate subjective experience (presupposing the abstraction of market or bureaucratically induced scarcities), it appears that, if individuals are to gain a means of subsistence, their working activity must be productive of value or of use-value.

What follows is therefore an attempt to establish the content of the category of "economic". This is necessary in order to discuss whether or not Millar had any understanding of it, and, if he did, the category's relationship to his jurisprudence and philosophical history. I have based the following investigation on a critique of two opposing understandings of the notion of "economic".

The first is a typical twentieth century liberal understanding. This is theorised by Ludwig von Mises in his seminal critique of socialism. The second is a typical twentieth century Marxian understanding. This is theorised by C. B. Macpherson. The outcome of this critique resolves itself into a statement of my own understanding of the classical Marxist notion of the category. This is that economic activity is the form that productive activity takes when social relations are commodified. The aim of this chapter is to clarify the specific concept of "economic". This is necessary to assess whether or not the notion can be found in Millar's writings and what determining role, if any, it has in his account of history. The following discussion therefore also makes reference to the use of the notion of economic activity in the literature on Smith and Millar, especially Haakonssen's in his book on Smith's jurisprudence.

5.1 Von Mises and Monetary Calculation

Von Mises understands economic activity as rational activity and rational activity as activity motivated by the valuation of ends. The latter are reducible to pleasure or satisfaction understood broadly as subjective desire. Thus :

"The sphere of economic activity is coterminous with the sphere of rational action. It consists firstly in valuation of *ends*, and then in the valuation of the means to these ends. All economic activity depends, therefore, upon the existence of ends."¹

¹ Von Mises L. (1951) *Socialism*, Yale: p125.

The valuation of ends takes place in the mind of the individual. It is subjective and therefore unobservable. The means to the satisfaction of these ends, on the other hand, can be observed. They are observed in the calculations of value that individuals make with money. The essence of economic activity is therefore "the carrying out of acts of exchange."² The essence of rational activity is the money calculations that individuals make in order to get what they want out of life. Because von Mises regards acts of exchange as unthinkable without the calculation of the amounts of money involved, then economic and rational activity are one and the same thing.³

Nonetheless he is prepared to concede that there is a justification for separating "purely economic" activity from all other forms of rational economic activity. "Purely economic" activity is "nothing but the sphere in which money calculation is possible."⁴ It follows that money-calculating activity through exchange is also the essence of purely rational activity.

Finally, economic activity as money-calculating activity is the activity of individuals. Historically individuals recognised that they were naturally unequal. As a result they decided to co-operate in order to satisfy their subjective desires. On this basis they got the idea of the division of labour.⁵ The idea of the division of labour became the foundation of the idea of society. Society grew "out of self-sufficient individuals."⁶ Society is the product of the "thought and will" of individuals who choose to co-operate to achieve their own satisfactory ends.⁷

The idea of the division of labour and society have no objective existence outside the subjective intentions and desires and ends of individuals. Society's "being lies within man, not in the outer world. It is projected from within outwards."⁸

As I have argued above, the problem with Smith and Millar scholarship so far is that individuals' economic motives have been associated with sociological textbook versions of Marx's materialist understanding of history. Haakonssen's discussion of Smith's view of society and history is a good example of this association. Haakonssen

²Von Mises, *Socialism*, p118.

³This identity of "economic" and "rational" is necessary if von Mises is to argue successfully that socialism is an irrational idea. Thus "Socialism is the renunciation of rational economy." *Socialism*, p122.

⁴Von Mises, *Socialism*, p125.

⁵Von Mises, *Socialism*, p293.

⁶Von Mises, *Socialism*, p291.

⁷"That society is possible at all is due to the fact that the will of one person and the will of another find themselves linked in a joint endeavour. Community of work springs from community of will. Because I can get what I want only if my fellow citizen gets what he wants, his will and action become the means by which I can attain my own end. Because my willing necessarily includes his willing, my intention cannot be to frustrate his will. On this fundamental fact all social life is built up." *Socialism*, p298.

⁸Von Mises, *Socialism*, p291.

defines an economic motive as one that aims to satisfy a subsistence need.⁹ A subsistence need is also a material need in the sense that an individual can not survive without the satisfaction of this need (e.g. for food, shelter and clothing). From this starting point he then argues that Smith understood human motivation in non-economic terms. Haakonssen's account of Smith entails that human motivation is the satisfaction of a subjective desire of individuals with a foundation in human nature. The emphasis on the subjective desires of individuals is so far consistent with von Mises' thinking. But Haakonssen then argues that Smith thought that the desire for social recognition or approval is a more important motive to action than the desire for material survival. However, because Haakonssen is arguing against the textbook materialist sociologist, he does not discuss whether Smith thought that either the ends of subsistence need or social approval are best satisfied through the means of acts of exchange and the calculation of money. If Smith did not think that the satisfaction of interested passions were best realised through the means of monetary calculation, then it could be argued that he did not have a concept of an economic motive similar in meaning to von Mises'.

Von Mises' understanding of economic activity as individual motivation involving money calculations is evident in Millar's writings. These exist but they are few. For example, Millar refers to a "pecuniary interest" (*HV*, 4, 227 & 258). According to von Mises, this would be evidence of Millar's understanding of individuals' economic motives. Haakonssen's point, however, is that the eighteenth century concept of self-interest is broader than a "pecuniary" interest (or an interest in satisfying basic subsistence needs by non-pecuniary means). Vanity is one such self-interested passion amongst many others.¹⁰ Because the desire for the esteem of others does not logically entail the desire for food, clothing or money, Haakonssen argues it is therefore not an economic motive. However, if it were the case that Smith and Millar thought that the usual or most natural means by which individuals could realise their interest in escaping from scarcities of food, clothing necessary for survival (or scarcities of the respectful attention of others necessary for a sense of their own esteem) was within the sphere of money calculating activity, then Smith and Millar would be, according to von Mises, thinking of individuals as both economically and rationally motivated.¹¹

Von Mises, unlike his classical liberal forerunners, does not make explicit the assumption that exchange is necessary in a world of natural and eternal scarcity. For von Mises, therefore, economic activity is the activity of individuals involved in

⁹Haakonssen, *Legislator*, p183.

¹⁰See chapter nine.

¹¹Ignatieff has come close to understanding that economic activity as exchange has an important role to play in Millar's philosophical history. He comments that Millar defines "commercial society" by "the generalised principle of exchange, permeating all social relations of authority in the household, in the economy and in the polity . . . based on contract rather than status relations." *Millar*, p325.

everyday exchange. This entails (1) the exchange of commodities with commodities (which von Mises appears to ignore unless, of course he accepts that money itself is a commodity); (2) the exchange of commodities for money, revenue or capital; and (3) of the exchange of capital, revenue and money for commodities. Put differently, economic activity is the activity of buying or selling - of purchase and sale. There are many references to this simple notion of economic activity in Millar's work.¹²

5.2 Macpherson and Production

Macpherson is another thinker who has attempted to give some understanding of what it means to say that an idea or assumption is "economic". Macpherson attempts to provide a sketch of what a Marxian or Marxist theory of the history of ideas might look like.¹³ He also gives a clear indication of one of the goals of good political theory: the explanation of the subordination of the many to the few. Millar shares this goal with Macpherson.

5.2.1 The Goals of Political Theory

Macpherson describes political theory in these terms:

"Political theory is about relations of dependence and control between people"¹⁴

This definition of political theory expresses a concern for the conditions that are necessary for the good of the whole of the *polis*. If it can be shown that relations of dependence and control are necessary for the good of the *polis*, then they must be conserved or extended. If they are antagonistic to the good, they must be altered or abolished.

For example, Millar taught his students to reflect on whether relations of dependence and control are necessary to the good life in the following passage:

"When we contemplate the government of any large country and well regulated state, it can hardly fail to excite a degree of admiration. We behold a vast multitude of people; notwithstanding their opposite inclinations and passions, living together in peace and tranquillity, and submitting to certain common regulations. The benefit, at the same time, is far from being equal. By far the greatest part live in poverty and indigence,

¹²See chapter six.

¹³Macpherson C.B. (1978) "we might take the extent to which economic relations are thought to set not merely the problems, but the inescapable *requirements* (his emphasis) of the political system. Or, if you like, the extent to which it is thought that (to adapt Marx's much quoted statement), the anatomy of political society is to be sought in political economy." p103 of "The Economic Penetration of Political Theory." *Journal of the History of Ideas*, vol.XXXIX, 1, Jan-March: 101-118.

¹⁴Macpherson, "Economic Penetration", 102.

and are obliged, by hard labour, to earn a pitiful subsistence. While a small proportion loll in ease and riot in luxury, assuming the power to direct and controul the conduct of their inferiors. And it is well if a single person does not acquire an absolute dominion over the whole Community, so as to render them subservient to his grandeur or his pleasure. By what means are the many retained in subjection to the few? What prevents the former from seizing the latter, stripping them of their wealth, and forcing them to an equal communication of power and privileges? What is it, in short, that has introduced, and which maintains that subordination of ranks which we observe in every civilised nation?" (*LG 1792*, 13).¹⁵

According to Millar and Macpherson, good political theory tries to answer the question: why are the many dependent on and subordinate to the few? Answers to this question fall broadly into two sets. The first set of answers justifies the subordination of the many to the few. It is necessary for the good of the *polis* that the many be dependent upon the few. Political activity is then determined by the goal of maintaining or securing this relationship of subordination for the good of all.

The second set explains the relationship between the many and the few. Once the causes of this dependence are known then political activity is informed by the explanations given of the relationship. If the relationship between the many and the few is deemed to be one that enables everyone to flourish, the explanation enables the intelligent ruler to consolidate and extend his or her rule. If it is deemed to be an unhealthy one - for example, if it is actually or potentially destructive of a part or the whole of humanity and civilisation - then the citizen has the knowledge she or he needs to change or end it. They can work either to ameliorate or abolish it. They can attempt to bring into being social relations that enable humanity and civilisation to flourish more completely.

At a high level of abstraction, the task of justification can be separated from explanation. In reality, however, the two tasks are melded together. Explanation often involves justification or moral condemnation of the relationship. Explanatory frameworks may be presented in such a way as to assert that the relationship exists within the sphere of nature, thereby denying its social reality. The latter is an example of theory embodying some kind of apologetics.

Macpherson's argument is that this process can be seen most clearly in the move from classical political economy to "pure" economic science. The latter adopts a conceptual framework blind to the relationship in question and becomes concerned solely with the pragmatic management of the relationship rather than with its explanation. Such frameworks or "models" are self-justificatory and circular, assuming

¹⁵Title: "General principles of Government."

the market enlarges real individual freedoms rather than confining them to the juridical form required for the market to reproduce itself. Von Mises' understanding of rational activity as money-calculating activity is apologetic in this sense. As we have seen, he assumes that relationships of dependence and control are accounted for by original natural inequalities between individuals. It therefore requires no further explanation or description. Apologetics is, however, less easy to detect in a political and moral theory that distances itself from any economic content and deals with abstract universals such as social justice, community and human welfare.

Macpherson notes how useless orthodox economics is to political theory. He remarks that, once a theory becomes dominated by a model of people being "related to each other as demanders and exchangers of things", then the relations of dependence and control are "dropped out of sight."¹⁶

Having defined the goal of good political theory, Macpherson attempts to make a strong connection between, firstly, economic ideas and political ideas; secondly, a changing economic reality and changes in economic ideas; and thirdly, a changing economic reality and changes in political ideas. Thus on the last connection he poses the hypothesis that:

"political theory varies with the extent of recent or current change in actual economic relations"¹⁷

As actual economic relations change there are corresponding changes in political theory. There is an observable causal relationship between changes in economic relations and changes in political theory. The most noticeable change he observes is one from classical political theory (in which he includes the classical political economy of Smith, Ricardo and Marx) to contemporary political theory. From Aristotle to J.S. Mill, he suggests, most classical political thinkers make reference to obvious economic assumptions and ideas. After Mill, there is noticeable change. Political theorists have tended to avoid economic assumptions and ideas.¹⁸ Actual economic relations and thinkers understanding of these changes have caused changes in political theory. Thus:

¹⁶Macpherson, "Economic Penetration", 102.

¹⁷Macpherson, "Economic Penetration", 106.

¹⁸The reason for this is, firstly, the growth of a socialist movement rooted in the working class in the nineteenth century. This threatens the viability of capitalist society; secondly, the response of political theorists to the changed situation in the world after the Bolshevik revolution; and thirdly, "the continuance and revival of Marxism in the non-Western world in this century." Macpherson, "Economic Penetration", 116.

"In looking for explanations of the varying penetration of political theory by economic assumptions, we may look first for mere correlations between the changing penetration and some other factors, and then enquire if the correlations suggest causal relations."¹⁹

Macpherson uses a "penetration" metaphor to illustrate his thesis. He implies that there is a causal relationship between economic relations and economic assumptions, and between economic relations and political theory. Macpherson suggests that the way to discover the nature of this causal relationship is to observe the connections that thinkers make between economic and political assumptions.

The question arises of the exact nature of the causal relationship between economic reality and economic and political ideas. A realist might answer this question by saying that certain categories are instantiated in reality before they take shape in the minds of thinkers.²⁰ For example, the realist might argue that the idea of property entails both the actual appropriation of nature and the free alienation of the social powers of humanity. She might argue that the latter are social processes that take place irrespective of whether the idea of property is theorised as "appropriation of nature", "free alienation" or within the framework of other concepts and ideas. Other questions then follow such as whether the idea of property specific to a particular thinker at a particular time can be explained by the evolving nature of property relations in society as a whole. If the answer is positive one, then a causal relationship between economic relations and notions of property specific to a period in the history of ideas could be established. Much therefore depends on whether it can be proved whether property relations are either logically or genetically related to economic relations. As will be argued in chapter eight, Millar thought that there was a genetic relation between economic relations, ideas of property and the distribution of property.

Macpherson's thesis relies on the reader accepting that when a particular thinker within the classical tradition gives certain categories a salience in their theories of politics and government, then these are clear indications of economic assumptions or ideas.

5.2.2 Economic Ideas

Macpherson's definition of "economic idea" is to found in the following statement:

¹⁹Macpherson, "Economic Penetration", 104.

²⁰Hill's argument is that it makes sense to state that there was a revolution in England in the mid-1640s before the concept of "revolution" emerged as a category within which it could be properly theorised and understood. ('Revolution', 1980). Meikle argues along similar lines that it makes sense to state that Aristotle was trying to theorise equivalence in exchange before the category of economic value took shape in the minds of classical political economists. See his (1995) *Aristotle's Economic Thought*, Oxford.

"I take 'economic ideas' to be ideas or assumptions about the necessary or possible relations between people in their capacity as producers of the material means of life".²¹

The key phrase here is "producers of the material means of life". An economic idea, therefore, must refer to social relations of production of the material means of life. In this general sense, there is an economic aspect to every society it is possible to imagine. It is not possible to imagine a society within which there is no social production of the material means of life. Every possible form of society would entail the transformation of raw materials provided by nature (or by previous human activity) into products for human use. It would entail that certain tools or machinery be used to make this transformation. It would entail the expenditure of certain quantities of human energy within a certain time in order for this transformation to take place. It would entail that production takes place socially. It would also entail that economic ideas refer to aspects of the material-technical process.

Productive activity therefore becomes a necessary and sufficient condition for every form of economic activity. It would not be possible to imagine an economic activity that is not productive in this general sense. An economic activity that does not entail the transformation of natural materials (and socially manufactured materials) into a social product would not be economic.

Macpherson does not want to rest on this definition of economic relations as productive relations alone. He also wants to include other ideas within the category of "economic". These other ideas are property, class and "bourgeois man" as a "possessive individualist".

To be successful in the project of identifying a causal relationship between economic relations and political theory, the ideas he picks out as quintessential must be strong enough to carry the weight he gives them. But neither property nor class, on its own, can be assumed to be "economic" without supporting arguments. Macpherson seems to recognise this when he writes of property and class:

"Moreover, since these relations between individuals and between classes require, and become congealed in, some institutions of *property* [his emphasis throughout] we may take economic ideas to include ideas about the relation of property to other political rights and obligations. I say *other* political rights and obligations because property is a right which has to be maintained politically. Property, as Bentham said, 'is entirely the work of law'."²²

²¹Macpherson, "Economic Penetration", 101.

²²Macpherson, "Economic Penetration", 117.

Macpherson has moved from property as an idea that arises from productive relations to the statement that it arises from juridical relations. The connection between the two is left uncertain. If Bentham is right, then the notion of property as an economic idea appears at first sight to be ruled out.

If property and class are essentially economic ideas then Macpherson needs to show the logical and real relation they have to "the necessary and possible relations between people as producers." This he leaves open.²³

Finally there is the model he uses of bourgeois man as a possessive individualist: "man as infinite appropriator".²⁴ Classical modern political theorists such as Hume, Bentham and James Mill have a "generalised model of man or of society".²⁵ This model then determines their political theory.

Macpherson's suggestion is that the conception of human beings as naturally greedy, acquisitive, self-interested and competitive individuals, and of society as an aggregate of such individuals connected in various ways is an idea created by market society. If the relationship of this idea of human nature to market society is a reflection of real economic relations, then by Macpherson's definition it is caused by the influence of productive relations necessary for market society to exist in the minds of these thinkers.

However, Macpherson's definition of economic relations as productive relations is too general to explain the idea of the individual as naturally self-interested, competitive and acquisitive. Macpherson's conception of productive relations includes not only those relations necessary for the reproduction of the material-technical process, but also class and property. According to Macpherson, productive relations therefore entail juridical and political relations. An explanation of political or juridical relations in terms of Macpherson's conception of economic relations as productive relations would therefore be circular.

Productive relations need to be conceived more specifically in their form as commodity, money and capital. The latter are more clearly economic categories and therefore less liable to a juridical interpretation. Commodity, money and capital presuppose a competition of interests. The conflict of interests caused by competition presupposes law. Where there is competition between capitals and by capitals for labour, then there is also a competition of individual interests and wills requiring legal arbitration and the recognition of rights. The concept of rights presupposes certain

²³This may be because he wants to distinguish between market and non-market societies (i.e. capitalism and socialism) in terms of juridical relations. Macpherson mentions non-market societies that exist in separate countries. In these countries, property relations are nationalised and juridical freedoms to sell and buy do not exist. Thus he writes of "the global threat of the socialist and Third World societies." "Economic Penetration", 116.

²⁴Macpherson, "Economic Penetration", 111.

²⁵Macpherson, "Economic Penetration", 104.

types of juridical or property relations, especially the formal freedom of the individual to alienate his or her creative powers through a contract enforced in law.

Macpherson, for example, notes that market relations require that the individual be free to own and sell commodities. Pashukanis argues that, for every individual in a market society to be recognised as actual or potential owners of commodities, it must be assumed that he or she possesses an autonomous, self-determining will with a juridically recognised subjectivity.²⁶ Without this necessary feature of the abstract personality as a bearer of rights, it would not be possible to conceive of the individual alienating their capacity to work as a commodity in the form of a contract.

This is an objective universal feature of such a society and distinguishes it from a society based on slavery. For example, it was absent before the market came to dominate all forms of activity and absent in non-market societies such as the former USSR. The idea of the autonomous self-determining individual with juridically recognised rights is not therefore just a part of a model of human nature as possessively individualistic as Macpherson argues, it is also a social reality that exists as long as a world exists within which the commodity form dominates all spheres of human activity.²⁷

5.3 The Commodity

Economic activity has so far been considered in two ways. Von Mises conceives of economic activity as the activity of rationally motivated individuals who satisfy their subjective desires through acts of exchange and the calculation of money. Macpherson, on the other hand, conceives of economic activity as activity that is necessary for the production of the material means of life.

These two conceptions have certain common elements. Firstly, whether economic activity is thought of as exchange between free individuals or as the production of the means of life, both conceptions assume that economic activity is useful. For von Mises, exchange is the means to satisfying those desires that the individual finds subjectively useful. Macpherson assumes that productive activity is necessary for human life to continue and therefore useful.

Secondly, both conceptions have consequences on the way society is conceived. For both, a rational society without economic activity is inconceivable. For von Mises,

²⁶Pashukanis, *Law and Marxism*.

²⁷This is important to understand why class tends to be ignored in bourgeois political and economic theory. The freedom that the individual wage worker has to sell his or her labour power guaranteed through contract and law only poses the possibility of the freedom to acquire property. It does not thereby make the wage worker into a property owner. Rather it presupposes the opposite: a class of propertyless proletarians. If the dominant form of property is capitalist private property, then its nature is to command the labour power of others in order to continue as capital. For the wage worker to become a property owner she or he must cease to be a wage worker and become a capitalist. This occasionally but rarely happens. When it does, much of a hullabaloo is made.

a rational society without exchange is inconceivable. Society comes into being as a product of the autonomous wills of individuals. It is sustained through individuals' inventing exchange and a division of labour as a means to satisfying their desires. Conversely, for Macpherson a rational society without production is inconceivable.

The two conceptions are different in the following ways. For von Mises the individual's will and imagined subjective desires exist prior to the act of exchange and to society arising out of acts of exchange. For Macpherson, however, productive relations come first, and the notion of the individual will is an example of an ideal model of human nature. Von Mises' conception of exchange and society would be, according to Macpherson, another example of the bourgeois model of humanity imposed upon reality. It is a product of market society and serves to justify it rather than explain it.

The appeal of von Mises' account of economic activity is that it is founded on a category that has some basis in reality. From the perspective of individual subjectivity it appears to be the case that exchange with another individual involves free will and the existence of formally equal autonomous atomised self-interested subjects. The appeal of Macpherson's account is that he suggests that the subject's freedom to exercise a capacity for exchange is not an eternal aspect of every productive relation.

We have seen, however, that Macpherson's understanding of market society is incomplete. In order to distinguish between market and non-market forms of society, he introduces the idea of "freedom to own and sell". This presupposes that which he wants to expose. The autonomous self-determining and formally equal subject upon which the freedom to own and sell depends is the same ideal construct that von Mises' assumes. It manifests itself in the reality of the experience of the subject, and the relationship it has to economic reality is left unexplained. The category of the subject just happens to coincide with the development of market relations. There is no necessary connection between the two other than a particular conjunction. It was argued above that this category cannot be reduced to the subjectivity of apologists of the bourgeois order - a matter purely of intellectual creation - but has an objective existence enshrined within bourgeois social relations especially juridical relations.

In order, therefore, to clarify further the meaning of economic activity and its relationship to property, the task now becomes one of finding a category that is, by nature, economic, social, objective, inconceivable without both production and exchange, and entails historically specific juridical relations, in particular a modern notion of rights.

The category that fulfils all these conditions is the commodity. It is clearly an economic category. It is a social relationship between people which manifests itself in

relationships between things such as money and capital.²⁸ These exist independently of individuals' subjective experience of them. It is therefore both social and objective. The commodity does not exist without production and exchange. Moreover "commodities cannot go to the market and make exchanges of their own account."²⁹ Commodity exchange brings into being a juridical relationship of ownership and contract. The social relationship of the exchange of commodities is therefore both an objective economic relationship and a juridical relationship. Commodity exchange entails the existence of juridically recognised subjects with rights. Commodity owners alienate their commodities in order to subsist or to make a profit. This is not possible without contract or an agreement between two autonomous wills enforced by law. According to Pashukanis, within commodity-capitalist society: "the social relations of production assume a doubly mysterious form. On the one hand they appear as relations between things (commodities), and on the other of legal subjects."³⁰ A legal fetishism therefore accompanies a commodity fetishism. Commodity fetishism entails that the social relation of equalised homogeneous labour-time becomes value: a property of particular things such as commodities, money and capital. Legal fetishism entails that the social relation of commodity production and exchange appears to be brought into being by autonomous, free and equal subjects exercising their wills expressed in contracts enforced by laws, police and the courts.

5.4 The Commodity and Production

The next step in the process of clarification is to explain the plausibility of both von Mises and Macpherson's accounts of economic activity at the same time as showing the limits of both.

Von Mises' account is plausible to the extent that he recognises that the exchange of commodities entails a subjective form of consciousness. Once a commodity falls out of circulation, it is consumed as a utility.

A commodity in its aspect of use-value is "an object outside us, a thing that by its properties satisfies human needs of some sort or another. The nature of such wants, whether, for instance, they spring from the stomach or from fancy, makes no difference".³¹ A commodity can satisfy bodily needs for shelter, clothing and food, moral needs for demonstrating love and affection or aesthetic needs for beauty.³²

²⁸Marx K. (1864) *Capital Vol.I* trans. Moore & Aveling from the 3rd German edn by F. Engels, London, 1887. Chapter one, section four: "The Fetishism of Commodities and the Secret thereof." pp41-55.

²⁹Marx, *Capital Vol.I*, p56.

³⁰Pashukanis, *Law and Marxism*, p.117.

³¹Marx, *Capital Vol.I*, pp1-2.

³²Smith gives a nice example of two watches, one that "falls behind above two minutes in a day", sold at a couple of guineas, and another that "will not lose above a minute in a fortnight", bought for fifty guineas. The difference in their utility in satisfying the need to attend appointments and meetings on

A commodity, however, is also an expression of value. This is the objective social form that equalised labour-time takes within the market. The limit of von Mises' account of economic activity therefore is the rejection of any substantial notion of society. Von Mises reduces the objectification of economic activity through exchange to the realisation of the subjective desires of individuals. Von Mises understands an objective social relationship, value, instantiated through commodity exchange and production, as an interaction between the properties of natural objects and individual subjectivity.

In order to explain how society comes into being he is therefore driven to rely on the idea of the individual's will and thought. This is not only useless for the purposes of differentiating different forms of society but presupposes that the abstraction of individual freedom, equality and rationality is inconceivable without law and the market. This is fine for someone who wants to prove that socialism - a society within which law and the market will wither away - is impossible but useless for someone who wants to understand the nature of law and the market as historically specific moments of an evolving social totality.

If von Mises were right then society would not exist outside the minds of individuals. It would have no nature other than an abstract means for the satisfaction of individuals' wills. It follows that if these wills were to decide freely and rationally that there are greater satisfactions gained from being completely isolated than from associating with others, there would be no reason for considering society as the most useful means to this end. Such a conception of society as the product of the wills of potentially isolated individuals may truly express something of the nature of the subjectivity of individuals atomised by the market, but is no foundation for comprehending whether society has a substantial nature with particular forms. If von Mises is right then only individuals have a birth, development, maturation, decay and death, certainly not particular forms of society.³³

The appeal of Macpherson's conception of economic activity is that it is understood in terms of productive relations. The use of "relations" suggests the reality of an objective social being that requires production if it is to evolve. It is a universal truth that there can be no social being without productive activity and no productive activity without social being.

time is marginal, but the one machine induces a greater delight in the "perfection" of its manufacture than the other. (*TMS*, IV.1.5, 180). This is an excellent example of an aesthetic need being satisfied within an economic form: the exchange of a commodity for money, and money for a more expensive commodity. Smith, of course, implies that the higher price of the more perfect watch is determined more by the demand for greater perfection of systems than by the greater amount of social labour-time necessary for the production of new technology.

³³For Millar's conception of society, see chapter nine.

However, this truth is limited by its very universality. The specific nature of this productive activity is ignored. Once the commodity is focused upon as the defining economic category then certain important distinctions come into being. The first is the distinction between productive activity for use and productive activity for value. Commodity production entails both. The commodity has a dual nature embodying both utility and value. A market society is identical with a society in which the essential social relations have the form of commodity production and exchange. By Macpherson's definition, as we have seen, a non-market society is economic because it involves productive activity aimed towards the satisfaction of the material means of life. Yet, within a non-market society, there are no commodities produced for exchange - there are only products which satisfy human needs. Moreover within a market society there are clearly forms of economic activity, which are connected only tangentially to productive activity, for example dealing in stocks and shares, or with insurance in the financial sector of the market.

Either all forms of productive activity are economic or only some are. Either all forms of economic activity are productive or only some are. Macpherson's definition implies that all forms of productive activity are economic and all forms of economic activity are productive. If a political theorist such as Smith describes a relation of production, then by this definition he is clearly introducing an economic idea. As is well known, Smith distinguishes between productive activity and unproductive activity. By Macpherson's definition, the former would be an economic activity and the latter would not.³⁴

The limits of Macpherson's definition of what counts as an economic idea or assumption is that it is so broad that it does not capture the essential characteristics of the category of the economic. The essential characteristics of economic relations, I am suggesting, are that they are relations between commodities. It follows that economic ideas and assumptions, such as money, wages, capital, rent, etc. must therefore entail commodity relations. And if Macpherson wants to include, as he does, the ideas of

³⁴See Marx K. (1862-3) *Theories of Surplus Value Part I*, Moscow, 1975: pp152-174. Marx reads two different understandings of productive activity in Smith's account. The first accords with Macpherson's definition: for an activity to be productive it must produce a material object to be consumed. An activity that does not produce a material object, such as a service, is unproductive. This produces the anomaly of financial services being understood to be activities which are not economic. The second definition accords with the commodity form as an embodiment of value. An activity is productive if it contributes to an increase in value and is exchanged with capital. This means that those "productive" activities that are exchanged for state revenue are unproductive and therefore in a sense "uneconomic". To some extent this accords with contemporary language usage. Mines in which workers produce coal by exchanging their labour capacity for state revenue in the form of a public subsidy are deemed to be "uneconomic" because they are a drain on money that could be used more productively as capital elsewhere in the economy; whereas mines in which workers produce coal by exchanging their labour power for the capital of a private owner are deemed to be "economic" because they enable the owner's capital to accumulate and increase in value and surplus value.

property and class within the category of the economic, then these ideas must entail commodity relations.

Economic activity, therefore, is better conceived as productive activity within the commodity form. The latter has a two-fold nature as an embodiment of use-value and of value, value being the specific social form that labour-time takes when equalised through the process of exchange.³⁵

5.5 Conclusion

I am now in a position to define "economic activity". Economic activity is productive activity that takes the social form of the commodity and has both use-value and value. The nature of value is socially equalised labour-time within an exchangeable form. It is therefore possible to conceive of a society within which production and consumption takes place without economic activity. For example, historically, it is possible to distinguish societies, such as ancient slave and serf-based societies, in which surpluses were extracted by coercion in a non-economic fashion, from economic activities, such as barter, mercantile trade, usury and simple commodity production. In whatever society in which value's social equalisation of labour-time determines social relations there would be some form of economic activity.

This definition makes the relationship between economic activity and productive activity a historically necessary but logically contingent one. It is clear that it was not an accident that a market society evolved out of the simpler forms of exchange such as barter. It is also clear that pre-capitalist societies were not dominated by economic relations. In early societies economic relations such as barter took place at the periphery. Where there are no relations determined by the exchange of commodities, it is difficult to distinguish economic activity from the totality of productive activity. Economic activity begins to be differentiated from other activities as a distinct sphere of social relations only when exchange emerges and value begins to determine relations between people. This is, of course, not to deny that commodity exchange did not happen in ancient societies but that it was peripheral to the dominant forms of productive activity. Commodities were exchanged but most productive activity was neither intended for, nor dependent upon, the existence of a market. For example, unlike market society, the surplus produced in a slave-owning ancient society was based on relationships of force and personal dependency not on the value-form, yet there was extensive trade between these societies and forms of both merchant and usurers' capital.

³⁵This understanding is consistent with the distinction within Marxian political economy between productive activity viewed from the standpoint of its technical methods and instruments of labour and the same activity viewed from the standpoint of its social form as value. This distinction is used to evaluate Millar's political economy in chapter seven.

A similar consideration applies to juridical relations. These do not begin to be distinguished from religious, moral and customary relations until exchange emerges and economic activity becomes distinguished from other forms of activity.³⁶ Systems of law arose to meet the needs of trading transactions between peoples outwith a unified sphere of authority. Trade with foreigners and aliens called into being the *jus gentium* which rejected everything unconnected with the economic relation upon which it was based.³⁷

The above definition permits the conception of forms of productive activity logically distinguishable from economic activity as economically productive. Examples are those forms of political, religious, artistic and juridical activities that are productive of value and surplus value. This is in accord with ordinary language usage: a teacher is "economic" when she is employed by a private employer who extracts a profit from her employment. She is not conceived as such when she is employed by a government that makes no profit from her, however productive and useful her work may be in other ways.

"Productive", it is argued, has two related meanings: firstly a meaning that falls outwith the sphere of economic relations. This coincides with the idea that every form of activity is productive when it is socially useful. For example, if military activity is considered socially harmful, then it is unproductive. The second meaning is economic. This coincides with the idea that those activities that are productive are those which generate value and surplus value. It is economically productive because it is the kind of activity that is exchanged not only for money but also produces a commodity which has a greater quantity of value expressed within it than in the money or capital which bought it. This kind of productive economic activity, therefore, corresponds to Marx's category of labour power.

Having defined "economic activity", my next task is to demonstrate whether Millar's historical and social theory made reference to such activity. I shall argue that Millar recognised that commercial society is a society of generalised commodity production and exchange. Every individual is therefore actually or potentially engaged in some sort of economic activity connected with the production and exchange of commodities. I shall argue in the following chapter that Millar had an understanding of economic categories such as commodity, value, money and labour; that he clearly recognised the existence of economic relations that were distinguishable from other social relations. However Millar's conceptualisation differed from Marx's fundamentally. I shall argue that often the language used is similar, but the juridical content he gave to this language was specific to a fusion of mercantile thinking with

³⁶Pashukanis, *Law and Marxism*, p.57.

³⁷Pashukanis, *Law and Marxism*, p.95.

empiricist moral philosophy and jurisprudence that occurred in the eighteenth century. I shall suggest that the economic categories Millar used, presuppose an abstraction of the individual as a self-interested subject of experience. However, to avoid anachronism, it will be necessary to distinguish between the use of the term "economic" in this dissertation and Millar's use of the same term. This is undertaken in the following chapter.

Chapter Six:

Economic Categories

6.1 The Meaning of "Economic"

As I shall discuss in the next chapter, Millar took an interest in and wrote about political economy. It seems reasonable to suppose therefore that he understood the concept of economic activity. This supposition is, however, open to a possible objection. This is that the supposition that Millar had a conception of economic activity comparable to, for example, Marx's entails giving an anachronistic and therefore incorrect reading of Millar's work. This objection could well be based on Millar's use of language. It is anachronistic to assume that Millar's use of "economic" terms such as "commodity", "exchange", "capital", "value", "profit", "interest", "rent" or "wages" is similar to the use of these same terms by nineteenth or twentieth century thinkers. If the context in which they were used was different, then their meaning would be different. To assume, for example, that Millar had a concept of economic activity as generalised commodity production and exchange comparable to Marx's would be to ignore the specific historical context in which Millar's use of "commodity" was uttered.

This opens up the possibility of an unbridgeable gap of understanding between past thinkers and our own thought. It can only be filled in conjecturally by imagining the use of these terms in their proper linguistic context and this is not possible without a historical knowledge of the total linguistic context of the period of utterance or writing. The argument might continue that to evaluate or criticise Millar's concept of economic activity from the standpoint of the linguistic context of today or of periods subsequent to Millar's would inevitably lead to distortions and a blindness to Millar's intentions.

For example, it could be argued that when Millar used the term "economic" he meant something very different from Marx. The propositions or statements he used that included the term "economy" were not making any references to generalised commodity production or exchange. Therefore if he were whisked out of the late eighteenth century in a time machine to the time of Marx or even later to today, then he would completely fail to understand someone who uttered the word.

Millar, in fact, rarely used the term and when he did it was in contexts that suggested a meaning surviving today largely outwith contemporary treatises on philosophy, economics, politics and jurisprudence. This is the meaning we are familiar with when we say of someone or something that their use of their material or financial resources is "economical". Thus a car's engine might be described as economical if the

amount of petrol it consumes is low and the number of miles the car can travel on this amount is high. The good economy of the car's engine is associated both with the savings of money its owner makes on journeys, and the savings of time she or he makes having to fill the tank up at petrol stations. Conversely "bad economy" is associated with wastefulness of financial and material resources. As we shall see, Millar was well aware of both concepts of "economy" as a saving of time, material and money. So how does Millar use the terms "economy" and "economical"?

Millar wrote approvingly of Elizabeth I's rigid "oeconomy" in the use she made of public revenue. Elizabeth invested this in "enterprizes" that parliament conceived to be so intimately "connected with the public welfare" that they were happy to grant her "whatever sums of money she thought proper to require" (*HV*,2,448). Here the concept of saving is not mentioned; however, the notion of the revenue being put to a profitable use and therefore not wasted was implied by Millar's use of "public welfare". This is understandable if Elizabeth were using public revenue to promote and protect the interests of those gaining a profit from merchant capital, and the "public welfare" was conceived to include those who were benefiting from the increased productivity of labour through the developing capitalisation and industrialisation of agriculture.

In contrast, James I was "profuse in his expences, and extravagantly liberal to his favourites" (*HV*,3,159). Moreover the crown revenue had "shrunk to almost nothing" (*HV*,3,160). Disputes between the crown and parliament, in which the "bad economy of the prince" was a subject of disapproval and criticism, were therefore inevitable over the burden of taxation he was to impose (*HV*,3,159). James not only used public revenue unproductively but wasted it on granting personal favours to his family and friends. Because the majority of those in parliament did not benefit from his uneconomical use of revenue, they resented being taxed.

Elizabeth's "rigid" economy and James's "bad" economy refer to practices comprehensible within an eighteenth century linguistic context. Both entailed some notion of the prudent management of limited resources, implying a notion of the saving of public revenue in order that it be invested productively and profitably in trade and industry. The limited resources took the form of money used, in the first case, to promote enterprises "connected with the public welfare" and in the second case to promote the private interest of a powerful individual - the monarch. Millar's use of "economy" did not logically entail "generalised commodity production and exchange". Those who raise the objection of anachronism might argue that the relationship between "economy" and commodity production and exchange appears to be contingent upon a later interpretation of the meaning of the concept of "economy".

However, when we examine some of the other rare instances of Millar's use of the term, we find that, whilst there may be no logical relationship between a contextualised understanding of Millar's use of "economy" and the existence of generalised

commodity production and exchange, he clearly understood that there was a causal relationship between the management of limited resources and the acquisition of wealth and that the latter was best achieved through the exchange and production of commodities. "Economic" activity for Millar was not only conceivable without the existence of a knowledge of a division of labour but actually happened in non-commercial societies. Thus in a "rude" or "barbarous" society "where the women are universally regarded as the slaves of the other sex" (*OR*,39), men acquired women in order "to be intrusted, under the husband's direction, with a great part of the domestic economy". The prudent management of the family's limited resources, in particular those resources necessary for the subsistence of dependent children, was certainly conceivable in a world where the production and exchange of commodities was completely unknown. The use of "economy" was concerned with the management of the patriarchal household. The latter was the unit of production in the ancient world. It included slaves as well as kin. "Economy" was used in a linguistic context that can be studied through the residue of actual language use found in ancient texts. It also refers to a social world within which commodity production and exchange had no role to play in the generation of surpluses (other than through the deceitful and fraudulent practices of merchants).

Millar's social world, however, was the same modern social world that has continued into the nineteenth and twentieth centuries. With the ancients (such as Plato and Aristotle) he shared an awareness that the activity of "tradesmen, manufacturers and merchants" differed, through a division of labour, from that of hunters, gatherers, herdsman and horticulturists. However, unlike the ancients he recognised that the former's productive and exchanging activities were the most significant way in which surpluses were generated, bringing them and their political patrons great wealth.

Thus Millar wrote of the "tradesmen, manufacturers, and merchants of England" in the early seventeenth century, as social "classes" of people, many individuals of which were:

"by successful industry in the more lucrative branches of trade, and by a rigid and persevering economy, the natural effects of their habits, enabled to acquire splendid fortunes" (*HV*,3,103).

Here, a "rigid and persevering economy" of the management of the privately held capital was an activity exemplified by the "habits" of individuals concerned with the production and exchange of commodities. It helped them to accumulate "splendid fortunes". Millar thought that "economy" (as a saving of both money and time) was

productive of profit.¹ He also thought that landed proprietors who exercised a poor "economy" over their revenues, spending them in luxurious over-consumption rather than productive investments, fell into debt, and were forced to sell their estates. This was a salient cause of the changes in the distribution of property that determined one of the political forms of "commercial society": the rule of the "people" through the parliamentary institution of representative democracy.²

The point here to be made is only that Millar thought that there was a causal relationship between "economic" management and the acquisition of wealth, and that this management was, in turn, the effect of individuals' engaged in commodity production and exchange. Contrasting the position of the "lower people" in a "commercial" period of history with that of the "lower people" in "rude times", Millar therefore taught his students that the knowledge of "commerce" altered the "character" of the "bulk of the people" involved in trade and manufactures. It enabled them "to acquire fortunes". The independent commodity producer and exchanger knew, according to Millar, that a knowledge of good economy brought him constant employment, and that, through his own efforts, he had a chance of becoming rich. "Being besides a good Oeconomist, he must soon acquire Wealth" (*LG1771*,33-34).

Contextualising, therefore, Millar's use of the term "economy" or "Oeconomist" might show that his use of these terms did not mean that "economy" and "generalised commodity production and exchange" were synonymous at the time he was writing. However, it does not entail that there is an unbridgeable gap of meaning between his use and nineteenth or twentieth century usages of the terms. On the contrary, a discussion of Millar's usage of "Oeconomist", for example, to refer to the "natural" habits of someone engaged in commodity production and exchange reveals assumptions and presuppositions that Millar made about the acquisition of wealth in a commodity-producing society, for example that the habit of saving and the invention of divided forms of the organisation of labour and technology that save time and money were productive of capital. These have been hinted at here and will be developed further in the next chapter.³

6.2 Commodity, Money, Value and Labour

The assumption I have made so far is that Millar had a concept of economic activity and that this concept consisted in the notion of activity that generalises

¹See chapter seven.

²See chapter eleven.

³The gap of meaning will not be filled here, for it would require a more general theory on the relationship of changes in linguistic usage to changes in society. All that needs to be noted is that, whereas the language used may be the same, the categories expressed within that language have evolved, and that if there are contradictions within the real social entities or activities referred to there will also be likelihood of contradictions emerging at the level of thought.

commodity production and exchange throughout world society. This is comparable to but significantly different from Marx's in ways that will become clear. When addressing the possible objection of anachronism, I also indicated that the specific historical context in which Millar's use of "commodity" was uttered might entail differences in meaning from later understandings. This section therefore addresses the use that Millar made of the term commodity. This use is assessed within the perspective of a body of knowledge known as classical political economy culminating in the work of Marx. Classical political economy is famous for its theoretical investigation into the nature of the qualitative and quantitative relationships between the categories of commodity, money, value and labour, especially that of equivalent and non-equivalent exchange.⁴

I shall argue that Millar had no notion of value expressing an equivalent relationship of labouring activities (or of the products of labour through the exchange of commodities for money or for capital). He did, however, have notions of value, labour time, and equivalence. All were, however, estimated subjectively. He conceived of value as utility, labour time as pain or hardship, and equivalence as the contractual or consensual agreement of mutually self-interested subjects. The latter were formally equal in the judgements of a disinterested spectator.

Millar, therefore, was therefore not committed to an objective labour theory of value. Unlike Smith, for whom the exchange of commodities was regulated both by the quantities of labour expended or purchased and by supply and demand, Millar thought that supply and demand was sufficient to explain regularities in exchange. Thus he wrote, "if we have commodities for which there is a general demand, we can seldom remain long without an opportunity of turning them into money" (*HV*,4,109). This general demand regulated both the amount of commodities in circulation as well as the amount of money which assisted the circulation of commodities.

Millar, like Smith, theorised the origins of generalised production and exchange as the causal effect of a division of labour. The latter in turn arose out of the individual subject's faculties of the mind operating on a world of natural scarcity. The passions caused by the harmful effects of scarcities of goods on the mind and body drove the subject to attempt to satisfy natural necessities such as hunger, thirst, shelter, clothing, and the esteem or recognition of others. It was the "separation of trades and professions" that led to a "degree of traffic or exchange of commodities" (*HV*,1,318). Commodities were both the products of labour and exchanged for use and consumption "according to the demand of different individuals" (*OR*,87) "and thus manufactures, together with commerce, are at length introduced into a country".

⁴The definition of political economy I adopt is the following: "Political economy deals with human working activity, not from the standpoint of its technical methods and instruments of labour, but from the standpoint of its social form." Rubin I.I. (1928) *Essays on Marx's Theory of Value*, trans. Samordzya & Perlman, 3rd Moscow edn, Detroit, 1972: p.31.

Without a division of labour, there could be no "regular exchange of commodities" (*LJ1789*, vol.2, lec.22, p65) The drive towards commodity production was labour applied to a "variety of objects" that satisfied the "useful purpose" of providing clothing and lodging (*OR*,87). This "renders every man capable of maintaining himself by his own labour" (*LJ1789*,2,23,72). "Different individuals are endowed with different talents, and by exerting their industry in a variety of employments, come to possess different subjects" (*LJ1789*,3,35,1). Individuals were driven to the labour that produced commodities by the avoidance of the pain and the satisfaction of pleasures in circumstances of scarcity. The faculties of the mind or "talents" necessary for the production of commodities were unequally distributed across the population. Millar explained the division of labour necessary for commodity exchange to come into being through the exercise of a conjectural hypothesis in his lectures:

"Let us suppose, that the husbandmen of a village are, by improvement of agriculture, enabled to make some advances with respect to the conveniences of life. This will produce greater application to those employments, which tend to procure food or lodging. Particular persons, from accident or from particular talents, discover a superior proficiency to others. Being often employed in the exercise of these to assist their neighbours, they are at length encouraged to demand some compensation in return for their labour; and thus finding constant employment in one art, they are led to abandon every other, and are enabled to earn their livelihood by exchanging either labour or the product of their labour, with what, other people are willing to give for it. In this manner, the Smith, Brewer, the taylor, the weaver, the carpenter and a variety of artificers are gradually introduced." (*LJ1789*,3,35,4-9)

The first part of this explanation relied on the notion that production is solely a technical affair - the result of the individual's labouring relationship to nature. Thus "particular persons, from accident or from particular talents, discover a superior proficiency to others." Millar's focus here was on the technical proficiency of individuals found within an already given division of labour. A division of labour within which individuals are already technically proficient in certain tasks is therefore presupposed in order to explain how a division of labour came into being. It is therefore circular and unconvincing. Elsewhere, Millar wrote that it is the subject's "application of labour to a variety of objects" which produced commodities, the exchange of which brought into being a division of labour based on "manufactures, together with commerce" (*OR*,87). However, in the lectures, the temporal order of the discovery of technical knowledge, commodity exchange and a division of labour is reversed. It was the discovery of the art of manufactures that "gives rise to the division of labour among different tradesmen and artificers" (*LJ1789*,2,23,72). The division of

labour in turn gave rise to "the frequent exchange of commodities". Millar therefore tended to think of exchange as a generalisable technical skill discovered along with other particular technical skills such as working metals, carpentry etc. The knowledge of the exchange of commodities arose with the knowledge of how to produce them. The subject's perception of their interest in commodity production and exchange (as a means of escaping from natural necessity and of satisfying needs of body and mind) therefore brought into being a non-familial and inter-group social and political correspondence between individuals.⁵

The second part of Millar's conjecture, however, also explained the origins of an exchange of commodities in terms of the subjective "compensation" demanded by the commodity producer for his painful and difficult labouring efforts. This part of the explanation relied on a notion of natural justice regulating contract that would find the approval of every disinterested spectator. As Millar put it elsewhere in his lectures:

"at first he helps those who are not so skilled as himself and this he will do for nothing. By degrees however the many applications that are made to him will render it necessary that they give him some gratification for his trouble. - Thus he comes to work for Hire - by this he is encouraged to abandon every other art but this particular one by which he sees he can gain a livelihood - and Custom will make him prefer it to all others." (*LG*1771,28-29).

The division of labour that is supposed to give rise to a generalised exchange of commodities here arises out of the demand that the commodity producer makes "for his trouble", - the subjective estimation of the producer of the hardship caused by the constant application of his labour to the assistance of others. The sympathetic response of a spectator would require that he be rewarded with an exchange of goods in return for his hardship and this would be regulated by the law of contract. Again Millar's explanation is circular, presupposing the juridical relationship of contract established naturally prior to the existence of a division of labour and the exchange of commodities. Moreover, Millar is inconsistent with his account of contract elsewhere in his lectures where the idea of contract comes into being after generalised commodity exchange has come into being.⁶

Nonetheless, however unconvincing this might appear as a historical explanation, it is wholly consistent with Millar's conjectural method. The latter is reliant on an appeal to judgements that would meet the approval of a well informed spectator. The latter,

⁵See chapter nine.

⁶See chapter eight.

reflecting in a disinterested fashion on the experience of the self-interested subject, would conclude that a compensation for the hardship of his labour was naturally just.⁷

In the following chapter, I shall argue that Millar's conception of exchange as both a natural technical process discovered through the individuals' capacity for knowledge and the application of his skills (an objective feature of all societies), and also as a subjective reward for the effort and trouble the producer is imagined to suffer approved by an impartial spectator, is a duality that dominates his contribution to political economy. The notions that profit is both the result of the labour and revenue saving effects of machinery, and also a just compensation for the efforts the capitalist expends on supervising and controlling the process of production, follow from the above assumptions.⁸

For the present purpose of establishing Millar's understanding of economic categories, it is sufficient to argue that Millar's account of the origins of commodity production and exchange demonstrates the following points: firstly, he conceived of the commodity as a product of labour. Secondly, he conceived of commodity production and exchange as technical discoveries; and thirdly, that he thought exchange was regulated by the subject's moral and juridical judgements concerning individuals' interests. He therefore had a subjective conception of the relation of equivalence expressed within the value-form of the commodity.

On the latter point, Millar mentioned that the "real value and adequate mercantile profit" was realised through the exchange of money for commodities (M-C) as much as through the exchange of commodities for money (C-M). This "real value" is connected with supplying "the wants of the inhabitants" (*HV*,4,108). Millar suggested here that "real value" is recognised by its qualitative satisfaction of the subjectively assessed needs of individuals. Writers on trade in the sixteenth and seventeenth centuries had distinguished between the meanings of "value" as the subject's assessment of personal worth and as a quantitative relation between commodities and money found in exchange.⁹ These distinctions of meaning were to separate out into the distinction between "use-value" and "exchange-value". Smith in *The Wealth of Nations* clearly made this distinction. He also made it clear that his investigation into the regulation of value was of the "exchangeable value of commodities" which he equated with their "natural price" around which their "market price" oscillates (*WN*,1.iv.17,46).

The evidence that Millar had an understanding of value as "exchangeable value" is strongest when he discussed the assessment of property for taxation purposes by the state. Thus, when he referred to the "right of election" at the time of Cromwell's

⁷Ibid.

⁸See chapter seven.

⁹"In English writers of the 17th century we frequently find 'worth' in the sense of value in use, and 'value' in the sense of exchange value." Marx K. *Capital Vol.1*, p2, n3.

protectorate, he wrote that it belonged to "such as possessed a landed estate, amounting to the value of £220". Millar did not indicate whether this quantity of value referred to the value of the annual produce extracted by the landed proprietor as revenue, or whether it referred to an assessment of the market value of the land were it to be sold.¹⁰ However, that value referred to a quantity of money is evident. This entailed that either the concept of the exchangeability of land itself, or the exchangeability of the produce of the land was understood. This quantitative notion of exchange value is re-iterated in various other sections of *Historical View*. Millar wrote of the right of suffrage of the English knights of the shires in the reign of James the First "all of who held lands of a certain value, whether as vassals of the crown or a of subject" (*HV*,3,75-6). Those who were entitled to vote were "all who enjoyed leases for life to the same amount".

Millar observed that the assessment of the value of landed or moveable property for tax purposes did not correspond to its "real value". In his lectures, for example, he stated that: "The taxes are never rated upon a thing according to reality. As for example in this country were you to consider the rated land tax you could not have any idea of the real value of the land" (*LG1771*,72). Here Millar distinguished real value from a set evaluation used for the raising of taxes. This he repeated elsewhere when he recognised that the rateable value Henry the Sixth used to assess the eligibility for the vote was "settled at forty shillings which continues till this day notwithstanding of the disproportion of the value of money" (*LG1771*,166).

The distinction Millar made between rateable value and real value implied that the determination of the latter could be understood separately from the former. The value of money or commodities was regulated independently from the subjective assessment of state officials for electoral taxation purposes.

On the other hand, there are also examples of Millar's use of "value" to refer to a qualitative subjective assessment of moral or personal worth in other sections of his writings. Millar wrote of the husband who values a woman "more, from the consideration that she has been valued by others" (*OR*,23) when explaining the violation of the "laws of chastity before marriage" by Native Americans. He wrote of the raising of the "value" of non-military occupations "in proportion as men live in greater security" on the grounds that they were "found more useful" (*HV*,4,187). Millar's language referred to the "standard of approbation" and "estimation". This implies a subjective qualitative evaluation of personal worth.

However, in most contexts where Millar used "value" it is unclear whether he was referring to a quantitative or a qualitative relationship, exchange or use value, or an objective relationship of value between commodities and money, or a subjective

¹⁰See chapter nine.

relationship of value between things and persons, or persons and persons. The closest he came to recognising the relationship that Smith observed between value and "labour purchased or expended" is in the following passage:

"But after a person has long cultivated the same field, his possession becomes gradually more and more complete; it is continued during the whole year without interruption; and when by his industry and labour he has increased the value of the subject, he seems justly entitled, not only to the immediate crop that is raised, but to the future advantages arising from the melioration of the soil." (*OR*, 158)

The relation between the industry and labour of the individual on the land and its increased value appears here to make an objective connection between a quantitative relation expressed within the exchange of commodities and the quantity of labour expended upon the commodity. On the other hand, this interpretation is immediately contradicted when the jurisprudential language of just entitlement to both the crop and the land is considered. Millar was using the example of the individual's labour expended on the product as an illustration of his spectator-based theory of property. The advantages the individual gained both through working on the land and producing a crop were assessed subjectively according to the sympathetic reactions that a spectator would have with the pains the individual experienced in working the land and the pleasures expected from the enjoyment of the crop produced. Millar's understanding of an increase in the value of the subject is therefore consistent with the notion that there was an increased expectation of use of the product of labour by the individual producer: "increased" meaning an intensification of feelings of anticipated pleasure which the right to continued exclusive possession safeguarded.

Although Millar made no explicit statement of commitment to a subjective theory of value, neither did he make any commitment to an objective, labour theory of value. For the purposes of Millar's historical focus of investigation into the relationship between changes in knowledge of the arts, ideas of property, and customs, manners and laws, it was sufficient for him to assume that generalised commodity production and exchange was brought into being through the natural processes of the individual's improving activities. There was no need for him to have a theory of value distinguishable from his theory of property. However, that he would have been aware of different theorisations of value is clear from the references he made to Smith and the Physiocrats and the "older writers on trade", especially Locke who formulated the first theory of supply and demand, changes in value being dependent upon the proportion of sellers to buyers. The subjective theory of value (that value derives from the usefulness of commodities and their capacity to satisfy needs and wants) had a

history as far back as Nicholas Barbon, a contemporary of Locke's.¹¹ It was kept alive both by Physiocrats such as Turgot and by opponents of the Physiocrats such as Condillac who were writing at the same time as Millar.

Evidence that Millar tended to adopt a subjective theory of value can also be found in his writings on the origins of money in the section on contract in his lectures on Justinian (*LJ1789*,3,35,1-20). As mentioned previously, he wrote of the equivalent relation in exchange as a "compensation" or a "reward" for labour expended by autonomous, self-determining, equal individuals. A subjective theory is also evident in Millar's attempts to theorise the nature of capital, profits, rent and wages.¹²

When he wrote about the origin of money, he followed Smith to the extent that he recognised that money was a commodity like other commodities. It was an exchangeable product of labour whose usefulness lay in its function as a means of the circulation of other commodities. Millar observed that the specific form of money as a commodity that is easily divisible was naturally determined. It could therefore act as currency or specie. However, he thought that the amount of money required for circulation depended solely upon the demand and supply of commodities surplus to the individual's subjective perception of his needs for personal consumption and subsistence. Thus:

"When the use of exchange becomes more frequent, it will often happen, that a person, who has a superfluity to dispose of, has no immediate demand for the only commodity which he can obtain from a purchaser; in which case he may take that commodity in exchange; provided it be a thing for which there is a general demand in society. Thus if I have grain to dispose of, for which I wish to procure cloth, I may only take in exchange my neighbour's cattle because I know that will afterwards enable me to purchase the cloth, which I have occasion for. Thus what is called money is introduced and the use of it becomes more and more frequent, in proportion to the frequency of exchange. It depends upon the particular circumstances of a people, what particular commodities pass for money amongst them. Though every commodity for which there is a general demand may be taken in exchange, several circumstances will cultivate to make some commodities be preferred to others. If a person is to take a commodity for which he has no immediate use, it will be of advantage that the commodity can be easily kept till a purchaser is found - that it can be easily transformed to any place when a market may occur - that it can be easily divided so as to suit any future purchaser - that the quantity of the commodity or any part of it, can be easily and

¹¹Rubin I.I. (1929) *A History of Economic Thought*, trans. Filtzer, London, 1979: pp.66-67.

¹²See chapter seven.

exactly ascertained - Cattle are commodity used as money, by a nation of shepherds.
(Of general demand - easily kept - In some degree divisible)" (*LJ*1789.3,35,4-9)

In this passage, Millar retained the perspective typical of classical political economy: wealth consisted in commodities and commodities were products of the atomised labour of the individual producer. Thus exchange presupposed a "superfluity" of commodities over and above the immediate "wants" or needs of the individual. This was in accord with Millar's contrast between "luxuries" or "conveniences" as opposed to "necessaries". Production of the former was impossible to conceive of without generalised commodity production and exchange. However, the "superfluity" was originally in "necessaries" - food in the form of "grain" and materials necessary for clothing, or the source of both food and clothing in the form of "cattle". Money represented wealth because it was a "particular commodity" for which there was a "general demand" and, by this definition, any particular commodity could in theory function as money as long as it was easily divisible into parts. The utility of money was its function as a means to facilitate the circulation of other commodities. This function was subordinate to the "frequency of exchange" of other commodities. Thus the circulation of money in exchange was regulated by the need for a circulation of commodities. Millar was aware of the full circuit of the exchange of commodities C-M-C and that the unity of this circuit can be interrupted temporarily into two moments C-M and M-C. Money in the first moment had no "immediate use" to the seller until, through "general demand", he found a buyer for the commodity he held as money. The subjective advantage of taking money in exchange was that it provided the seller the opportunity to become a purchaser once more:

"Thus if I have grain to dispose of, for which I wish to procure cloth, I may take in exchange my neighbour's cattle because I know that will afterwards enable me to purchase the cloth, which I have occasion for." (*LJ*1789.3,35,8)

This passage demonstrates the subjective foundation Millar gave to the circuit of the exchange of commodities. His use of the first person indicates the presence of the self-interested subject of experience. The latter's sympathy for the interests of other subjects was founded upon experience. A spectator would approve of the use of money because he was capable of sympathising with the advantage money gave to every seller and purchaser. The seller was only able to consume and purchase because of others' subjectively assessed "wants" for the commodity he possessed as money. The use of money as a particular commodity facilitated the circulation of other commodities. It was therefore in the interests of and for the good of every subject. Money possessed value because the subject experienced it as a useful means of

circulation of the commodities he desired for consumption, show or gifts. Every individual subject had "wants" and needs. He was as equally interested in the outcome of successful purchases and sales as any other.

Millar's account therefore disregarded whether or not the exchange of commodity for money or of commodity for commodity expressed a quantitative relationship of value as a social substance. Millar did not remark on the relation of quantitative equivalence of value in the exchange of money for commodity or of commodity for money. Quantitative equivalence was expressed solely in the natural or material divisibility of the money commodity according to weight or size. The ease of divisibility (and its ability to be stored for periods of time without deterioration) determined the selection of the particular commodity preferred as the means of circulation. This depended, in turn, on "the particular circumstances of the people". The equivalence in exchange of commodities for money and of money for commodities was therefore an expression of juridically equivalent subjective interests, desires and wants of individual producers and exchangers.

The category of equivalence, referred to by Millar, assumed that the personalities of the subjects of the experience of commodity production and exchange were juridically equivalent. This meant that in any breach of contract both offender and victim would gain an equal amount of attention from a magistrate or arbitrator. Millar's jurisprudential perspective forced him to understand the equality of exchange, not as objective value expressed in an equivalence of the time spent in the production of commodities, but as the equality presupposed in contract, persons deserving equal recognition by a magistrate or sovereign in disputes that arose through breaches of agreements.

Millar expressed the justice of (and self-interest involved in) equivalent exchange thus:

"The most expedient and the only just method of procuring, either my neighbour's property, or the exertion of his talents in my favour, is by obtaining his consent, and the only way in most cases, of persuading him to give his consent, is, by offering an equivalent, either in labour or in goods, upon what I wish to acquire. This may produce an agreement to make an exchange, which appears conducive to our mutual interest." (LJ1789.3,35,1)

Agreement, consent, contract and the motivation to exchange labour and goods was caused by "mutual interest" and involved a sympathetic identification by the individual with the interests of others. The justice of exchange was confirmed *post hoc* by the disinterested observations of the spectator. The equivalence "either in labour or in goods" was a subjective feature of what "appears conducive to our mutual interest".

It was therefore consistent with the subject's estimations of the quantity of pain and effort expended in the production of a commodity and the quality of goods acquired through exchange.

In the passage above, Millar was discussing contract. It followed that as long as there had been "an agreement to make an exchange" caused by the recognition of subjectively assessed mutual interest, the contract was a "just method of procuring" the labour or the "talents" of others "in my favour". The justice of contractual exchange could be confirmed experimentally in the experience of every self-interested subject. The justice of contract, according to Millar, favoured the manufacturer, who was able to derive part of his profits from a subjectively assessed equivalent exchange with a labourer. This labourer was a workman:

"who . . . will have a full equivalent for what he thus resigns. By working to a master he is sure of constant employment, is saved the trouble of seeking out those who may have occasion for his labour, and avoids the anxiety arising from the danger of being thrown occasionally idle. In return for these advantages, he willingly relinquishes to his master some part of what he can earn while employed" (*HV*,4,120).

The "full equivalent" Millar described is expressed purely in terms of the subjective "advantages" of the worker's employment. It is consistent with Millar's theorisation of voluntary submission to the will of a master, justified by utility.¹³ It was useful to the worker to be in work because he was saved anxiety and worry. He therefore consented to give up to his "master some part of what he can earn while employed" in return for peace of mind. The worker therefore consented to his master's use of him to make a profit.

Because Millar tended towards adopting a subjective theory of value as utility, "expedience" or "advantage", he ignored Smith's insights both into the possibility that surpluses are acquired through an unpaid component to the use of the worker's labour and that there is a conflict of interest between employer and employee. Millar, rather, stressed the "mutual interests" between employer and employee and the mutual agreement expressed in the formal nature of the contractual relationship between two equally consenting parties. This was consistent with Millar's theory of liberty in which employers and employees had a mutual interest in resisting the tendency towards a concentration of the sovereign's power.¹⁴

¹³See chapter ten.

¹⁴See chapter eleven.

Chapter Seven:

Political Economy

7.1 The Intellectual Context

Mention was made in the preceding chapter of Millar's use of "economy". I argued that Millar used this term to refer to the prudent management of public revenue by sovereigns such as Elizabeth and James I. By the eighteenth century, the study of the sources of public revenue had been complemented by the attempt to theorise the origins of public wealth. The concern with the prudent management of revenue the sovereign derived from the taxation of subjects was complemented by the advice given by salaried or favoured officials on how the sovereign might legislate to secure the enlargement of revenue through the promotion of wealth creating activity on the part of his or her subjects.

The birth of modern economic science, therefore, quite properly coincided with the rise of merchant capital as a source both of private wealth and public revenue. Merchants were practical men who sought to influence the policies of the state in their favour and interest by writing pamphlets.¹ These were initially refutations or recommendations of particular state measures. They emphasised that the growth of commerce benefited all sections of the population. Thomas Mun, writing in the first third of the seventeenth century, clearly expressed the wish of this class to form a strong alliance between themselves and the crown which would, they argued, benefit the whole of the population when he wrote:

"A king who desires to lay up much mony must endeavour by all good means to maintain and encrease his forraign trade, because it is the sole way not only to lead him to his own ends, but also to enrich his subjects to his further benefit."²

By the eighteenth century, the perceived harmony of interests between the state and merchant capital had taken a different path. Theoretical categories had developed through the critique of mercantilist literature. Moreover a section of the bourgeoisie that personified the interests of productive capital came into conflict with state policies that promoted the interests of merchant capital. It is at this period that the doctrine of the freedom of trade and industry from state interference came to maturity. The doctrine was conceived of as in accord with the requirements of natural law. It

¹Rubin, *Economic Thought*, p36.

²Rubin, *Economic Thought*, p38.

manifested itself both in the writings of the French Physiocrats and at almost the same time in the moral and political writings of Hume, Smith and Millar.

The interest of the monarch was to promote the wealth of subjects in order to increase the amount of public revenues available through taxation. This coincided with the interests of mercantile, agrarian and embryonic industrial sections of the bourgeoisie. Reflection on these interests was expressed within the corresponding convergence between the practical language of merchants, and the philosophical language of jurists and moralists. The meeting point of these languages is to be found in the union of the terms "economy" with that of "police". The latter had become a branch of jurisprudence that examined public law in accord with the principles of natural right. It attempted to make positive law accord with the eternal and immutable laws of reason and justice laid down either by God or by the natural world He had created.

By the time Smith was lecturing to his students on jurisprudence in the 1760s he was able to contrast the meaning of "police" as used by the ancient Greeks with its contemporary meaning in French. Whereas the former meant "the regulation of a government in generall" (*LJA*,vi.1,331), the latter was defined as "the regulation of the inferior parts of it". Smith divided this into three parts, the third of which was concerned with the "source" of revenue to a government that "must lye on the industrious part of the people" (*LJ(A)*,i.5,6) because "In all cases therefore the expenses of the government must be defrayed by the people" through rent on crown lands, tax on land possessed by other subjects of the crown, and customs raised on "manufactures, imports and such like, where it is immediately levied from the people" (*ibid*). One of the aims therefore of good "police" was to examine the "proper means of introducing plenty and abundance into the country, that is, the cheapness of goods of all sorts" (*LJ(A)*,vi.7,333).

The government's prudent management of revenue, its "economy", was therefore united with its promotion of industry, manufactures and "plenty and abundance" of cheap commodities in that section of jurisprudence called "police". The term "political economy" a union of "economy" with "police" had therefore passed into the language of moral philosophers and pamphleteers by the time of the mid-eighteenth century. As a subject of inquiry it was concerned both with the management of state revenue and with the conditions that gave rise to industry, manufactures, trade and commerce. An emerging bourgeoisie had armed the inquiry with the jurisprudential and philosophical doctrines of natural law.

At the heart of these doctrines lay the abstraction of the individual as a formally equal, autonomous juridical subject. The formal freedom of this subject articulated the needs of the bourgeoisie as a whole, gave the consciousness of this class the force to represent itself to humanity as the embodiment of a universal interest, and generated

the conceptual frameworks within which the battle between social science and ideology took place. The Physiocrats in France had argued that the modern economic defence of complete freedom of trade from state interference, of "laissez faire", was an expression of the natural liberty of the individual. They had also argued that "laissez faire" was the best means to stimulate industry, cheapness and plenty of commodities, and the best means to guarantee a regular and plentiful source of state revenue. They thought this policy was the one a sovereign power would be best interested in adopting. At the same time, in the process of attempting to persuade government to accommodate itself to the interests of the bourgeoisie presented as the universal public interest, a substantial body of theoretical literature had arisen which investigated the causal connections between economic phenomena. These were expressed in the language of economic categories such as the commodity, value, wages, prices, rent, labour, profit, interest and capital.

It is to this body of literature that Millar referred in his posthumous essay *The Advancement of Manufactures, Commerce, and the Arts, since the Reign of William III; and the Tendency of this Advancement to diffuse a Spirit of Liberty and Independence*.³ As the title suggests, Millar's ultimate focus within the essay was to examine the effect that the generalisation of commodity production and exchange had on the customs and manners of the population of Britain but also throughout the rest of the world. This entailed a theoretical inquiry that demonstrated the causal influence of the latter upon the "opinions and sentiments which may affect the nature of government".

