



The Idea of  
**Commercial Society**  
in the  
**Scottish  
Enlightenment**

Christopher J. Berry

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EDINBURGH  
University Press

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## Preface

This book is an explication of Adam Smith's remark in the early pages of the *Wealth of Nations* where he writes, 'Every man thus lives by exchanging, or becomes in some measure a merchant, and the society itself grows to be what is properly a commercial society.' I here argue that the judgment that a 'society' can be typified as 'commercial' is significant. It involves a twin conceptualisation. That is to say, it articulates a notion both of 'society' (rather than say regime-type) as an appropriate 'unit' for analysis and of 'commercial' as the encapsulation of a distinctive mode of organisation. To adopt this articulation is to subscribe to the 'idea of commercial society'.

I want to claim that this 'idea' has particular resonance among that group of thinkers standardly grouped as the Scottish Enlightenment. Whether or not W. R. Scott's use of the term 'the Scottish Enlightenment' in his book on Hutcheson, published in 1900, was the first reference the term is now well-established. Even while its content and contours are generally agreed, there remains, of course, a divergence in interpretation and nuance. This book highlights a particular aspect and makes a case for its special significance. It does not pretend to foist on the Scots some homogeneity of perspective – indeed it is one of the striking elements of their writings that they are contesting the meaning and implication of this idea.

In practice, I adopt the following 'rough and ready' parameters. My temporal frame is from the publication of Hume's *Treatise* (1739–40) to the sixth edition of Smith's *Moral Sentiments* (1790). But I feel no qualms about, for example, referring to Hutcheson's work before and Ferguson's after those two dates. Within that half-century my theme requires me to be selective – not everything written is germane. What this means is that Smith followed by Hume, Millar, Ferguson, Kames and Robertson figure prominently and more than occasional reference is also made to Dunbar and Wallace. Where especially apt I discuss Turnbull, Blair and Dalrymple and a few others. There are two others

on whose writings I draw. Gilbert Stuart was a Scot but enjoyed no institutional status and lived much of his life in London. He was a fierce, though scholarly, polemicist whose animus is not unconnected to his failure to obtain a university position (Robertson as Principal of Edinburgh being the main villain). However, in virtue of his meticulously documented demurrals, his writings deal with a number of the same issues as his compatriots. It is not controversial to include him within the ambit of the Scottish Enlightenment, as I did in my *Social Theory of the Scottish Enlightenment* (Edinburgh University Press, 1997). James Steuart was also an ‘outsider’; a Jacobite sympathiser who spent much of his life on the Continent. Nonetheless because (despite significant differences) his major work, influenced by Hume as he acknowledges, does deal pertinently with some of the common themes that the Scottish-based authors consider I have sparingly availed myself of it.

Over many years and many publications I have pursued the theme of this book. While I reference this earlier work (and occasionally exploit it), I have endeavoured not to repeat myself but to examine afresh the idea of a commercial society; certainly to do so more systematically and thoroughly than in any earlier discussions. I have also incurred many debts. I have enjoyed the friendship and intellect for over forty years of Roger Emerson, Nick Phillipson and the late Andrew Skinner. At Glasgow I also had the benefit of interacting with Alexander Broadie and Colin Kidd, to whom I can add Craig Smith and not only for reading an earlier draft of this book, for which selfless task I am especially grateful. I am also pleased to acknowledge the material support I received from the Carnegie Trust who helped fund a trip to Japan, where I was further assisted by support from the Japan Science Foundation (thanks to Hideo Tanaka). I was enabled, thanks to this support at an important formative stage, to ‘try out’ some of the ideas in this book at a variety of universities (I am grateful to all who facilitated that).

I have spent all of my academic career in the University of Glasgow and I will always remain grateful to David Raphael for appointing me. Though this book is far more than about Smith it is fitting that I record my conviction that it was his Glasgow years that formed him into the world-historical figure he has become. The sentiments that inspired Smith at his installation as rector of the university to declare that his time there was the ‘happiest and most honourable’ in his life I wish also to claim for myself. In that spirit I wish to dedicate this book to the University of Glasgow.

Chris Berry

# Abbreviations

For full bibliographical details see References.

## DALRYMPLE

*FP*            *Essay toward a General History of Feudal Property in Great Britain*. Cited by page.

## DUNBAR

*EHM*            *Essays on the History of Mankind in Rude and Cultivated Ages*. Second edition, 1781. Cited by page.

