Authority and utility: John Millar, James Mill and the politics of history c.1770-1836
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John Millar's first book was called *Observations concerning the Distinction of Ranks in Society*. It was first published in 1771. A second edition, 'greatly enlarged', appeared two years later. A third edition came out in 1779 and again in 1781, bringing the total of copies of the book up to 2000.¹ This edition was comprehensively corrected and enlarged and it bore a slightly different title, *The Origin of the Distinction of Ranks*. Also added was a subtitle, *An Inquiry into the Circumstances which give Rise to Influence and Authority in the Different Members of Society*. Five years after Millar's death, in 1806, a fourth edition followed the text and the title but not the pagination of the one previously published.²

William Lehmann remarks that John Millar got the nucleus of the title of this book from Adam Smith.³ It was 'undoubtedly suggested', he writes, 'by a chapter-subdivision head in Adam Smith's *Moral Sentiments* that reads "Of the Origin of Ambition and of the Distinction of Ranks"'. Lehmann refers to *The Theory of Moral Sentiments* (1759) which had reached a third edition in 1767. By then the ideas contained in the *Moral Sentiments* were staple diet in the University of Glasgow. Although Millar made no secret of the intellectual debts he owed to Smith, Lehmann's dogmatic assertion is a little premature. Smith was not the only one who employed the notion 'distinction of ranks'. The notion was a not uncommon indication for political precedence. Smith's sentiments were also not the only ones that Millar was mindful of, as will be seen in the next paragraph. Nevertheless Smith's text under the heading mentioned by Lehmann contained some concepts central to Millar's *Distinction of Ranks*. In the text Smith argued that imagination and, what he called, sympathy lead us to exaggerate the true state of our superiors and to revere their persons, positions and possessions.

¹ Upon this disposition of mankind, to go along with all the passions of the rich and the powerful, is founded the distinction of ranks and the order of society. Our obsequiousness to our superiors more frequently arises from our admiration for the advantages of their situation, than from any private expectations of benefit from their good-will. ... Even when the order of society seems to require that we should oppose them, we can hardly bring ourselves to do it. That kings are the servants of the people, to be obeyed, resisted, deposed or punished as the public conveniency may require, is the doctrine of reason and philosophy; but it is not the doctrine of nature. Nature would teach us to submit to them for their own sake.⁴
In the previous passage Adam Smith juxtaposed the principle of authority with the principle of utility. The operation of the first led to an orderly society; the implementation of the second would lead to a well-ordered society. The reality of authority was an imperative condition for, as well as a constant impediment to, the realisation of utility. In the sort of naturalistic reasoning found in the work of David Hume, (human) nature is thought to redeem man from anarchy. Then, Smith held, it is up to man to overcome his nature in order to improve upon his political situation. John Millar shared this utilitarian aspiration. But though, in the words of his biographer, Millar ‘always considered government as instituted for the good of the people’, his political writings and teachings mainly concerned the natural history of subordination. In *The Distinction of Ranks* Millar sketched the ‘natural progress of government’, beginning with the prehistory of family-politics. Building on the Smithian notion of authority, and refining the analytical tool of the ‘stages of society’ employed by Smith, Millar inquired into the institutional forms of subordination that man was destined to arrange. From which of these forms man might break free was only the tailpiece of his story.

Millar wrote the history of authority, not for the sake of authority itself but in the name of the common good. This may be gleaned from another source from which Millar may have taken the title of his first book. That source informs us about the ideological context in which Millar’s book was conceived and revised. In 1768 and again in 1770 and 1771, the year of *The Distinction of Ranks*, Millar’s compatriot Gilbert Stuart published *An Historical Dissertation concerning the Antiquity of the English Constitution*. In a section headed ‘Of the Distinction of Ranks’ Stuart linked the origin of the separation of social positions with the rise of the ‘idea of a public or a country’. The notion of ‘country’ Gilbert Stuart referred to was primarily moral: it stood for a sense of community that overrode personal interests. This moral imperative, Stuart thought, was strictly obeyed among the ancient Germans. ‘The great passion of the German was the love of his country’, he wrote. Patriotism (‘the most enlarged, the most generous and the most beneficial’ of all sentiments) was ideally found in a society where luxury and the distractions of the ‘divisions of labour’, that could easily lead to corruption, were unknown. Under those particular circumstances the ‘distinction of ranks’ first occurred. Different orders of men were classed according to their contributions to the common interest. The king, the nobles and the soldiers derived their distinction from their worth for their country and not, as some would say, from their riches.

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[The distinction of ranks is prior to the establishment of property. Kings and nobles appear in society before land devolves to individuals and before laws are framed to give security to possessions. Filled and penetrated with the idea of a public, men direct the distinctions of rank by the advantages which result to the community from the conduct of its members; and according to the connection of ranks with the community they determine the honour and attention conferred on them.]

38
Serving the public good was the basic stipulation for holding a rank and exerting political power. One could say that the principle of utility was incorporated in Stuart’s patriot variant of the history of authority.

A very large part of Gilbert Stuart’s work, which will be examined later, revolved around the German origins and the feudal extension of the patriotically preferable structure of society. He wanted to demonstrate how the political notions of the ancient Germans, for whom ‘national union’ and a wholly conditional distribution of authority were intimately connected, had conquered Europe and were engraved on the heart of European history. Stuart deliberately engaged in the ideologically laden debates on the nature and origin of feudal society when he argued that the enlargement of feudal ties was the outgrowth of German bonds, and that within the newly created union patriotic responsibilities were felt on a larger scale than ever before. The feudal phase of European state-formation could easily be likened to a natural growth, such as Montesquieu’s old oak-tree. That was an image full of ideological meaning in France as well as England. In the English context the introduction of feudalism had long been associated with the Conquest of 1066 and with the exercise of the Conqueror’s will. In opposition to that version Gilbert Stuart and others devised another, in which the feudal law was not introduced but merely completed by William and his barons, who came from France where the feudal system happened to be more advanced than in England at the time. Compulsion and volition were countered with comparison and evolution, and the status of William of Normandy was reduced from the lawgiver supreme to that of a man who accelerated the inevitable. The opposition between a potent legislator and the laws of motion of civil society is found in the introduction to Millar’s Distinction of Ranks.