The essay therefore included a discussion on the effect of economic activity upon the distribution of property and the means of subsistence. This elaborated on Millar's general theory of the nature of government in a commercial society. Millar had developed this theory in his lectures and in his first book *The Origin of Ranks*. Millar thought that generalised commodity production had two opposing effects on government. Commodity producers and exchangers had a direct interest in using all their time in peaceful productive activities. They were therefore less inclined to go along with the prerogatives of feudal power and looked to the sovereign to protect their property. Trade and manufactures were also the most successful means of generating a large state revenue. As a result, the sovereign could employ a large standing army sufficient in extent to suppress any group of people that opposed the interest of the crown. Generalised commodity production therefore brought into being a tendency to political despotism through a concentration of property and wealth in the hands of the sovereign.

³Chapter three of *Historical View*, vol.4, pp101-137. Reprinted in Lehmann, *Millar*, pp325-339.

On the other hand, the greater facilities for exchange also entailed a rapid communication of ideas and opinions. These were likely to be opinions unfavourable to oppressive legislation favouring the crown and its allies in government. Moreover, the concentration of commodity producers and exchangers in towns and cities enabled them to combine and resist the government more effectually when needed. Finally when landed property itself became an alienable commodity and fell into the hands of merchants, the latter were more likely to encourage their tenants to exchange the products of their labour on the market. Generalised commodity production therefore brought into being a tendency to political equality and liberty through a diffusion or fluctuation of property and wealth amongst the lower ranks of society. Much of the essay is therefore concerned with the political effects of economic activity (*AC*, 128-131/*AC(L)*, 336-338).⁴

The categories of political economy that Millar chose to employ in the essay were therefore being used to explain why it was that the "spirit of liberty" appeared to have become increasingly prevalent during the period he covered; to explain how it was that a greater number of individuals had been able to secure a "comfortable subsistence"; to explain the relationship between individuals' independence from previous "habits of submission" and deference to "proprietors" as they had become more affluent. Moreover, although there were no precise predictions of whether or not this progress would continue indefinitely, Millar made statements that referred to the future. He remarked, for example, that there was a tendency within a commercial society for competition to produce a happy situation in which inequalities between rich and poor would be diminished to a point where there was "no chasm from the top to the bottom of the scale" (*AC*, 129-130/*AC(L)*, 336).

The content of the essay is therefore consistent with a general understanding of political economy in the eighteenth century. Millar's attempt to explain the general communication of "liberal sentiments" to the general population in terms of the extension of the market to every sphere in which people are striving to gain a "means of subsistence" reflected the contemporary idea that political economy was a branch of a broader discipline: a science of a statesman or legislator, or a science of historical law and politics. Just as the doctrines later to be elaborated in the *Wealth of Nations* were found in embryo in the section entitled "Police" in his Lectures on Jurisprudence, so Millar put political economy to use to explain historical and social developments he observed in eighteenth century Britain.⁵

⁴See chapter eleven.

⁵Winch remarks of Smith's work that his concerns were much wider than "an instrumental doctrine concerned solely with the efficient allocation of economic resources" and that the broader issue which includes considerations of the relationship of commerce to liberty, virtue and justice shared by Millar, "continues to prove troublesome to economists and historians of economic thought". *Smith's Politics*, p257.

To explain these changes, Millar gave a survey of "commercial policy" since the "infancy of commerce" in the reigns of Elizabeth and James I. He also gave an interpretation of the doctrines he knew of through a study of Smith's *Wealth of Nations*. This section of the essay attempts to make an original theoretical contribution to political economy. I discuss the essay in this chapter for two reasons. The first is to demonstrate that Millar had a notion of economic activity as generalised commodity production and exchange. The second is to demonstrate how far his understanding of economic phenomena differed from that of both Smith and Marx.

Throughout the essay Millar recognised the power and influence of the bourgeoisie on governmental policy. This was not only through the power of their ideas and opinions but also through their strength as a self-conscious collectivity. Thus he wrote of "this great mercantile association" (AC,136/AC(L),339) which had constantly solicited "the aid of government" to promote "general measures for the benefit of their trade" and was "even able to controul and direct the deliberations of the national councils" (AC,137/AC(L),339). Political economy was strongly associated with the doctrine of free trade and Millar presented the writings of Smith and the Physiocrats as the most important intellectual contribution to the times he lived in; the "universal approbation" of Smith's *The Wealth Of Nations* by the "higher classes of mercantile people", being:

"a decisive proof of the high advances of commercial improvement, and of the enlarged views of political economy, by which the present age has become so eminently distinguished." (AC,111/AC(L),329)

These "enlarged views" formed the foundation for his later discussion of the "distribution of property, and the means of subsistence" derived from the three revenues of rent, profits and wages. The three revenues corresponded to the three "sources" of land, capital and labour and the threefold classification of the inhabitants of a commercial country: landlords, capitalists and labourers. The threefold distinction between revenues, factors of production and classes, he took from "the phraseology of late writers upon political economy" (AC,115/AC(L),331).

Millar's discussion of the mercantile period of "commercial policy" was an illustration both of the new doctrine of free trade as theorised by the French and Smith, and also of the new understanding of the nature of the commodity and money as exchangeable products of labour.

The form of state interference in trade encouraged in the mercantile period promoted monopoly which became "inconvenient and pernicious" when "the progress of commercial improvements had produced large capitals, and a numerous body of merchants" (AC,106/AC(L),327). It prevented competition "among the workmen

engaged in producing those commodities which were the subject of monopoly trade" (*ibid*). Commodities were presented here as the products of the labour of "workmen" which were later exchanged by merchants on the internal and external markets. State restriction of competition had, according to Millar, affected the quantity and quality of commodities, "diminishing" the former and "degrading" the latter. Monopolies enabled monopolists to control prices "above their natural rate" (*ibid*).

Millar also discussed the role of state interference and regulation of markets from the political perspective of generating the maximum amount of state revenue:

"Politicians have conceived that individuals, in prosecuting schemes of private interest, were it not for the watchful inspection and controul of government, might be tempted to employ their labour, and their capitals, upon such branches of trade as are less beneficial to the public than others." (AC, 107/AC(L), 328)

Individuals were, according to Millar, motivated by "schemes of private interest". They were in charge of the conditions of production as employers of their own labour or of their own capitals. That they had a natural right to do so was unquestioned on the foreign as well as the home markets. The justification of having "schemes of private interest", "restrained and diverted" by "taxes, prohibitions and bounties", was based, according to Millar, on the false doctrine of the mercantilists - the "older writers on trade" which the new science of political economy had "universally exploded". The mercantilists saw exchange as the exchange of commodities for money, the latter being thought of as the substance of social wealth which could be stored up and used as public revenues to fund the expense of the state. Their conception of the exchange process as limited to the sale of a commodity for money (C-M) was described by Millar in the following way:

"Our trade with every foreign country was regarded as profitable, if we sent to it more goods than we received, and, consequently, obtained a surplus in money. Of the contrary, it was considered as unprofitable and harmful" (AC, 108/AC(L), 328).

The aim of state interference during the mercantile period was therefore to secure to the state a "surplus in money" through foreign trade - profit being thought of as derived from the alienation of commodities for money. This corresponded to the form of surplus derived from merchant capital, whereby merchants grew rich by buying producers' commodities below their value and selling them to consumers at prices

where their value was exceeded (buying cheap to sell dear). This was a form of non-equivalent exchange.⁶

The accumulation of capital by this means could succeed only as long as one nation was enriched at the expense of another. Historically, the really large profits made in this period were with trade with colonies. Slavery (or bonded labour) in the West Indies, America and India made sure that the value of commodities such as tobacco, sugar and cotton was kept low. These commodities were bought cheap on the colonial market where the trading companies enjoyed a monopoly and were sold dear elsewhere, thereby ensuring a rapid accumulation of capital. The effect on internal trade was only in so far as this capital was converted from merchant capital to productive agrarian and industrial capital.

Millar's response to the mercantilist doctrine of state regulation of foreign trade was to argue that, whether the capitalist aimed at obtaining a surplus of money or a surplus of commodities a "real value, and a mercantile profit" was obtained. As he explained:

"If our consumption be not greater than our productions; that is, if we are industrious people; the balance of our trade with all the world, taken complexly, whatever may be the case with particular nations, can never be against us, and, if we have commodities for which there is a general demand, we can seldom remain long without an opportunity of turning them into money" (*AC*, 109/*AC(L)*, 328).

Along with Smith, Millar thought that commodities formed the basis of wealth, and that money was the particular commodity most useful in circulating all the others. Millar also recognised that the consumption of foreign commodities was necessary for the production of domestic commodities. The former were the "useful and marketable commodities" such as raw materials and instruments of labour which assisted the generation of a "mercantile profit" at home. These commodities were necessary for the conversion of merchant capital into productive agrarian and industrial capital.

Millar here followed Smith and the Physiocrats, in perceiving exchange as the unity of the acts of sale and purchase through the medium of money (C-M-C).⁷ Both money, as a means of circulation, and other commodities were conceived by Millar as the products of labour. Commodities were therefore the source and origin of all forms of wealth. However, unlike Smith, Millar did not adopt a labour theory of value. As argued in the previous chapter he preferred a version of a subjective theory of value as

⁶Rubin, *Economic Thought*, pp54-55.

⁷Rubin, *Economic Thought*, p183.

utility, profit being the subjectively assessed advantage gained from savings of labour time and monetary expenditure.

7.2 The Threefold Classification

The discussion so far has focused on Millar's understanding of key economic categories and his knowledge of political economy. I now move on to his discussion of profit, rent and wages, and Millar's theorisation of their relationship to capital (or "stock"), land and labour. I shall argue that this had elements in common but also important differences with Smith's theorisation.

The brief section of the essay which introduced Millar's discussion of profit, fell within the wider context of an explanation of why it was that in "commercial countries" a greater number of people tended to be inclined to "liberal sentiments". This tendency was accounted for by the opportunities that generalised commodity production opened up for every individual who was economically active, including even the poorest labourer. Millar thought that generalised commodity production enabled the individual subject to secure both a means of subsistence for himself and his family, and also, through prudent saving and investment in the labour of others, the chance of making a sufficiently large surplus to acquire landed property. With regard to subsistence and the acquisition of luxuries, every individual subject could become personally independent from the will of a particular master.

The conditions that determined how far a society had advanced towards liberty consisted, firstly, of the "distribution of property and the means of subsistence" and, secondly, of the ease with which large numbers of people were able to combine to advance their mutual interests against oppressive forms of government. He therefore divided his explanation of the opportunities for personal independence into two parts.

It is within the part that accounted for the "the condition of the people relative to the distribution of property and the means of subsistence" that he discussed profits. From the beginning of this section, in which he compared the position of labourers in a "rude society" with labourers in a "commercial society", to the end, where he described how the great opulence of Britain had enabled the poor to acquire "the means of accumulation", he was attentive to circumstances that allowed opportunities for the labourer to move rapidly upward to a position of status and respect based upon the acquisition of wealth. Thus every individual could earn a "comfortable subsistence" through his own efforts, and the observation that "crowds of people" are "continually rising from the lower ranks" is explained by wealth derived from "the different branches of revenue, arising from the wages of labour and from the employment of stock either in trade, or in the cultivation of the earth" (*AC*, 127/*AC(L)*, 335). The effect of these improvements had been "to render the lower classes of the people less dependent upon their superiors".

Millar's explanation of these changes was in terms derived from Smith's political economy but it was clearly subordinate to a broader political purpose. He intended to demonstrate that it was much less possible for a government to be tyrannical once the majority of people had independent sources of revenue or means of subsistence: when they could afford to be indifferent to the personal favours of the sovereign, lord, or master.

It is during the course of this explanation that, according to Lehmann, Millar made a significant contribution to economic theory. This was founded upon "his conception of and strong emphasis upon, the role of capital in the production not merely of goods, but of profit".⁸ This idea was developed by Lauderdale in his *Inquiry*.⁹ Both Millar and Lauderdale were considered by their contemporary Craig to be "advancing . . . upon the position of Adam Smith".¹⁰

I therefore now turn to a commentary on those sections of the text that are framed within the categories of political economy taken from Smith's *The Wealth of Nations*.

7.3 The Distribution of Revenue

Millar started the section with a reference to the threefold distribution of sources of revenue amongst landlords, capitalists, and labourers. This was a passage clearly influenced by Smith whom he indirectly acknowledged as one of the "late writers upon political economy":

⁸Lehmann, *Millar*, p127.

⁹Maitland, James, the Earl of Lauderdale, (1804) *An Inquiry into the Nature and Origin of Public Wealth, and into the means and causes of its increase*. Edinburgh. Paglin M. (ed.) (1962) reprint of 2nd edn, New York.

¹⁰John Craig was Millar's nephew and, as mentioned in chapter two, Millar's biographer. Lauderdale was one of Millar's pupils. (Lehmann, *Millar*, p23n). In his (1814) *Elements of Political Science*, Craig acknowledged both Millar and Lauderdale in a footnote critical of Smith (Vol.2,IV,p71) Craig criticised Smith for having a concept of capital based on the division of labour and the employment of machinery alone. The footnote is attached to a section in which Craig was stressing the advantages and profits derived from capital invested in machinery "which might never have been invented, and certainly could never have been procured, by workmen destitute of capital." (p.70). Machinery operating within the technical division of labour in the factory upon raw materials boosted the quantity and quality of goods produced in the same time that was previously spent on production by "unassisted and uncombined labourers." (p.71). The "additional produce" was the consequence of the employment of capital and "remains with" the capitalist "as the profit on his stock" (ibid) The footnote refers to Millar's essay and to chapter three of Lauderdale's *Inquiry*. At first, this footnote appears puzzling given that Craig has mentioned both machinery and the division of labour as sources of profit. It becomes clear if it is true that Craig thought that the "additional produce" formed a profit because it remains with the capitalist for his own personal consumption. Craig, like Millar, tended to disregard the social form that capital takes as a quantity of value and stressed the handicraft motif found in Smith. He conceived of capital as the material form of the production process, in this case improved by the application of machinery. Capital therefore saved the capitalist time spent in the supervision of the process of production.

"the whole property of such a country, and the subsistence of all the inhabitants, may, according to the phraseology of late writers upon political economy, be derived from three different sources; from the rent of land or water; from the profits of stock or capital; and from the wages of labour; and, in conformity to this arrangement, the inhabitants may be divided into landlords, capitalists, and labourers" (*AC*, 115/*AC(L)*,331).

Millar accepted Smith's threefold classification of the forms of revenue that characterise a capitalist economy, but, whereas Smith tended to keep them distinct, Millar, as I shall argue, tended to conflate and confuse profit with wages. It followed from this that, firstly, he abandoned the distinctions between the three classes in favour of what he called "the several classes, of manufacturers, tradesmen, and merchants" (*AC*, 118/*AC(L)*,332), and secondly, he tended to lose sight of profit as a form of revenue. Profit was hardly distinguishable from a general meaning as "advantage".

Smith was careful to distinguish profit, as an unique form of revenue derived from capital, from wages. He was disinclined to allow that profit might mean the same as "the wages of a particular sort of labour, the labour of inspection and direction" (*WN*, I.vi.6,66). He argued that the "profits of stock" were "regulated by quite different principles" than the "wages of labour" (*WN*, I.vi.6,67). The proportions in the size of profits depended upon the amount of capital invested, not upon the amount of wages allocated to the manager who oversees the production and value-creating process. Smith suggested that the owner of the capital who has invested his capital in order to derive a profit "is. . . discharged of almost all labour" yet "still expects that his profits should bear a regular proportion to his capital". Smith's understanding of profit is, in this account, strictly understood as a form of revenue derived from capital.

Profit was further distinguished as being the revenue of that part of capital which is not the "portion of his whole stock" that "supplies his immediate consumption" (*WN*, II.i.2,279). This is revealing because it indicates that Smith was thinking of profit in a way that differentiated the category from the means of subsistence that is available to the capitalist. It is possible, therefore, to conceive of profit as a form of surplus out of which the capitalist derived his subsistence but which also has other functions unrelated to his personal consumption.

In contrast, Millar's conception of revenue is never distinguished from "means of subsistence". A revenue in the form of money has to enter into circulation if it is to command commodities for personal consumption whereas "means of subsistence" does not have to take a monetary form.

Smith conceived of profit as a distinct form of revenue which is appropriated by the capitalist. Conversely, he understood wages as the revenue that goes to those labourers who are dependent upon a capitalist for employment. The position of the

independent craftsman who Smith remarked is "both master and workman, and enjoys the whole produce of his own labour" (*WN*, I.viii.9,83) and whose revenue consists of both wages and profits is not typical. "Such cases . . . are not very frequent, and in every part of Europe, twenty workmen serve under a master for one that is independent; and the wages of labour are everywhere understood to be, what they usually are, when the labourer is one person, and the owner of the stock which employs him another" (*WN*, I.viii.10,83).

Millar, on the other hand, included within the notion of revenue derived from capital not only profits but wages. Both forms of revenue go to, or are drawn by, the "merchant or manufacturer". "Mercantile adventurers", for example, drew a profit from their own capital, and wages from "trading with the capital of others". These are the "wages of mercantile exertion" which compensated the capitalist for any inconvenience he suffered as a result of waiting for a return on his investment. If a capitalist derives a revenue from lending his capital out at an interest, then he deserves a compensation "for his own efforts in putting that capital in motion" and this is described "with propriety" as the "rent of capital". Revenue derived from capital, according to Millar, fell into three different branches, - "profits", "wages" and "rent" - and all three different branches of revenue are drawn by the "several classes" of capitalists, as "manufacturer", "tradesman", "merchant" or "monied men". The "common labourer" is mentioned by Millar, in this context, as being less independent than the capitalist because his revenue was not as large as theirs. Given that the distinction between capitalist and labourer was based upon purely quantitative criteria (the "extent" of the revenue), it is possible to suggest that Millar might have thought that the labourer's revenue could also consist of "profits", "wages" and "rent".

It might be argued that Millar, by distinguishing the revenue derived from capital into profit, wages and rent, was trying to differentiate the boundaries that separate the "several classes" of manufacturers, tradesmen and merchants: that each of the different classes drew a separate revenue appropriate to their relationship to capital. However, there is no evidence to support this suggestion. Profit, wages and rent go to both "merchant or manufacturer". The only plausible distinction that might be made is the one he made between "monied men" and "mercantile adventurers", the former deriving interest from loans (or "rent" from their capital); the latter deriving wages and profit from trading with other people's or their own capital. For example, he described them as two different "orders" of capitalists. Yet whether one was a manufacturer, tradesman or merchant, one could still be either a "monied man" or a "mercantile adventurer". The latter descriptions did not help differentiate between the former classes that arise spontaneously from a social division of labour within which "the business of producing and disposing of commodities becomes more extensive and complicated" (*AS*, 118/*AS(L)*, 332).

When Millar discussed revenue derived from "the cultivation of land", he included "the ground" within the category of capital or "agricultural stock". Rent was therefore a revenue derived from capital. He suggested that there is no essential difference between rent and profit. The difference is merely verbal. Both rent and profit derived from agriculture "depend upon the same principles" as "mercantile profit". These are that capital, in whatever form it takes, permanent or circulating, industrial or agricultural, functions to shorten and facilitate labour. Here Millar's understanding of capital is clearly stripped of any recognition of its social form as value. It is reduced to the material elements necessary for every process of production and a subjective estimation of utility of saving money and time: the land being compared to a loom "or other piece of machinery" which formed a subject of and instrument for the farmer's working activity (*AS*,125/*AS(L)*,335).

7.4 Labourers' Wages and Craftsmen's Revenue

Millar's reference to profit as a means of subsistence derived from capital followed this statement:

"When a labourer has acquired so much property as will enable him, without wages to subsist until he has manufactured a particular commodity, he may then gain, upon the sale of it, a profit over and above the ordinary value of his labour."
(*AC*,117/*AC(L)*,332)

Millar had already remarked that labourers receive high wages when the national economy is expanding and the demand for labour is greater than the supply. The above statement implied that these wages are not only used to purchase those commodities that are necessary for the worker's subsistence (food, clothes and housing), but also sufficient to purchase instruments of labour and raw materials necessary to produce a commodity as an independent craftsman for sale on the market. The labourer ceased to be dependent on the wage, and became an independent craftsman.

The key phrase in the above passage is "a profit over and above the ordinary value of his labour". One way of understanding this phrase is that the value of the commodity the craftsman produced was greater than the value of the labour power the former wage labourer sold to the capitalist. Given Millar's political intentions within the essay, it is possible to imagine that he wanted to argue that the average revenue generated by an individual craftsman was greater than the average wage of a labourer. The labourer's wage was, according to Millar, dependent upon the interests of one employer. In contrast, the craftsman's revenue was dependent upon a multiplicity of customers. The craftsman would therefore be, according to Millar, more independent than the wage labourer. If the craftsman were both more independent and more

prosperous than the wage labourer, then the labourer would be motivated to save his wages. He would then use his savings as a means of subsistence whilst he established himself as a craftsman.

Millar's notion of the relationship of value to labour was derived from Smith's, and Smith's notions embodied what Rubin calls both a "handicraft" and a "capitalist" motif.¹¹ These motifs are intertwined with one another. They reflected ideas formed in the transition from a society within which the forms of commodity exchange were confined solely to artisan production (where capital is limited to merchant's capital), to one where exchange is coming to dominate all forms of working activity (where a surplus is extracted through the exchange of labour power for productive capital).

Smith's search for a measure of value led him to an understanding of exchange as the acquisition of the labour of other people. The acquisition of the labour of another person in a product in which their labour is materialised is not, however, the same thing as the acquisition of the living labour of a hired worker. This distinction is confused in Smith's inquiry.

For example, when Smith referred to the power that a person of fortune has, he stated that this power is:

"the power of purchasing; a certain command over all the labour, or over all the produce of labour, which is then in the market. His fortune is greater or less, precisely in proportion to the extent of this power; or to the quantity either of other men's labour, or, what is the *same thing* [my emphasis] of the produce of other men's labour, which it enables him to purchase or command" (*WN*.I.iii.3.48).

Smith thought that the purchase of labour materialised in a product and the purchase of living labour were identical. He wrote they are "the same thing". However, living labour is not exchanged directly when the products of labour are exchanged as commodities. In a simple exchange of one commodity for another, to state that the two commodities consist of an equal quantity of labour, means the same as to state that this exchange exerts an indirect influence upon the labouring activities of another commodity producer. In an exchange of a commodity for living labour, however, there is a direct influence upon and control over the worker's activity. In a capitalist society this exchange represents an unequal social relationship.

When Smith considered exchange within a pre-capitalist society, before the "accumulation of stock" and before the "appropriation of land", the commodity producer was conceived of as a craftsman whose commodity is exchanged for a

¹¹Value as the labour expended on a commodity expresses the former. As labour (i.e. labour power) purchased, it expresses the latter. Rubin, *Economic Thought*, p193.

commodity that has an equal amount of labour expended upon it (*WN*, I.vi.1-4,65). When he turned to examining exchange within a capitalist economy, however, he was inclined to conceive of the labour purchased rather than the labour expended upon the production of a commodity. This is the living labour of the hired workman, where the commodity's value expresses a quantity greater than that expended in production.

Given that the distinction between labour expended and labour purchased was conflated within Smith's understanding of value, it is unlikely that Millar, whose concerns were to use political economy more to illustrate historical and political changes than to develop its categories, was going to be any clearer. If Millar had a conception of value derived from Smith, it would embody the confusions between labour expended and labour purchased and, like Smith, he would have no awareness of the distinction between materialised and living labour. We have shown above that Millar confused profit, rent and wages as distinct forms of revenue. It is, therefore, more likely that he understood the phrase "a profit over and above the ordinary value of his labour" as the revenue of a craftsman which, according to Smith, consists of two components: profit and wages.

It is interesting to contrast the above statement of Millar's with a paragraph of Smith's in which he commented on the transition from labourer to craftsman:

"It sometimes happens, indeed, that a single independent workman has stock sufficient both to purchase the materials of his work, and to maintain himself till it be completed. He is both master and workman, and enjoys the whole produce of his own labour, or the whole value which it adds to the materials upon which it is bestowed. It includes what are usually two distinct revenues, belonging to two distinct persons, the profits of stock and the wages of labour." (*WN*, I.viii.9,83)

What strikes a reader if they compare the two passages, is that, whereas the transition from labourer to craftsman was typical, frequent or usual for Millar, it was untypical, infrequent and exceptional for Smith. Smith's recognition was that profits belonged to the master and wages to the workman. If a labourer was successful in establishing himself as an independent craftsman then he was exceptional. As I have argued above, Millar conflated profits and wages. He thought of them as belonging as much to master as to a workman. In contrast to Smith, Millar suggested that wages and profit belong both to the labourer, the manufacturer, the tradesman and the merchant. He thought it would be normal for the labourer to establish himself as a craftsman (and a craftsman to establish himself as a capitalist), if savings that were profits were made out of wages.

What is clear, therefore, is that the "handicraft motif" in Millar is stronger than the "capitalist motif". For Smith the independent craftsman was the exception; for Millar,

he became the rule. The "value of the labour" of the labourer turned craftsman was that part of the revenue he derived from the sale of his commodity which Millar later called the "wages of mercantile exertion". The "profit" the craftsman gained "over and above" these "wages" was, on the one hand, the advantage that any person gained as a commodity exchanger who can obtain a use-value (in this case the means of subsistence) only through some form of sale and purchase, and, on the other hand, a form of surplus produce which Millar derived from "improvements" in the process of production such as the introduction of a technical division of labour and machinery. If the craftsman's labour was the motive force behind the generation of wealth, then the less time he took in the production of a commodity (through the introduction of the more sophisticated technology he has invented into the production process), then the more time he had free to enjoy and consume the commodities he purchased on the market.

The metamorphosis of dependent wage labourer into independent craftsman was only the first step on a ladder upwards. Millar stated that:

"In proportion to the enlargement of his capital, his productions, by the employment of subordinate hands will be multiplied, and his profits, of course extended." (*AC*, 117-8/*AC(L)*, 332)

The person he was giving an account of was still the "labourer", but it was the labourer who was in the process of moving from dependence upon a wage to independent craftsman to capitalist. Capital was derived historically from the conversion of dependent wage labour into independent crafts production. That this was intended to be a historical account of the origins of commercial society is confirmed by the final sentence of this paragraph:

"Thus, according as the business of producing and disposing of commodities becomes more extensive and complicated, it is gradually subdivided into various departments, and gives rise to the several classes, of manufacturers, tradesmen and merchants." (*AC*, 118/*AC(L)*, 332)

This is the social division of labour brought into being by generalised commodity production. Smith confused this social division of labour with the technical division of labour in the manufactory.¹² The social division of labour is the way in which different

¹²Marx spells out the logical relationship between the division of labour and commodity production in *Capital, Vol. I.* (p9). Commodity production is a necessary but not a sufficient condition for a social division of labour. The latter, for example, can be found in the patriarchal household. However, there can be no form of commodity production without a social division of labour. In contrast, commodity

branches of labour in a national or world economy are distributed through the historical development of the function of money from a means of payment and a measure of value into capital. This social division of labour was explained by Smith as originating from a natural propensity to exchange commodities motivated by individual betterment or improvement.

Millar inferred a social division of labour in the form of the "several classes" of capitalists including the merchant, manufacturer and tradesman from the extension of the market which the labourer-come-independent craftsman-come-original capitalist created. This presupposed what it attempted to explain. It was therefore a circular account. Millar assumed the existence of a fully developed "commercial society" consisting of self-interested individual subjects in order to explain its origins. Put differently, he assumed a society within which every individual's working activity is exchangeable (and regulated by laws of contract) to explain how it was that every individual's working activity became exchangeable.

From this moment on, Millar's account took on certain characteristic features. Firstly, he disregarded the position of dependent labourers who formed the majority of the population within the production and valorisation process. They figured only to the extent that they were being "daily converted into artificers, frequently vending their own productions" (*AC*, 124/*AC(L)*, 334). Secondly, he abandoned Smith's distinction of classes based upon the objective distribution of revenues and used loose distinctions derived subjectively from his observations on the differing status given to "mercantile people", and, thirdly, he tended to think of the labour expended on commodities as that of an idealised craftsman who is both capitalist and worker.

7.5 Fixed and Circulating Capital

Millar, following Smith, distinguished between "circulating" and "permanent" (or "fixed") capital in order to demonstrate how these forms were sources of profit:

"To discover the different sources of mercantile profit, we may distinguish two sorts of stock, or capital, belonging to a manufacturer or merchant; the circulating, and the permanent stock; the former comprehending the goods which he brings to market; the

production is neither a necessary nor a sufficient condition for a technical division of labour. It is quite possible to conceive of the production of commodities by private individuals in the absence of a technical division of labour. The notion of simple commodity production depends on this abstraction. It is also possible to conceive of a technical division of labour without commodity production. Marx gives the example of the absence of exchange between producers in a factory. The technical division of labour (like machinery) is therefore only an economic category in the specific (and historically contingent) social forms it takes either as capital or within bureaucratic administrations dependent upon capital.

latter, the houses, the machinery, and the various accommodations which he requires for the manufacture or sale of his goods." (*AC*, 118/*AC(L)*, 332)

This distinction followed Smith's own division of the forms of capital into "fixed" and "circulating" capital.

Smith's understanding of capital was dualistic. On the one hand, following from his concern to investigate the relationship between a labouring and an exchanging society, he understood capital as a quantity of stored-up value out of which the capitalist purchases machinery, raw materials and means of subsistence for the workers. On the other hand he presented capital as a quantity of accumulated produce, useful materials, technique and finished goods to be consumed in production. Millar's tendency was to follow the latter understanding.

Smith's definition of circulating capital was that it was that sort of capital which "is continually going from him in one shape, and returning to him in another" (*WN*, II.i.4, 279). It followed from this definition that, from the standpoint of material production, circulating capital could refer to raw materials which in their natural form are changed into finished products. Smith added the caveat that circulating capital must "change masters" as well as change "shape". This caveat makes Smith's definition compatible with a movement of raw materials not only changing form into finished products within a technical division of labour, but also changing value when transferred from one branch of production to another within the social division of labour. This understanding can therefore be interpreted dualistically both as a movement of material objects and also as a transference of value. The change in the material "shape" of the product of labour is a qualitative change of the natural form and substance of raw material into worked up product. An example might be iron ore mined from the earth. This changes its shape into steel through a particular process of production. On the other hand, the change of "shape" of the value form is a quantitative change of the magnitude of the commodity's social substance. The quantity of abstract labour embodied in the iron ore is transferred from the mining capitalist to the steel-producing capitalist. This quantity is preserved within the value of the steel.

When the form of the exchangeability of human working activity is at the forefront of his mind, Smith presented the threefold division of the whole of society's revenue into wages, profit and rent as a derivation from value. This presupposed an essential connection between the total proportion of value and the total proportion of labour expended or purchased within society. Smith, therefore, came close to an understanding that wages, profit and rent, are that portion of value which remains after

the amount of value that has been realised as fixed and circulating capital has been deducted.¹³

The notion that revenues are a portion of value deducted from the total amount of value that labour generates was a feature of Smith's account of capital. His idea was that, once capital has been accumulated, profit is that deduction from the value of the produce of labour which the capitalist appropriates for himself.¹⁴

This does not mean that Smith had a systematic theory of exploitation. Smith recognised that profit can be conceived as the appropriation by the capitalist of a portion of value generated by the worker which is greater than the value expressed in the worker's labour. Put differently, it is a recognition that what has come to be understood as an objective form of exploitation exists, but without making this fact the foundation of an explanatory system.¹⁵ To have been able to theorise exploitation in terms of the appropriation of surplus value by capital, Smith would have had to be able to distinguish between labour expended and labour purchased, and to separate out clearly the social forms of capital and labour as value from their material aspects. The best that can be argued is that the existence of surplus value is recognised by Smith as an untheorised element of his investigation into the derivation of profit. In other words, the embryo of a later theory of surplus value exists in those passages of Smith that recognise that new value is created by the worker and appropriated by the capitalist.¹⁶

¹³"The gross revenue of all the inhabitants of a great country comprehends the whole annual produce of their land and labour; the net revenue, what remains free to them after deducting the expense of maintaining - first, their fixed, and, secondly, their circulating capital; or what, without encroaching on their capital, they can place in their stock reserved for immediate consumption, or spend upon their subsistence, conveniences, and amusements" (*WN*, II.ii.5, 286). Note that "the whole annual produce" can be read as a stock of use-values as well as a quantity of value and that a "stock reserved for immediate consumption" can also be read in this dualistic fashion. This is typical of Smith.

¹⁴"the greater part of the workmen stand in need of a master to advance them the materials of their work, and their wages and maintenance till it be completed. He shares in the produce of their labour, or in the value which it adds to the materials upon which it is bestowed; and in this *share* consists his profit" [my emphasis] (*WN*, I.vii.9, 83). Note again the dualism: "the produce of their labour" or the value added by the workmen's labour.

¹⁵A good discussion of this point can be found in Engels' Preface, 1885, to *Capital Vol. II* (1896. London, 1986: pp1-20). The passages of Smith which are relevant are in *WN*, I.vi.5, 65-6 & I.viii.6-8, 83. In the former Smith states that the value that is added to materials by the worker in the process of production "resolves itself" into wages and profits. In the latter, he refers to the two "deductions" from the produce of labour created by the labourer on the land and in manufacturing by the landlord and the capitalist. Marx picked out these passages in order to show that Smith had recognised the existence of the source of surplus value without being able to theorise it. Engels used an analogy from the history of science to illustrate this (pp16-17). Just as Priestley and Scheele produced oxygen without being able to theorise it because they were "prisoners" of the categories based on "phlogistic chemistry" bequeathed to them from the past, so Smith recognised the existence of surplus value as "the product of the labour for which its appropriator had not given any equivalent". Smith, however, was trapped within categories which prevented him from theorising this fact. Smith had only recognised the existence of the possibility of exploitation. He had no theory of exploitation.

¹⁶If the total value of labour is conceived to be the total amount of the wages of labour, then the deduction from value that the capitalist's profit consists of means that the capitalist takes a profit by

In contrast, Millar's definition of circulating capital was "the goods" that the "manufacturer or merchant" brought to market. This definition prevented any potential for investigation into the value of these goods. It excluded any idea that circulating capital, either as moveable material or as transferable value, might form a part of the production process. Millar's definition did not even entail that the goods were sold or purchased as commodities. The goods did not have to "change masters" to count as circulating capital. The "merchant or manufacturer" could take his goods to market and bring them back home without having realised a sale. All that counted was that they could be moved to and from the market, unlike, for example, buildings.

Millar's understanding of circulating capital was consistent with any commodity-producing society, not necessarily a society within which production had a characteristically capitalist form. Thus if an independent craftsman were to bring his finished product to market with the intention of exchanging it, then that finished product was, by his definition, a circulating capital, whether the craftsman lived in ancient Greece or had a stall in a trade fair in late twentieth century Hillhead.

However, given that Millar stated that capital belongs to the merchant as well as the manufacturer, his definition of circulating capital might be understood as a shorthand version of Smith's statement that the capital of a merchant is "altogether a circulating capital" (*WN*, II.i.7, 280). If his definition is read this way, then it is clear that both Millar and Smith disregarded the transference of value within the productive and valorising process. The reason for this is that circulating capital was now conceived of solely as merchant's capital and that merchant's capital does not enter into the production process. If it does, it ceases to be merchant's capital and becomes the productive capital of the industrial capitalist.

Within a commodity-capitalist society, merchant capital can intervene only when productive capital has taken the form of commodity capital and is destined for circulation so that the commodity's value is realised. Merchant's capital is therefore confined purely to the sphere of the circulation of commodities. It is, by its very nature, excluded from the sphere of the production of commodities.¹⁷

The conception of circulating capital which Millar and Smith have as merchant capital is again consistent with societies that are not capitalist - within those historical societies in which the production of a surplus by human activity is not universally dominated by the social form of value. Circulating capital conceived of as merchant capital is consistent with an ancient or feudal society within which the surplus is extracted in the non-value forms of slavery and serfdom. In these societies, the profit

robbing the worker of part of his wages. Thus, Lauderdale commented that profit, according to Smith, is "only a transfer from the pocket of the labourer into that of the proprietor of stock" (*Inquiry*, p158)

¹⁷When merchant capital penetrates the sphere of production, as it did historically, then its nature is changed into productive capital.

generated by merchant's capital was based upon a form of cheating posed by the separation of the acts of purchase and sale in the circulation process. It played no role in the production of commodities by the independent artisan.

The conception of circulating capital as a form of capital that exists solely within the sphere of the circulation of commodities can be contrasted to the form that circulating capital takes as productive capital dependent upon the purchase and sale of labour power. These are two different entities with different social functions. The value of circulating capital within a capitalist production process (for example, that embodied in raw materials) has to be replaced in totality during the period required for the production of a commodity and when transferred does not increase its value.¹⁸

Millar's definition of circulating capital as the goods that the manufacturer or merchant brings to market can be reduced to the tautological statement that, if a commodity is to realise its use-value through a purchase and sale, then it has to be exchanged for money on the market. "Circulating capital" therefore means the same as "commodity to be exchanged". If the latter statement is true then it has implications for his conception of profit. I have suggested above that Millar referred to profit as "benefit" or "advantage". Once the idea of profit is conceived as derived independently from a revenue derived from value, and value is conceived independently from labour, then profit becomes a synonym for utility or need and is associated with political economy only because the commodity must have a use-value.¹⁹ Millar's "mercantile profit" meant that the individual self-interested subject derived a benefit from the exchange of commodities. Within Millar's account, these benefits were primarily political. Those engaged in the production and exchange of commodities (whether they be labourers, craftsmen, agrarian or industrial capitalists) were less likely to acquiesce to political oppression than those whose livelihood depended upon the revenue of the state.

To summarise, Smith's dualism consisted of the fact that his account of capital confused the social form with the material technical process of production. In comparison, Millar disregarded Smith's investigation into the relation of value and labour, yet held on to the conception of commercial society as a society within which

¹⁸The distinction Marx makes between fixed and circulating capital depends solely upon the length of time that value is transferred during different periods of production. Neither circulating nor fixed capital generates any additional new value. The distinction has nothing to do with whether the fixed or circulating capital is moveable or not. New value is generated by labour power, not fixed or circulating capital. See *Capital Vol.II*, pp215-217.

¹⁹"Profit" as "use" or "need" is an ordinary conception. "My profit is your loss" is often taken to mean "My need has been satisfied but yours has been denied". There is no explanation of this apparent opposition. It does, of course, presuppose social relationships dominated by competition. But the competition can be just as much on the sportsfield as in the market-place. Similarly the statement that "It is profitable for people to live in houses" does not necessarily entail that "people" gain a source of revenue from living in houses (although they might). It does entail that people find living in houses useful.

everyone exchanges the products of their labour. Millar tended, however, to emphasise the aspect of the material technical side to the exclusion of its social form as value. Value consisted of the general utility of exchange for societies within which there is an element of production of commodities. Millar did not conceive of value in the form that characterises a society within which all forms of human working activity are made equivalent through the relationship of purchase and sale. The society he described was therefore not a characteristically capitalist society within which the social surplus takes the form of value and the capacity to labour is itself exchangeable and both generates value as well as having a value. As I shall argue further below, Millar's "commercial society" was a society in which individuals acquired commodities for subsistence and accumulated surpluses of commodities for exchange through savings of their labour and their revenues.

Millar took from Smith the idea that capital consisted of the material elements required for the production of commodities. It was but a short step from this one-sided understanding of capital, to making capital into a universal and necessary feature of any labour process in any kind of society. Capital became identified with tools, machinery and the technical division of labour. This step was taken by one of Millar's pupils, Lauderdale, in his *Inquiry*.²⁰

7.6 The Saving of Labour

Once the labourer had become an independent commodity producer, Millar stated that he gained advantages from those "goods which he brings to market":

"To a manufacturer, the circulating stock affords a profit, by enabling him to unite many different branches of labour upon the same commodity, and, consequently to save that expense of carriage, which would be incurred if those branches were separately performed in different places, and the amount afterwards collected."
(AC, 118-9/AC(L), 332)

The example Millar gave is of the capitalist's power to centralise, concentrate and subordinate the various branches of production in the wool industry under a technical division of labour: "in the same neighbourhood". Millar's observations of the development of the material process of production are correct on two points: firstly, he recognised the increased productivity generated by a division of labour that the capitalist consciously plans and controls, and, secondly, he continued to hold on to

²⁰Lauderdale argued that the spades and ploughs individuals used in their "first employment" were capital invested in machinery. These tools generated a profit by shortening the time they previously spent cultivating the ground with their hands. This entails that early hominids were the first capitalists (*Inquiry*, p163).

Smith's conception of a society where human working activity is dominated by exchange. On the other hand, he ignored Smith's investigation of value and this led him to conceive the accumulation of capital as a process of hoarding or "saving" - in other words as an accumulated stock of produce.²¹

The idea of a saving of expense as an advantage the commodity producer or capitalist gained from bringing his goods to market was also associated with the idea of a shortening of labour and a saving of time. Thus:

"The manufacturer, therefore, draws a return for his capital, inasmuch as it has been the means of shortening the labour, and consequently of diminishing the expense of his manufacture." (AC, 119/AC(L), 332)

The labour he was thinking of is the labour involved in the transportation of one commodity from one branch of production to another and:

"It is unnecessary to observe that by the saving of carriage there is also a saving of *time*, [Millar's emphasis] which is no less valuable; and the manufacturer obtains an additional profit, according as, with the same labour, he can sooner bring his goods to market." (*ibid*)

Millar had indicated that there were two separate sources of profit: a saving of expense and a saving of time, and that both sources of profit are derived from a shortening of labour which exchange creates by concentrating the means of production in one locality.

The saving of expense and its relationship to saving of time and the shortening of labour is unclear. Considered separately, the saving of expense could mean either a saving in the amount of capital laid out in wages for the hire of those workers who transported commodities from one branch of production to another: taking the wool from the sheep farmer to the spinner to be made into yarn and from the spinner to the weaver to be made into cloth. It could also mean the saving the manufacturer made in that amount of his revenue that he put aside for his own means of subsistence whilst he was involved in the work of transporting these commodities.²²

²¹The former point can be illustrated by how the saving of the "expense of carriage", as an account of how a revenue is derived from capital, is reminiscent of Smith's doctrine of saving based upon the prudential and self-sacrificing virtue of parsimony. This doctrine was adopted by Millar's nephew, Craig. Craig thought of the accumulation of capital as "altogether the fruits of former economy, or, as it is sometimes called, of former privation." (*Elements*, p65). Lauderdale, on the other hand, abandoned parsimony and took up Millar (and Craig's) other notion of capital as savings: that improved technique enables capital to accumulate through savings in time and expense.

²²The picture Millar paints here reflects the real transition underway in the eighteenth century from cottage or domestic industry to centralised capitalist enterprises. This saw the independent craftsman

The saving of time, on the other hand, was a consequence of a comparison between the quantity of labour required to produce a particular commodity when the branches of production are separated geographically with that required to produce the same commodity concentrated in the one locality. A social division of labour was presupposed in the former and a technical division of labour in the latter.

The question arises of the nature of the labour-time "saved" which is involved in the comparison. Millar was thinking that the labour expended is as much that of the "manufacturer", as capitalist or craftsman, as that of the "manufacturer" as labourer. The capitalist's subjective assessment of the effort involved was less because within the time he once spent travelling in order to put goods out and collect them from the separate producers, he could now spend supervising a manufactory which produced a greater quantity of finished goods. On the other hand, the labour expended by the "manufacturers" - labourers concentrated under the same roof - was more productive than that of separate domestic or cottage labourers. Thus he wrote:

"As by collecting many hands in the same manufacture, the undertaker saves an actual expense, he also obtains a direct advantage by having it in his power to divide minutely, the several branches of labour among different workmen, so that each acquires more skill and dexterity in the single branch allotted to him, and is prevented from idling and losing time, as commonly happens in passing from one branch to another. The prodigious effect of this division of labour, by increasing the quantity of work done in a given time, as well as by improving its quality, becomes also, like every other circumstance tending to facilitate labour, a separate source of profit to the manufacturer." (AC, 119-20/AC(L), 332-3)

These observations on the technical division of labour are unoriginal and can be found in Smith's account of the pin-making manufactory in the first chapter of *The Wealth of Nations*. Smith observed that a division of labour increases productivity, firstly by the increased skill and dexterity of the workmen and, secondly, by the speeding up of the process of production when the time spent on switching from one

becoming increasingly subordinate to the merchant middleman. Independent handicrafts gave way gradually to the cottage system where the cottage labourers were dependent upon one particular merchant who would buy their output, place advance orders, and supply the labourer with raw materials. The centralisation of production in manufactories, converted these labourers into hired workers receiving a wage. Rubin remarks: "By bringing the workers together under one roof the entrepreneur rid himself of the unnecessary expense involved in distributing the materials to the individual cottage labourers and in transferring the output of some workers to other others for further processing" (*Economic Thought*, p156). The cottage system co-existed with manufactories until the "extensive application of machinery" in the industrial revolution at the end of the eighteenth century. Millar would have lived to see both systems in operation side by side. He would have observed the decay of the cottage system under the impact of the machinery invested in the new factories.

branch of production to another is eradicated. Smith's investigation included an attempt to understand the relationship between labour and value. He therefore had insights into the social form of a capitalist society. Millar, on the other hand, did not adopt a labour theory of value. He therefore understood the advantages of changes in the technical process to the self-interested subject as profit. He thought of capital as a stock of products, and of labour-time either as the time expended in production by a craftsman in the production of a commodity, or the time a capitalist spent in supervising the productive process he had organised within a technical division of labour. Both aspects of labour-time were estimated according to the requirements of the individual subject of experience. Thus he concluded:

"the benefit resulting from every species of trade or manufacture, is ultimately derived from *labour* [his emphasis]; and that the profit arising from every branch of stock, whether permanent or circulating, is derived from its enabling the merchant, or manufacturer, to produce the same effect with less labour, and consequently with less expense than would otherwise have been required." (AC, 122/AC(L), 333)

Millar was thinking here of either the time expended by the "merchant or manufacturer" (the capitalist or independent craftsman), or in the saving of expense that the capitalist made in the amount he laid out in wages for the hire of labour power of his workers. As has been argued above, it reveals a confusion of the kinds of revenue derived from independent craft production with those derived from a capitalist form of production. Millar conceived of profit as a form of advantage subjectively assessed by the producer. He dropped the notion that was a revenue derived from capital. Profit as advantage logically follows from Millar conceiving human working activity solely from the standpoint of the material technical process. Accumulation of wealth is conceived purely as an accumulation of the products of labour irrespective of their value-form. In reality, the advantage or usefulness of a technical division of labour to the capitalist depends on the accumulation of capital as surplus value not on the accumulation of goods (which may or may not realise their value through exchange).²³

The savings of expense and time were advantages and therefore the cause of profits. The former were, however, observations based on the fact that a technical division of labour allowed for a greater quantity of work to be done within a shorter amount of time. Millar extended the idea of a saving of time or a shortening of labour from observations based upon the manufactory and applied it to the dissolution of

²³The theme of profit as advantage is elaborated in the footnote attached to this passage discussed in chapter six (AC, 120/AC(L), 333). Millar thought of wages as advantageous to both the worker and the capitalist. Wages were therefore profitable to both the capitalist and the worker.

those branches of production to be found in the decaying social division of labour based on cottage or domestic industry.

Millar tried to equate "savings of time" with "savings of expense" in a way which suggested that the labour-time or expense that was saved was either that of the capitalist's labour, which he thought was embodied in the commodities he sold, or out of the fund the capitalist laid aside for the hire of labour power. This means the same thing as stating that the introduction of improved technical methods of production and machinery reduced his wage bill.

Whichever way the above passage is read, the introduction of these improved methods and machinery were to the advantage of both the capitalist and the worker. Millar recognised that improved technique reduced the amount of time expended in the production of a commodity and suggested that its price would therefore be less.

This is consistent with the perspective of an independent craftsman who looks at the time spent at work on a particular commodity as a painful effort. A "saving of time" for the craftsman meant that if the value is determined by his subjective estimation of the effort he puts into a day's work, and he is able to produce in the same time a greater quantity of products, then he is saved the trouble and strain of having to work for two days or more to produce the same quantity of products. If Millar tended to conceive the worker as craftsman then the diminution of time it took to produce a particular commodity caused by the introduction of machinery would similarly release the worker from the effort and strain of having to work less than before.

7.7 Conclusion

In this section I have argued the following. Firstly, through a comparison with Smith, I have shown that Millar blurred the forms of revenue characteristic of a capitalist society to such an extent that, whilst using the terminology of profits, wages and rent, the social classes to which they fall become relatively indistinguishable. He therefore fell back upon the idea that social classes are those types of occupation that arise within a social division of labour.²⁴ This existed within a pre-capitalist society. Merchants, craftsmen and hired labourers are found in all historical forms of society where there is an exchange of commodities. This meant that he disregarded the role played by living labour in a capitalist society. This is a source not only of capital but of the revenues derived from the new value that labour power adds to it. However, Millar, like Smith, still wanted to characterise commercial society as a society in which everyone could become a merchant and in which the working activity of individuals was dominated by production for exchange. He therefore tended to conceive of the labour expended in commodity production as the labour of the independent craftsman

²⁴See chapter twelve.

who brings his own commodity to market. Millar took from Smith the confusion between the material technical process and the social form that capital takes as value. Adopting a subjective utility theory of value, he disregarded the latter, and developed the idea that capital consists of an accumulated stock of produce consumed as a means of subsistence by self-interested individual subjects. His account of how this stock accumulates was therefore influenced by observations of how the material process had changed so that a greater quantity of goods could be produced. Capital conceived in this material technical sense creates its own surplus by reducing the amount of labour-time necessary for the production of a particular commodity. Millar conceived of the labour expended in the division of labour as belonging to the craftsman. It followed that the advantages of capital accumulation went equally to every individual in society. Every individual was not only wealthier but had more opportunity to enjoy the advantages of the time that had been saved.

Part Four:

Juridical Aspects

Chapter Eight:

Method

8.1 The Study of Method in Use

It was Dugald Stewart who, in the late eighteenth century, coined the term "conjectural" to describe Smith's methodological approach to history.¹ Stewart stated that "when we cannot trace the process by which an event *has been* produced, it is often of importance to be able to show how it *may have been* produced by natural causes" [his emphasis].² I shall argue in this chapter that "natural causes" are regularities that are self evident within the experience of the individual subject. However, before I delve into an examination of the textual evidence, I shall discuss an interpretation of the notion of "conjectural" history that has become current within the literature in eighteenth century Scottish historiography.

This is the notion that Millar, and his contemporaries, would be better characterised as having anticipated the sociological methods of Max Weber than those of Karl Marx. In my discussion of problems that had arisen for scholars arising out of the assimilation of Millar's and Smith's social and historical theory with textbook sociological models derived from Soviet-inspired readings of Marx's *Preface*, I quoted from an article by H.M. Hopfl.³ I suggested that the framework of stages that has become so popular in textbook accounts of Marx had more in common with Hopfl's ideal or typical societies than with the empirical reality of an evolving human society. Here I shall discuss and challenge some of the substantive issues raised by his broader thesis.

Hopfl has made an important contribution to the study of eighteenth century social and historical theory. He has directed students to examine the method of inquiry that the Scots actually used.⁴ He has argued that the historiography of the period can be distinguished both from "narrative, document based" histories and also from *philosophe* histories, such as those of Voltaire and Rousseau, which were written to illustrate a moral purpose. Given Millar's frequent use of the category of improvement, the central role that utility played in his method and the notion he shared with Smith of the betterment of the subject, it is possible to emphasise the moral content of his method. However, the point Hopfl makes is useful when Millar's own self

¹See Stewart, D. (1793) "An Account of the Life and Writings of Adam Smith, LLD", reprinted and edited by Wightman W.L.D. in Adam Smith's *Essays on Philosophical Subjects* (Indianapolis, 1982) p.293.

²Stewart, "Account", *ibid.*

³Hopfl, "Conjectural History". See chapter five.

⁴Hopfl, "Conjectural History", 21 & 23.

consciousness of his approach to history is born in mind. Millar, for example, criticised Rousseau for a preoccupation he had with morality. This tended to enflame the passions thereby distorting knowledge of how generalised commodity production had caused changes in subjects' perceptions of morality.⁵

Hopfl makes statements on the Scots' method that are incontestable and true. Their method was grounded in experience, inductive and experimental.⁶ This method led them to think that there was within all men an "appetite for society".⁷ In other words, experience and experiment led them to think that humans were instinctively predisposed to forming and living in associations, families and groups. In contrast, Hopfl states that the explanations they gave of historical and social change were "individualistic".⁸ He argued that the Scots presupposed that individuals were compelled to change their environment through the operation of motives, interests and passions. The operation of these internal mental phenomena was evidenced in the actions of individuals in association with one another. Motives, interests and passions were, according to Hopfl, the Scots' basic "units" of explanation.⁹ He contrasts this form of individualism to "the postulate of the isolated, rational calculator of his own advantage". This notion was, he suggests, alien to the Scots.¹⁰

This supposition is contestable as are other statements he makes. For example, Hopfl contends that the starting point of the Scots' inquiry was an "initial condition" of humanity as "rude and savage". He argues that this condition was unrelated to the documentary evidence of any actually existing society. Such histories were absent in the intellectual world of an eighteenth century. The Scots were therefore the first historians to give the histories of tribal peoples any serious attention. What they did was to convert "the traditional state of nature" as theorised by Hobbes, Locke and Rousseau into a "postulated first stage in a postulated progress of an ideal society".¹¹ It was this ideal society that was the subject of their inquiry, not any particular society or "(still less) the human race". According to Hopfl, therefore, the essence of Scottish "conjectural history" was the imagining of an ideal original society which had a typical historical progress. This had no necessary correspondence to the actual empirical histories of the particular societies they studied.

⁵ Millar referred to Rousseau as one of those moral and religious writers who "in declaiming against the vices of their own times, have been led to exalt the merit of distant ages" (*HV*,4,174). He contrasted Rousseau's approach with his own comparative explanatory method (*HV*,4,175).

⁶Hopfl, "Conjectural History", 26 & 40.

⁷Hopfl, "Conjectural History", 27.

⁸Hopfl, "Conjectural History", 35.

⁹Hopfl, "Conjectural History", *ibid.*

¹⁰I shall argue against this supposition in chapter nine.

¹¹ Hopfl, "Conjectural History", 25.

In the following chapters, I shall follow Hopfl's injunction to study Hume's, Smith's and Millar's method in use. I shall, however, present an alternative perspective on the nature of this method, arguing that the object of Millar's inquiry is the human species or "race" at a certain stage of its historical and social evolution. This is the stage when the needs and interests of a particular class, the class of individuals who personify capital in its various merchant, agrarian and industrial forms, coincided with the needs and interests of those of the proletariat and therefore with the whole of humanity.

I shall argue that the starting point of Millar's inquiry is the civilised rather than the "rude and savage" condition of society. This civilised condition is one in which commodity production and exchange is generalised to every social relation; there is a rapid expansion of the productive forces observable in the growth of science, technology, the organisation of labour and the communication of ideas, opinions and knowledge. There is also the emergence of political and juridical institutions that both assist and promote the accumulation of productive capital and also the conversion of previously dependent living labour into independent wage labour.

Millar's inquiry therefore gave considerable attention to the detail of the actual history of those polities about which there was a large body of documentary evidence. Thus he selected historical evidence on Sparta, Athens, Rome, Germany, France, Scotland and England for examination according to the conjectural method he used. I shall argue that this method was the product of the philosophical inquiry into the moral and natural sciences of the seventeenth and eighteenth centuries. At the heart of this inquiry was the category of the juridical subject who possessed the natural right to alienate property freely, was autonomous and formally equal in the sight of God or the natural world that God had created. This subject was either an actual or potential commodity owner whose experience was fixed within the limits of a valorising material-technical process. The individual's experience of natural rights was therefore deeply influenced by the requirement that governments should enforce the law of contract. Moreover individuals' perception of social life was also fixed within an everyday experience of a multiplicity of purchases and sales which predisposed them to conceive of social relations as regulated either by contract or by the assertion of the private and public needs and interests satisfied through the production and exchange of commodities.

I shall argue that Millar adopted this general perspective in his social and historical method. Hopfl is correct to mention that the Scots abandoned the conjecture that the hypothetical state of nature required for contractarian explanations of political obligation was also the original historical condition of humanity. However, I shall suggest that, once Hume had argued against the notion that the historical origins of human society were based on a social contract between isolated individuals, and had replaced it with the hypothesis that society had arisen out of the needs and interests of

individuals socialised within the patriarchal household, there was no corresponding adoption by Smith and Millar of the state of nature as an ideal type of society within which to characterise the "rude and savage" condition.

To confirm Hume's hypothesis, Millar turned rather to the empirical inquiry of the needs and interests of individuals within tribal peoples such as the Highland Gaels, the Irish and Native Americans. It was possible to disprove this hypothesis conclusively only if the workings of the minds of individual members of tribal peoples were completely different from and opposed to the workings of the minds of commercialised peoples. This step was inconceivable if they were human beings. He therefore turned to a comparison of the literary and verbal accounts of these peoples with those of historical peoples with similar customs, manners and laws recorded in the Bible and the classics. Following rules of inference established in the assessment of juridical testimony and the natural sciences, Millar concluded that it was probable that original society was similar in character to tribal society.

It was evident to every eighteenth century subject that tribal peoples did not have private property and therefore no form of law or government to protect and safeguard property rights. Nor did they have a social division of labour based upon commodity production and exchange. If the customs, manners and laws of such peoples were probably original, then two questions arose. First, how was it that the political and juridical institutions of the civilised polities of Europe had come to guarantee the natural rights of the subject; and secondly, how was it that the customs, manners and laws of uncivilised polities had managed to deviate so far from the requirements of natural justice? The answer to both questions depended upon an explanation which gave a central role to the emergence of generalised commodity production and exchange.

In the process of answering these questions, Millar constructed conjectural hypotheses concerning possible causal relations between the natural and the social environments that confronted the experience of the subject. If the subject were put in a situation of absolute natural scarcity, what effects would this have on the workings of the mind? Would individuals be able to make rational judgements of practical utility or would they be driven by their appetites and instincts? What knowledge would be necessary for the subject to subsist and prosper?

The experience of social and economic scarcities was a familiar one to every eighteenth century subject who was or had been a poor labourer. If the workings of the mind of the subject were uniform and had universal applicability, then he would be conscious of the need to subsist and to acquire the knowledge necessary for generating surpluses that would enable him and his family to subsist were accidental circumstances such as famine, war or political or economic oppression to intervene.

Moreover he would be conscious of the need for a system of justice that would protect any property he acquired.

Millar therefore supposed that the needs and interests of the subject in a civilised society would be the same as those in an uncivilised society. If individuals realised that the best means to realising their needs and interests in a civilised society was to engage in commodity production and exchange, then they would also come to realise that this was also the best means in a tribal or an original society. If the subject realised that the best means of securing his natural rights to alienate his property freely were to submit to the authority of a sympathetic magistrate, then it would be in his interests to support the latter's judgements if these judgements challenged the arbitrary or custom-based patterns of submission to a sovereign power.

I describe Millar's method in what follows as "conjectural" for three reasons. The first is that Millar was a follower of Hume. Hume referred to inferences of probability as reasonings from conjecture.¹² The second is that his method relied on the faculty of the imagination of the subject and whether or not circumstances permitted the self-interested subject the leisure and opportunity for entering into the feelings and opinions of others. The third, which follows from the second, is that Millar was as much a follower of Smith as he was of Hume. His method therefore relied on the capacity of the subject to take on the role of a disinterested spectator of the workings of his own mind and the effects of these upon the minds of others. It follows from Millar's method that the subject as spectator is able to make judgements of utility about the forms of activity that are most advantageous to the private and public welfare of associated individuals only on the basis of knowledge given to him from his experience of his immediate circumstances.

8.2 Experiment, Comparison and Conjecture

8.2.1 The Subservience of History to Jurisprudence

Millar adopted an empiricist method of inquiry into national character that was developed within the jurisprudential tradition by Locke, Montesquieu, Hume, Kames¹³ and Smith. This method was experimental, comparative and conjectural.

In the Preface to the first edition of *The Origin of Ranks*, Millar wrote:

¹²"Probability or reasoning from conjecture may be divided into two kinds, viz. that which is founded on *chance*, and that which arises from *causes*." [Hume's emphasis] (*THN*, III, XI, 124-125).

¹³I do not discuss the nature of Kames' influence on Millar here. Millar's own appreciation of Kames was that he had an "acute and original genius . . . employed in uniting law with philosophy, and in extending the views of a gainful profession to the liberal pursuits of rational entertainment." (*OR*, 182).

"Man is every where the same; and we must necessarily conclude, that the untutored Indian and the civilized European have acted upon the same principles.

"Thus, by real experiments, not by abstracted metaphysical theories, human nature is unfolded; the general laws of our constitution are laid open; and history is rendered subservient to moral philosophy and jurisprudence."¹⁴

Millar therefore recommended an experimental approach to the study of the varied customs and manners of peoples of different countries at different historical periods. This assumed two hypotheses. First, that the workings of the minds of primitive and civilised human individuals were the same but that the circumstances upon which their minds worked were different. Second that nature determined the operating principles of the mind, and artifice determined the circumstances upon which they worked. The theoretical investigation of the reciprocal interaction between nature and artifice was the province of a moral philosophy and jurisprudence. The evidence of this reciprocal action was grounded within the sensory experience of the abstract individual subject. Moral philosophy and jurisprudence showed that the subject of experience was theoretically atomised from others within an isolated prison of impressions and ideas. Nonetheless, through the mechanisms of imagination and sympathy, the individual was capable of both communicating and influencing others and being communicated to and influenced by others.¹⁵ Both the "civilised European" and the "untutored Indian" were capable of communicating and influencing one another. However the European had some grasp of moral philosophy and jurisprudence. He was likely to have developed this capacity to a superior level. Literature recording observations about the manners and customs of individuals associated in different families or tribes, and, where relevant, the laws of different governments to which individuals acquiesced, therefore provided evidence with the potential to confirm or disprove the truth of these hypotheses.

Hume had shown that there were similarities and differences between experiments in natural and moral philosophy. If the individual wanted to test a hypothesis about the natural world all he had to do was to think up an experiment that enabled him to observe the effects of one object upon another and to repeat it. In the moral sphere, however, the observer was both the experimenter and the person experimented upon. Although subjects could observe the contents and operations of their own minds and conjecture that the contents of others' minds operated in the same way, the isolated

¹⁴Preface, piii. The first edition of 1771 is titled *Observations Concerning the Distinction of Ranks in Society*, .London. Lehmann remarks that the revised title of the third edition was probably inspired by Smith's heading, "Of the Origin of Ambition and of the Distinction of Ranks", (*TMS*.I.iii.2). See Lehmann, *Millar*, p167.

¹⁵These assumptions about the individual are discussed further in chapter nine.

individual's experiments on himself would be inconclusive without confirmation that others had conducted similar experiments. The subject of experience had no recourse but to rely on his observation of the behaviour of others in order to confirm the truth of experiments carried out on himself. Hume therefore recommended that experiments in moral philosophy be based on hypotheses confirmed by the collection and comparison of the behaviour of people "in company, in affairs, and in their pleasures".¹⁶ It is clear that Millar followed Hume's methodological instructions. In order to understand the deviations of actual ideas of justice from the civilised subject's perceptions of natural justice, he wrote that:

"It is therefore by a comparison only of the ideas and the practice of different nations, that can arrive at the knowledge of those rules of conduct, which, independent of all positive institution, are consistent with propriety, and agreeable to the sense of justice."¹⁷

Following the agenda set by Bacon, Enlightenment thinkers described this method of collection and comparison of observations as "natural history". Locke had used the method in his *Essay*, which was full of anthropological and historical detail.¹⁸ Hume acknowledged it in his *Treatise*, drawing more upon observations of the behaviour of men in a commercial society. Applied to jurisprudence, Stephen Buckle has argued that Locke, following Grotius and Pufendorf, had a historical conception of "the development, or progressive uncovering, of natural law".¹⁹ This historical conception was necessary if Locke's empiricist assumptions of how individuals acquire knowledge of natural law as "the result of rational reflection on sense-experience" were true. For Locke, an account of the historical development of society was required because "sense-experience occurs over time; not merely in the lifetimes of individuals, but also in the much larger time span of the history of human society".²⁰ Locke had a "two stages" conception of social history: "primitive simplicity followed by developed society (the latter distinguished by a money economy)". These two stages were, of course, reiterated in the distinction that Millar made above between "the untutored Indian and the civilized European". The outcome of a comparison between the historical testimony of the ancients and contemporary travellers' accounts of "rude" peoples gave Millar, and other Enlightenment thinkers, inductive confirmation of Locke's and Hobbes' hypothetical conjectures that the original state of humanity might

¹⁶See introduction to *THN*, pxxiii.

¹⁷Preface to 1st edn of *OR*, piv.

¹⁸See Wood, N. (1983) *The Politics of Locke's Philosophy*. California: pp65-93.

¹⁹Buckle, *Natural Law*, p147.

²⁰Buckle, *Natural Law*, pp147-148.

be similar to that of Native Americans.²¹ On the other hand, this was not a simple conversion of the state of nature into an initial condition of humanity. Testimony and observation of peoples who had no social division of labour based on generalised commodity production disproved conjectures that the uncivilised individual was originally isolated from every other, and that associations of individuals had arisen primarily through contractual agreements. On the contrary, testimony proved that individuals always lived in families. This confirmed Pufendorf's conjecture that individuals possessed a God-given or natural propensity to associate.

The results of Millar's "experiments" were derived from a comparative and hypothetical method adopted by most of his empiricist and natural jurisprudential predecessors. Empiricist accounts of natural law in the seventeenth and eighteenth centuries necessarily entailed an investigation into the historical origins of law, government, and juridical and political ideas. As I have argued in chapter two, Millar was conscious of being the sole remaining representative and embodiment of a school of thought at Glasgow University that had its immediate predecessors in Smith's, Hume's, Hutcheson's and Gershom Carmichael's work on moral philosophy and jurisprudence. Its roots were in a Lockian interpretation of Pufendorf and Grotius.²²

8.2.2 Empiricist Jurisprudence

What distinguished this school was its application of uniformly operating principles of the mind, the truth of which was confirmed within the sensory experience of a well-informed, disinterested observer or "spectator". These principles were used to explain the origins of jurisprudential ideas and institutions. They were also used to explain the deviations of legal and customary practices from natural law found in commercial and non-commercial societies - natural rights, especially the right to private property, being approved by such an observer. These principles were coupled with testable hypotheses concerning the probable causal connections between the economic activity of the "civilised European" and political and juridical institutions and ideas.

Millar's own account of this school is given in the first seven lectures of the second course of his *Lectures on Justinian*.²³ This assumed that the capacity of moral and

²¹Smith and Millar's "four stages" in the progress of the improvement of the arts are therefore comparable to Locke's binary opposition. Hunting, pasturage and agriculture are comparable to Locke's "primitive simplicity". Commerce and manufactures are comparable to a society in which a "money economy" dominates all forms of the arts and sciences, including those observed in tribal societies.

²²According to Moore J. and Silverthorne M. (1983), it was Carmichael's use of Locke's *Second Treatise* to interpret Pufendorf's natural jurisprudence that "recast Locke's ideas in ways that would stimulate inquiry in new directions among later Scottish thinkers" (p81). See "Gershom Carmichael and the natural jurisprudence tradition in eighteenth-century Scotland". In Hont & Ignatieff (eds) *Wealth and Virtue*, pp73-87.

²³*LJ1789*, vol.1, lectures 1-7, 101-136. Reprinted as appendix three in this dissertation.

juridical feelings to operate on circumstances was universal to the human mind. Millar also assumed that there was a progress, from ancient to modern society, of the knowledge of individuals' attempts to reason about these feelings. In order to give an full account of the origins and progress of various rights, Millar found it necessary to demonstrate that natural law was based on the universal experience of natural feelings. He described these as "the feelings of humanity". These were the feelings that every disinterested impartial spectator would have when faced with acts of injustice. Natural justice was also subject to a reasoning process on and about these feelings. Reasoning about feelings took the form of post-reflective and calculative utility - the recognition that it was in the interests of both the self and others to abide by the decisions, rules and regulations made by those actual spectators who had the power to take the side with the transgressed and to punish transgressors. Millar was therefore concerned to demonstrate the uniform operations of the workings of the human mind in every possible circumstance.

