

# Creating Space for Civil Society: Conceptual Cartography in the Scottish Enlightenment

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In an earlier essay, *Idea of Civil Society*, I remarked that although the notion of 'civil society' was not novel, it did undergo a revival, occasioned principally by developments in Eastern Europe, in the late twentieth century. One consequence of this new life is that it sparked enquiries, and subsequent debates, into its earlier usage and its history.

Although the term is protean and its "history" can be traced back to the Middle Ages<sup>1</sup>, nevertheless within these enquiries Hegel typically looms large. This salience is partly (though by no means entirely) attributable to Hegel's impact on Marx in general and on his attempt in his early writings more particularly to contest Hegel's conception of civil society. In an influential analysis of Hegel's idea of civil society, Manfred Riedel<sup>2</sup> is concerned to identify how Hegel himself has transformed an older concept. Whether in its classical Aristotelian guise or in its 'modern' natural law form, the terms *societas civilis* or *koinonia politike* were treated as identical to *civitas* or

*polis*. That is, though this is to speak sweepingly, civil society was synonymous with the state. These synonyms stand in contrast to the *societas domestica* or *oikos*. Hegel's *Strukturwandeln* was to turn this dichotomy into a trichotomy - family, civil society, state. On this conception the family from being an economic household became a sentimental institution based on love and its previous economic role was displaced into the realm of civil society (*bürgerliche Gesellschaft*). This realm was presented as a 'system of needs', orientated around the activity of labour, and as the sphere of particular socio-legal relationships. Crucially for Hegel it is non-political and is thus conceptually distinguishable from the state, which retains the original political focus on the public good or the universal, as embodied in a constitution.

In sustaining this interpretation Riedel emphasises that the term "civil society" was freely used in the eighteenth century, and despite going through a gradual process of change, retained its synonymity with the



Lord George Gordon, President of the Protestant Association

"state". In his account he declares, in passing, that Ferguson's *History of Civil Society* still adopted the traditional political understanding of the term. Although Riedel indulges in no discussion of Ferguson, other scholars have discussed his book as a contribution to the eventual articulation of an idea of civil society<sup>3</sup>. Though Ferguson has been singled out he is also lumped in with other members of the Scottish Enlightenment, notably Smith and Hume, as together representing an approach toward a recognisably 'modern' idea of civil society<sup>4</sup>.

There are, perhaps, two reasons or grounds why Ferguson and the Scots can be aptly associated with the development of the idea of civil society. The first we might conveniently label 'sociological', the sec-

ond 'theoretical' but it is the only the latter that I will treat in any depth. The former account would take its bearings from the special situation of Scotland in the eighteenth century. In the briefest of its terms, this 'situation' can be encapsulated as follows.

According to the 1707 Treaty of Union, Scotland was to send sixteen nobles to the Lords and forty-five (out of a total of 568) to the Commons. This arrangement clearly gave the Scots as Scots little direct political power. However, the Treaty very significantly allowed them to retain their own legal system and their own form of church administration and doctrine. This retention served to enhance these institutions as the embodiment of a distinctively Scottish way of doing things and did so moreover in areas that were of most immediate concern to most people. It gave leadership roles to the lawyers (they effectively 'ran' Scotland) and senior clerics (abetted as we will see by academics). Of course this post-Union political settlement was contested and violently so in a series of Jacobite rebellions. But with the crushing defeat of the Jacobites in 1745, Scotland was firmly committed to the Hanoverian constitution *and* yet experienced or enjoyed important spheres of life separate informally from the 'state'.

In addition to the legal and ecclesiastical institutions there is a third distinctive feature of eighteenth Scotland. Compared to England with its two Universities (Oxford and Cambridge), Scotland with its much smaller population supported five – St. Andrews, Glasgow and Kings Aberdeen (founded in the fifteenth century) and Edinburgh and Marischal Aberdeen founded after the Reformation. These three institutions of the law, the church and the academy can be characterised as interwoven strands

because the intellectual elite were involved across the board. For example William Robertson the Principal of Edinburgh University was also Moderator (leader) of the General Assembly of the Church of Scotland. Kames was a law-lord and a Church elder (lay governor), who wrote prolifically not only legal subjects but also on moral philosophy and aesthetics, and was a Commissioner of a Board set-up to administer the Highlands after the '45.