While writing his first book John Millar read The Antiquity of the English Constitution. He referred to it as ‘[Dr Stuart’s] acute dissertation’. The two books had much in common. They shared many sources, most themes, and much of the argumentative structure. The political arrangements of the ancient Germans and the development of feudal relations had pride of place in both. And like Stuart’s, Millar’s book combined the moral precept of the love of country with an historicised concept of property in land and a particular perception of the progress of society. In Millar’s analytic scheme there was no place whatever for legislators. Millar introduced The Distinction of Ranks by taking note of the amazing diversity of those peculiar systems of law and government which have appeared in the world. That variety he thought was principally caused (in a favourite phrase of Millar) by ‘differences of situation’ including the fertility or barrenness of the soil, the nature of its productions, the species of labour requisite for procuring subsistence, the number of individuals collected together in one community, their proficiency in arts, the advantages which they enjoy for entering into mutual transactions, and for maintaining an intimate correspondence. Those variables varied with human industriousness, the gradual
The History of Authority

intensification and increasing effectiveness of which could be divided into several periods. Millar made clear that ‘differences of situation’ involved large-scale and complex changes that could never be the work of a single figure. Millar did emphatically play down the importance of what he called the ‘casual interposition of particular persons who happen to be placed at the head of a community’. He doubted ‘whether the effect of [the] interpositions [by lawgivers] has ever been so extensive as is generally supposed. Before an individual can be invested with so much authority, and possessed of such reflection and foresight as would induce him to act in the capacity of a legislator, he must, probably, have been educated and brought up in the knowledge of those natural manners and customs which, for ages perhaps, have prevailed among his countrymen’. The course of human history was not determined by chance interruptions of assuming legislators but by the complexity of human interactions unfolding naturally. The set-up of Millar’s first book answered the description of a natural history. The beginning was ordered biologically, the continuation followed the phenomena geographically, and the whole was arranged chronologically. Millar treated the following themes successively and chapterwise: ‘Of the Rank and Condition of Women in Different Ages’, ‘Of the Jurisdiction and Authority of a Father over his Children’, ‘The Authority of a Chief over the Members of a Tribe or Village’, ‘The Authority of a Sovereign and of Subordinate Officers over a Society composed of Different Tribes or Villages’ and ‘The Changes produced in the Government of a People by their Progress in Arts and in Polished Manners’. The final chapter dealt with the improper (because unfree) institution of slavery.

In *The Distinction of Ranks* the authority of a legislator was evaporated in a natural history of power relations. The relations between the sexes provided an archetypal imbalance of power. Among warlike hunters and fishermen males dominated because of their superior strength and courage. Their authority was derived from the indispensability of these personal traits for the survival of the group. According to Millar, women in these circumstances were usually entirely dependent on men, and therefore completely at their mercy. The invention of herding, the ‘first remarkable improvement in the savage life’, capacitated males, by somewhat relieving their toils, to be attentive to their partner’s charms. Generally, intercourse between the sexes began to move away from ‘mere animal pleasure’ to a more amorous liaison. Sexuality being her strength, woman profited from the romantisation of society that intensified with the ‘improvement of agriculture, which in most parts of the world has been posterior to the art of taming and rearing cattle’. The cultivation of land marked the increase of property that could be transferred by succession; more permanent inequalities of power (and power-related antagonisms) between different families were the result; accordingly a good deal of romances remained initially unfulfilled, which heightened the ardour of the lovers. With the development of commercial activity the desirability of a particular partner declined again. More and more, labour was applied ‘to a variety of objects,
commodities of different kinds are produced. These are exchanged for one another, according to the demand of different individuals; and thus manufactures, together with commerce, are at length introduced into a country'. As a result the 'different members of society are more and more united and have occasion to enter into a greater variety of transactions for their mutual benefit'. External and internalised barriers to public courting were levelled out and a range of potential lovers became available. For women and men this meant that they were less dependent on the consideration of a single partner.\textsuperscript{11}

All power relations of which Millar traced the progress moved from unilateral, direct and unbending dependency to multiple and flexible interdependencies. This movement followed changes in the sources of power, changes in the uses made of these sources, and the growing organisational complexity of society that resulted from the previous changes. Unlimited power was derived from having entirely at one's disposal the means of subsistence of others. In primitive society control over those means depended on personal abilities like courage and strength. When people began to acquire herds and land, the inequality of property became the great source of power. As long as people remained directly dependent on a wealthy person for their survival the power he exerted over their lives was absolute. This situation changed drastically when a society generated so much wealth that goods of convenience and articles of luxury were being produced and sold. Most people could now support themselves because many others (including the rich) depended for the satisfaction of their needs on what they produced.

Just like the young of altricial birds, Millar wrote, children in the first phase of their life were helpless creatures. They were at the father's mercy unless indebted 'for subsistence and protection' to the mother alone. But for these matters they usually relied on the father.

In those rude and simple periods when men are chiefly employed in hunting and fishing, in pasturing cattle, or in cultivating the ground, the children are commonly brought up in the house of their father; and continuing in his family as long as he lives, they have no occasion to acquire any separate property but depend entirely for subsistence upon that hereditary estate of which he is the sole disposer and manager.

The development of commercial activity gradually loosened the father's hold over his children who produced for the market. To learn a trade children needed to leave the father's house at an early age, while the profits yielded by their new occupation eventually enabled them to start a household of their own. Having arrived 'in a condition to procure a maintenance without having recourse to his bounty' children were 'emancipated from their father's authority'.\textsuperscript{12}
The History of Authority

When communal ties began to extend beyond the family, at least the public authority of the father was slowly surpassed by that of the chief of a tribe or village. Pointing to gregarious animals like sea-lions and deer, Millar argued that all flocks had a leader whose authority was based on superior courage and strength. The primitive human group had a chief who must secure internal order and repulse external threats. The chief was much acclaimed for his personal accomplishments, but his authority was strictly limited by the current state of property and by the organisation of society. In communities mainly subsisting on game, fruit and fish, the heads of family exercised considerable power.