This entailed a historical account of how humans had arrived at the knowledge of the workings of their minds. Millar assumed that Hume and Smith had developed this knowledge into a science of morality and law. This science not only retained within it the rational elements of the ethical and juridical theories of their predecessors but was also capable of explaining how they had arisen. The subject matter of Hume and Smith's science was derived from the experience of the feelings and judgements that spectators made within civilised and commercial societies. The science, however, also entailed that spectators in uncivilised and non-commercial societies would have the same feelings and make the same judgements. If the testimony of history and of the experience of contemporary "rude" societies such as the ancient Germans, Native Americans and Scottish Gaels appeared to contradict this hypothesis, then supplementary information was required that could explain how spectators would feel and would make judgements if they happened to be members of such societies. Spectators therefore needed to have knowledge of the customs and manners, forms of government, means of production and subsistence of these societies. This knowledge was taken from a variety of different literary sources including the Bible, ancient and modern histories, legal and political texts and travellers' memoirs. What we might now tend to think of as a empiricist theory of law and morality that depended upon psychological, and introspectively derived, assumptions about human nature was therefore at the same time an empiricist theory of history depending upon political, economic and ideologically derived assumptions about society and the individual.

Millar made a sharp distinction between justice and the other moral virtues. Justice was enforceable but generosity or gratitude, for example, was not. Following Smith, Millar compared injustice to imprudence, intemperance and meanness firstly by the resentful feelings injustice evoked in the mind of a spectator; secondly by the

"disposition to punish" that these feelings produced; and thirdly by the rules that governed punishment (*LJI*789,1,5,120-121). These differences between justice and all other virtues enabled him to structure his discussion - first, around the historical growth of reasoning on morality and secondly on the historical growth of reasoning on law.

Reasoning on morality, according to Millar, first started with the discovery through observation of a distinction between virtue and vice by individuals in uncivilised societies. It concluded with Hume and Smith's explanation of the sources of approval and disapproval of moral action in the mind of the spectator in civilised societies (*LJI*789,1,1-5,101-119). Between these two points of time, Millar reviewed, firstly, Pythagoras's classification of virtues into self and other regarding; secondly, Plato, Aristotle and Zeno's inquiry into the difference between virtue and vice; thirdly, the Epicurean and Stoic inquiry into the relation of selfish and benevolent feelings to virtue; and, finally, Malebranche, Cudworth, Clarke, Hutcheson and Butler's analysis of the sources of disapproval and approval.²⁴

Millar found it necessary to summarise Hume and Smith's explanation of the sources of approval and disapproval in order to distinguish justice from the other virtues. He attributed to Hume the "system" that explained moral approval and disapproval by the emotional reactions and judgements of disinterested spectators (*LJI*789,1,3,116). He presented Smith's doctrine as a development of Hume's. Smith, for example, emphasised the propriety or impropriety of the consequences of actions. He made "the sentiments of the cool spectator" the standard by which these judgements were made (*LJI*789,1,4,118). When Millar arrived at the point of giving his students a short history of the growth of jurisprudential reasoning, he was in a position to argue that it was judgements informed by the feelings of actual "cool spectators" that brought into being moral maxims and laws. Moreover, he could also argue from the perspective of a spectator-based ethics that the nature of laws differed from moral maxims.

Both moral maxims and laws were evidence of the propriety and impropriety of particular forms of action. Judgements of propriety were always informed by spectators' knowledge of the circumstances within which agents acted and the consequences of these actions to themselves and others. Both were also evidence of the universality of the feelings of every spectator who had this knowledge. However, moral maxims recommended actions promoting the well-being and happiness of the self and others. They were evidence of universal dispositions to approve or disapprove caused by the feelings of someone observing self-interested or generous acts.

²⁴See appendix three.

Laws, on the other hand, proscribed restraints on actions causing harm and suffering. They were evidence of a universal disposition to punish caused by the feelings of someone observing acts of injustice. Laws consisted in the enforceable rules created by the decisions of people placed in the role of "cool spectators" of injustice. These were individuals in authority who became known as arbiters or judges. It followed that laws would differ according to the actual knowledge of the circumstances motivating acts of injustice. The particularities of this knowledge would also be limited by the overall level of the development of society in a country at a historical period of time (*LJ1789*,1,5,119-121).

Having, therefore, given a short history of ethics culminating in Hume's and Smith's theories, and having distinguished morality and law according to these theories, Millar then turned to give a similar historical account of jurisprudence. Jurisprudence was a modern inquiry according to Millar. The ancients were able to make some progress in speculating on the nature of justice but lacked the experience of a multiplicity of different legal systems necessary for a scientific understanding of jurisprudence (*LJ1789*,1,5,122-123).

Millar thought that modern jurisprudence began with Grotius, and was developed by Pufendorf and Cumberland. It was distinguished for the use it made of the comparative, experimental method and arose out of the desire to perfect the deficiencies thinkers found in their own national systems. In order to do this, philosophers compared their own laws with those of other nations, especially the Roman Law. The different systems of different nations were compared in order to judge which were "more agreeable to justice and more beneficial to society than others" (*LJ1789*,1,5,122). Like the ancients, they also made theoretical inquiries into the general principles of justice. Millar criticised his predecessors for confusing ethics with jurisprudence and spending too much time theorising the principles of natural law (*LJ1789*,1,5,123). They should have spent more time examining the empirical details of the variations of laws between countries. However, the search for principles necessarily forced philosophers to speculate on the causes of deviations from natural law found in the legal systems of particular countries.

8.2.3 Deviations from Natural Law

8.2.3.1 *The Hypothesis of Great Legislators*

Their first hypothesis was that the "genius and character of early legislators" such as Solon, Lycurgus and Alfred the Great explained the deviations found in the legal systems of the ancient Greeks and English. Millar rejected this hypothesis on the grounds that legal institutions could not be out of step with the customs and manners of a particular nation and that the written codes of law attributed to particular "great

men" were probably no more than "the customs of the country a little methodized" (*LJ*1789,1,6,124).

Millar's arguments rejecting the hypothesis that the acts of great legislators explained deviations of legal systems from natural law were sceptical. A lengthier discussion of this position can be found in the introduction to the third edition of *The Origin of Ranks*. Here Millar never denied that the individual legislator had some role to play in influencing the particular detail and scope of legal and political institutions. This would have been absurd. What he was at pains to stress was that historians had exaggerated and overemphasised the role of individual legislators in history. He preferred to point out that the "greater part of the political system of any country be derived from the combined influence of the whole people" (*OR*,5). He did not deny therefore that "a variety of peculiar institutions will sometimes take their origin from the casual interposition of particular persons, who happen to be placed at the head of a community, and to be possessed of singular abilities, and views of policy" (*ibid*). However the actions of particular legislators were limited by the opinions of a multitude of people. Millar, for example, had a well developed notion of a collectivity of interest sympathetically bound together in a combination of individuals' shared motives and reasons.

Millar's scepticism concerned the undue emphasis given by historians to the role of the law-maker in making "great political changes". Thus: "their labours have been exaggerated and misrepresented" and most probably "they confined themselves to such moderate improvements as, by deviating from the former usage, were in some measure supported by experience and coincided with the prevailing opinions of the country" (*OR*,7).

Millar's historical explanations, therefore, did not give the actions of particular monarchs or law-givers any special role. These actions were "accidental causes" rather than "general causes" of political or juridical change. In contrast to those writers who had not made history subservient to jurisprudence, the influence of legislators on the development of differing legal systems required explanations that referred to "the situation of society". It followed that there were limits to the operation of the free will of individuals and these limits were socially and historically determined. Put differently, Millar gave explanations that were general or universal rather than particular or individual. Social and historical change arose through the unintended social consequences of the actions of a multiplicity of individuals. These actions were limited by subjects' experience of a particular environment. The nature of this environment required explanation by reference to "general causes" and these rested on common human interests observable in every society.

This does not entail that Millar had no concept of free will. His notion of the will of individuals limited by their perception of circumstanced interests is important to the concept of consent or acquiescence to government that Millar took from Hume.²⁵

8.2.3.2 *The Hypothesis of Climate*

If the causes of deviations in law were to be found in the different customs and manners of different nations, then an explanation was required of how it was that customs and manners had national differences. Millar thus turned to the hypothesis that the latter were caused by "the climate and other physical circumstances". Following Hume, Smith and Kames, he rejected this in favour of the "prevailing opinion that the chief differences in the public and private law of different nations may be deduced from the advancement of the people in the common arts of life." (*LJI*1789,1,7,126).²⁶

In a lengthy footnote, Millar critically examined and rejected arguments supporting the hypothesis that climate and diet determined differences in manners, customs and laws (*LJI*1789,1,7,125). Interestingly, Millar mentioned Montesquieu as the first jurisprudential writer to have explained positive deviations from natural law using the level of the development of the arts in particular countries to "deduce" differences in customs and manners and forms of government. He could easily have mentioned him as a proponent of the climatic hypothesis, but refrained from doing so. Millar mentioned Kames and Smith as having adopted the "prevailing opinion" and it was clear from all aspects of his work that it is one that Millar himself fully embraced (*LJI*1789,1,7,126).

Millar's scepticism, closely followed Hume's own as evidenced in his essay *Of National Characters*.²⁷ This criticised claims to knowledge of the "physical causes" of individual behaviour. Hume preferred the more frequently observed, and sympathetically experienced operation of "moral causes" (*NC*,198).²⁸ Thus, when Millar referred to causal principles operating on the character of individuals, he stated that their diversity proceeded "from no fixed causes that are capable of being

²⁵This will be discussed in chapter ten.

²⁶Millar's use of "deduction" did not mean that he thought these relations were determined by the rules of inference of formal logic. As John Losee (1980) has pointed out, Newton used "deduced from" to mean "that there was very strong inductive evidence" for the truth of establishing relations within theories. This suggests that there was a fairly loose distinction of meaning between "deduction" and "induction" in seventeenth and eighteenth century discourses on science. See Losee J. (1980) *An Historical Introduction to the Philosophy of Science*, Oxford: p.91.

²⁷Millar gives almost the same examples of differences in national character to contradict Montesquieu's theory as Hume. Compare (*OR*,11) with (*NC*,204-205).

²⁸"By *moral* causes, I mean all circumstances, which are fitted to work on the mind as motives and reasons." (*NC*,198). "By *physical* causes I mean those qualities of the air and climate, which are supposed to work insensibly on the temper, by altering the tone and habit of the body" (*ibid*). [His emphases].

ascertained" (*OR*,5). He made it clear that he was referring to the difficulty of gaining knowledge about the effect of physical causation by rehearsing similar objections to materialist philosophers that Hume had raised in his criticisms of Montesquieu.²⁹ Millar discussed the opinions of those philosophers who held the opinion that national and personal aspects of character such as personal courage could be explained by the effect that climactic differences of heat or cold had on the body, ideas and feelings. His scepticism concerned the lack of knowledge of the influence of climate on the nerves, muscle and brains, and of the relationship between changes in bodily states and changes in mental states. He remarked that it was difficult to determine whether these conjectures had any "real foundation" (*OR*,10).

Here he showed himself to be a zealous follower of Hume. Hume had written on this question that: "It is a maxim in all philosophy, that causes which do not appear, are to be considered as not existing" (*OR*,10). Physical causes were conceived as operating "insensibly" (*NC*,198). The hypothesis that differences in air and climate caused differences in customs and manners depended on causes that the subject of experience could neither observe nor experiment upon. Millar, therefore, like Hume, was sceptical about whether there was any causal relationship between hot and cold climates on national characteristics. They were sceptical not only because a hypothesis or "conjecture" of the kind they discussed such as "All individuals inclined to drunkenness are natives of countries with cold climates" was falsified by the truth of testimony that many individuals inclined to drunkenness were natives of hot countries, but also because there was no experimental confirmation of the physical hypotheses essential to Montesquieu's climatic explanation of the extent of drunkenness in different nations.

These physical-cause hypotheses included the following: that heat applied to the body always relaxes muscles, sinews and brains; that cold always tenses muscles, sinews and brains; that the consumption of large quantities of alcoholic beverages always relaxes muscles, sinews and brains; and that certain passions of a moral nature such as vanity, avarice or benevolence were always (or invariably) associated, through private introspection or through the public evidence of testimony, with a tensing or relaxing of the muscles, sinews and brains. This did not, of course, entail that, if there were repeated evidence of this association, they would have rejected it. Nor did it rule out that there might be evidence of the occasional experience of an association between particular passions and physical tension or relaxation. In the absence of further experimental confirmation, the unusual occurrence of these associations would incline them to think that they were accidental.

²⁹Montesquieu's discussion of the matter is in part 3, books 14-19 of *The Spirit of the Laws*. Trans. & eds Cohler, Miller, & Stone, Cambridge, 1989: pp231-333. See also discussion in chapter three.

It was the complicated nature of untested physical-cause hypotheses, especially any evidence of an association between a contraction of physical tissues, such as the brain conceived analogously to a muscle or sinew, with subjectively experienced feelings, that made Hume and Millar the most sceptical. Until considerable repeated testing had established regular connections in sensory experience between, for example, physical tension and the passions, such hypotheses relied on "secret" and therefore, as yet, unknown phenomena (*OR*, 10).³⁰ Unlike the experiments that Hume conducted within the limited scope of the everyday experience of the non-philosophical eighteenth century individual, physical-cause experiments were difficult to construct and or even imagine. They were therefore esoteric.

Both Hume and Millar argued that there was a more regular association (both in the private sensory experience of the atomised individual and in the public testimony of other individuals) between, for example, the passion of vanity with the possession of wealth. This would have enabled them to have induced a causal connection between the ideas of vanity and of wealth. Thus they argued that they could give simpler explanations of commonalities and differences in national character according to "moral" rather than "physical" causes.

The fact that the operation of physical causes on the individual were not "fixed" entailed that there was no constant or regular conjunction of an association of ideas corresponding to mental and physical phenomena. Nonetheless, the absence of fixity did not thereby entail that there was no form of succession of causes appearing regularly within consciousness of the individual subject of experience.³¹ Millar directed his readers' attention to those other causes "the existence of which is capable of being more clearly ascertained" (*OR*, 10). These other causes were those "circumstances" that "work on the mind as motives or reasons", of which the acquisition of wealth through the private ownership of property was "fixed" in the consciousness of the eighteenth century subject of experience. It could therefore be sympathetically inferred that the workings of the mind of this particular subject were universally operative wherever humans were found in the world. This hypothesis could be verified irrespective of whether particular individuals or associations of individuals had the notion of freely alienable property. The economic and juridical means for the security of anticipated or continued expectation of enjoyment could be universally connected with the individual subject's desire and need for admiration, respect and attention.

³⁰"in the history of the world, we see no regular marks of that *secret* influence which has been ascribed to the air and climate" [my emphasis] (*OR*, 10).

³¹In explaining the diversity of the "character and genius" of individuals there are no "fixed causes that are capable of being ascertained" (*OR* 5).

8.2.3.3 *The Hypothesis of the Arts*

On the explanation of deviations of positive from natural law, Millar followed Bacon's prescriptions on scientific method more closely than had Montesquieu. Bacon had written in *Novum Organum* :

"Again, let a man only consider what a difference there is between the life of men in the most civilised province in Europe, and in the wildest and most barbarous districts of New India; he will feel it be great enough to justify the saying that 'man is god to man', not only in regard of aid and benefit, but also by comparison of condition. And this difference comes not from soil, not from climate, not from race, but from the arts."³²

Bacon's hypothesis was that the observable differences in "civilisation" and "condition" between Europeans and "barbarians" could be explained by differences in their knowledge of "the arts" rather than "soil", "climate" or "race". The inquiry into the truth of this hypothesis and the use of comparative "experiments" to determine whether or not it could be falsified dominated Hume's debate with Montesquieu on national character and Millar affirmed the conclusions of this debate in his introduction to *The Origin of Ranks*. Bacon's hypothesis can also be compared with Millar's assessment of Smith's contribution to jurisprudence. According to Millar, Smith had pointed out: "the effects of those arts which contribute to subsistence, and to the accumulation of property, in producing correspondent improvements or alterations in law and government."³³

Of note is Millar's affirmation of Smith's hypothesis that it was the arts that contribute to the "accumulation of property" which required inductive confirmation of their effects on law and government. This is important for three reasons. The first is that property is a juridical notion and therefore conceptually related to the idea of law. The second is that both Smith and Millar considered economic activity as the "art" that is most likely to contribute to the accumulation of property in its most developed conceptual form. The sovereign right of juridical subjects to alienate freely what they possessed coincided both logically and genetically with their activity as commodity producers and exchangers. It follows that the universal characteristics of the subject therefore coincided with the particular subjectivity of a bourgeois manufacturer and merchant. The third is that comparisons between commercial and non-commercial nations were used to demonstrate that individuals who subsisted in the latter had

³²Quoted by Wood, *Locke*, p129.

³³Stewart, "Account", 1,19: pp274-275.

neither a knowledge of economic activity, nor a knowledge of alienable private property, nor any laws distinguishable from customs.

Jeffrey had written of Millar that his "chief excellence" lay in:

"tracing the connexion of those steps by which men advance from a barbarous to a civilized state of society, and in pointing out the circumstances that originally suggested or compelled the adoption of particular institutions."³⁴

Put crudely, the "steps" that Jeffrey referred to were in the acquisition of arts, which Millar observed were associated with corresponding changes in the conception and distribution of property and therefore changes in juridical and political forms of rule by the rich over the poor. Millar thought that as these correlations were observed in every known association of individuals united by commerce and trade - associations that extended further than a geographically confined family, tribe or nation - he could therefore infer through inductive reasoning that a causal connection between the extent of knowledge of the arts and the extent of knowledge of law and government would be present within any particular association.

8.2.4 The Comparison of Customs, Manners and Laws

Following Bacon, both Millar and Hume were therefore sceptical of Montesquieu's materialist theory of the influence of climate and diet on customs, manners and laws. They chose rather to compare customs and manners either with forms of government or with a knowledge of the arts (or both). Hume began his *History of England* with a statement of this approach.³⁵ Following Hume, and "l'esprit philosophique", Millar applied the method to the assessment of testimony.³⁶ Confronted by a plethora of travellers' reports of "the state of manners in the rude parts of the world", Millar remarked that the large number of such accounts allowed the reader the "opportunity of comparing their several descriptions". Comparisons of agreements and disagreements was a "method of judging" free from the biases of the particular observer. Millar had access to a variety and wide range of historical testimony. These authors promoted opposing religious and political views. Some, like Tacitus and the biblical prophets were ancient. Others, like Charlevoix and Byron were

³⁴Jeffrey, *Review*, p161.

³⁵"The only certain means by which nations can indulge their curiosity in researches concerning their remote origin, is to consider the language, manners and customs of their ancestors, and to compare them with those of the neighbouring nations" Hume, *History*, p1.

³⁶See Faure M. (1992) "John Millar and the Enlightenment: Toward the Construction of Diderot's 'Science de l'homme public'". In *Eighteenth-Century Scotland: Newsletter of the Eighteenth-Century Scottish Studies Society*, 6: 8-11.

contemporary.³⁷ Yet other sources, such as comparisons between the "barbaric" customs, manners and laws of Highland Gaels and the "civilised" Lowland Scots did not require literary confirmation. The immediate experience of Millar, his peers and students testified to the truth or falsity of these sources.³⁸ This placed the Scottish spectator in a privileged experimental position. When the content of testimony agreed then "in proportion to the singularity of any event, it is the more improbable that different persons, who design to impose upon the world, but who have no concert with each other, should agree in relating it" (*OR*, 13).

The purpose of comparison was to discover regularities capable of explaining uniformities and differences in national character. Hume discovered regularities chiefly in the nature of the government. National character was formed by the union of men "into one political body" (*NC*, 202). Customs and manners changed if the government changed. Changes in government happened either after conquest or through commerce with other nations. A long-established government produced a similarity of customs and manners. The nature of government also had uniform effects on the development of the arts and sciences. A large government tended towards despotism - a small government to freedom. The arts and sciences were retarded in the former and flourished in the latter (*AS*, 119 & 124-125).³⁹

Hume's attention tended to be focused more on the effect government had on customs, manners and the progress of the arts. Millar emphasised the effect the progress of the arts had upon government. Comparison of knowledge of the arts people acquired revealed regularities in laws, customs and manners. These were associated with the acquisition, distribution and ideas of property. The mediating category between the arts and government was the developing idea of the individual's natural rights to alienate property freely.⁴⁰

³⁷De Charlevoix, P.-F.-X. (1744) *Histoire et description generale de la Nouvelle France, avec le Journal historique d'un voyage fait par l'ordre du Roi dans l'Amerique septentrionale*, 3 vols., Paris, and Byron J. (1780) *Narrative of the Hon. John Byron, containing an Account of the Great Distresses suffered by himself and his companions on the Coast of Patagonia from the Year 1740 until their Arrival in England 1746*, London.

³⁸Millar observed differences between the state of manners in the Highlands and the Lowlands. He argued that there was an absence of any notion of justice amongst rude peoples in a long footnote which recalls how "before property comes to be established", the Highlanders did not consider it a crime to steal from Lowlanders (*LG* 1771, 33n). Millar's mention of a recent "famous" example of this "in the year 1745 - a Highlander who notwithstanding of all the promised rewards kept the Pretender concealed in his house - was soon after taken up for stealing a horse." is repeated in a different wording (informing the reader that he was tried and sentenced to capital punishment in Inverness) (*HV*, 4, 240). Millar used these examples to illustrate the effects of commerce on government. and the effects of commercial governments on the virtues of honesty and justice. Honesty and justice were improved. Conversely, generosity and fidelity were impaired.

³⁹Hume D. (1742) "Of the Rise and Progress of the Arts and Sciences". In Miller E.F. (ed.) *Essays*, Indianapolis, 1987: pp111-137.

⁴⁰"by taking a view therefore of the different states of men and periods of the world with regard to property we shall have the best idea of government" (*LG* 1771, 6). David Wootton (1993) attributes

Millar classified individuals into hunters and fishers, shepherds, husbandmen, and manufacturers and merchants. Hume observed that different occupations gave individuals a uniform character regardless of time and space.⁴¹ Millar combined Hutcheson's and Smith's speculations on the division of labour with Hume's insight. Hunting and fishing, pasturage, agriculture and commerce were the occupations that most probably determined individuals' characters, customs, manners, laws and ideas of property. The sequence of change from one occupation to another was neither inevitable nor were men "found living perfectly in either of these states, yet we may reason comparatively" (*LG*1771,8). A simple framework based on the occupations men used to gain subsistence and surpluses guided his historical inquiries. These produced the circumstances within which ideas of property right originated and evolved. These ideas were necessary for law and government to arise.

8.2.5 Conjectural Reasoning

A comparative method entailed "reasoning from conjecture". As I noted in the first section of this chapter, Hume had used the term "conjecture" in his discussion of probability in the *Treatise*. Conjectural reasoning, in this sense, was the means by which particulars could be inferred from observed regularities. It was similar in nature to what is now known as inductive logic. Hume and Millar were not the first to apply it to history, although Millar recognised Montesquieu as the first to apply it to law.⁴²

Hume referred to the image of dice to illustrate probability in the *Enquiry*. An unbiased die revealed all its sides equally in numerous throws over time "and this is the very nature of chance, to render all the particular events, comprehended in it entirely equal" (*EHU*,57). If, after many throws, more of one side kept falling up than any other, then it was proper to infer the existence of a bias in the die. Through an association of ideas, the mind was led to think of a cause for an unequal distribution of results. Hume used the throwing of dice to illustrate the operation of regular causes both in the study of nature and of society. The image reappeared in his essay *The Rise and Progress of the Arts and Sciences*. Probabilistic regularity of this kind was one of

this idea to Hume. He calls it "commercialised Harringtonianism." See his "David Hume, 'the historian'" in Norton D.F. (ed.) *The Cambridge Companion to Hume*, p.293. See also chapter eleven.

⁴¹"A soldier and a priest are different characters, in all nations, and all ages; and this difference is founded on circumstances, whose operation is eternal and unalterable" [Hume's emphasis] (*NC*,198).

⁴²See Wootton, "Hume", p286. He attributes the method to Arnauld & Nicole (1660) *Grammaire generale et raisonnee de Port-Royal*, Paris. Arnauld's rules are almost identical to Millar's. See also Craig Walton (1990) "Hume's *England* as a Natural History of Morals" in Capaldi & Livingston, *Liberty in Hume's History of England*, pp25-52. Walton, citing Cohen, L. J. (1977) *The Probable and the Provable*, Oxford, attributes the method to Francis Bacon. This confirms the point that "natural history" (the term used by Millar) and "conjectural history" (the term used later by Dugald Stewart) referred to the same historical approach.

the “natural reasons” why “What arises from a great number, may often be accounted for by determinate and known causes” (*AS*, 112).

Millar used similar illustrations of conjectural reasoning in the introduction to *The Origin of Ranks*. He stressed that national character could be “considered as nearly the same with that of every other in similar circumstances” (*OR*, 5) and that the political system “of any country” is “derived from the combined influence of the whole people”. He compared the influence of particular individuals to the uncertainty of “one or two throws of a single die”. The combined influence of many individuals operating together was similar to results achieved when a “multitude of dice” are “thrown together at random”.⁴³

Through the observation of repeated similarities of behaviour in a large number of individuals, he induced causal influences. Observed regularities of behaviour enabled the philosopher to infer the existence of “determinate and known causes”. These operated uniformly in the present and the past. The idea of causal influence did not depend on constantly conjoined events. Millar admitted exceptions and there were irregularities. He explained irregularities by accidents. These included favourable or unfavourable geographical locations, climate and the unique character traits of individuals. According to Hume, the latter were the product of unknown, as yet, “secret” causes.

Hume and Millar called induced regularities “general causes”. Millar identified two broad classes of general causes. The first was knowledge of the arts and sciences. The second was the influence of manners, customs and private law. Within the first class, he included “useful arts”, such as hunting, pasturing, agriculture, commerce and manufactures, and “refined arts”, such as poetry, plays, paintings and sculpture. The art of government was one such cause. The interaction of general causes upon each other were interspersed with accidents such as geography, climate, conquest, or the occasional influence of powerful personalities. Taken together these explained the peculiarities of national character.

8.3 Conjectural Reasoning and the Four Stages

8.3.1 Inferences from Observed Regularities

Conjectural reasoning, as I have stated, was the means by which particulars could be inferred from observed regularities. The eighteenth century subject of experience was immediately confronted with regularities in his observations of the customs and manners of his own life that were associated with economic activity. As argued in chapter seven, Millar conceived of economic activity as a material-technical process

⁴³See Berry C.J. (1997) *Social Theory of the Scottish Enlightenment*, Edinburgh: p56.

motivated by individuals' subjective assessment of their wants and desires. Thus he observed that "the combined influence" of a people who were improving their productive techniques through the application of scientific knowledge of nature and society had noticeable effects on legislation and government.⁴⁴ Hume had noted the effect that government had on encouraging the arts and sciences, especially those that were applied to commerce and manufactures. It was Smith, however, in his lectures on jurisprudence who, following Montesquieu's method of collection and comparison of laws in commercial societies, was to infer from the effects economic activity had on forms of government in England and France that there might be a strong causal connection between productive activity, ideas of property, legislation and forms of government.

8.3.2 Smith's First Hypothesis

8.3.2.1 *The conjecture of stages*

Smith's first use of historical stages was a conjecture, the content of which was drawn from observation and the testimony of historians and travellers. Smith used the hypothesis to establish a causal correlation between productive activity and ideas of property. Thus Smith classified individuals into four occupational groups according to their means of subsistence or mode of acquisition of property. He introduced hunting, pasturage, agriculture and commerce in his lectures on private law, to account for deviations in ideas of property from natural law. They were presented as "stages" or "steps" in the subject's acquisition of the knowledge of his natural rights. Millar was to follow this method when he came to lecture on private law.

The hypothesis was that the workings of the mind experienced in a commercial society in which the subject's right to alienable property was well established, would, by inductive inference, operate as equally in a non-commercial society where the right was unknown. In the absence of government, the only possible causal influence that would limit these principles could therefore be the effects the arts useful for subsistence and accumulation had on the human mind. Tribal individuals therefore shared the same capacity to understand natural rights as commercial peoples.

In his lectures, Smith introduced the four stages as a hypothesis of how individuals would behave if they were isolated from civilisation. This was a kind of thought experiment. He asked his students to imagine what a small group of individuals would do if they found themselves isolated on an "uninhabited island" (*LJ(A)*, i.27, 14). They would, at first, gather fruit and hunt animals, then discover how to tame animals, cultivate the ground and plant seeds for crops. Over time, they would develop skills,

⁴⁴Entails, which Millar discussed at length in his lectures on private law, is the most obvious example. See my discussion below.

and devote more time to their favourite occupation. In this way, a division of labour would come into being, and out of this division of labour individuals would exchange the products of their labour with those of others.

Smith adopted this hypothesis as the most likely course of the actual historical progress of the discovery of the arts for three reasons. First, he assumed that every individual's desires, wants and faculties were the same. Second, he assumed that through observation and experience there would be a uniform progress of knowledge from simple ideas of the acquisition of the means of subsistence to more complex ideas. Finally, to confirm the truth of the hypothesis, he made probabilistic inferences from the testimony of observers recorded in literature written about the customs and manners of uncivilised peoples.

The purpose of this conjecture was twofold: firstly, to compare individuals' knowledge of productive activity with their ideas of property, and secondly to demonstrate that the principles of the mind operated uniformly relative to circumstances. For example, were an eighteenth century subject's experience limited to subsisting by hunting, or gathering, or pasturage, they would have the same ideas of possession and property as a savage or barbarian.

8.3.2.2 The Conjecture of Scarcity

The experience of a scarcity of the means of subsistence was a crucial assumption in Smith's and Millar's account of the origins of property. After posing the conjectural hypothesis of the four different types of arts that contribute to the acquisition of the means of subsistence and the production of surpluses, Smith attempted to explain how occupation established the right of exclusive possession by telling a story. This was the story of what he thought would be likely to happen were a savage to snatch an apple away from another savage who had just plucked it from a tree to eat. The first possessor was the savage who picked the apple. The second possessor was the savage who snatched it away. The first possessor's expectation of the pleasure he would get from eating the apple would be frustrated. He would feel angry, resentful and disappointed. He would therefore attempt to get the apple back into his possession. Smith then introduced a third person into the story. He variously called the third person a "spectator" or "bystander" (*LJ(A)*, i.42-43, 19) or "beholder" (*LJ(A)*, i.44, 20). Observing the theft, the spectator's feelings would co-incide with those of the first possessor. He would sympathise with the first possessor because he could imagine how he would feel if he were in the same position. He would experience feelings of anger, resentment and disappointment that corresponded to those of the first possessor. The spectator therefore supported the efforts of the first possessor to get the apple back into his possession. Thus the right of exclusive possession was established.

It is clear that Smith intended this story not only to illustrate how the right was established at a far point in human history but to explain how the right would be confirmed by universal disinterested human sentiments in all times and places. Considerations of public utility did not yet enter into his account. Utility could operate only once the right was established in custom and law and a few individuals were sufficiently free from necessity to reflect on their passions. It was the universality of the identification of the feelings of the spectator with the first possessor, and the repeated operation of them in similar circumstances, that justified Millar describing the mechanism as a principle of "humanity" - a principle that had the status of a universal law of human nature. That Smith intended the story to have this effect is demonstrated by his use of the notion of the spectator not only to refer to imagined savages as agents but to himself and, by identification with himself, with the subjectivity of his students. The actual savage spectator corresponded to the impartial spectator who made judgements that would gain universal approval. This approval was shared by the both uncivilised and civilised individual and would operate in every possible imagined circumstance: past, present and future. Throughout the story Smith identified the savage individual with himself by using the first person "I". This implied a unity of experience between uncivilised and civilised individuals, a universal ego and a transhistorical subjectivity. Putting himself sympathetically in the place of the savage first possessor in the apple story, Smith wrote:

"But if he had violently or theftuously taken from me what I had actually in my possession, this would evidently be an atrocious transgression of the right of property such as might justify, in the eyes of the beholder, my endeavours to recover what I had been so wrongfully deprived of. In this age of society therefore property would extend no further than possession" (*LJ(A)*, i.44, 19-20).

Smith's use of the first person served to identify Smith as a spectator whose feelings corresponded to those of the first possessor. It also preserved the hypothetical nature of the thought experiment, by expressing what every individual would feel in similar circumstances. It was therefore testable. Any individual capable of imagining themselves into the roles of first possessor and "beholder" would experience the same feelings, confirm the justice of the same actions, and arrive at the same ideas of rights. This identification of the contemporary subject with the subjectivity of the imagined savage was necessary for Smith's theory to work. Without it there was no possibility of theorising natural rights within the framework of knowledge derived from an examination of the contents of sensory experience.

There are both historical and theoretical conclusions to be drawn from Smith's approach. The historical conclusions are made explicit in the necessary assumption of

scarcity that Hume made in his account of justice. Scarcity prompted individuals to compete for a limited means of subsistence. Although self-interest was a reflective capacity of the mind of the subject of experience on the violent, resentful and disappointed passions caused by a scarcity in the means of subsistence, the identification of the spectator with the feelings of the first possessor presupposed that the feelings were causally related to appetites, such as hunger, necessary for self-preservation. They were selfish passions when directed to the preservation of the individual and "social" when directed to the preservation of his or her dependants. Millar reiterated this in his own account of the origins of property. Millar wrote:

"If we suppose the Country to be so fertile as to produce abundance of every thing to supply the wants of all the inhabitants, there would probably be no idea of appropriation. There could in no case be any competition of Interest. Everybody would enjoy whatever he wanted without being sensible of any right to do so. Mankind however never can be in such a situation." (*LJ1789,2,18,48*)

Millar agreed with Smith that the idea of property right originated out of the judgements spectators made on disputes caused by "self love" and "a struggle for pre-eminence in the enjoyment of those things which all cannot possess in common" (*LJ1789,2,18,48*). "Humanity must accordingly dispose the bulk of mankind to support the first possessor in maintaining his possession, and in restraining the violence or fraud of the other party, by whom the possession is invaded" (*LJ1789,2,18,50*). The principle of humanity was intended to explain the historical origin of the idea in a society of natural scarcity and the mind's continued attachment to it in a society of social scarcity. However, unlike Smith, he added "considerations of utility" as an additional reason why mankind supported "the right of the first possessor". The assumptions Smith and Millar made about the mind of savages meant that utility could not explain the historical origin of the idea. It did, however, help justify the right and consolidate the "most distinct and convenient rule" of exclusive possession in societies in which most individuals were "exerting labour & industry" for the purpose of enjoying the products of the labour and industry of other individuals. Put differently, post-reflective judgements of the utility of an actual or potential commodity producing and exchanging society led spectators to approve of the right of exclusive possession. The rights of first possession were a necessary condition for individuals to maintain a "mutual assistance" for one another. Without it co-operation between self-interested competitive individuals was impossible.

Although he never stated it, Smith's apple story assumed that his savages suffered from a scarcity of the means of subsistence. Socialised within family units, they were isolated as individual heads of patriarchal households from each other in a competitive

struggle for the preservation of themselves and their dependants. Apart from the occasional exceptions like Captain Cook's Tahitians, it was observed that savages tended to live wretched and miserable lives. The historical conclusion was that, on all the evidence available, the original condition of humanity was probably one of natural scarcity. Scarcity first stimulated individuals to labour and produce the arts and sciences. There was little evidence of civilised arts and sciences amongst Tahitians. The competitive struggle between individuals, families and tribes over scarce resources also created the conditions for the feelings that established the idea of the right to property. The behaviour of the thief and the feelings of resentment of the first possessor were conditioned by a world in which both first possessor and thief were actually or potentially hungry (or had family dependants who were actually or potentially hungry). The feelings of resentment in the first possessor that the spectator sympathetically identified with, had their origin in the fear of starvation or death for themselves or their dependants. These were universal feelings. They were natural because individuals experienced scarcities in the means of subsistence in commercial societies, and because it was impossible for the eighteenth century subject to imagine a world of abundance for all. As Millar stated: "Mankind . . . can never be in such a situation."

The theoretical conclusion was that, because the principles of the mind operated universally, uncivilised individuals whose circumstances were determined by natural scarcities would necessarily share these feelings with civilised individuals. Conversely just as civilised individuals were atomised and isolated from one another in a competitive struggle for capital and the means of subsistence secured by waged labour, so too were uncivilised individual heads of households. The assumption made by eighteenth century empiricists, such as Hume, Smith and Millar, was that social scarcities of goods were caused by natural scarcities and that the market was the only way to avoid both. The feelings of resentment of the civilised individual subject were therefore identical to those of the uncivilised subject. For example, the feeling of resentment a labourer might have when he was unable to consume apples because he could not find a market for the exchange of his labour power would have been similar to that of the savage who had his apple taken away from him. He would feel angry, resentful and disappointed. He would be fearful for his and his family's continued subsistence. According to Smith, the disappointment of gaining a reward for labour-time expended on acquiring objects of consumption was one aspect of the experience of both the worker and the savage. This justified and explained the notion of exclusive right for "I have gone already and bestowed my time and pains in procuring the fruit" (*LJ(A)*, i.37, 17). This disappointment of expectation would therefore be the same for civilised labourers as for uncivilised savages. However, the circumstances causing the resentment of the worker would be a social scarcity of that portion of productive

capital put aside as variable capital for wages. The feelings were not caused by a natural scarcity of apples. Both the worker and the savage had identical natural fears of death or starvation but the former's fears were caused by a socio-economic system, whereas the latter's were by nature. The distinction between socially and naturally determined scarcities was not, of course, one that Smith and Millar were capable of making.

The eighteenth century imagination conceived of a society in which social abundance was limited to the propertied few. Despite a growth in the standard of living of workers, social scarcity was, as it is today, the experience of the propertyless majority. As Millar had stated, individuals could never experience generalised abundance and therefore were forced to compete for scarce resources. Scarcity was a natural, universal and eternal condition for society. Both Smith and Millar were aware that property laws were necessary to regulate competition and prevent the poor from appropriating the wealth of the rich. The best justification for these laws was utilitarian. It was therefore impossible for Smith to conceive of a society without some notion of property rights, laws to regulate privately interested disputes, and a state to enforce these laws.

The implausibility of Smith's attempt to theorise a natural right to property on the foundation of what were assumed to be natural, universal feelings becomes clear by using his method against him and imagining what ideas would be generated by individuals in a society of a relative abundance of labour-products and labour-time. If there were plenty of apples available, no-one went hungry (or out of business because apples did not find a market), and no-one had to go to a forest to get an apple (or if they chose to do so, they had plenty of time to get there and it was an enjoyable journey), then if a person snatched the apple someone else had chosen to consume at their pleasure out of their hands, one could imagine the first possessor feeling surprise and puzzlement. She would be surprised and puzzled because she would fail to understand the motive of the person who had snatched the apple away from her. It is unlikely she would feel resentment or disappointment. Moreover if she did have such feelings and acted on them thereby using violence to recover the apple from the snatcher, then a spectator would be more likely to intervene on the side of the second possessor than the first. An impartial spectator might also offer the first possessor counselling or therapy to help her deal with her resentful feelings. It is obviously not possible to derive a universal right of exclusive possession from this kind of thought-experiment today. The twentieth century subject of experience exercises his or her imagination upon a world in which the productive forces have advanced far beyond the limits of the eighteenth century. The knowledge of the labour-saving technology and the labour-time wasted in a declining commodity capitalist society poses the real possibility of a society of social abundance. The limited development of the productive

forces meant that this possibility was inconceivable to an eighteenth century subject. The existence of social scarcities of, for example, labour power or the products of labour, were therefore conceived as natural and therefore eternal. Smith's and Millar's theorisation of commodity production and exchange as an effect of the universally experienced operations of the individual's mind were obviously limited both by the scope of eighteenth century science, and also by the immature development of eighteenth century productive forces.

8.3.3 Millar's Hypothesis

8.3.3.1 *Property Right*

Millar's lectures demonstrate that he thought that there was a strong causal relationship between economic activity and notions of property. In a chapter titled "Of the different ideas concerning the right of property in different ages" (*LJ1789,2,20-23,59-72*), he focused on three "different species" of property right: first, "the right to full and exclusive use of a subject"; second, "that of recovering the subject from every possessor"; and third, "that of transferring the property to another person" (*LJ1789,2,20,58-9*). Millar therefore analysed the complex idea of a natural right to property into three simple ideas of exclusive possession, recovery and transference. By analysing property right in this way, he was able to explain how the simpler ideas differed in different social circumstances and how far they conformed to the more complex idea.

Millar classified the social circumstances according to differing knowledge of the arts within a developing division of labour. He adopted the fourfold classification of individuals engaged in differing occupations capable of satisfying subsistence and surplus-accumulating interests. These were taken from Smith and consisted of associations of hunters and fishers; of shepherds; of husbandmen; and "the commercial state". The latter was a condition within which all the three preceding occupations could become exchange oriented. Illustrating his discussion with copious examples from history and travellers' accounts, he then reviewed each of the rights in turn according to each state of society.

Millar's conjecture was that hunters would have an idea of exclusive right but no idea of recovery. Transference was "little perceived" because there was "no arts & consequently no exchange of commodities" (*LJ1789,2,21,62*). A knowledge of a natural right to transfer property could therefore flourish only within a society in which all products of labour had the potential to be exchangeable commodities and most individuals were connected through an exchange-oriented social division of labour. This knowledge would be absent in societies in which individuals had no knowledge of production for exchange. However, shepherds would develop an understanding of

exclusive right because they would experience a "considerable improvement in the social feelings" (*LJ1789,2,21,63*). The more shepherds spent "in Society with one another", the more they would develop a sense of humanity and "a strong idea of utility". However, like hunters, the right of recovery would be unknown and therefore they would have "no notion of property independent of possession" (*LJ1789,2,21,64*). Although they had begun to alienate property, "there is still no division of labour which can occasion a regular exchange of commodities". Their notion of transference rights would therefore be minimal.

With husbandmen, the idea of exclusive right of immovable land would be generated through an analogy with the idea of rights established over moveable objects. Appropriation of the land would bring into being the right of recovery, because the long time spent working on a piece of land would have the effect on individuals' minds of establishing a greater expectation of future enjoyment and use. Thus "men come to entertain the idea that a right of property of land may remain after possession is lost" (*LJ1789,2,22,69*). The idea of a right of recovery would then be "extended to moveables". But if land was not moveable, there would be "little advancement" in the notion of the right to transfer or alienate. The "commercial state" in which there was a "new species of property" in the form of the "frequent exchange of commodities" not only improved the ideas of exclusive right and recovery but extended the notion of a right of transference or alienation from manufactured commodities to land (*LJ1789,2,23,72*). The "commercial state" therefore corresponded to a society in which individuals had a well developed notion of natural rights.

8.3.3.2 *Entails*

The causal relation Millar theorised between economic activity and ideas of property right is also evidenced in Millar's discussion of entails. The latter depended on his account of testamentary succession. Ideas of the latter would be unknown in "rude ages". The notion of testamentary succession came into being through the practice of adopting strangers and fathers preferring their adopted to their natural children. It became established when the "gradual improvement of manufactures" caused land to be bought and sold. The idea that fathers had the right to sell their land outside their family after their death would depend upon the prior recognition of the idea of a right to alienate or transfer landed property. The law of entails could not be understood without a comprehension of this evolution of a growing tendency to alienate land on the market - proprietors preferring to sell their land to strangers rather than securing it for their progeny.

Millar discussed first the origin of entails and then their effect on society. Testamentary succession outwith the family threatened the expectation families had of

an inheritance. The feelings of disappointment caused by frustrated expectations brought into being entails. The establishment of entails coincided with a growing tendency to alienate estates. The effects of the law were that land was withdrawn from being a potential object of commerce. Entails served as a disincentive to industry by prohibiting "any merchant from acquiring the rank of a gentleman" (*LJI*789,2,32,135). Entails also served to maintain the power of a landed aristocracy. Millar concluded with political arguments against those who defended entails as "essential to the British constitution". He agreed that a "superior order of citizens" was needed to maintain "good order" but argued on utilitarian grounds that "good order" was best secured by laws that admitted "the greatest degree of equality among the people". Both equality and superiority, and therefore good order, were best secured without the "artificial regulation" of entails for "while the country remains in a flourishing condition, the number of people acquiring great estates, will always be equal, at least to that of the people, who are dissipating their fortunes" (*LJI*789,2,32,135). Here Millar made an indirect reference to the process he described elsewhere as the "fluctuation of property" - a consequence of the extensive marketisation of society. This played an important role in his theory of government and his discussion whether or not the market led to greater political freedom.⁴⁵ These passages demonstrate that Millar thought that there was a causal connection between economic activity, ideas of property and the distribution of property.

8.3.3.3 *Contract*

Finally, there can be no doubt of the causal correlations that Millar thought existed between economic activity and the notion of contract. This is hardly surprising given that this form of juridical relationship is brought into being by the requirements of commodity circulation. The nature of the commodity form entails that not every sale is a successful purchase. Millar assumed that contract arose out of the experience of mutually self-interested individuals who wanted to acquire the property or labour of other individuals for their own use. Exchange - "offering an equivalent, either in labour or in goods, upon what I wish to acquire" (*LJI*789,3,35,1-2) - would therefore have arisen as a means of securing consent or agreement. Simultaneous exchange of goods required no contractual form. Contracts therefore came into being when there was a time-lag between the exchange of one good for another. This gave rise to promises for "future performance" between exchangers: "The various circumstances of parties, may either render it convenient that there should be a performance on one side, & a promise on the other, or that there should be no immediate performance on either side, but a promise on both" (*LJI*789,3,35,2). Millar therefore defined contract as an

⁴⁵See chapter eleven.

"obligation arising from a promise". Given the assumption that production was originally privatised within the patriarchal household, Millar found it inconceivable that individuals could subsist in comfort without forms of exchange. Given that, for acts of exchange to be successful, Millar thought that individuals required the reassurance of promises of performance, spectators would have feelings that corresponded with those of an individual disappointed by the failure to perform. Millar therefore attempted to theorise the features of contractual legislation that held successful exchanges together as the inevitable outcome of the operations of feelings and needs experienced by every human individual in every conceivable society.

Millar also explained how economic advances brought into being a greater use of contractual law. This was a species of theoretical history drawn from a variety of sources, the more general aspects of which are indebted to Smith's *Lectures Of Police*.⁴⁶ Millar paid special attention to the invention of money as a means of exchange and referred to both ancient and contemporary sources in his account. Thus the ancients Suidas, Livy, Pliny and Herodotus were mentioned as authorities on the Greek and Roman inventions of metals as specie (*LJ1789,3,35,11*). On the use of other commodities, such as cattle, hides, shells, salt, beads, fish and cloth, as money, Millar cited (along with Suidas) the contemporary authorities of Bossuet's "Modern Universal History", Banks' African travel memoirs (*LJ1789,3,35,9*), Busching's "Geography", Anderson's "History of Commerce", and Smith's "Wealth of Nations" (*LJ1789,3,35,10*). On the prohibition of usury, he referred to Jewish, Islamic and Roman Catholic Canon Law (*LJ1789,3,35,13*). Millar attempted to show that contractual relationships arose out of the division of labour and the development of exchanges of surpluses of "either labour, or the product of their labour" between individual heads of families (*LJ1789,3,35,16*). Barter failed to generate contracts because there was "an immediate delivery on both sides, so that neither party has occasion to trust the promise of another" (*LJ1789,3,35,7*). Without the need for a promise of future performance, there could be no contract. The only form of customary regulation in non-monetary societies was over borrowing and lending. Millar argued that the arrival of money as a means of exchange co-incided both with the emergence of merchants and with the need for contract. Millar defined money as a commodity "for which there is a general demand in Society" (*LJ1789,3,35,8*) but for which the exchanging individual has no particular demand. Millar thought that it was in the interest of the seller to exchange his commodity for money in order that at a later time he might exchange the money for the commodity he wanted: "Thus if I have grain to dispose of, for which I wish to procure cloth, I may take in exchange my neighbour's cattle, because I know that will afterwards enable me to purchase the

⁴⁶Part II, Divn. II, *LJ(B)*,8, 235-7, & *LJ(A)*,vi.97-103.

cloth, which I have occasion for" (LJ1789,3,35,8). The use of money created a time-lag between the demands of commodity owners in their role as sellers and as buyers. Millar was thinking of the role of money as a means of exchange in an economy based on simple commodity production. Thus Millar referred to trade at a distance facilitated by merchants who acquired money to buy a stock of goods in one part of a country to sell to customers for more money in another part. This was a further example of the time-lag between sale and purchase. It was the time-lag in the realisation of demand brought into being by money that Millar thought required contracts of sale. Millar attempted to explain other forms of contract such as pledge and sureties covering the security of loans (LJ1789,3,35,12); contracts covering the hire of labour (LJ1789,3,35,14); and commissions (LJ1789,3,35,15) by the effect that the use of money had on exchange. He also made reference to prohibitions on interest acquired through the practice of usury (LJ1789,3,35,13). According to Millar, these were applied for two reasons: firstly because of the strong disapproval of making profits out of lending money "to such as were in distress"; and secondly because of "the danger of extortion". Millar thought such prohibitions had been removed in "mercantile states" and "civilised nations" because the borrowers were richer than the lenders, and because the "market rate of interest is easily known", thus removing the threat of extortion.

The final section combined the outcomes of the inquiries of the first two by explaining the differences in the law of contract both by the operations of the workings of the mind and by the differing economic circumstances that the mind had to work on. In societies where exchange was either unknown or confined to barter, Millar argued both that there would be few opportunities for people to feel disappointed when promises were broken, and also that spectators would have insufficient experience of breaches to reason whether or not promise-keeping was in anyone's private or public interests to enforce. This meant that the few contracts known of in uncivilised societies would take the form of witnessed oaths or other "forms & solemnities" (LJ1789,3,36,16). These included participation of the contracting parties in religious rituals or other symbolic acts witnessed publicly. Millar gave a list of examples drawn from ancient (e.g. Herodotus) and contemporary sources (e.g. Bossuet). The list included the parties breaking straws together, sucking each other's blood, eating ceremonial meals together, smoking a pipe of tobacco together, and eating a rare plant out of each others' hands. Millar attributed the modern custom of shaking hands as a residual form of this kind of primitive agreement symbolising that a promise had been made. Millar explained aspects of the Roman law of contract such as *stipulatio* and *contractus innominati* in this way. However, when economic activity became more common and the exchange of commodities therefore more frequent, Millar stated that there were two consequences. The first was that exchangers found oaths and symbolic

rituals "burdensome" (*LJ1789,3,36,20*). The second was that they were both more often exposed to the hurtful and disappointed feelings of having promises broken. This meant they were also capable of recognising the utility of enforcing contracts. Thus "from the frequent use of contracts, men became more & more sensible of the hardship sustained by individuals from the breach of promise & of the interest of society in rendering promises effectual" (*LJ1789,3,36,20*). It followed that contractual legislation was simplified in civilised countries. This became clearer when contracts were specified in writing.

Millar's discussion of the causal correlation between economic activity and contract entailed that a society in which labour and goods had become commodities tended to guarantee that individuals' contractual rights were likely to conform more to the conception of natural right he took from Hume and Smith. There is a strong correlation in all of Millar's discussions of private rights between the derivation of natural right from the feelings and judgements of an impartial spectator and the influence on the spectator's feelings and judgements of a society of economic relations between commodity owners. A commercial society was conceived of as a society with civilised laws, refined manners and humane sentiments. Thus, not only were contracts more secure and individuals' rights to alienate their property more likely to be recognised, but a fully informed spectator would be more likely to approve of the extension of these rights to every person who had the capacity to acquire property through the alienation of "either labour or the product of their labour". A spectator was therefore more likely to approve of wage labour than slavery and to argue, on grounds of both utility and humanity, that laws upholding slavery were naturally unjust.⁴⁷

8.3.4 Smith's Second Hypothesis

Smith's second use of historical stages was an attempt to establish the hypothesis that a causal correlation existed between productive activity and forms of government. This was easy to do once the correlation between productive activity and notions of property had already been established. If the sole purpose of governments was to guarantee individuals' property rights then the form a government took would reflect individuals' knowledge of and opinions about their rights - whether or not they deviated from laws that would meet the natural approval of a fully informed disinterested spectator. Thus, in his lectures on public law, Smith's aim was once again to affirm that the principles of the mind operated uniformly relative to their circumstances. He therefore used the conjecture of the "four stages" or "ages" to compare and contrast different types or "forms of government" according to the ideas

⁴⁷See chapter twelve for my discussion of Millar on slavery.

of property that were likely to have arisen in the minds of individuals at different periods of history.

Smith followed Locke by quoting from his *Treatise on Government* that "Government has no other end but the preservation of property" (*LJ(A)*,iv.21,208,n59). Without a notion of property, there could therefore be no laws or government. If the pre-commercial arts were incapable of generating the idea of freely alienable property, then there could be no laws or government. Thus there was no government amongst hunters "property not extending at this time beyond possession" (*LJ(A)*,iv.19,207). To illustrate this point, Smith relied on the discussion of property according to the four stages in the section on private law. This demonstrated that the idea of property amongst hunters "would extend no farther than possession" (*LJ(A)*,i.44,20). Government could come into being only after a few competitive and industrious self-interested individuals had acquired a surplus sufficient to support dependants who, in a situation of natural scarcity, had lost out and been unable to acquire any means of subsistence through their own activity. Laws and government therefore came into being with the distinction between rich and poor - with an unequal distribution of property.⁴⁸

Smith assumed that the acquisition of wealth by a few individuals tended to be the result of their own industry or luck. This is in contrast to Rousseau, who thought a rich minority acquired wealth as a result of their deception of or violent appropriation of the labour and property of the poor majority. Smith's explanation of the origins of public law and government therefore took place within the framework of the spectator's approval of the subject's acquisition of surpluses through their own labour. This is also adopted by Millar.

8.3.5 Causal Connections in Smith's Lectures

Smith continued to use a hypothetical or conditional form of reasoning (marked by his frequent use of "would") closely related to methods he used in his discussions of private law. This is evident in *LJ(A)* but not in *LJ(B)*. *LJ(B)*, like Millar's lectures, reads more as a set of established conclusions than probable conjectures). In *LJ(A)*, Smith's inferences concerning the nature of the forms of authority and government were not solely derived from the testimony of history and of travellers and missionaries. Smith used the latter as inductive confirmation of the fundamental

⁴⁸"Laws and government may be considered in this and indeed in every case as a combination of the rich to oppress the poor, and preserve to themselves the inequality of the goods which would otherwise be soon destroyed by the attacks of the poor, who if not hindered by the government would soon reduce the others to an equality with themselves by open violence. The government and laws hinder the poor from ever acquiring the wealth by violence which they would otherwise exert on the rich; they tell them they must either continue poor or acquire wealth in the same manner as they have done." (*LJ(A)*,iv.23,208)

hypothesis that there could be no government without property. When individuals' knowledge of the arts was restricted to hunting and gathering, the subject could acquire only the notion of possession. Through the mechanism of sympathy, individuals who hunted were therefore connected in the imagination of the eighteenth century subject with individuals who had an undeveloped notion of property right or no notion at all. The kind of societies that Smith imagined hunters and gathers creating were societies in which notions of testamentary succession, or the right to alienate land as a commodity, essential to the full notion of property right were absent. The explanations Smith gave of how this notion came into being in his lectures on private law supplemented or gave additional weight to his hypotheses on the type of government he supposed tended to coexist with different levels of knowledge of the arts.

Thus the second stage, pasturage, was the first in which the idea of property as exclusive possession was properly understood, but without "any written or regular law" (*LJ(B)*, iv.35, 213). Individuals had for the first time acquired sufficient surpluses through domesticating animals that they were able to support dependants unable to subsist without submitting to the wishes of their superiors. The resulting disputes between rich and poor brought into being both embryonic ideas of property, such as testamentary succession, and the operation of an important principle of the mind: authority based on wealth. The power of rich individuals to arbitrate in such disputes was therefore consolidated, leading, once land was appropriated through agriculture and the extension of property rights from moveable to immovable objects, to aristocratic and democratic forms of republican government.

Smith classified forms of government according to two basic types: monarchy and republics. Republics were further subdivided into aristocracies in which sovereignty lay in the hands of "the nobles" or "men of rank"; and democracies in which sovereignty lay in the hands of the "whole body of the people" (*LJ(A)*, iv.1, 200). It was only after he had made these distinctions that he attempted to explain the origins of government according to the knowledge of property right likely to have arisen in different stages of the acquisition of wealth. Smith gave particular examples of the relationship between the stages and forms of government drawn from historical and contemporary testimony in order to compare and confirm the hypothesis. These examples of correlations between the arts and forms of government were interspersed throughout a general discussion structured around the four stages.

Smith argued that in the first two stages - of hunters and shepherds - the form of government, (if "government" was the appropriate term) would be "in general" democratic (*LJ(B)*, 30, 408). The democratic nature of primitive forms of government was an important element of the way in which he characterised allodial government - the type of government imposed by barbarians after the fall of the Roman Empire.

"The whole of the government" of hunters "as far as there is any, is democraticall" (*LJ(A)*,iv.6,202). Smith compared the superior influence of individual hunters with the members of a social club in which "the whole members are on an equal footing" but in which some individuals' advice is taken more seriously than others because of their personal qualities. In the absence of an unequal distribution of wealth based on property, and a dependence of the poor upon the rich for subsistence, there could be no operation of the principle of authority on the basis of wealth. Moreover, disputes that would generate the notion of private property would be absent.

Smith held that republics could not come into being until tribes were congregated in towns or cities for defensive purposes. Interestingly, unlike Millar, he did not explain the change from an aristocratic form of government in ancient republics to a democratic form by any reference to changes in individuals' knowledge of the arts on government. Both forms arose with pasturage and agriculture. In contrast to Millar, Smith correctly observed that ancient democracy could not have come into being without slavery. Slaves freed citizens from spending time on "the mechanick arts" (*LJ(A)*,iv.69,226) and enabled them to participate in the election of their officials. Moreover, as citizens became more wealthy, they became more jealous of the power of the nobility. Thus Smith distinguished between aristocratic republics (including modern republics such as Venice, Milan and Genoa) as republics without slaves, and democratic republics as republics with slaves. Given, however, that slaves were a form of property, the distinction between the two forms of republics was consistent with an account that explained changes in forms of government with changes in the understanding of property right - in this case the extension of the notion of exclusive possession to slaves. Smith did not conceive of slavery as a stage in the development of individuals' knowledge of the arts and thus a historical "age". It co-existed with every age, including his own. Smith thought of slavery as a private right between individuals within the family, not as an innovative means by which individuals could through their own activity subsist and acquire property. Whilst recognising the advantages and profits that masters derived from slaves, Smith described the condition of slaves as one of absolute dependence on their masters for subsistence and a complete inability to acquire property. Slaves were those who had completely lost out in the competition for scarce natural resources and were incapable of subsisting independently of their masters' will. Slavery was as much a feature of modern commercial as of ancient tribal societies.

Throughout his subsequent discussion of the collapse of ancient republics, the rise of what he called a "military monarchy", the despotic form based on standing armies, the establishment of allodial, and feudal governments and the emergence of modern absolute monarchies, Smith kept the threefold classification of monarchy, aristocratic republic and democratic republic at the forefront of his students' attention. Smith had

stated that "all the different forms of government may be reduced to one or other of these" (*LJ(A)*,iv.3,201). Thus he classified allodial government as having both democratic and aristocratic elements derived from the primitive distribution of property found amongst people who were knowledgeable only of pasturage. Feudal government on the other hand was wholly aristocratic. This was because landed property came to be concentrated in the hands of a few nobles, small proprietors being reduced to the status of dependants. The feudal distribution of property and its aristocratic form of government became, in Millar's writings, an important means of classifying types of government. It can be attributed to this observation of Smith's. The only reason a monarchial element was retained in allodial and feudal governments was because the territory covered by these governments was larger than a city state. This made it difficult for citizens to assemble regularly to decide on political and juridical matters.

Smith's account of the emergence of "military" monarchies of the Roman Empire (including within this category Cromwell's regime), and his account of the rise of modern absolute monarchy out of feudal aristocracies, are similar in that changes in the form of government are explained by changes in the knowledge of the arts. They both stress the effect that economic activity had on the revenue and powers of the monarch. When the majority of citizens of ancient republics were engaged in commerce or manufactures, they were less inclined or willing to bear arms in defence of their property. They therefore agreed to give over a part of their wealth to the monarch in the form of taxes. This was used to employ a mercenary or standing army. Mercenaries followed the direction of whoever paid them most. Generals could use this power base to establish themselves as monarchs or emperors. A commercialised people corrupted by luxury would be unable to resist their usurpation of power.

Likewise, the increasing engagement of individuals in economic activity under a feudal aristocracy generated luxuries the nobility wanted to acquire. The aristocracy's power over their dependants was diminished as they raised rents to try to increase a revenue used for the consumption of luxuries. In return for higher rents they gave their tenants greater rights. This weakened the base of their military power in the feudal militias. At the same time, the monarch's revenue increased through taxation enabling her or him to acquire more dependants, a mercenary army and the support of disaffected tenants. This led to the fall of the nobility and "everywhere gave occasion to the absolute power of the king" (*LJ(A)*,iv.164,264). The exception, of course, was England where the accidental circumstance of an island kingdom meant that standing armies were rarely required for the defence of the nation and therefore could not be used as frequently to oppress the people. Moreover, in England, a democratic element in the system of justice had been retained from the days of the allodial Anglo-Saxon government. Nonetheless, Smith, unlike Millar, was prepared to agree with a

prevailing consensus, shared with Hume in his *History of England*, that the English Tudor monarchs were "absolute princes" whose power was unlimited by law.

Smith's explanations of changes in forms of government occurred within the story he told of the progress of government from ancient Greece, through the rise and fall of the Roman Empire, feudal Europe, the establishment of the English parliament, the rise of absolute monarchy in England, to the restoration of the liberty of the English parliament through its control over the public revenue, and the independence of the judiciary from the Crown. Although this might appear to have a narrow Euro- and Anglo-centric focus, in order to account for the many changes of forms, Smith introduced non-European and un-English examples of nations with similar forms of government and levels of knowledge of property and the arts. These comparisons were essential inductive confirmations of his hypothesis that there was causal relation between the arts, ideas and distribution of property and changes in governmental form. Thus the government of the ancient Greeks and Romans was compared to that of the Tartars and Arabs. Smith thought of the "Tartarian" government as typical of a nation in which knowledge of the arts was confined to hunting and pasturage, notions of property confined to possession, and forms of government that were democratic or aristocratic. He would therefore also compare the Germans, Franks and Anglo-Saxons with Tartars, and the differences in form of "military monarchy" of the Roman Emperors with that of Turkish or Chinese Emperors who "were all established by Tartarian or Arabian chiefs" (*LJ(A)*,iv.108,242). The allodial/feudal distinction established throughout Western Europe after the fall of the Roman Empire was one already made by Montesquieu in his discussion of the Frankish government.⁴⁹ Smith also compared the rise and fall of absolute monarchy in England with similar processes in France, Spain, Germany and Scotland. This was necessary to show how peculiar the English government was with its residual democratic juridical institutions (left-overs from the "Tartarian" influence of the Anglo-Saxons). Smith needed to show how the growth of economic activity in England had, unlike in France or Prussia, failed to consolidate the power of the monarch through the use of a regular standing army not only to destroy the influence of the nobility but also to hold back the political and economic interests of merchants and manufacturers.

8.3.6 Causal Connections in Millar's Lectures

In his lectures on private law, Millar followed Smith in using conjectural reasoning to infer from the regular workings of the minds of "civilised" Europeans that the irregular workings of the minds of "untutored" savages and barbarians could be accounted for by their productive activity. Unlike Smith, however, Millar introduced

⁴⁹Montesquieu, *Spirit of the Laws*, pp682-684: "How the allods were changed into fiefs".

the four stages at the start of his discussions of government or public law. He described them as steps in the acquisition of different forms of property. For both thinkers, the accumulation and distribution of property was the mediating concept between the arts and government. However, Millar gave a general theoretical history of the arts, property and government before discussing examples of its application to particular governments. This structuring of the material emphasised the salience of the causal connection between the arts, ideas of property, and forms of government more systematically than Smith. Moreover, by making the classification of forms of government a conclusion of his inquiry rather than, like Smith, his starting point, Millar adopted a new threefold classificatory scheme: feudal aristocracy, feudal monarchy, and commercial governments - the latter containing opposite tendencies towards both despotism and democracy. This threefold classification was to determine the later structure of the first three volumes of *Historical View*.⁵⁰

8.4 Conclusion

Craig commenting on Millar's method, wrote:

"The different conditions in which mankind have been discovered, Mr. Millar, with other authors, divided into four; the state of Hunters and Fishers; the Pastoral state; the Agricultural; and the Commercial. He was far from meaning to assert, that every nation, which has arrived at a high state of improvement, must have passed, successively, through all these conditions. . . But he adopted the ordinary division as the most convenient for suggesting and introducing the various changes recorded on human institutions and manners; and, while the progress which it assumed had the advantage of leading from the simple to the more complex views of human society, he considered it, though not universal, as probably the most general course of improvement which could be traced in history." (OR,xlv-xlvi)

Millar's focus was on "the various changes recorded on human institutions and manners". These institutions were political and juridical, the most important being the juridical institution of property. Without an explanation of how individuals' notions of property had changed to one that conformed to the rules of natural justice, there could be no explanation of the distribution of property and therefore no explanation of the different forms of positive law and government. From the documentary evidence available of historical and existing customs, manners and laws, coupled with a theory of the workings of the subject's mind, Millar was able to construct conjectural hypotheses of the most probable causal connections between the subject's knowledge

⁵⁰See chapter eleven.

of law and government and his knowledge of productive and economic activity. Millar knew that it might be possible for individuals to come to a knowledge of property as freely alienable before they had come to a knowledge of agriculture. He thought that the Athenians' knowledge of trade and commerce explained the exception of a nation that had arrived at a "high state of improvement" before Athenians had a knowledge of agriculture. However, it was the empirical study of the arts, laws, customs and manners of actual societies, not the postulate of an ideal state of nature, that inclined him to accept the probable truth of the hypothesis that in most societies, hunting had preceded pasturage, pasturage agriculture and agriculture commerce.

Chapter Nine:

Individualism

9.1 Problems of Interpretation

In chapter one, I asserted that the truth or falsity of Meek's statement that Millar's account of social and historical change conformed to materialist sociological models depended on readers' understanding of the notion of a determining economic factor. If, as I argued in chapter four, the concept of a determining factor has the character of a hypostasis, then it has no bearing on or relevance to either Marx's or Millar's theory of history. Following Plekhanov's critique of nineteenth century misunderstandings of Marx, I suggested that theoretical models using such hypostases substitute factors for the study of the actual movement of the determining elements of social relations. This in turn leads to a reductionist or epiphenomenal conception of the role of individual and collective consciousness in historical and social causation.

The other prevailing understanding of a determining economic factor is individualistic and forms one of the fundamental assumptions of certain orthodox twentieth century liberal economic doctrines. This is the notion that individuals' actions are determined solely or predominantly by economic motives. An economic motive is the subjectively experienced desire for money or commodities in exchange for money. These desires are self-interested and supposed to be universal characteristics of human nature. The determining factor of human social existence is therefore conceived of as a pecuniary form of private self-interest. Put differently, in a world of eternal scarcity the only way individuals can act rationally is by making constant monetary calculations guided by considerations of subjective utility or personal advantage. If self-interested desires implanted by nature determine individuals' behaviour, then there can be no distinction between economic and rational activity. In chapter five, I used von Mises as a twentieth century example of this perspective. Von Mises states that there is a conceptual link between rationality and monetary calculation. It follows that von Mises finds it impossible to conceive of a rational society not based on generalised commodity production and exchange and not consisting of privately self-interested individuals.