This interweaving reflects the fact that this elite knew and interacted with each other, particularly in the proliferation of clubs and debating societies that were established. Included in the membership of a number was David Hume. Although Hume was unable to obtain Professorships at both Edinburgh and Glasgow, because of his supposed sceptical debunking of religion, yet he did obtain the key 'establishment' post of Keeper of the Advocates Library. These clubs formed a point of convergence for the universities, the law, the church and the 'improving' gentry. For example, the 'Select' Society (or more formally and indicatively 'the Edinburgh Society for the Encouragement of Arts, Sciences, Manufactures and Agriculture') included amongst its number key social theorists like Smith, Hume, Kames, Robertson and Ferguson.

It is instructive that a number of these clubs were concerned with 'politeness' and the cultivation of urbanity in the increasingly urban environment. This was a broad Enlightenment phenomenon but it took on a special focus in Scotland. The Scots were very conscious of themselves as not-English. At one level they aimed to soften their accents and purge their writings of 'Scotticisms' while on another they were proud

of their achievement (Hume said in one of his letters that they are «the People most distinguish'd for Literature in Europe»<sup>5</sup>). What this amounted to was a view of what could be called a 'civic identity' as something distinct from, while complementary to, citizenship.

It is not fanciful to see in this interweaving mix of formal non-state institutions, informal societies and civic consciousness as a manifestation of many of the aspects that have come to characterise a 'civil society'. However, some caution is called for, even apart from what one historian has called «flatulent theorising»<sup>6</sup>. It would be a crass form of determinism to conclude that this establishes a causal link between this social pattern and the 'idea' of a 'civil society' (a notion unknown to them). Indeed, to talk merely of the institutional interweaving as establishing a 'context' is far from straightforward even when it goes beyond the truism that social theory cannot occur in a vacuum. I do not deny that the theorists were engaged in their own society nor do I wish to claim that they were in some unfathomable sense immune to their environment. However, pragmatic considerations of space mean that I will side-step these issues as I move to what is this paper's main focus, namely, how the Scots' theories can provide a ground for associating them with the idea of civil society. More precisely, I explore how some components in their broader social theory potentially create a conceptual space for an idea of civil society as something distinct from the constitution or the State.

Since the fulcrum of the modern concept is the division between 'society' and 'state', we can initially and appropriately, given the title of his major work (*An Essay*

on the *History of Civil Society*, 1759) turn to Adam Ferguson's use of these terms. The first point to note is that he uses the term 'society' without qualification as when he writes «a people are cultivated or unimproved in their talents in proportion as those talents are employed in the practice of arts and in the affairs of society»<sup>7</sup>. In this, and many other cases, the term seems inclusive and familiar to current usage. Also striking is the frequent, and unaffected, way Ferguson uses the term 'state'; this is not a feature of earlier (British) thought. In Locke, for example, 'state' is used infrequently in a 'political' sense and Hobbes was self-conscious of its novelty when in the Introduction to *Leviathan* he referred to that «great Leviathan called a commonwealth or state, in Latin *civitas*»<sup>8</sup>. Ferguson, however, uses the term pretty much as we would. Within a dozen pages he employs it as a synonym for government («the state is merely a combination of departments...»<sup>8</sup>), as interchangeably with 'nation' to refer to a political entity («great and powerful states are able to overcome and subdue the weak»<sup>9</sup>) and as a genus of political organisation («monarchies are generally found where the state is enlarged in population»<sup>10</sup>). However, what we do not find in any use of either the term 'society' or the term 'state' is its employment as a counterpoint one to the other. Certainly 'state' is never juxtaposed to 'society' let alone to 'civil society'.