Every family has a right to name an assistant to the chief; and the several heads of families compose an assembly ... which is accustomed to deliberate upon all matters of public importance. ... Enterprises of moment ... are seldom undertaken without the concurrence of the assembly. Each family has a jurisdiction over its own members.\(^{13}\)

The chief’s power grew and became more firmly established, according to Millar, when people started to tend and own cattle. His authority was now founded on his superior wealth that set him and his family apart from other families. Wealth was translated into power by being employed to protect and maintain dependents. ‘According to the estate which he has accumulated, he ... 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 dignity’. When agriculture was at length taken up, land that was formerly held in common was divided according to the existing distribution of wealth. Correspondingly the inequality in property increased as well as the number of people directly dependent on the chief for their livelihood.

When men are disposed to separate and divide their landed possessions, every family, according as it is numerous and powerful, will be in a condition to occupy and appropriate a suitable extent of territory. For this reason the chief, from his superior wealth in cattle, and the number of his domestics ... can hardly fail to acquire a much larger estate than any other member of the community. His retainers must of consequence be increased in proportion to the enlargement of his domain, and as these are either maintained in his family, or live upon his ground in the situation of tenants at will, they depend entirely upon him for subsistence. They become, therefore, necessarily subservient to his interest, and may at pleasure be obliged either to labour or to fight upon his account. The number of dependents whom he is thus capable of maintaining will be so much the greater, as, from the simplicity of his manners, he has no occasion to purchase many articles of luxury, and almost his whole fortune is consumed in supplying the bare necessaries of life.\(^{14}\)
In that part of the *Distinction of Ranks* presented thus far, many elements of Millar’s analytical scheme were present. At first sight, his history of authority was a mildly ‘liberal’ but mostly ‘objective’ forerunner of historical sociology. But in fact Millar’s analyses were subservient to his ideology. To learn more about the ideological meaning of his analytical scheme, the next section will discuss the central part of the book in the light of the contemporary political purport of its most important sources. What stands out is much more the ‘traditionalist’ tenor of Millar’s work than any preceding quality it might possess.

**CAESAR, TACITUS AND MONTESQUIEU**

The kind of history that Millar wrote in *The Distinction of Ranks* went by the eighteenth-century name of ‘philosophical history’. It was occupied less with dates and factual sequence than with a hypothetical order often divided into stages. Its main sources were the Bible, works of antiquity, medieval law tracts and chronicles, other philosophical histories and travel accounts. In the case of Millar, its main purpose was the contention of political or, more precisely, constitutional history. Three of Millar’s most important sources had similar intentions or interpretations. His favourite classics were Caesar’s *De bello Gallico* and *De moribus Germanorum* of Tacitus. Especially Caesar’s little book, the ‘most authentic evidence of the state of government in any rude country’ by that ‘judicious and well informed conqueror of Gaul’, made an impression on Millar that sat uneasily with his scepticism towards traveller’s tales and historical accounts of legislators. Millar highly valued Caesar and Tacitus for their descriptions of the ‘ancient German nations’ because it were those nations that had laid the foundation of the ‘modern states of Europe’. Millar thought that the peculiarities of the ancient Germans and the extraordinary circumstances in which they found themselves after having conquered the western part of the Roman Empire could explain why the ‘feudal system’ had developed throughout Europe. In the eyes of Millar, Caesar and Tacitus afforded ample evidence on the stage of socio-economic development reached by the German tribes and their political structure to venture a hypothetical reconstruction of the way in which feudal society grew.

The interest Millar displayed in this particular part of the work of the two Romans for those particular reasons was not uncommon. In 1771, the year of the publication of *The Distinction of Ranks*, Brotier’s edition of Tacitus’ *Opera* appeared in France. Brotier copiously supplied each work with commentary that he considerably augmented for a second edition that appeared five years later. One year on, John Aikin copied Brotier’s notes to the *Germania* in a new English translation of that book. Introducing his translation, Aikin wrote: ‘The Treatise on the Manners of the Germans has ever been esteemed as one of the
most precious relics of the political or historical writings of antiquity; and by the course of events has been rendered more important to modern times than its author probably expected, who could scarcely foresee that the government, policy and manners of the most civilized parts of the globe, were to originate from the woods and deserts of Germany'. Numerous footnotes, many containing additional evidence from Caesar's *De bello Gallico*, underlined that Tacitus' hints concerning the level of cultivation practised by the ancient Germans and the corresponding division of political authority threw light on the origin of the 'government, policy and manners' of modern Europe.¹⁹

At least some of the inspiration for Brotier's ideas on how Caesar and Tacitus should be read came directly from Montesquieu's *De l'Esprit des lois* (1748), a monument of philosophical history.²⁰ Montesquieu himself owed much of his interest in those matters to debates between French jurists and historians over the origin of fiefs. In the sixteenth century 'Germanism' was first opposed to 'Romanism' by legal humanists who were sensitive to the individuality of classical culture, and even more by feudists who had present-day political and religious objectives. Their researches into Frankish *mœurs* and *coutumes* were meant to support the authority of the French king against claims by the Holy Roman Emperor, and Gallican principles against the forces of ultramontanism. They employed philological and comparative methods typical of Renaissance humanism to establish the German origin of medieval *paroles* and practices. Caesar and Tacitus were the common sources.²¹

In the last two books of *L'Esprit des lois* Montesquieu stressed that Caesar and Tacitus should be carefully read if one wanted to know how the Frankish feudal laws had originated. The Franks were a German people, about whom precisely little written information remained. The ancient Germans had no writing, and accounts by cultivated contemporaries were scarce.