In reaction to the latter perspective, certain recent accounts of Smith have attempted to distance his theory of motivation from orthodox liberal accounts emphasising the role of the economically self-interested individual. I quoted Winch's corrective in chapter four. This was that Smith's concept of self-interest was broader than the notion of a pecuniary motive directed towards economic ends and embraced honour, vanity, social esteem and love of ease and domination as well as commercial

gain. Moreover, in the previous chapter I made reference to the moral content of Millar's method and how Hopfl had interpreted the Scots as giving individualistic explanations of social change based on motives, interests and passions without postulating the notion of the individual as an isolated, rational calculator of his own advantage.

Whether or not the Scots are committed to this notion is now a matter of controversy. For example, David Miller, arguing against the applicability of Macpherson's model of "possessive individualism" to Hume, has stated something similar to Hopfl and Winch. Miller writes of Hume that his attitude to the desire for wealth and commodities "expressed not so much an individualistic conception of man as consumer of utilities as a view of man as a social creature seeking wealth to fulfil his obligations to those around him and to maintain or better his place in the social hierarchy."¹ This can be contrasted with the work of Albert Hirschman and Stephen Holmes.² Holmes develops Hirschman's thesis that calculating self-interest conceived of as a "mild passion for money making" was morally endorsed by Hume, Smith and Millar.³ He states that the calculating pursuit of private advantage became "the cornerstone of bourgeois or liberal ideology" in the eighteenth century.⁴

Holmes gives a two-fold explanation of the confusion surrounding the Scots' individualistic theory of motivation. The first is that there was a latent tendency in Smith's and Millar's thought to suggest that all individual actions are motivated by self-interest. The second is that, in the hands of later liberal economists, this universalisation of self-interest became what Holmes calls "motivational reductionism". He defines the latter as "imperialistic attempts to explain *all* behaviour by invoking the rational pursuit of personal advantage" [his emphasis].⁵ Liberal economists' interpretations of Smith have therefore been one sided and distorted. I therefore understand Hopfl's, Miller's and Winch's implied rejection of the postulate that Millar's individualism entails the notion of the subject as motivated by economic self-interest as an equally one-sided reaction to these interpretations. This reaction affirms a truth about the moral sense school of Hutcheson, Hume, Smith and Millar. This is that they affirmed the subject's experience of disinterested passions such as benevolence and generosity, against the self-interested theories of morality of Mandeville and Hobbes. In other words their moral theories of individual motivation rejected the "motivational

¹Miller D. (1980) "Hume and Possessive Individualism", *History of Political Thought*, I .(2) Summer, June: 261-78 (274).

²Hirschman A.O. (1977) *The Passions and the Interests*, New Jersey. Esp. pp25-26 on Hume and pp87-93 on Millar. Also Holmes S. (1995) "The Secret History of Self-Interest" in *Passions and Constraints*, Chicago: pp42-68.

³Holmes, "Self-Interest", 54.

⁴Holmes, "Self-Interest", *ibid.*

⁵Holmes, "Self-Interest", 53.

reductionism" of Mandeville's postulate that all motives are selfish or interested, including those that are directed to the welfare of others and would normally be called "disinterested".⁶

Hirschman and Holmes are therefore correct to point out that the contrast in the Scots' understanding of individual motivation was between interested and disinterested passions and that the former involved reflective calculation whereas the latter did not. I would also suggest that the focus on the dichotomy between the ethical doctrines of egoism and altruism is an unhelpful way of understanding Hume, Smith and Millar's individualism. For example, it does not follow from the fact that an examination of the experience of the individual subject demonstrated that individuals were spontaneously motivated by disinterested passions of generosity and kindness towards their family and friends, that their understanding of justice was uninformed by a calculative reflection on their interested passions of vanity and avarice. Nor did it follow from the subject's experience of a sympathetic identification with the disinterested feelings of resentment or disappointment of an injured possessor, that he did not also approve of the enforcement of the rules of property and contract on the grounds that every subject expected to enjoy the commodities they produced and exchanged. The latter were, after all, the only means by which the imagined ends of self-interested passions such as vanity, honour, social esteem, love of ease and domination could be realised by a triumphant bourgeoisie and their allies in the working class, the peasantry and the landed gentry.

The aim of this chapter is therefore to demonstrate that the origins of Millar's account of human nature is soundly grounded within the abstraction of the individual subject of experience. Through a review of apparently opposing positions in the contemporary literature, I shall attempt to show that Millar's conception of the individual is both self-interested and pre-disposed to association with others. Moreover, Millar's use of this abstraction had a foundation within the actual social experience of real eighteenth century individuals, and, unlike later liberal or positivist theories of the individual (which become increasingly apologetic and intellectually impoverished), also had the capacity of giving original, if ideologically limited, explanations of the origins of a modern civil society. This society is characterised by generalised commodity production and the division of labour; an expansion of the totality of productive forces (including science, technology and the organisation of social labour); social inequality and hierarchy; and the subordination of the institutions of law and government to the process of the accumulation of capital. Millar's theorisation of the latter feature of a modern commodity-capitalist society will be developed in subsequent chapters.

⁶ Munro D.H. (ed.) (1972) *A Guide to the British Moralists*. London: pp16-17.

9.2 Individualism and Sympathy

In a seminal early twentieth century discussion of Hume's and Smith's individualism, Glenn Morrow argued that their moral and social theories were radical exceptions to the prevailing individualism of most eighteenth century thinkers. The individualism that prevailed assumed that the moral and social order was "nothing but a more or less complex derivative of the elements already found in the individual."⁷ Morrow argued that the principle of sympathy was inconsistent with Hume's sceptical method as applied to causality and the unity of the self. Hume's use of sympathy was so radically inconsistent with his sceptical method that it led him to conceive of society as a "moral and spiritual unity". This unity was organic. Hume thought that every social organism had "an individuality of its own".⁸

Much work has been done since then on Hume's scepticism. For example, Galen Strawson has argued that the function of the sceptical method was to demonstrate the limits of human understanding. Hume wanted to show that people were more ignorant about the nature of causal powers and the unity of the self than most philosophers assumed they were.⁹ The wider point of Hume's scepticism was to show that the passions governed the life of the subject, not reason. Reason played a subordinate role to the operation of the passions on the mind, and it was a mistake for philosophers to make bold claims for the powers of reason.

I have argued in chapters three and eight that Millar's scepticism regarding the influence of physical causes on customs and manners closely followed Hume's. Moreover, regarding moral causes and human motivation, Millar also followed Hume. As I shall illustrate in the following chapter, Millar rejected the notion that it was reason that ensured the reproduction of the species or the social order. It was the perception of the operation of passions rather than abstract philosophical principles that kept human life going. However, in contrast to Morrow, I would contend that Millar did not think of political society as an organism but rather as a machine worked by combinations of mutually self interested individuals brought together through a sympathetic communication of ideas, impressions, feelings and opinions. As I shall discuss below, Millar used the metaphors of organic growth rarely, and, when referring to society as a whole preferred the metaphor of the machine. Thus he warned politicians against interfering with the "commercial machine" (*HV*,4,110) and advised legislators to adopt a scientific approach to the study of law in the following terms:

⁷Morrow G.R. (1923) "The Significance of the Doctrine of Sympathy in Hume and Smith" *The Philosophical Review*, vol. XXXII, 1: 60-78. (60).

⁸Morrow, "Sympathy", 68.

⁹Strawson G. (1989) *The secret connexion*, Oxford: p213.

"As it is dangerous to tamper with the machine, unless we are previously acquainted with the several wheels and springs of which it is composed; so there is reason to fear, that the violent alteration of any single part may destroy the regularity of its movements, and produce the utmost disorder and confusion." (Preface to 1st edn of *OR*, v-vi)

The mechanism that enabled the individual subject to gain knowledge of others' passions, interests, ideas and opinions and compare them with his own was sympathy. As T.D. Campbell has argued, sympathy was not a passion. For Hume and Hutcheson, it was a process by which the "feelings of one person are transferred to another".¹⁰ Hume and Hutcheson described this process as contagious - a medical analogy. As evidenced below, Millar also used the language of a "contagion of sympathetic feelings" to explain how the poor were inclined to submit to the rich. For Smith, however, sympathy was "the agreement, coincidence or harmony of sentiments".¹¹ Sympathetic feeling, according to Campbell, is "any feeling which arises from any imagined change of situation with another person".¹²

Millar's conjectural method is individualistic not only because his starting point is the contents of the minds of individual subjects of experience - their interested and disinterested passions - but because the consciousness of the coincidence of these passions with those of other subjects entailed an imaginative change of situation, such as imagining oneself to be rich or poor. This imaginative change of situation, however, took place within the mind of the subject. It was a mental operation internal to the mind of the subject that enabled individuals to become aware that they had a mutual or common interest with others.

Sympathy was neither a passion nor a rational calculative principle. It was something like an instinct, something like Newtonian gravity. However, it enabled the subject to have an understanding of the rational calculations of others. It would be self evident to every individual engaged in the production and exchange of commodities that sellers were also buyers, and just as the seller had an interest in acquiring money through exchange, so a buyer also had an interest in the utility of the commodity for consumption. The acquisition of money entailed that the seller had a long-term interest in using that money to acquire utilities in the future, and the buyer a short term interest in acquiring the commodity as it passed hands for money in the present.

The mutual interest of commodity owners in successful purchases and sales, and the actual change of position between seller and purchaser, is brought about by a

¹⁰Campbell T.D. (1971) *Adam Smith's Science of Morals*, London: p95.

¹¹Campbell, *Science of Morals*, p94.

¹²Campbell, (1981) "Adam Smith: The Social System" in *Seven Theories of Society*, Oxford: pp92-112. (p98).

reciprocal relationship determined by the nature of the form of the commodity itself. Any particular commodity must express its value in the universal equivalent of money and the latter has the power to command the use value of every other particular commodity. Every seller is therefore a potential purchaser.

However, within Hume and Smith's empiricist theory of the operations of the mind, the reciprocal relationship of seller and buyer was determined not by the form of the commodity but by an internal mental act of imagining a change of position of individuals. This imagined change of position was supposed to enable the subject to gain knowledge of the passionate content of the minds of another interested individual. The mental capacity of the individual subject to change position with another subject took the form of a hypothetical experiment. This internal operation of the mind enabled the subject to judge, by comparison, whether the passions experienced in the new position were the same as or different from original feelings. According to the theory, this brought into being the consciousness of a mutual interest and therefore the exchange of commodities.

The operation of sympathy as a principle of the mind that enabled individuals to change positions with one another did not therefore contradict the basic assumptions that an empiricist theory had about the individual as a subject of experience. This experience continued to be internal to the minds of particular individuals. As such it had the potential to open the door to sceptical arguments about whether it was possible to have knowledge of other minds. These arguments would lead inexorably to solipsism, a form of absolute isolation.

Morrow only hinted at this problem. Why did Hume not direct his sceptical method at the principle of sympathy itself? This would require a dissertation in itself. I can only speculate that Hume did not question what appeared to be the self-evident operation of sympathy for philosophical and non-philosophical reasons.

A philosophical reason might have been that sympathy was not a rational principle. Thus, although in the *Treatise* Hume tried to explain sympathy according to his doctrine of the association of ideas, offering readers sets of experiments for them to try out on themselves, the tests they were asked to complete were arduous and complicated. Readers had to think of an idea of themselves, an idea of another person related to them, an idea of the other person's passion, the idea of another's passion being converted into an impression, and the impression of the other person's passion being converted into a passion of the reader's own (*THN*, II.xi.317-321). The spontaneous nature of sympathy was lost in this exposition. In the *Enquiry*, Hume dropped any attempt to explain the mechanism. Sympathy was something so self-evident to the subject that the "sympathetic movement of pleasure and uneasiness" was communicated between individuals "as it were magic" (*EPM*, V.ii.180,221). Although it was not a passion, "sympathy" or "sympathetic" was used by Hume, as Millar used

it, to suggest the concept of passions such as benevolence and generosity. It became indistinguishable from a principle of humanity (*EPM*, IX.i.221,272).

A non-philosophical reason might have been that, at the time Hume was writing, there was no obvious conflict of interest between and within classes concerning the civilising influence of economic activity. The break-up of the consensus that the progress of commercial society was beneficial to the whole of humanity began only at the end of the century under the impact of the industrial and French Revolutions.¹³

Nonetheless, it is not obvious that the salience of the operation of sympathy on the mind of the individual subject made Hume's, Smith's and Millar's social theory necessarily non-individualistic and holistic. Sympathy was one of the self-evident elements of the individual subject's experience of the workings of his mind. Moreover, the assumption that the individual possessed a natural propensity to be sociable and that commerce facilitated this propensity by connecting isolated patriarchal households, had been taken for granted within natural jurisprudential thought since Pufendorf.¹⁴ In this sense, the Scots' individualism was neither exceptional nor radical. It was sufficient for Smith to remind readers of Rousseau that experience confirmed the truth of the proposition that individuals were instinctively predisposed to seek the company of others.¹⁵

If Holmes is correct, nineteenth and twentieth century liberal economists followed a tendency found in Smith's *The Wealth of Nations* to reduce the operation of the passions to self-interest. This reduction came to dominate later perceptions of individualism. As I have shown in chapter five, von Mises crudely reduced society to an instrumental means to the end of the satisfaction of individuals' subjective desires and wants. This perception of the household and other social groups as a means of satisfying individuals' interested passions was present in Millar's thinking but it was restricted to the *post hoc* reflection of the subject's judgements of the utility of such associations. Judgements of utility presupposed associations of individuals such as the family, tribes and nations that were formed historically out of a combination of universally experienced sociable predispositions in circumstances of scarcity and a competition of interest. Individuals associated because they could not help doing so and because they shared mutually recognised interests. The later reduction might

¹³According to Bentham, the principle of sympathy was used by the contemporary political elite to justify arbitrary punishment. He attacked it as despotic, subjective and unscientific. Bentham J. (1789) "Introduction to the Principles of Morals and Legislation (chapters I-V)". In Warnock M. (ed.) (1968) *Utilitarianism. John Stuart Mill*, London & Glasgow: pp45-55.

¹⁴See Hont's "Sociability and Commerce", Pagden (ed.) (1987). Hont argues that Smith adopted the same model of sociability as Pufendorf and that this model was based on individualistic premises.

¹⁵See Smith's letter to the *Edinburgh Review* of 1755-56. Smith argued that Rousseau's perception of the savage was the mirror image of Mandeville's. He wrote that both "suppose that there is in man no powerful instinct which necessarily determines him to seek society for its own sake." In *Essays on Philosophical Subjects*, Wightman (ed.) Indianapolis, 1982: 11, p250.

explain why in the nineteenth and twentieth centuries, it was Christians, socialists and sociologists who upheld the notion that there was an inherent human predisposition to co-operation, altruism and sociality. In the 1920s, Morrow's rediscovery of Hume's and Smith's principle of sympathy might have appeared to contradict received opinions of the nature of the relationship of self-interest to individualism and given comfort to sociological holists. A thorough investigation of Morrow's thesis would be required to confirm these speculations. Such an investigation, however, goes beyond the scope of this dissertation.

9.3 The Origins of Political Society

It follows from the application of a conjectural method to the operations of the mind in a situation of scarcity that the same self-interested passions that impelled the individual into economic activity, also brought natural sympathies into play with strangers. Without a calculating interested reflection upon the passions of fame, distinction or vanity that motivated individuals to produce and exchange commodities, they would be confined to a relatively asocial state. The disinterested operation of their social passions, instincts and appetites would operate within small circles of family, close friends and acquaintances.

In the period before improvements such as the division of labour and craft commodity production, Millar argued that the only motive that individuals had for associating in any groups larger than families was their interest in protecting their persons and possessions from the invasion of others. This was based on his observations and conjectures concerning "rude" societies, such as the Highland Gaels and Native Americans.

In contrast to Hopfl's assertion that Millar simply presented the rude condition as a historicised version of the hypothetical state of nature, the empiricist theory of the workings of the mind adopted by Millar, entailed that the subject's disinterested passions had always operated amongst individuals associated within the patriarchal household. This was confirmed by the testimony of historians and the observations of travellers and missionaries. Millar explained observations of matriarchal societies, recorded by Herodotus and French Jesuit missionaries such as Gobien, Tachard and Charlevoix, according to the standards of propriety influencing the subject's experience of lone parents in the eighteenth century. Thus he conjectured that the reason women had a greater authority over their children in certain tribal societies was because their male sexual partners lived a long way from their children. Men had not yet discovered the advantages of the institution of marriage, and Millar reasoned conjecturally that:

"the same ideas which obtain in a polished nation, with regard to bastards, will, in those primitive times, be extended to all, or the greater part of the children produced in the country." (*OR*,48)

The subject's experience of scarcity of the means of subsistence, and of a competition between capitals and amongst labourers, had deleterious effects on family life and friendships in a commercial society. Millar therefore inferred that in the absence of ideas of private property and contract the subject's experience of the operations of his mind would have two important consequences. The first was that friendships between men within families and tribes would be deeper and stronger. Benevolent disinterested passions would dominate their personal relations. The second was that relations between alien families and tribes would be hostile and antagonistic. Malevolent disinterested passions would dominate relations between these families and tribes.

Thus, on the one hand, he wrote of the common interest that families and tribes had of uniting for military purposes to defend their persons and possessions and on the other hand of how individuals "are often strongly united in the bonds of friendship and affection, by mutual exertions of benevolence, or accidental habits of sympathy" (*HV*,4,248). This could be contrasted favourably with the subject's experience of the violent passions evoked through the competition of interests generated through commodity production and exchange. Amongst friends, this had the effect of emphasising the "famous prudential maxim, of constantly behaving to him as if he were one day to become your enemy" (*HV*,4,260).

On the other hand, Millar taught his students that tribes and villages were formed only because families are "in a state of dissidence being at war with every other family" (*LG*,1771,12). These "little societies maintained a constant rivalship with each other, and were frequently engaged in actual hostilities" (*OR*,68). This meant that, although they developed the habit of living together in order to defend themselves, when the need for defence ceased, vicious passions unrestrained by considerations of self interest caused them to fall apart in internal dissension and strife. This was an anti-social form of sociality in which "In every community, the great object is defence" and in which a military leader arose with power only "in the day of Battle" and who "afterwards returns to the condition of a private man" (*LG*,1771,14). Households were isolated by the free play of the vicious and violent passions and appetites of their patriarchal leaders. Millar thought these passions would operate normally on the mind of the subject in a state of scarcity. Until the impoverished savage learnt that it was in his long-term interests to submit to the governance of his propertied superiors, he was "a stranger to all those considerations of utility, by which, in a polished nation, men are

commonly induced to restrain their appetites, and to abstain from violating the possessions of each other" (*OR*,141).

The subject's mind was yet to be habituated to the calming influence of calculating self interest accompanying commodity production and exchange. He could not therefore appreciate how the restraint of his passions might be to his advantage. Rude people "were too little acquainted with the dictates of prudence and sober reflection, to be capable of restraining the irregular sallies of passion" (*HV*,1,53).

The social passions of humanity and benevolence communicated through the mechanism of sympathy manifested themselves either through shared military endeavours, or through the subject's experience of a shared single occupation, such as hunting or the pasturage of animals. This meant that even the interested passion of avarice had little operation on the mind. Millar thought that the civilised subject, engaged in a competitive struggle for wealth and status, was driven to industry. The subject in a condition of scarcity would therefore be lazy as well as vicious. Thus he wrote of rude people that:

"their military life, which was incompatible with industry, prevented the growth of avarice, the usual attendant of constant labour and application in every lucrative profession. Their employments were such as united them by a common tie, instead of suggesting the idea of separate interest, or engaging them in that struggle for riches, by which the pursuits of every man are, in some measure, opposed to those of his neighbour." (*HV*,1,55)

Moreover, although benevolent disinterested passions might unite men in a common employment and a common struggle to defend their persons and possessions, Millar conjectured that, in a state of scarcity, they would have little opportunity or time to indulge their feelings with women:

"Natives who have so little regard to property as to live in the continual exercise of theft and rapine; who are so destitute of humanity, as, in cold blood, to put their captives to death with the most excruciating tortures; who have the shocking barbarity to feed upon their fellow-creatures, a practice rarely to be found among the fiercest and most rapacious of the brute animals; such natives, it is evident, would entirely depart from their ordinary habits and principles of action, were they to display much tenderness or benevolence, in consequence of that blind appetite which unites the sexes." (*OR*,45)

I do not want to comment on the accuracy of Millar's opinion that cannibalism was prevalent amongst early humans.¹⁶ Nonetheless, whether or not his conjectures had any basis in fact, they rested on the testimony of established authorities. This may or may not have been contaminated by political or religious prejudice. Testimony alleged that cannibalism occurred amongst people living in a condition of absolute scarcity. Millar's conjectures also rested upon the inferred effects that scarcity would have upon the operations of the mind of the subject of experience.¹⁷

The self-interested goals of "avarice" and the "pursuit of riches", the "sober reflection" on a "separate interest" constituting "considerations of utility" and the "dictates of prudence" that "restrains men's appetites" and their "irregular sallies of passion" were all necessary for individuals to be socialised beyond the confines of the family. Only when they had learnt to be avaricious, sober and prudent could they extend their natural sociable feelings of humanity towards others not limited by the "common tie" of a single form of subsistence employment or the requirement for perpetual defence of person and possessions. Millar thought that it was the individual subject's economic activity as producer and exchanger of commodities that promoted such sociality and a perception of the public interest. Extended sociability was derived from the sympathetic reflection on reciprocal interests of those individuals who had learnt to produce for exchange. Thus:

"in that simple age, in which labour is not yet divided among separate artificers and which the exchange of commodities is in a great measure unknown, individuals, who reside at a distance from one another, have no occasion to maintain an intimate correspondence, and are not apt to entertain the idea of establishing a political connection. The inhabitants of a large country are then usually parcelled out into separate families or tribes, the numbers of which have been led, by necessity, to contract habits of living together, and been reduced under the authority of that leader who is capable of protecting them. These little communities are naturally independent, as well as jealous of one another, and though, from the dread of a common enemy, they are sometimes obliged to combine in a league for mutual defence, yet such combinations are generally too casual and fluctuating to be the foundation of a comprehensive and permanent union." (HV, 1,95)

¹⁶The postulate that generalised cannibalism was practised during a historical stage of human evolution called savagery is made by Reed E., (1975) *Women's Evolution: from matriarchal clan to patriarchal family*, New York: pp23-42.

¹⁷Testimony that people suffering poverty and extreme political oppression lived "little better than cannibals" can be found in Sir John Davies (1612) *A Discovery of the True Causes Why Ireland Was Never Entirely Subdued Nor Brought under Obedience of the Crown of England*, London, 1747. Reprinted from 1612 edn for A. Millar: p168. Recent incidences of cannibalism have been alleged during famines such as that caused by Stalin's forced collectivisation of the Ukraine in the 1930s. See Ammende E. (1936) *Human Life in Russia*, London: p66

Economic activity and the corresponding appreciation of the advantages of rules of justice were therefore necessary conditions for a political union of isolated families to come into being. Political society with forms of government regulated by laws had the authority to check the short-term interested passions of sovereign powers. Political society arose out of the labour of "separate artificers" and the knowledge of "the exchange of commodities". This established a social connection between "separate families and tribes" which were previously isolated from each other through the effect of wars caused by the unrestrained violent passions. Thus Millar wrote in his lectures on government:

"1. Commerce, Manufactures and the Arts, have a tendency to introduce regular government. 1. The different tribes of the rude nation are associated merely for the sake of defence against a common enemy. Such associations are extremely limited and easily interrupted. When the fear of a common enemy is removed, the members of the same nation are apt to quarrel with one another. This more remarkably the case when a nation is extensive, and composed of tribes spread over a wide country. Such was the state of feudal nations. 2. But when trade and manufactures have made some progress in a country, the inhabitants are led to maintain a more intimate correspondence. The ground of their political union is extended to Peace as well as to War. They have occasion to carry on a multiplicity of transactions by which their common good is promoted. If one man has an interest to buy, another has an interest to sell, and every artificer or merchant finds the benefit of dealing with others, and of living upon good terms with his neighbours. Thus the same circumstances which render mankind Selfish, and which excite envy and jealousy among individuals, strengthen the bonds of Political Society." (*LG*, 1792, 101)

Thus until men were economically active, a circumstance that promoted both selfish passions such as avarice and unsocial passions such as envy and jealousy, there could be no "intimate correspondence" between individuals. There could be no recognition of a "common good" beyond that of "defence against the common enemy". Put differently, unless individuals were engaged in economic activity through their mutual interests as sellers and buyers, there was little opportunity for the sympathetic agreement of sentiments to occur in the minds of individuals from alien families, tribes or nations.

Opposed to the association of individuals within the family caused by the sexual appetite, and opposed to the association of families in a tribe or village caused by the need for defence, was Millar's conception of political society. This was an association of individuals connected by production, exchange and mutual self interest within which

the poor submitted to the rich, the natural rights to alienate property were protected and individuals recognised that submission to government and law was both in their own private interests and in the interests of others. The clearest Millar put the economic causes of this conception of world society is in the following:

"Of old nations had but little intercourse with one another. Their only union was sometimes when they formed temporary elites for defence. The introduction of commerce however occasions a constant and permanent intercourse of nations. In a rude state every man works for himself in everything that he wants so that all are upon a similar footing, but when arts come to be introduced each by applying to a separate branch comes to have superfluities in that branch which he must exchange again for the superfluities of others which he again stands in need of. Thus an intercourse is established. This first connects families, then tribes, and being carried a little further connects nations also." (*LGI* 1771, 264)

9.4 Passions, Interests and Juridical Relations

Hume, Smith and Millar all conceived of the individual subject's motive for producing and exchanging commodities as self-interest. This is clearest in their accounts of contract - the juridical form required by the exchange of commodities. Hume, warning moralists and politicians to abstain from any attempts to interfere in "the usual course of our actions", wrote of the exchange of "services and actions" determined by the inalterable passions of human nature that went to make up self-interest (*THN*, 520-521). As I showed in chapter six, Millar remarked that when the commodity-owning subject offered an "equivalent, either in labour or in goods," it was conducive to the mutual interest of the exchanging parties (*LJ*, 1789, 3, 35, 1-2). The use of the first and second person pronouns "I" and "you" marked the presence of the self-interested subject. This method of presentation is strikingly similar to Smith's well known explanation of the origins of the division of labour. Smith's "Give me that which I want, and you shall have this which you want" (*WN*, I.ii.2, 26) is comparable with Hume's "Your corn is ripe today; mine will be so tomorrow. 'Tis profitable for us both, that I should labour with you today, and that you should aid me tomorrow" (*THN*, 520). Both clearly identified the presence of the self-interested subject of experience. As I showed in chapters six and eight, Millar, too, followed this method when explaining the origins of money: "Thus if I have grain to dispose of, for which I wish to procure cloth, I may take in exchange my neighbour's cattle, because I know that will afterwards enable me to purchase the cloth" (*LJ* 1789, 3, 8).

Millar thought that self-interest not only brought into being commodity production and the division of labour but also the forms of law that regulated economic activity. The improvement of commerce and manufactures had a "tendency to improve the

virtue of justice in all its branches" (*HV*,4,245). Millar correctly observed a causal relationship between the generalisation of commodity production and exchange, and changes in juridical relations.

Millar thought that it was the operation of the interested passions on the subject's mind that compelled the individual to be just whilst he was bettering himself through economic activity. Generosity was a positive virtue motivated by a disinterested passion. The subject as spectator could not help but express the warmest approval for and heap praise upon acts of spontaneous kindness or benevolence. However, generosity without justice was "of less consequence to the prosperity and good order of society, than the latter, though without any considerable share of the former" (*HV*,4,255).

Compared to generosity, justice was a negative virtue. It was negative because, in order to gain the approval of a spectator, it required the subject not to engage in certain activities. These were to refrain from acting on passions that led to the distress or suffering of others. "Justice requires no more than that I should abstain from hurting my neighbour, in his person, his property, or his reputation" (*HV*,4,267). The rules of justice that became laws were derived from the subject's experience of disputes between individuals (*HV*,4,277). As I have argued in chapter eight, Millar thought it was the subject's experience of scarcity that led to disputes over utilities acquired through the individual's labour, and, as I have mentioned above, labour was motivated by interested passions such as avarice or vanity. Justice therefore "proceeds chiefly from considerations of interest" (*HV*,4,260). Individuals either decided to comply with or unconsciously conformed to rules of justice. Conformity to the general rules of justice were "the effect of artificial discipline" and Millar described how children were educated into this conformity from an early age (*HV*,4,237-238). Respect for justice tended "to restrain and controul the feelings of avarice" (*HV*,4,261), which in "opulent and luxurious nations" had become "the ruling principle". Millar was clear that the subject's reflection on his economic or "pecuniary" interest (*HV*,4,245) was sufficient in most cases to determine respect for the virtue of justice. The subject would recognise money or capital as a means to the end of gratifying his vanity and avarice. Both private and public interests were served by the rule of law.

The contrast Millar made here was between the restraint a sense of justice exercised internally over the unsocial effects of immediate passions such as avarice, vanity, ambition and fame, and restraint experienced externally as an enforced norms. Justice and the rule of law were, for Millar, derived more from the individual subject's own calculation of long term interest than his reflection on their general benefits. The public utility of rules of justice were more likely to be considered by the philosophical few than the vulgar many. The attention of the many was restricted by the dulling effects of a division of labour. Their minds were engrossed by money-making or the

consumption of commodities. The subject recognised the virtue of justice in himself and others when his long-term calculations of profit and advantage put a brake on short-term interests prompted by his passions. Thus "Justice is the result of a deliberate purpose to reject an incidental advantage for obtaining an ultimate, and much greater profit" (*HV*,4,245-6).

As Albert Hirschman has pointed out, in order for capitalist social relations to supersede pre-capitalist relations, there had to be a corresponding change in subjectivity that would assist the transition from the one to the other. Hirschman notes that in the ancient and medieval worlds "money-making pursuits" were "condemned or despised as greed, love of lucre, and avarice".¹⁸ By the eighteenth century this had all changed. Money-making had become "an honoured occupation".¹⁹ The subject's reflection on his interest checked the free operation of his selfish passions.

Hirschman contends that during the transitional period from feudalism to capitalism the internal and external order of society was thought to be threatened by "the unfettered pursuit of private gain".²⁰ Responses to this fear were to pose that the interests of men restrained their passions. The interests were not conceived in the sixteenth and seventeenth centuries as a limited concern with economic advantage, but "comprised the totality of human aspirations" and "denoted an element of reflection and calculation with respect to the manner in which the aspirations were to be pursued".²¹

Machiavelli was the first to state clearly the thesis that the subject's interested pursuits had the potential to restrain his vicious passions. A "disciplined understanding of what it takes to advance one's power, influence and wealth" was necessary to reassure those in charge of political society.²² This discipline was recommended to the sovereign at first, but was quickly extended to groups amongst the ruled in the seventeenth century. It was not exclusively applied to a concern with wealth but also to honour, glory, conscience, and health. According to Hirschman, what happened gradually was the emergence of the notion that:

*"one set of passions, hitherto known variously as greed, avarice or love of lucre, could be usefully employed to oppose and bridle such other passions as ambition, lust for power, or sexual lust" [his emphasis].*²³

¹⁸Hirschman, *Passions and the Interests*, p9.

¹⁹Hirschman, *Passions and the Interests*, p129.

²⁰Hirschman, *Passions and the Interests*, p69.

²¹Hirschman, *Passions and the Interests*, p32.

²²Hirschman, *Passions and the Interests*, p38.

²³Hirschman, *Passions and the Interests*, p41.

The concept of interest therefore became "narrowed to material advantage".²⁴ In the eighteenth century, money-making came to be considered as an innocent and calming passion that had the capacity to restrain wild or violent passions. Hutcheson, for example, thought of the desire for wealth as a calm passion because, according to Hirschman, it "acts with calculation and rationality, and is therefore exactly equivalent to what in the seventeenth century was understood by interest."²⁵

Essential to this account, is the notion that interests are conceived as involving calculation. This activity is associated with mathematical or arithmetical exercises. The image that comes to mind is the keeping of books necessary for any successful business venture. One can imagine the statesman in charge of the sovereign's revenue having his attention taken away from violent feelings he has towards his rivals for power and glory when he spends time thinking about the proportions of the revenue to be allocated to this or that aspect of policy. Similarly, one can imagine the merchant having his attention taken away from the violent feelings he has towards his competitors, when he reviews and adjusts the proportions of commodities he has sold and the money he has acquired through the trading week. Both sets of violent feelings could be soothed through the arithmetical or mathematical calculations necessary for achieving the subject's goal of honour, or glory, or the esteem he imagined followed from the acquisition of wealth. Yet the passions that prompted the statesman and merchant to calculate were the same as those that prompted him to feel violent to his rivals or competitors: avarice, the desire of power, vanity, etc.

Hirschman alleges that Smith took a "reductionist step" when he made the drive for economic advantage "a mere vehicle for the desire for consideration". The reason for this reduction was that, in *The Wealth of Nations*, Smith was more concerned with observations concerning the forces that motivated "the great mob of mankind" or the populous majority of the ruled than those that motivated a limited minority of rulers. The labour that the multitude of people engaged in, so Hirschman suggests, was motivated both by the accumulation of property for its own sake and as a means to the end of social recognition. It follows, according to Hirschman, that Smith thought that "ambition, the lust for power, and the desire for respect can all be satisfied by economic improvement". Smith therefore undercut the previous conceptual opposition between the passions and the interests. Thus Smith is quoted as using the concepts of passion and interest as synonyms when a century and a half previously they had been antonyms. Smith's work in *The Wealth of Nations* therefore marked the end of "the speculations about the effects of interest-motivated on passionate behaviour".²⁶

²⁴Hirschman, *Passions and the Interests*, p48.

²⁵Hirschman, *Passions and the Interests*, p65.

²⁶Hirschman, *Passions and the Interests*, p112.

The example that would confirm the notion that Millar considered "interest" and "passion" to be synonymous is when he writes of "those opposite and jarring passions which arise amid the active pursuits of a commercial life" (*HV*,4,248) and the "opposition of interest" that caused "dissensions among persons of the same trade or professions" (*HV*,4,249). At first sight, it is difficult to see any difference of meaning between the two terms. Both occur in a section that discussed market-generated competition. I would argue, however, that Millar used the terms precisely because they were not synonymous. For example, Millar can be read as suggesting that each individual had competing interests in "the pursuit of riches" and that these competing interests caused him to feel "envy, resentment, and other malignant passions" (*ibid*). In this case the meanings of "interest" and "passion" are clearly distinct. It was competing calculating interests typical of a commodity capitalist society that caused the subject to experience violent passions of envy and resentment towards his economic rivals.

The contrast is, however, different from the one Hirschman has identified. In this case, the competition of interests did not restrain or calm passions; rather it promoted and inflamed them. Nonetheless, Hirschman's major thesis is not contradicted by this example. The reason is that envy and resentment are disinterested passions that, according to empiricist theories of the workings of the mind, could cause harm not only to others but, if acted upon without calculative reflection, to the self.²⁷ It would be possible to imagine that the subject was acting in a self-interested manner that restrained actions motivated by interested passions such as avarice and vanity, at the same time as experiencing a competition between capitals or workers that generated vicious disinterested passions. In this case, the subject as spectator would recommend the cultivation of habits of restraint or self-command over the vicious passions. The subject's command over feelings of envy and resentment would be the proper means of gaining approval of others, and, if the latter were unforthcoming, the subject would still gain the abstract approval of his conscience. According to Craig, Millar recognised that in certain situations, the subject's restraint of malignant passions caused by competitive interests required "the utmost effort of self-command" (*OR*,xxx).

However, the context of Millar's use of the notion of opposing interests and opposing passions is crucial. The conclusion Millar drew from his observations of the opposing passions caused by an opposition of interests was the following: if individuals followed the rules of justice then they would most likely "enjoy, all that security, ease, and tranquility, all that comfort and satisfaction which can reasonable be desired" (*HV*,4,254). Millar's vivid description of the atomisation of social life within a

²⁷Holmes gives a long list of disinterested passions that, if acted on, would gain the disapproval of a spectator ("Self-Interest": pp57-58).

commodity capitalist society, covering many of the deleterious effects that atomisation has on the personality of the subject, including his alienation from his own humanity, was a necessary prelude to Millar's major thesis. This was that, if the subject prioritised his long-term interests over short-term advantages in his personal as well as his economic life, he would be happy. In other words, it was in his interests to submit to a state that enforces contracts and assisted him in his pursuit of long term gain.²⁸ Submission to the state was the only way that the subject could be sure that actions harmful to his property and reputation caused by the malignant passions of his competitors could be punished.

Millar's reference to the "opposite passions" of the "love of money" and the "love of pleasure", when discussing the differences between "the avarice of a frugal and that of a luxurious age" (*HV*,4,252), is further confirmation of Hirschman's thesis that Millar continued to distinguish between two variants of the passion of avarice - one that included the calculation of long-term advantage and the other that motivated short-term gain. The first was a "covetous" form of avarice characteristic of the miser who was "afraid to lend out his money at interest". The second was a "profuse" form of avarice characteristic of the "modern usurer" who "hoards that he may spend to the best advantage" (*HV*,4,252). Millar called this the "avarice of sensual gratification". The modern usurer was just as "rapacious" and "absorbed in the pursuit of gain" as the ancient miser, but the former made long-term calculations on the expectation of the pleasure he would get from spending his money. He therefore kept his money in circulation never "hugging his treasure in secret, or by hiding it in the ground". The latter, however, made calculations on the basis of the fear he had of losing his money in circulation. He therefore kept his money out of circulation "concealing it in the earth" as a hoard.

Nonetheless, there is also strong evidence in Millar's work of the process of what Holmes calls motivational reductionism. When Millar reasoned conjecturally about the subject's experience in pre-commercial society, he was happy to use "interests" as a synonym for the interested passions. I shall give this some attention in the next chapter. For the moment it is sufficient to note that Millar used the language of interests to describe the competition between individuals for scarce resources in the rude condition of society, and to note that "in a rude age, where there is little industry, or desire of accumulation, neighbouring societies are apt to rob and plunder each other" (*HV*,4.248). They therefore had a "common interest" in uniting for protection

²⁸Ignatieff is therefore incorrect to interpret this passage as evidence of Millar's pessimism about the advantages of commercial society ("Millar": Hont & Ignatieff, eds, 1983: p340). Ignatieff's mistake is to interpret *Essay VI* of *HV* as a peculiar response to the language of corruption in civic humanism. A different interpretation would examine it as an illustration of the attempt to give a scientific account of contemporary perceptions of morality according to empiricist principles.

and defence. It was a recognition of this interest that assisted the operations of disinterested passions such as friendship, benevolence and sympathy between tribes, or nations (*ibid*).

For Millar, therefore, an understanding of economic self interest was all that was needed to persuade the subject to respect the law. The subject experienced a need to sacrifice short-term interests for long-term ones. As I shall argue further in the next chapter, his perception of long term interest required that he acquiesce or submit to government and law.

9.5 Betterment and Submission

Hume thought that "inalterable passions" determined the subject's activity in all societies and all times. In the *Enquiry* he wrote:

"Ambition, avarice, self-love, vanity, friendship, generosity, public spirit: these passions, mixed in various degrees, and distributed through society, have been, from the beginning of the world, and still are, the source of all the actions and enterprises, which have ever been observed among mankind" (*EHU*, I.VIII.65,83).

The first four of these passions, ambition, avarice, self-love and vanity, were interested. The last three, friendship, generosity and public spirit, were disinterested. Hume had also written that the subject needed only to consult his own "common experience" to know that his generosity was limited to the members of his family, friends and acquaintances. Generosity was insufficient to bring into being larger forms of association that included strangers and enemies (*THN*,487). Hume's observation of a "universal passion" for "fame and distinction" was also testable within the experience of the individual subject. It was experienced in competition with others and was, along with other interested passions, a cause of economic activity. Indirectly this interested passion caused social connections between strangers to arise and, through the generalisation of commodity production and exchange, a world-wide association of self-interested individuals. The passion for fame and distinction was thought to be a natural, universal aspect of the workings of the human mind in a situation of scarcity.

The experience of a scarcity of the time available for the attentive praise and admiration of self and others determined the strength of the passion's influence. For example, the scarcity of time available to the savage to realise his needs for and interests in the attention of the opposite sex played this role in Millar's explanation of the subordination of women in *The Origin of Ranks*.²⁹ Within the society that

²⁹"He has no time for cultivating a correspondence with the other sex, nor for attending to those enjoyments which result from it" (*OR*,15). "Having little attention paid them, . . .they [women] are

confronted the eighteenth century subject of experience, this scarce time was unequally distributed between rich and poor. The rich possessed a relative abundance of it, the poor almost an absolute scarcity. Smith was to give examples of this from his observation of life within an emerging capitalist society to confirm the truth of the assumption.

In his *Theory of Moral Sentiments*,³⁰ Smith made a significant contribution to the development of the human sciences. He recognised that humans have needs for attention and praise which could not be realised fully within a class-divided society. Thus he observed that these needs were denied to the majority of the poor. "The poor man goes out and comes in unheeded, and when in the midst of a crowd is in the same obscurity as if shut up in his hovel" (*TMS*, I.iii.2.1, 51). The rich, however, were successful in satisfying their need for attention and approval: "the man of rank and distinction, on the contrary, is observed by all the world". He was the "object of the observation and fellow-feeling of everybody around him".

Smith's explanation of the individual's motive for engaging in economic activity depended on the assumption that the time available to satisfy the above human needs was naturally limited to the propertied few. This was a reflection of the effects that an emerging capitalist society had on the minds of the labouring poor. The typical poor labourer of Smith's day worked in a manufactory subordinated to a technical division of labour that demanded little of his skills or knowledge. The repetitive work he had to do damaged his intellectual faculties. He was therefore unlikely to get any good attention for his distresses and hurts from other poor people for they, too, shared similarly oppressive circumstances.

On the other hand, Smith observed that the labourer was relatively well off. He made enough in his wages to afford "food and clothing, the comfort of a house, and of a family" (*TMS*, I.iii.2.1, 50). This observation was contingent upon the general rise in the standard of living of the workers of Smith's times. This observation applies mostly to the skilled workers of an advancing capitalism. It is not typical of the position of the majority of the world's workers in the declining capitalism of the twentieth century, and was probably out of date within fifty years of Smith's observations. The deskilling process of the industrial revolution was only beginning to be noticed and worried about. However, whilst the demand for labour power outstripped its supply, the emergence of an industrial reserve army of labour and a mass population surplus to capital's requirements would not have been an object of Smith's experience, concern or

degraded below the other sex, and reduced under that authority which the strong acquire over the weak" (*OR*, 34).

³⁰"Of the origin of Ambition, and of the distinction of Ranks" (*TMS*, I.iii.2, 50-61). Also "Of the beauty which the appearance of utility bestows upon all the productions of art, and of the extensive influence of this species of Beauty" (*TMS*, IV.i.179-187). These sections influenced Millar's account of respect and esteem for the rich as a source of their authority.

thinking.³¹ Given that the eighteenth century worker's wages were sufficient to buy commodities and pay rent that relieved him and his family from the fear of starvation, malnutrition, hypothermia and homelessness, Smith thought that the only motive he had to rise from the position of labourer to artisan and thence to capitalist was the interest he had in gaining good attention from others.

Respectful attention was something he observed that the poor, incapable of giving to each other, gave to the rich in abundance. Smith stated that "too be observed, to be attended to, to be taken notice of with sympathy, complacency, and approbation" (*ibid*) were advantages. It was therefore in the self-interest of a poor labourer to work hard and take a prudent course of action in order to achieve these advantages. The poor man observed the attention that the rich man got, and as he sympathetically imagined what it must be like to get this attention, experienced "agreeable emotions". The poor man thought that these emotions corresponded to those experienced by the rich. The "great purpose of human life which we call bettering our condition" (*ibid*) - the conjectured cause of every kind of human improvement from the division of labour, to men's attentive behaviour to women - was nothing more than an observation drawn from the subject's experience of the opportunities for upward social mobility in a maturing capitalism.

Smith assumed the labour of the simple commodity producer as the typical form of economic activity. The categories he used to explain betterment were, however, those of the self-interested passions, such as vanity, and the disinterested operation of the spectator's sympathetic imagination. In order to achieve wealth as a means to the end of favourable attention from others, the individual must work hard, save up sufficient money to "acquire dependants", pay these dependants out of "the labour of his body, and the activity of his mind" and "acquire superior knowledge in his profession, and superior knowledge in the exercise of it" (*TMS*, I.iii.2.5,55). The economic activity of the prudent individual necessarily gained the approval of the spectator. The process Smith described as bettering one's condition implied that the subject recognise that economic activity and the acquisition of skills were the best means for the realisation of the goal of being the object of others' admiration, respect and esteem. Betterment was an accurate reflection of the upward social mobility of the small commodity producer in the eighteenth century - a social and economic position to which most wage labourers aspired and many achieved. It also reflected the higher status of the merchant, who by making his capital productive of value, acquired landed estates.

According to Smith, the immediate efficient cause of the work required for the poor to gain some recognition and appreciation from others was the effect of an act of

³¹See Horne T.A. (1990) *Property Rights and Poverty*, North Carolina. In Smith's view: "there was work for all to do, and in its doing all would be improved" (p122). If true, this suggests that Smith thought that capitalism would guarantee full employment.

the imagination. By imagining the pleasurable feelings arising from attention given to the wealthy, the poor worked hard, got skills and employed others. The individual was thus subjectively driven by his imagination to use his own labour to work hard and be successful. He was not driven by any objective social relations such as money or capital but by his own internal feelings and sensations and his sympathetic understanding of the feelings and sensations of others.

Smith generalised from the subject's internal experience of an interested passion such as vanity to principles of the mind with a universal application. The assumption of scarcity informed his belief that social inequalities between rich and poor were universal aspects of the human condition. Thus he attempted to explain the political and economic power of the rich over the poor according to internal mental processes, especially the workings of the imagination. He identified two such processes. The first was the effect that "the world's" attention had upon the rich man (*TMS*, I.iii.2.1, 51). This favourable attention caused a feeling of pleasure in the rich man's mind. The second was the poor man's perception of the rich man's state of mind. Despite the appreciative attention the rich man got, his actual state of mind was relatively miserable. Competition made the rich insecure and they were constantly worried that they might lose their wealth and fall into poverty. The actual experience of the rich was known to the knowledgeable, philosophical few who could distinguish between praise for merited virtue and flattery. This experience was beyond the capacities of the restricted minds of the vulgar many. The poor man's mind was more preoccupied with the mundane business of working for a living than the philosopher's, and his imagination made it seem that the condition of rich man "was almost the abstract idea of the perfect and happy state" (*TMS*, I.iii.2.2, 51). Through this sympathetic act of the imagination, the poor man got a corresponding sensation of happiness when contemplating the pleasures in the minds of the rich. This was a false and distorted picture, but nonetheless sufficient for it to pre-occupy the poor man's mind in his "waking dreams and idle reveries" (*TMS*, I.iii.2.2, 52). These "prejudices of the imagination" caused him to behave in certain ways towards the rich. It caused him to "favour all their inclinations, and forward all their wishes" (*ibid*).

It is at this point in Smith's explanation that he observed an association between the attention and respect that the rich acquired and the attitudes of deference and submission they commanded from the poor. The latter was not, according to Smith, caused by "any private expectations of benefit from their good will" but from "our admiration for the advantages of their situation" (*TMS*, I.iii.2.3, 52). This contrast between the private utility of submission and the advantages of attention the rich are imagined to have was one that Millar also adopted and used in his lectures and publications to explain the submission of the poor to the rich. The difference being, however, that Millar (unlike Smith who denied that "private expectations of benefit"

played much of a role in explaining submission) was to affirm private utility in his own account of the origin of ranks. For Millar these expectations were not solely the imagined advantages of good attention, but also the actual advantages of a means of subsistence and protection of the individual's person and property. The differences between Millar and Smith on this point will be discussed further in the next chapter.

For Smith, the association of deference and submission with attention and respect was confirmed by his observations and experience of the behaviour of the poor towards the rich throughout history and society. However to be consistent with an empiricist method that informed his general theoretical approach to morality and society, the origin of ranks had to be explained as an effect of the mental operations of the sympathetic imagination. They had their foundations in the mind's operation upon the unequal political, economic and social circumstances he assumed to be universal to the condition of humankind.

A poor man's tendency to tremble, bow and scrape before a rich man, his tendency to submit to his every desire was, for Smith, a natural disposition. It was natural for three reasons. The first was that the existence of feelings accompanying acts of defence to the rich were experimentally verifiable within the contemporary subject's own mind. The second was that it was conjectured that these feelings would operate within the mind of every subject if they were to imagine being brought face to face with the wealthy. The third was the assumption that historical testimony confirmed a constant conjunction between pleasure derived from feelings of identification with the rich and acts of obsequiousness. Given the constitution of the human mind, it was impossible for the subject to imagine that these feelings would not produce the effects of submissive behaviour. Thus: "Nature would teach us to submit to them for their own sake, to tremble and bow down before their exalted situation" (*TMS*, I.iii.2.4, 53). "Upon this disposition of mankind, to go along with passions of the rich and the powerful, is founded the distinction of ranks, and the order of society" (*TMS*, I.iii.2.3, 52).

The conclusion to be drawn from Smith's reasoning was that it was impossible for the subject to better himself without a pre-existing social hierarchy based on inequalities between rich and poor.

Millar's acknowledgement of Smith's contribution in *The Theory of Moral Sentiments* to an understanding of the explanation of submission is to be found in Essay VII, vol.4, of *Historical View*. In this passage, Millar stated that the acquisition of property "whether derived from occupancy and labour in conformity to the rules of justice, or from robbery and oppression" (*HV*, 4, 288) was a necessary condition for submission to authority to work. The account Millar gave was individualistic and heavily indebted to Smith's. The poor man treated the rich man with admiration and respect, because he derived pleasure from imagining how happy the rich man must be

with his wealth. The pleasure derived from these fancies were communicated amongst other poor individuals through the mechanism of sympathy. It prompted them to act individually and collectively according to the desires of the rich. The poor were unable to discriminate between the rich individual who deserved respect and the one who did not. They were prepared to do what every wealthy individual asked them to do regardless of his moral qualities. "Impressions of awe and reverence" caused the poor embarrassment, even "abasement and stupidity" when brought into personal contact with a rich man (*HV*,4,289). Millar credited Smith with this explanation of the operation of the principle of authority in the following footnoted reference to Smith's *Theory of Moral Sentiments*:

"Wealth, however improperly in the eye of a strict moralist, seldom fails to procure a degree of admiration and respect. The poor are attracted and dazzled by the apparent happiness and splendour of the rich; and they regard a man of fortune with a sort of wonder, and partial prepossession, which disposes them to magnify and overrate all his advantages. If they are so far beneath him as not to be soured by the malignity of envy, they behold with pleasure and satisfaction the sumptuousness of his table, the magnificence of his equipage, the facility and quickness with which he is whirled from place to place, the number of his attendants, the readiness with which they observe all his movements, and run to promote his wishes. Delighted with a situation which appears to them so agreeable, and catching, from each other to contagion of sympathetic feelings, they are often prompted by an enthusiastic fervour, to exalt his dignity, to promote his enjoyment, and to favour his pursuits. Without distinguishing the objects which figure in their imagination, they transfer to his person, that superiority which belongs properly to his condition, and are struck with those accomplishments, and modes of behaviour, which his education has taught him to acquire, and which his rank and circumstances have rendered habitual to him. They are of course embarrassed in his presence by impressions of awe and reverence, and losing sometimes the exercise of their natural powers are sunk in abasement and stupidity." (Footnoted reference to *TMS. HV*,4,288-289)

Millar offered here the responses of the poor to the rich in eighteenth century society as an explanation of social inequality in all societies. It was obviously highly specific to the society Millar inhabited. Given that the market in the nineteenth and twentieth centuries has been able to offer cheap versions of the "sumptuousness of the tables of the rich" in restaurants, and offer cheap versions of "the magnificence of his equipage" in department stores, and through the use of trains, cars, bikes and planes "the facility and quickness with which he is whirled from place to place", it is difficult to imagine that the contemporary poor consumer would be embarrassed by

"impressions of awe and reverence" in the same way that the poor were described as feeling in the eighteenth century.

As I have shown above, Millar adopted Smith's explanation of betterment and submission. I shall argue in the following chapter, that he found it a sufficiently incomplete explanation of the historical origin of ranks that he felt the need to emphasise the role of "private expectations of benefit". A clue to why he might have been led in this direction can be found in a revealing passage of Smith's book (*TMS*, IV.1.8-10, 181-4). This was a crucial exception to Smith's general position that deference and submission were invariably caused by admiration of the rich and had little relation to private utility. In this passage, Smith told the famous story of the poor man's son who wanted to get rich. The story illustrated the power of the workings of the sympathetic imagination upon ambition. The poor man works day and night in order to become rich:

"With the most unrelenting industry he labours night and day to acquire talents superior to all his competitors. He endeavours next to bring those talents into public view, and with equal assiduity solicits every opportunity of employment. For this purpose he makes his court to all mankind; he serves those whom he hates, and is obsequious to those whom he despises." (*TMS*, IV.1.8, 181)

"All mankind", of course, included both rich and poor. It is therefore arguable that Smith intended "those whom he hates" and "those whom he despises" to refer only to the poor. However, if this passage is taken literally, then "those whom he hates" and "those whom he despises" covers both rich and poor. The small independent commodity producer sells the products of his labour indiscriminately to whoever has the money to buy them. Those who were most likely to employ his skills on a contractual basis were the rich. If the rich included "those whom he hates" and "those whom he despises" the kind of deferential and obsequious attitudes the artisan exhibited towards his employer was not founded on any admiration, respect or esteem he held his employer in. The motive for deferring to his employer was private utility. It was useful for him to adopt an attitude of deference and servility in order that he found and kept customers. Smith concluded the story with the upwardly mobile poor man's son becoming rich and realising that the happiness he imagined the rich experiencing was an illusion. The point of the story was to show how industry was kept going by the faulty effects of a natural imaginative identification of the poor with the rich. Nonetheless, in this case, the poor man's deferential and servile attitudes were not caused by any natural dispositions to sympathise with the rich. On the contrary, they were caused by well thought out calculations of self-interest within a competitive commercial environment.

Hume, Smith and Millar explained the individual's motives to engage in economic activity through reference to interested passions, such as vanity, installed in individuals by nature. Moreover, Smith had tried to explain the submission of the poor to the rich through reference to the disinterested operations of the sympathetic imagination. The objects of these passions and interests were, however, dependent upon the immediate experience of the subject. Immediate experience revealed two natural properties of human beings - a sense of sociability and a self-interested concern. Sympathy with the rich and powerful, and private and public utility were the foundations both of property right and of authority. As I shall argue in the following chapter, these fitted the requirements of a science of the history of government nicely. Sympathy with the powerful and rich had a history in Tory doctrine, public and private utility in Whig doctrine.

More significantly, the theory reflected the reality of every social grouping's self-consciousness during the mid-to-late eighteenth century. Even those dispossessed from the land and their instruments of labour were quickly sucked into a relatively high wage labour market in Britain or America. Whether the particular subject was a landowner benefiting from selling land and higher rents, a merchant deriving profit from a higher productivity, or a poor labourer who, through hard work and prudent saving, had a chance of becoming an independent craftsman - all could find themselves within the abstraction of the sociable, sympathetic, self-interested subject. This subject experienced the usefulness of a market in land, the products of labour, and labour power, not only to himself but to every other. He found not only laws protecting property and enforcing contracts useful but also, given the extent of patronage in the century, sympathy with the rich and powerful similarly to his advantage. A developing market society world-wide had shaped this experience. What was a socially determined feature of the actual experience of the eighteenth century subject, became true for all societies past, present and future.³²

Thus, the authority of the rich and powerful over the poor and weak was explained by Millar, following Smith, by the undeviating nature of this abstract individual, who was predisposed by natural sympathetic feelings to submit.³³ Submission, however,

³²Marx K. (1854-5) *Grundrisse*, translated by Nicolaus M. (Penguin, 1973) "private interest is itself already a socially determined interest and can be attained only within the conditions laid down by society and with the means provided by society, and is therefore tied to the reproduction of these conditions and means" (p94).

³³Authority based on natural "sympathetic feelings" is a clear example of what Rubin calls Smith's individualist method. Thus: "Smith explains the origin of the most important social institutions . . . by the undeviating nature of the abstract individual - his personal interest and conscious striving for the greatest gain. He thereby attributes to abstract man motives and aspirations . . . that are in fact the result of the influence exercised on the individual by these same social institutions . . . over long periods of time - influences which he then adduces as a means of explaining these institutions. Smith deduces the basic socio-economic institutions that characterise the commodity-capitalist economy from

was the result of the influence of a government that safeguarded the rights of a capitalist class whilst pumping out a surplus from the proletariat. Nonetheless, Millar, unlike Smith, was capable of perceiving that "the impressions of awe and reverence" of the poor and "the readiness with which they observe all his movements and run to promote his wishes" were also caused by the fear wage labourers had of dismissal by their employers. In a significant footnote discussed in chapter six, Millar had recognised that workers submitted to the authority of their employers out of the advantage of avoiding "the anxiety arising from the danger of being thrown occasionally idle" (*HV*, 4,120). Observations such as these may have inclined Millar to give private expectation of advantage a role in his account of submission rejected by Smith.

Smith's explanation of submission did, however, reflect the fear that a member of the lower classes might have had of punishment if he or she did not behave in the appropriate deferential, sycophantic or submissive fashion to a powerful functionary of the state. In days when the state was administered by the landed section of the bourgeoisie, this would inevitably be a rich man. There was therefore a real connection between feelings of deference and submissive behaviour whether or not they involved a sympathetic identification of the poor with the imagined happiness of the rich.

However, what Smith and Millar took as the universal workings of the mind were a socially and economically determined feature of the actual behaviour of eighteenth century individuals. Smith recognised correctly that there was a universal human need for praise and esteem. He also realised that this was denied to the poor because of the effects on the mind of scarcity and the tasks repeated within the technical division of labour. However, he identified this universal need with the particular needs of an exploiting class to secure the appropriate submissive behaviour of members of an exploited class. The motives and aspirations of the subject were inductively generalised from the particular aspirations of eighteenth century individuals conditioned by an emerging commodity-capitalist society. These motives and aspirations were then transferred by an act of the sympathetic imagination to every individual in every social setting. By this means, Smith and Millar were able to justify the social institutions of private property, law and government as universal and eternal aspects of human nature.

the nature of man; what he takes as human nature, however, is the determinate nature of man as it takes shape under the influence of the commodity-capitalist economy." (*Economic Thought*: p171)

9.6 Improvement and the Growth of Knowledge

When Millar compared the operation of the disinterested passion of benevolence in the minds of the eighteenth century subject with his conjectured imagining of its operation in the mind of a savage subject of experience, he wrote:

"It ought, at the same time to be remembered, that, how poor and wretched soever the aspect of human nature in this early state, it contains the seeds of improvement, which, by long care and culture, are capable of being brought to maturity." (OR, 45-46)

This was an observation informed by his readers' knowledge of the effects of poverty on the operations of the minds of subjects who had the experience of social scarcities in the Highlands or Ireland - the experience of being deprived of a means of subsistence and of being driven by appetites and instincts. It was coupled with the hypothesis that if the subject experienced scarcity as dehumanising in the present, then it was most probable that other subjects would have had similar experiences in the past.

However, Millar also used an organic metaphor to record this observation when he compared the improvement of the passions with a plant, the seeds of which grew within the breast of humankind. The metaphors of the growth and cultivation of plants associated with the notion of improvement can be found in Millar's work. Occasionally, he would link growth together with nature and refer to "natural growth and development" (HV, 2, 1) or "a kind of natural growth" (HV, 1, 375). It would be easy to fall into thinking that Millar's use of the organic analogy of seeds growing into mature growths or children growing into mature adults was at the forefront of his mind. However, Millar used these analogies infrequently. Where they occur, they are clearly literary or stylistic embellishments - a metaphorical short-hand for the description of the unintended outcomes of a multiplicity of individual actions. Despite the caricature of the Scots being obsessed with the language of child development and their use of "infancy" to describe the conjectured rude condition of humankind, Millar did not use analogies drawn from child development.³⁴ The picture he painted of the savage was not one of the child but of the indigent poor struggling to survive in a miserable and harsh environment.

The modern understanding of improve retains within it the notion of profit or advantage. In Millar's time, however, it is likely not only that an improvement was an

³⁴The Rev. Dr. Folliott: "Pray, Mr. Mac Quedy, how is it that all gentlemen of your nation begin everything they write with the 'infancy of society'?" From Thomas Love Peacock's (1831) *Crotchet Castle*, Oxford, 1924: p177. Quoted by Hopfl in "Conjectural History", 19. I know of only one instance of this phrase in Millar's work: "they have in *the infancy of society*, [my emphasis] no other method of terminating any difference. . . than either by fighting, or by referring it to the decision of a common arbiter" (HV, 4, 276).

abstract advantage from the perspective of the subject, but that the profit derived from improvement was a form of revenue. This form of pecuniary profit arose out of the capitalising of land. The etymology of "improve" shows that the word was originally the Anglo-French "emprower". This meant to enclose land for a profit.³⁵ Millar used improvement in this sense.

Land enclosure in Millar's day was important for the accumulation of capital. Enclosed land was land rented to the agrarian capitalist who invested in machinery as constant capital and labour power as variable capital.³⁶ Enclosing land dispossessed the previous subsistence farmers unable to pay the higher rents the capitalist farmer could afford. Freed from their dependence upon land as a means of subsistence, they were transformed into a surplus population and an industrial reserve army of labour. The misery of this population regulated the wages of labour power drawn into the manufactories and the later machine dominated factories. This was Millar's "labouring poor . . . a class of men, by whose painful exertions the prosperity of every state is principally supported" (*HV*,4,209).

If it were the case that land enclosure both generated profit to the agrarian capitalist and also assisted the generation of profit to the manufacturing capitalist, it would not be surprising to find Millar using improvement as the concept that best captured this process in his own thinking. Thus he referred to "the more improvable parts of Scotland" (*HV*,4,127). He also wrote about the invention of leases to secure the farmer against dispossession by a landowner "after he had been at pains to improve the soil" and before the farmer had time to sell the product of his industry and pay his rent (*OR*,270). In a similar vein, Millar explained the independence of the capitalising farmer according to the unintended outcome of a mutual interest between farmer and landlord. The farmer enlarged his capital investment in the land and "as he lays out greater expence in improvement, he must obtain a longer lease to afford him the prospect of a return on the lands" (*HV*,4,127). When his lease had expired, and he had gained a profit over and above his initial investment and his payment of rent, then "he finds that it is not more his object to obtain a good farm, than it is the interest of every landlord to obtain a good tenant" (*ibid*). In other words the longer lease enabled the tenant to afford to pay a higher rent to the landlord, and to acquire a large enough surplus to buy the land off the proprietor when the lease expired. Both tenant and landlord thereby benefited from leases.

³⁵The earliest use of improvement to refer to land enclosure is in the thirteenth century (*OED*, 2b, p750).

³⁶After 1746, land enclosure became rapid and general. This favoured the few tenants who possessed capital, thereby allowing landowners to raise rents. Subsistence farmers unable to pay the higher rents were forcibly evicted from the land. See Hobsbawm E.J. (1980) "Scottish Reformers of the Eighteenth Century and Capitalist Agriculture." In Hobsbawm (ed.) *Peasants in History: Essays in honour of Daniel Horner*, Oxford: pp3-29.

Moreover, Millar explained both the change in the status of slaves and the privileges given to feudal peasants in Europe according to similar principles: "as soon as the inhabitants become attentive to the improvement of their estates", master and villein entered into a "sort of copartnership", the landlord stocking the farm, and the peasant retaining a portion of the product for subsistence. Both master and villein "having always a prospect of gain" were therefore made more comfortable and affluent (OR,268). The greater independence of peasants was therefore an unintended outcome of the mutual interests of villein and master.

Improvement was nonetheless a broader category than the enclosure of land for profit. Knowledge was one of many things that Millar described as improvable. The subject's knowledge of the workings of his mind and the application of this knowledge to the arts and sciences was, according to Millar, something capable of improvement. It was therefore capable of being profitable, advantageous, beneficial or useful. Although I stated that Millar used organic analogies infrequently, there is one aspect of child development or human growth that is important to note in Millar's understanding of improvement. Millar, an empiricist theorist of jurisprudence, was influenced by Locke. Locke had used the language of improvement when writing of the mind of a child in his *Essay*. Locke concluded of the workings of the mind that:

"And so we may observe how the mind by degrees *improves* in these [ideas the senses convey to it]; and advances to the exercise of those other faculties of enlarging, compounding, and abstracting its ideas, and of reasoning about them, and reflecting upon all these." [My emphasis here and below].³⁷

Thus, when Millar wrote of the improvement of knowledge, it would be reasonable to suppose that he thought of a growth of ideas derived from perceptions or sensations in the minds of subjects of experience. The actions of the individual subject's mind such as reasoning or reflecting upon sensory experience would suggest, by analogy, a growth of knowledge among associated individuals. Locke had observed such a growth in the movement from a position of ignorance to knowledge from child to adult. Thus Millar could infer that the large number of ideas in the minds of the subjects of his own civilised society were caused both by the large number of commodities available for sale and purchase, and also the large number of occupations caused by a social division of labour. He could then reason conjecturally that, if there was no division of labour or commodity production or exchange, then there would be

³⁷Locke J. (1689) *An Essay Concerning Human Understanding* edited and with an introduction by Woolley A.D. (1971) London & Glasgow: p97.

a small number of ideas in the minds of subjects of uncivilised societies. Thus Millar wrote of the ancient Germans:

"As in the carnivorous brute animals, obliged very often to fight for their food, and exposed to continual strife and contention in the pursuit of mere necessities, their passions, though *excited by few objects*, were strong and violent." (HV, 1, 44-5)

When describing differences in forms of government, he stated that:

"The attention of a rude people is confined to *few objects*; and the precautions which occur to them for preventing injustice, and for maintaining good order and tranquillity, are simple and uniform." (HV, 3, 2)

Moreover when discussing sobriety and temperance, he wrote:

"The poor savage, upon whose mind there are *few traces of thought* beyond what impress his external senses" (HV, 4, 206).

Millar wrote that one of the most remarkable differences between a man and an animal was the "wonderful capacity for the improvement of his faculties" (OR, 87). "Never satisfied with any particular attainment, he is continually impelled by his desires from the pursuit of one object to another" (*ibid*). These desires pushed the subject into activity. The subject's activity was productive. He developed the techniques and knowledge of agriculture and how to make commodities and exchange them. Once having provided for himself a means of subsistence, he then turned his attention to the production of surpluses. The fine arts, science and literature followed on from the leisure that surpluses give to the subject.

Individuals' pursuit of wealth as a means of subsistence and a mode of acquisition of property not only stimulated them to industry through emulation and imitation but improved their customs and manners generally. Their faculties, tastes, sentiments and tastes were changed for the better by the enlargement of the varieties and kinds of commodities they had for consumption. This enlargement of objects produced for consumption had a causal effect on the sensory experience of the subject. It increased the number of corresponding ideas in the mind. Thus individuals' opinions changed as well as their manners and customs. Millar conceived of the subject's wealth-creating activities coinciding with those of industrious artificers, manufacturers and tradesmen. The latter were involved in the production of commodities for exchange. They were dependent not on one person for their subsistence but upon many. Their ideas were therefore likely to be more liberal. As self-interested subjects of experience, they were

therefore more inclined to use utility as a moral principle than appealing to authority. Changes in government and law coincided with these changes in customs, manners and opinions. It was the changes in government and law that formed the substance of Millar's historical work.

Moreover Millar thought that natural science was both the product of the activities of individuals engaged in economic activity and also subservient to the needs of the expansion of the forces of production. He wrote:

"The exercise of the practical arts can hardly fail to suggest an investigation of the general principles upon which they are founded, and to produce discoveries which may be useful, in facilitating the different kinds of labour, or in penetrating the secret operations of nature. It seems reasonable to suppose, therefore, that such improvements as take their origin from the higher class of artizans, or from professional men who have had the advantage of a liberal education, would meet with the greatest encouragement in Britain, where manufactures have, for a century past, been more successfully cultivated than in any other part of Europe, and where, of course, a more extensive market has been provided for every profitable invention" (HV,4,169).