If we look at the term 'civil society' itself we find that it actually occurs infrequently. A number of these occasional references lend support to Riedel's observation (on Ferguson explicitly he says that at best in his thought the traditional concept possessed a faded (*abgeblaßter*) form<sup>11</sup>). For

example at times he seems to echo Locke's distinction between a civil or political or legitimate and absolute government<sup>12</sup>. Elsewhere, however, here reflecting, as we will see, a more typical Scottish Enlightenment perspective, he plots civil society onto a temporal graph. This gives to 'the history of civil society' the sense that it is a history of civilisation in a general sense. In broad support for that interpretation we find Ferguson claiming that rude and corrupt states have yet to «learn the most important lesson of civil society». The crux of this 'lesson' is the ability to combine military obedience with the maintenance of freedom in «political deliberations»<sup>13</sup>. This martial dimension looms large in the argument of the *Essay*. It is, he declares «happy for civil society» when the «art of war» is grafted on to «the advantages of civil society»; when, that is, the «most celebrated warriors were also citizens»<sup>14</sup>. Notwithstanding this 'political' slant there is one significant element in his theory that indicates that Ferguson's idea of 'civil society' cannot be a mere synonym for political community, certainly as understood in the natural law/contractarian tradition.

If we take Locke as a paradigm contractarian then for him 'civil society' only makes sense in contradistinction to the State of Nature. Locke portrays the transition from the pre-civil State of Nature to the civil condition being effected by individuals agreeing by mutual consent to an original compact that establishes a body politic<sup>15</sup>. Ferguson opens the *Essay* with a full-blooded attack on the idea of a State of Nature. This 'idea' is merely that; it is the fruit of «hypothesis» or «conjecture» or «imagination» or «poetry». To these Ferguson juxtaposes respectively «reality»,

«facts», «reason» and «science» and it is this latter list that «must be admitted as the foundation of all our reasoning relative to man»<sup>16</sup>. We must turn to the evidence and that uniformly returns the same verdict, «mankind are to be taken in groupes as they always subsisted»<sup>17</sup>. This was a commonplace among the Scots. Kames, for example, talks of humans possessing (like some other animals) an «appetite for society»<sup>18</sup>. Hume had dismissed the State of Nature as «fictitious»<sup>19</sup> but Ferguson does, however, bring out a significant implication of the dismissal.

In the *Essay*'s opening section, he comments that «all situations are equally natural». This means, as he goes on to illustrate, that the 'State of Nature' is «here and it matters not whether we are understood to speak in the island of Great Britain, at the Cape of Good Hope, or the Straits of Magellan»<sup>20</sup>. It equally follows, we can add, it matters not whether it is seventh or seventeenth century Britain and so on. Since the 'natural condition' of humans is life in society then that is the premise from which enquiry should proceed. Because «art itself is natural to man»<sup>21</sup> then there is no meaningful contrast between the 'natural condition of mankind' (the State of Nature) and their artificial (made by a Contract) civil, political existence.

The dismissal of the Lockean/contractarian mode of thinking was the subject of a devastating attack from Hume in his *Essay Of an original contract* (1748). He explicitly develops a two-pronged assault – historical and philosophical. The historical critique is straightforward: that government originated in a contract is «not justified by history or experience in any age or country of the world»<sup>22</sup>. If the Contractarian account

of origins is empirically invalid, it is even less tenable when it claims the legitimacy of current government rests on consent<sup>23</sup>, since if «these reasoners» were to examine actual practice and belief they «would meet with nothing that in the least corresponds to their ideas»<sup>24</sup>. Neither rulers nor subjects believe their relationship is the effect of some prior pact. This is a damaging line of argument. The very core of Contractarian doctrine is that it is some 'act of mind' (giving consent) that constitutes legitimacy but Hume argues that the Contractarian claim to base the duty of allegiance on the duty of fidelity (promise-keeping) is a conceptual redundancy. We keep our promises and also obey our rulers because both are necessary for social life. That necessity is sufficient explanation – in either case «we gain nothing by resolving one into the other»<sup>25</sup>. Though this argument is very much Hume's own, Millar indicates that he accepts its force when he observes, in passing, that referring to a promise «adds but little» to the obligation to obey<sup>26</sup>.