Though few of the authors of antiquity have described the manners of the Germans, we have two of very great weight. Caesar, who made war on them, described the manners of the Germans; and it is those manners that decided some of his campaigns. On this matter, a few pages from Caesar are books. Tacitus wrote a work expressly on the manners of the Germans. This is a short work; but it is the work of Tacitus, who abridged everything because he saw everything. These two authors are in such agreement with barbarian law codes available to us, that on reading Caesar and Tacitus one finds these codes everywhere, and on perusing these codes one finds Caesar and Tacitus everywhere.²²

Caesar and Tacitus informed Montesquieu that a certain mode of subsistence, a certain form of property and a political organisation of a certain kind took place simultaneously 'in the forests of Germany'. In their native countries the ancient Germans scarcely cultivated the ground. They lived from the herds they tended. A little land was held in common and
temporarily leased for private use. The ancient Germans were strangers to luxury, enemies to arbitrary power and hence extremely independent. Their chief men were chosen for valour and virtue, their decisions were supervised by the assembled nation. The way to acquire influence was to keep a large train of followers who could be indebted by being offered arms and horses, the major forms of property, and by being treated to rich but little refined meals, a form of hospitality which Tacitus had singled out as a conspicuous German habit. Those followers were bound by their word to perform military duties in trade for the goods they received. In other words, the ancient Germans knew vassals but no fiefs, or rather their fiefs consisted of weapons, steeds and hospitality.\textsuperscript{23}

Long after their conquests the Franks retained the way of life they had known in their native country, Montesquieu continued. As herdsmen they were not inclined to confiscate the enormous amount of land that suddenly became available. They took possession of the land they needed and left the rest to the conquered people. Continuing to display the hospitality so common among the Germans, they divided the land not ‘in a tyrannical spirit, but with the object of providing mutual needs of two peoples living in the same country’. Vassals were now given the use of land but, Montesquieu stressed, there was no ‘general system of servitude’. This would imply more unfreedom than was reconcilable with all that was known about ancient German politics. The executive and judicial powers were checked by institutions that had their origin in the ‘forests of Germany’. The king was controlled by representatives of the people who, due to their new situation, could no longer attend the national assembly in person. Besides, the use of land gave ancienly right to jurisdiction over that land. The moment the king distributed benefices he consequently bequeathed judicial profit to the nobility. This limitation of royal jurisdiction was no proof of aristocratic usurpation but the natural effect of ancient German usages and customs. Also the subdivision of the executive power had its origin in German practices of old. It might seem strange that an elected mayor exercised royal power, as happened in Merovingian France, but that was nothing more than the application of one of the most famous formulations of Tacitus: the Germans chose a king for his nobility and a military commander for his virtue. The virtuous kings with whom the first race of French kings (that is the Merovingians) commenced managed to combine the two offices; weak heirs to the throne gave occasion to split them up again.

The monarchs were even less in a position to wield arbitrary power when their main spring of authority dried up. The king had always had the largest number of vassals, but the number of those directly dependent on his bounty gradually eroded and with it the power and dignity they conferred on him/he derived from them. ‘As if by a natural tendency’ fiefs were granted for more extensive periods of time. First revocable at will, for a year and later for life until they were finally awarded as an irrevocable, hereditary grant. After fiefs were
perpetuated under the kings of the second race (the Carolingians) the king’s vassals were able to let to subvassals who accordingly were answerable to them instead of to the monarch. ‘What the king had held without mediation was no longer held except by mediation and royal power was, so to speak, pushed back a degree, sometimes two, and often more’.

Instead of that innumerable multitude of vassals kings had had, they now had only a few on whom the others depended. Kings had almost no more direct authority: a power that had to pass through so many other powers and through such great powers was checked or lost before reaching its goal. Such great vassals no longer obeyed and they even used their under-vassals in order not to obey any longer. ... The tree spread its branches too far and the top dried out. 

In short, Montesquieu went back all the way to the ancient Germans to demonstrate that the authority of the earliest kings of France had always been limited. The weakening of an already limited royal authority in the ninth and tenth centuries Montesquieu ascribed to the natural progress of feudal relations. The system of feudal laws was a socio-organic growth with its roots in the forests of Germany.

Quite like Montesquieu’s L’Esprit des lois, but with only the slightest of references to it, Millar’s Distinction of Ranks stressed the limited authority the European monarchs enjoyed during the development of feudal government. The germination and growth of feudal laws and institutions occupied the central part of what Millar called the ‘natural progress of government’. The fact that perfectly feudal governments were found only in the history of European nations did not belie their naturalness. Millar considered the specificity of European state-formation as the natural result of the institutions of the ancient Germans and the special circumstances of their conquests.

The livelihood of the ancient Germans before their greatest exploits were described by Caesar and Tacitus.

While they remained in their own country, they were not altogether strangers to the cultivation of the ground; but they all led a wandering life and seem to have had no idea of property in land; a sufficient proof that they drew their subsistence chiefly from their cattle and regarded agriculture as only a secondary employment. ... But when those barbarians had sallied forth from their native forests, and invaded the provinces of the Roman empire, they were soon led to a great improvement in their circumstances. The countries which they conquered had been cultivated and civilized under the Roman dominion; and the inhabitants, though generally in a declining state, were still acquainted with husbandry and a variety of arts. It was to be expected that the Gothic invaders should make a quicker progress in agriculture, and some of the coarser handicrafts connected with it, than they could have done in the natural course of things, had they been left to their own experience and observation.
By mixing their ways with those of the old inhabitants, the Germans quickly developed an interest in land. The division of land took place according to the prior division of power. That is why, Millar thought, it was simply impossible that, as some authors imagined, ‘when any of the German nations settled in a Roman province, the king seized upon all the conquered lands ... retaining in his own possession what was sufficient to maintain the dignity of the crown, [distributing] the remainder among the principal officers of his army, to be held precariously upon condition of their attending him in war’. This representation of affairs was at odds with the reports by Caesar and Tacitus respecting the ‘very limited authority’ possessed by German kings. A king was merely the first chief among many chiefs whose followers, as Tacitus wrote, put themselves to shame by not supporting the cause of their leader on the battlefield. As a reward for their good services, the retainers are reckoned the ‘companions of the chief, they are entertained at his table and partake in all his amusements; and after the improvement of agriculture has given rise to the appropriation of land they obtain the possession of landed estates’. Vassalage originated among the ancient Germans and was tied to land only after their conquests. In this manner every chief rendered his authority more permanent. By the sudden and extensive appropriation of land every chief, and not just the first among equals, commanded a large troop of retainers who received a short-term use of some land for maintaining themselves as reward for their obedience.

