
The Significance of Freedom of Rude Men in Commercial Society

— In Search of Reinforcing Liberty of Civilized Men by Adam Ferguson —

Hiroko Aoki *

I. Preface

The aim of this paper is to point out the significance of the distinction between liberty and freedom found at certain key points in the works of Adam Ferguson (1723-1816), a prominent Scottish enlightenment thinker in the eighteenth century, and to add a new contribution to the precedent studies. I mentioned “at certain key points” since Ferguson doesn’t always make rigid difference between them. There are important precedent studies on Ferguson’s concept of civil liberty,⁽¹⁾ and among them, Sher’s work that approaches to Ferguson’s concept of civil liberty in comparison with Montesquieu and Richard Price is the most focused one. This paper is further developed through the examination of rude men’s freedom as conceived by Ferguson and focuses on how it reinforces the civil liberty of modern civilized society.

The distinction is important since it shows us that Ferguson develops his understandings of civil liberty by drawing comparison between liberty and freedom; that it makes his warning of corruption and despotism a convincing discussion; that he doesn’t fall into simple dichotomy of rudeness and civilization; and that freedom of rude men functions as to reinforce the liberty of civilized men.

I will argue firstly about Ferguson’s concepts and correlations of corruption,

* Part-time lecturer at Keio University; Recipient of the ICU-COE research grant.

despotism and civil virtue; secondly the concepts of freedom; thirdly about the fragility of liberty in preventing despotism; and lastly the importance of rude men's freedom in reinforcing liberty.

II. The second meaning of “civil society”

The adjective “civil” used in Ferguson’s writings contains two meanings. As I have argued in the recent paper,⁽²⁾ one is opposed to “rude” and identified to “civilized (polished/ refined/ polite/ commercial)”. This usage is seen in the context of human history of civilization, progress and improvement. It makes “civil society” equal to “civilized society” and “commercial society” and its opposition to “rude society”. Another is “political”, often seen in his usages of “civil and political” and “civil or political”. And in this traditional equation of “civil society” and “political society” in the genealogy of classical republicanism, the second counter of Ferguson’s “civil” is “despotic” (or in Ferguson’s word “despotical”), which makes “despotic society” or “despotism” in opposition to “civil society”.

As Ferguson points out, “despotical government” is founded “on corruption,” and “on the suppression of all the civil and the political virtues.”⁽³⁾ Ferguson’s concept of “corruption” isn’t limited in political corruption such as bribery, but in a broad sense of the word. In his argument, “corruption” means the situation in which people are indifferent to public matters and postpone public interests to private ones. Corrupted people lose their suspicions to the power and authorities. And by the development and expansion of corruption, the groundwork of “despotism”⁽⁴⁾ is prepared. Ferguson explains that a society of “total corruption” is under despotism, in which the only aim of people and their ruler is to increase his or her own property. According to Ferguson, “The rules of despotism are made for the government of corrupted men,” and “a despotism is that in which one man, without law, or rule of administration, by the mere impulse of will or caprice, decides, and carries every thing before him.” Ferguson insists that the society formed by corrupted people is not free. This is not only because they live under despotism. Even when people are able to pursue their

own interests freely, if they live without senses of responsibility to their own society, they're not free. We can see that despotism is also discussed in a broader sense of the word, and doesn't owe its meaning only to political system. He goes on to insist that "Perfect democracy and despotism," which appear to be the opposite extremes, are actually the same.⁽⁵⁾ The reason for this is explained as below:

If men be any where arrived at this measure of depravity, there appears no immediate hope of redress. Neither the ascendancy of the multitude, nor that of the tyrant, will secure the administration of justice: neither the licence of mere tumult, nor the calm of dejection and servitude, will teach the citizen that he was born for candour and affection to his fellow-creatures.⁽⁶⁾

This context shows us that a despotic society is "despotic" since the "civil (political) virtue" of citizens isn't exercised there. The exercise of civil virtue is directly linked to vigour of men and an active engagement of citizens to the public matters that arise from the affection to families and fellows. As for civil virtue, the substance of Ferguson's perception of it suggested in the following passage.