## FERGUSON

*APMP*            *Analysis of Pneumatics and Moral Philosophy*. Cited by page.

*CorrF*            *Correspondence*. V. Merolle (ed.). 2 vols. Cited by volume, page.

*ECS*            *An Essay on the History of Civil Society*. D. Forbes (ed.). Cited by page.

*IMP*            *Institutes of Moral Philosophy*. 3rd edn. Thoemmes reprint. Cited by page.

*MSS*            *The Manuscripts of Adam Ferguson*. V. Merolle (ed.). Cited by page.

*PMPS*            *Principles of Moral and Political Science*. 2 vols. Olms reprint. Cited by volume, page.

*Reflections*    *Reflections Previous to the Establishment of a Militia*. Cited by page.

*Remarks*      *Remarks on a Pamphlet Lately Published by Dr Price*. Cited by page.

*Rom*            *The History of the Progress and Termination of the Roman Republic*. 5 vols. New edition, 1813. Cited by volume, page.

## HUME

- A *An Abstract of a Treatise of Human Nature* in T. Cited by paragraph.
- DP *A Dissertation on the Passions*. T. Beauchamp (ed.). Cited by paragraph/page.
- E *Essays: Moral, Political and Literary*. E. Miller (ed.). Essays in this edition are individually identified and cited by page as follows:
- E-AS *Of the Rise and Progress of the Arts and Sciences*
- E-BG *Whether the British Government inclines more to Absolute Monarchy or to a Republic*
- E-BP *On the Balance of Power*
- E-BT *Of the Balance of Trade*
- E-CL *Of Civil Liberty*
- E-Com *Of Commerce*
- E-CP *Of the Coalition of Parties*
- E-FPG *Of the First Principles of Government*
- E-Int *Of Interest*
- E-IP *Of the Independency of Parliament*
- E-IPC *Idea of a Perfect Commonwealth*
- E-JT *Of the Jealousy of Trade*
- E-LP *Of the Liberty of the Press*
- E-Mon *Of Money*
- E-NC *Of National Characters*
- E-OC *Of the Original Contract*
- E-OG *Of the Origin of Government*
- E-PAN *Of the Populousness of Ancient Nations*
- E-PC *Of Public Credit*
- E-PD *Of Polygamy and Divorces*
- E-PG *Of Parties in General*
- E-PGB *Of the Parties of Great Britain*
- E-PSc *That Politics may be reduced to a Science*
- E-RA *Of Refinement of Arts*
- E-ST *Of the Standard of Taste*
- E-Tax *Of Taxes*
- E-v *Variants collected at the end of E*
- HE *History of England*. 3 vols. Cited by volume, page.
- Letters *The Letters of David Hume*. 2 vols. J. Greig (ed.). Cited by volume, page.
- M *An Enquiry concerning the Principles of Morals*. T. Beauchamp (ed.). Cited by chapter, paragraph.

- NHR      *The Natural History of Religion*. T. Beauchamp (ed.). Cited by chapter, paragraph/page.
- SBNA      *An Abstract of a Treatise of Human Nature* appended to SBNT. Cited by page.
- SBNM      *Enquiry concerning Human Understanding*. L. Selby-Bigge and P. Nidditch (eds). Cited by page.
- SBNT      *A Treatise of Human Nature*. Revised edition. L. Selby-Bigge and P. Nidditch (eds). Cited by page.
- SBNU      *Enquiry concerning the Principles of Morals*. L. Selby-Bigge and P. Nidditch (eds). Cited by page.
- T      *A Treatise of Human Nature*. D. and M. Norton (eds). Cited by book.part.chapter.paragraph.
- U      *An Enquiry concerning Human Understanding*. T. Beauchamp (ed.). Cited by chapter.paragraph.

#### HUTCHESON

- PW      *Philosophical Writings*. R. Downie (ed.). Cited by page.
- SIMP      *Short Introduction to Moral Philosophy*. Liberty Press edition. Cited by page.
- SMP      *A System of Moral Philosophy*. 2 vols. Continuum reprint. Cited by volume, page.

#### KAMES

- EBA      *Essays upon Several Subjects concerning British Antiquities*. Cited by page.
- EC      *The Elements of Criticism*. 9th edn. 2 vols. Cited by volume, page.
- ELS      *Elucidations respecting the Common and Statute Law of Scotland*. Cited by page.
- HLT      *Historical Law Tracts*. 2nd edn. Cited by page.
- PE      *Principles of Equity*. 2nd edn. Cited by page.
- PMNR      *Essays on the Principles of Morality and Natural Religion*. 3rd edn. Liberty Press edition. Cited by page.
- SHM      *Sketches on the History of Man*. 3rd edn. 2 vols. Cited by volume, page.