Normally a great number of independent noblemen dispersed over an extensive territory would not easily be united in a single kingdom. In the early stages of property, political unity was much easier forged in small areas by powerful sovereigns. Yet large-scale unions were achieved across Europe; that was the great singularity of European statemanship. The extraordinary associations were the result of the ancient bonds between Germans and the nature of their conquests. However far removed, the barons still honoured the bonds with their kin and friends. And they still accepted, as they had done in their native country, the guidance of a single leader in case of external threat. Another cause for long-distance associations was the lenient treatment of the conquered people. ‘As the ancient inhabitants were nowhere extirpated but ... were incorporated and blended with the conquerors, the habits of intercourse and the system of political union which remained with the former, was, in some degree, communicated to the latter’. Hence the new kingdoms frequently conformed to the boundaries of the former Roman provinces. But those societies were not yet pacified. Preserved were not only noble attachments and imperial arrangements, but also tribal divisions and animosities. The extent of the territory and the interests of the barons stood in the way of a ‘general alliance’ in which the ‘various connexions of society [were] gradually multiplied and extended’. Many of the old feuds were carried on. That strengthened the position of the barons on whom the most people depended for protection. Consequently the powers of the parliament which united those barons were greatly enhanced. Millar wrote.
The History of Authority

These peculiarities in the state of the kingdoms which were formed upon the ruins of the Roman empire had a visible effect upon their constitution of government. According to the authority possessed by the barons, each over his own barony, and their independence with respect to each other and with respect to the king, was their joint power and influence over that great community of which they were members. The supreme powers of government in every kingdom were, therefore, exercised by an assembly composed of all those proprietors and commonly summoned by the king on every great emergency.27

This parliament wielded the same authority as its primitive predecessor, the national assembly composed of heads of family. In this case, as in many others, ancient German politics was shown to be relocated and magnified. The remarkable combination of liberty and authority found in the 'woods and desarts of Germany' was transposed to the rudiments of the 'modern kingdoms of Europe' on a much larger scale.

According to Millar the early kingdoms of modern Europe slowly became more peaceful, and their kings more powerful. Pacification and the centralisation of power went hand in hand. Continuous feuds among the nobility made the weaker parties seek protection, for which they had to surrender their allodial property. At first only the strongest barons benefitted: they 'diminished in number and increased in power and opulence'. When these mighty few fell out with each other the king was the last resort for the weakest among them. By trading property for security they enhanced the power and opulence of the monarch. In the end even the greatest barons were no match for the king, they were forced to give up their land, and 'all the inhabitants of a kingdom [were united] in the same feudal dependency'.

Thus, by degrees, the feudal system was completed in most of the countries of Europe. The whole of a kingdom came to be united in one great fief, of which the king was the superior or lord paramount, having in some measure the property of all the land within his dominions. The great barons became his immediate vassals, and according to the tenure by which they held their estates, were subject to his jurisdiction, and liable to him in services of the same nature with those which they exacted from their own retainers or inferior military tenants.28

The completion of the feudal system in France, Millar reckoned, must have taken place about the beginning of the reign of the kings of the third race (the Capetians). In England the feudal system was completed near a century later under William the Conqueror. The mistaken notion that William introduced feudal institutions was founded on a limited knowledge of the work of Sir Henry Spelman, according to Millar. After having written that William brought fiefs into England 'this industrious antiquary [later explained] his meaning to be nothing more but that, in England, fiefs were not rendered hereditary before the Norman conquest'. This meant that the 'feudal system took place in England under the
government of the Saxon monarchs’, be it that fiefs were merely held precariously and then for life.³⁹

The perpetuation of holdings was naturally caused by the extension of feudal dependencies. This extension ultimately weakened the nobility (as was previously explained) but it also started the emancipation of the lower orders of society. When ever more people were included in feudal relations, trust was likely to become scarce. Those who had ‘no natural connexion’ with their lord were unwilling to hold their tenure precariously and stipulated for fixed leases. The other tenants followed. At length, the practice of ‘uninterrupted possession in a series of heirs’ established the perpetuity of fiefs. By ‘consequence the right of the vassal approached somewhat nearer to that of property’. With the exclusive ownership of land, the feudal superiors also lost some of their influence over their followers. The emancipation of the people was further enhanced (and the authority of the nobility further declined) when the ownership of land lost its economic priority, and many could find a living elsewhere. From the moment ‘the arts begin to be cultivated in a country, the labouring part of the inhabitants are enabled to procure subsistence in a different manner. They are led to make proficiency in particular trades and professions; and instead of becoming servants to anybody, they often find it more profitable to work at their own charges and to vend the product of their labour. As in this situation their gain depends upon a variety of customers they have little to fear from the displeasure of any single person’. From the trademan’s point of view there was no one in particular on whom he wholly depended for earning his livelihood; from the perspective of the landed proprietor there were no longer the means to commit others to his person entirely.