Men are to be estimated, not from what they know, but from what they're able to perform; from their skill in adapting materials to the several purposes of life; from their vigour and conduct in pursuing the objects of policy, and in finding the expedients of war and national defence.⁽⁷⁾

Ferguson suggests that a person's real worth is proved by what he promptly decides and does in the face of difficulties, especially in the public matters — political and military.⁽⁸⁾ We can see from this view that the proof of being a virtuous citizen is to act brave as heroism, and at the same time, to approach rightly to the public good. And we can also see from Ferguson's view emphasizing the importance of acting accordingly to circumstances, civil virtue

isn't something that drives for abstract or universal aim.⁽⁹⁾ It's a kind of virtue that resists to immediate corruption and strives to prevent despotism in order to maintain the liberty of the society. It fights against every threat, whether domestic or foreign, that jeopardizes liberty.

From his objection to Richard Price over the independence of North American colonies,⁽¹⁰⁾ it's obvious that Ferguson learned and deeply absorbed the concept of civil virtue from Montesquieu whom he highly esteemed.⁽¹¹⁾ Montesquieu identified "the political virtue (*la vertu politique*)" with "the virtue in the republic (*la vertu dans la république*)," "the patriotism (*l'amour de la patrie*)," and "the love of equality (*l'amour de l'égalité*)".⁽¹²⁾ Ferguson also treated of civil virtue correlating it with patriotism and active engagement to the society. His expressions such as "the active virtues," "the political spirit," "the spirit of nations," "national virtue," or "national vigour" show the substance of the civil virtue as conceived by him.⁽¹³⁾ Viroli's explanations on "civic virtue" also following Montesquieu's concept of "civil virtue", may be easier to understand its concept:

To protect liberty, a republic must be able to rely on the civic virtue of its citizens, that is, on their willingness and capacity to serve the common good. Civic virtue is the foundation — or the spirit, to use Montesquieu's word — of republican government.⁽¹⁴⁾

Like Montesquieu, Ferguson conceived civil virtue, being displayed most remarkably in the political affairs and national defense of a republic, as arising from the affection to the society and the fellow countrymen. He defines, "the most happy state" as "most beloved by its subjects" and "the most happy men" as whose hearts are "engaged to a community, in which they find every object of generosity and zeal, and a scope to the exercise of every talent, and of every virtuous disposition." Ferguson also argues that individuals would not be victims of the welfare of the whole. The defense of liberty, and the happiness of the society and the individuals cannot be separated. He says, "if the public good be

the principal object with individuals, it is likewise true, that the happiness of individuals is the great end of civil society.”⁽¹⁵⁾

III. Corruption in civilized society

Ferguson praises the excellences of modern civilized society that overcame the flaws of rude societies: “The manners of rude nations require to be reformed. Their foreign quarrels, and domestic dissensions, are the operations of extreme and sanguinary passions”; “our sense of humanity, our regard to the rights of nations, our admiration of civil wisdom and justice, even our effeminacy itself, make us turn away with contempt, or with horror, from a scene which exhibits so few of our good qualities, and which serve so much to reproach our weakness.” On the other hand, he sees “elevation” in rude man, since rude man acts “only from the heart.” Rude society isn't corrupted, as the motives of conducts are not based on private interests. While he recognizes sophisticated disposition of people in rude society, he recognizes barbarous disposition of people in commercial society.⁽¹⁶⁾

Ferguson applauds Great Britain as a model of modern civilized society, and its stability after the Glorious Revolution (1688-89) that enabled the development of commerce, peace and security under the law, and the refinement of arts. But he couldn't help feeling uneasy about the future of Great Britain, especially of Scotland. In Ferguson's eyes, liberty was at risk in the modern civilized society, wherein individuals sought to place their own interests above those of society.