The question, however, remains whether improvement of the faculties of the mind had any theoretical role to play in Millar's thought or whether it was some kind of shorthand for theoretical assumptions derived from Hume and Smith. The prospect of gain and the impulsion of desires mentioned above are clues to the nature of these assumptions and the connection between them and Millar's conjectural method. A follower of Hume, Millar was familiar with Hume's essay on the *Rise and Progress of the Arts*. Hume had argued there that, of all the arts, the rise and progress of commerce was the easiest to study. Whereas the love of knowledge varied widely amongst individuals and depended upon inconstant variables, "Avarice, or the desire of gain, is an universal passion, which operates at all times, in all places, and upon all persons" (AS,113).

Avarice was an interested passion, the operation of which did not always gain the approval of the subject as a disinterested spectator. Nonetheless if it operated "innocently", benefiting the subject and not harming any other, then it would be approved. I shall explain the distinction between innocent and vicious self interest in the following chapter. However, Smith, as discussed above, thought that the impulse of the passion of avarice was an insufficient explanation of the subject's betterment. Vanity, another interested passion, was required to explain why the subject was motivated to better himself through the production and exchange of commodities.

Millar connected betterment with improvement in the following statement:

"That original disposition to better their circumstances, implanted by nature in mankind, excited them to prosecute those different employments which procure the comforts of life, and give rise to various and successive improvements. This progress was more or less accelerated in different countries, according as their situation was more or less favourable to navigation and commerce; the first attention of every people being usually turned to the arts most essential to subsistence, and in proportion to the advancement of these, being followed by such as are subservient to conveniency or to luxury and amusement" (*HV*,2,187).

According to Millar, betterment was an original disposition "implanted by nature" in the mind of the individual. It was the cause of improvements such as a division of labour, commerce and manufactures. As I argued above, the concept of individual betterment was a socially and economically determined feature of the actual experience of real eighteenth century individuals. Smith's examples of individual betterment were drawn from observations peculiar to a non-antagonistic stage of the development of generalised commodity production and exchange - the mid to late eighteenth century being characterised by a harmony of interests between social classes. Smith's observations on the abundance of respectful attention given to the rich and the scarcity of it for the poor; the relatively comfortable standard of living of workers; the rapid upward socially mobility of the merchant, artisan or independent commodity producer; and the hovel-like living conditions of the dispossessed peasant could be taken for granted as self-evident, uncontroversial moments in the experience of every subject who attentively perceived the effects of a commercial society on the minds of individuals.

An inductive conjectural method enabled thinkers to generalise from historically specific characteristics of the subject's experience of a commercialised society to the imagined experience of individuals in societies without a division of labour or the idea of freely alienable private property. Thus "bettering one's circumstances", an effect of the social division of labour, could be conjectured as a universal and therefore natural and original operation of individuals' minds in every possible situation of assumed scarcity. One possible situation included individuals living in indigenous societies recorded in the contemporary literature of travellers and the classical literature of the ancients. An empiricist theory of the mind proposed that the motive for betterment was the real or imagined satisfaction of pleasures and the avoidance of pains. These moved the individual to be, as Millar put it, "continually impelled by his desires from the pursuit of one object to another". These desires were the immediate efficient causes of productive activity. As appetites, instincts, propensities or disinterested passions, such desires were non-reflective and spontaneous. However, as interested

passions, they entailed conscious calculations of advantage or profit to the self and, for the philosophically or morally inclined, calculations of advantage or profit to others. As I have argued above, Millar thought that individuals pushed into activity by the interested passions brought into being a division of labour, the exchange of commodities, science, technology, the arts, and a growth of knowledge of the utility of these improvements. Conversely, interested passions were clearly causally connected with disinterested passions. Whether the latter were benevolent or jealous, benign or malicious, disinterested passions were spontaneously triggered by the operation of the sympathetic imagination within the mind of every spectator who attentively observed the interested actions of others. The combined operation of both interested and disinterested passions was responsible for rules of justice, the notion of the subject's right to freely alienate his property, ranks, political society and the growth of knowledge of the expediency of these improvements. Individuals' pursuit of their own betterment therefore led to social improvements and both were perceived to be the outcomes of natural processes inherent within every imaginable conception of possible human experience.

9.7 Conclusion

I have argued, against Morrow, that Millar's individualism was unexceptional. Like other eighteenth century thinkers, he conceived of the moral and social order as a derivative of elements found within the individual. These elements consisted of interested and disinterested passions. These were communicated between individuals as ideas and impressions convertible into corresponding passions through the mechanism of the sympathetic imagination. I have also argued, against Hopfl, that Millar's abstraction of the individual as subject of experience entailed that the individual was both isolated and a rational calculator of his own advantage. An empiricist theory of the workings of the human mind entails that subjects are isolated from one another by an barrier of ideas and impressions. This can only be overcome by an imaginative change of position with other individuals. This perspective on the isolation of individual experience is different from that usually argued against in the literature. The latter supposes that individuals associate solely for contractual or privately self-interested reasons. It is true that Millar followed standard arguments against this position. These arguments will be considered in the following chapter. Nonetheless, the observations that a propensity to sociability was evident in individuals' experience of disinterested passions such as benevolence, friendship and generosity, and that individuals were observed to be always associated in families, tribes or defensive alliances, do not contradict the supposition that Millar thought of individuals as epistemically isolated from each other. Nor do they contradict Millar's assumptions that commodity production, government and law had come into being as

the result of individual calculations of profit and advantage to themselves and others and that, without privately self interested reasons, as heads of patriarchal households, individuals would have remained forever isolated from each other by vicious disinterested passions.

I stated in the previous chapter that Millar's conjectural method relied on the hypothesis that society had arisen out of the needs and interests of individuals socialised within the patriarchal household. I argued that the starting point of Millar's inquiry was the civilised form of society that confronted the eighteenth century subject of experience. This subject was ideally a father, husband and prudent manager of his domestic affairs. I suggested that it was the experience of economic life outside the domestic sphere that predisposed the subject to think of social relations to be regulated either by contract or by private and public interests. In the inquiry into the nature of the "rude and savage" condition, and the explanations Millar and Smith gave of the most probable development of technical knowledge that would account for the absence of the notion freely alienable property, I argued that they assumed that the experience of scarcity had certain definite effects on the workings of the subject's mind. For example, until the head of the household had either produced an exchangeable surplus over above immediate subsistence for himself and his family or had his needs for subsistence and protection met through dependence upon an immediate superior, he was unlikely to possess the notion of an interest separate from others. This notion could only arise when the belly was full and the immediate threat of death from starvation or war was postponed. Millar conjectured that both the elements of a moral and social order and the notion of the individual's natural right to the exclusive possession of the product of his labour were absent in the rude and savage condition of humankind. It was the sympathetic contagion of disinterested feelings of resentment that brought individuals together to fight in tribes against other invading tribes in a competition for scarce resources. However, once associated, individuals privately interested passions of honour, vanity and avarice found expression in war, robbery and plunder.

Finally, the question of whether Millar was committed to a notion of an economic motive needs to be answered. Winch's corrective that Smith's concept of self-interest was broader than that of a pecuniary motive is also applicable to Millar. However, this corrective needs to be balanced against Hirschman's and Holmes' arguments that by the time of Smith's and Millar's use of the category, the self-interested desire for consideration - the passion of vanity, social esteem, or respectful attention from others - had become subordinated as an end to the means of the possession of money in the form of wages, rent or capital. According to Millar, the vast vulgar majority of individuals in a civilised society were both economically motivated and predisposed to accept the rule of law and a social hierarchy that upheld it. The trigger for this motive

might be the miserly acquisition of money in a hoard for its own sake or the sympathetic identification of the poor with the imagined happiness of the rich. Only the philosophical few capable of taking the enlightened perspective of an impartial spectator could judge whether this motive was innocent or vicious, proper or improper. Such judgements entailed the complex calculation of the intended and unintended consequences of the economically self-interested actions of a multiplicity of individuals.

Part Five:

Political Aspects

Chapter Ten:

Political Theory

10.1 Introduction

Millar's theory of government, as I shall discuss below, relied heavily upon the relationship between judgements of utility and knowledge of interests. The natural disposition that Millar and Smith thought the poor had to submit to the rich was only one of the ways the subject's mind operated to establish the authority of government. As I shall argue in this chapter, utility was a conscious reflection on the relationship between individual interests and the common good, and Millar used it to justify the poor's submission to and dependence on the rich and the weak's submission to and dependence upon the strong.

Utility was an important concept in Millar's jurisprudence and his political theory. In his jurisprudence it was contrasted with "the feelings of humanity" - a phrase used to indicate the operation of the principle of sympathy in the minds of subjects. Feelings of humanity enabled the subject as spectator to empathise with the resentment and disappointment of an injured party. In contrast to these shared feelings, utility was a rational principle that enabled the subject to judge whether the juridical ideas, norms, rules and institutions conformed to the interests of the subject.

In his political theory, Millar contrasted utility with the principle of authority. As discussed in the previous chapter, authority had been theorised by Smith as grounded upon a disposition he thought the subject had in admiring and deferring to the interests of the strong and rich. This disposition was contingent upon the subject's experience of the scarcity of time available in a commercial society for the poor's needs for respectful attention to be met. Smith thought that utility played an important role in confirming the social inequalities and political and economic order of a commercial society, but that the only form of judgement the subject used to reason about government was that of public utility. This form of reasoning was sustained by the delight the subject felt when he considered the economic advantages strong government and laws gave to the majority of the population. As I showed in the previous chapter, Smith thought that judgements based on the private expectation of benefit to the individual played no role in confirming or justifying submission to government.

In this chapter, I will show that Millar adopted an understanding of utility that was conceptually closely related to judgements based in the subject's experience of what Hutcheson called an "innocent" form self-interest - a form of self-interest that, pursued in competition with others for scarce resources, neither hurt nor harmed the subject, his dependants or rivals. If this private pursuit of personal advantage had the

unintended consequence of benefiting others, the mind of the subject as spectator could not help but approve of it. However, if it benefited only the individual subject and neither hurt or harmed any other, then the spectator would feel indifferent to it.

I shall then discuss the role of utility in the political theory of Smith and Millar, comparing similarities and differences in their responses to prevailing Whig arguments for submission to government on the basis of consent conceived as a social contract. I shall argue that the major difference between the two thinkers is the role that Millar thought utility had as a *post hoc* reflection by the subject on the private advantages he had in submitting to the authority of those with superior wealth, property, power or intelligence. Millar never made any criticisms of Smith on this matter; however, the difference between the two thinkers is evident in Millar's lectures on government as early as 1771, only a few years after Smith had finished lecturing on the same subject. Millar reiterated this point in subsequent teachings and writings.

I shall suggest that Millar's differences with Smith can be explained in two ways. The first is with reference to an inconsistency in Smith's account of betterment and submission in his *Theory of Moral Sentiments*. This appears in Smith's story of how the poor young man became rich (*TMS*, IV.1.8-10, 181-184). In the previous chapter, I gave an interpretation of a passage from this story which suggested that Smith acknowledged that calculative considerations of private advantage influenced the mind of the subject as independent commodity producer to hide his feelings of contempt for his wealthy customers. He therefore pretended to act in a deferential manner to his superiors. It is possible to object that this example is so exceptional to Smith's general disposition to defer to the wealthy and powerful that it is trivial. Nonetheless I would suggest that Smith's observation limited his explanation of the principle of authority to the workings of the subject's mind in pre-commercial societies. If true, this would have been contrary to Smith's intentions.

The second explanation I offer for the difference is that Hume's influence on Millar was greater than Smith's. I therefore compare Hume's account of acquiescence in his essay *Of the Original Contract* with Millar's in his lectures and essays. I suggest that Hume's understanding of acquiescence was a relation between the subjectively perceived needs and interests of individuals. This understanding enabled Millar, following Smith's teachings on the topic, to theorise the relation as mediated by individual's reflections on both the private advantages they gained from the admiration and deference of the poor and weak, and also the advantages of subsistence and protection they gained from submission to the rich and powerful. I go on to argue that this gave Millar's account of submission a quasi-contractual quality. This was in the sense that consent could be withdrawn from government not only if individuals reasoned a withdrawal of acquiescence was for the good of the whole of society, but

also if they were able to reason that continued acquiescence was opposed to their own private interests in acquiring a means of subsistence and accumulating wealth.

In conclusion, I make some remarks on the relationship between Millar's political theory and Craig's political economy. These further contradict the notion that he simply postulated the rude condition as a historicised version of the state of nature. Consistent with the empiricist doctrine that the inquiry into natural law was an inquiry into human nature, Millar thought that the subject's experience of the political and juridical conditions necessary for the accumulation of capital in a civilised society was theoretically transferable to the experience of every subject living in a situation of scarcity.

10.2 Utility and Varieties of Interest

Millar commented that during the eighteenth century:

"The blind respect and reverence paid to ancient institutions has given place to a desire of examining their uses, of criticising their defects, and of appreciating their true merits. The fashion of scrutinising public measures according to the standard of their utility has now become very universal" (*HV*,4,305).

Millar defined utility in this passage as a "desire of examining" the usefulness of past forms of government and law that had become fashionable in the eighteenth century. As I shall argue below, Millar attributed this fashion to the political opinions of the Whigs in general and the political thinking of Locke in particular.

In another passage, Millar contrasted utility to the passions:

"Nature has wisely provided that the education and even the maintenance of human offspring should not depend on general philanthropy or benevolence deduced from abstract philosophical principles; but upon peculiar passions and feelings . . . and when these passions are weakened, these feelings destroyed, we shall in vain expect their place to be supplied by general views of utility to mankind, or particular interpositions of the legislature." (*HV*,4,234)

Utility was therefore a product of the rational reflection upon the passions. It was an abstract philosophical principle from which "general philanthropy or benevolence" could be deduced. It was the passions and feelings that secured the reproduction of the species rather than "general views of utility". This suggested that the subject's experience confirmed Hutcheson, Hume and Smith's opinions against Hobbes and Mandeville. Generosity and benevolence were disinterested passions irreducible to self interest. In other words there were passions that were naturally directed towards

others rather than to the self. These passions included what Millar called the "feelings of humanity" and, as discussed in chapters eight and nine, Millar and Smith thought that the operation of these passions on the mind could explain the origins of the idea of property, and submission to the rich and powerful.

On the other hand, Millar's use of utility is closely matched by his use of "interest". They are different concepts in the sense that, for subjects to recognise their interested or disinterested actions as useful, they must have knowledge through the faculty of the moral sense of the consequences of these actions - whether, for example, these consequences were pleasurable to the self or others and, if so, whether they deserved approval. This did not entail that subjects invariably experienced pleasure when they made a judgement of utility. However, it did entail that they knew what it was like to experience pleasure or pain as a result of the kind of interested or disinterested action they perceived. Moreover, precisely because they had experienced the pleasure of the operation of his social passions on others, they knew of the capacity of feeling good when their own or others' actions were useful both to themselves or to others. Millar therefore often described judgements on what was useful to others as judgements about the interests of others. They were judgements about the common or public interest that might or might not coincide with the interests of the self.

Conversely he described judgements that were useful to the self as being judgements about self-interest. They were judgements about a private interest that may or may not coincide with the interests of others. The subject's knowledge of self-interest was derived introspectively upon the operation of passions that motivated him or her to action. This process of reflection may or may not cause a pleasurable feeling. Conversely, knowledge of the interests of others depended on the opportunity for the exercise of a sympathetic identification with their feelings. The subject's perception of the increased happiness of others could not happen without some feeling of good will. This feeling was inherently pleasurable. Millar shared this understanding of the operation of the moral sense with Hutcheson.¹

Millar's understanding of "interest" in his theory of government was, I would suggest, consistent with a distinction Hutcheson made between self-interested action that was both indifferently innocent and virtuous.

Hutcheson had distinguished between two kinds of self-love. The first was self-love that is consistent with the good of the whole. He described this as indifferent or virtuous self-love. The second was vicious self-love. The latter was detrimental to

¹Millar described Hutcheson as the first person to call the natural faculty of the mind by which virtue was distinguished from vice, the "moral sense". He told his students that "the establishing of this great point which is now admitted by the greater part of the writers on Ethics may be looked upon as a considerable step in this inquiry" (*LJ1789*, 1,3,114). Millar mentioned Hume and Smith as thinkers who had contributed to the "analysis of the moral sense" (*LJ1789*, 1,3,114-8). See appendix three.

others and the good of the whole.² Hutcheson thought that the first kind of self-interest was consistent with the pleasure the subject experienced when perceiving the happiness of others and therefore with public utility. This kind of self-interest was agreeable with a recognition of the self-interest of others: a common or public interest that was advantageous to the whole of society.

The rational element here was the calculation of the consequences of the self's interested action on others: how far it advanced and promoted the interests of others. The outcome of this calculation was inherently pleasurable. Moreover any such calculation was informed by disinterested benevolence. This calculative activity fits Hirschman's requirements for a form of self-interest that restrains the passions. Hutcheson's distinction between self-interested actions that promoted both the good of the self as well as that of others restrained, through the calculation of general utility, the short sighted self-interested actions detrimental or harmful to others. The calculation of utility gave pleasure to the self through the operations of the moral sense. It also had a calming effect on the mind.

The three types of self-interest depended upon the consequences and intentions of the actor. Indifferent self-interest had no other consequences than the good of the self but it had "no hurtful effects upon others".³ Reason showed that these actions were limited by the effect they had on others. If they neither promoted nor retarded the good of others they were neither approved nor disapproved by others. They were viewed with indifference by the moral sense.

The whole of society consisted of the outcome of the activity of such self-interested individuals. Indifferent self-interest was therefore "absolutely necessary for the good of the whole; and the want of such self-love would be universally pernicious."⁴ Once reason made the step of considering the effects of self-interest on the good of others, then the moral sense started working: "benevolence concurs with self-love to excite him to the action."⁵ This was virtuous self-interest. Indifferent self-interest became virtuous when it coincided with actors' consideration of the consequences their actions had for the good of others. The intention of working out the beneficial consequences of self-interested action to others, as well as the self, would inevitably attract moral approval. Vicious self interest, on the other hand, "leads us into actions detrimental to others, and to the whole."⁶ It was therefore morally disapproved.

²Hutcheson F. (3rd edn 1729) *An Inquiry into the Original of our Ideas of Beauty and Virtue*, pp174-177.

³Hutcheson, *Inquiry*, p174.

⁴Hutcheson, *Inquiry*, p175.

⁵*ibid.*

⁶*ibid.*

Indifferent and virtuous self-interest were in Hutcheson's terms "innocent". Both were necessary for the good of the whole of society. The "preservation of the system requires everyone to be innocently solicitous about himself."⁷ A man who acted benevolently, and harmed himself, had made a mistaken judgement about the consequences of his actions; "a Man who reasoned justly" would never make such a mistake.⁸ Faced with a competitor of equal abilities, the wise man would prefer the action that promoted his own good rather than that of the other without any "weakness of benevolence".⁹ Competition between equals and the preference of self-interest over the interests of others, according to Hutcheson, was no indicator of vicious self-interest, it was innocent. Hutcheson argued that it was no different from the spectator preferring one competitor to another in a competition of equals.¹⁰

It would therefore be a mistake to interpret Millar's commitment to a notion of the self-interested subject of experience in competition with others as anything other than innocently engaging in economic activity. Subjects recognised the need for a regular system of law and government either when they were victims of the vicious self-interest of others, or when they were the victim of vicious passions caused by the innocent self-interest of others in competition with their own innocent self-interest. Innocent self-interest involving competition for wealth and status through commodity production and exchange was morally approved. It was only a matter for moral disapproval if a competitor acted upon the vicious passions innocent self-interest caused.

If innocent self-interest not only resulted in a greater opportunity to derive pleasure from the consumption of "natural goods" for the particular individual subject but also, through production and exchange, greater pleasure for every individual subject, then the moral sense of the disinterested spectator would necessarily approve of it. Aware of a feeling of pleasure, derived from contemplating an economic and political system that encouraged every individual to be industrious and therefore happy, the subject as spectator would make judgements that promoted the system on grounds of its public utility - its propensity to give everyone the means of gratifying their needs for subsistence, praise and esteem.

Moreover, I shall argue below, the spectator would approve of the poor's submission to the rich and the weak's submission to the strong if such submission was innocently self-interested. When the poor gained subsistence and protection from the rich and the rich gained admiration from the poor, both sets of interests were realised. The utility that justified the weak's submission to the strong was necessary for the

⁷Hutcheson, *Inquiry*, p176.

⁸*ibid.*

⁹Hutcheson, *Inquiry*, p177.

¹⁰*ibid.*

weaker individual's self-preservation. Assuming scarcity and competition, an agreement that satisfied the strong's need for vanity and the weak's need for subsistence or protection neither hurt nor harmed either. Both weak and strong, rich and poor gained from it. A disinterested spectator would therefore view this submission with approval. It was completely innocent from a moral point of view because it was beneficial to the poor to submit to the rich.

10.3 Authority and Utility: the Influence of Smith

Smith and Millar offered the general principles of authority and utility to their students as way of explaining how, as Craig put it, "powers and privileges are committed to particular persons" (*OR*,xli). Without powers committed to the rich and powerful there could be no government or enforceable law. Millar's lectures on government started with a discussion of the principles (*LG*,1771,1-6/*LG*1792,1-2,1-31). Smith also started the section on public law with a discussion of the principles in his 1766 lectures (*LJ(B)*,12-15,401-3).¹¹ Both thinkers used authority to account for the Tory doctrine of divine right, and both used utility to account for the Whig doctrine of the original contract. The principles appealed to the experience of the eighteenth century subject in order to make generalisations about the experience of individuals in every known society. Thus Smith used the first person singular "I" and the plural "we" to give examples of the principles' operations. This, I would suggest, was not just a rhetorical device. It also recommended that every listening subject compare their own experience with that of the speaker. For example, Smith spoke of utility as a principle of universal applicability that could be tested experimentally within the perceptual experience of every thinking subject:

"It is the sense of public utility, more than of private, which influences men to obedience. It may sometimes be for my interest to disobey, and to wish government overturned. But I am sensible that other men are of a different opinion from me and would not assist me in the enterprize. I therefore submit to its decision for the good of the whole." (*LJ(B)*,14,402)

Smith stated that it was "very difficult to define what authority is, but everyone has an idea of it in his mind" (*LJ(A)*,v.129,321). He referred his students to the explanation of how the idea of authority has arrived in the mind of the subject in his *Theory of Moral Sentiments*, "where it is shewn that it arises from our sympathy with our superiours being greater than that with our equals or inferiors: we admire their happy

¹¹In the earlier 1762-3 lectures, Smith left the discussion to the end of the section on public law (*LJ(A)*,v.119-24,317-20 & v.129-32,321-2). I refer to both sets of lecture notes in the following.

situation, enter into it with pleasure, and endeavour to promote it" (*LJ(B)*,12-13,401). I discussed this explanation in the previous chapter.

As I have already observed, Millar acknowledged Smith's explanation of the principle of authority in his second book (*HV*,4,288-289). He also referred to it in *The Origin of Ranks*, in a footnote to a passage that reasoned conjecturally about the origins of the dependence of the poor upon the rich.

After the subject had discovered the pasturage of animals as a mode of the acquisition of property, and this property had been concentrated, through good luck or hard work, in his possession, the richest man was "exalted to a higher rank, lives in greater magnificence, and keeps a more numerous train of servants and retainers, who, in return for that maintenance and protection which they receive from him, are accustomed in all cases to support his power and dignity" (*OR*,152).

Of immediate relevance to the development of my argument that utility had a different role to play in Millar's than in Smith's political theory is Millar's use of "in return". This phrase implies an agreement, or form of consensual exchange, that made the servants' and retainers' support of the rich man's power and dignity conditional or dependent upon his ability to give them maintenance and protection.

The footnote Millar gave to this passage is as follows:

"The admiration and respect derived from the possession of superior fortune, is very fully and beautifully illustrated by the eloquent and ingenious author of the 'Theory of Moral Sentiments'." (*OR*,152)

As will become clear, Smith's own interpretation of the operations of the principles of authority and utility on the mind of the subject differed from Millar's. Smith stated that every consideration of the utility of social order to the subject's interests in the accumulation of wealth presupposed a preceding disposition to admire and respect the powerful and wealthy. Millar, on the other hand, supposed that the poor subject's customary or habitual deference to the rich was conditional on his judgements of the utility of securing a means of subsistence and protection.

Smith listed four sources of the idea of authority: age and wisdom, bodily strength, fortune, and antiquity. Millar re-classified these four sources into two: personal qualities and wealth. He classified Smith's age, wisdom and physical strength as species of personal qualities; and Smith's fortune as a species of wealth. He understood Smith's antiquity as the effect of custom on wealth. As I showed in the previous chapter, Smith had stated that "superior wealth" as a source of authority was not derived from "any dependence that the poor have upon the rich, for in general the poor are independent, and support themselves by their labour, yet tho' they expect no benefit from them they have a strong propensity to pay them respect" (*LJ(B)*,12,401).

This is an important point of difference between Millar's conception of authority and Smith's. Smith's observation was clearly a contemporary one. He was thinking of the relative independence of the poor labourer in a commercial society who sold either the product of his labour or his labour power as commodities. Here, Smith's notion of the independence of labourer in a commercial society is similar to Millar's description of the "artificer" or "tradesman who sells his goods in a common market" and therefore "considers himself as his own master. He says that he is obliged to his employers, or his customers, and he treats them with civility; but he does not feel himself greatly dependent upon them" (*HV*,3,101). As I argued in chapter seven, Millar conceived of the labour of the "artificer" or craftsman as commodity producer and exchanger as the source of wages and capital. These revenues were conceived of subjectively as profit or advantage. Millar could compare the feelings independence of the commodity producer and exchanger favourably with the feelings of dependence a villein had on his lord in a feudal society, secure in the knowledge that the former's interests and rights were protected by the law and government, whereas the latter's were constantly violated.

In contrast to Smith, Millar used the principles of authority and utility to account for submission to the "powers and privileges of particular persons" in feudal and pre-feudal society - to fathers, as well as chiefs; to feudal nobles as well as monarchs - and to any "particular persons" who possessed property. As I shall attempt to prove, he emphasised the role of a sense of "private" utility, in other words, the innocent self-interested concern of superiors for the admiration and respect of their dependants, and the latter's innocent self interested concern for subsistence and protection. Utility was a principle of the mind that, operating on personal qualities and wealth, conferred authority on "superiors". For Millar, an important source of authority of the rich and powerful was the recognition by the poor and weak that their personal interests lay in submission, without which they would gain neither a means of subsistence nor protection from the unrestrained violence of others. Millar's emphasis on private utility as the subject's expectation of actual or potential benefits from submission to the powers of their "superiors" is, as I argue below, a revision of the notion of consent. This emphasis is absent in Smith's account, in which utility operated as a perception of the coincidence of self-interest with the public good. This was evident in the quotation above where Smith stated that it was a sense of public not private utility that inclined the subject to obey government (*LJ(B)*,14,402). The necessary coincidence of a private with the public interest is also evident in the following:

"It seems therefore to be his own interest and that of everyone else to obey the established government, when it acts with ordinary moderation and tollerable decency" (*LJ(A)*,v.131,322)

Of note is that for these principles to work in the minds of "servants and retainers", certain conditions must have already come into being. These are the following: an inequality between rich and poor must be established through a competition of individuals for scarce natural resources, the rich must have acquired surpluses through their own labour; the poor must have become dependent on the rich for subsistence; and the notion of property as exclusive possession must have arisen to defend the property of the rich from the potential violence of the poor. Historically, Smith and Millar reinterpret these conditions as events that probably coincided with individuals' knowledge of pasturage. The conditions were consolidated once individuals discovered agriculture: between the second and third ages or steps in the acquisition of property.

10.4. Arguments against Contract

Both Smith and Millar rejected contractual arguments for the explanation of the origins of government. One of the ways in which Millar reinterpreted the Whig theory of government was as an example of the operations of the principle of utility. Millar commented on Sidney and Locke in his lectures that they had shown that "ranks are produced from views of Utility - That is that men from this view only are induced to resign their natural liberty and independence and hence that any particular form of government ought only to be allowed to continue so long as it is beneficial" (*LG1771,5*). Utility required that individuals not only had an understanding of their own private interests but an understanding of the public interest. Moreover, the principle operated fully only if they understood the antagonistic relationship between private and public interests. They could argue that submission to government was for the good of the whole even when the consequences of submission constrained the satisfaction of immediate short-term private interests. Thus Smith rejected private utility as an explanation of submission to government because private interests often conflicted with the public interest.

However, as a means of explaining the historical origins of ranks (rather than justifying their continued existence once established), public utility was useless. As Millar stated: "In every Country a Govt. has long been established before its principles have been inquired into" (*LG1771,4*). Millar followed Hume in supposing that governments had come into being out of the needs and necessities of individuals for protection and subsistence. For individuals to have used arguments of public utility in resigning their "natural liberty and independence" presupposed that the savage patriarchal head of a household, isolated from other individuals in a bitter competitive struggle for scarce resources, had as sophisticated an awareness of the good of the

whole of society as the civilised man socialised through commerce and knowledgeable of world literature.

Both Smith and Millar recognised that there was an element of material or economic compulsion causing propertyless individuals to submit to those who governed them. Traditional Whig arguments based on contract ignored the reality of such compulsion. Contract was conceived of as the free consensual act of a property-owning subject. It was useless for explaining how government might arise in societies where there was no social division of labour or generalised commodity production and the subject had no conception of freely alienable property. Thus Smith argued against those Whigs who theorised that government was founded on contract:

"when certain powers of government were at first entrusted to certain persons upon certain conditions, it is true that the obedience of these who entrusted it might be founded on a contract, but their posterity have nothing to do with it, they are not conscious of it, and therefore cannot be bound by it. It may indeed be said that by remaining in the country you tacitly consent to the contract and are bound by it. But how can you avoid staying in it? You were not consulted whether you should be born in it or not. And how can you get out of it? Most people know no other language nor country, are poor, and obliged to stay not far from the place where they were born to labour for a subsistence." (*LJ (B)*, 16,403)

People, especially poor people, were compelled to obey their governments through force of circumstance by birth, and by having to "labour for a subsistence". The Whig theory of a tacit consent assumed that subjects possessed an absolute freedom to contract out of a government they disapproved of. This was contradicted, Smith thought, by the experience of actual economic circumstances constraining the subject's freedom.

Millar repeated this argument in his lectures when he said:

"this consent [according to Whigs] is equally binding whether tacit or express and therefore each member of a Community is bound by the tacit consent which he gives to it - & they are held as approving of it while they continue of it - But this may appear not to be well founded when we consider - That a man who earns his Bread cannot leave the Society because he does not know where to go - In this case therefore his promise must be extorted - a promise is to be sure the strongest of all but then such a Contract whether express or tacit is only to be considered according to the view of public utility." (*LG1771*, 5)

Millar made it clear that economic circumstances forced individuals to submit to a government whether they approved of it or not. If a man "who earns his Bread cannot leave the Society" and disapproved of his government, then his "promise must be extorted". Put differently, if contract was conceived of a freely given and consciously undertaken promise to obey in return for political advantages, then there was no evidence of this promise in the experience of the poor and economically disadvantaged.

Moreover, Smith pointed out that considerations of public utility could support politically oppressive governments. When subjects weighed the consequences of overthrowing such a government against the advantages of continuing under it, they were dissuaded from acts of disobedience or subversion. An authoritarian government was a lesser evil than the disruption of individuals' peaceful attempts to better themselves in a period of civil war or anarchy. The principle of public utility could therefore be used for conservative purposes (*LJ(A)*, v.131,322). Smith went as far as stating that there could be no other foundation for utility than in an authority based upon the poor's deference to the rich (*LJ(A)*, v.132,322).

This is not to argue that Millar or Smith had no theory of consent. Smith, for example, whilst discussing Locke's right to resist taxation imposed without the agreement of the people, argued that most people had no notion of giving consent to taxation that could later be withdrawn if the measures proposed were not agreed to. However, he also stated that since government was "established to defend the property of the subjects", and if it raised "a very exorbitant tax", it would "justify resistance in the people" (*LJ(A)*, v.136,324). This had been observed historically in the events that preceded the English civil war. Justifiable resistance demonstrated that people had a negative notion of consent. They would become aware of the need to resist such a government if the disutility of continued obedience outweighed the utility of rebellion:

"You must agree to repose a certain trust in them [sovereign powers], tho if they absolutely break thro it, resistance is to be made if the consequences of it be not worse than the thing itself" (*ibid*).

Millar agreed that the disutility of continued obedience to the subject could be outweighed by calculations of the utility of resistance. He observed that there were a few situations in which reform could not be achieved "without violence and bloodshed" (*HV*, 3,438). In such cases, it was prudent and just for the subject to "adopt such measures as are likely to produce the end in view with the least possible hardship; so that although violent and irregular, they maybe justified by the great law of necessity" (*ibid*). As I shall show in appendix one, he thought that the Irish were

justified to use the threat of violence against the English government in their struggle for freedom of trade.

The Whig theory of obedience as freely given consent failed to conform to the contents of the minds of actual subjects of experience. As Smith put it "All have a notion of the duty of allegiance to the sovereign, and yet no one has any conception of a previous contract either tacit or express" (*LJ(A)*,v.128,321). This led to its replacement with the principles of authority and utility. The beauty of the theory that informed Smith's exposition of the principle of authority was that the sympathetic operations of the mind were supposed to apply to personal qualities such as age, wisdom and physical strength as well as wealth. Millar could therefore use them to understand forms of submission that had arisen in societies with no idea of property. On the other hand, attitudes of deference and respect for personal qualities or for wealth could not explain how individuals might have given their original consent to be governed. Considerations of public utility and the beneficial consequences for the whole of a society of poor, weak, propertyless individuals alienating their natural rights to rich, strong, propertied individuals were abstract philosophical principles beyond the comprehension of savages or barbarians uncivilised by regular trade and government. They were also beyond the comprehension of the labouring poor who formed a majority of the population in a civilised society.

10.5 Acquiescence: the Influence of Hume

Millar filled the historical gaps in Smith's theory with the notion of a voluntary submission of the propertyless poor to the propertied rich. The notion of voluntary submission is taken directly from Hume's essay *Of the Original Contract*. There Hume had stressed that "the apparent interests and necessities of human society" determined the natural foundations of submission (*OC*,481). Interests and necessities were causes of submission in addition to consent. Hume's intention was not to exclude consent as a possible foundation for government, but to demonstrate that the subject's experience of history proved that consent was extremely limited in occurrence and operation. The people's consent to obey government was an unusual event. It had "very seldom had any place in any degree, and never almost in its full extent. And that therefore some other foundation of government must also be admitted" (*OC*,474).

Hume's focus on interests and necessities existing prior to reflection constituted a major revision of the notion of consent itself. Hume conceived of consent as a form of "voluntary acquiescence" or a voluntary submission to authority. He stated that government arose from habitual "consent or rather the voluntary acquiescence of the people" to their chief (*OC*,469). Moreover, he associated this notion of consent with Whig position on the English constitution. For Hume, authority was an attribute both of the sovereign power and of the propertied. It was the propertied who exercised the

most personal power and influence in civil society. Hume considered individuals to be naturally predisposed to submit "because society could not otherwise subsist" (*OC*,481). On reflection, individuals saw submission in their interests. The ruled submitted to the rulers to out of necessity. They required protection to preserve themselves and their property. If the private interests of the ruled confirmed their submission to their rulers, then the interests of the whole of society could be happily met.

Hume's essay marked a shift from a contractual to a utilitarian paradigm - utility being conceived in both private and public forms. For at least a century or more, thinkers influenced by the modern doctrine of natural law had followed the Roman conception of society as *societas* - a business partnership founded upon contract.¹² A paradigm of contractual relations between individuals and the sovereign power dominated theories of society and government. In the minds of seventeenth century historical and political writers, the inquiry into the historical origins of society and government tended to be inseparably connected with its logical and moral presuppositions.¹³ The agreement to a contractual relationship to enter into society or to be ruled entailed that it took place temporally - prior to society or government coming into being. Thus the notion of a state of nature was both a logical presupposition and a historical fact. Hume conceded this notion when he wrote: "all government is, at first, founded on a contract" (*OC*,468).

Hume gave both historical and philosophical arguments against the notion of an explicit or tacit consent - a promise to obey - as the sole foundation for government. As I have shown, both Smith and Millar repeated Hume's arguments in their lectures on public law. According to Craig's account of his lectures, Millar "was at some pains to enforce Mr. Hume's objections to the fiction of an Original Compact, long the favourite opinion of English Whigs" (*OR*,xlix-l).

Millar agreed with Hume that there were other foundations for government than consent conceived as a promise to obey a sovereign power. These were propensities "antecedent to any such reflection" upon their justice or advantage (*OC* ,479). Millar developed Hume's arguments by combining them with Smith's theory of moral sentiments. The two foundations were respect for personal qualities and admiration for wealth. Both were mediated through the natural propensity of sympathy. Custom, and an aesthetic sensibility arising from "a sense of order and regularity", reinforced sympathetic feelings (*LG*1792,23).

However, Millar went further than Smith. Combining Hume's arguments with Smith's, Millar gave utility an even greater salience than his distinguished peers. In

¹²See Gierke O. (1934) *Natural Law and the Theory of Society*, vol.I. Cambridge: p68.

¹³See Gierke, *Natural Law*, vol.II: p305.

addition to feelings of deference, utility became both the historical foundation for government, and the reason for the subject's submission to all forms of authority. Millar wrote that the notion of contract conceived as a promise was "a peculiar explanation and view of the former principle of utility" (*HV*,4,300). Authority was founded equally upon feelings of deference individuals naturally had for their superiors, and upon "the utility of submitting to persons possessed of them" (*LG*1792,19). This was based on the eighteenth century subject's experience of a social hierarchy in which admiration of personal qualities and wealth led to a reflective consideration of the advantages of submission (*LG*1771,3). Millar's theory of authority used utility to explain submission as a voluntary act. The interest individuals had in their preservation, protection and improvement prevailed on the decision to submit.

Hume's essay influenced Millar's historical writing in two ways. Firstly, a social and historical context determined the utility of the contractual relations constituting justice. Secondly, the individual's consent to the authority of the sovereign was broadened to include the weak's relation to the strong and the poor's relation to the rich. Millar was therefore able to conceive of liberty as a relation of personal independence from the arbitrary exercise of power by anyone in authority.

Hume observed that force and conquest without "pretence of a fair consent" (*OC*.471) had brought into being modern governments. Consent was confirmed *post hoc* by a "sense of the advantages resulting from peace and order" (*OC*,468). Modern governments were therefore consistent with the denial of political liberty. For example, if law safeguarded the personal liberties of the individual's pursuit of private profit, then conquest by a foreign power or the rise of an absolute monarch could be consistent with civil society. This would be the case if the conquering nation were more civilised or advanced than the conquered nation, or if the absolute power of the sovereign established the conditions for individual subjects to pursue their interests peacefully through economic activity. Such a government secured consent because of the advantages individuals gained from submitting to the rules of justice that upheld contracts and the free alienation of property. Acquiescence to absolute monarchy was conditional. It held as long as laws enabled rather than impeded efforts to accumulate property and promote generalised commodity production and exchange.

10.6 A Quasi-Contractual Account of Submission

As I shall show in chapter twelve, voluntary acquiescence or submission played an important role in Millar's understanding of slavery and of feudal society. Despite Millar's abandonment of the notion of contract as promise to obey an authority, voluntary submission nonetheless had a quasi-contractual element to it. Poor or weak individuals submitted to the influence of rich or strong individuals in exchange for the benefits of subsistence and personal protection. Circumstances of absolute scarcity

entailed that submission was coerced. Wherever subjects faced the likelihood of death from starvation or violence, they would be coerced into submission. These conditions applied to the labouring poor in a civilised society. They also applied to the subject's conjectured existence in a rude original condition. Nonetheless, once habituated to submission, a negative form of consent came into operation. A poor man could consider withdrawing his consent from a rich man once he possessed an independent means of subsistence and his rights to his person and property were safeguarded in law. He would withdraw his consent on grounds of private utility or self-interest. When the subject had acquired a knowledge of commerce and manufactures and an awareness of the right to alienate property freely, habitual feelings of admiration and respect for particular masters would be ignored, or transferred to another. This would occur if the vicious interests of the rich and powerful hurt or harmed the subject's innocent interests. These were the same interests that motivated the individual to produce and exchange commodities and act according to the rules of natural justice. In addition, therefore, to the sympathetic operations of deference and respect, Millar included the subject's perception of private expectation of advantage in his account of how the operations of the mind established the principle of authority.

Thus Millar's first lecture on the *Origin of Influence and Authority amongst Mankind* (LG1771, 1-5) began as follows:

"We shall begin to consider this with respect to the Rudest State. In rude times before the arts are known . . . Bodily Strength and Agility will be the only means of acquiring Reputation & authority - When a man is superior in strength the others are led to submit to him from views of Utility - They do not choose to quarrel with a man who is certain to get the better of them - When they go out to war his superiority there manifests itself which procures him deference - Thus we see in schoolboys that the strongest leads & has the greatest authority - In any dispute the matter is naturally led before him to decide - Thus we see in a Village to this day there is commonly a man who has great reputation for his Bodily talents & who is arbiter of all the Differences of his Neighbours - thus we see in Early ages Bodily strength is particularly noticed in History . . .

"The next thing Constituent of authority are the Endowments of the Mind - In this state where mere strength fails it will be found that cunning & Address will often prevail especially in catching their prey & indeed in most things there will be room for Wisdom & Skill - and where this takes place in a great measure they will soon be brought to follow it implicitly. Because when one is greatly superior in parts to us we have no data to know the extent of them. We therefore look upon him as a miracle of nature. Thus it was that in early ages they were all looked upon as Magicians. And we see at present that one in a Society who is any thing clever acquires more reputation.

And as mankind in general have the ascendancy over the strongest animals so a man of superior parts will in like manner overawe the rest. - In troublesome times and when the management of affairs is attended with great difficulty they will find their advantage in committing the lead to him - from this flows the authority which old men have in barbarous nations, for as they have no writing nor any way of handing down knowledge, Experience is the thing which must be attended to. -

"The Third & which has the greatest influence of all is superior wealth - The first care of men is to procure the means of existence - next they think of laying up a stock against futurity. & upon this in great measure will depend the degree of power - for when one has plenty many are led to submit to him from prospect of advantage - for having either from accidental circumstances or from their own misconduct lost their stock they will be in danger of perishing unless they come under the protection of this Rich man - he therefore gives them their subsistence for their service - A rich man is placed in an eminent point of view so that his grandeur and affluent circumstances will give rise to admiration - They thus insensibly connect his riches with other accomplishments - He has also wherewithal to grant many favours & Thus numbers will be always disposed to honour him - & his influence must be in proportion to his riches - Now we see that with respect to all Three - we first admire them - admiration creates Deference and respect - and we are led to submit to them from considerations of Utility." (*LG1771,1-3*)

This account of authority is clearly influenced by both Hume and Smith. Thus, like Smith, Millar chose bodily strength; "endowments of the mind" or wisdom; and ownership of wealth as the qualities of individuals that gave rise to authority. These were the first three of the four conditions Smith laid out in his lectures. Millar covered the fourth: Smith's "superior antiquity" under the category of "posterity". Millar even gave similar examples to Smith of the operation of authority from contemporary experience such as the clever man "at present" in a "Society" who gained a reputation. Moreover, Millar's references to deference, respect and admiration were all taken straight from Smith's lectures. Nonetheless, the emphasis on utility as a reason for, and cause of, submission was an original reworking of Hume's arguments. It was Millar's own contribution to an empiricist theory of government.

All the examples Millar gave were from the perspective of a self-interested subject, conjecturally drawn from the experienced social reality of the actual or potential commodity owner and applied to the rude condition. As "we" know from the experience of being schoolboys, individuals did not quarrel with the strong man because they knew it was against their interests to do so. As "we" know from being members of clubs and societies, individuals "find their advantage" in following the cleverest man. As "we" know, if we want to better ourselves and become rich through

our own economic activity, individuals submit to the rich man "from prospect of advantage". There was an exchange of utilities as a result of this voluntary submission - the poor man gave the rich man his service and in return the rich man gave the poor man protection and a means of subsistence. Moreover implicit in Millar's account is an explanation of the historical origins of both the accumulation of capital and of consent to government. Competition for scarce resources led a few individuals to acquire not only the means of subsistence but, through their own labour and prudent, parsimonious behaviour, "a stock against futurity". The many, however, were deprived of both through accident or imprudent "misconduct". The many therefore consented to the rule of the few to avoid the "danger of perishing".

By the time of the 1792 set of lecture notes on government, Millar was teaching his students that authority was derived from two separate but equally important sources: firstly, admiration and respect from the advantages of personal qualities and wealth; and secondly, the utility of submitting to those who possess them. "The weak find it expedient to submit to the strong, from an apprehension of danger in opposing them" (LG1792,15). "The poor become naturally dependent upon the rich, from views of Interest" (LG1792,19). Moreover, "contracts and agreements" expressed by elections of leaders whose "offices may at length be rendered hereditary" strengthen "the primitive principles of submission". Contracts "are chiefly derived from views of utility, and they are not valid when contrary to the great interests of society" (LG1792,21). Thus, with the election of leaders, public utility became a consideration. As for the notion of the "original compact", this "has been misrepresented, as if it arose from one great convention for settling a system of government and in that view treated as chimerical." However, in fact, the notion was not an illusion but derived from actual historical "contracts and agreements", so that "the members of society are bound by the consent of their forefathers, as far as not directly hurtful to Society" (LG1792,23).

Millar reinterpreted Smith's two separate principles - one of authority based on deference and respect and the other of public utility founded on the former - into one principle of authority with two different sources. The first was Smith's deference and respect, the second was both private and public utility. Private utility took precedence over public utility creating the possibility of a multiplicity of agreements between weak and strong and poor and rich individuals. Collective agreements arose in the institutional form of the elections of leaders. These were confirmed by public utility and were binding upon future generations.

By the time Millar was writing his essay *The Progress of Science relative to Law and Government*" (HV,4,266-310), he could state with confidence that:

"The authority, however, of the rich over the poor is, doubtless, chiefly supported by selfish considerations. As in spending a great fortune, the owner gives employment, and consequently subsistence to many individuals, all those who, in this manner, obtain or expect any advantage have more or less an interest in paying him respect and submission . . . the inequalities in the division of wealth are varied without end; and though their effect is greater in some situations of mankind than in others, they never cease, in any, to introduce a correspondent gradation and subordination of ranks" (*HV*,4,289-290).

There is an evident sharp contrast here between Millar's emphasis on the poor individual's "selfish considerations" and his "interest in paying" respect to the rich as an explanation of the "gradation and subordination of ranks", and Smith's explanation of "the distinction of ranks" as an effect of the "disposition of mankind, to go along with all the passions of the rich and powerful" (*TMS*,I.iii.2,52). Clearly Millar felt his teacher's opinion that private expectations of benefit had little influence on the poor's deference and submission to the rich required modification. At the same time Millar adopted important aspects of Smith's contribution to understanding the nature of social inequality and ranks. Millar accepted Smith's explanation of the poor's submissive attitudes before the rich according to the operation of the poor individual's sympathetic identification with the imagined happiness of the rich. Indeed, Millar thought that the "feelings of the human mind, which give rise to authority" and which operate "without reflection" had a salutary use both in preventing the ambitious projects of the builders of political systems and also in controlling the "unruly passions" of the majority of the ruled. He thought that this majority was either too busy working for a living or too ignorant or stupid to question the advantages or disadvantages of particular laws or governments according to any rational principles (*HV*,4,309-310). Nonetheless, he thought that the "feelings of the human mind, which give rise to authority" were an insufficient explanation of the causes of submission.

Put differently, Millar made the calculation of the utility of innocent self interest to the private individual into one of the two principles "founded in human nature" (*LG1771*,17). This determined relations of dominance and submission between autonomous individual subjects. Alongside "admiration and respect" for people with superior personal qualities and wealth, Millar included "considerations of utility". As quoted above: "The weak find it expedient to submit to the strong, from an apprehension of danger in opposing them. And from the prospect of advantage by yielding them precedents in common enterprizes" (*LG1771*,15) and "when a man is superior in strength the others are led to submit to him from views of utility - they do not choose to quarrel with a man who is certain to get the better of them" (*LG1771*,1). Moreover, "The poor become naturally dependent upon the rich from views of

Interest" (*LG1771*,19) and "when one has plenty many are led to submit to him from prospect of advantage" (*LG1771*,3). The poor submitted to the rich from "selfish considerations" (*HV*,4,289-290). The rich gave the poor a means of subsistence through employing them. The poor therefore had "more or less an interest" in returning this "advantage" through submissive deference and admiration.

Just as there was a mutually self-interested exchange between commodity owners, so there was a mutually self-interested bargain or agreement between the rich and poor or strong and weak. From the perspective of the rich and strong, in return for my need for respect and esteem, I give you the means of subsistence and my protection. From the viewpoint of poor and weak, in return for giving me subsistence and protection, I give you my respect and esteem. Millar was thus able to harmonise unequal social relationships through the notion of public and private interests. Without inequality born of scarcity, there could be no motive for industry, for the only means to the imagined end of acquiring the respect and esteem of others was by saving the produce of labour and becoming an independent commodity producer with the potential to employ others. This perspective was generalised to all social relations.

10.7 Conclusion

"Selfish considerations", the "prospect of advantage", "views of Interest" and "views of utility", were all conscious acts of "sober reflection" by the individual subject. These examples fit nicely with Hirschman's analysis of a tendency within Smith and Millar's thinking to reduce the motives of human action to calculative self interest. They are typical of Holmes' characterisation of the motivational reduction found in the twentieth century liberal theory of society - every individual calculating the pecuniary means by which he can obtain his subjectively desired ends. I considered one such version of the liberal theory in chapter five when I discussed von Mises' concept of rational activity as the activity of the exchange of utilities with money.

In Millar's political theory, however, the ends that individuals attempted to achieve by submission to others "superior" in personal qualities and wealth, included self-preservation, social recognition, defence of their personal property and a secure means of subsistence. As I have argued in chapter nine, the subject's perception of these ends determined the motives individuals had for entering into acts of exchange with other individuals, as well as for following the rules of natural justice.

I stated in chapter nine that Millar conceived of the individual subject as the actual or potential head of a patriarchal household with familial dependants. In a commercial society, this subject was atomised in competition with others. Competition inhibited the operations of disinterested passions such as benevolence and generosity. His friends were all potential enemies. This alienating experience isolated him from other men. Millar reasoned conjecturally that, if this were the case in a civilised condition,

the isolation the subject would feel would be intensified in a situation of absolute scarcity. Thus, in order to explain the origins of submission and the inequality of the distribution of wealth, he conjectured that every individual would struggle in competition with every other in order to acquire a means of subsistence and a mode the accumulation of surpluses. Both were necessary for self preservation and the acquisition of dependants. Law and government could not arise without a few individuals being successful in such a competition. Juridical and political institutions were necessary to protect the possession of these surpluses from the appropriation of the poor and to guarantee their alienation according to the interests of the subject.

Surpluses were acquired by individuals through saving, frugality and industry. As quoted above, Millar accounted for inequality in the distribution of wealth in the following way:

"upon this ["stock" or "fund for subsistence" acquired through saving] will depend the degrees of power - for when one has plenty many are led to submit to him from prospect of advantage - for having either from accidental circumstances or from their own misconduct lost their stock they will be at danger of perishing unless they come under the protection of this rich man. he therefore gives them their subsistence for their service" (LG1771,3).

This served not only as a historical explanation, but the ideological seed-bed for a later vulgar account of the process of capital accumulation. This is evident in John Craig's *Elements of Political Science*. Craig, Millar's nephew and biographer, was to argue, as Millar suggested here, that capital was originally accumulated through the individual's abstention from the immediate consumption of the produce of his labour, thereby laying up a store of goods for the future. The surplus the individual acquired through saving and hoarding was then used to maintain servants. Servants produced an equal amount of the commodities originally given to them for their maintenance. Capital was therefore the outcome of the prudent behaviour of individuals and an equal exchange between the products necessary for the subsistence of servants and their labour.¹⁴

Like social inequality, capital accumulation was also the outcome of the pleasure the subject derived from the perception of his own interests. The individual subject could successfully accumulate a surplus only through his own industry and frugal habits. This entailed the invention of techniques that saved labour time and thrifty habits of saving revenue. Most individuals were unsuccessful "from accidental circumstances or from their own misconduct".

¹⁴Craig, *Elements*, chapter four, pp64-65.

Millar therefore explained the origins of social inequality as the product of the individual subject's experience of scarcity. At the same time as giving an explanation of origins, he also justified the persistence of social inequality and scarcity within a commodity capitalist society. Both explanation and justification were derived from a law founded in human nature determining that individuals would remain unequal through accident or misconduct. This was the law of natural competition between autonomous equal subjects.

Chapter Eleven:

Property and Liberty

11.1 Introduction

Millar stated that "the advancement of natural knowledge, in all its branches, is highly subservient to the improvement of the common arts of life, and consequently, by promoting opulence and independence in the great body of the people, must contribute to inspire them with sentiments of liberty" (*HV*,4,168-9).

As I argued in chapter nine, the cause of improvement was betterment - the rational calculation of the subject's interests within a class-divided commodity capitalist society. Millar's use of conjectural reasoning enabled him to infer from the subject's experience of scarcity and competition in his contemporary world that betterment would have operated historically to bring into being improvements in the material-technical process of production.

The subject's contemporaneous experience was atomised into a succession of sensations, ideas, impressions and passions, corresponding to a multiplicity of atomised objects and events connected by relations of contiguity and resemblance. This empiricist approach to morality and jurisprudence had been used to explain natural law and society in terms of the uniformity of the workings of the mind of an abstract universal subject. The operations of the subject's mind were known through introspection informed by a social reality determined objectively and externally to the consciousness of every particular subject.

Liberty, according to Millar, was therefore conceived of as a particular feeling or sentiment caused by the subject's experience of two conditions: first, the opportunity the subject had to acquire wealth and better himself; and secondly, his experience of independence.

Regarding the first condition, the subject's self-interested struggle for freedom from scarcity united economic progress from poor to rich with interests in juridical and political institutions enabling this progress. Such institutions would conform to natural law when the needs of generalised commodity production corresponded to the judgements of a disinterested and well informed spectator. If the needs for competition of capitals and workers were the outcome of self-interested economic activity, then the freedoms of the subject to produce and consume were unthinkable without a regulating state. This state could not be based on the interests of a particular individual but on legislation that took shape from a multiplicity of disputes between privately interested individuals.

As I have shown, Hume thought that unchanging passions determined the subject's activity in all societies and all times. Unchecked by self-interested reflection, the free play of these passions coincided with conditions of scarcity and misery. The freedom of savagery was therefore identical to the unlimited exercise of the subject's passions and his subordination to natural necessity. Hume and Millar gave substance to this idea of barbarous, ancient liberty with their empirical observations on nations such as the Irish, Native Americans and the ancient Germans.

Individuals' reflection on their interests checked the free operation of their selfish passions. This reflection led to judgements made on the basis of utility. The utility of the attention of others, the utility of a means of subsistence, the utility of rules of justice, and the utility of submission to authority have all been discussed. I have argued that, for Millar, an understanding of economic self-interest was all that was needed to persuade the subject to respect the law. Moreover, individuals' perception of long term interests required that they acquiesce or submit to wealthier superiors.

Freedom from scarcity led to freedom from the violent effects of selfish passions. Polite manners were therefore an outcome of affluence. Freedom from scarcity was best served by a market in which rules of justice enabled the subject to alienate property freely. These laws were natural because they conformed to the workings of the mind of an abstract universal subject. The latter was theorised from the particular experiences of the eighteenth century subject. Hume and Millar gave substance to this idea of civilised, modern liberty with their empirical observations on nations such as the English and the French.

In this chapter, I discuss the relationship that Millar thought held between the distribution of property and liberty. If the distribution of property was such that it upheld the particular interests of an individual or group of individuals, then Millar thought the conditions for liberty would be limited. The opportunities for betterment and the accumulation of wealth would be restricted.

On the other hand, Millar observed that generalised commodity production loosened the personal bonds of the subject's dependence upon his immediate neighbours for subsistence and protection. Millar thought this loosening had useful effects on the workings of the subject's mind. Thus he wrote that:

"The tendency of improvement in all the arts of life has been uniformly the same; to enable mankind more easily to gain a livelihood by the exercise of their talents, without being subject to the caprice, or caring for the displeasure of others; that is, to render the lower classes of the people less dependent of their superiors." (*HV*,4,128)

Independence here is defined as relative to the submissive subject's experience of the hurt or harm caused by the "caprice" or "displeasure" of wealthy, powerful

superiors. The latter could be patriarchal head of household, tribal chief, feudal lord, absolute sovereign or employer of labour power. In other words, one of the conditions for liberty was that the poor and weak were no longer forced by scarcity to be subject to the unrestrained passions of the strong and powerful.

As I argued in the last chapter, Millar's theory of submission entailed that there was a quasi-contractual exchange of interests between rich and poor. This was necessary in order to reproduce a social order of eternal social scarcities of the means of subsistence and free time for attention. Without this order individuals would not be motivated to better themselves.

In this chapter, I shall therefore also discuss Millar's understanding of dependence in relation to its opposite: the independence experienced by the subject as a commodity producer and exchanger. As the discussion on the conditions for liberty took place within debates informed by interpretations of seventeenth century political thinkers, some attention will be given to how Hume and Millar use Harrington's maxim on the balance of property.

11.2 Millar's Debt to Hume

Millar acknowledged his debt to Hume when he described him as:

"The great historian of England, to whom the reader is indebted for the complete union of history with philosophy." (HV,2,457)

As I have mentioned in chapter two, Millar adopted this union, and throughout this dissertation I have argued that, under Smith's influence, he applied Hume's conjectural methods to history.

Millar was a thinker who defended Hume's empiricism against Reid. He described Hume as "one of the first philosophers of the present age" (HV,3,313). He was also known as someone who was in disagreement with Hume's constitutional doctrines. This is clear from a superficial reading of his *Historical View*. As early as 1775, Millar showed himself to be "one of the most powerful antagonists of Hume's constitutional doctrines".¹ Reviewing *Historical View* shortly after Millar's death, Francis Jeffrey characterised the third volume as "a formal answer to Mr. Hume's history, or a specific antidote to the poison which he imagines it to contain."² Echoing Jeffrey over a century and a half later, J.G.A. Pocock has remarked that Millar supplied an interpretation of history, reliant on an original re-working of the Whig doctrine of the ancient constitution, that "Hume would have denied".³

¹Hill Burton J. (1846) *The Life and Correspondence of David Hume* in two vols. Edinburgh: p479.

²Jeffrey, *Review*, p168.

³Pocock, "Varieties of Whiggism", p299.

In agreement with Hume's methods but in opposition to his conclusions, Millar set out to prove that, throughout the history of the English constitution, parliament had imposed limits on the crown. Whereas Hume thought that William I's conquest of England imposed feudal law for the first time on the country, Millar argued that the feudal system of the Anglo-Saxons was already advanced by the time of the Norman invasion. Millar thought that Hume's comparison of the liberties of the subject during the Elizabethan monarchy to those under a Turkish despot was exaggerated. In contrast, Millar wrote of a constitution under the reign of Elizabeth I containing "the essential principles of liberty" (*HV*,2,469).⁴ Millar criticised Hume on frequent occasions throughout *Historical View* for his sympathies with the Stuarts and for assuming the existence of an absolute monarchy from the time of the Norman Conquest up until the overthrow of Charles I. Millar's aim was to demonstrate conclusively that the monarch's powers were limited throughout the period of the evolution of the English constitution. Craig also made reference to Millar's commitment to reforms as a means of checking the influence of the Crown - the tendency Hume had identified towards a new form of absolutism described so vividly as the "Euthanasia of the British constitution" (*OR*,cvii).

11.3 Harrington's Maxim

Despite their differences on the English constitution, one common feature of Hume and Millar's discussion of the evolution of government was they both referred to a maxim first used by James Harrington. Harrington, writing during the time of Cromwell's commonwealth, stated that constitutional forms of government such as absolute monarchy, mixed monarchy, and republic were derived from the distribution of landed property. His maxim was that the form of government followed the distribution of property. He thought that knowledge of the distribution of property within a population allowed for the possibility of a precise analysis of the balance of power. This balance would be based upon the revenue derived from landed property.

Harrington had stated his notion of the balance of property in terms of proportionality. He had attempted to calculate the balance of property in the feudal period according to the revenue derived from land that could support a militia. His calculations of the proportions of land were rough and ready. Sometimes he suggested the calculation of the balance could be made according to the size of territory that

⁴*HV*, vol.2, Ch.XI contains Millar's rebuttal of Hume's comparison of Elizabeth's reign with Turkish despotism, pp447-87. See *HV*, vol.1 for the progress of feudal property relations and law in the Anglo-Saxon period. Also Miller E.F. (1990) "Hume on Liberty in the English Constitutions" in Capaldi & Livingston (eds) *Liberty in Hume's History of England*, Dordrecht: pp53-105. Miller describes the breaks Hume made in his history of the constitution. Millar tried to restore these into one continuous whole.

could be "managed with one plough", for example proportions of "hides".⁵ At other times, he suggested that they could be made according to either the value of the land rated for the purposes of taxation, or the exchange value of the produce of the land. Attempting to calculate the balance of the feudal aristocracy as "60,000 knight's fees . . . possessed by the two hundred and fifty lords",⁶ he stated that could the "worth" of these fees be known - "reckoned in some writs at 40£. a year, and in others at 10" - he could have "exactly demonstrated the balance of this government".⁷ At the same time, he also threw doubt upon whether it was possible to make an accurate calculation of the value of knights' fees according to the number of hides contained within a certain territory. "But says Coke, it [a fee] contained twelve plough-lands", because "one plough out of some land that was fruitful might work more than ten out of some land that was barren"⁸. He thereby recognised that the value of the produce of a hide would vary according to the productivity of the land.

Millar also noted this "inaccurate measure" of dividing land into hides "each comprehending what could be cultivated by a single plough" as the "general estimation of the Anglo-Saxon lands" (*HV*, 1, 129). Nonetheless, like Hume and Smith, he made various attempts at approximate calculations of the balance of property. These calculations attempted to assess the proportions of revenue available to a monarch which could then be used to support a standing army. Millar's interest in these calculations was, like Harrington's, an attempt to have exact knowledge of the balance of power between the monarch as a large landed proprietor and the people. For example, if subjects were small proprietors whose combined revenue was less than the revenue of the monarch, then the militias they could raise in a conflict of interest would be less well maintained than the standing army of the monarch. The balance of power would therefore be inclined towards the monarch and against the people.

On the basis of these calculations Millar could therefore give an argument that would explain why, with the exception of Cromwell's English commonwealth, historical testimony seemed to indicate that there was a tendency towards a republican form of government in small countries and one towards absolute monarchies in large countries. Thus:

"It is farther to be considered that the revenue of the monarch is commonly a more powerful engine of authority in a great nation than in a small one. The influence of a sovereign seems to depend, not so much upon his absolute wealth, as upon the

⁵Pocock J.G.A. (ed.) (1977) *James Harrington: Oceana and other political works*, Princeton: p193.

⁶Pocock (ed.), *Harrington*, p195.

⁷*ibid.*

⁸*ibid.*

proportion which it bears to that of the other members of the community" (*OR*, 237-238).

If the proportion of revenue derived from the wealth of a nation that went to a monarch was no greater than that of the largest proprietor then "it is only the surplus of that estate which can be directly applied to the purposes of creating dependence" (*ibid*). In other words, monarchs would have no greater means of maintaining the voluntary submission of their subjects than any other landed proprietor. Both would receive the same amount of revenue from their land and it would only be the surplus above the amount of revenue sufficient to supply the monarch's "ordinary expence of living" (*ibid*) that could be used to ensure dependants' continual submission.

Millar then asked his readers to conduct an experiment using the conjectural method. He asked them to imagine "a country, like that of ancient Attica, containing about twenty thousand inhabitants, the people were, by assessment or otherwise, to pay at the rate of twenty shillings each person, this would produce only twenty thousand pounds; a revenue that would probably not exalt the chief magistrate above many private citizens" (*ibid*).

He then asked them to compare this situation with, "a kingdom, containing ten millions of people, the taxes, being paid in the same proportion, would in all probability render the estate of the monarch superior to the united wealth of many hundreds of the most opulent individuals. In these two cases, therefore, the disproportion of the armies maintained in each kingdom should be greater than that of their respective revenues; and if in the one, the king was enabled to maintain two hundred and fifty thousand men, he would, in the other, be incapable of supporting the expence of five hundred. It is obvious, however, that even five hundred regular and well disciplined troops will not strike the same terror into twenty thousand people, that will be created, by an army of two hundred and fifty thousand, over a nation composed of ten millions" (*ibid*).

Millar argued that the extent of power that a "chief magistrate" had in a country with a large population was derived from a calculation of the proportion of revenue capable of being commanded. If this was greater than the "united wealth of many hundreds of the most opulent individuals", then the balance of power would be weighted towards the monarch and against the people, and the form of government would tend towards an absolute monarchy rather than a republic.

Millar made use of Harrington's maxim above to explain observations that large countries tended to become absolute monarchies, whereas small countries could sustain republican forms of government. He repeated this example with a similar use of an experiment that involved the arithmetical calculation of revenues in *Historical View*:

"Suppose, for example, a nation composed of no more than 100,000 men paying taxes at the rate of forty shillings per person. the revenue, which would thence arise, of 200,000£ a year, would probably not render the Sovereign much richer than a few of his most opulent subjects, and consequently, after deducting the sum requisite for maintaining his family, would be totally inadequate to the support of his rank.

"If the state were so enlarged as that the people, paying taxes at the same rate, amounted to a million, it is evident, that by the revenue of two millions yearly, which would thus be levied, the king would be exalted in a much greater proportion, and would have little reason to fear that his influence might be counterbalanced by any casual accumulation of property in the hands of his refractory subjects. By supposing a state to comprehend twenty or thirty millions, we may conceive that the revenue, according to the same rate of taxation, would bear down on all opposition, and become perfectly irresistible." (*HV*,4,90-91)

These attempts to calculate balances of power arithmetically, I would suggest, have their origins in Harrington's aspirations to demonstrate the exact balance of a government according to revenue derived from proportions of landed property. It has to be borne in mind, of course, the differences in sources of revenue that Millar would have taken into account. For instance, Millar was aware that property in the form of alienable commodities was as much a source of revenue to the Crown in a commercial society as non-alienable landed property. Harrington, in contrast, thought that revenue derived from the possession of money or capital rather than land had little if any role to play in the calculation of the balance. Harrington stated that only "in cities that have little or no territory" did "property in money" influence the distribution of property and therefore the balance of power that led to different forms of government.⁹

Millar used calculations such as the above in order to prove that the greater distribution of property amongst a larger number of economically active individuals entailed that there was a tendency for the monarch to become more powerful. The employment of mercenary soldiers in a standing army meant that the use of force against any opposition to the monarch's private interests would be "perfectly irresistible". Millar reasoned that when subjects' minds were preoccupied with the pursuit of pecuniary interests, they would no longer have the time or the inclination to defend their property through the bearing of arms. An increased independence from the caprice and displeasure of immediate superiors, entailed that it was in their long-term interests to defer and submit to a monarch. It was therefore in their interests to pay taxes to a monarch who then could use this revenue to maintain a standing army

⁹Pocock (ed.), *Harrington*, p458.

or navy. However, this agreement was conditional. In return for the subject's submission, the monarch should defend and promote the subject's interests in acquiring property and wealth through commodity production and exchange. The coincidence of interests between the monarch and those engaged in trade, commerce and manufactures therefore led to the unintended outcome of an increase in the monarch's power.

Millar thought this tendency towards despotism was an important feature of the constitutions of most "commercial governments". The exception, of course, was the English constitution. In England, the subordination of political relations to economic relations was more advanced. Individuals were more independent, their feelings of liberty were more acutely felt, and, as I shall argue below, the fluctuation or rotation of landed property entailed that habits of deference and submission had less time to fix themselves unthinkingly in the minds of subjects. The causes of the conditions for greater liberty in England were twofold. Firstly, with the abolition of entails, the idea of freely alienable landed property had been institutionalised in law; and secondly, England's position as an island meant that the monarch's revenue had been used to maintain a strong navy rather than a standing army. The English monarch was therefore in a weaker position to crush internal opposition than his continental peers.