#### MILLAR

- HV      *An Historical View of the English Government*. 4 vols. Liberty Press edition. Cited by volume, chapter/page reference to one volume.
- Obs      *Observations concerning the Distinction of Ranks of Society*. Cited by page.



OR *The Origin of the Distinction of Ranks*. 3rd edn. W. Lehmann (ed.). Cited by page.

## ROBERTSON

HAm *The History of America*. D. Stewart (ed.). Cited by page to *Works* (in one volume).

HSc *The History of Scotland*. D. Stewart (ed.). Cited by page to *Works* (in one volume).

India *An Historical Disquisition concerning Ancient India*. D. Stewart (ed.). Cited by page to *Works* (in one volume).

VP *A View of the Progress of Society in Europe*. D. Stewart (ed.). Cited by page to *Works* (in one volume).

## SMITH

CL *Considerations concerning the First Formation of Languages* in LRBL. Cited by paragraph/page.

Corr *Correspondence of Adam Smith*. E. C. Mossner and I. S. Ross (eds), Liberty Press edition. Cited by letter number/page.

ED *Early Draft of Part of the Wealth of Nations*. In LJA/B. Cited by paragraph/page.

EPS *Essays on Philosophical Subjects*. W. Wightman, J. Bryce, I. Ross (eds), Liberty Press edition.

FA *First Fragment on the Division of Labour*. In LJA/B. Cited by paragraph/page.

HA *The Principles which Lead and Direct Philosophical Enquiries Illustrated by the History of Astronomy*. In EPS. Cited by section.paragraph/page.

Letter Letter to the *Edinburgh Review*. In EPS. Cited by paragraph/page.

Life *Account of the Life and Writings of Adam Smith*. Dugald Stewart (ed.). In EPS. Cited by section.paragraph/page.

LJA *Lectures on Jurisprudence 1762/3*. R. Meek, D. Raphael and P. Stein (eds). Liberty Press edition. Cited by section.paragraph/page.

LJB *Lectures on Jurisprudence 1766*. R. Meek, D. Raphael and P. Stein (eds). Liberty Press edition. Cited by paragraph/page.

LRBL *Lectures on Rhetoric and Belles Lettres*. J. Bryce (ed). Liberty Press edition. Cited by section.paragraph/page.

TMS *The Theory of Moral Sentiments*. A. MacFie and

- D. Raphael (eds). Liberty Press edition. Cited by book.  
part.chapter.paragraph/page.
- WN    *An Inquiry into the Nature and Causes of the Wealth of Nations*. R. Campbell and A. Skinner (eds). Liberty Press edition. Cited by book.part. chapter.paragraph/page.
- STEUART
- PPE    *An Inquiry into the Principles of Political Oeconomy*. 2 vols. A. Skinner (ed). Cited by volume, page.
- STUART
- HD    *Historical Dissertation concerning the Antiquity of the English Constitution*. Cited by page.
- OPL    *Observations concerning the Public Law and the Constitutional History of Scotland*. Cited by page.
- VSE    *A View of Society in Europe in its Progress from Rudeness to Refinement*. 2nd edn. Thoemmes reprint. Cited by page.
- TURNBULL
- PMP    *The Principles of Moral Philosophy*. A. Broadie (ed.). Liberty Press edition. Cited by page.
- MCL    *Discourse upon Moral and Civil Laws* (appended to his edition of Heineccius' *System of Universal Law*). Cited by page.
- WALLACE
- CGB    *Characteristics of the Present Political State of Great Britain*. Kelley reprint. Cited by page.
- DNM    *Dissertation on the Numbers of Mankind in Antient and Modern Times*. 2nd enlarged edn. Kelley reprint. Cited by page.
- Prospects    *Various Prospects of Mankind*. Cited by page.