Hume reinforces the argument by also pointing out the implausibility of any notion of 'tacit consent'. Locke, who was Hume's acknowledged target<sup>27</sup>, for example, held that those who enjoy the protection of the laws (even by only travelling on the highway) were tacitly giving their consent<sup>28</sup> and it is a signal of withdrawal of consent if they leave the jurisdiction<sup>29</sup>. Hume pours scorn on this notion. He asks rhetorically how serious is any account that claims a 'poor peasant or artisan' who knows no foreign language and has no capital has a «free choice to leave his country»<sup>30</sup>. This is analogous, he claims, to remaining aboard ship and freely consenting to the captain's rule even though one was carried aboard asleep

and the only alternative is leaping overboard and drowning.

Hume's refutation was widely followed. Smith explicitly cites his attacks on tacit consent even to the extent of repeating the analogue<sup>31</sup>. Millar adopts a similar line. Merely obtaining some form of protection does not warrant the conclusion that some «tacit promise of submission» has been given<sup>32</sup>. Ferguson regards the idea of men assembling together as equals and as deciding their mode of government as «visionary and unknown in nature»<sup>33</sup>. Gilbert Stuart thinks it «absurd to suppose that the original contract ever happened»<sup>34</sup>. As a final illustration, James Steuart maintains that the «rights of kings» are not founded «upon the supposition of tacit contracts between them and their people»; their foundation is to be «sought for in history»<sup>35</sup>. In addition to following Hume on tacit consent Smith also follows him by arguing that contemporary obligation cannot stem from consent. This is so not only because it is unknown but also because no contract can bind its successors<sup>36</sup>. Smith also picks up the parochiality of an apparently universalist argument (premised on the natural condition of *mankind*) by pointing out that it appears to be confined to Britain<sup>37</sup>.

What this critique of contractarian jurisprudence portends is that the state is no longer conceptualised as a special institution with a distinct origin in the voluntary act of necessarily apolitical individuals (or these understood as family heads and families as 'little kingdoms'). The collapse of such a dichotomy now permits political institutions (the 'state') to be conceptualised as one among a number within 'society'. Once understood in this way, it can license an enquiry into the relationship between

the 'state/political' institutions and the non-state ones (proleptically identifiable as 'civil society'). In the rest of this paper, I explore further that relationship, or the conceptual space it occupies. This exploration will focus on some selected aspects of what we might call the Scots' contextual historicisation of society understood as a set of institutions.

I start by taking up an apparently casual turn of phrase from Hume. In his essay *Of Civil Liberty* he comments «it may now be affirmed of civilised monarchies what was formally said in praise of republics alone, that they are a government of laws not men»<sup>38</sup>. By what criterion is that affirmation sustainable? Hume answers by declaring that in these monarchies «property is there secure, industry encouraged, the arts flourish». Because the weight falls on the qualifier 'civilised' rather than the substantive 'monarchy' two inferences that can be drawn from this example.

The first is that a political framework is indeed necessary for industry but that, with the exception of 'absolute monarchy', it need not adopt any specific form. That exception is 'hurtful to commerce' and thus also damaging to the civilisation that is its concomitant. This negative point aside, Hume has in effect dislodged politics and constitutions from their central role of classifying difference in regimes. At least since Aristotle the way to identify difference was by the constitution (as the terms suggests they were constitutive) whether this is the sextet of monarchy, tyranny, aristocracy, oligarchy, democracy (or polity) and ochlocracy (or anarchy) or the more simplified monarchy/empire over against a republic. Of course the break should not be overemphasised. Much of Ferguson's writing, for

example, with its emphasis, as noted above, on citizens who manifest their freedom in the bearing of arms, is still firmly in the republican tradition.