Millar used phrases that echoed Harrington's maxim on various other occasions. For example he wrote: "The distribution of property among any people is the principal circumstance that contributes . . . to determine the form of their political constitution" (*HV*,1,127). Assuming that property generated a revenue to the proprietor, he also made causal connections between "the distribution of property, and the means of subsistence" and "the spirit of liberty" (*HV*,4,114-115). This established connections between the revenues derived from different sources of property as alienable commodities, and the liberal feelings associated with these. It prefaced his outline of political economy. Given that the form of government was determined by the dependence a population had on a particular distribution of property, the revenues derived from the latter could be analysed. From this analysis, Millar thought it would be possible to assess not only the extent of the revenue a government could raise in taxation but also its subjects' feelings of liberty.

11.4 Hume's Commercialised Harringtonianism

Hume took Harrington as his starting point for his essay; *Whether the British Government inclines more to an Absolute Monarchy, or to a Republic*. Harrington's general principle was, according to Hume, "that the balance of power depends on that of property" (*BG*,47). It was on the basis of this principle that Hume attempted to show that the constitutional arrangement of the post-1688 settlement period would most probably terminate in an absolute monarchy.

Hume's scepticism concerning the use of the maxim for predictive purposes is confirmed by his mention that Harrington was falsified by history when he suggested that the balance of property in the seventeenth century would preclude the restoration of the monarchy of the Stuarts (*BG*, 47-48). On the other hand important modifications to the maxim allowed Hume to present a strong argument for the encroaching inevitability of absolute monarchy and a weak one for that of a republic.¹⁰

Hume modified the maxim by considering the situation in which, given a balance in which one person had less property than a larger amount in the hands of several persons, the one person would still be able to exercise a greater power over the several. Hume argued that the one person would still be able to exercise a greater power over the several "because property, when united causes much greater dependence, than the same property, when dispersed" (*BG*, 48).

By affirming the concept of dependence he was able to argue for the inevitability of absolutism. He gave the example of a hundred people each with an income of a £1,000 a year compared to one person with an income of £100,000 a year. Whereas in the former "no body shall ever be the better for them, except their servants and tradesmen" (*ibid*), with the latter, the richer man "may create a greater dependence by obligations, and still a greater by expectations" (*ibid*). The one rich man's property could therefore overbalance the ten poorer men's property through the greater number of people who are dependent upon the wealth of the former. Those who were dependent upon the wealth of the poorer man's income were "their servants and tradesmen, who justly regard their profits as the product of their own labour" (*ibid*). The implication was that the power given by a man's wealth was constituted by the lesser or greater dependency that other people had upon it, and that economically active individuals such as tradesmen were dependent for subsistence upon the rich man's desires for consumer goods.

The first assumption of his argument was that smaller property owners would be dependent upon the greater wealth of large property owners. The second assumption was the inability of the hundred poorer men to combine their property against the richer man. He wrote: "it is difficult to make many persons combine in the same views and methods" (*ibid*). As I shall show below, Millar challenged the truth of both of these assumptions in his examination of the effects that generalised production had upon dependence and combination. Millar argued that the fluctuation of property weakened the dependence of the small property owner on the large, and, using Hume's

¹⁰Forbes cannot be entirely correct to state that: "Hume's conclusion can hardly be said to come down on one side or the other", *Hume's Politics*, p211. Hume clearly dismissed the arguments from the republican side as "specious" (*BG*, 124). He stated that the tide was beginning to turn against popular government and towards monarchy because "the power of the crown, by means of its large revenue, is rather on the increase" (*ibid*). This observation was the same as Millar's.

principle of sympathy, he argued that the many were able to combine with "the same views and methods" against the few.

Hume outlined two possible hypotheses concerning the question of whether there were tendencies within the mixed monarchy of the 1688 Settlement towards either absolutism or republicanism. The first was that the constitution did indeed incline towards an absolute monarchy; the second was the opposite. He answered from the standpoint of utility and experience. Experience had taught him that the republican form of government in Britain under Cromwell led to one man assuming powers as despotic as Charles. Utility therefore recommended an absolute monarchy to a republic, mercifully bringing into being the "true Euthanasia of the British constitution" (*BG*,53). The experience of the English revolution had shown that the alternative was civil war at "every election". Public opinion should therefore welcome an absolute monarchy from the outset as "the easiest death", the alternative being "more terrible" (*ibid*). Hume advised his readers that "Matters, therefore, must be trusted to their natural progress and operation" (*BG*,52).

Hume saw no contradiction between an increase in the regulative powers of the state and the overall happiness of its subjects. Both resulted from the growth of industry and commerce. However, the move to a republican form of government in Britain under Cromwell was the outcome of civil war. It was "more terrible" because of the disruption to the subject's liberty to accumulate wealth, and the emergence of a form of government unregulated by law. Moreover, there was no reason to prefer a republic over an absolute monarchy if a study of the application of Harrington's maxim applied to history demonstrated that both led, from the perspective of the subject, to his security under law.

Hume's warnings about the future of the British constitution were also reflected in a letter he wrote to a nephew, the younger David Hume, who was studying Harrington whilst boarded with Millar.¹¹ In this letter, Hume recognised that in an ideal world a republic would be the best form of government, and given that the experience of the English commonwealth was one of despotism, a republic might be welcome in suppressing potentially de-stabilising liberal opinions of his day. He wrote to his nephew:

"[One] great advantage of a commonwealth over a mixed monarchy, is, that it [would consid]erably abridge our liberty; which is growing to such an extent as to be incom[patible wi]th all"

¹¹Hill Burton, *Life and Correspondence*, 8th. Dec. 1775, p480. The original letter was ripped at the edge. I have taken the liberty to fill in the missing words and part-words suggested by the context - thus the square brackets in the following quote.

Of interest is that both *British Government* and the letter demonstrate that Hume thought that the distribution of property in eighteenth century commercial Britain was such that, whether the constitution was monarchical or republican, both forms would be likely to assume absolute powers unlimited by any external restraint except the custom of the past. Hume thought that the liberties of the subject in his person and property did not require democratic forms of expression, and that the feelings of liberty a commercial society caused had the potential to destabilise the very society that had brought them into being.

Millar's views, as I have argued, were similar to Hume's. Like Hume, he thought that the distribution of property in a commercial society could lead to absolutist forms of government. He agreed with Hume that English republicanism under Cromwell had led to a form of military despotism which he called "the most arbitrary and oppressive species of absolute monarchy" (*HV*, 3, 348). He also agreed with Hume that the feelings of liberty of the subject in a commercial society would probably lead to democratic reforms. He was, however, confident that if the suffrage did not extend to the labouring poor - those individuals whose intelligence was most damaged by the division of labour and who, therefore, would be the least likely to be able to restrain their violent passions through calculative self interest - there would be no threat to the rule of law in a commercial society.

Hume's suspicion of any potential movement towards democratic reform can be explained with reference to his essay *Of Civil Liberty*. Hume was of the opinion that the subject had as much security and liberty to enjoy his property within what he called a "civilised monarchy" as within a republic. A "civilised" monarchy was an absolute monarchy in which the only limits to the monarch's power were custom and his own self interest.¹² It was not, however, an "arbitrary" monarchy because every minister and magistrate was bound by law. Functionaries, officials and advisers had, therefore, no discretionary powers to oppose their own self-interest to that of the interests of the majority.

When Hume reviewed the contemporary forms of civilised monarchies he wrote that they:

"are found susceptible of order, method, and constancy, to a surprising degree. Property is there secure; industry encouraged; the arts flourish" (*CL*, 94).

Hume's conjectural method showed that a modern civilised absolute monarchy based on the sovereign's respect for law was the governmental form that afforded the greatest security for the subject's right to alienate his property freely. This form of

¹²Forbes, *Hume's Politics*, p157.

government gave individuals the greatest opportunity for their self improvement or betterment. It would therefore be approved by every spectator on grounds of its utility. The historical experience of modern republican governments had been no different in this respect. The problem was that the English revolution showed that in order to establish the conditions for the liberty of the subject under law, a republican form of government had led to a form of military despotism. A republican form of despotism that disrupted the accumulation of property, industry and commerce would therefore most probably arise again if there were any attempt to reform the constitution in a more democratic direction. A spectator would therefore be less likely to approve of such a popular movement on grounds of its utility than the customary re-establishment of the unlimited discretionary powers of a civilised monarch.

The significance of the use of a version Harrington's maxim modified by Hume and Millar by their conjectural method has not been given much attention in the secondary literature.¹³ Pocock, for example, draws attention to how Harrington might have influenced Hume when he writes in a footnote: "What he [Hume] learned from him [Harrington] might be sought more widely".¹⁴

The maxim was, however, considered "scientific" in the early eighteenth century by Hume's contemporary George Turnbull. Turnbull's opinion of Harrington as a scientist glowed. He described Harrington as: "a Newtonian before Newton, in so far as he managed to reduce several great phenomena in the moral world to a few very simple laws or principles".¹⁵

As mentioned in chapter one, Pocock argues that the establishment of the Bank of England, the national debt and public credit changed eighteenth century conceptions of property.¹⁶ A recognisably new social grouping of creditors and speculators had come into being who, it was claimed, were tending to dominate politics. Their power and influence was derived from interest gained from loans to the Crown. This group were getting rich not so much through their ownership of land, as through the exchange of money. Pocock describes this revolution as:

"a sudden and traumatic discovery of capital in the form of government stock and a sudden and traumatic discovery of historical transformation as something brought about by public credit".¹⁷

¹³Forbes in *Hume's Politics* is the only author to give the question an airing.

¹⁴Pocock (ed.), *Harrington*, p144,n3.

¹⁵Turnbull G. (1741) Preface to his translation of Heineccus' *Methodical System of Universal Law*, p82. Quoted in Forbes, *Hume's Politics*, p5. Bernstein E. (1980), a social democratic political thinker, suggested that the maxim "came as near to a scientific conception of history as was possible in the seventeenth century." *Cromwell and Communism*, Nottingham: p206. For critical remarks on Bernstein's idea that Harrington anticipated Marx, see footnotes to chapter three.

¹⁶Pocock, "Mobility of Property", pp103-123.

¹⁷Pocock, "Mobility of Property", p108.

In the century that followed, Pocock argues that the replacement of one source of wealth, landed property, by another, what he calls "mobile property" or the ownership of capital as government stock, called for new theories of political power. These were to ground political society within an exchange economy. He does not discuss what effect this revolution had on Harrington's maxim or whether the maxim might have been considered a scientific principle with a continuing potential to illuminate the relationship of property to power. However, he is clear that, firstly, the shift in perception of property was from something that was passively possessed to something that was actively produced and exchanged, and secondly that a perception of a species of "economic man" first as exchanger and then as both producer and exchanger came into being during the period.¹⁸

The latter has a bearing upon on Hume's use of the maxim and Millar's engagement with Hume's conclusions. Firstly it is clear with Hume that the source of wealth available to the Crown was in terms of disposable income and not, as for Harrington, either the rateable value for taxation, the value of the produce from landed property, or the land's exchangeable value on the market. Hume referred to an amount of three million pounds being "at the disposal" of the Crown (*BG*,49). This was broken down into a million pounds derived from the collection of taxes, a million spent on the civil list and a million spent on the employment of the army and the navy. The property to be measured by the maxim was not necessarily tied to taxation as the only source of Crown revenue. It can be assumed that Hume thought of it as derived from other sources such as credit.

Secondly, when mentioning the limits of Harrington's maxim, he pointed out that "much less property in a single hand will be able to counterbalance a greater property in several" (*BG*,48). One of these reasons was that the several hands had difficulty in combining against the single hand. The other was because the men of smaller landed estates were unable to use their revenue to create the same form of dependence as "property when united". It is at this point Hume referred to the smaller proprietors' dependants as commodity producers and exchangers. These were the "servants and tradesmen" who "justly regard their profits as the product of their own labour" (*ibid*). It was these individuals whom Hume argued were dependent on the revenue of the landed proprietor, benefiting from his revenue as a means of subsistence and profit. As I shall show below, Millar argued against Hume that these individuals had an independent means of subsistence and profit. This suggests that the changed perception of property was not solely dependent upon the rise of credit, as Pocock

¹⁸Pocock, "Mobility of Property", p119. Pocock's recognition of the individual as economically active is played down by Winch who denies that Smith has a notion of the individual as an "economic man". See chapter four.

argues, but also upon the juridical notion of a natural right to alienate all forms of property including land. The latter presupposed the generalised commodification of both the land and agricultural produce. Hume's reference to servants who "justly regard their profits as the product of their labour" can therefore be interpreted as a category that included those tenants who possessed sufficient capital to improve the land they leased from a proprietor.

9.5 Millar and the Distribution of Property

Millar's constitutional concerns flowed directly from the question posed by Hume's essay. Millar agreed with Hume that during the eighteenth century there had been a growth of dependency upon the revenue of the Crown, thereby making it possible for the monarch to exercise his prerogative with greater frequency and impunity against the wishes of the people. However, he directly contradicted two of Hume's other positions: firstly that small property owners in a commercial society were dependent on the personal influence of large property owners, and secondly that it was not possible for poorer property owners to combine successfully against larger property owners, including the Crown. Moreover he was to argue that, through a "fluctuation" or "rotation" of property brought into being through the sale and purchase of landed property as commodities with exchange-value, there was a significant shift in the balance of power towards those individuals of differing ranks who expressed a shared interest in encouraging economic activity productive of profit. The question of whether or not the Crown would perceive its own interests in allying with the latter would determine whether or not the 1688 settlement with its mixed constitutional form of government was to survive or whether it would change into an absolutist or a republican form. Millar, as a Whig, favoured the former.

The theoretical work that formed the background to this position was initially undertaken by Smith in his lectures on jurisprudence. As I have discussed in chapter eight, Smith's application of a conjectural method to the distinction between monarchies and republics had established strong causal correlations between knowledge of those arts enabling individuals to subsist and acquire surpluses through their own activity, and ideas of property, and forms of law and government.

Millar shared Smith's overall approach to the teaching of public law. This was the inquiry into the causal relationship between the arts and forms of government. The key to this relationship was the application of universal principles of the mind, such as authority and utility, to circumstances determined by the level of knowledge and application of the arts. Just as Smith's and Millar's inquiry into private law had led to hypotheses concerning the ideas of property that individuals would be likely to have if their knowledge were limited to different modes of subsistence and surplus accumulation, so their inquiry into public law led them to hypotheses concerning the

wealth that individuals would possess within different societies in which knowledge was so confined. This wealth became property as a result of individuals' sense of justice as theorised in the lectures on private law. However, the operation of the principles of authority and utility within these circumstances determined the relationships of dominance and subordination, status or "rank" individuals had. The distribution of property amongst the population determined the form of their government - whether, for example, it was a monarchy, a republic or a mixture of both. It was this notion that had its origins in Harrington's maxim. It was more pronounced in Millar's thinking than in Smith's.

Moreover, both writers thought of government as satisfying two sets of needs mediated through the principles of authority and utility: first, individuals' needs for defence of their persons and property, and secondly, their needs for both subsistence and for approval and recognition through the acquisition of wealth as private property. As I have shown in chapter nine, these needs led individuals at first into familial associations, families into tribal associations, tribes into national associations and finally into a world in which nations were associated through commerce and trade. The various arrangements of individuals' needs for subsistence and approval corresponded to their knowledge of what Millar would call the common or practical arts - in other words generalised commodity production and exchange conceived of as a material-technical process. Knowledge of the latter led inevitably to the emergence of science. For example, Millar wrote of how the science of law arose from disputes between individuals over their property and "pecuniary transactions". This acquainted lawyers "with the rules of justice and with the whole system of legal transactions" (*HV*, 4, 142).

According to the growth of this knowledge, different relations and changing roles of dependence and independence arose between individuals. As I argued in chapter eight, the hypotheses Smith and Millar put forward on these causal connections were both inductively derived from and confirmed by historical and contemporary travel literature. However, once fully informed of the probable truth of the hypotheses, spectators could test whether or not the operation of the principles of the mind such as authority and utility were universal. They could imagine themselves into the position of individuals socially and historically circumstanced by their knowledge or lack of knowledge of arts, customs, manners, laws and governments. The inability of spectators imagining actions determined in any other way provided further proof of the truth of the principles and their application to history. Smith and Millar's observations that the principles of authority and utility were the ones used to assess the value of forms of government in the recent past provided further experimental confirmation of their truth. Past debates on sovereignty in revolutionary periods during the seventeenth century had crystallised into the poles of opposition between Tories and Whigs. The

Tories had used the principle of authority in opposition to the principle of authority. The Whigs had reversed the polarity.

However, as noted above in chapter eight, the structure Millar adopted in his lectures differed from that of Smith's in significant ways. Smith's discussion started with forms of government: monarchy and aristocratic and democratic republics. It was only after he had made these distinctions that he attempted to explain the origins of government according to the four modes of the acquisition of property.

Millar, on the other hand, introduced the four modes at the start of his discussion. They were described as steps the subject of experience would most probably take in acquiring different forms of property. By presenting a general theoretical history of the arts, property and government before discussing examples of its application to particular governments, Millar emphasised the salience of the causal connections between the arts - especially commerce, trade and manufactures - and ideas of property and forms of government more succinctly than Smith.

Millar generated a new hypothesis. Smith had noticed one side of this. Smith observed that economic activity led to the growth of standing armies. These in turn had brought into being what Smith called military monarchies such as the rule of the Roman emperors and Cromwell. This was the arbitrary rule of one individual unbounded by law. Millar, on the other hand, argued that the distribution of property and changes in manners caused by economic activity led to two separate tendencies in governments. The first was the one recognised by Smith. This was a greater concentration of power in the hands of a despot through control over a standing army. As Smith had observed, this concentration of power took place in large countries irrespective of whether the government was monarchial or republican. The second, which Smith had not referred to in his lectures, was a greater confidence amongst a commercialised people in asserting their personal rights in law. This led to a struggle against abuses of the arbitrary power of rulers and brought into being democratic forms of rule. The tendency of economic activity to produce democracy influenced the nature of the institutions with sovereign power in monarchies and republics. Millar thought that these tendencies were observable in all societies in which economic activity dominated the mode of acquisition of property. On the other hand, his account of which tendency would prevail depended, he thought, on accidents of geography, for example England's island status and the size of territory a sovereign power had control over.

Millar therefore abandoned Smith's comparisons between monarchies and republics according to the four-stage classification of the arts and adopted a new set of descriptive categories: feudal aristocracy, feudal monarchy, and commercial governments. The latter were determined by differing distributions of property. These, in turn, were determined by poor individuals' dependence upon the rich for subsistence

and protection when property could not be acquired through generalised commodity production and exchange, and their relative independence and upward social mobility as they became economically active. Thus:

"With reference to the distribution of property, in the early part of our history, which goes under the name of the feudal system, the constitution established in the first of these periods, may be called the *feudal aristocracy*; that in the second, the *feudal monarchy*; and that which took place in the third, may be called the *commercial government*." [Millar's emphasis] (*HV*, 1, 4)

11.6 The Fluctuation of Property

Smith had confined his discussion of the operation of the principles of authority and utility on government to the relations of dependence between individuals caused by a competition of interests. As discussed in chapter nine, these were motivated by the desire for social recognition derived from wealth protected by the rules of property. Millar applied these principles in the same way but, in addition, incorporated the principles to Smith's discussion of sources of authority within the household.¹⁹ This then informed his account of the origins and development of government. Smith had discussed sources of authority within the household in his lectures on domestic law (*LJ(B)*, 101-48. *LJ(A)*, iii.1-147). Millar made this discussion relevant to his account of relations of dependence that affected forms of public law. As early as the first edition of *The Origin of Ranks* in 1771, Millar had classified forms of dependence into "the primitive government of the family", the government of a "tribe or village", the government of a "union of several tribes", feudal government and commercial government.²⁰

Already armed with a concept of voluntary acquiescence or submission mediated by utility taken from Hume's essay on the original contract, Millar's synthesis of Smith's discussion of rights between master and slave - a form of dependence within the patriarchal household - with his account of the transition from allodial to feudal forms of property - with its resulting forms of dependence on masters external to households - enabled him to show how the greater sense of independence caused by economic activity resulted in changes in the social composition of the English government through the "fluctuation" or "rotation" of property. This fluctuation, Millar thought, led to greater social equality within the commercial form of governments of which the English government was the most paradigmatic example. It also had a tendency to introduce a democratic element in the constitution. Thus:

¹⁹Ignatieff recognises this as important to the structure of *OR*. See "Millar", p321.

²⁰Preface to 1st edn of *OR*, ppvii-viii.

"This fluctuation of property, so observable in all commercial countries, and which no prohibitions are capable of preventing, must necessarily weaken the authority of those who are placed in the higher ranks of life . . . It cannot be doubted that these circumstances have a tendency to introduce a democratical government." (OR,234-235)

Preceding this quote, Millar had explained the fluctuation of property in the following way:

"From the usual effects of luxury and refinement, it may at the same time be expected that old families will often be reduced to poverty and beggary. In a refined and luxurious nation those who are born to great affluence, and who have been bred to no business, are excited, with mutual emulation, to surpass one another in the elegance and refinement of their living. According as they have the means of indulging themselves in pleasure, they become more addicted to the pursuit of it, and are sunk in a degree of indolence and dissipation which renders them incapable of any active employment. Thus the expence of the landed gentleman is apt to be continually increasing, without any proportional addition to his income. His estate, therefore, being more and more incumbered with debts, is at length alienated, and brought into the possession of the frugal and industrious merchant, who, by success in trade, has been enabled to buy it, and who is desirous of obtaining that rank and consequence which landed property is capable of bestowing. The posterity, however, of this new proprietor, having adopted the manners of the landed gentry, are again led, in a few generations, to squander their estate, with a heedless extravagance equal to the parsimony and activity by which it was acquired." (OR,233-234)

The power and influence derived from landed property was therefore, according to Millar, constantly shifting from those who were "incapable of any active employment" to the "frugal and industrious merchant" who acquired landed property through "parsimony and activity". Here is evidence of the operation of the self-interested passions of vanity. Vanity motivated individuals both to work hard and to save. It also brought the landed gentry ultimate ruin through competitive emulation. This passion that Millar and Smith thought was inherent to human nature and caused economic activity required that the idea of a full right to freely alienable property be recognised and approved by every spectator. This right required enforcement by government and laws administered by the propertied. The quote also indicated that Millar thought that the landed gentry would become an unproductive class if they spent their revenue on luxurious consumption rather saving it for future investment.

Millar made similar statements of the above kind elsewhere:

"The effect of superiority in wealth, as I had occasion to shew in a former part of this discourse, is further diminished in commercial counties, by the frequent alienation of estates. As persons of low rank are incited by their situation to better their circumstances, and commonly acquire such habits of industry and frugality, as enable them to accumulate; those who are born to great fortunes, are apt, on the other hand, to become idle and dissipated, and living in all the expence which opulence renders fashionable, are frequently tempted to squander their estates. Hence, opulent families are quickly reduced to indigence; and their place is supplied by professional people from the lower orders; who, by the purchase of land, endeavour to procure that distinction which was the end of their labours." (*HV*,4,130-131)

Here Millar made the hypothesis that "the frequent alienation of estates" passing rapidly "by the purchase of land" from those "born to great fortunes" to "persons of low rank" and "professional people from the lower orders" had a diminishing "effect" on the power and influence derived from wealth. Millar suggested that the increasingly rapid fluctuation of ownership of land between high and low ranking proprietors entailed that those poor individuals who had been or continued to be dependent upon the landed rich had less time to develop the habits of submission and deference necessary to re-inforce the operation of the principle of authority. Thus:

"Property is thus commonly subjected to a constant rotation, which prevents it from conferring upon the owner the habitual respect and consideration, derived from a long continued intercourse between the poor and the rich." (*HV*,4,131)

The fluctuation of property came about through the transformation of land into an alienable commodity. As a commodity it could be acquired through the self-interested economic activity of low-ranking individuals. This process functioned to confirm Harrington's belief that a rotation of offices would check tendencies to oligarchy in government. It also confirmed Millar's liberal belief that greater political equality could be achieved without state interference in the economy - the rotation happening as a natural unintended outcome of the activities of a multiplicity of economically self-interested individuals. Moreover, the fluctuation of property played an important role in Millar's account of the changes in the form of government from "feudal aristocracy" to "feudal monarchy" and later into a "commercial government". Millar thought that economic activity not only caused feudal aristocrats to accrue debts as they bought the commodities produced and exchanged by artisans and merchants, but also inclined them to "dismember and alienate" their estates (*HV*,2,189), thus diminishing their wealth and power. The dismembered estates were bought by smaller property owners

who had previously been dependent upon them for protection as vassals. This correspondingly increased the power of the lower ranks. Millar described this change in the distribution of property as resulting from the "general propensity to alienation, arising from the advancement of commerce and manufactures" (*HV*,2,402-403). This formed an essential component of his argument against Hume that the power of the monarch in the English constitution had always been limited. Thus:

"They [the house of commons] well knew, that at no period of the English history was the sovereign ever possessed of an unlimited authority; that, in the latter part of the Anglo-Saxon government, and under the princes of the Norman and Plantagenet race, the chief power was in the hands of the nobility, or great proprietors of land; and that, when the advancement of manufactures and of agriculture, in the reigns of the Tudor princes, had contributed to dismember the estates, and to diminish the influence of the nobles, the same change of circumstances tended to advance the middling and lower classes of the people, and to bestow proportional weight and authority upon that branch of parliament composed of the national representatives." (*HV*,3,156-157)

Thus Millar thought that economic activity in the form of "the advancement of manufactures and of agriculture" - or what he called elsewhere: the "general cause of alienation" (*HV*,2,189) both dismembered estates and gave "proportional weight and authority" to the "middling and lower classes of the people" represented in parliament. This proportionally greater influence had the potential to limit the sovereign's power in commercial governments as much as it had been limited by the "nobility or the great landed proprietors" during the preceding period of the feudal monarchy. Moreover, contrary to Hume's argument that it was difficult for poorer men to combine their property against the richer man with the greater number of dependants, Millar demonstrated that poorer property owners had successfully organised around shared interests and combined against larger property owners, including the Crown. The latter was, according to Millar, a fact of history that led inexorably to the English Revolution and Civil War. Thus:

"But when the splitting of large estates, and the introduction of representatives from counties and boroughs, had extended the right of sitting in parliament to many small proprietors, their authority and weight came to depend more upon their collective, than their separate power; and the greater weakness of individuals obliged them to unite more in a body for the defence of their parliamentary privileges." (*HV*,3,454)

Economic activity thus caused the break up of the estates of the feudal nobility, the rise of power of the smaller land-owners in parliament and their capacity to combine

into a "collective" power with a shared interest to defend "their parliamentary privileges." This increasingly commercialised social grouping gained the power through their combined action to limit the tendency on the part of the sovereign to establish an absolute monarchy in England. They also demonstrated that the combined weight of smaller property was sufficient to overbalance the weight of the property of the wealthiest and most powerful proprietor: the Crown.

11.7 A Tendency to Despotism

Millar was "a decided whig".²¹ He dedicated *Historical View* to Charles James Fox, the Whig politician. Throughout the book, Millar upheld the virtues of the 1688 Settlement which brought into being a government which had:

"the advantages of both a monarchy and a republic, by uniting the dignity and authority of an hereditary monarch, calculated to repress insurrection and disorder, with the joint deliberation of several chief executive officers, and a frequent rotation of their offices, tending to guard against the tyranny of a single person." (HV,4,76)

It was this form of mixed constitution that Millar wanted to defend and uphold. However, Millar also thought the constitutional settlement was unstable. It was in constant danger of becoming absolutist, as long as "the sovereign claims a principal share at least, in the nomination of public officers" (OR,229). Through the employment and dependency of these functionaries upon the revenue of the Crown, the monarch was able to "support and to extend his authority" (*ibid*). It was these circumstances that increased "the general bias towards the absolute domination of a single person" (*ibid*). Thus he observed during the century: "the growing influence of the crown, arising from the patronage which it has acquired, and the corresponding habits of dependence in the people which have thence been produced" (HV,4,78).

His outrage concerning the parasitic group of dependants of the Crown reached colossal proportions in his essay: *Political Consequences of the Revolution* (HV,4,69-101), and formed a powerful indictment of an unproductive group of people:

"To what a monstrous height has this abuse; which has continued for more than a century been at length carried! How many officers, in church and state, obtain immense fortunes from the public for doing no work, or next to none! How many are often employed to perform the duty which might easily be performed by a single person! The tendency of this is to increase the patronage and consequently the influence of the crown, is too obvious to require illustration" (HV,4,93).

²¹Jeffrey, *Review*, p158.

This influence had grown particularly because of the number of wars that had taken place post-1688. A war, he pointed out:

"though generally hurtful to the community at large, proves often highly beneficial to a patron of its members; to the landed gentlemen, who, by serving in the army and navy, obtain a provision for themselves and their families: and those of the mercantile interest, who by, the extensive loans to government and by lucrative employments obtain the means of accumulating fortunes" (*HV*,4,85-86).

Moreover, the influence of the crown acquired during war "will not be immediately extinguished upon the conclusion of peace" (*HV*,4,86-87). The result of this "new principle of authority" were habits of dependence which could seduce individuals from "the duty which they owe to the public" (*ibid*).

Millar was well known for his anti-war activity, opposing British hostilities against the revolutionary regime in France. There is no contradiction in supposing that his involvement was based both on Whig fears that war would strengthen the absolutist tendencies of the monarch and also of liberal fears that the suppression of the movement for parliamentary reform would frustrate the rising interests of a productive industrial bourgeoisie against those of an unproductive land-owning bourgeoisie. Certainly, in a letter to Samuel Rose, he indicated that he thought the hostility towards the French Revolution by such writers as Burke was motivated by a desire to suppress reform in Britain. Millar commented on contemporary events as follows:

"By some accounts from London, I see people are disposed there to decide in favour of the invective against the French Assembly. But this does not seem to be the opinion of any person I have conversed with here. The truth is, it grieves me to differ from so excellent a man as Burke, but I do not see in this instance how he can be vindicated. He is an enemy to the reform of parliamentary representation and to the repeal of the test act - and seeing that the revolution in France is likely to forward those measures, he chooses to take the first word in declaiming against that revolution. It is all in vain however. The system established in France will have the effect of reflecting upon this country some of those rays which have been received from her through the medium of America" (16. Feb. 1790).²²

On the issue of parliamentary reform he went on to say:

"There is a great pecuniary interest that must lead many powerful individuals to oppose it, and it must require some length of time before the voice of the community at

²²Reprinted in full in Haakonssen, *Natural Law*, p167.

large is able to silence the opposition arising from private views. But I should think it impossible that the people of England will be contented with a national assembly so ill constituted while they have the example of one so much superior in France." (*ibid*)

If this letter correctly reflects opinion of the time, then it is evident that Millar was optimistic that, whatever financial power was used to justify and support repressive or backward legislation, the "voice of the community" would eventually win through, for: "When a law is directly contrary to the bent of a people, it must either be repealed or evaded" (*HV*,2,402). His historical views proved that backward legislation, such as the law of entails, succumbed, as he saw it, to a natural disposition within humanity to the free alienation of commodities.

11.8 A Tendency to Liberty

Millar explained that although there had been a shift of influence towards the Crown in the century post-1688, and that this influence had produced a corresponding form of dependence upon the revenue of the Crown, yet the shift was neither an irreversible one nor one that would lead to either a republican or a monarchical form of despotism. As I show below, Millar theorised that there was a countervailing historical tendency to that of a despotic forms of rule, whether it be monarchical or republican. This was the effect of the growth of "liberal sentiments" belonging to those engaged in productive economic activity. These came into being as individuals' followed their self-interested quest for profit. They ensured that legislation and forms of representation were adapted to the advancement of commercial activities unimpeded by the interference of corrupt and unproductive administrators and court flunkies.

Millar asked whether, during the post-1688 period, there had been nothing "to counterbalance the effect of this growing patronage, and its corresponding influence?" (*HV*,4,99). He pointed to the rapid extension of commerce, the greater degree of wealth and affluence, and a greater diffusion of "a feeling of independence and a high spirit of liberty, through the great body of the people" (*HV*,4,100). These feelings were to be found within the "men of inferior condition" who were enabled to live in affluence by their own industry, and, in procuring their livelihood, "have little occasion to court the favour of their superiors" (*OR*,241-2). It was within this group of people that "we may expect that ideas of liberty will be universally diffused" (*ibid*).

Such circumstances were "naturally produced by commerce and manufactures" (*ibid*). Millar picked the artificer and tradesman as the typical occupations of individuals whose subsistence and profits were not derived from one but from many people and who sold his goods in a free market. The individual commodity producer who exchanged his products on the market was the ideal embodiment of liberty and

through his acquisition of property was able to generate profits through his own labour:

"An artificer, whose labour is enhanced by the general demand for it, or a tradesman who sells his goods in a common market, considers himself as his own master. He says that he is obliged to his employers, or his customers, and he treats them with civility; but he does not feel himself greatly dependent upon them. His subsistence, and his profits, are derived not from one, but from a number of persons; he knows, besides, that their employment, or their custom, proceeds not commonly from personal favour, but from a regard to their own interest, and consequently that, while he serves them equally well, he has no reason to apprehend the decline of his business." (*HV*,3,101)

These mercantile people were not only the "best judges of their own interest" (*HV*,4,109) but also "by pursuing those lines of trade which they find most beneficial to themselves, they are likely to produce, in most cases, the greatest benefit to the public" (*ibid*). Moreover, the administrators in government, whom Millar treated with contempt because of their dependency on the wealth of the Crown, were neither qualified to judge nor sufficiently free from direction by "persons who have an interest to mislead them" (*HV*,4,110). The governmental administrative elite who tampered with "the commercial machine" (*ibid*) were more likely to damage than improve it:

"and their impositions, besides loading the public with immediate expence, from the bounties bestowed upon the favourite branches of trade, have diverted the mercantile capitals of the nation into channels, very different from their natural course, in which they have been productive of less profit, than they would otherwise have yielded."
(*ibid*)

This is an example of one of Millar's attacks, similar to those that Smith made in the *Wealth of Nations*, on the same group of state functionaries and professionals who were a drain on a state revenue that could be productively invested in labour that generated capital.²³ It also reflected a shared Smithian view that a free play of the individual's self-interests was the most conducive to the public good. It is evidence that Millar was a transitional thinker, moving from a Whig framework with its preoccupations with the struggle between the people and the Crown, to a liberal framework which stressed an untrammelled freedom for individuals to pursue their

²³"The labour of some of the most respectable orders in society is, like that of menial servants, unproductive of any value . . . The sovereign, for example, with all the officers both of justice and war who serve under him, the whole army and navy, are unproductive labourers. They are the servants of the public, and maintained by a part of the annual produce of the industry of other people" (*WN*,II.iii,2,330).

own interests, both economically, in the form of freedom to invest capital without any form of state interference, and personally, as freedom which, if pursued without interruption, would produce a form of social arrangements conducive to the general happiness and well-being of humanity.

As a Whig, Millar argued from the standpoint of the people's struggle against the prerogative of the monarch. As an economic liberal, he argued that state interference in the individual's pursuit of profit was a violation of natural liberty. This could be limited only by the self-interested restraint the subject exercised over his passions. Subjects were motivated by the universal operations of the human mind to better themselves through production and exchange of commodities. Unless state policy was adapted to the needs of the manufacturing interest with their more independent and liberal customs and manners, it was bound to fail.

In Millar, there is not the slightest doubt which social grouping advanced liberty: commodity producers and exchangers. This was a conglomerate grouping reflecting a real social alliance of the time. This alliance consisted of improving landlords; agrarian, industrial and banking capitalists; and the skilled working class. It was soon to fall apart, a victim of growing class antagonisms. Fanned by the flames of the French revolution and by the state's protection of the interests of the landed section of the bourgeoisie, antagonisms grew between the industrial and landed bourgeoisie. Antagonisms were also to manifest themselves between the bourgeoisie as a whole and a rapidly maturing factory proletariat which absorbed the formerly prosperous section of the working class dispossessed of a means of production. These conflicts took political shape in the first half of the nineteenth century.

11.9 Dependence and Liberty

Millar's discussion of developments in the British constitution post-1688 focused on the degree of dependence or independence that individuals were likely to have in relation to other individuals. Ideas or feelings of liberty were more likely to flower in the minds of commodity producers and exchangers because their acquisition of both subsistence and profits were derived not from one person but from many. Wages and profits were revenues that took the form of property and were acquired through exchange rather than through personal favours.

The first way Millar used the concept of independence was as the craftsman or wage labourer's indifference to the will of his customer or employer. Millar conceived of a master as a customer of the commodities a labourer, or craftsman produced. When Millar directed the attention of his readers to the lowest social grouping of labourers, he stated that they were almost universally dependent upon their masters for an employment which would permit them to subsist. Millar reasoned that, if generalised commodity production were absent, masters would spend their money on

dependent labourers in order to gratify their interested passion of vanity. Thus in a condition of original scarcity, Millar reasoned conjecturally:

"There are ways of spending money by which you will not procure so much authority as by others - Thus the purchasing of luxuries does not create much dependence of the seller upon the buyer. In this state however there is but little opportunity of spending one's money in buying luxuries, they therefore lay it out purposely to procure respect and influence." (*LG1771*, 17)

If labourers were dependent, then they would develop habits of submission to their masters' will. They would be reluctant to come into conflict with their masters for fear of losing a means of subsistence given to them in return for their admiration and respect. The personal relationship of dependence and its effect upon authority was conceived in a way analogous to children's deference to the will of their fathers - a recognition that respect and submission was due to the master for their efforts in providing for their subsistence. Indifference to the father's will and a weakening of his authority followed from the adult's ability to subsist through his own labour.

The difference between circumstances that perpetuated these habits and those that undermined them were contained within the idea that, when a purchase and sale took place, the commodity producer was indifferent to the needs of customers. The aim of exchange was to gain money that could be used in whatever way the producer liked. This notion of indifference was transferred to the relationship between master and labourer. As I argued in chapter seven, Millar thought of the labourer as an embryonic craftsman and capitalist. There was therefore a disposition to link the independent craftsman's indifference to his customers with the constantly fluctuating movement of workers from one master to another that he would have observed in the labour market of his day.

Given Millar's focus upon changing habits, rather than the social division of labour, there was no need for him to distinguish between labourers, artificers and manufacturers, nor between manufacturers and merchants. They were all "mercantile people" and for every "mercantile person" what were previously considered the appropriate behaviour patterns of the inferior to his or her superior had changed.

A second way Millar conceived of independence was therefore as the dissolution of relations of personal dependence upon one master for subsistence over a lifetime. The personal aspect of the relationship of dependence remained essential to an understanding of the category, for, without a life-time bond between master and servant, habits of submission and deference could no longer reproduce themselves with any form of constancy and solidity.

Millar's attention focused upon changes in ideas and opinions, habits and customs, and he connected these to the transformation of the direct personal relationship between master and servant into an impersonal relationship motivated solely by self-interest. Thus Millar described the artificer or tradesman as someone "who sells his goods in a common market". He did not feel dependent on his customers because his "employment or, their custom, proceeds not commonly from personal favour, but from a regard to their own interest" (*HV*,3,101-102). This feeling of independence was shared by the wage labourer with the merchant and independent craftsman whom he stated formed but a "slight connection" with a succession of different masters (*HV*,4,116). Generalised commodity production loosened the "bond of union between the workmen and their employer" (*ibid*). The emphasis here was on the worker's or craftsman's or capitalist's subjective estimation of dependence or independence; the breach of older "habits of submission" to the will of a master when property or a means of subsistence was "derived not from one but a number of persons".

A third way Millar used the concept of independence was as a relationship of status and authority based upon the esteem, respect and deference given to those who acquired propertied wealth. The assumption throughout was that the market enabled every individual the opportunity to be well off by freeing them to pursue wealth in a self-interested way. This was linked to his observations that an expanding economy generated a demand for labour and that this demand permitted employers to give labourers high wages. As I showed in chapter seven, the labourer acquired property, turned into a craftsman and became a capitalist. I argued in chapter eight that Smith and Millar explained this progress as the result of a universal propensity for betterment, the latter being nothing more than the outcome of the subject's calculations of his long-term interests. Observations of the world Millar lived in were objective confirmations of this thesis:

"when we observe the number of common labourers who are daily converted into artificers, frequently vending their own productions; what crowds of people are continually rising from the lower ranks, and disposed of in the various branches of trade; how many have acquired, and how many more are in the high road of acquiring opulent fortunes; how universally mutual emulation, and mutual intercourse, have diffused habits of industry, have banished idleness, which is the parent of indigence, and have put it into the power of almost every individual, by the exertion of his own talents, to earn a comfortable subsistence; when, I say, we attend to the extent of these improvements, we cannot entertain a doubt of their powerful efficacy to propagate corresponding sentiments, of personal independence, and to instil higher notions of general liberty." (*HV*,4,124-125)

On the assumption that labourers received high wages, they "enjoy a degree of affluence and of importance, which is frequently productive of insolence and licentiousness" (*HV*,4,126).

Millar's assessment of the relative degrees of independence experienced by agricultural producers confirmed the view that his attention was focused on status and authority derived from wealth. Millar stated that:

"the improvement of husbandry gives more dignity to this useful profession, and raises the condition of those who exercise it. As the operation of the farmer becomes extensive, his capital must be enlarged; and as he lays out greater expence in improvement, he must obtain a longer lease to afford him the prospect of a return from the lands. He is thus totally emancipated from his former dependence." (*HV*,4,126-127)

Peasants were thereby emancipated from their "former dependence" upon a landlord. They were raised to a position of dignity based upon the status and authority their capital commanded. Changes in contractual relations such as the extension of longer leases followed from the changes in status derived from the dignity acquired through by the agricultural producers acquisition of wealth.

This is consistent with Millar's general position that the body of law and forms of government and law changed in response to the changed manners and opinions of a people who have acquired authority derived from wealth. Justice and the law was improved when a greater number of people felt the "injuries arising from the breach of promise, from dishonesty and fraud, or from any violation of property" with "greater sympathy and regret" (*HV*,4,236-237). The extension of the notion of contractual law to every social relation followed from the higher status of a greater number of individuals who had acquired landed property through the alienation of commodities.

Ignatieff has remarked perceptively that:

"For Millar, it was not the mode of production which defined commercial society as a social formation, but rather the general principle of exchange, permeating all social relations of authority in the household, in the economy and in polity. "Independence" was the generalised social condition of all men in a society based on contract rather than that of status relations".²⁴

However, his sharp contrast between "contract" and "status" could mislead the reader into thinking that Millar regarded the subject's interest in rules of justice that enforced contract as separable from an interest in acquiring wealth as a means to

²⁴Ignatieff, "Millar", p325.

status. If Millar conceived of status or "rank" in a commercial society as the result of esteem derived from the possession of wealth, and if wealth took the form of commodities, then the idea of property would entail that all forms of property be freely alienable. The exchange of the latter would, of course, be regulated by the law of contract. Independence would therefore be associated not just with the status and esteem derived from the possession of wealth, but also with the juridical freedom for every individual to acquire wealth through producing and exchanging activities.

Ignatieff's description of the "generalised principle of exchange" opposed to a "mode of production" could also mislead the reader into thinking that Millar regarded commodity production as something separable from commodity exchange. Both were, for Millar, the outcome of a natural propensity: individuals' universal disposition and capacity for improving or bettering their condition. Millar conceived of this capacity as no different from other natural capacities such as hunger, thirst, the intercourse between the sexes and the "various arts which procure the progressive accommodations and conveniences of life" (*HV*,4,219). It was thus conceivable that there could be societies without commodity exchange but inconceivable that there could be societies in which individuals did not have the capacity as free and equal personalities to recognise their right to alienate their property. Generalised commodity production and exchange was therefore the universal necessary condition for natural liberty. It was absent in earlier forms of society because insufficient power and authority had yet been acquired by rich individuals to exercise justice over the poor's violation of their private property. Commodity exchange, being as natural a form of activity to humans as eating, drinking and procreation, fell into the universal sphere of those types of activity that were motivated by the satisfaction of needs and desires within the material-technical process of production and reproduction of the species.

Ignatieff has also stated that neither Millar nor Smith was "so naive as to assume that the day labourer, buried under the weight of necessity, could be called 'independent', and they even admitted that artisans were increasingly hard pressed to maintain their freedom. As Smith had remarked in 1776, for every independent master, there were twenty dependent journeymen"²⁵

Whereas Ignatieff's remarks apply to Smith with an element of accuracy, they have little bearing upon Millar. The passage of Smith to which Ignatieff draws our attention was discussed in chapter seven. It prefaces Smith's discussion of combination (*WN*,I.viii.10,83). Smith recognised that, within the contract made between labourer and capitalist, the "interests are by no means the same. The workmen desire to get as much, the masters to give as little as possible. The former are disposed to combine in order to raise, the latter in order to lower the wages of labour" (*WN*,I.viii.11,83).

²⁵Ignatieff, "Millar", p325.

The recognition of the possibility of a conflict of interest between employer and employee based upon contract in Smith was absent from Millar's account of the labourers' relationship to their employers. Rather, as I argued in chapters seven and nine, he conceived of a harmony of interests between employer and labourer. Millar's focus of attention was upon the political effects of an independence that both labourer and capitalist shared. The reason for this has been discussed above. He wanted to demonstrate that Hume was wrong to suppose that Britain's peculiar limited monarchy would evolve into either a republican despotism or an absolute monarchy. Rather, he wanted to demonstrate the possibility that the mixed monarchy could be saved through limited democratic reforms. Moreover, he hoped to prove that the two tendencies towards despotism and liberty in commercial governments might resolve themselves in a similar fashion elsewhere, for example in the establishment of limited monarchies in other countries such as France or Germany.

Millar's topic was the growth of ideas and opinions conducive to liberty. The key to the understanding of the enlargement of the "spirit of liberty" was to be found in the effects of economic changes, firstly, on the overall distribution of property and the means of subsistence, secondly, on feelings, ideas and habits of the majority of a population, and, thirdly, on the facility individuals had for combining together to express a collective interest. He intended thereby to illustrate the difference in habits and manners conducive to liberal sentiments by contrasting the condition of labourers in poor countries with that of those in rich countries.

Millar therefore recognised a degree of dependence "in every country" when labourers had "little or no property" and therefore required employers who could provide them with the means by which they could secure a "bare subsistence" (*HV*,4,115). In contrast, workers in a rich country were independent because they were "indiscriminately engaged in the service of different persons" (*HV*,4,116). Moreover their status and authority was raised because they received high wages. They could therefore no longer be described as dependent on anyone else for their subsistence. In a rich country, every individual had the power "by the exertion of his own talents, to earn a comfortable subsistence" (*HV*,4,124). No-one was therefore absolutely dependent upon the personal favours of another. This affected everyone who got some kind of revenue from their economic activity, including "the common labourer" (*HV*,4,123). It was only the size or "extent of his revenue" which made the manufacturer or merchant more independent than the labourer (*ibid*). A larger revenue commanded greater admiration. The relative degrees of independence were measured by the extent of the income the individual had and, secondly, by the lack of personal obligation individuals felt towards their "customers" for their maintenance or subsistence (*ibid*). The person who felt the least obligation to his customers was the

"monied man" who "lives entirely upon his property, and is obliged to nobody for any part of his maintenance" (*ibid*).

Millar's account of combination ignored any reference to the conflict between employer and employee which Smith discussed and described. His concern was an older form of political conflict. This was the conflict between monarch and the people. To illustrate his political concerns, he wanted to demonstrate that the power of the sovereign was diminished as the independence of the people grew. Combination, and in particular combinations of "labourers or artificers, who by following the same employment" and by being concentrated in towns could "with great rapidity communicate their sentiments and passions" (*HV*,4,135), demonstrated that uniformity of interest which acted to promote "general measures for the benefit" of trade (*HV*,4,136). Millar used the idea of independence from personal obligation and favour as being a characteristic feature of all classes in commercial society. Combination manifested itself in a political form in the struggle between the people and the monarch. It served as a description and explanation of the weakness of the sovereign's will against the will of the people, and to warn those who might be inclined to side with the monarch against the mercantile people. Thus: "The clamour and tumultuary proceedings of the populace in the great towns are capable of penetrating the utmost recesses of administration, of intimidating the boldest minister, and of displacing the most presumptuous favourite of the back-stairs" (*HV*,4,136-137). Hirschman is correct, therefore, to remark that Millar's political motivation coloured his analysis. Millar was determined to show the power that "certain social groups" have when they "resort to collective action against oppression and mismanagement".²⁶

This has bearings upon the three aspects of Millar's concept of independence discussed above. The first is an indifference to the will of others except as equally self-interested individuals. The second is the dissolution of habits of submission and deference. The third is the authority and status derived from wealth. Millar conceived of the difference between the labourer and capitalist as one of relative degrees of independence dependent upon the size of the revenue available to the individual. Compared with labourers in a society with no exchange of commodities, therefore, wage labourers were independent as long as they were on high wages and did not become unemployed. Millar's account of the political economy of a commercial society served a political purpose which was to demonstrate that the tendency of a sovereign to oppress the people was less likely if the people were independent commodity producers.

Millar was operating within a philosophical framework determined by Hume's *Enquiry* and Smith's *Theory of Moral Sentiments*. This background provided him with

²⁶Hirschman, *Passions and the Interests*, p89.

the means by which he could explain both the motivation to industry and the power of the mercantile people to change the law in their own interests through the facility of combination.

11.10 Combination and Liberty

Hume had stated that "It is difficult to make many persons combine in the same views and methods" (BG, 48) as part of his argument to show that poorer individuals were unable to combine against the one richer individual. Ironically, Millar derived the idea of combination from Hume's principle of sympathy. Forbes described Hume's principle of sympathy as "the high-watermark of his sociological imagination".²⁷ As I have discussed in chapter nine, Hume used sympathy to explain the similarity of customs and manners amongst individuals of a nation. It enabled individuals to move from an isolated condition to a comprehension of the social and political whole. Sympathy was also the essential category in Smith's *Theory of Moral Sentiments*. It was through sympathy that the subject circumstanced by scarcity was able to have access to the sentiments of the rich, thereby imagining the approval and respect naturally given to wealth. This triggered off the self-interested passion of vanity that motivated individuals to work hard, save their wages, and invent labour-saving technology. The operations of betterment and improvement on the mind of the subject were not possible without sympathy.

As discussed in chapter nine, Millar, like Smith, used the principle of sympathy to account for the origins of deference and submission. He also used it to account for combination: how individuals could unite together to pursue joint interests. This enabled him to explain the power of the mercantile people to change the law in their own interests. This was a typical example of Millar's use of Hume's philosophy to adjust his constitutional doctrines.

As mentioned above, combination was the second circumstance after the distribution of property upon which liberty depended. "The facility with which the several members of society are enabled to associate and to act in concert with one another" (HV, 4, 115) was also brought about by trade and manufactures, in this case the collection of large bodies of "labourers or artificers" in the towns, "who by following the same employment, and by constant intercourse, are enabled, with great rapidity to communicate all their sentiments and passions" (HV, 4, 135).

Firstly, commodity producers would feel more free because they were not, like vassals, villeins, servants or poor labourers, dependent upon one person for their livelihood, and secondly, through the exchange of commodities in the towns, from town to town, and from town to country, their feelings, opinions and ideas would be

²⁷Forbes, *Hume's Politics*, p106.

rapidly communicated through the principle of sympathy. Commodity producers would be able to combine with others around a mutual interest, or shared opinion. This could bring into being "popular discontent", even riots and insurrection (*HV*,4,135). The superior orders of mercantile people "by a constant attention to professional objects" (*HV*,4,136) could quickly perceive what their common interest should be, unlike the unproductive landed proprietor whose mind was sunk in lethargy. The latter had a narrow conception of an interest separate from others or even a total ignorance of what others' interests might be. The merchant on the other hand:

"though he never overlooks his private advantage, is accustomed to connect his own gain with that of his brethren, and is, therefore, always ready to join with those of the same profession, in soliciting the aid of government, and in promoting general measures for the benefit of their trade." (*HV*,4,136).

It followed from the greater power of combination derived from the operations of the principle of sympathy within the less dependent and more liberty conscious merchants and manufacturers that:

"The voice of the mercantile interest never fails to command the attention of government, and when firm and unanimous is even able to control and direct the deliberations of the national council." (*HV*,4,137)

It was this greater power of combination, coupled with the easier communication of feelings of independence and freedom, together with the natural respect and admiration given to this newly wealthy group that forced the legislator to accommodate his policies. Millar's view of history demonstrated that, indeed, this was what had been happening at all periods during the gradual changes in the English constitution and moreover that, ultimately, whatever influence legislators might acquire through their dependants, they would be forced to concede to the voice of the community of commodity producers and exchangers on the question of reform and legislation.

In the long run Millar was proved correct. Despite the extreme forms of repression that occurred during and after the French Revolution, orchestrated around the defence of "Church and King", the manufacturing bourgeoisie was able to gain not only the repeal of the Corn Laws but also a greater direct influence on legislation through the 1832 and 1867 Reform Bills, through manipulating and co-opting the desire of the working classes for universal suffrage. It is clear how potentially threatening an assertion of the reality and power of combination might have been, arriving just prior to legislation which restricted the rights of working people and their employers from

combining - legislation that was successfully evaded by the latter but enforced ruthlessly over the former. Millar can be interpreted as affirming the potential power of the early strikes within the working classes.

The first strike or "combination" of any importance in Scotland was in July 1787, when the weavers of Glasgow refused to work at the usual rates of pay. Negotiations having failed, a riot followed, the army was called in, and three weavers were killed. One of the strikers was whipped and banished for seven years. The generally accepted view of combinations at the time was that they were dangerous to the general welfare of the public.

Were Millar consistent to his principles one should expect him to have been ambivalent on the question of the imposition of legislation preventing workers from combining. On the one hand, combination was a natural process with the power to overturn legislation and governments, on the other hand:

"Any attempt, upon the part of the public to limit the free accumulation of wealth, would be fatal to that industry or exertion which is the foundation of national prosperity." (*HV*,4,128)

A combination of workers against employers could be understood as just such an attempt.

Technically, the Combination Act of 1799 applied to employers as well as labourers, and one would therefore have expected Millar to have objected to attempts to restrict employers' forms of association. Given that the Act was evaded by employers but applied ruthlessly and exclusively against workers, it might have found justification in Millar's imagination, on the one hand, as being favourable to the "free accumulation of wealth" and, on the other, as evidence that legislation opposed to the interests of the "community" was unworkable. This would have posed an insoluble contradiction in the development of his thought.

Chapter Twelve:

Class and Slavery

12.1 Class, Rank and Exploitation

Meek states that Millar had no understanding of exploitation. This is correct.¹ However, Meek contradicts himself by stating that Millar had an awareness of "the existence of classes in modern society". If Millar had had the same understanding of class that Marx adopted, then he would have had an understanding of exploitation. However, Millar's understanding of class is derived from his empiricist standpoint on the knowledge available to the eighteenth century subject of experience. This led him to describe classes according to three criteria.

The first was the classification of groups of individuals according to the occupation they were engaged in as a means of subsistence and the accumulation of property. The second was the classification of individuals according to the source of their revenue in a commercial society. The third was the classification of individuals according to the extent of their knowledge. This latter criterion has already been discussed in chapter three.

The first criterion contributed both to his classification of individuals according to the occupations of hunting, pasturage, agriculture and commerce of the four modes of the acquisition of property. It also contributed to his classification of individuals according to the variety of occupations that had a mutual interest in exchanging the commodities they possessed. These were numerous and included lawyers, doctors, clergymen, teachers, merchants, manufacturers, smiths, brewers, tailors, mechanics, artificers, labourers and peasants. Moreover there was an overlap between this criterion and the classification of individuals according to rank, order or status within a social hierarchy. This overlap will be discussed further below.

The second criterion classified individuals within a commercial society according to whether their capacity to alienate property was dependent upon their possession of different revenues derived from capital, rent or wages. This is clear from the three-fold classification of capitalists, landlords and labourers he took from Smith. It is evident in his account of political economy discussed in chapter seven. Outwith a commercial

¹There is only one reference I know of in Millar's work that might suggest he had an awareness that a ruling class benefited disproportionately from the labour of a subordinate class. I mentioned it in chapter nine. This is in the context of his discussion of the effect that commerce and manufactures have on morals, in particular the use of alcohol. He wrote of the consoling effect that alcohol has on: "a class of men [the labouring poor], by whose painful exertions the prosperity of every state is principally supported, and the rest of society maintained in ease and affluence" (*HV*, 4, 209). Of note here is Millar's subjective understanding of labour circumstanced by scarcity or a technical division of labour as a painful activity.

society, individuals were classified according to the revenue they could generate for their master, chief, lord or sovereign. They therefore included vassals, villains, servants, retainers and slaves.

It was the classification of individuals according to sources of revenue that Marx was referring to when he attributed to "bourgeois economists" the discovery of "the economic anatomy of classes".² Meek is therefore only correct to assert that Millar was "in advance of most of his contemporaries" in understanding the "economic anatomy" of classes,³ if the second criterion Millar used to illustrate the changing effects of the distribution of property on government was an advance on Smith's work in the *Wealth of Nations*. I have argued in chapter seven that it was not. It must be borne in mind that not only did Millar not share Smith's understanding of the labour of the independent commodity producer as being a means of determining equivalence within relations of value, but also that, unlike Smith, he did not recognise that a master's dependence upon slaves was a source of wealth in ancient societies. Both the recognition that labour-time determines the equivalence of value and also the theorisation of class society in terms of the acquisition of a surplus through the personal or impersonal dependence of labouring individuals upon non-labouring individuals are essential to the objective theory of exploitation and its specific historical forms associated with Marx.⁴ As I argued in chapter seven, an embryo of Marx's theory of the surplus can be found in Smith. Smith therefore planted the seeds for later theories of exploitation. This perception is absent in Millar's political economy. His political economy is more subordinated to a Whig political perception of the historically ascendant bourgeoisie than that of his teacher.

Meek has a mistaken appraisal of Millar's understanding of class. This can be highlighted by remarks he makes that indicate he thinks that Millar's use of "class" and "rank" are synonymous. As evidence that Millar's understanding of class was closer to Marx's and therefore "in advance of most of his contemporaries", Meek quotes Lehmann favourably. Lehmann states that Millar was perceptive in his treatment of "the discrepancies that frequently occur between rank-position and individual merit".⁵ Meek's conflation of Millar's understanding of class with his category of "rank" serves to reinforce the sociological interpretation of Millar criticised in chapter three. It has

²Marx refers to Ricardo who reiterates Smith's threefold classification of individuals according to revenue - landlords, capitalists and labourers - as an example of a bourgeois economist who understood the "economic anatomy" of classes. The bourgeois historians he mentions who described the development of a class struggle are Thierry, Guizot and John Wade. These are nineteenth century historians. Marx, *Correspondence*, pp56-57.

³Meek, "Contribution", 1967, p44.

⁴"What I did that was new was to prove: (1) that the *existence* of classes is only bound up with *particular, historic phases in the development of production*" [Marx's emphasis]. Marx, *Correspondence*, p57.

⁵ibid, p54n.

no relation to the connection that Meek intends to establish between Millar and Marx and might, perhaps, be more useful to those sociologists who, following Hopfl, are familiar with Weber's theorisation of class as the outcome of ideal types of individual action.

As I have discussed in the three preceding chapters, Millar followed Smith in explaining differences in rank according to the feelings of admiration, deference and respect that poor and weak individuals have when confronted by rich and strong individuals. He differed from Smith by assuming that there was a rational calculative element to the establishment of ranks that reinforced the latter feelings. Thus he thought that poor and weak individuals behaved in an admiring, deferential and respectful manner towards rich and strong individuals because they were in a position of dependence upon the latter for subsistence and protection. Once they began to become independent of the latter through their own economic activity as commodity producers, they had the potential to become wealthy and command the attention and respect of others they hired as labour. Millar therefore thought that if they were able to acquire landed property their rank would change. Moreover, because commodity exchange entailed that they were dependent for subsistence and the acquisition of property upon a multiplicity of individuals rather than a single individual, their manners would also change from one of deference and submission to one of indifference and insolence.

"Rank" therefore was a completely different concept to "class". For example, an individual classed according to the occupation of "merchant" could acquire, through buying landed property, the same rank as a member of the nobility who had acquired property through inheritance. Likewise, a member of the nobility could lose rank by spending an inheritance in profligate consumption of luxuries rather than investing it as capital in the improvement of property. Different individuals were ranked according to the deference and submission they could command, and the capacity of perpetuating this command was determined in a commercial society principally by whether or not individuals made their labour and wealth productive of economic value.

To confirm the difference between Millar's use of "rank" and "class", a reader needs only to consult the text of *The Origin of Ranks*. A survey of the text would reveal that Millar makes reference to "rank" forty-eight times, and to "class" only four times. There is only one mention of "class" in the form of the active verb "to class" (OR, 198-189). Millar was showing how government progresses within a society "composed of different tribes or villages". His argument was based on the evidence of ancient Greece and Rome. This confirmed an opinion he held that the move towards a monarchical form of government had a quicker pace within a small state compared with a large one. The collection of different tribes within the confines of a city enabled continual intercourse between different members of these tribes, a common need for a

single policy to deal both with intra-tribal and extra-state antagonisms, and a general blurring of social differences. In such circumstances, Millar suggested, tribal loyalties to chiefs derived from familial attachments were eroded and the influence of the monarch grew.

His evidence for the assertion that the power of kin-based chiefs declined was taken from records which described changes in government prior to the stage of historical writing. Thus in Rome "so early as the reign of Servius Tullius", Millar remarked that "the practice of convening the people according to their tribes, or *curiae*, was entirely laid aside; and the public assemblies were held in such a manner, that every individual was *classed* according to his wealth" (*OR*,199). [My emphasis throughout the following references to "class", "rank" and "order".]

To be "classed" according to wealth on an individual basis is reminiscent of the second criterion of the classification of individuals according to the quantitative criteria of their sources of revenue. It is in accord with Millar's perspective, following Harrington and Hume, that it would be possible to determine the distribution of property if actual quantities of personal revenues are known to and calculable by a legislator interested in sources of taxable public revenue.

Two other references to "class" occur, firstly in a passage describing the condition of slaves: "In a public capacity people of this *class* were viewed in a light no less humiliating" (*OR*,263), and secondly in a passage explaining how the social position of villeins was improved at the same time that the power of the monarch was strengthened at the expense of the power of the feudal barons: "While the monarch was . . . endeavouring to protect the villains possessed by his barons, and to raise them to such a condition as might render them less dependent upon their masters, he found means of deriving some revenue from the people of that *class*, upon the pretence of confirming, by royal authority, the privileges that were bestowed upon them" (*OR*,277). These uses of the term "class" are consistent with the notion that slaves and villeins are conceived by Millar to be occupations that generated a type of revenue.

Confirmation of the use of "class" to refer to a grouping of citizens who were a source of revenue to their superiors can be found in the following: "People of the lower *class* at Rome were all attached to some particular patron of rank and distinction; and every patrician had a number of clients, who, besides owing him respect and submission, were bound to portion his daughters, to pay his debts, and to ransom his person from captivity" (*OR*,182). The source of revenue, in this case, was the client's payment of a patron's debts.

It is not possible to read Millar's use of "class", "order" and "rank" as if they are synonymous, or equivalent terms - capable of substitution without change of meaning. Whereas it is possible to argue that there is a seepage of meaning between "class" and

"order" and between "order" and "rank", there is a marked contrast in Millar's use of "class" and "rank".

One way of making the contrast clear is to examine Millar's use of "rank" when he referred to people or persons of low or the lowest rank. The first reference to "persons of low rank" is in a discussion of "servants" or "retainers" in the early period of agriculture. This was "a rude age, when people are strangers to luxury" (OR,230). Millar stated that:

"In this situation, persons of low *rank*, have no opportunity of acquiring an affluent fortune, or of raising themselves to superior stations; and remaining for ages in a state of dependence, they naturally contract such dispositions and habits as are suited to their circumstances. They acquire a sacred veneration for the person of their master, and are taught to pay an unbounded submission to his authority. They are proud of that servile obedience by which they seem to exalt his dignity, and consider it their duty to sacrifice their lives and their possessions in order to promote his interest, or even to gratify his capricious humour." (OR,230-231)

Of note in this quote is, firstly, the connection between "affluent fortune" and "rank" or "superior station", the former being the means to acquiring the latter, and secondly, the "dispositions and habits" that arose from "a state of dependence". The latter could be classed as a set of attitudes or general types of behaviour which characterised a "person of low rank". These included "sacred veneration" for the master, "unbounded submission" to the master's authority and "servile obedience". Such observable character traits were learnt ("acquired" or "taught") from the position that the person of low rank found her or himself to be in. Millar implied that a dependent status was naturally caused through the operation of the subject's sympathetic imagination and an interest in subsistence and protection.

The passage has a strong psychological flavour to it, as would any writing that emphasised "dispositions and habits". This is in accord with Millar's stated intentions given in the introduction of *The Origin of Ranks*. There he asked the reader to pay attention to those circumstances that gave "a peculiar direction to . . . inclinations, and pursuits" and are "productive of . . . habits, dispositions, and ways of thinking" (OR,2). The development of this section shows Millar attributing a description of a theoretical kind to the causes that promote the independence and liberty of "persons of low rank". This included an explanation of those circumstances that allowed for small-scale commodity production. Thus he wrote: "they often find it more profitable to work at their own charges, and to vend the product of their own labour" (OR,231). In turn, such changes had psychological or behavioural effects which, over time, obliterated the impressions, ideas and habits of submission, veneration and deference acquired in a

state of dependence: "and that vanity which was formerly discovered in magnifying the power of the chief, is now equally displayed in sullen indifference, or in contemptuous and insolent behaviour to persons of superior rank and station" (*OR*,232).

Millar made a clear distinction here between "persons of low rank" who had a dependent and those who had an independent means of subsistence. These two groups had a different relationship to their superiors. The former had no opportunity of gaining wealth through their work. They were naturally predisposed to develop attitudes of deference towards their masters through a sympathetic admiration of the advantages gained from wealth. The latter, conversely, on the one hand, sold their goods to many persons of higher rank, and found, through this occupation, a source of subsistence no longer restricted to dependence on one person. On the other hand they gained the chance of acquiring wealth themselves by which means they succeeded in getting the respect, power and influence that wealth naturally attracted. It followed that they were indifferent to their superiors' vain interest in praise and admiration.

Millar was consistent in this use of "rank" to the end of the passage. "Rank" was determined by the amount of respectful attention a person received from others. If individuals had been unsuccessful in acquiring wealth then they were dependent on wealthy superiors for subsistence and, whilst they might get no respectful attention in return, dependants were naturally disposed to feel respectful towards their providers. But if individuals became commodity producers, then they had the opportunity to gain respect from a range of persons they traded with. They would be respected in accordance with the greater affluence they acquired.

The means to that respectful attention which eradicated previous servile and deferential character traits was wealth acquired through commodity production and exchange. The dependency pattern was therefore both psychological and economic in origin. In contrast to the propertyless subject who acquiesced to a propertied superior in return for a living, subjects as commodity producers satisfied their subsistence needs through their own labour. Thus Millar could write:

"In proportion to the improvement of commerce and manufactures, the demand for labour is increased, and greater encouragement is given to industry. The poor have more resources for procuring a livelihood, by such employments as are productive of little subjection or dependence. By degrees, therefore, people of inferior condition are freed from the necessity of becoming slaves in order to obtain subsistence" (*OR*,252).

Implicit throughout Millar's account was the notion that a certain level of affluence must be gained by individuals before they could gain any respectful recognition from others. Affluence, by a process of emulation and by the stimulation of the sympathetic response in others, served to motivate others to industry. It also offered a greater

range of objects for consumption, inspiring invention and the development of a wider range of skills. The extension of production for exchange and a division of labour was a result as well as a cause of motivational changes within individuals, diffusing wealth amongst a greater number of people. This created changes in social status and the opportunity for those of inferior rank to rise in the estimation of others.