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# I. *Scotland, Improvement and Enlightenment*

The Scottish Enlightenment is both a set of institutions and a set of ideas. As such they represent two differing facets of a complex whole. It is bad metaphysics to give one some sort of explanatory priority over the other – the argument that ‘luxury’ corrupts is just as ‘real’ as the number of diamond buckles for sale in the market. Given that the title of this book contains the word ‘idea’ then it is the latter set that will be the main focus. However, in acknowledgment (albeit in practice token) of complexity, this opening chapter provides, in Part I, an outline of the institutional setting. With respect to this setting, it needs always to be borne in mind that there is no necessary correspondence between what the historian can retrospectively identify as the ‘objective’ facts of the matter and what was subjectively apparent to those living in the time. Discounting as fanciful the possibility of mass self-deception, in this outline, I use ‘improvement’ as the principle of selection. This is a particular, documentable facet of the Scots’ self-consciousness about their own society. Moreover, suitably reflecting the complex totality, ‘improvement’ exemplifies the linkage between the institutional and ideational dimensions of the Scottish Enlightenment; indeed, if less centrally, of the Enlightenment more generally. This wider picture is sketched in Part II and adumbrates some of the themes to be developed in subsequent chapters.

## I

J. S. Mill, on the opening page of his *Autobiography* (1873), said of his own time that it was an age of transition and that is certainly true of eighteenth-century Scotland, notwithstanding that that descriptor is something of a cliché. The Scottish transition is captured by the deliberate intent to ‘improve’. This is not to say this intention is

without precedent. To give just one illustration, George Sinclair the first 'professor' of mathematics at Glasgow, upon leaving the university in 1666, among other projects, put his hydrostatic knowledge to the task in 1670 of bringing a water supply into Edinburgh (Wood 2003: 96). In an overtly selective manner I examine how that 'improving intention' can be detected within the formal legal, religious and educational institutions and the more informal network of linkages between them, abetted by a host of clubs, societies and print media. These institutions, of course, exist within a political and economic framework. I start with an indicative survey of this framework.

## THE POLITICAL SETTLEMENT AND STATE OF THE ECONOMY

Without prejudice to the debate about how decisive an event it was, I start this survey with the Union of the English and Scottish Parliaments in 1707.<sup>1</sup> The whys and wherefores of this event were disputed at the time with an extensive pamphlet war and this continues, as a flurry of publications to mark the tercentenary bore witness (Whatley [2006] is the most perspicacious). What is less contentious is that Scotland was relatively poor<sup>2</sup> and that one of the motives behind the Union was the need for Scots to gain unrestricted access to English markets. While trade questions have been deemed to be 'no more than a propaganda duel' to justify a political, or religious, agenda (Riley 1978: 245; cf. Kidd 1993: 50) the bulk of the Treaty's articles in fact refer in some way to economic issues. These included the standardisation of coins and weights and measures (XVI, XVII), the levying of the same excise duties with some allowance for adjustments over time (VI to XV) and, especially important, giving 'all the subjects of the United Kingdom [...] full Freedom and Intercourse of Trade and Navigation to and from any Port or Place within the said United Kingdom and the Dominions and Plantations thereunto belonging' (IV). That last clause was to bear dramatic fruit later in the century with the growth of the Glasgow tobacco trade.

While the early years proved difficult (in part helping the cause of the Stuart claimant [the Old Pretender] to the throne following the accession of George of Hanover in 1714), by about mid-century the Union began to have an economic pay-off and rapid change took place (cf. Devine 1985). The growth of Glasgow was the most remarkable, but it was not alone. Edinburgh's population grew from 52,250 to 82,500, while Dundee's doubled and Aberdeen's increased by 80 per cent (Lenman 1981: 3). Glasgow's population grew from (roughly) 12,700 in 1708



to 17,000 when Smith was a student in the 1740s, and then according to Adam Anderson's computation this 'beautiful and increasing City' had reached 27,000 twenty years later (1764: II, 423), growing to over 54,000 at the end of the century according to the *Statistical Account*, and was soon to overtake Edinburgh. The city attracted numbers from the rural Western Highlands as a process of urbanisation began, though even in 1800 the majority of Scots lived in settlements of fewer than 2,500 (Foyster and Whatley 2010: 3). The rapidity of socio-economic changes, accentuating a seeming sharp divide between, what Robertson termed in his *History of America*, different modes of subsistence, has caused some commentators to speculate that the 'four stages theory' (with commerce as the fourth – see Chapter 2) was thus stimulated by these apparently evident changes.