The second inference from Hume's analysis is that within this political framework, yet crucially independent of it, there will develop, because of the security provided, industry and arts (both 'liberal' and 'mechanical'). Hume treats as a definitive characteristic of 'refined and luxurious ages' the presence of an 'indissoluble chain' that links together 'industry, knowledge and humanity'. The more civilised or refined a people become then the more economically productive, more informed and more sociable they become. This sociability is a product of the increased density of population as they «flock into cities» where they indulge «their taste in conversation and living» as «particular clubs and societies are everywhere formed»<sup>39</sup> (Hume is here accurately reflecting that characteristic feature of urban life, and associated endeavour to cultivate urbanity, in eighteenth century Scotland that we sketched above). For Hume there is a connection beyond the merely etymological between city-dwelling, civility and civilisation and, we can add, civil society. While Keane on the basis of a passage in Ferguson had striven to say that in it Ferguson had «come close to saying that the survival and progress of modern civil society require(s) the development of independent social associations»<sup>40</sup> it seems that Hume can provide a less strained (if still not self-evident) argument to support that conclusion. Smith too could be cited with his reference to how different groups in society, such as most notoriously merchants, develop their own

characteristic ways of behaving and set of standards<sup>41</sup>.

Smith also develops an argument (itself indebted to Hume) that recognises that changes in political form or constitutions are not decisive or, alternatively put, this argument can be seen to establish the importance, and autonomy, of non-political institutions. It is this argument that I now want to pursue as a further dimension of the conceptual space that can accommodate the notion of civil society as a realm outside the state and yet not composed of patrimonially run clans.

The argument of Smith's in question is his account of the decline of feudal nobility<sup>42</sup>. In the current context Smith's account has two significant aspects. Firstly it sees an autonomous dynamic in what can defensibly be called the 'social'. There are forces at work – systems of ownership (property) and ways of behaving (manners) – that operate independently of political decision. Moreover these 'forces' are institutional rather than individual. Of course individual landlords and merchants interacted but neither had the «least intention to serve the publick» nor did they have «knowledge or foresight of that revolution». *Social* change (from the agriculture/feudal to the commercial age) is explicable by *social* causes<sup>43</sup>. Secondly, this self-same 'revolution' also explains the emergence of the 'state' – it too is the work of this change in 'property and manners'. Moreover, this is a recognisably 'modern' state; it is constituted by rules and offices and is not crucially dependent on the exercise of specific political 'virtues' and its chief tasks are to provide a stable framework within which individuals (and groups) can function. This is emphasised by Jürgen Habermas, who

links the development of a civil society to the depersonalisation of public authority in his influential work *The Structural Transformation of the Public Sphere*.

Famously in Smith what this framework enables is the operation of a commercial society, wherein «every man is a merchant»<sup>44</sup>. It is in the articulation of this sort of 'society' that we can see another crucial component in the conceptual space we are drawing. This fits with that familiar picture of the 'history of civil society' because it is no distortion to see here in Smith what Hegel in his *Philosophie des Rechts* will characterise as 'the system of needs' and 'the administration of justice' the first two 'moments' of Civil Society. We know Hegel was familiar with Smith's writings. What is noteworthy is that Smith is characterising his contemporary world not in terms of its constitution or form of the state but as a form of society – hence everyman is a merchant not a citizen and not a subject. Smith typically gives this an historical cast – commercial society is the fourth such characterisation; the others being that of hunter-gatherers, herders and farmers<sup>45</sup>. While the status and role of these 'four-stages' has been the subject of scholarly debate what is not disputed is that these are identified not by political or legal differentia but by the characteristic way of making a living or 'mode of subsistence' as Robertson in his version explicitly termed it<sup>46</sup>.