It followed that, within any society that attributed rank on the basis of wealth, it was possible to classify groupings of the same rank as distinct social entities by other criteria. The difference between a slave and a villein could be found, therefore, within the proximity that the "person of inferior rank" had to a master.

Whilst Millar made a clear distinction between "class" and "rank", there were seepages of meaning between his use of "order" and "class" and between "order" and "rank". The first two mentions of "order" are the closest in meaning to "rank". Millar described the different "orders of knighthood" which arise in the feudal period as "a subdivision . . . in the degrees of honour conferred upon individuals" (*OR*,76). Individuals were literally "distinguished" by the honour they received in combat, and the esteem they acquired was for these personal accomplishments. They were dignified by their peers. He also referred to the king, the nobility and the people as being of "different orders".

However, when he described the development of the standing army and of the judiciary, "order" took on a meaning closer to "class": in this case a classification of a social group by occupation as a paid employee and a product of the division of labour. Mercenary soldiers in a standing army formed a separate "order" of men. So did judges on account of the fact that: "the exercise of jurisdiction becomes a separate employment, and is committed to an *order* of men, who require a particular education to qualify them for the duties of their office, and who, in return for their service, must therefore be enabled to earn a livelihood by their profession" (*OR*,226) [my emphasis]. The link with a developing division of labour was made clear when he wrote that there was an analogy "with respect to every sort of manufacture, in which an artificer is commonly paid by those who employ him" (*ibid*). A reader could therefore infer that artificers, merchants and manufacturers would be properly described as different "orders of men" as well as "classes".

Turning to *Historical View*, the frequency of Millar's use of "class" increased, but the distinction of meaning between "class" and "rank" was retained. Thus, when accounting for the changing composition of parliament from the reigns of Edward I to Henry VII. Millar contrasted the "three different classes of men" (*HV*,2,219) burgesses, clergy and lay barons of an emerging commercial government, with the "two classes or orders" (*HV*,2,217) clergy and lay barons of the feudal governments of Europe. These were different "sets of men" with different interests. This is another example of classification of individuals according to the grounds of the sources of their

revenue, or, more specifically, burgesses' role within the national assembly "representing the commercial interest" (*HV*,2,221), burgesses having to consult their constituents concerning proposed monetary forms of taxation. However, Millar made clear that, although the burgesses made a "coalition" with the smaller independent barons or "landed gentry" in the House of Commons - siding as crown vassals with the monarch against the clergy and larger barons or feudal "nobility" - these two classes were not of the same rank. The "landed gentry, for a long time, enjoyed the first rank" (*HV*,2,223).

The change in perception of rank came about through changes in the distribution of property. The latter was an effect of juridical and economic changes. It formed a part of Millar's doctrine of the two tendencies discussed in chapter nine. These changes, however, would have been impossible to theorise if Millar had not kept the meanings of "class" and "rank" distinct. Thus, writing about the effect that "advances in commerce and manufactures" had on political institutions during the reigns of the Stuart monarchs, he stated the following:

"The nobility, or great barons, were thus deprived of that armed force, and of that multitude of adherents and dependants by which they had formerly supported their dignity. Many individuals among them, from the progress of dissipation and extravagance, were at length obliged, upon the failure of other resources, to contract debts, to mortgage, and to squander their estates. The frugal and industrious merchant, who had acquired a fortune by trade, was enabled, in such a case, to purchase what the idle and extravagant proprietor found it necessary to sell. Property in land, originally the great source of influence, was in this manner transferred from the higher to the lower classes; the character of the trader and that of the landed gentleman were in some measure confounded; and the consideration and rank of the latter were, by a change of circumstances, communicated to the former." (*HV*,3,107)

The preceding loss of the feudal nobility's dependants came about as a result of a coincidence of interest between the monarch and the lower ranking classes of merchants, manufacturers, artisans, and peasant individuals. These classes were naturally predisposed "by their industry and good behaviour, of bettering their circumstances" (*HV*,3,17). The monarch had not only spent public revenue in promoting trade but had passed legislation that enabled landowners to sell their estates on the market. As a result, a greater part of the population both in the towns and the countryside was engaged in producing for the market. Moreover, through the development of economic activity and a division of labour, peasants had been able to pay money through "scutages" to avoid their duties as vassals to their feudal masters. As a consequence, they deprived the nobility of an "armed force". The acceptance of

rents in the form of money, and the greater variety of commodities available upon the market, entailed that sections of the nobility had "contracted debts" to pay for their emulative habits of luxury consumption, thus forcing them to sell them to the "frugal and industrious merchant". Thus there was a transference of landed property from the "higher classes" of the nobility and clergy to the "lower classes" of merchants and manufacturers. The wealth derived from landed property commanded the admiration and respect in the minds of spectators. This confirmed the operation of the principle of authority. Thus the same "consideration of rank" that had previously been conferred upon the hereditary feudal nobility was "communicated" to merchants who possessed land. What was not stated here but implied elsewhere was that, once in possession of land, the "frugal merchants" intent on accumulating greater wealth through their improving activities were to apply to the land "those inventions which contribute to shorten and facilitate labour" (*HV*,3,86). As discussed in chapter seven, this was Millar's short-hand for capitalising productive forces: machinery and a technical division of labour.

The above quote, *HV*,3,107, is taken from Millar's discussion of the effect that these juridical and economic changes had on both the political powers of the monarch also of parliament. These enlarged the Crown's revenue and enabled a monarch to create political dependants out of a weakened nobility through patronage. It enabled a sovereign power to employ a standing army. On the other hand, the changes also increased the powers of parliament. The monarch became increasingly dependent upon monetary forms of taxation. According to the original feudal English constitution, taxation had been the prerogative of the House of Commons. The accidental circumstances of England's island status had meant that public revenue had been spent on a navy rather than an army. The English monarch was relatively weak compared with other European monarchs. Unlike his peers, Charles I, for example, did not have a large standing army to enforce his interests in increased taxation. Millar therefore thought that the generalisation of commodity production and exchange strengthened the powers of both monarch and parliament. This would lead to inevitable conflict and civil war. The point here, however, has been to stress, against Meek, the distinct usages Millar had of "class" and "rank".

12.2 The English Civil War

Meek states that Millar saw the English civil war "quite clearly as a class war". His evidence for this statement is the following quote:

"The adherents of the king were chiefly composed of the nobility and higher gentry, men who, by their wealth and station, had much to lose; and who, in the annihilation of monarchy, and in the anarchy that was likely to follow, foresaw the ruin of their

fortunes, and the extinction of their consideration and influence. The middling and inferior gentry, together with the inhabitants of towns; those who entertained a jealousy of the nobles, and of the king, or who, by the changes in the state of society, had lately been raised to independence, became, on the other hand, the great supporters of parliament." (*HV*,3,295)

Meek's reading of this passage focuses on those who "had lately been raised to independence" who were "merchants, manufacturers, and merchants" (*HV*,3,103).⁶ He could also have included here "artificers and tradesmen" (*HV*,3,102), and "the peasantry or farmers, that other great class of the commonalty" (*HV*,3,104) who by "the extension of leases of land" had been "emancipated from their primitive dependence" and had "acquired a degree of rank and importance unknown in most countries" (*HV*,3,105).

The context of this quote shows that Millar, by assessing the balance of forces on the side of the king against those on the side of parliament, wanted to explain how it was that the military forces of parliament should have had "a decided superiority" over those of the king. This suggests that Millar thought it was rank rather than class that was the decisive influence on the outcome of the war. It was the estimation of rank with its associated habits of submission caused by prolonged dependency upon those individuals who possessed inherited landed property that swung the balance on favour of parliament. Thus the king's forces were commanded by officers whose "rank in life" as nobles or "higher gentry" had given them both military experience fighting wars abroad and also "a degree of influence over their followers" (*HV*,3,296). This gave the king's forces an initial advantage. However, their feudal independence from one another and from the king led them "to act in separate pillaging parties, at the head of their respective followers". They were unable to combine their forces to fight effectively.

On the other hand, the men who came to be the military leaders of the parliamentary forces were of a low rank and gained the respect of their troops "not from their birth or their opulence, but from their military services" (*HV*,3,297). It was the personal qualities of low-ranking leaders that commanded respect, not their wealth. Millar thought that "As the forces of parliament comprehended the great mass of the people, we need not wonder that when they came to surpass those of the king in subordination and discipline, as well as in numbers, they should immediately obtain a decided superiority" (*ibid*).

It is also arguable that, when Millar referred to the antagonism between the "higher" and the "middling and inferior gentry" in the quote Meek gives of evidence of

⁶Meek, "Contribution", 1967, p43n.

Millar's theorisation of the civil war as a class war, he was also thinking in terms of differences in rank rather than class. The gentry was a class of individuals that gained property through inheritance. The long-established wealth of the gentry encouraged dependants to be submissive and deferential. Millar had theorised the effects of inherited wealth on dependency in his lectures on private and public law. The extent of influence of the gentry's rank could, in theory, be calculated according to the extent of revenue landed property generated. As I have argued in chapter eleven, Millar, following Hume, adopted a commercialised version of the Harringtonian maxim of the balance of property. This demonstrated that the greater the amount of revenue or exchangeable value of the landed property possessed, the greater the number of individuals who would find it in their interests to be dependent for protection and subsistence upon the landed proprietor. The proprietor who could support the largest number of dependants would be able to command the largest militia with the highest level of deference and submission amongst retainers or servants. The "higher gentry" would therefore be the landed proprietors who could support the largest number of dependants, command the most respect and submission, and have the highest rank. Conversely, the "middling" and "inferior" gentry would support lesser numbers of dependants and have therefore a lower rank.

The counter argument that Millar's use of "higher", "middling" and "lower" gentry is consistent with his use of "class" is that Hume and Millar's use of Harrington's maxim entailed a precise classification of individual proprietors according either to the revenue their land generated or to its exchangeable value.⁷ Classification of individuals according to revenue is one of the criteria of Millar's use of "class" mentioned above. In this case it would be classification according the quantity of revenue derived from the land, either for taxable purposes or according to the exchangeable value of the land on the market or the exchange-value of its annual produce. According to this line of thought, the "higher" gentry would be those proprietors whose inherited land generated the most revenue; the "inferior" gentry being those proprietors whose land generated the least revenue; and the "middling" gentry, those whose land generated a revenue the quantity of which was less than that of the "higher" and more than that of the "lower" gentry.

Moreover, Meek's quotation from *HV*,3,295 needs to be read in the light of that of *HV*,3,107, quoted above. The latter states that property was transferred from the higher classes to the lower classes through landed property becoming an alienable commodity. As Millar theorised in his lectures, this had an effect upon the habits of

⁷I have argued in chapter eleven, that Harrington, Hume and Millar were ambiguous in their understanding of revenue generated by property. This, however, does not effect the validity of this argument. It is the extent of political and economic dependency that the revenue could create that is important.

those individuals who were dependent upon the landed proprietor. Because land changed hands frequently during the life of a proprietor and, with the explosion of entails, was no longer necessarily transferred through inheritance, dependants would not have as long a period of time to develop the appropriate habits of deference and submission to the new owners. This was one aspect in his doctrine of the fluctuation of property that he thought led to greater equality and liberty in a commercialised society.

Thus Millar thought not only that landed property passed from one class, the feudal nobility to another, wealthy merchants and manufacturers, but that there was simultaneously a raising of the rank of landed merchants to the same standing as the gentry, and also a lowering of the rank of sections of feudal nobility to that of the "inferior gentry" as they sold off their land to cover their debts.

In favour of Meek's interpretation of Millar's understanding of the civil war as a class war, it could be argued that Millar intended his readers to understand "middling and inferior gentry" to include "merchants and manufacturers" who had bought land and risen in rank thereby. In which case, Millar intended to include the "middle and inferior gentry" within the category of all those individuals who "by the changes in the state of society [generalised commodity production and exchange], had lately been raised to independence" (*HV*,3,295).

The above discussion has taken place within the context of Millar's own understanding of class and rank, and I have concluded it with an argument that places Meek's interpretation of Millar's theorisation of the civil war as a class war in the most favourable light.

Nonetheless, it would be misleading to leave it here, for two reasons. The first is that, by presenting Millar's account of the civil war as a class war, Meek deflects attention away from Millar's overall historiographical intention. This is to explain changes in the English constitution according to the conflict between the two tendencies he identified as arising within a commercial society. The second reason is that "class war" is a term Meek associates with Marx's historical method, suggesting that the analysis of class conflict is the defining characteristic of a materialist understanding of history. Both of these suggestions are contestable and require further discussion.

As mentioned in chapter two, Millar's historiographical intention was to produce an impartial scientific account of the English constitution which was both consistent with Hume's empiricist and conjectural methods and also a correction of what he perceived to be inaccuracies within Hume's account. These inaccuracies were the product of political interpretations of the constitution that favoured the private interests of the Crown against the perception of the public interest institutionally embodied within a representative body such as parliament.

Millar's account of the events leading up to the English civil war stressed not only the peculiarities of English liberty compared with those of other European nations but also the unbroken continuity of the dependence of the English monarch upon legislation initiated by parliament on the matter of raising revenues for the Crown through pecuniary forms of taxation. Hume had been mistaken to assume that there was a breach in the form of this dependence with the Norman conquest and the consolidation of the feudal system. The latter, Millar argued, had arisen in England as it had in Scotland and throughout Europe prior to the Norman conquest. It had not been imposed on England through conquest. The monarch's powers were continually limited by a dominant feudal aristocracy whose interests were represented within parliament. Moreover, although there were many examples of attempts by English monarchs to circumvent parliament's legislative independence, Millar was at pains to argue that, despite both the mutual interest of the rising commercial interest with that of the Crown against the power of the feudal barons, and despite revolutionary changes in the social and economic composition of the lower house, no monarch until the first Stuarts had attempted to secure a source of revenue through taxation without the consent of parliament. Hume was therefore wrong in describing the Tudors, especially Elizabeth, as having assumed absolute powers comparable to an Oriental despot. The monarch's prerogative had always been limited by her or his dependence on parliament as a source of state revenue.

Hume had observed that absolute monarchies differed from Asiatic despotism because they guaranteed the individual's security to accumulate and alienate their property against the invasions of the feudal nobility. Millar, on the other hand, thought that generalised commodity production and exchange created a tendency within all forms of large commercial governments, whether monarchies or republics, towards a form of military dictatorship. Within the observed context of the evolution of other European governments towards absolute monarchies, Millar thought that the events leading up to the civil war in England were exceptional. They were peculiar to a country that had, through the accident of its geographical position as an island, been capable of rapidly recovering its knowledge of commerce and manufactures from the destructive imposition of barbarian customs and manners. The commercial form of the English government had not required a large standing army in order to defend the country from foreign invasion. The events preceding the civil war were also peculiar because of the differing perceptions of the nature of the constitution held by monarch and parliament. This manifested itself in a conflict between the self-interest of the monarch with the disinterested views of parliament.⁸

⁸Millar asked his readers to enter sympathetically into the feelings of the parliamentary reformers of 1640 and concluded: "However much they might be tinctured by enthusiasm and religious

Millar's explanation of the former's self-interest relied upon the accidental influence of individual personality. Millar discounted Hume's explanation of Charles' conduct before and during the civil war as leading to "a laboured apology" (*HV*,3,314) that would "mislead an incautious and superficial observer". According to Millar, Hume had explained Charles' behaviour as consistent with someone who thought of himself as an "absolute prince". Charles was convinced that the absolute powers of the monarch were constitutional and therefore legitimate. Given that Millar had argued throughout his book that these views depended upon a false account of the origins and nature of the constitution - one which he thought Hume had reproduced in his history - it is no surprise that Millar should have stated that "Charles must have known better" (*HV*,3,316). Following Hume's comparative and conjectural methods, Millar had compared forms of government typical of the feudal period in Europe with those of Asiatic Arabs and Tartars; however, unlike Hume, he had avoided assimilating the two.

The "barbarous chief" of a tribe whose property consisted of flocks and herds had the absolute power to "subsist by robbery and murder". Knowledgeable of agriculture, they acquired landed property and dependants. They assembled together with other chiefs in order to protect their property from violent appropriation and make schemes for the robbery of others'. Gradually, through an accumulation of legal precedents, individuals' natural efforts at bettering themselves through their economic activity would be protected from the violence of rapacious barons. Charles therefore "must have known" of the "different forms of government which had existed in different countries". He "must have known" that he was the king of "a civilized nation, in which a regular system of law has been long established". He "must have known" that England had never been "subjected to a despotical government" (*HV*,3,317). He "must have known" that previous English monarchs had "never ventured to assume the direct power of taxation, without the concurrence of parliament" and that English legislation on this matter differed from that of other European countries. Moreover, Millar could explain that Hume did not appear to understand that Charles "must have known" by challenging Hume's use of historical sources that were apologetic. In this way, Millar challenged those who used Hume's sympathetic account of Charles to exonerate him from responsibility for the war.

In the process of arguing that Charles was an intelligent man, knowledgeable of the difference between barbarous and civilised forms of monarchy - a man who consciously pursued his interest in transforming the limited form of the English monarchy into one that conformed to the absolute monarchies of his European peers -

prejudices, they seem to have acted from pure and disinterested motives" (*HV*,3,276). They were therefore entitled to "a high degree of approbation".

Millar was at the same time trying to explain the origins and outcome of the civil war. The latter was the result of the two tendencies caused by generalised commodity production. Both tendencies were the outcome of the unintended consequences of the actions of a multiplicity of self-interested individual subjects. They were uncontrollable forces acting within the sphere of the politics of commercial societies. The tendency towards the growth of the sentiments of liberty of a commercialised people was temporarily successful over the tendency towards despotism. The causes of this tendency - the fluctuation of property, the rise of a class of independent commodity producers, their indifference to dependency upon their superiors for subsistence, and their changed habits and manners have been discussed in chapter nine. The countervailing tendency towards despotism based on a large well-disciplined standing army reasserted itself in a republican form with Cromwell's protectorate. The balance between these tendencies was established only with the 1688 settlement. As I described in the previous chapter, it was Millar's fear that this balance would be upset, and the tendency towards despotism would once more reassert itself in the eighteenth century, that motivated him to support limited reforms enfranchising a larger section of a commercialised population.

Meek's proposition that Millar clearly understood the civil war to be a class war deflects attention away from Millar's politically informed distinction between the people and the sovereign power. This was not a distinction grounded on a Marxian conception of class. Although Millar was able to give a description of the different social groupings that saw their interest in siding with the king and was able to compare these with other social groupings that had interests in siding with parliament, this description was based on classifications of individuals according to rank, occupation or revenue. These classifications combined the commercialised Harringtonianism he inherited from Hume with the principles of authority and utility he inherited from Smith.

12.3 Millar on Slavery

I noted in chapter two that Millar is known as a significant figure in the accounts of the history of the anti-slavery movement of the period. Comment has been made on how his arguments focused on the unprofitable nature of slavery. The following outline of his arguments bears this point in mind. It also draws out various aspects of Millar's method discussed above, in particular his application of conjectural reasoning to history and the standpoint he adopts of judging slavery according to principles of the mind such as utility. Thus he compared the utility of legislation supporting slavery with laws, such as contract, that would gain the approval of every self-interested subject of experience. This comparison found slavery to be incompatible with subjects' assessment of their natural rights to own and dispose of their property. It also followed

that the unproductive nature of slavery would limit the potential of individuals to better themselves either as wage labourers or as capitalists. The following discussion assumes a knowledge of Millar's contribution to political economy as outlined in chapter five.

12.3.1 Juridical Aspects

Millar addressed the topic of slavery in the second "new" course of his lectures on private law. This is his discussion of rights between Master and Servant (*LJ1789*, vol.2, lecs.14-16,28-42). Millar divided the discussion of these rights into two parts. The first part referred to judgements on the right to own slaves based on natural feelings and utility (*LJ1789*,2,15,33-4). The second part generalised from comparisons between the laws of different nations at different historical stages (*LJ1789*,2,15,38-40). The former section appealed to the judgements of his students in the role of disinterested spectators and the latter referred to their knowledge of customs and manners, and means of production and subsistence. These attempted to explain deviations of positive law from rules that would have generated approval if considered disinterestedly from the standpoint of a fully informed spectator. The generalisations derived from history were therefore necessary for informed judgements that could bring into being laws more in accord with principles derived from knowledge of the operations of the human mind.

For example, in lecture fourteen, Millar discussed differing laws applying to servants and labourers contrasting the position of propertyless individuals in different countries. He observed that, in ancient Greece and Rome, Africa, America and the colonies, labourers were slaves, but in most European nations they were either free wage labourers or artisans. This prompted two separate but connected inquiries. The first was to explain the differences in the legal position of free and unfree labour. The second was to assess how far these legal differences conformed to the feelings of humanity and judgements of utility of an informed spectator. He referred his students to the explanations he gave in *The Origins of Ranks* (*OR*,243-249). The methods of acquiring slaves were through voluntary submission, captivity, judicial sentence and breeding. The reasons for the rise of free labour in Europe were "peculiar" (*LJ1789*,2,14,32) and again he assumed that his students had read and studied the account of feudal society he gave in the book. The second part of the discussion, in lecture fifteen, contained his assessment of slavery, first, according to the feelings of humanity, and second, on the basis of judgements of utility. The ubiquitous use of the first person plural pronoun "we" and its corresponding possessive adjective "our" indicated Millar's appeal to the feelings of the disinterested spectator. These feelings did not incline the spectator to disapprove of relative servitude. Servitude that came into being through individuals taking advantage of the misfortune of "our neighbours",

and "reducing" them into servants, did not appear to offend natural feelings as long as there was some form of juridical control over the actions of masters (*LJ1789,2,15,34*). On the other hand feelings did make the spectator disapprove of absolute servitude: "that he [our neighbour] should have nothing in return for his labour, but what we chuse [sic] to allow him in return for it" (*ibid*). The spectator would therefore also disapprove of the power the master has to kill or punish a dependent labourer and to sell him at will. In order to illustrate the justice of the institution of slavery, Millar then reviewed the various methods of acquiring slaves: voluntary submission, captivity, judicial sentence and breeding. He did this according to the "rules established in other branches of law" similarly determined by disinterested feelings (*ibid*). Thus the law of contract determined that it was wrong to "give nothing in return" to someone who "gives away all his rights" by voluntary submission "but what depends upon the arbitrary will of his master" (*ibid*). Moreover, natural feelings of humanity determined that, for slaves captured by force, a slave who "labours for our benefit . . . should be entitled, to a certain maintenance independent of our whim & caprice" and "that he should be capable of property & have rights as a man" (*LJ1789,2,15,35*). Similar judgements are made for slaves acquired by the two other means: judicial sentencing and breeding.

The examination of slavery according to the feelings of the spectator led Millar to conclude that only absolute forms of servitude in which the master had the power to punish or kill the slave at will were unjust. Although Millar thought that it was difficult to determine "with accuracy" whether or not feelings of humanity would incline spectators to disapprove of whether masters were entitled to use the labour of slaves, he observed that, in fact, they did not. According to prevailing standards of propriety, it was not judged inhuman to use the labour of slaves. If masters gave the slave some equivalent in cash or kind sufficient for him to subsist, and if they considered their slaves as potential property owners and consequently as individuals with the capacity to bear rights, then the feelings of the spectator would tend to approve of the institution.

However, Millar's interpretation of Hume and Smith's theory of morality and law entailed that justice was determined not only by the immediate feelings of a disinterested, well-informed spectator, but also by the spectator's rational judgements of utility. These coincided with calculations of public and private interest to the self and to others. Millar argued that from whatever perspective spectators looked at the institution, when they considered public utility there was no rational justification for slavery. He developed this argument by reviewing slavery in terms of the misery of the slaves themselves, the harmful effects that slavery had on work incentives, and the lower profits a master extracted from the exploitation of unfree compared with free labour. Millar discussed the effect slavery had on population levels, government, the

maintenance of the poor. He also reviewed the harmful effect the institution had on the morals of both masters and slaves. In lecture form, these arguments were presented as summaries of the more extended treatment to be found in the final chapter of *The Origins of Ranks* (OR,282-296); nonetheless, they effectively demonstrated aspects of Millar's method. This depended on information drawn from a variety of contemporary and historical sources. To make informed judgements of the utility of free or unfree forms of labour, the spectator required knowledge of the history of the laws governing slavery in different countries and at different historical periods. These sources included Hume's and Wallace's speculations on the population of slaves in Athens,⁹ and Ramsay's calculations of slaves' life expectancy in the West Indies (LJ1789,2,16,39-40).¹⁰ Millar referred to a more extensive list of ancient and contemporary sources on slavery within *The Origins of Ranks*. He assumed that his students were familiar with the book.

12.3.2 Economic Aspects

Robin Blackburn has remarked that Millar argued against slavery "on the grounds that it was inimical to personal industry, profitable economy and family life".¹¹ This is obviously true from the above examination of Millar's use of the principle of utility. Not only did Millar argue that it was in the interests of masters that slavery be abolished so that a greater profit be gained from the employment of free wage labour, but that it was in the interests of a slave that "that he should be capable of property & have rights as a man" (LJ1789,2,15,35). However, Blackburn also remarks that, when applied to the slavery of the plantations, Millar's position was mistaken because he failed to "consider the superprofits which co-ercive co-operation on the plantation could produce".¹² It is true that Millar was mistaken in his arguments about the unprofitable nature of plantation slavery. However, Blackburn's explanation of this mistake, that it was a result of Millar's intentions to "construct slavery as a foil to his own view of the direction social progress should take"¹³ is opaque. It is not clear what exactly Blackburn is referring to by suggesting that Millar was in a position to "construct slavery as a foil" to his views on social progress.

⁹Hume D. (1752) *Of the Populousness of Ancient Nations* in ed. Miller E.F, 1985, pp377-464. Wallace Dr.R. (1753) *A Dissertation on the Numbers of Mankind in Antient Nations*, Edinburgh. Millar referred to this debate in OR,258 & 267.

¹⁰Ramsay Revd. J. (1784) *An Essay on the Treatment and Conversion of African Slaves in the British Sugar Colonies*, London. Ramsay argued against Hume's racist assumption that black African were probably less intelligent than Europeans because they had produced no cultural artefacts than equalled those of the ancient Germans (NC,208n).

¹¹Blackburn R. (1988) *The Overthrow of Colonial Slavery, 1776-1848*, London. p53.

¹²Blackburn, *Colonial Slavery*, ibid.

¹³Blackburn, *Colonial Slavery*, ibid.

It is likely, however, that Blackburn is directing the reader's attention to the way in which Millar used historical illustrations to demonstrate the disutility of slavery in general and plantation slavery in particular (*OR*,261-281). Millar's opinions on the unprofitable nature of plantation slavery were influenced by his account of how slavery had been abolished in Europe. The latter, in turn, was informed both by his understanding of both jurisprudence and political economy. Millar conceived of slavery as a non-kin related form of servitude within the patriarchal household. It was therefore comparable to other domestic forms of servitude such as villeinage in the feudal period. These became influenced by a more sophisticated understanding of natural rights. The extension of a division of labour and the exchange of commodities brought this into being. As a result, spectators made judgements on the obligations of masters to servants, whether slaves or villeins, according to the rules determining contracts. As villeins "frequently obtained a small gratuity, which, by custom, was gradually converted into a regular hire; and, being allowed the enjoyment and disposal of that subject, they were at length understood to be capable of having separate property" (*OR*,264).

Spectators came to judge that it was wrong "that he [our neighbour] should have nothing in return for his labour, but what we chuse [sic] to allow him in return for it" (*LJ1789*,2,15,34). It followed that these more "civilised" notions of the subject's rights should also be extended to the Afro-American plantation slaves. Thus Millar argued that it was in the interests of plantation owners to give their slaves "small wages" (*OR*,293). These would make them more productive by giving them an economic incentive to work. Millar thought it was "astonishing" that slave owners had not come to an understanding of such "improvements" given that "the good effects of them have been so fully illustrated in the case of the villains of Europe" (*OR*,294).

It is here that Millar's sympathetic commitment to slaves as self-interested subjects with the capacity to have rights to their person and property coincided with his understanding of political economy. In the same way that he thought villeins had been able to move from a position of "regular" hired labour to that of independent commodity producers, so he thought that slaves could also become artisans and craftsmen who owned their own means of production. Through developing habits of frugality and saving they would have the opportunity to accumulate capital.

One of his most powerful arguments against the unproductive nature of plantation slavery can be best understood within this context. Millar argued that plantation slaves were unproductive because they were not "excited to make such improvements as tend to facilitate labour" (*LJ1789*,2,15,38). They did not possess "the contrivances to shorten and facilitate the more laborious employments of the people" (*OR*,292). The examples he gave made it clear that he was thinking of these "contrivances" as technical instruments of labour. For example, he mentioned that, in Jamaica, "there is

hardly a spade in the whole island" (*ibid*). As a result it took two slaves a whole day to dig a grave. He also observed that slaves worked without saws or axes. He compared the output of the work of ten slaves in one day with that of two free labourers who could produce the same quantity of goods in two hours "with our instruments and machinery" (*OR*,293).

As I argued in chapter seven, Millar tended to conceive of productivity from the standpoint of the material-technical process - commodities, money and capital being thought of as use-values. The view he had of the unproductive nature of plantation slavery was therefore coloured by his theorisation of the origins of capital accumulation. This was simultaneously the outcome of the savings of money by thrifty individual commodity producers and of the savings of labour-time made through their use of tools, machinery and the technical division of labour. His understanding of political economy would have limited his conception of the actual productivity of slave labour. If he conceived of capital technically as tools and machinery, then only free labour could either possess its own capital or, through savings of revenue and labour-time, be capable of owning the means of accumulating capital. If Millar conceived of value as use-value, then a greater quantity of values could be generated only through the use of contractually free labour, a technical division of labour, and machinery. He would have had difficulty with the notion that value could be generated through the rapid working to death of plantation slaves and their replacement through breeding or the importation of fresh slave labour.

Millar's mistaken views on the unproductive nature of plantation slavery are therefore as well understood by examining his views on political economy as his views on social progress. The latter were consistent with those of reforming political and juridical institutions according to the principles of the mind experienced by subjects who were interested both in economic activity as a means to social recognition and also in laws that protected their potential to own and alienate property free from violence or interference. The progressive nature of Millar's involvement in the campaign to abolish slavery was prefaced upon his assumption that these principles operated as equally within the minds of Afro-American slaves as in the minds of their colonial masters. It followed that Millar argued that abolition was not only in the interests of both slaves and masters, but also in the interests of everyone who benefited from the consumption of slave-produced commodities such as sugar, tobacco and cotton. This was comprehensible by everyone who had a knowledge of public utility. Millar was therefore astonished that American slave owners were ignorant of such a self-evident philosophical principle. He accounted for their ignorance according to the lack of attention they paid to their own enlightened self-interest. If they were to consider slavery's "pernicious effects upon industry" they would soon abandon their attachment to the institution (*OR*,294-295).

Part Six:

Conclusion

Chapter Thirteen: Summary

This chapter consists of a summary of conclusions concerning Meek's reading of Millar. As I stated in chapter one, Meek's propositions regarding the unity of the relationship between Millar and Marx could be itemised in the following list:

(1a) Millar developed a "new way of looking at society".¹

(1b) This was a philosophy of history that could appropriately be called a "materialist conception of history".²

(2) Millar's materialist conception of history assumed that "basic economic factors" influenced "power-relations" through "changes in property relations".³

(3) Millar identified "what might be called 'techno-economic bases' for certain great social changes . . . such as the institution of private property, the rise of commodity production and trade, and the institution and abolition of slavery".⁴

(4) In his examination of English history, Millar saw "the civil war quite clearly a class war".⁵

(5) "Millar was certainly well aware of 'the existence of classes in modern society'.⁶

I also stated that Meek's propositions regarding the differentiation between the relationship between Millar and Marx could be itemised in the subsequent list:

(6) Millar had no "feeling for the dialectic of social change". This was "conspicuously lacking".⁷

¹Meek, "Contribution", 1967, p41.

²Meek, "Contribution", 1967, p42.

³ibid.

⁴ibid.

⁵Meek, "Contribution", 1967, p43.

⁶Meek, "Contribution", 1967, p44.

⁷Meek, "Contribution", 1967, p43.

(7) Millar "denied that the labour-capital relationship was based upon exploitation". What impressed Millar was "the capacity of the labourer to become a little capitalist himself" not "the subordination of the labourer to the capitalist".⁸

(8) It followed that, unlike Marx, Millar theorised the transition from feudalism to capitalism as one in which there was "the emergence of a state of economic and political *independence*" [Meek's emphasis] not "the substitution of a new ruling class, with a new method of exploitation, for an old one."⁹

Proposition (1b) is the most substantial claim Meek makes about Millar. This is that Millar's conception of history was a variant of Marx's - materialist but, as stated in (6), lacking a feel for the dialectic. I suggested in chapter three that any truth that proposition (1b) has lies in Millar having a version of history that Marx might have characterised as a form of "naturalistic materialism" - "naturalistic" because society is conceived of as arising out of an abstraction of individuals who are naturally predisposed to economic activity, and "materialism" because Millar adopted a contemplative attitude to the theorisation of sensuous reality. I argued there that Millar, like Hume and Smith, was an empiricist philosopher. He assumed that reality could only be known through the atomised sensory experience of the individual subject. In order to make sense of this experience, the subject had to connect an awareness of mental events such as feelings, ideas and impressions with external events. To gain the knowledge necessary to act as a moral or political agent, the subject had to imagine him or herself as another in order to experience feelings and ideas that corresponded to those of the other. This was an act of the mind that required an effort that, to be completely successful, required leisure afforded only to a contemplative comfortable well-educated few. The vulgar many, whose minds were pre-occupied by responses to passions and ideas caused by the objects that immediately confronted them, were, in the absence of superior instruction, denied most of the knowledge they needed to act in a rational and moral fashion. I developed this reading of Millar's naturalistic materialism in chapters eight and nine.

Aspects of proposition (2) were discussed in chapters four and nine. In chapter four I argued that neither Millar nor Marx had anything approximating a theory of factors, economic or otherwise. To read this concept into either of the two thinkers is a late nineteenth or twentieth century anachronism. However, the truth or falsity of (2) depends on the reader's interpretation of the concept of "economic factors". If she or

⁸Meek, "Contribution", 1967, p45.

⁹ibid.

he thinks, firstly, that the existence of a self-interested subject who is not motivated to possess property in some form is conceivable but, if she or he exists, statistically insignificant; and that, secondly, every form of property is a potentially exchangeable means for the satisfaction of use-values; and that, thirdly, that self-interest is a "factor" that influences most forms of human activity whether self-interest is morally approved or not, then the proposition is true. Arguments for this interpretation of "economic factor" can be drawn from chapters nine and ten where I discussed Millar's individualism and his concept of self-interest. If, however, the reader rejects the category of "factor" as a hypostasis derived from the nineteenth and twentieth century division of academic labour with little or no heuristic value then proposition (2) is false.

The veridical status of Meek's propositions is complicated by the differences between Marxists and Marxologists over the category of economic determination. Both Marxists and non-Marxists have given various differing interpretations of the category. It is clear that Marx was either an economic determinist or he was not. However, even though the very mention of the term generates controversy, there is no consensus over what "economic determinism" means. Chapter four therefore included a discussion of some of the problems that have arisen as a result of adopting textbook sociological readings of Marx's materialist conception of history. In this chapter, I identified two sociological models derived from an analysis of the use of "productive forces" and "productive relations" in textbook readings. I called these the "technological" and the "ownership" models. I argued that these models have generated problems both for those interpreters who have had argued that Millar is a precursor of "Marxist" sociology and for critics who have emerged from both the natural jurisprudential and the civic humanist schools of interpretation.

Noticing that in the secondary literature on Millar no commentator had bothered to define what they or Millar meant by "economic" - except to assume, as Ignatieff does, that, if it meant anything at all, it referred to the satisfaction of subsistence needs - chapter five consisted of a discussion of two different interpretations of the concept of economic activity. I decided to settle on a definition which proposes that economic activity is the specific form taken by productive activity within a commodity-producing society. It is therefore productive of value as well as use-value.

Chapter six made some preliminary remarks on Millar's conception of economic activity. This focused on Millar's own use of the term "economic" and the problem of anachronistic readings. I argued that, although Millar's use of the term "economic" referred to the prudent management of revenue, his work contained a recognisable concept of generalised commodity production.

Chapter seven was an examination of Millar's contribution to political economy in which I critically evaluated Millar's understanding of value, the division of labour, the

alienation of commodities and other political economic categories such as capital, wages, rent and profit. This was intended to illustrate Millar's understanding of economic relations as outlined in chapter six. It also confirmed the truth of proposition (7). Meek was clearly correct to suggest that Millar had neither the economic categories nor a conception of class sufficient even to suggest a theory of exploitation. In this he differed from Smith.

In chapter seven, I stated that Smith's understanding of value as labour purchased or commanded, and of productive labour as labour exchanged directly with capital, provided the theoretical grounds for an embryonic theory of exploitation. It was not a theory itself. This theory would be developed by Ricardian socialists such as William Thompson, Thomas Hodgskin and Robert Owen in the early nineteenth century. It would find its clearest exposition in Marx's political economy. Millar's political economy, on the other hand, made no theoretical distinction between use and exchange value, and reproduced the less sophisticated elements that can be found in Smith's *Wealth of Nations*. These are the lack of differentiation between the social and technical divisions of labour, the notion that capital is an elementary technical requirement for every form of productive activity, and that capital is accumulated through individual savings of revenue or labour-time.

It is the concept of determinism and the suggestion that there is no role for individual freedom in history that most scholars appear to object to, whether it is applied to Smith and Millar or to Marx.¹⁰ Ironically, Francis Jeffrey, the contemporary Edinburgh reviewer of Millar's *Historical View* objected to Millar's philosophy of history on grounds similar to those who have subsequently criticised Marx. Millar appeared to Jeffrey to be unconcerned about the role individuals played in history.¹¹

Millar was quite happy to use the language of determination. In chapter eight therefore, I considered it important to draw some conclusions regarding Millar's thinking on determination and causality. This led me to examine Hume's influence on Millar and to re-situate Millar's approach to the progress of history within a developing empiricist tradition of natural jurisprudence. This emphasised the role that the subject of experience plays both in making historical conjectures about customs, laws and manners in the past and also in justifying the juridical and political institutions necessary for an emerging capitalist order. This falsifies Meek's proposition (1a) - that Millar developed a new way of looking at society. It also provides supporting evidence for the truth of (6) - that Millar did not have a dialectical conception of social change.

¹⁰On Smith and Millar, see Skinner, *Contribution?*, pp100-104. Also Haakonssen, *Legislator*, pp178-189. On Marx, see De Ste Croix G.E.M. (1981) *The Class Struggle in the Ancient Greek World*, London: "In fact there is nothing in the least 'deterministic' in the proper sense in Marx's view of history; and in particular the role of no single individual is 'determined' by his class position." p.29.

¹¹Jeffrey F. (1803) Article XIII: "An Historical View of the English Government." In *Edinburgh Review*, Oct.: pp154-181.

Chapters nine and ten developed certain themes that arose in chapter eight. These themes are necessary to the evaluation of the truth of propositions (2) and (8). They included Millar, Smith and Hume's rejection of the abstraction of the state of nature favoured by natural law theorists to explain submission to the authority of a sovereign power. Secondly, they addressed Millar's choice of calculations of private and public utility to explain the acquiescence of the weak to the strong and of the poor to the rich. I gave some attention to the concept of self-interest and its relationship both to economic activity and to the passions that motivate individuals to acquire property. I argued that Smith and Millar's theories of property, submission and self-interested motivation do not make sense without the assumption that social scarcities of goods (such as the need for respectful attention and the material necessities that the subject experiences as means to satisfying this need) were thought of as determined by nature.

In chapter eleven, I used the main body of Millar's *Historical View* to illustrate an original political doctrine informing his historiography. This chapter, therefore, goes some way to addressing the second issue: how far and on what grounds Millar was successful in recognising that there was a causal relationship between economic activity, the distribution of property and forms of government. It is well established that, according to Millar, the development of the arts and sciences, in particular commerce, trade and manufactures, changed the distribution of property. What is evident in Millar's work is that on one occasion he used the metaphor of "foundation" and "superstructure" to describe the relationship between the distribution of property and the form of government in a country. In chapter three I mentioned this shared metaphor as one of the superficial similarities between Millar' and Marx. In chapter eleven, I discussed the relationship that Millar thought existed between foundation and superstructure in greater depth. I suggested that he got the idea via Hume's *Essays* from Harrington. Harrington thought he had found a scientific or philosophical principle that explained the classical distinction between monarchies and republics. He called this the "balance of property". Millar thought that changes in the balance of property resulted in two tendencies that determined the form of governments in commercial societies. The first tendency was towards the absolute monarchies of Europe, such as Louis XIV's rule over France and the despotic period of Cromwell's reign in England. He explained this in terms of the increase of state revenue through taxation that the monarch or dictator used to pay for a standing army to act in his or her interests. The second tendency was towards a growing "spirit of liberty" amongst the people. This limited the powers of rulers. If the latter did not act in the people's interests, then they would refuse to pay taxes or embark on a violent rebellion which could remove the offending government and replace it with one that respected the law. The spirit of liberty was a result of changes in customs and manners caused by civil society becoming dominated by a frequent and regular alienation of commodities.

Meek was therefore right to observe that Millar conceived of the transition from feudalism to capitalism in terms of the greater extent of the subject's political and economic independence. Proposition (8) is therefore true. As I showed in chapter eleven, Millar thought that economically active subjects were less dependent upon other individuals for subsistence and protection, if, as an unintended outcome of their actions, there emerged juridical and political institutions that satisfied their long-term interests in acquiring and alienating property. Moreover, the self-interested subject's activity not only generalised commodity production and exchange, but also changed the distribution of property. Forms of government arose on the alienation of landed property as a commodity which, whilst guaranteeing the individual's natural rights to make contracts and securing his property from the violence of others, also had the potential to be despotic and politically oppressive. Millar therefore thought that the feelings of liberty that economic activity gave to the subject would probably lead to increasingly democratic forms of representative government. A democratic outcome was, however, far from inevitable. He thought that Harrington had discovered in *Oceana* "the true principles of democracy" (HV,3,286). These were that in a large country "the supreme powers of government should be committed to a body of representatives, chosen by the nation at large" (HV,3,287), the representatives being subject to frequent elections (HV,3,288). However, Harrington's discovery was a peculiarity of the circumstances of an English constitution in which the balance of power had fallen into the House of Commons through the more advanced progress of the propensity to alienate commodities. Millar had shown that the emergence of a form of democratic control by the commercial and manufacturing interest over the state after the civil war was an accident of England's status as an island. His review of other commercial governments, both ancient and modern, demonstrated that the greater liberties of the subject to pursue his interests within the law coincided with military despotism and absolute monarchy. Following a commercialised version of Harrington's maxim, he attempted to demonstrate that the balance of power, through the increased tax revenue available to the state and a concentration of property in the hands of one person, could easily overrule any tendencies towards a more egalitarian distribution of property. Generalised commodity production led just as much to a consolidation of the centralised forces of the state as it did towards popular participation in government. Moreover, if a commercialised people were too vociferous in articulating their interests, these forces could be turned in violent confrontation against the people. It is true that Millar thought that the greater personal independence of an economically productive population would secure the continued dependence of the state upon revenues generated by the merchant and manufacturing classes. It is also true that, in opposing Hume's scepticism concerning the future of the British constitution, he argued that the 1688 settlement would survive. Nonetheless, he also thought the

interests of an unproductive section of the capitalist class that derived its profits from interest on loans to the government could drive the British state into continued warfare with other states. Moreover the increased revenues available to the military could lead to a political form of despotism.

Millar's commitment to free trade was therefore articulated from the perspective of that section of the capitalist class which saw its interests as the general interest. This general interest was not local or national. This section of the bourgeoisie perceived the accumulation of property through productive investment in the world's market for capital and labour power to be a universal benefit. The profits derived from these investments could be disrupted by external or internal warfare. It was from the perspective of an international capitalist class, which shared a common interest in productive investment, that he showed sympathy for limited democratic reforms, for opposition to the war on France, and for the Irish threat of civilian disobedience in their pursuit of political independence and unrestricted access to internal and external British markets.¹²

Chapter twelve was concerned with an appraisal of Meek's propositions (3) - on Millar's explanation of the institution and abolition of slavery - and (4) and (5) on Millar's understanding of class. According to Meek, the institution and abolition of slavery were, like private property and the rise of commodity production, the result of "techno-economic bases" - a concept taken from Sombart, not Marx.¹³ In chapters eight and nine, I argued that Millar conceived of the rise of commodity production according to individuals' perception of their interests in the following: a means of subsistence and a mode of the acquisition of property that would provide a surplus sufficient to support their dependants; rules of justice that would protect the right to freely alienate property; and acquiescence to the authority of individuals with the power to enforce these rules. I argued that, as a result of the subject's pursuit of these interests, the perception of property changed to one that conformed to the requirements of natural law. This requirement was that every individual was equally free to alienate property exclusively possessed whether or not his or her ancestors had acquired it through conquest, robbery or plunder.

If Meek had conceived of "techno-economic" bases according to the above account, then I would not contest the vagueness of the form of expression he chose. I have, for example, argued throughout this dissertation that Millar conceived of generalised commodity production and exchange from the one-sided perspective of a development in the material-technical process abstracted from its social form as objective value. However, "techno-economic" is also a term suggestive of the

¹²For Millar's views on Ireland see appendix one.

¹³See chapter four.

technological model of materialist sociology criticised in chapter four. If Meek was inclined to this conception of Marx's historical and social theory, then the notion of "techno-economic bases" with its association with Lehmann's "techno-economic determinism" must be rejected as so opaque that it helps clarify neither Marx's nor Millar's philosophical methods.

In chapter twelve, I attempted to show that Millar's account of the institution of slavery and the reasons for its abolition is consistent both with Millar's conjectural method applied to private law, and also with his conception of political economy. Both Millar's conjectural method and his political economy were discussed in greater depth in chapters eight and seven. I used this discussion to reject the truth of proposition (3). Whether the reader is committed to the theory that changes in technology determine social relations or not, there is no evidence to support the truth of the proposition that Millar thought that techno-economic bases were the causes of the institution and abolition of slavery.

There was an attempt in chapter twelve to clarify Meek's confused assumption that Millar's conception of class was similar to Marx's. Millar's conceptions of class and rank were thoroughly discussed. I argued here that the truth or falsity of propositions (4) - that Millar saw the English civil war as a class war. - and (5) that Millar was aware of the existence of classes in society depended on the reader's commitments to different understandings of social class. If she or he is committed to a sociological understanding of the concept of social class - for example as the classification of individuals according to the type of occupation they are engaged in, or the extent of revenue derived from these occupations or other sources, then there is evidence to support their truth. It must, however, be borne in mind that the truth of these propositions also entails the assumption that social status is attached to these classifications. On the other hand, if the reader is committed to a concept of class derived from Marx's political economy, the propositions are clearly false. Given the context in which they are made - one in which Meek is attempting to prove that Millar's theory of history is the same as Marx's - I suggested that the conclusion that propositions (4) and (5) are false is correct.

It follows from this examination of the veridical status of Meek's propositions on Millar that they are not consistent with one another. This is clearest when (1b), (5) and (7) are considered together. Meek was correct to state that Millar had no theory of exploitation. He could therefore have had no conception of the nature of the social relationship between classes. Millar's accurate classification of individuals according to the sources of their revenue in a capitalist society - rent, capital, and wages - did not entail that the economic surplus that takes the form of rent or capital is extracted in the form of value from the labouring activity of the immediate producers. In fact, not only did Millar's subjective theory of value prevent such a discovery, but his jurisprudential

approach also allowed him to avoid making any statements that would indicate that surpluses are extracted by a ruling class from the labouring activities of any other subordinate class. On the contrary, Millar posited the notion that, regardless of whether he was in a "rude" or a "civilised" condition, every individual was an actual or potential commodity owner. Millar generalised the eighteenth century subject's experience of a public interest in forms of government that enforced his right to accumulate surpluses in the form of capital to the whole of humanity. He conceived of the appetites, desires and passions that motivated individuals to be economically productive as inherent and necessary aspects of human nature. This juridically inspired perspective informed his arguments on the origins and evolution of slavery, villeinage and wage labour. Although he recognised that the labouring activity of slaves, villeins, and hired labourers benefited their masters and superiors, he also thought that it was the economic activity of the latter as actual or potential commodity owners that generated the surpluses of time and goods that contributed to their wealth, luxurious consumption, leisure and authority. Smith's observation that, in the ancient world, the possession of slaves freed citizens from manual labour and gave them the leisure to participate in democratic forms of government cannot be found in Millar's writings. Similarly, Millar does not refer to Smith's observation that there was a potential conflict of interest between workers and capitalists. On the contrary, Millar stressed the advantages that workers derived from the exchange of their labour power with capital and the mutual interest capitalists and workers had in resisting oppressive governments.

In contrast, Meek's propositions suggest both that Millar was conscious of class exploitation and that he was not. The former would follow from his proto-Marxian conception of history, and, therefore, his recognition of the role of the class struggle. The latter would follow from a mistaken application of this theory. This mistake could be easily corrected in the light of Marx's further development of the same theory. I have argued that this perspective is mistaken. The only similarity between Millar's and Marx's theories is that they both appreciated that there is a real historical tendency for all social relations to become subsumed within commodity relations. Their understanding of the origins, nature and influence of commodity relations within an evolving social totality is so different that, conceptually and methodologically, their theories of history have nothing else in common. Even the mention of concepts such as totality or social evolution when referring to Millar has the flavour of an anachronistic category mistake.

Millar was indeed conscious of the historical oppression of his own class. However, he theorised this oppression according to the requirements of humanity as a whole. The general interests of the economically active individual subject of experience - his welfare, security and liberty - had been and continued to be threatened

by the vicious private interests of state functionaries. Millar was also conscious that unintended and therefore unplanned tendencies within generalised commodity production could lead to states that suppressed personal liberties rather than promoted them. It was an accident of history that the latter tendency had dominated the English constitution. This circumstance could be reversed in favour of a tendency that led to oppressive state controls over personal liberty. In so far as these observations of the effects of influence that capital accumulation has on governments are still true and that, for example, there is no necessary correlation between the subsumption of social relations within the market and the democratic control of the majority of the population over these relations (even in a limited representative form), Millar's contribution to the science of history may one day appear to be much greater than Meek's assimilation of his work to the Soviet or social democratically inspired misapprehension of Marx discussed here once suggested.

Appendices

Appendix One:

The Essay on Ireland

The example I have decided to choose as typical of Millar's philosophical history is his *Review of the Government of Ireland*. The *Review* forms the first chapter of the fourth volume of *Historical View* (HV,4,1-68). The essay demonstrates various aspects of the methods developed within the empiricist school of natural jurisprudence discussed in the main body of this dissertation.

Firstly, the dissertation is an example of Millar's commitment to a conjectural method of reasoning. Millar makes inductive inferences from general causes distilled from the testimony of a number of observers of the customs, manners, laws, knowledge of the arts and forms of government of a variety of different peoples and nations. Millar reasons from what he supposed to be the general or probable course of historical and economic development of political society to the particular uneven development of the Irish. He thought of the Irish as a people isolated from the rest of Europe, whose opportunities for improvement were both retarded and advanced by English conquest.

Secondly, it is an example of Millar's use of the principle of utility to explain both Irish submission to and their independence from English rule. The calculations of utility that the Irish made as self-interested subjects of experience predisposed them to acquiesce to laws passed by the English government. This acquiescence depended on whether English law and government assisted their economic progress. Utility, however, influenced them to resist laws that impeded this progress at a later date. Moreover, Millar assumed that the economic doctrine of free trade would be approved by every disinterested, well-informed spectator of the progress of the improvement of arts, manufactures, laws and government.

Finally, the essay can be usefully contrasted with Hume's account of the Irish in his *History of England*.¹ Although Millar did not mention Hume it is clear that Millar would have judged Hume's descriptions of Irish customs, manners and national character as unduly influenced by the prejudices of English historians.

6.1 The Historical Background

Millar wrote about the Irish from the reign of Henry II to 1782. For most of the eighteenth century, English policy had closed external markets to the sale of Irish commodities, chiefly wool and linen. However, by the end of the century, the

¹Hume D. (1824) *The History of England, from the invasion of Julius Caesar, to the revolution in 1688*, London, Jones and Co.

constitutional means of protecting English monopoly from Irish competition were in disarray. War with America gave the Irish the opportunity to raise a large volunteer citizen army. Using a combination of sanctions, political pressure and the threat of military force, the Irish managed to acquire a measure of economic and constitutional independence.² In 1780, the English parliament abolished its commercial restrictions on Irish trade. By 1782, it was forced to repeal most of the laws subordinating Irish legislative and judicial powers to itself. Millar concluded the *Review* with an account of these changes. It was "the general advancement of commerce and manufactures" that, in part, had inspired the movement for Irish independence (*RGI*,60). Contemporary Ireland was, he thought, "an independent kingdom, connected by a federal union with Britain" (*RGI*,68).³

In the eighteenth century, the North of Ireland was famous for its opposition to British influence. A few decades later, however, it was notable for its unbending support for political union. This appears paradoxical. Irish patriots, who had campaigned so vigorously for free trade prior to 1782, were soon engaged in boycotting English imports. The demand for protective tariffs became a part of Irish nationalist doctrine. A major theme in unionist and anti-unionist literature of the late 1790s was whether or not Ireland would benefit from Britain's industrial growth. Unionist propaganda appealed to the example of Scotland's post-union economic success. Anti-unionists argued for protection of Irish industry by an independent parliament. Union with Britain, they argued, would exacerbate the problem of agrarian poverty and absentee landlords.⁴

Millar's approach to history could have been of use to nineteenth century Irish unionists and nationalists alike. According to Millar, it was the successful "advancement of commerce and manufactures" - the emergence of commodity production, a division of labour and the accumulation of capital in Ireland - that explained not only the acquiescence of the Irish to English government in the Tudor and Jacobean periods, but also the later movement for Irish independence. Irish acceptance and rejection of English jurisdiction on grounds of public utility had shaped the Irish constitution. The nineteenth century Irish bourgeoisie could therefore look back on a constitution which was, in origins and progress, both independent from and dependent upon that of the English.

However, a historical perspective that put the self-interested subject of experience at its centre contained polarities. At one end was the idea that political union with

²See McDowell R.B. (1944) *Irish Public Opinion 1750-1800*, London: pp51-74.

³Millar made no reference to the reform movement of 1783-5, the 1798 uprising nor the legislative union of Great Britain and Ireland in 1800, all of which he would have lived through. This suggests that he wrote the *Review* in 1782 or shortly after.

⁴McDowell, *Irish Public Opinion*, pp243-261.

Britain was the most advantageous constitutional form for guaranteeing the freedom to accumulate capital. At the other was the notion that a complete break with the English constitution along American lines would advance Irish economic and personal freedom. The latter entailed restricting the greater opportunities English capital had of exploiting the country's land and labour.

Such polarities were likely to divide Irish opinion in the following century. Like the Scots, unionists could have highlighted the advantages of submission to the English parliament in removing the oppressive influence of a barbarous feudal aristocracy and promoting free trade.⁵ At the same time, unlike the Scots, Irish nationalists could have selected continued English economic and juridical oppression as the cause of the country's retarded development. Moreover, nationalists could also show that an armed citizenry was the most effective means of advancing the movement for Irish independence. In future debates, both would have been able to appeal to the contradictory nature of the Irish constitution. Public utility would have justified both acquiescence and violent resistance in achieving the goal of material prosperity. By the nineteenth century, the success of Belfast as a commercial and industrial centre and the emergence of an agrarian surplus population, famine and mass emigration from other parts of Ireland would have given renewed force to such polarities.

6.2 The Goal of Impartiality

As stated in chapter one, Millar inherited from Hume the aim of writing impartial history. This was history that, whilst critically engaging with party-influenced histories, tried to avoid reproducing the prejudices of sectional or factional interests. It also attempted to explain constitutional change by reference to the gradual progress from ancient to modern liberties.

Explaining constitutional change entailed a theory of how civilisation developed world-wide. Millar's assumptions were similar to Hume's: there could be no possibility for individuals' betterment without an impartial system of law that protected and encouraged the growth of private, freely alienable property. Millar agreed with Hume that there could be no modern liberty without this safeguard. There is clear evidence to suppose that Millar followed Hume's intentions on the matter of impartiality.⁶

Jeffrey's review described Millar's essay as "a very impartial account of the proceedings of the two countries".⁷ Millar thought that previous accounts of Irish

⁵This was Adam Smith's opinion. "Without a union with Great Britain, the inhabitants of Ireland are not likely for many ages to consider themselves as one people" (*WN*, V.iii.89,944). Millar's opinion is unknown.

⁶"In delineating the progress of the English government, I have endeavoured to avoid . . . the prejudices peculiar to the two great parties, which the nature of our limited monarchy has produced." (*HV*, I, viii).

⁷Jeffrey, *Review*, p173.

history had suffered “from the partiality and prejudices of English historians” (*RGI*,7). They were contaminated by “national vanity and prejudice” (*RGI*,51). Millar therefore set out to correct two prejudiced opinions. The first was that the Irish national character was peculiarly vicious, ferocious and barbaric. The second was that the Irish constitution had always been subordinate to that of the English.

Millar confronted two conflicting party opinions on Irish history. These had been “agitated by lawyers and politicians” (*RGI*,54). In one party were “almost all the English lawyers”. They argued that the Irish constitution gained its nature from the right of conquest. The Irish legislature was “from the beginning, subordinate to that of England” (*RGI*,55). The other party were the “friends of Irish independence”. They argued that force could never confer a right to govern. They held that the forcible appropriation of Irish property was a crime that “merited punishment”.

From the one party, Millar drew on the fact that English conquest had indeed shaped the nature of the Irish constitution. English attempts to subdue the Irish had affected their customs, manners, laws and government as well as their development of the arts. With the other party, he shared the opinion that the early conquest of Ireland had retarded the development of its people to a commercial and civilised state. This could never be justified. Millar was an advocate of free trade. He thought English restrictions on Irish commerce and manufactures held progress back.

6.3 Hume and Millar on Irish Civilisation

Both Millar and Hume thought a modern judicial system was necessary for Irish society to develop. Hume stated that civilising the Irish entailed reconciling them to “laws and industry” (*HE*,561). Millar remarked that, when the Irish embraced English law, it was “an extensive improvement” (*RGI*,22). However, Hume and Millar differed on the timing of reconciliation and improvement. Hume thought it had started when Elizabeth I suppressed the rebellions of the O’Neills in Tyrone. This enabled James I to abolish ancient Irish customs. Millar agreed James was in a better position to “extend the advantages of regular government and civilized manners” to the Irish. He gave them the chance to “taste, in some measure, the blessings of security and freedom” (*RGI*,33-34). However, Millar thought the process began at an earlier date. Henry VIII had been the first monarch to extend a “regular policy” to Ireland with Poynings’ law (*RGI*,21).

Both Millar and Hume thought Henry II’s conquest of Ireland had been a disaster. Hume called the English conquerors “inhuman masters” who marked the Irish out “as aliens and as enemies”. The consequence was that “Being treated like wild beasts,” the Irish “became such” (*HE*,526). Millar also judged Henry II’s conquest unfavourably. The English were no more than a “band of robbers” (*RGI*,2) who parcelled out the “whole kingdom” of Ireland “among ten proprietors” (*RGI*,20). A concentration of

property and power in English hands served to arrest the progress of "the cultivation of the country, and the civilisation of the inhabitants" (*ibid*).

Both historians observed that the native Irish assimilated the English. Hume wrote that the English had "more civilised customs" when they invaded Ireland (*HE*,526). They soon "degenerated from the customs of their own nation". They foolishly refused to communicate to Irish "the privilege of their laws" (*ibid*). Millar remarked that the power and numbers of the Irish overwhelmed the English (*RGI*,21). The English declined over the centuries into "a state of rudeness and barbarism" (*ibid*).

Hume and Millar thought of "rudeness and barbarism" as a state of relative lawlessness. It was a condition in which the individual's right to accumulate property was constantly violated. Preceding "barbarism" was "the state of mere savages", a propertyless state of isolated families without any customary restraint between them. This original condition was so miserable that, as Millar put it, there was "nothing that can tempt any one man to become subject to another" (*OR*,241). A comparison of Millar's account with Hume's will show how much of a gap there was between their opinions on the state of Irish society prior to the adoption of English law.

Hume stated that until the end of the sixteenth century Ireland was "inhabited by a people whose customs and manners approached nearer those of savages than of barbarians" (*HE*,99). They were ignorant of the "most simple arts of life, even tillage and agriculture, were almost wholly unknown to them" and "exercised pasturage in the open country" (*ibid*). The Irish were "not tamed by education, or restrained by laws" (*ibid*). Unlike the English, the more civilised Romans had never conquered the Irish. This was a reason why they were nearer savagery than barbarism. In contrast, Millar agreed with Hume that the Irish "had never attained that civilisation, which the ancient Romans communicated to their conquered provinces" (*RGI*,7). On the contrary, they had "comparatively, for some centuries, enjoyed a degree of tranquillity which was likely to become the source of improvement" (*ibid*). Millar's source was Bede's history. Although Hume had used Bede extensively as an authority on the Anglo-Saxons, he had ignored his references to the Irish.⁸

Hume thought Irish customs did not merit the proper description of law. They "supplied the place of laws". The three customs he mentioned were the "Brehon law or custom", "Gavelkinde" and "Tanistry".⁹ They were "attended with the same absurdity in the distribution of property" (*HE*,561). Tanistry prevented any hereditary succession of land from father to son. Hume remarked that "As no man, by reason of

⁸For Hume's use of Bede see the Notes to chapter one, *HE*, 14-15.

⁹Brehons were arbitrators who settled disputes within a clan using customary maxims. Tanists were elected during the life-time of a clan chief as his successor. Gavelkind entailed that, when a clan member died, the whole of the common property of the clan was redistributed amongst the surviving male members. See Nicholls K. (1972) *Gaelic and Gaelicised Ireland*, Dublin: pp44-65.

this custom, enjoyed the fixed property of any land; to build, to plant, to enclose, to cultivate, to improve, would have been so much lost labour" (*HE*, 562). Hereditary succession was a necessary condition for private property.

Hume observed that the Irish had a notion of landed property without any knowledge of "tillage or agriculture". How was this possible? Millar filled the gap with "joint property". Millar agreed with Hume that the Irish had no idea of hereditary succession. He gave the same customs as Hume as evidence. Tanistry meant that succession was not "by hereditary descent, but, upon the death of the proprietor, passed to the eldest of his male relations" (*RGI*, 11-12). The custom presupposed property in land but "vested in the chiefs only" (*RGI*, 11). It showed that most of the land in Ireland was a form of "joint property". Landed property was "retained in common" by a whole tribe (*RGI*, 14). Following Gilbert Stuart, Millar had argued elsewhere that labour expended upon land is, at first, the aggregated labours of the individual members of a tribe.¹⁰ All that followed from "joint property" in land was that agriculture was insufficiently advanced through "a long course of cultivation" (*RGI*, 11) for the idea of private property to arise.¹¹

Millar therefore agreed with Hume that the Irish had no idea of private property. Without the latter, there could be no improvement of the arts, or of manners. For example, civilised "feelings of humanity" could not flourish amongst barbarians. However, it did not follow from this that the Irish were completely ignorant of agriculture. The "progress of agriculture" in Ireland had not taken place "universally" (*RGI*, 10). Appropriation of the land, "in all countries . . . has arisen from agriculture" (*ibid*). In Ireland, it was in a "limited and imperfect state" (*ibid*). Millar thought the Irish were knowledgeable of agriculture as well as of pasturing animals.¹² It followed that they were not savages when James I abolished their brehon law. The Irish had made limited improvements in the arts with the potential for recognising rights of private property posterior to Henry II's conquest.

For both historians, an important source on Irish history prior to the Tudor period was the writings of the Jacobean lawyer and colonial administrator Sir John Davies.¹³ Davies alleged that Irish barbarism was unique amongst Christian nations. Hume tended to share Davies' notion that the Irish were exceptional. Davies blamed tanistry

¹⁰See reference to Stuart's (1768) *An Historical Dissertation Concerning the Antiquity of the English Constitution*. Edinburgh. (*OR*, 155). Also: "as each individual is entitled to the fruit of his own labour, the crop, which has been raised by the joint labour of all, is deemed the property of the whole society" (*ibid*).

¹¹See chapter eight.

¹²Later research confirmed Millar's conjecture. The ploughing of land for oats, wheat and barley is recorded from the late middle ages. Nicholls, *Gaelicised Ireland*, pp115-116.

¹³Especially his *A Discovery of the True Causes Why Ireland Was Never Entirely Subdued Nor Brought under Obedience of the Crown of England* (London, 1747, Reprinted from 1612 edition for A. Millar).

and gavelkind for an alleged Irish antipathy to building houses of stone, living in villages and towns, or taking any interest in agricultural, mechanical or commercial activity. He thought of the Irish as little better than cannibals.¹⁴ Hume's judgement that the Irish were ignorant of the arts therefore gave a dark colouring to his picture of their national character. Amongst modern European nations, the Irish appeared to be peculiarly vicious. This smacked of the kind of English prejudice Millar was keen to dispel.

The forceful language Hume used to describe the 1641 insurrection was the closest he came to suggesting that Irish viciousness was a European exception. Jacqueline Hill has argued that we must consider Hume's narrative as an indication of anti-Catholic and anti-Irish bias.¹⁵ For example, Hume made no reference to any suffering English and Scottish Protestant colonists had inflicted on native Irish Catholics. Instead, he focused on cruelty the English planters experienced as "the most barbarous that ever, in any nation, was known or heard of" (*HE*, 652). The killings were "the most detestable of which there ever was any record". (*HE*, 652) Throughout his account of the rebellion, Hume associated barbarity with inhumanity. Inhumanity was the absolute absence of compassion or sympathy for the suffering of others. Nonetheless, Hume's anti-Catholic bias requires qualification.¹⁶ Although he relied heavily on English Protestant sources,¹⁷ he thought the Irish interest in the uprising arose as much from a preference for "barbarous community" as from the hope of restoring revenues lost to the Catholic clergy (*HE*, 649). Moreover, religious bigotry was insufficient to explain the intense cruelty he alleged had occurred.¹⁸ He associated such excesses with peoples "steeped by native barbarity" (*HE*, 651). Likewise, assessments of Hume's anti-Irish bias are incomplete without closer attention to his conjectural approach to history. This entailed the likelihood that inhumanity was natural to peoples unacquainted with agriculture, commerce and private property.¹⁹ The ground of his bias was therefore more an opinion that the English settlers had a superior knowledge

¹⁴Davies, *Discovery*, pp168-171. For Davies' role in developing British imperial policy through the use of English common and Roman natural law, see Pawlisch H. S. (1985) *Sir John Davies and the Conquest of Ireland*, Cambridge.

¹⁵Hill J. (1988) "Popery and Protestantism, Civil and Religious Liberty: The Disputed Lessons of Irish History 1690-1812." *Past & Present*, 118, Feb.: pp96-129, 111.

¹⁶It is untrue to state that Hume saw "fear of popery" as a "legitimate" cause of the Scottish rebellion in the 1630s. (Hill, "Popery and Protestantism", 115). On the contrary, Hume described "fear of popery" as a "groundless apprehension" with a "fatal influence" (*HE*, 625).

¹⁷Especially Sir John Temple (1646) *The Irish Rebellion*, London. This is what Hill calls a "beleaguered Protestant" account. "Popery and Protestantism" (111).

¹⁸Hume observed that the Irish treated the Scottish Protestant planters with relative leniency in order to gain their "passive neutrality" (*HE*, 651).

¹⁹Compare his bias against the Irish with his opinion that black Africans were "naturally inferior to the whites" because written testimony showed they had "no arts, no sciences" (*NC*, 208). Hume discussed prejudices based on unphilosophical probability such as "An Irishman cannot have wit" in *THN*, 146.

of the arts, industry and an interest in alienating their private property, than that their religion was freer of superstition.²⁰

For Hume, theft and plunder, deceitfulness, laziness and ignorance were vices typical of savages. The Irish would have been "for ever subject" to them had they not been "restrained by laws". If the English had not destroyed their customs regarding property, the Irish would have stayed "for ever in a state of barbarism and disorder" (*HE*, 561). If Ireland had not been colonised by the more advanced English and Scots, then the Irish could not have been cured "of that sloth and barbarism to which they had ever been subject" (*HE*, 649). If the English government had not prohibited the import of Irish cattle to England in the reign of Charles II, then "the indolent inhabitants of Ireland . . . would never be induced to labour, but would perpetuate to all generations their native sloth and barbarism" (*HE*, 779).