Irrespective of the methodological soundness of that speculation, it is reasonable to remark that the Scottish 'literati', as they were contemporaneously known (Carlyle 1910: 312), and the institutions within which they operated, could scarcely be immune to the 'economy'. Excluding agriculture, the production of textiles, especially linen, was the chief Scottish industry and this expanded dramatically from the early 1730s (Durie 1979). A similar growth took place in the tobacco trade with the Scottish share of the British trade rising from 10 per cent in 1738 to 52 per cent in 1769 (Smout 1969: 244). Glasgow was the focus and the ten-fold growth in its trade between the 1730s and 1770s meant it overtook Bristol to become the major port (Devine 1990: 73). Smith knew a number of the Glasgow 'tobacco lords' and a passage in the *Wealth of Nations* where he remarks on the tendency of merchants to become country gentlemen (WN III.iv.3/411) does reflect the activities of a number of these tobacco merchants, such as John Glassford (who like a number of others gave his name to extant Glasgow street names).

The development of 'heavier' industry like mining, chemicals and smelting did not take off until the last quarter of the century and it is frequently noted that Smith's model of 'industry' was small-scale (Kennedy 2005: 132). What urbanisation and textile production did require was the growth of a market, as Smith centrally proposed. Markets need a supportive infrastructure, both physical and financial. Transportation was by boat and cart (Smith rode on horseback to Oxford to take up a Glasgow-awarded scholarship in 1740). While there was a reasonably efficient coach service between Edinburgh and London, as there was between Edinburgh and Glasgow, cross-country travel further afield was arduous and even by 1788 there were only eighteen turnpike trusts and none north of Perth (Durie 2010: 261). The only way to transport in bulk was by boat and, perhaps, the most

striking 'improving' project was the construction of a canal linking the estuaries of the rivers Forth in the east and the Clyde in the west, with spurs into Edinburgh and Glasgow. Begun in 1768 and completed in 1790, the canal was a considerable engineering achievement; the author of the entry for the 'parish of barony of Glasgow' for the *Statistical Account* of 1791, declared the (still functional) viaduct over the river Kelvin to be 'one of the most stupendous works of this kind perhaps in the world' (Sinclair 1973: VII, 354).

Like all such large-scale projects the Forth–Clyde Canal was beset by financial problems. The most significant of these was the collapse of the Ayr Bank in 1772. This bank was one of many that were founded in the eighteenth century. The Bank of Scotland predated the Union but the Royal Bank was established in 1727 with the support of Andrew Milton and the Earl of Ilay (later the 3rd Duke of Argyll). The two banks had an uneasy relationship that was not helped by the establishment of the British Linen Company in 1746, in which Milton also had a hand (Durie 1979: 115). This company was set up to encourage the eponymous industry together with a cash economy and its operation as a bank was eventually recognised by the other two. These were all Edinburgh based and the commercial growth of Glasgow stimulated the emergence of banks there and the outbreak of 'bank wars'. It is in the context of this growth of 'private' banks (not possessing the limited liability status of the older establishments) that the Ayr Bank was founded in 1769. Its aggressive expansion, responsible for two-thirds of the notes in circulation in Scotland in 1772 (Cameron 1995: 63), led to an inability to cover its liabilities and its consequent collapse. More generally, this episode is telling because it exemplified the supposedly dangerous instability of commerce and credit over against the supposed stability of landed possessions. This debate will occupy us in Chapter 6.

If we now return to 1707, the Union Treaty's most palpable and dramatic consequence was that the United Kingdom of Great Britain (as it was now titled) was to "be Represented by one and same Parliament" (III). The Treaty (XXII) gave the Scots as Scots little direct political power (only sixteen nobles in the Lords and about 8 per cent of the complement of the Commons). But it did allow them to retain their own legal system. The latter was distinctively different from English Common Law and had always had closer links with European/Roman systems; indeed, until the eighteenth century and until the founding of law chairs in the universities, Scotland's lawyers were educated abroad, especially at the great Dutch universities of Leiden and Utrecht. Concomitant necessarily with the retention of the legal system was the continuation of the two supreme courts, the Court of Session (civil

and appeal court) and the Court of Justiciary (criminal court) with, as explicitly specified in the Treaty (XIX), 'the same Authority and Privileges as before the Union'.