The reality of commercial life is that its social bonds do not depend on love and affection. You can coexist socially with those to whom you are emotionally indifferent; we now live predominantly among strangers, not among the extended clans of the first two stages or the fixed relations of dependency of the third. Since the bulk of

our dealings are impersonal then they must thus be conducted on the basis of adhering to the rules of justice. In a complex society a shopkeeper is unlikely to be also your kin, friend or lord; to you he provides something you want, to him you are a customer. This pattern of relationships lies behind Smith's famous passage,

it is not from the benevolence of the butcher, the brewer or the baker that we expect our dinner, but from their regard to their own interest. We address ourselves not to their humanity but to their self-love and never talk to them of our own necessities but of their advantages. Nobody but a beggar chuses to depend chiefly upon the benevolence of his fellow-citizens<sup>47</sup>.

Nothing in this means that Smith is denying the virtuousness of benevolence. Members of a commercial society can be both just and benevolent. These two virtues do however have a different focus. Justice is primary but negative; do nothing but abide by the rules. Any positive action, such as deeds of generosity or benevolence or mutual love, are reserved for those known personally to us. We exercise these positive virtues in a necessarily partial fashion; everybody cannot be our neighbour, everybody cannot be the proper recipient of our beneficence, everybody cannot be our friend. We treat 'everybody' impartially, we treat them in accordance with the rules of justice. Alternatively put justice is a matter of public interest, of *general* rules while the other virtues are a matter of private concern, of *specific* deed.

What this can now be seen to amount to is a valorisation of the non-political and a demotion of the political life as the acme of human fulfilment. An 'active' life occurs in the 'private' arena (whether that be personal/ familial or economic) and not on the

public stage. Because commercial society, with its opulence (ie. material well-being) and liberty (the «two greatest blessings men can possess»<sup>48</sup>), has produced this outcome then it means that the practice of citizenship has been subtly deflated. The active publicly virtuous life – in particular a principled involvement with the public good – is not to be expected. This now leads to Smith's famous polemic against the aspirations of those who wish to use the power of the state to direct individual actions, whether that be via sumptuary laws, which Smith decried as the «highest impertinence» of «kings and ministers» as they attempt «to watch over the economy of private people»<sup>49</sup> or via the «mean and malignant»<sup>50</sup> mercantilist endeavour to direct economic activity, which Smith criticised as ill-conceived and injurious to the wealth of nations, that is, the welfare of its inhabitants.

What these criticisms reveal is the importance of what Smith calls the «obvious and simple system of natural liberty» where everyman is «left perfectly free to pursue his own interest his own way»<sup>51</sup>. There is an implicit pluralism here, a facet that has come close to a criterion for the presence of a civil society<sup>52</sup>. Hume in his depiction of the absolutism of the French remarks that there «law, religion and custom concur»<sup>53</sup>. Regarding religion – typically regarded as an important feature of civil society – Hume's advocacy of toleration is a recognition of the presence of «religious factions» because he judges it the most effective way ('the true secret') of «managing» them<sup>54</sup>. While Smith, for his part, also recognises the existence of religious sects but he links them (or their growth) to the compartmentalisation that a commer-

cial society produces. He depicts a «man of low condition» who when he comes into a «great city» is «sunk in obscurity and darkness» so that he is apt to «abandon himself to every sort of low profligacy and vice»<sup>55</sup>. The only place he can gain attention is by joining a small religious sect. Here he finds an 'identity' (as we might now say) and his conduct becomes «remarkably regular and orderly». Typically Smith draws attention to a further consequence – these sects induce a commitment to austerity which makes them a breeding ground of fanaticism. Smith's general concerns here appear to be motivated by historical sensibilities. European history (not least that of Scotland) bears eloquent testimony to the havoc wrought by religious conflict. A multitude of sects seems the best state of affairs. Their troublesome zeal is only serious when they are few in number and the very fact of multiplicity might help mitigate this tendency to «absurdity, imposture or fanaticism»<sup>56</sup>.