Millar agreed with Hume that people "unacquainted with civility and regular government" were vicious (*RGI*, 7). However, he amended this judgement of Irish national character in four ways. First, he argued that the Irish were no more vicious than any other "barbarous nation" at a similar stage of development. In this respect, the Irish were no different from the Anglo-Saxons. Second, Henry II's ruinous conquest had held back the progress of the Irish "in refinements and the arts" (*RGI*, 7). Third, the oppression of the Irish "both in temporal and spiritual matters" had caused so much "animosity and jealousy", they had been more preoccupied with "distressing and humbling each other, than in prosecuting any scheme of national improvement" (*RGI*, 50-51). Finally, exaggerations of Irish viciousness were "more applicable to the inhabitants" of the seventeenth century than of the eighteenth. They were typical of "the lower classes" not of the upper (*RGI*, 51-52). Taken together, these circumstances had shaped the peculiarities of Irish national character. They were sufficient, he thought, to correct English bias.²¹

6.4 Millar's Use of Conjectural Reasoning

Millar reasoned about the Irish conjecturally.²² The agreement he found in historical accounts of "rude" and "civilised" peoples throughout the world indicated that there were general causes that affected Irish society. When historical evidence was

²⁰Hume contrasted the "stately buildings or commodious habitations of the planters" with the "sloth and ignorance of the natives" (*HE*, 650).

²¹Thus the Irish had "A temper, ardent and vehement, a disposition open, forward, undesigning, and sincere, little corrected by culture, might be expected to produce incorrectness of thought and expression, with a tendency to such inaccuracies and blunders as proceed from speaking without due consideration, and from attempting to convey a first impression, without a full examination of particulars" (*RGI*, 51).

²²See chapter eight.

lacking, Millar filled the gaps with probabilistic or conjectural reasoning from general causes. As we have seen, he tried to show that native Irish customs and manners indicated "no uncommon degree of barbarism" (*RGI*,8). Compared with those of other nations, they showed a "striking resemblance" to every county's customs and manners "before the advancement of arts and civilization" (*RGI*,9).

There are three notable inferences of this kind in the essay. The first was from the knowledge of arts to customs and manners. Bede's testimony showed that, by the seventh century, the Irish were literate and had a religious form of government (*RGI*,8). This knowledge had an improving effect on Irish customs and manners. It established "a degree of tranquillity" (*RGI*,7).

The second inference had two stages. The first was to infer Irish ideas of property from their customs and manners. He stated that "with regard to the laws enforced by the Brehons in the distribution of justice, they were similar to those of the other early European nations" (*RGI*,16). They were "of a similar nature and origin to that of the *Stewarts* [his emphasis], whom, in the countries under the feudal system, the barons authorised to distribute justice among their tenants and vassals" (*RGI*,9). Tanistry was found in Scotland and elsewhere: "Traces of this mode of succession are very universally to be found in the early history of mankind" (*RGI*,12). He compared the brehon law "by which the head of every sept was responsible for the conduct of all his followers" with the English custom of tything.²³ He commented that "in all probability, it [the brehon law] proceeded independent of imitation, from the similarity of circumstances in both countries". Both customs were "agreeable to the notions of justice and expediency suggested by a state of rudeness and barbarism". He therefore inferred that Irish property relations were feudal or pre-feudal.

The second stage was to infer Irish knowledge of the arts from their notions of property and justice. The latter arose out of similar "interests and necessities". These were the same in all societies with the same knowledge of the arts. He argued that it "may be expedient" for land possessed by "little societies" which were "almost continually engaged in predatory expeditions" to remain undivided. In a statement which is similar to many in Millar's work, he wrote that, "in all countries" the transition from appropriation of land by a whole tribe to private property in land was comparable:

"the cultivators of a particular spot become entitled to the immediate produce, as fruit and reward of their labour; and, after a long course of cultivation, having meliorated the soil, were, upon the same principle, entitled to the future possession of the land

²³"a tything man might be called to account for the offences of every member of his tything" (*RGI*,17).

itself, by which alone they could reap the advantages derived from their past improvements." (*RGI*,11)

Millar made this statement to illustrate that the Irish used most of the land communally for pasturage. Land was not private property. As we have seen above, Millar inferred the knowledge of pasturing animals and the first steps towards agriculture from the notion of "joint property". "Joint property" broke up for two reasons. Firstly, tribes found decisions on the equal distribution of the produce of the land inconvenient. Secondly, when an individual became attached to a particular spot of land, he made claims over the disposal of the product of his private labour.²⁴ People first recognised a private right to the product of labour. It was then transferred to the exchange of land itself. This was a natural right existing prior to its confirmation in positive law. Evidence of positive law protecting natural rights entitled Millar to infer that a tribe had a division of labour and a knowledge of commerce and manufactures. There was no evidence of this in early Irish society.²⁵

Millar thought there was a general transition from collective appropriation to private property in land. Conjectural reasoning would make this apply to the Irish. Irrespective of Henry's conquest, it was probable that a change in succession from chief to eldest male relation to that of father and son would have occurred. Millar found evidence of this change in the histories of England, Scotland, France and Germany. Millar had theorised the transition in his lectures and *The Origin of Ranks*. In these works, he reasoned conjecturally from a large stock of testimonies on customs and manners, notions of property and private and public law to the four occupational stages in the knowledge of the arts necessary for the acquisition of property.²⁶

Millar's final two inferences were the following. He inferred a knowledge of commerce and manufactures from changes in customs, manners and law. Conversely, he inferred changes in customs, manners and law from the knowledge of commerce and manufactures. During Henry VIII's reign, the Irish adopted Poynings' law. Subsequent monarchs extended English jurisprudence to Ireland. As a result, "considerable advances were made in agriculture and even in manufactures" (*RGI*,38). By the reign of Charles I, the Irish had established their own linen manufactures (*RGI*,39). Commerce and manufactures inspired a spirit of freedom and independence amongst the Irish. They exerted this spirit in a campaign against laws favouring

²⁴Thus "every one is desirous of employing his labour for his own advantage, and of having a separate possession, which he may enjoy according to his own inclination" (*OR*,157).

²⁵The individual's natural right to private property in the product of his labour exists prior to the appropriation of the land. It is used to explain both the "joint property of the tribe" and its break up (*OR*,n155). Public utility confirmed the justice of this arrangement.

²⁶See especially *OR*, 140-175. Also chapter eight.

English manufacturing interests. This change in Irish customs and manners eventually removed "every remaining obstacle" to independence (*RGI*,66).

Millar's essay also included a refutation of the proposition that the Irish constitution was subordinate to that of the English. Millar upheld the independence of the Irish constitution on historical grounds. Hume's philosophy clearly influenced his argument.

Empirical evidence of Irish independence lay in the relationship between the Irish parliament and the English crown. The date of the origin of the parliament was "uncertain" (*RGI*,5). The crown called parliament "for the same purposes with that of England" (*RGI*,6). It was constructed along the same lines. It had two houses and carried out similar kinds of tasks. It had similar powers. Millar remarked that members of the Irish parliament thought of themselves as having an "independent authority" from their peers in England (*ibid*). Referencing Leland's *History of Ireland*, he noted that, during the English "Wars of the Roses", the Irish parliament declared "its own legislature" as the only government (*RGI*,19).²⁷ From the Irish parliament's first adoption of English law when Poyning ruled as lord-deputy, Millar inferred that it possessed "an independent legislative authority". It had powers to reject English law as well as to accept it. This testified to "the exertion of independence upon the part of Ireland" (*RGI*,22-23). Millar noted that the Irish commons refused subsidies, and objected to taxes imposed by Charles I. The Anglo-Irish landowners had "caught the enthusiastic love of freedom" from their English counterparts (*RGI*,40-41).

Using conjectural reasoning, Millar thought it was improper to reason from exceptional examples of "usurpation or inadvertency". There were very few incidences of English legislation imposed on Ireland. "The independence of the Irish legislature is to be inferred from the general tenor of proceedings" (*RGI*,58). The Irish parliament had always asserted its independence over taxation. It had rejected and amended money bills in 1690 and 1709. This independence persisted despite the crown's attempts to influence and frustrate matters. During the Tudor reigns, the parliament could not introduce bills of its own without the crown's permission. Debating the "heads of a bill" proposed by the crown, it successfully evaded this measure. It thereby ensured that opposition was well known.

²⁷Leland T. (1773) *The History of Ireland from the invasion of Henry II*, 3 vols. London. Thomas Leland (1722-85) was an Irish Protestant historian who "consciously intended to be the Irish equivalent of Hume, Robertson and Voltaire. He declared in the introduction to his history that 'the Irish have no philosophical historian'." See Kidd C. (1994) "Gaelic Antiquity and National Identity in Enlightenment Ireland and Scotland." *English Historical Review*, Nov. 1197-1214. (1208).

6.5 Acquiescence and Utility

Millar's argument for Irish independence relied on a notion of consent. Private and public utility determined whether people affirmed or withheld consent. Like Hume, he conceived of consent as customary acquiescence to government. The use of force, for example, required acquiescence. If legislation failed to conform to the interests and needs of a people, utility would eventually overcome habitual submission. People would refuse to acquiesce. The history of England showed that refusal turned into violent resistance.²⁸

This idea of consent is central to Millar's conception of an impartial account of history. After reviewing the party opinions of the "English lawyers" and the "friends of Irish independence", he stated:

"The nature of the Irish constitution, therefore, is to be inferred, not from the force used by England, but from the *acquiescence* [my emphasis] of the people after this force was withdrawn, and when they could be supposed to have a free choice."
(*RGI*,56)

Hume had observed that force and conquest without "pretence of a fair consent" (*OC*,471) had brought into being modern governments. Consent was confirmed *post hoc* by a "sense of the advantages resulting from peace and order" (*OC*,468). Modern governments were therefore consistent with the denial of political liberty. For example, if law safeguarded the personal liberties of individuals' pursuit of their private interests, then conquest by an absolute monarch could be consistent with civil society. Such a government secured consent because of the advantages individuals gained from submitting to laws. Acquiescence to absolute monarchy was conditional. It held as long as laws enabled rather than impeded efforts to accumulate property and promote productive industry.

Millar, like Hume, did not deny that conquest could bring these advantages. If the conquered saw conquest in their interests, acquiescence was secure. By this criterion, Millar judged Henry II's conquest a failure. Henry's conquest did not implant laws protecting private property for the whole of the Irish. It rather served to hold the progress of the arts back. The conquered gained nothing from it but a prolonged absence of the "peace and tranquillity" needed for improvement.

At a later date, Millar thought submission to English law was advantageous to the Irish. The Irish submitted voluntarily to English law to gain greater security and

²⁸Millar upheld the right to resist oppressive governments on the grounds of public utility. Public utility was the "general happiness of the human race". Resistance rarely happened "without violence and bloodshed" (*HV*,3,438-439). The appeal to universal human happiness is consistent with his views on free trade.

freedom. English law was more advanced. The Irish could therefore pursue the development of the arts, protect their property, and achieve the satisfaction of ends determined by their private interests. English law secured the property rights of those Irish who wanted to spend their labour profitably on the land, in manufactures or in trade.

Thus voluntary acquiescence informed Millar's account of Irish acceptance of the suppression of their ancient customs.²⁹ Millar remarked that:

"By this reformation, people of the lower ranks were protected from those numerous exactions, which their superiors had formerly imposed upon them, and began to taste, in some measure, the blessings of security and freedom. The inhabitants were thus comforted for the loss of their barbarous usage's, by the evident advantages resulting from the new regulations; and if they were denied the privileges of plundering their neighbours, had, in return, the satisfaction of being less exposed to theft and robbery, or to personal injury. The change at first, was probably not relished, but it could not fail in time to become palatable. It resembled the transition from poverty to riches; from hunger and hard fare, to plenty and delicacy." (*RGI*,35)

The advantages enabling individuals to move out of poverty and acquire wealth confirmed the utility of these laws. Once the Irish recognised this, Millar thought they submitted voluntarily to the destruction of their old customs regarding property.

On the English side, the self-interest of the sovereign motivated law promoting the arts in Ireland (*RGI*,39). The Irish now had the opportunity of acquiring wealth generated by agriculture, industry and commerce. Utility held the coincidence of interest between the crown and people together.³⁰ This broke asunder as England's mercantile class grew stronger. By the time that "Ireland came to be in a condition to push her trade and manufactures, she was checked by the mercantile regulations of the English government" (*RGI*,52). The English government treated Irish manufactures in the same way as colonial American manufactures. The "Irish were prohibited from exporting wool or woollen cloth" (*RGI*,53). As the perception of a shared interest with the British crown changed to its opposite, the Irish withdrew acquiescence.

²⁹This was achieved by the thirty two county system of sheriff courts during James I reign. See also Davies' application through these courts of the natural law doctrine of conquest right, an "imperial formula" that "set the pattern for colonial expansion elsewhere". Pawlisch, *Sir John Davies*, p13.

³⁰The coincidence of interest between crown and people formed part of his general theory of the progress of government. Millar mentioned two tendencies of commerce and industry: firstly to increase the power of the crown and secondly to increase the liberty and independence of the people. See *OR* chapter five, and discussion of the two tendencies in chapter eleven of this dissertation..

6.6 Economic and Juridical Interests

Confirming the Irish parliament had always been independent of England, Millar wrote:

"the effect of old usage must be limited by considerations of public utility, and that the most universal submission of a people, however long continued, will not give sanction to measures incompatible with the great interests of society." (*RGI*,58)

These interests were economic as well as juridical. The "great interests of society" determined legislative changes encouraging free trade. They dictated an explosion of the English merchants' and manufacturers' monopolistic trading interest. Competition on a world market needed legislation free from British state interference. The exclusion of the Irish from trade with English colonies was an injustice. It robbed the Irish of the "fruits of their industry" and condemned them to poverty and slavery (*RGI*,61). Millar explained the Irish threat of armed insurrection by public utility. The Irish argued they needed free trade to develop their industry like every other nation. During the war of American independence, the Irish formed a volunteer citizen army to defend Ireland from the threat of French invasion. Ireland used this army to "procure the redress of her grievances" (*RGI*,64). The Irish wanted free trade not only with British colonies but with other foreign countries. They argued that free trade was the only way that Ireland would be saved from "impending ruin" (*RGI*,65). Under the pressure of an Irish parliament withholding taxes and Irish determination to use every means to "assert their liberties" - thereby spreading "an universal panic over Great Britain" (*RGI*,66) - the British were forced to grant free trade and the repeal of jurisdiction over Ireland.

Hume had argued that free trade was consistent with the interests of society. Every nation had an interest in the development of international commerce - in doing away with those "numberless bars, obstructions, and imposts, which all nations, and none more than England, have put upon trade."³¹ If one country increased its wealth, this increase, he argued, was to the advantage of every other. Free trade stimulated industry, and industry improved the mind. This brought civilisation in which the "feelings of humanity" flourished.³² Millar agreed with Hume that commerce established a "constant and permanent intercourse of nations" (*LG1771*,264). Moreover, he argued that state interference in economic activity was harmful. Government intervention hurt the "commercial machine". It tended to divert capital

³¹Hum D. (1748) "Of the Balance of Trade." In *Essays*, Miller (ed.) p324.

³²Hume D. (1748) "Of Refinement in the Arts." In *Essays*, Miller (ed.) p271.

into unproductive channels. It was best to leave people alone to pursue "those lines of trade which they find most beneficial to themselves" (*HV*,4,328).

Millar's "great interests of society" were therefore identical with the interests of a commodity owning subject of experience. The social recognition, real or imagined, acquired with wealth motivated the commodity owner to engage in economic activity. Surplus accumulation was the means to this end. Surpluses were useful for favour and influence, to spend on the luxury commodities the market supplied, and to spur others into productive economic activity. According to Millar, surpluses were at first accumulated by hoarding, saving and luck; then by exchange and hire. Once some individuals had acquired a surplus through saving the "fruits of their labour", they were motivated to exchange it.³³ The development of a world market entailed that there was a greater opportunity for a majority of the population to buy and sell commodities, hire out their labour, and become wealthy. The utility of the market and of legislation that protected and promoted it was therefore self-evident to every subject of experience.

³³See chapter six.

Appendix Two:

The Lectures on Private and Public Law

Millar's appointment to the Chair of Civil Law at Glasgow took place in 1761 when he was in his mid-twenties. This appointment coincided with the last two or three years of Smith's lectures. He was employed to teach civil law, canon law, feudal law and Scots law.¹ Lehmann remarks that the teaching of canon law had been "jealously guarded by the divinity interest".² The Chair in Civil Law had been established in 1714 in order to distinguish the teaching of the former from canon law. There is no evidence that Millar taught canon law.

(a) The Lectures on Justinian

It seems likely that Millar's first lectures were not on government but on Roman Law (*OR*, xix-xxi). For these he used J.G. Heineccius's textbook arrangement of Justinian's Institutes: *Elementa juris civilis secundum ordinem Institutem*, (Amsterdam, 1725). There are ten sets of student notes of these lectures in Glasgow University Library, the National Library of Scotland and Edinburgh University Library. These are consistent in content with each other and according to Haakonssen "stem fairly directly from Millar's own notes".³ The earliest of these were dated 1777-8. This was more than fifteen years after Millar started lecturing on the subject.⁴ The set I decided to use is a copy of notes of lectures given in 1789 (MS Gen 812-4). This is a copy by Alexander Dunlop Jr., dated 1816. It appears to be a copy of a copy. Throughout, Dunlop added his own comments to the text prefacing them with his initial, "D". However, he also copied out the comments of the original unnamed copier whose initial was "B". The fact that Dunlop took so much care to copy B's comments shows that he was a faithful and accurate transcriber.

Millar took over the Chair of Civil Law in 1761 from Hercules Lindesay. Lindesay lectured to no more than four or five students.⁵ Craig mentioned that Millar thought that his predecessors' method of teaching the Institutes "tracing, with the utmost accuracy and tedious erudition, the exact line of Roman Law" (*OR*, xx) was a waste of time. He therefore decided to devote half of the teaching session to a new course of

¹Cairns J.W. (1988) "John Millar's Lectures on Scots Criminal Law", *Oxford Journal of Legal Studies*, 8, 364-400, 367.

²Lehmann, *Millar*, p21.

³Haakonssen, *Natural Law*, p158.

⁴Cairns, "Lectures", 374, n47.

⁵Lehmann, *Millar*, p19.

lectures. These focused on general principles that influence the positive law of every particular country, and "have their origin in those sentiments of justice which are imprinted on the human heart" (*ibid*). The lectures were therefore divided into two parts entitled "first course" and "second course". The second course was the "new course" Craig referred to. The first course consisted of sixty-five lectures in which Millar confined his discussion to the sequence of topics laid down by the Romans following the distinction between rights and actions and the division within rights between personal and real rights.

It would be a mistake, however, to think that his presentation of each topic was tediously erudite or lacking in any references to general principles. For example, in the two lectures he gave on occupancy in the first course (*LJI789*, vol.1, lecs. 23-4, pp46-7), he summarised views developed further in the seventeen lectures he gave on property in the second course (*LJI789*, 1, 18-34, 47-150). Thus he referred to the right of the first possessor founded on "the principle of Humanity" that led individuals "to relieve the distress and sufferings of their fellow creatures and independent of particular connexions, produces a desire to relieve in proportion to the greatness of the distress" (*LJI789*, 1, 23, 46). Millar observed this principle working in the mind of an impartial spectator. It inclined the spectator to judge in favour of the first possessor through a sympathetic identification with the hardship the first possessor had suffered in acquiring the object of possession; with the possessor's feelings of attachment; and with the expectation of feelings of pleasure evoked when the possessor thought of how the object could be used. Moreover this right was subsequently confirmed by "considerations of Utility", in particular how the right encouraged individuals to work hard in order to satisfy their subsistence needs. The combined operations of pre-reflective universal human sentiment with post-reflective rational calculations of utility informed all of Millar's discussions of rights and corroborate Craig's opinion that Millar was happy to combine Hume's and Smith's moral theory - in this case Hume's theorisation of justice as a virtue confirmed by utility combined with Smith's theorisation of justice as a virtue arising out of the reactions of spectators (*OR*, xxvi).

The second course of lectures consists of forty-seven lectures divided into seven lectures on ethics and jurisprudence; six on the rights of individuals as husbands and wives; one on their rights as parents and children; three on the rights of masters and slaves; one on guardians and wards; seventeen on property rights; three on contract and quasi-contract; six on criminal law; and three on actions. The first seven lectures consist of a short natural history of moral and legal philosophy. The latter are reprinted in appendix three of this dissertation.

(b) The Lectures on Government

Little is known of the content of Millar's lectures until ten years after his appointment. The earliest copy of student lecture notes is a copy of Millar's lectures on government "Extended by George Skene" in 1771 (MS 99, Mitchell Library). I have used this copy as a source for this dissertation. There are various later student copies of Millar's lectures on government in the Special Collection of Glasgow University's Library. These include copies by Alexander Campbell (1783), James Millar (1787-88), William Rae (1789) and David Boyle (1790). John Cairns suggests that it was customary for law students to establish a trade in copies of professors' lecture notes. He remarks that it was likely that copies of Millar's notes, either in the form of written transcripts or student notes from auditing, were sold and bought by students.⁶ There are few obvious differences between the later copies. Of these, I decided to use the one with the greatest authority - the set taken by Millar's son, James (MS Gen 289-91). Cairns states that it is likely that James Millar transcribed these notes "perhaps acting as his father's amanuensis, as an act of filial piety".⁷

Although this later copy tends to follow the sequence of topics found in Skene's 1771 plan, there are differences in presentation and content. Both copies are divided into three parts. The first part covered the origin and progress of government in general (*LG1771*,1-60 & *LG1792*,1-16,1-160). This is the part Craig described as Millar's "theoretical" history of government: a form of historiography that made no "reference to the history of particular governments" (*OR*,xlv). The second part covered the origin and progress of particular governments. These are, in the following order, the governments of Athens, Sparta, Rome, France, Germany, England, Scotland and Ireland. It concluded with lectures covering Christian ecclesiastical government. Millar discussed all these particular forms within the general perspective he developed in the first part (*LG1771*,61-237 & *LG1792*,17-37,161-243). The third part covered the nature of the British constitution in the light of the 1688 settlement. Millar discussed the powers of parliament, the national debt, the powers of the different branches of parliament, the prerogative, and judicial power in England and Scotland (*LG1771*,238-337 & *LG1792*, 38-51,1-100).

The differences in presentation between the two copies are the most clearly noticeable. Skene's copy is handwritten in continuous prose. Each lecture reads like a well-composed student essay. The main text is on the right side of the manuscript. On the left, Skene added the occasional note or comment. This was prefaced by a diagonal cross-mark. The latter corresponded to a similar mark at the end of the sentence to

⁶Cairns, "Lectures", 369, n32.

⁷Cairns, "Lectures", 370, n33.

which it referred or was an addition. The mode of presentation of Skene's copy suggests that his "extended" version was written from notes he made in class.

In contrast, the text of each lecture of James Millar's 1792 copy was broken up by numerically ordered sections and sub-sections. Some of these sections have titles. Other sections have no titles. Some of the titles are underlined. Other titles have no underlining. Comments, additional remarks and examples were included within the main text of the manuscript. In some places addenda were bracketed off. In other places they are introduced by diagonal cross-marks or the symbol similar in shape to the criss-cross used in the game of noughts and crosses and now used to refer to number in general. Moreover various words in sentences in the text are underlined for emphasis. These would be useful in attracting the attention of a speaker. They make little sense to a reader. The underlined emphases suggest that the later copies were written transcripts of the notes Millar used for teaching purposes. If so, it is difficult to imagine that Millar would not have given permission for at least one of his students to have copied his notes. Perhaps this is a good reason why the later copies are almost indistinguishable.

The differences in content are what might be expected in a lecture course that develops through time. The 1792 copy shows that Millar's approach grew in confidence. Millar illustrated his lectures with an increasing number of examples. This reflected the growth of the relevant literature. For example, in the 1792 copy, Millar recommended his students read Polybius, Tacitus, Voltaire, Robertson, Hume and Priestly for an understanding of history; and Temple, Sydney, Locke, Harrington, Hume, Montesquieu's *Spirit of the Laws* and Smith's *Wealth of Nations* for an understanding of "the science of government" (LG1792,1,7-9). In Skene's 1771 copy, Millar recommended his students read only Temple and Locke on government (LG1771,59-60). Millar referenced Sydney and Locke as examples of whigs who explained ranks by utility (LG1771,5). Millar recommended Montesquieu for his account of commerce; Harrington and Robertson for their accounts of the effects of commerce on property; and Charlevoix, Lafitau, Tacitus, Caesar and Bossuet for their descriptions of non-commercial peoples. Millar did not mention Hume as a contributor to political theory. Although Millar referred to Hume's history in the second part of the course in his review of the history of English government (LG1771,173, on Charles I's character & LG1771,178 on the authority of Cromwell's rule), he did not recommend him as a historian either. Smith's absence can be explained by the fact that in 1771 he had, of course, yet to publish *The Wealth of Nations*.

There are three possible reasons why the recommended reading differed. The first is that the 1792 copy shows that Millar decided to start the first part of the lecture course with an introductory lecture titled "Preliminary Observations" (LG1792,1,1-13). This lecture not only outlined the structure of the course, but also prefaced the

latter with discussions of the distinction between public and private law, a brief statement of aims and methods, and a twofold classification of relevant literature: historiography and political theory. The former divided historians roughly into two stylistic groups: those who had given a narrative or biographical account of events, and those who had "produced a more scientific method" (LG1792,1,7). The latter had written about customs, manners, and laws; arts and sciences; and commerce and manufactures separately from the narrative of events. Millar's recommended historians fell into this second category. Millar described Montesquieu and Smith as having written natural histories of government. He implied that their work not only exemplified a scientific method of historiography but also contained insights derived from the political theorists he recommended such as Locke, Temple, Sydney and Harrington.

In contrast, Skene's 1771 copy shows that Millar's first lecture took his students straight into a discussion of the two principles of government. Millar took these, authority and utility, directly from Smith's lectures. Millar identified the literature he considered important for students to study only at the end of the first part of the course. He recommended literature briefly at the end of his last lecture on the decline of nations (LG1771,59-60). The recommended literature seems to have been mentioned as an afterthought. It is as if he had been prompted into it by his students. Millar made no mention of styles of writing, methods or aims, and stated that he found "a great difficulty in recommending any in preference to the rest" because of "too great a number" (*ibid*).

The second reason why the recommended literature might differ depends on whether Skene's copy is of lectures Millar gave before the publication of *The Origin of Ranks* in 1771. There is no mention of the book in Skene's copy, whereas the 1792 copy references it as an authority on familial government (LG1792,3,35&37). Millar used Charlevoix, Lafitau and Bossuet as sources of information on Native Americans, Tartars, and Africans throughout *The Origin of Ranks*. There was therefore no need to make a special mention of them in subsequent lectures. Besides, Lafitau was a missionary and, although an important source for historians, his descriptions did not constitute any particular style of historiography. The importance of the accounts of missionaries and travellers for the new scientific writers of history was that contemporary observations appeared to agree in content with observations made by ancient writers such as Tacitus. In Skene, Millar therefore warned his students to ignore Lafitau's "disquisitions regarding the existence of the Catholic religion" (LG1771,59). They could ignore them altogether once they had access to a copy of Millar's book.

The third reason depends on whether Skene's copy, as seems likely, was based on class notes, in which case he could have failed to record literature Millar mentioned. Perhaps this might explain the noticeable absence of any recommendation of Hume.

Comparing the differences between Skene's 1771 copy and the later 1792 copy further, in the first part of the course Millar expanded the earlier comments of the effects of commerce on morals (*LG1771*,32-33 and footnote) into a separate lectures (*LG1792*,9,83-85). In Skene, Millar's comments on the topic took place at the beginning of a lengthier discussion of the effects of commerce on government. Millar confined them to short remarks on the improvement of honesty and justice and destruction of generosity and fidelity in a commercial society. He followed these remarks with an observation of the state of manners in the Highlands before it was "associated with" the Lowlands. Millar illustrated the absence of any notion of justice amongst rude peoples in a long footnote which recalled how "before property comes to be established" the Highlanders did not consider it a crime to steal from Lowlanders. Millar made mention of a recent "famous" example of this "in the year 1745 - a Highlander who notwithstanding of all the promised rewards kept the Pretender concealed in his house - was soon after taken up for stealing a horse." Millar expanded this story, informing the reader that the Highlander was tried and sentenced to capital punishment in Inverness, in the sixth essay of the fourth volume of *Historical View* (*HV*,4,240).

In contrast, lecture nine of the 1792 copy (*LG1792*,9,83-85) reproduced topics addressed in parts of the later essay. This was *The Effects of Commerce and Manufactures, and of Opulence and Civilisation, upon the Morals of a People*. (*HV*,4,174-265). The lecture started with a criticism of Rousseau who dealt with the topic "with more declamation than cool examination" (*LG1792*,9,83). This compares with Millar's introduction to his essay in which Millar classified Rousseau along with those moral writers who "in declaiming against the vices of their own times, have been led to exalt the merit of distant ages" (*HV*,4,174). Millar then addressed the different effects that commerce had on justice: how its utility is more easily recognised, how education and laws are used to reinforce justice, and how habits of honesty become needed amongst trading peoples (*HV*,4,236-239). He went on to contrast the morals of rude with polished nations, giving reasons why in the former period traders were "the most dishonest" - because they were despised and because there was no way of detecting fraud in the absence of a developed market (*HV*,4,241-245). He considered the unfavourable effect that commerce had on generosity and benevolence; how avarice and ambition arose out of the pursuit of wealth; and how competition gave rise to "envy, emulation, and selfishness" (*HV*,4,246-251). He concluded with the effect that wealth generated by commerce had on the pursuit of "the excesses of sensual pleasures". He contrasted the sexual modesty of savages with the conspicuous

"voluptuousness" of the wealthy, and described how the indulgence of bodily pleasure co-operated in strengthening selfishness and avarice (*HV*,4,251-252).

Millar therefore developed the topic from a few remarks at the beginning of a lecture on the effects of commerce on government in Skene in 1771, to a lecture devoted solely to the topic by 1792, to the content of a third of a substantial essay by the time of his death in 1801. Craig commented that Millar's lectures contained "digressions" into "speculations on Manners, on National Character, Literature, and the Fine Arts" intended both to "awaken curiosity, or illustrate the general principles of his theory" (*OR*,xlili). These "principles" were explanatory in intent, Millar discussing first the effect of commerce and wealth on morals and manners, then the combined effect of both commerce and commercialised morals and manners on government.

The final difference that points to a development of Millar's thought in the lectures is a "digression" found in the 1792 copy that has no mention in the 1771 copy. This is an additional lecture on the effect of commerce on "Manners, Temper and Deportment of Mankind" or "The behaviour and disposition of mankind in things where morality is not concerned" (*LG1792*,10,87-98). In this lecture, Millar compared the expression of emotions of people in "rude nations" with those of people in "polished nations". He classified these into "Reserve or Frankness", "Sensibility and Vivacity" and "Modesty and Vanity". He also considered "Eloquence" and "Humanity" and concluded with a review of comic literature from Aristophanes to Fielding and Smollet. He explained the growth of humorous literature by the "variety of characters" brought into being by a division of labour typical of a commercial society. The content of the second part of this lecture was reproduced in a lengthier form at the end of the second part of the eighth essay of the fourth volume of *Historical View*. He titled this *The Gradual Advancement of the Fine Arts - Their Influence upon Government*. Part II of the essay titled *Of Dramatic Poetry* reproduced the content of the earlier lecture (*HV*,4,365-375). In both the lecture and the essay, Millar explained the superiority of English comic literature over that of the French by the more advanced economic social relations found in England. These produced a "multiplicity and diversity of characters" for "humourous exhibition" (*HV*,4,357&370).

There is no indication from a comparison of the two sets of notes that Millar changed his method of theorising government. Both are united by the same doctrine. The above discussion shows how Millar, starting with conjectures on the effects of commerce on government, was led to further conjectures on its effects on morals, manners and literature. It suggests that the differences between the early 1771 lectures, the later 1792 lectures, and the final content of *Historical View* were in presentation and the development of topics. All were unified by the same conjectural method.

Appendix Three

Lectures 1-7 of the "Second Course" of *Mr. Millar's Notes on the Institutes of Justinian according to Heineccus - Glasgow 1789. By Alexander Dunlop Jnr. 1816.*

(Ms Gen 812, Vol. 1, pp.101-136, Glasgow University Special Collections)

This handwritten copy is to be found in the last part of volume one of a three- volume copy of Millar's lecture notes (Ms Gen 812). There are two sets of footnotes: the first by "B" the second by "D". These were both written on unnumbered facing pages to the ones that contain the main text. It is likely that the latter were made by Dunlop and that he reproduced the footnotes by B from another copy. D's footnotes have a more critical content and tone than B's. The latter tend more to comments illustrating or expanding on the main text. I have marked B's footnotes with an "*", and D's with a "@". I have changed some of the numbering of sub-sections. The order of these was often unclear. Where they did not add to the meaning of a sentence or phrase, I have also decapitalised most of the nouns and removed most of the dash marks. Page numbers are included in the text at the point where they occur in the copy.

Lecture 1 [p.101]

Preliminary observations concerning Ethics and Jurisprudence

Every man understands the difference between virtue and vice. Some actions we approve of, others we condemn. Everyone approves of a grateful return for a good action. Ingratitude and treachery on the other hand create universal disgust. We are sensible of the difference between justice and other virtues. The practice of justice may be enforced, but it would be unreasonable to force a man to be generous or grateful. Hence the difference between Ethics and Law; the latter is a branch of the former.

Of the manner in which the study of Ethics has been conducted.

(1) The distinction of virtue and vice must have been early observed in society. Among the rudest and most barbarous people, those who display courage, fidelity, and disinterested attachment, will be loved and esteemed.

Those who discover the opposite qualities will be hated and despised. As men therefore are extremely solicitous to procure the esteem of each other, they naturally

endeavour to possess those qualities by which it is to be acquired, [p.102] and we are continually vying with each other, in the display of our virtues. Hence the distinction between the virtues and the vices, which takes place in every community becomes an object of universal attention.

It is natural to expect that in consequence of this, particular persons of experience and sagacity, would make observations with regard to the conduct of life and introduce a number of moral maxims, which gaining reputation, would be inculcated by the old on the young, and by being usually recommended by every father to his children, might be communicated to a whole people.

Hence the origin of proverbs of which there are some remains in every nation, but which are usually very numerous in early societies.

They are often expressed in rhyme, or at least contain some antithesis or point of expression, which rude people are apt to admire.

We have also many collections of moral maxims made by particular persons which seem to go beyond the common proverbs of a country. Such are the writings of Soloman - the words of Aqvi [?] - The wisdom of the son of Seioch [?]. The writings of Hesiod contain also a collection of maxims intended to direct mankind in their common concerns of life. [p.103] Of the same kind were the writings of the wise men of Greece, which have been thought worthy of being preserved. The fables of Aesop, and those which have come from the East are an attempt to illustrate these maxims.

(2) After a number of such maxims have been collected, people are naturally led to methodise them, so that they may be perused with pleasure, and easily retained in the memory.

One of the most considerable attempts of this kind, has been handed down to us from the Greek philosophers. All moral maxims may be reduced to two classes.

(a) Such as more immediately concern ourselves.

(b) Such as more immediately concern our neighbours.

(a) Those which more immediately concern ourselves are naturally reduced into three heads.

(i) The great source of misconduct is a want of proper attention and deliberation, in forming our judgement. We often determine ourselves rashly and hastily without being at proper pains to procure information, and we proceed to action upon a partial view, without calling up all the different motives which might have had an influence on our conduct.

[p. 104] The maxims and observations that tend to correct our conduct in this respect fall under one class. They recommend the virtue of prudence.

(ii) Besides the vices proceeding from rashness and inattention, there are others which arise from the irregularity of our feelings.

The two great motives to action are the love of pleasure or good and the fear of pain or evil.

With respect to the love of good; a pleasure which is near at hand, is apt to produce a much stronger effect upon the mind than one which is at a distance.

Thus men are often destitute of that self command, which enables them to sacrifice a present gratification, for a future one that is of greater moment.

By debauchery, for example, a man ruins his health and fortune.

The maxims which tend to correct such misconduct belong to one class. They recommend the virtue of temperance.

(iii) With respect to the fear of evil or pain, a present in like manner is apt to have too strong an effect, and to make us act so, as to view a greater future evil. The maxims on this head recommend the virtue of fortitude.

(b) The maxims which more immediately concern our neighbours may be reduced to one class, [p.105] the views in our conduct with regard to our neighbours, proceed all from one source; too great a degree of selfishness and too little benevolence.

The aim of all the maxims therefore upon this head must be to correct our feelings in this respect and to recommend what is called justice.

Such is the celebrated division of the virtues into those of prudence, temperance, fortitude, and justice.

This division commonly ascribed to Pythagoras has been brought by him from India (see Temple on ancient learning) [Sir William Temple 1626-99].

Lecture 2

Having made a general arrangement of the virtues, men were led to consider more particularly the nature of them; & to examine the circumstances in which they will agree with one another & and are distinguished from the opposite vices. That is wherein consists virtue. Upon running over the several virtues & vices, we find that the latter consists in the defect or excess in the wrong direction of particular feelings. Thus imprudence (so far as it can be called a vice) consists in the want of proper attention. Intemperance in the excessive love of pleasure, [p.106] or want of self-command in resisting an immediate gratification. Injustice is an immoderate selfishness or the defect of benevolence. Want of fortitude is the excess of fear, or the defect of strength of mind to support present evil.

From this view of the subject it seems reasonable to conclude, that all our feelings & desires are proper in a certain degree or direction, & that the improper degree or direction of them is what constitutes vice.

This conclusion is further confirmed by considering that the Author of Nature must have intended that all the affections, which he has bestowed upon us, should in some measure be indulged.

*According to this way of thinking virtue consists in acting according to nature, vice in the contrary.@¹

This was the opinion of Plato, Aristotle & Zeno.@²

When we examine the feelings of the human mind we can scarce fail to distinguish two different sets of affection; the selfish & the benevolent, which are continually exerted in opposition to each another.

Comparing these different affections together it appears

(1) that the praise bestowed upon the benevolent is always out of all proportion greater than what is bestowed upon the selfish [p.107] (2) that the latter are the cause why the former are not properly exerted.

Taking virtue to mean what is the object of considerable praise,@³ it appeared to some philosophers, that this quality belongs only to the benevolent actions.

This was the opinion of the latter Platonists or Eleatics (who began to figure about the end of the 2nd century) & of Mr. Hutcheson.

It is to be observed that according to their opinion, prudence, temperance & fortitude are only valuable, as they contribute to the good of society.

Epicurus held on the other hand that all affections are at bottom selfish.*⁴

(1) Upon an examination many actions apparently benevolent are in reality derived from self love.

(2) *Every object it seems arises from a certain desire, which is the obtaining that which gives pleasure.*⁵

To this philosopher therefore & his followers, virtue, of consequence, appeared to consist in a prudent exercise of the selfish affections (see Cicero de. fin.).*⁶

¹*Under the feelings or desires which are virtuous, we must comprehend not only such as excite us to a good action, but such as were produced by reflection upon it - by the notion of excellence & propriety in our own conduct, & of procuring it the love and esteem of others - B.

@This however implies perfection in our nature & our natural feelings - D.

²@Certainly not of Zeno who recommended the almost total subversion of all the passions or feelings - D.

³@This is certainly a false criterion & great praise is often given to great ambition & great feeling on receiving insults accompanied with revenge - D.

⁴*This opinion tho' not strictly true is founded upon an exaggeration of certain real appearances, and may have a good effect by fixing our attention upon the higher class of virtues. - B.

⁵*Our deception in this particular is much more extensive than we are apt to be aware of. (1) We have an interest to impose upon others by the possession of benevolence. (2) By so doing, & by a species of self-flattery we are led even to impose upon ourselves - B.

*This leads to a piece of sophistry by which the present question is evaded - Every feeling by which the good of others, becomes an ultimate source of pleasure - is properly benevolent - B.

⁶*This opinion not only erroneous but pernicious - B.

These are the most noted opinions upon this question, which has been entertained by philosophers.

The forgoing question, of what constitutes virtue leads to an enquiry concerning the influence of virtue upon happiness. [p.108] In recommending the practice of certain moral virtues, it is to be supposed this circumstance would not be overlooked, from whence an inquiry into the summum bonum might be apt to arise. In considering what is the summum bonum, it seems reasonable to conclude-

(1) that the gratification of all our desires is pleasant so far as they are not inconsistent with each other. (2) In order to obtain such gratification, the exertion of the active powers of the mind is frequently necessary (a) in selecting proper objects (b) in steadily pursuing them.

This exertion gives pleasure, (i) by raising our attention to the agreeable object, & therefore encreasing its apparent value. (ii) By suggesting the idea of our own excellence (iii) By procuring the esteem of others.

Virtue consists in selecting the proper objects of desire, & in acting properly, that is in making suitable exertions, in order to obtain them. But this, tho' it frequently does, will not always procure the actual gratifications in view. Prudence does not always secure us from mistakes. Temperance does not always secure health & happiness- Fortitude does not always overcome danger. Justice does not always preserve from fraud & oppression.

It would appear then that happiness consists not merely in acting properly in order to obtain the proper objects of desire, [p.109] but in such acting together with the obtaining of these objects. This was the opinion of Aristotle & his followers.

With respect to these two sources of happiness, the acting & and obtaining the primae naturae. The former appears out of all proportion greater than the latter. The former will support the mind in most cases without the latter, but the latter can by no means do so, without the former. When a man by a proper degree of activity, preserves the vigour of his own mind; when he is conscious that he has the approbation of his own heart, & that he deserves the esteem of others, he may be able to bear most of the evils of life with some degree of tranquillity, more especially when he considers, that the more trying the situation in which he is placed, he merits the greater approbation, if he behaves in it with propriety. And also when he joins this religious consideration, that what he suffers is only a partial evil, intended to promote the greater good of the whole. If on the contrary a man is conscious of being a villain; if he is conscious that his conduct exposes him to the contempt, or draws upon him the resentment & indignation of mankind, and that he deserves to be the object of those feelings, it is impossible to suppose that he can enjoy any degree of satisfaction. [p.110]

The more we reflect upon the subject we find more different views to confirm the foregoing observations. In considering this point we need not wonder, if some

philosophers have been exerted to a degree of enthusiasm, and have maintained that virtue alone constitutes the highest happiness. Such was the doctrine of the Stoics.

On the other hand Epicurus & and his followers viewed this matter in an opposite light. As we always act with a view to procure good or avoid evil, and as virtue consists in that cause of action, which tends to obtain the *prima naturae*, he supposed it merely to be valuable as the means to an end. So that according to this set of philosophers, happiness consisted merely in obtaining the *prima naturae*, that is pleasure or the absence of pain.

At the same time Epicurus admitted that the satisfaction which a man derives from the good will & esteem of others, is a primary object of desire.

The objections to this opinion are obvious.

(1) In acting to obtain any particular object, the pleasure is often greater than what arises merely from the end in view.

(2) The mind cannot enjoy a great number of pleasures, without some intervals of activity. These appear necessary in order to preserve a relish for any enjoyment, and without these, [p.111] the mind is apt to sink under that *tardium vitae*, so observable among those who are affluent & idle.

It is scarce necessary to take notice, that some of the followers of Epicurus supposed the *prima naturae*, to be ultimately reduced to bodily pleasure.

These are the chief opinions which have had any reputation with regard to this branch of Ethics.

Lecture 3

After these important inquiries, the attention of philosophers was turned to a more speculative point.

To examine those principles of the mind, by which we approve of virtue, or disapprove of vice; this inquiry does not seem to have occurred to any of the ancient sects of philosophers; unless perhaps we expect that of Epicurus, whose opinion with respect to other points, led to the consideration of this.

The opinion in modern times with respect to this question seems to have been, that we approve of virtue & conceive ourselves bound to the practice of it, from a regard to the will of the Deity. As an earthly governor establishes certain laws, which his subjects are bound to obey, so the supreme Being has established the rules of virtue, and our observance of them, [p.112] is incumbent upon us, as a contrary behaviour would be an act of rebellion against the Maker & Founder of the Universe.

This opinion seems to be liable to several difficulties.

(1) If we have no antecedent principle by which we distinguish virtue from vice, how do we, independent of revelation, discover that the rules of virtue are agreeable to the Deity.

(2) Upon what principle do we hold, that it is proper to obey the will of the Deity? If we have no faculty by which we distinguish right from wrong, we can only obey him from the hope of reward & and the fear of punishment.

It occurred therefore to some philosophers that there must be a real distinction between virtue & vice, arising from the nature of things, and discernable to us antecedent to our considering the will of the Deity as to this particular. That virtue was founded upon the relation of things, was held by Malbranche, & was afterwards supported by Cudworth. This point is particularly established by D. Clarke, who maintains that these are different relations or proportions of things from which arises their agreement or disagreement with each other; and that these properties or relations are perceived by reason & understanding. That there is a difference between virtuous & and vicious actions must be admitted. But it may further be inquired, [p.113] wherein this difference consists. When we attend particularly to this subject, I imagine we shall be convinced that the difference consists in this. Virtuous actions give pleasure to the beholder, and excite love, esteem, & other sentiments of a similar nature, towards the person who performs them. Vicious actions the contrary.

It would seem therefore that moral good & evil are distinguished ultimately from each other by certain feelings or sentiments which they excite in us, & unless we were possessed of such feelings & sentiments, we should never arrive at the knowledge of this distinction.

Reason & understanding is employed in discovering the fact whether we have such feelings or not. It is also employed in examining the several circumstances of an action, its tendencies & and connections, before it can be fairly prescribed to the mind, so as to call forth proper feelings with regard to it. And this seems to be the whole use of the understanding in cases of this kind.*7

Mr. Hutcheson seems to have been the first who established this point on a satisfactory manner. To this sentiment by which virtue is distinguished from vice, he gave the name of the moral sense, & and he supposed it to be a particular faculty planted in the mind

*7*Many authors have been willing to draw the following conclusion, from an apprehension that it is unfavourable to the stability of virtue. (1) That the present question relates to a matter of fact, to be determined by experience only. (2) That if the constitution of human nature is uniform with respect to the feelings which distinguish virtue from vice; the distinction will be stable and uniform. (3) Supposing the distinction between virtue and vice to be discovered solely by reason this would not exclude errors and diversity of judgement on this point; not to mention that the mere discovery of that distinction by reason, would be of little use, unless we had also certain feelings rendering virtue agreeable & vice disagreeable - B.

for this very purpose, [p.114] (as each of the external sense is given to us to distinguish particular external objects).

Dr. Butler agrees with Hutcheson, in supposing the principle of approbation to be a peculiar faculty, and gives it the name of conscience. This name is improper as it is used in common language only to apply to a man's own conduct.

The establishing of this great point which is now admitted by the greater part of the writers on Ethics may be looked upon as a considerable step in this inquiry.

After being satisfied that approbation is ultimately a matter of sentiment, it remains to inquire whether this sentiment be simple or compounded of several feelings & consequently capable of being analysed.

The latter opinion having appeared most probable to many acute writers, they have been led to attempt an analysis of the moral sense. And in doing this, the different tendency of virtuous & vicious actions has become a principal object of attention.

As virtuous actions have a tendency to promote the happiness, either of the actor himself or of others, & consequently of society they must upon that account [p.115] be agreeable to a spectator both from consideration of self-love & benevolence.

It is to be observed that it is the general & usual tendency of actions, not their accidental tendency in any particular cases, which stamps upon them their actual character, of beneficial or hurtful.

According to this view the effect is confounded with its cause, & the agreeableness of the one is communicated to the other. This is analogous to what happens with regard to the beauty of external objects. Ex. A rich field of corn. A well contrived machine or house are beautiful objects as objects of sight.@⁸

A different sentiment excited by a virtuous man & a useful machine, or any other useful object; the pleasure arising from the contemplation of the former produces love & affection which cannot take place in the latter.

Difference between the kind excited by a good understanding & by virtuous affections; the former may be directed to do either good or harm to society, the latter always is useful.@⁹

Difference also between the sentiment excited by the selfish & and the benevolent affections. The former please the spectator from his regard to the good of the person by whom they are excited. The latter please him from regard to his own good, [p.116] as well as the general good of mankind. This system is illustrated with great elegance & perspicuity by Mr. Hume.

⁸@Is a very fat son wallowing beside a cottage beautiful to the sight because it is very useful to the inhabitants? - D.

⁹@Too much kindness & indulgence is often very hurtful tho' proceeding from virtuous affections - D.

Objections to this system.

- (1) Actions seem often to be applauded or blamed before we reflect on their tendency & by persons who are very little given to reflect on that circumstance.
- (2) In many cases the applause or censure of actions is not proportioned to their good or bad tendency.

Generosity is less useful than the observance of promises but it is more applauded.

Lecture 4th

Without considering the consequences of actions, we are apt to regard them as proper or improper, according as they appear suitable or unsuitable, to the objects for which they have been produced.

Ex. Suppose a person is grave when he hears a good jest, & laughs when he is told of a real misfortune. Even the greatest virtues may be improperly excited. The sentiments of an individual are apprehended to be suitable or unsuitable to the objects by which they are excited, when they are agreeable or repugnant to the general criterion of human nature. We appear to have another standard of propriety. A man is apprehended to laugh out of place, when he laughs on an occasion when others are disposed to be grave. [p.117] This said to be imprudent, when he shows less respect to a company, than others do in like circumstances. Or to be a coxcomb, when he is more attentive to small accomplishments than is usual in ordinary behaviour. In these & similar cases, a spectator seems to disapprove of the sentiments exhibited on account of their deviating from what appears natural & without any consideration of their hurtful consequences.

As any remarkable deviation from the figure of the human being is called monstrous, so any remarkable deviation from the constitution of the human mind, is received in a similar light.

A person totally destitute of gratitude, of humanity who had no regard to veracity, who was void of spirit either to defend himself, or resent an injury, would appear equally a monster, as one born without the ordinary members of the human body.

Thus to aggravate a crime, it is common to shew that there was little temptation for it. To alleviate an offence, the contrary.

From the same principle what are called vices of nature excite greater disapprobation than would arise merely from their hurtful consequences.

(1) The approbation of what is agreeable to nature is supposed by some authors, [p.118] to be derived from custom.

(2) A late ingenious writer has supposed that it arises from the coincidence of our sentiments with those of others, which is the source of great pleasure. I am pleased

with your sentiments when by imagining myself in your situation I can sympathise with them.

I am pleased with my own, when I imagine, that others will sympathise with what I feel. Thus the sentiments of the cool spectator become in all cases the standard of propriety.

To excite high approbation it is not enough that actions are such as have a good tendency - they might also be exhibited in cases where such actions are uncommon & difficult.

A man is not much applauded for shewing prudence in very common situations, for abstaining from gluttony, for taking care of his family & even for acts of common charity & humanity. It should seem that moral approbation is affected by the same circumstances which influence our taste of beauty in external objects & in the fine arts.

(1) External objects are beautiful by exciting admiration, wonder & surprise.

These emotions are excited [p.119] (a) by simple objects which are great, new, or uncommon. (b) by complex objects which have uniformity & variety.

(2) Human actions may give pleasure by exciting similar emotions. (a) in the case of great or uncommon actions. (b) From the exact propriety of conduct established in a train of virtuous actions proceeding from uniform principles.

Jurisprudence. Lecture 5

Of the progressive inquiries of mankind concerning law

The distinction between justice so called, & the other virtues is apt to be very easily discovered. The man who does not take proper care of his own interest by exerting prudence, temperance, & fortitude; or who does not promote the happiness of others by the exertion of benevolence, is in a very different situation from him, who actually without provocation hurts his neighbour. The former may excite hatred or contempt. But the latter excites indignation and resentment.

(1) Benevolent actions are beneficial as well as suitable, to their causes. Malevolent actions are hurtful as well as unsuitable. The former excite love and a disposition to reward. The latter hatred & a disposition to punish. [p.120(a)]

(2) Injustice is the proper object of punishment. Resentment excites a stronger disposition to punish, than the feeling produced by benevolence to reward. The punishment of injustice may be extorted but the reward of benevolence cannot.

(3) The mere sentiment or affection is not the object of punishment, unless followed by action. (a) because it excites less resentment. (b) because punishment must be directed according to precise rules.

(a) When one man injures another, there naturally arises a dispute or quarrel between the two parties, who in the infancy of government must decide the controversy either by fighting, or by reference to an arbiter.

The more a people become civilised such references, become more frequent, the arbiter acquires more & more influence. The society endeavours to support his decisions, & he is at last invested with power of a judge.

When an arbiter or judge has an occasion to decide in such a case, he will consider, not what each of the parties, according to the most exact propriety should be disposed to do, but what with propriety, they may be impelled to do. [p.120(b)]

He will not require that either should increase the happiness of the other but that they should mutually abstain from doing hurt: or if either has already done hurt, by committing an injury, he will oblige the offender to make reparation.

In this manner law and ethics came to be distinguished. The latter made the subjects of moral maxims. The former of decisions by arbiters or judges.

When a set of judges have been introduced into a country, they may frequently give bad decisions from ignorance or conception. It may also happen that the general interests of society should require the establishment of certain rules of conduct, not determined by the natural principles of justice.

Hence a legislative power is established to direct & control the judicial. Thus a collection of laws may be introduced into a country, arising partly, from the ideas of justice in the judges, & partly from the interposition of the legislature.

(b) From what has been observed, it appears evident that law & ethics will be differently cultivated in every country.

(i) Law is the object of more constant attention than ethics. [p.121] Men are left at liberty to neglect or practice the latter. They are compelled by means of punishment to observe the former; & to enforce the observance the observance is the business of judges & legislators.

(ii) The rules of law are necessarily more accurate than those of ethics. When a man is commanded to follow a certain course of conduct, & and is punished for disobedience, it seems requisite that he should be distinctly & clearly informed what this conduct is. When he is advised to a certain course of action, it is sufficient that a general description of that course should be given. The casuists have attempted to provide rules for other virtues besides that of justice.

(iii) The rules of law are less apt to be methodically arranged than those of ethics. The former are collected by judges and legislators, who consider each point as it accidentally comes before them, and who have nothing in view but the practical use of each rule which they establish. The latter tho' intended for practical use, being collected by philosophers, are more immediately the subject of speculative reasoning & are digested in proper order.

Tho' a system of law is introduced by judges and legislators, it may afterwards excite the attention of speculative reasoners. [p.122]

The body of laws in a country whether private or public laws, must be an interesting object to the inhabitants, and philosophers may employ themselves in pointing out its defects & excellencies.

The system of law in no country ever approaches near to perfection. It is necessary that general rules should be established, which cannot be applicable to the endless number of particular cases.

Such observations on particular branches of law, are to be found in ancient & modern authors.

Such observations naturally lead to a comparison of the different systems of law established by different nations. It must happen, that some systems are in some particular cases, more agreeable to justice & more beneficial to society than others.

The observation of this, suggested the idea of delineating the general principles of justice, independent of the various systems established in different countries.

Hence what are called systems of jurisprudence. There are no attempts of this kind among the ancients, whose experience does not seem to have extended to a great variety of systems of law. [p.123]

Grotius is the first considerable author of this kind. He gives a delineation of the different rights of mankind & an explanation of the principles on which they are founded.

His facts are taken chiefly from the Roman system of law.

The same subject has been treated of by Pufendorf, Cumberland etc.

The authors upon jurisprudence have commonly taken up too much time in establishing the general principles of natural law & have been too sparing of illustration, by giving a detail of the varieties of justice. They have also frequently confounded ethics with jurisprudence.

Lecture 6

After attempting to delineate the general principles of law, the attention of speculative reasoners was turned to examine the causes which have produced admiration from those in particular countries.

The imperfection of every system, that is actually carried into execution, compounded with the idea of mankind upon the subject may always be expected. But the various & opposite deviations from justice in different countries seem to require a more particular account [p.124] than what occurs from the general imperfection of every human contrivance.

Many authors have supposed that the great diversity that occurs in the systems of public & private law among different nations, has arisen from the genius and character of early legislators.

The effect of this interference cannot be so great as has been supposed. A society must have been formed a considerable time, & consequently many customs introduced, before any person could have so much influence as to enable him to introduce a system of his own. His institutions will therefore naturally be founded on the customs already established.

He may carry them a little farther, but it is impossible that he can go contrary to them. For institutions contrary to the sentiments of the people could never be permanent.

When we examine the regulations ascribed to early lawgivers, we find them no more than the customs of the country a little methodized.

Others seem to think that it has been derived from the climate, & other physical circumstances.

This cause may operate two ways.

(1) The soil and climate in different parts of the world, may give rise to different sorts of application, & to different habits.

In many of the warm countries the soil is so fertile, as to produce sufficient food for the inhabitants, with little cultivation. It is besides more difficult to act with vigour in a hot country. These two circumstances naturally render the inhabitants of such countries inactive & lazy.

They are apt to be guided by the present impression & incapable of making any vigorous resistance to the feeling which is strongest in their mind. They are therefore slaves to their passions & we cannot expect that they should have great strength of understanding.

(2) Climate is also supposed to work immediately or insensibly on the temper & disposition.

Heat has a certain effect on the human body & it is supposed that it has a similar effect upon the mind. It tends to relax and weaken the body, & it is supposed without any intervention of moral causes - it has the same effect upon the mind.*¹⁰

¹⁰*Doubtful whether any such general effects can be ascertained.

(1) Courage in cold climates or temperate ones.

Heat relaxes & cold braces the fibres.

[It may be questioned whether the nations of hot climates are subject to inconvenient relaxation from heat.

Courage of the woman of Hindustan.

Savages in every climate discover little courage.

Rude nations are naturally courageous.]

Animal food supposed to promote courage.

Carnivorous animals.

Ans. [Carnivorous animals become fierce from their way of life. Game cocks granivorous.]

(2) Genius in warm climates.

Lecture 7 [p.125]

It has of late become a prevailing opinion that the chief differences in the public & private law of different nations may be deduced from the advancement of the people in the common arts of life. [p.126]

If we trace the history of any nation to its original, we find the people in a state of ignorance & barbarism.

There is a natural tendency in mankind to improve their circumstances; a capacity of exertion in order to acquire necessities & conveniences. Property is introduced & extended. Society enlarged. Connexions of Society multiplied.

The progressive improvements are attended with corresponding changes in manners, customs & laws. Making allowance for the different degrees of advancement, there may be discovered a wonderful uniformity in the systems of every nation.

Montesquieu was the first considerable author who accounted for diversity of laws, and customs, from progress of society.

On the same subject Dr. Kames & Dr. Smith.

From this view of jurisprudence several advantages may be derived.

- (1) It tends to a complete detail of facts.
- (2) It tends to conform the general principles of jurisprudence, That men in all ages and countries would adopt the same system [p.127] were they not prevented by a difference in circumstances¹¹.
- (3) It affords a pleasant speculation with regard to the improvement of the human mind.

Heat by relaxing the skin said to encrease sensibility - but unfavourable to the exercise of judgement.

Ans. [This effect relates only to the sense of touch. No mark of this in the genius of hot climates. Oriental imagination similar to Africans poems.]

Alacrity & cheerfulness produced from serene weather.

Ans. [This effect depends very much upon novelty.

Cannot be thought of very much importance.

Proceeds not from physical causes, but from pleasing sensations.]

(3) Drunkenness in cold climates.

Drunkenness said to the physical effect of the cold [rather effect of barbarism]

(4) Propensity of sex in hot ones.

May be accounted for from the fertility, & the indolent habits, experienced in warm regions - B.

¹¹@Then these circumstances may themselves be the causes of difference of systems, without taking into account the degree of civilisation - D.

Remarks upon the analogy between the principles of taste & those of moral approbation

There seems to be a great resemblance between the feeling by which we distinguish virtue from vice, & those by which we distinguish beauty & deformity in external objects.

[By beauty I understand what pleases in our object of sight.]

An immediate pleasure & satisfaction is felt from the view of certain external objects; an immediate pain & disgust from the view of others. Similar emotions arise from the contemplation of certain affections of the mind; such as compassion, gratitude, benevolence, or the contrary. [Hence the beauty of sentiments is a common metaphorical expression]

(1) Analysis of taste in external beauty. Objects may appear beautiful either of themselves or by connexion with others that are agreeable.

(a) Objects beautiful in themselves.

(i) In simple objects those are beheld with pleasure which excite [p.128] (A) admiration, (B) wonder, (C) or surprise.

(A) Great objects.

[High mountain. Rocky precipice. The ocean. Large & rapid river overflowing its banks. The sky. The admiration excited by such objects seems to be always accompanied not only by an exertion of the organ of sight but by an effort of the mind in order to comprehend. Obscurity which renders these objects indistinct tends to increase the admiration of them]

(B) New objects.

[Strong & uncommon appearances excite curiosity. In opposition to such, as have become familiar which disregarded & overlooked.

The pleasing emotion of wonder is accompanied with a degree of attention which makes them produce a strong & lively impression.]

(C) Unexpected objects.

[In proportion as the mind is occupied with a particular set of objects it is less capable of passing immediately to others more remote. Sudden noise. Surprise when not violent, seems to have a very agreeable effect, by enlivening our thoughts, & occasioning a brisk flow of ideas - of short duration]

(ii) In complex objects, [p.129] those are the most beautiful, which unite the greatest variety, with uniformity.

The variety, in some small degree excites successive emotions of wonder. The uniformity or correspondence of parts, occasions a sort of surprise, & besides it enables the mind to take in agreeable variety.

Variety & correspondence in the parts of the same object.

A square more beautiful than an irregular sided parallelogram. A circle than a square.
Flowing or waving line.

[The greatest variety of a circular line. The beauty illustrated by Hogarth. A middle between a line that is too straight & too convex, by having a large proportion of opposite air is Serpentine line more varied]

Smoothness.

[Which carries the eyesight over an object so as to take in easily all its parts.

[Beauty of natural objects from these sources - gently swelling grounds - Smooth winding rivers. Trees etc.

Order among different objects surveyed in one group.

[Ex. Windows & doors of a building] Enables the mind to take in greater variety without confusion.

Proportion - the relation between the size of objects has the same effect. [p.130]

(b) Beauty of colour. (i) Simple unvaried colour seems to be most beautiful when it is in a due medium between that brightness which is too violent for the organ of sight, & that darkness which renders objects indistinct.

(ii) All the objects taken notice of for the beauty of their colour, have in this respect a good deal of variety.

[From the effect of light & shade, no colour extended over a body, can ever appear unvaried to the eye. Bright colours vary least from the effect of light & shade.]

Colours of a different kind may produce the effect of variety, when they are contrasted & shaded into one another.

In the first case we feel a more violent emotion, in passing from to another.

In the latter the transitions are more easily made, & the mind comprehends a greater variety before it is fatigued.

[Shades from the bright yellow to the dark green in a beautiful landscape.

Shades from the vermilion to the white in a fine complexion] [p.131]

(c) Cause of the pleasure derived from the view of such objects.

It should seem that a great part of our happiness consists in occupation, either by the exercise of the bodily organs, or of our mental faculties.

That occupation, however, which is pleasant, lies in the middle between too violent exertion on the one hand, and languor & inactivity on the other.

It is derived partly from the impression made by external objects on our senses (of which the sight is far the most considerable) - partly from reflexion & meditation, & partly from the influence of our passions - with most men, the first of these is the great source of occupation, it even furnishes the original materials for the two last.

It is natural to expect therefore that we should receive pleasure from the view of those objects which excite admiration, wonder & surprise. These emotions have a tendency

could be "managed with one plough", for example proportions of "hides".⁵ At other times, he suggested that they could be made according to either the value of the land rated for the purposes of taxation, or the exchange value of the produce of the land. Attempting to calculate the balance of the feudal aristocracy as "60,000 knight's fees . . . possessed by the two hundred and fifty lords",⁶ he stated that could the "worth" of these fees be known - "reckoned in some writs at 40£. a year, and in others at 10" - he could have "exactly demonstrated the balance of this government".⁷ At the same time, he also threw doubt upon whether it was possible to make an accurate calculation of the value of knights' fees according to the number of hides contained within a certain territory. "But says Coke, it [a fee] contained twelve plough-lands", because "one plough out of some land that was fruitful might work more than ten out of some land that was barren"⁸. He thereby recognised that the value of the produce of a hide would vary according to the productivity of the land.

Millar also noted this "inaccurate measure" of dividing land into hides "each comprehending what could be cultivated by a single plough" as the "general estimation of the Anglo-Saxon lands" (*HV*, 1, 129). Nonetheless, like Hume and Smith, he made various attempts at approximate calculations of the balance of property. These calculations attempted to assess the proportions of revenue available to a monarch which could then be used to support a standing army. Millar's interest in these calculations was, like Harrington's, an attempt to have exact knowledge of the balance of power between the monarch as a large landed proprietor and the people. For example, if subjects were small proprietors whose combined revenue was less than the revenue of the monarch, then the militias they could raise in a conflict of interest would be less well maintained than the standing army of the monarch. The balance of power would therefore be inclined towards the monarch and against the people.

On the basis of these calculations Millar could therefore give an argument that would explain why, with the exception of Cromwell's English commonwealth, historical testimony seemed to indicate that there was a tendency towards a republican form of government in small countries and one towards absolute monarchies in large countries. Thus:

"It is farther to be considered that the revenue of the monarch is commonly a more powerful engine of authority in a great nation than in a small one. The influence of a sovereign seems to depend, not so much upon his absolute wealth, as upon the

⁵Pocock J.G.A. (ed.) (1977) *James Harrington: Oceana and other political works*, Princeton: p193.

⁶Pocock (ed.), *Harrington*, p195.

⁷*ibid.*

⁸*ibid.*

(2) Analysis of Moral Approbation.

The operations of the human mind appear beautiful & are approved of from the same circumstances which give rise to the beauty of external objects.

(a) Those particular exertions of the human mind, which are difficult, uncommon, or unexpected excite admiration, wonder, or surprise; and tho' different qualities of the mind, when considered as belonging to a complex object, afford also that pleasure, which is derived from uniformity amid variety.

(b) Certain qualities of the human mind have the beauty of utility in the highest degree.

The pleasure derives from the beneficial exertions of an intelligent being is different from that produced by an useful machine; being accompanied with love to the object by which the pleasure is produced. [p.135]

Difference in this respect between the understanding and affections - between a selfish & benevolent affections.

These last have a uniform tendency to the good of mankind, and call forth in every spectator a disposition to requite the good that is intended.

(c) The mental operations of an individual give pleasure also from their being agreeable to the general standard of human nature.*¹²

In such a case they appear proper & suitable to their causes.

Our standard of propriety taken from the ordinary state of human nature, not from that which is displayed on singular occasions.@¹³

[Different views suggested by violent passions from those which take place in the ordinary situation of the mind]

When the three foregoing circumstances concur, when a benevolent sentiment is displayed, when it is agreeable to the standard of propriety, & exhibits at the same time, an uncommon or difficult exertion, it excites the highest approbation and is applauded as virtuous & deserving reward. [p.136]

(3) Of the Sense of Right and Wrong.

As benevolent affections are beneficial to mankind and suitable to the causes which produce them, so malevolent sentiments have the opposite aspect & appear not only hurtful, but unsuitable to their causes.

As the former excite love & a disposition to reward so the latter excite resentment & a disposition to punish.

¹²*The similarity of mental operations in the general part of mankind, is a source of beauty. From this similarity we are led by custom, to form a general standard any great deviation from which is displeasing - B.

¹³@Our standard is taken from the doctrines of Christianity - at least the introduction of Christianity raised very much the standard of morals - D.

Injustice proceeds from an improper sentiment or affection, tending to do hurt, but the mere sentiment or affection does not seem to deserve punishment unless followed by the action which it had in view.

The hurt occasioned by injustice may be considered not only as it affects the person immediately injured but as it affects society.

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