From the improvement of arts and manufactures, the ancient simplicity of manners is in a great measure destroyed; and the proprietor of a landed estate, instead of consuming its produce in hiring retainers, is obliged to employ a great part of it in purchasing those comforts and conveniencies which have become objects of attention, and which are thought suitable to his condition. Thus while fewer persons are under the necessity of depending upon him, he is daily rendered less capable of maintaining dependents; till at last his domestics and servants are reduced to such as are merely subservient to luxury and pageantry, but are of no use in supporting his authority.³⁰

Millar’s ideas on the historical connection between wealth and power can be summarised as follows. The influence and authority derived from opulence are expressed in relations of dependence that vary with the nature of property, the uses to which it is put, and the accompanying socio-economic structure. Landed property and ‘rustic hospitality’ were gradually replaced by ‘comforts and conveniencies’ with which no ‘train of dependents’ could
The History of Authority

be maintained. Services were to be bought instead of demanded from servants who were attached to, and dependent upon a lord and his family. Sellers and buyers were mutually dependent. Caught in a web of transactions woven by the market, dependencies informalised, depersonalised and became exchangeable. Many parties helped to maintain each other without being totally reliant on anyone. This meant a certain levelling of material means and a relative increase of the authority of the people at large.

It cannot be doubted that these circumstances have a tendency to introduce a democratical government. As persons of inferior rank are placed in a situation which, in point of subsistence, renders them little dependent upon their superiors; as no one order of men continues in the exclusive possession of opulence; and as every man who is industrious may entertain the hope of gaining a fortune; it is to be expected that the prerogatives of the monarch and of the ancient nobility will be gradually undermined, that the privileges of the people will be extended in the same proportion, and that power, the usual attendant of wealth, will be in some measure diffused over all the members of the community.31

The division of labour together with all the other exertions of human art that promoted or required science, shared knowledge and specialised industry led to the spread of a ‘spirit of freedom’, as Millar called it, and the popular assertion of political rights. The people (exclusivistically understood) experienced physical as well as mental emancipation. This mix of external and internalised liberation formed the backbone of Millar’s argument for utility.

In terms of power relations, however, trade did not simply signify emancipation and utility to John Millar. With the same analytical scheme Millar demonstrated that commercial activity had a tendency also to strengthen royal authority. The king’s tasks becoming ever more extensive, he was less and less able to execute all of them personally and he had to delegate an increasing number to specially assigned officials. Again the influence a king exerted over his subjects changed slowly from direct to indirect, from immediate to mediated. But in this case the handing out of competences led to the enlargement of his own power. That was because the king had control over the funds raised in order to finance the expanding state machinery. As the supreme tax collector he could and certainly would oblige his officials by handing out places and pensions.

The sovereign claims a principal share at least, in the nomination of officers, [and] as he commonly obtains the chief direction in collecting and disposing of the revenue which is raised upon their account, he is enabled thereby to give subsistence to a great number of persons who, in times of faction and disorder, will naturally adhere to his party, and whose interest, in ordinary cases, will be employed to support and to extend his authority. These circumstances contribute to strengthen the hands of the monarch, to undermine and destroy every opposite power, and to increase the general bias towards the absolute dominion of a single person.32
Another instrument of authority that fell into royal hands was a professionalised army. The activities of most people in commercial society left them unwilling and unable to perform military duties, which they preferred to buy off. In their stead, and with their money a standing army of mercenaries was summoned. Mercenaries formed a separate class in society which had no other motive to fight than for pay. Hence their only connection with the country in which they were quartered was with the sovereign on whom they depended for their living. Under the king’s command entirely, a standing army was the ‘great engine of tyranny and oppression’ since it could be, and very often was employed against the king’s own defenceless subjects. All this, according to Millar, made the ‘tendency of a standing army to increase the power and prerogative of the crown, which has been the subject of much declamation, ... sufficiently obvious’.  

The opposite tendencies attending the ‘increase of opulence’ produced a result that varied with the geopolitical situation. A ‘free constitution’ was usually established in a small state with a mainly rural population because those people easily combined in military posture to defend and extend their privileges. People spread out over an extensive country were in a very different position. For them it was always difficult to mobilise a militia at short notice. Therefore, and because of the relatively large funds obtained by the monarch, a standing army was erected at an early stage. This imbalance of force led to an absolute monarchy. Britain was an exception to the rule exemplified by France. Backed by a large mercenary army, Louis XIII dissolved the states general for good and assumed ‘almost all the different powers of government’. Britain’s ‘fortunate situation’ (consisting in its being protected against foreign invasions by the sea, and against the threat of a French landing on the shores of Scotland by the Personal Union of 1603) prevented the erection of a standing army. Misled by the notion of the divine right of kings, the ‘weak and bigotted’ Charles I initially thought he did not need force, and later that he could do anything to establish despotism. Since he had ‘no military force upon which he could depend [he was] obliged to yield to the growing power of the commons’. In spite of Cromwell’s self-interested and treacherous dealings ‘popular government’ was at length established in Britain, ‘after the best model, perhaps, which is practicable in an extensive country’.

Summarising the contents of The Distinction of Ranks Millar’s biographer wrote that ‘Mr Millar has bestowed much attention on the feudal governments of modern Europe. He has shewn how such institutions naturally arose from the condition of the German tribes, the extent of their conquests, and the reciprocal influence on each other of the manners of the old and new inhabitants ... This was indeed a very favourite subject with him’. Millar’s ‘very favourite subject’ was embedded in his account of the fluctuations in power relations from a subsistence economy to commercial society. In the first stages of the ‘natural progress
of government’ the heads of families were predominant. Wifes and children had to suffer the capriciousness of the *pater familias* while assemblies of domestic potentates seriously impeded the authority of local chiefs. With the progress of landed property and the expansion of governed territory the centre of governmental gravity slowly moved from the middle to the upper echelons of society. The king slowly gained political ground, and the equivalents of chiefs had their say by sitting in the national assembly. As commercial activity unfolded male children became much less dependent upon the father. The king, on the one hand, gained more power because of his inordinate control over a share of the wealth that was produced. On the other hand he lost power since even he could not withstand the emancipating effects of an extending and condensing network of dependencies. The outcome of those contrary tendencies was not the same everywhere but natural nonetheless because always the result of natural circumstances effecting the interplay of economic, legal, political and social ties.