To move to a conclusion: Hume, Smith and Ferguson, together with other Scots whom I have not here discussed in any detail, can I think be justifiably have said to recognise the 'social' as an object of study. Humans as social beings are best understood in society, rather than as monadic individuals, or familial members or political animals even though in context they are also each of those. This sociality expresses itself in a set of interlocking institutions that include, in addition to the economic, the familial, the religious, the habits and customs as well as the political, with the last of these given no automatic privilege. Moreover, the Scots brought to this concept of society an historical dimension. They expressed this variously but it is captured in a

move in societal life from rude simplicity to civilised complexity. This combination of 'sociology' and history allowed them to theorise about their contemporary society and identify its distinctiveness. It is this theorisation that can give some substance to the claim that the Scots contributed to a conception of 'civil society' *avant la lettre*. I think this is best presented as the creation of a 'conceptual space'. This creation

was achieved negatively via a critique of the state or constitution understood in legal terms and positively via the articulation of a model of commercial society. Since the Scots are also renowned for their insight into the 'law of unintended consequences' then their own relation to the idea of civil society might be thought to fall under that law.

<sup>1</sup> See for example A. Black, *Guilds and Civil Society*, London, Methuen, 1984.

<sup>2</sup> M. Riedel, *Tradition und Revolution in Hegels "Philosophie des Rechts"*, in «Zeitschrift für Philosophische Forschung», n. 16, 1962, pp. 203-230.

<sup>3</sup> See E. Gellner, *Conditions of Liberty: Civil Society and its Rivals*, Harmondsworth, Penguin Books, 1994, particularly Ch. 8; J. Varty, *Civic or Commercial? Adam Ferguson's concept of Civil Society*, in R. Fine, S. Rai (edited by), *Civil Society: Democratic Perspectives*, London, Frank Cass, 1997, pp. 29-48; J. Keane, *Despotism and Democracy*, in Id. (edited by), *Civil Society and the State: New European Perspectives*, London, Verso, 1988, pp. 35-71, particularly 39-44; J. Ehrenberg, *Civil Society: The Critical History of an Idea*, New York, New York University Press, 1999; F. Oz-Salzburger, *Civil Society in the Scottish Enlightenment*, in S. Kaviraj, S. Khilnani (edited by), *Civil Society*, Cambridge, Cambridge University Press, 2001, pp. 58-83.

<sup>4</sup> J. Cohen, A. Arato, *Civil Society and Political Theory*, Cambridge, MIT Press, 1992; J. Hall (edited by), *Civil Society: Theory, History, Comparison*, Cambridge, Polity Press, 1995.

<sup>5</sup> D. Hume, *The Letters of David*

*Hume*, 2 voll., Oxford, Clarendon Press, 1932, Letters I, p. 255.

<sup>6</sup> P. Clark, *British Clubs and Associations 1580-1800*, Oxford, Clarendon Press, 2000, p. 490.

<sup>7</sup> A. Ferguson, *An Essay on the History of Civil Society*, edited by D. Forbes, Edinburgh, Edinburgh University Press, 1966, p. 136.

<sup>8</sup> Ivi, p. 56.

<sup>9</sup> Ivi, p. 59.

<sup>10</sup> Ivi, p. 69.

<sup>11</sup> Riedel, *Tradition und Revolution* cit., p. 220.

<sup>12</sup> Ferguson, *An Essay on the History* cit., p. 275.

<sup>13</sup> Ivi, p. 148, p. 94.

<sup>14</sup> Ivi, p. 149, p. 155.

<sup>15</sup> J. Locke, *Two Treatises of Government*, edited by P. Laslett, New York, Mentor Books, 1963, *Second Treatise*, § 97.

<sup>16</sup> Ferguson, *An Essay on the History* cit., p. 2.

<sup>17</sup> Ivi, p. 4, cfr. p. 3, p. 16.

<sup>18</sup> Lord Kames, *Sketches on the History of the Mankind*, 3<sup>rd</sup> Edit, 2 voll., Dublin, 1779, vol. I, p. 376.

<sup>19</sup> D. Hume, *A Treatise of Human Nature*, edited by D. Norton, Oxford, Clarendon Press, 2000, p. 317.