This settlement had the effect of enhancing the role and position of lawyers, and senior lawyers became pivotal figures in the administration of Scotland. The reason for this has been attributed to 'the executive vacuum which existed in Scottish government' thus making 'politics and the law almost inseparable' (Murdoch 1980: 55). Although there was a Scottish secretary based in London, there was less formally a Scottish 'minister' who 'managed' the Scottish parliamentary representatives, keeping them supportive of the administration. Ilay was the most conspicuous and influential of these ministers. He was, moreover, as we shall note, a conspicuous advocate (and practitioner) of improvement. The actual governance of Scotland lay in the hands of a sub-minister. This was the role played in the first half of the century by Andrew Milton. He was Lord Justice-Clerk (the senior Lord Justiciary) between 1734 and 1748 and then Keeper of the Signet (a sinecure but effectively in charge of civil administration) until 1766 (Murdoch 1980: 12; see also Shaw 1983: Chap. 7). He and Ilay/Argyll (who died in 1761) were the most powerful figures in Scotland, though that is not to say they were unopposed or always got their own way. In the last quarter of the century Milton's role was performed by Henry Dundas (Lord Advocate and Keeper of the Signet) (cf. Dwyer and Murdoch 1983). This use of local representatives or agents was also adopted by the leading Scottish magnates who upon their decampment to London required individuals, again normally lawyers, to look after their interests.

On a broader front what dominated the political landscape of the first half of the century was the Hanoverian succession to the throne of England and Scotland. The Union Treaty had reaffirmed the 1689 Settlement (on the accession of William and Mary, following the deposition/abdication of the Stuart king, James II/VII) that no Catholic could be monarch. The Treaty, moreover, had anticipated that should Anne (the current monarch) die without issue then the monarchy should pass to Sophia of Hanover and her heirs 'being Protestants' (II). The accession to the throne of George I energised the supporters ('Jacobites') of the Stuart line in support of their claimant Charles. This had particular purchase in Scotland because the Stuarts were a Scottish line from the accession of King James VI to the English throne in 1603.

While there were regular flare-ups and threatened invasions against the new dynasty, there were two significant rebellions: one in 1715, led by the Old Pretender and one in 1745, associated with the Young Pretender or Bonnie Prince Charlie. The former had widespread support

and was able to draw upon a general dissatisfaction with the perceived lack of benefits flowing from the Union and the impact of a more efficient excise system. But it would be a mistake to regard opposition to the Union and Jacobitism as conterminous (Whatley 2006: 343). The members of the Scottish Enlightenment were Hanoverians but they predominantly belong to the next generation (for example, Hume was born in 1711, Smith and Ferguson in 1723; only Kames [Henry Home] born in 1696 and Wallace born a year later were of an earlier era). The '15 did garner some academic support especially in the non-Lowland Aberdeen universities (Kings and Marischal Colleges) where there had to be a purge because of significant support for the uprising.

The '45 initially seemed to pose a greater threat to the British state. The Jacobite army with little opposition penetrated into England to within about one hundred miles of London. Smith comments in his lectures à propos the effects of commerce that four or five thousand 'naked unarmed Highlanders' took possession of 'the improved parts' without resistance (*LJB* 331/540). This incursion flattered to deceive. Without any support, both militarily and logistically, the army returned to Scotland but, outside the Highlands, it was, within Scotland, poorly supported. This time the Aberdeen universities were loyal, indeed some members took up arms against the rebels (Emerson 1992: 12). The literati were indeed Hanoverian and, as Colin Kidd (1993: 115) has argued, they used their 'historical sociology' to reject 'a native political culture associated with armed resistance and religious fanaticism'. Robert Wallace, referring to the Union, gave a pithy assessment, 'in truth, the Scots have lost nothing that can be called substantial [. . .] [and] acquired the more solid blessings of security, liberty and riches' (*CGB* 117). After the battle of Culloden (1746), which crushed the rebellion, it was deliberate policy to destroy the political separateness of the Highlands (Youngson 1972: 26); a policy that has been emotively depicted as 'state-sponsored terrorism' (MacInnes 1999: 81) or 'cultural genocide' (Young 1979: 26).

This 'policy' captures in an important way not only the institutional and ideational linkage but also is intimately connected with a debate about the nature, or proper character, of a 'commercial society'. Four Acts were passed in the immediate aftermath of the '45. These included an 'Act for the more effectual disarming the Highlands in that part of Great Britain called Scotland' (19 Geo II c38) and another that abolished 'heritable jurisdictions' for the sake of 'remedying the inconveniences that have arisen' and restored the powers of jurisdiction to the Crown (20 Geo II c43). These 'jurisdictions', which had been explicitly preserved by the Treaty of Union (XX), gave local clan chiefs ('barons')