‘THE NATURAL PROGRESS OF OPULENCE’

It is very likely that John Millar owed his account of the emancipatory effects of the changes wrought in relations of dependence in the ‘modern states of Europe’ to Adam Smith, his teacher, colleague and friend. Central arguments in *The Distinction of Ranks* were remarkably similar to Smith’s reasoning on the ‘natural progress of opulence’. Both Smith and Millar told a story about medieval power relations along the same lines: property in land leading to authority based on providing subsistence, the latter dwindling away with the lengthening and strengthening of chains of interdependence in commercial society. The first time Smith’s account was published was in 1776, in *An Inquiry into the Nature and Causes of the Wealth of Nations*. This seminal work appeared some five years after the first edition of Millar’s *Distinction of Ranks*. This would suggest a reversal of intellectual parenthood were it not that Smith is known to have presented the outline of the previous account and a good deal of its particulars much earlier. Evidence is found in the notes made of Smith’s lectures on jurisprudence at the University of Glasgow between 1762 and 1764. Millar attended Smith’s lectures in the early 1750s as a student, and he kept a close watch on his teacher’s doings before and after he himself began to teach at Glasgow University in 1761. Of overriding importance is the fact that Millar, in his second book, mentioned his indebtedness to Smith (while likening Smith’s debt to Montesquieu to that which Newton owed to Bacon, and thus fixing the stature of the first two) there where he repeated exactly the same line of reasoning. For brevity’s sake our rendition is confined to book three of the *Wealth of Nations*, entitled ‘Of the Different Progress of Opulence in Different Nations’.
In the third book of *The Wealth of Nations* Smith reasoned in the following way. ‘As subsistence is, in the nature of things, prior to conveniency and luxury, so the industry which procures the former must necessarily be prior to that which ministers to the latter. The cultivation and improvement of the country, therefore, which affords subsistence, must necessarily be prior to the increase of the town, which furnishes only the means of conveniency and luxury’. Imposed by necessity and human inclination,

the greater part of the capital of every growing society is first directed to agriculture, afterwards to manufactures, and last of all to foreign commerce. ... But though this natural order of things must have taken place in some degree in [most societies], it has, in all the modern states of Europe, been, in many respects, entirely inverted. The foreign commerce of some of their cities has introduced all their finer manufactures, or such as were fit for distant sale; and manufactures and foreign commerce together have given birth to the principal improvements of agriculture. The manners and customs which the nature of their original government introduced, and which remained after that government was greatly altered, necessarily forced them into this unnatural and retrograde order.

The irruption of Germanic peoples into the western part of the Roman Empire left towns deserted and the country uncultivated, according to Smith. Most of the lands were occupied by chiefs. Those chiefs came to derive much of their authority from the extensiveness of their estates. Unwilling to let their power wither, the proprietors prevented the splitting up of their estates after their deaths by inventing the law of primogeniture and introducing entail. Since ‘a great proprietor is [seldom] a great improver’ much of the land remained barren for ages.

The authority of a chief rested on the large number of people that depended for its subsistence on the produce of the lands he owned. The retinue of a chief consisted of tenants and retainers. Retainers relied for their sustenance on the meals with which their lord supplied them. Tenants were no part of the entourage in scenes of ‘rustick hospitality’ but they were nonetheless maintained by the generosity of the landowner. Thanks to their master they paid ‘a rent in no respect equivalent to the subsistence which the land afforded them’. That was just another way for the chief to employ the surplus produce on his own estate. Developments set in motion by urban activity put an end to this circular ‘rotation of crops’. Especially towns situated near the coast or a navigable river managed to revive the stagnant economy. The townsfolk eventually engaged in long-distance trade in objects of convenience and luxury. The creation of a demand for those articles had a decisive effect on the way in which the rural surplus was spent which, in turn, greatly altered the relations of dependence throughout society.
In a country where there is no foreign commerce, nor any of the finer manufactures, a man of ten thousand a year cannot well employ his revenue in any other way than in maintaining, perhaps, a thousand families, who are all of them necessarily at his command. In the present state of Europe, a man of ten thousand a year can spend his whole revenue, and he generally does so, without directly maintaining twenty people or being able to command more than ten footmen not worth the commanding. Indirectly, perhaps, he maintains as great or even a greater number of people than he could have done by the ancient method of expence. For though the quantity of precious productions for which he exchanges his whole revenue be very small, the number of workmen employed in collecting and preparing it must necessarily have been very great. Its great price generally arises from the wages of their labour, and the profits of all their immediate employers. By paying that price he indirectly pays all those wages and profits, and thus indirectly contributes to the maintenance of all the workmen and their employers. He generally contributes, however, but a very small proportion to that of each, to very few perhaps a tenth, to many not a hundredth, and to some not a thousandth, nor even a ten thousandth part of their whole annual maintenance. Though he contributes, therefore, to the maintenance of them all, they are all more or less independent of him, because generally they can all be maintained without him.  

The authority of a chief eroded, Smith thought, when he stopped being the sole provider of food for many people, and when he began consuming those things that provided a living to thousands of people. Moreover, to compete in frivolity with his peers the landed proprietor needed not just all the produce of his lands, but he also wanted that produce to be as high as possible. That could only be done by allowing his former dependents to own and draw the profit from the piece of land they worked. So while the nobility weakened itself by an idle lifestyle, the land ended up in the hands of the enterprising part of the population. And that was how agriculture was forwarded by the commercial activities in the towns of Europe.

Adam Smith’s statement that the development of feudal institutions was an inversion of the ‘natural order of things’ and John Millar’s statement that it was a natural effect of the peculiar situation in which the Germanic peoples found themselves from the fifth century onwards, seem mere variations on the theme of European exceptionalism. Paul Bowles observes that there was a mayor difference of opinion which he then reduces to the contradiction between apriorism and historicism. This is not the conclusion Millar or his contemporaries would draw. They would probably stress the very different political meanings attached to the images of the feudal system as a natural growth and as an aberration. The naturalness of feudal practices was not the only politically significant difference between the accounts of Smith and Millar. The last in all probability borrowed Smith’s ideas on the emancipatory effects of commerce, but he did not take emancipation for the unprecedented and unthreatened phenomenon that Smith thought it was. In Smith’s account, the emancipated enterprising part of society (moving against the ‘natural progress of opulence’) helped backward feudal structures to implode. According to Millar, commerce was a part of the
natural texture of European history that reared emancipation and renewed authoritarianism. Smith’s antifeudal optimism contrasted with Millar’s concern for the integrity of ancient political institutions in his own time.