<sup>20</sup> Ferguson, *An Essay on the History* cit., p. 8.

<sup>21</sup> Ivi, p. 6.

<sup>22</sup> D. Hume, *Essays: Moral, Political and Literary*, edited by E. Miller, Indianapolis, Liberty Press, 1985, p. 471.

<sup>23</sup> Ivi, p. 469.

<sup>24</sup> Ivi, p. 470.

<sup>25</sup> Ivi, p. 481.

<sup>26</sup> J. Millar, *Historical View of the English Government*, edited by M. Phillips, Indianapolis, Liberty Press, 2006, p. 803.

<sup>27</sup> Hume, *Essays* cit., p. 487.

<sup>28</sup> Locke, *Second Treatise* cit., § 119.

<sup>29</sup> Ivi, § 121.

<sup>30</sup> Hume, *Essays* cit., p. 475.

<sup>31</sup> A. Smith, *Lectures on Jurisprudence*, edited by R. Meek et al., Indianapolis, Liberty Press, 1982, p. 317.

<sup>32</sup> Millar, *Historical View* cit., p. 804.

<sup>33</sup> A. Ferguson, *Principles of Moral and Political Science*, New York, AMS Press, 1973, p. 262.

<sup>34</sup> C. Stuart, *Historical Dissertation concerning the Antiquity of the English Constitution*, Edinburgh, 1768, p. 151 n.

<sup>35</sup> J. Steuart, *Inquiry into the Principles of Political Economy*, edited by A. Skinner, Chicago, University of Chicago Press, 1966, vol. I, p. 209.

<sup>36</sup> Smith, *Lectures on Jurisprudence*, cit., p. 316.

<sup>37</sup> *Ibidem*.

<sup>38</sup> Hume, *Essays* cit., p. 94.

<sup>39</sup> Ivi, p. 271.

<sup>40</sup> J. Keane, *Despotism and Democracy* in Id. (edited by), *Civil Society and the State: New European*

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- Perspectives*, London, Verso, 1988, p. 44.
- <sup>41</sup> A. Smith, *Inquiry into the Nature and Causes of the Wealth of Nations*, edited by R. Campbell, A. Skinner, Indianapolis, Liberty Press, 1981, pp. 264-266.
- <sup>42</sup> Ivi, pp. 413-420; compare D. Hume, *History of England*, 3 voll., London, George Routledge, 1894, vol. II, pp. 53-54.
- <sup>43</sup> See C. Berry, *Social Theory of the Scottish Enlightenment*, Edinburgh, Edinburgh University Press, 1997, Ch. 2.
- <sup>44</sup> Smith, *Wealth of Nations* cit., p. 37.
- <sup>45</sup> Smith, *Lectures on Jurisprudence*, cit., p. 14.
- <sup>46</sup> W. Robertson, *History of America*, in *Works*, edited by D. Stewart, Edinburgh, 1840, p. 823.
- <sup>47</sup> Smith, *Wealth of Nations* cit., pp. 26-27.
- <sup>48</sup> Smith, *Lectures on Jurisprudence*, cit., p. 185.
- <sup>49</sup> Smith, *Wealth of Nations* cit., p. 346, cfr. p. 630 – Hume called them ‘ridiculous’, Hume, *History of England*, cit., vol. I, p. 535.
- <sup>50</sup> Smith, *Wealth of Nations* cit., p. 620.
- <sup>51</sup> Ivi, p. 687.
- <sup>52</sup> Cfr. Gellner, *Conditions of Liberty* cit.
- <sup>53</sup> Hume, *Of Civil Liberty*, in *Essays*, cit., p. 10.
- <sup>54</sup> Hume, *History of England*, cit., vol. II, p. 580; cfr. vol. II, p. 302; vol. II, p. 336; vol. III, p. 625.
- <sup>55</sup> Smith, *Wealth of Nations* cit., p. 795.
- <sup>56</sup> Ivi, p. 793.