Smith’s political temperament will always pose a problem to the historian, but it may safely be assumed that he shared few of Millar’s patriot anxieties. Two of the most knowledgeable experts on Adam Smith’s politics agree in contrasting the relative abstinence in political matters resulting from ‘Smith’s retiring nature’ and Millar’s ‘militant’ Whiggism. Out of insensitivity or perhaps on purpose, Smith touched several raw patriot nerves. Feudal government, Smith remarked in his lectures on jurisprudence, was ‘not at all cut out for maintaining civil government or police. The king had property in the land superior indeed to what others had, but not so greatly superior as that [he] had any considerable power over them’. The argument was as implicitly royalist as it was explicitly anti-aristocratic. Nobles were the ‘greatest opposers and oppressors of liberty that we can imagine’. Without a sovereign there was no way the nobility could be restrained and the order restored. According to Smith, each lord

was as it were an independent prince who made war and peace as he inclined. Each of these lords was commonly at war or at least in enmity with all his neighbours, and all his vassals were in like manner separate from those of the other lords and would always endeavour to carry off plunder from the lands of their neighbours.

Smith thought that the demise of the feudal system was a sign of royal supremacy or even absolutism. As an example he mentioned the ‘absolutist’ Tudors on the throne of England and as a bonus he implicated their servile parliaments.

Smith’s statements were royalist or rather establishment oriented in the eyes of the opposition Whigs, who nourished anti-oligarchic nobiliaire sentiments. He followed Court rules by holding the barons responsible for feudal anarchy and adding the ending of the worst misery to the personal record of the king, even though the latter had to share the honour with the inanimate working of commerce. The unproblematic dovetailing of royal achievements with economic progress in post-feudal politics was a typical feat of establishment thinking. Equally typical and problematic from a patriot point of view was the fact that Smith saw no danger in the additional power that a booming economy put into the hands of the monarch. For John Millar the counterpart of the liberating results of the nationwide acquisition of wealth, namely the enhancement of royal power and the growth of royal influence, was his greatest fear. Smith remained silent on the subject. In the same league and answering to the same logic were Smith’s ideas on the advantages of the standing army. His remarks on that score may have been signs of political abstinence but were surely felt as interruptions
in a debate that was highly politicised. Smith's remarks on the military superiority of mercenaries over the 'feudal militia', and the mild doubts he expressed on the question whether a standing army would be an instrument of despotism, may have been measured judgements but they surely raised the pressure of a patriot Whig like Millar.\textsuperscript{17}

It is easier to reconstruct John Millar's political agenda than to be confident about Adam Smith's politics. Or should one say that the first was the more partisan, and the second 'fairly complacent'?\textsuperscript{28} Taking the safe route (that is passing by what Smith may have had in mind), this study interprets Millar as improving on what he viewed as the politically incorrect flow of Smith's historical scheme. Millar honoured almost every particle of Smith's teaching but he refurbished several of its conclusions and reversed its order in conformity with patriot Whig beliefs. As the next chapter shows, Millar's political history exhibited equally subtle and even more consequential differences from the historical views of David Hume, another of his heroes praised nowadays for his political impartiality but whose party language Millar studiously converted.
NOTES

1. William Zachs, *The First John Murray and the Late Eighteenth-Century London Book Trade* (forthcoming). To the official number of 2000 copies should be added the unknown number printed for pirated editions of 1771 (Dublin) and 1793 (Basel).

2. Unless stated otherwise, references are to the fourth edition. The first three editions were all translated in the eighteenth century. The first was translated into German in 1772, the second into French in 1773, and the third again into German in 1798. Mention has been made of Dutch and French translations appearing in 1778, other German translations and an Italian one. For none of those confirmation has yet been found. Caroline Robbins, *The Eighteenth-Century Commonwealthman: Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies* (New York, 1968), 424. William Lehmann, *John Millar of Glasgow 1735-1801: His Life and Thought and his Contributions to Sociological Analysis* (Cambridge, 1960), 417.


6. For details of the various editions and prints of Stuart’s book see William Zachs, ‘Gilbert Stuart’, *The Book Collector* 37 (1988), 537-38. There we find that the *Antiquity of the English Constitution* was translated into German in 1779, and into French in 1794.


10. Millar, *Ranks*, 5, 6. Gilbert Stuart (English Constitution, 222) lamented that historians frequently concluded ‘that the establishments which arise in society are the result of intention and design. They seek for legislators before legislators could exist’.


12. Engaged in commerce with strangers, the father is also is forced to learn how to deal non-violently with wayward behaviour. Millar, *Ranks*, 50, 111, 129-30.


15. ‘The European scholarly literature which provided materials for Scottish conjectural historians is vast but it can be reasonably divided into four categories: the Bible and works dealing with it; the classics as presented by their editors and commentators; modern works of philosophy and scholarship; and
The History of Authority


19. Tacitus, Treatise on Germany, vii, 12, 21-22, 35, 39, 46, 66, 75-76, 77, 137.
20. Montesquieu's comments on the Germania were a source for Brotier's notes to the same work. Volpilhac-Augur, Tacite en France, 157.
27. Millar, Ranks, 185-86, 187, 199-200, 177, 192-93.
32. Millar, Ranks, 229.
33. Millar, Ranks, 222-25, 236, 224-25.
34. Millar, Ranks, 236-39, 240.
35. Craig, Life, lxxvii.

58


42. Smith, *Wealth of Nations*, 1:419-20