To the ancient Greek, or the Roman, the individual was nothing, and the public every thing. To the modern, in too many nations of Europe, the individual is every thing, and the public nothing.⁽¹⁷⁾

He attributes this consequence in the development of “separation of labor and arts” in all the genres of professions, but especially in politics and national defense. By this consequence, most people, who were unconsciously excluded from the public spheres, came to devote themselves to seek their own interests.

Thus, the following warning to the commercial society:

Under this influence, they would enter, if not restrained by the laws of civil society, on a scene of violence or meanness, which would exhibit our species, by turns, under an aspect more terrible and odious, or more vile and contemptible, than that of any animal which inherits the earth. ⁽¹⁸⁾

In his narration of history of Roman republic, he points out Rome's "the worst and most corrupting part" under the rule of Caesar was of "receiving gratuities in money and corn, as well as that of being frequently amused with expensive shows." ⁽¹⁹⁾ He argues that Roman citizens lost their pride and consciousness of being responsible members of the republic by "bread and circus" supplied for free. But he doesn't attribute the greatest reason for the corruption and decline of Roman republic to "bread and circus" nor to the dictatorship of Caesar.

Roman, by the continual labours of seven centuries, had made their way from the Tiber to the Rhine and the Danube, through the territory of warlike hordes who opposed them, and over forests and rugged ways that were every where to be cleared at the expense of their labour and their blood: but the ways they had made to reach their enemies were now open, in their turns, for enemies to reach them. The ample resources, which they had formed by their cultivation, increased the temptation to invade them, and facilitated all the means of making war upon their country. By rendering the inhabitants of their provinces, in every part, to pacific subjects, they brought the defence of the empire to depend on a few professional soldiers who composed the legions. ⁽²⁰⁾

After having enlarged its territory and accumulated wealth by displaying its courage and heroic virtue, Rome began to chase the pleasure and to depend its defense on mercenaries whose motives for war were not the affection to Rome.

According to Ferguson, it's only wrong to designate rich and cultural life that brought decline to Rome as "civilized".

They have entertained admiration of themselves, under the titles of civilized and of polished, where they should have been affected with shame; and even where they have for a while acted on maxims tending to raise, to invigorate, and to preserve the national character, they have, sooner or later, been diverted from their object, and fallen a prey to misfortune, or to the neglects which prosperity itself had encouraged. ⁽²¹⁾

The most grievous mistake of Roman republic was that citizens could not remain vigorous and virtuous, and were no longer politicians and soldiers. This transformation of Roman disposition necessarily admitted the dictatorship of Caesar. We can see that Ferguson doesn't give the title "civilized" in a broad sense to a society without public spirit of its citizens.

In his work written when he was playing a leading role of the campaign to establish militia in Scotland, he emphasizes that modern civilized people became effeminate, egoistic and practical as their fortitude or bravery — "the first rank of virtue"—, the martial disposition, and the public spirit degenerated. ⁽²²⁾ He insists of the importance of self-defense:

Self-defence is the business of all: and we have already gone too far, in the opinion that trade and manufacture are the only requires in our country. In pursuit of such and idea, we labour to acquire wealth; but neglect the means of defending it. We would turn this country into a company of manufacturers, where each is confined to a particular branch, and sunk into the habits and peculiarities of his trade. In this we consult the success of manufacture; but flight the honour of the human nature: we furnish good work; but educate men, gross, sordid, void of sentiment and manners, who may be pillaged, insulted and trod upon by the enemies of their country. ⁽²³⁾

As seen in his passion for establishing militia, Ferguson's lifetime task was to seek the way to regenerate the public spirit of citizens and at the same time to maintain the wealth and civil liberty attained by the civilization.⁽²⁴⁾ In solving this difficult problem, Ferguson constantly referred to the history of Roman republic, and argued that "the wealth, the aggrandizement and power of nations" are commonly "the effects of virtue" and "the loss of these advantages" is often "a consequence of vice."⁽²⁵⁾ Nevertheless, its history showed that the nation formed by virtuous citizens doesn't continue to flourish:

The event, however, has not corresponded to this expectation. The virtues of men have shone most during their struggles, not after the attainment of their ends. Those ends themselves, though attained by virtue, are frequently the causes of corruption and vice.⁽²⁶⁾

Ferguson learned from the history that the virtues of men were mostly displayed when they had been struggling to attain the common goal. Once men acquired peaceful and calm society without any conflicts, they began to devote themselves to their own interests and to improve the commercial arts, but no longer exerted their virtues. Thus, the transformation to peace and calm prepared the way to corruption and despotism. But Ferguson did not regard corruption and despotism as the inevitable destiny of the modern civilized society. He continued to seek the way to prevent them.

IV. Rude men's freedom and civilized men's liberty

As above-mentioned, corruption erodes liberty, and liberty no longer exists in despotism — the ultimate corrupted situation. As civil society and despotic society are two sides of the same coin, despotism and liberty are also as such.

When Ferguson argues about liberty in the modern civilized society, he discusses it in comparison with "freedom" of rude men and distinguishes both at key points. He says that while freedom is an "unrestrained" condition, liberty is "opposed to injustice, not to restraint."⁽²⁷⁾ As far as freedom is concerned, one

must have the power of will to refuse any control from any one or thing, and the independent mind to remain free. And the society relies on its members' personalities in maintaining the freedom. As Ferguson puts it by illustrating with the original inhabitants of America, freedom certainly exists in rude societies. He explains: "they listen to no orders"; and "small and rude societies" in which "the individual finds himself attacked in every national war," "none can propose to devolve his defence on another"; "they come under no military engagements, but those of mutual fidelity, and equal ardour in the enterprise."⁽²⁸⁾ They were attached to each other by affection to their community, promises, mutual fidelity and customs:

Among the North-American nations, every individual is independent; but he is engaged by his affections and his habits in the cares of a family. Families, like so many separate tribes, are subject to no inspection or government from abroad; whatever passes at home, even bloodshed and murder, are only supposed to concern themselves.⁽²⁹⁾

A rude man determines everything by himself and left nothing to others. Even though laws and institutions were absent, they kept well-ordered society and remained their freedom by mutual fidelity, affection, courage and obedience. Also, "the absence of vicious dispositions" was "a better security than any public establishment for the suppression of crimes."⁽³⁰⁾ The character of their mind in this state, however, was not founded on ignorance alone. Men were conscious of their equality, tenacious of its rights.⁽³¹⁾

As for the concept of liberty, he defines it as "the operation of just government" and states that: "in the security of rights consists civil and political liberty"; "liberty" cannot subsist "without the supposition of every just restraint"; "it actually implies every restraint".⁽³²⁾ It's worthy to point out that he doesn't make clear distinction between "liberty" and "civil (political) liberty." In comparison with rude men's freedom, he discusses about liberty as follows:

Liberty, in one sense, appears to be the portion of polished nations alone. The savage is personally free, because he lives unrestrained, and acts with the members of his tribe on terms of equality. The barbarian is frequently independent from a continuance of the same circumstances, or because he has courage and a sword. But good policy alone can provide for the regular administration of justice, or constitute a force in the state, which is ready on every occasion to defend the rights of its members. ⁽³³⁾

Liberty is proper to the civilized societies ruled by laws. Ferguson states “Liberty results, we say, from the government of laws”. ⁽³⁴⁾ Consequently, civilized men enjoy their liberty by reconciling themselves to obeying laws or restraints.

Where the citizen is supposed to have rights of property and of station, and is protected in the exercise of them, he is said to be free; and the very restraints by which he is hindered from the commission of crimes, are a part of his liberty. No person is free, where any person is suffered to do wrong with impunity. ⁽³⁵⁾

Namely, liberty is “a right which every individual must be ready to vindicate for himself, and which he who pretends to bestow as a favour, has by that very act in reality denied.” And even “the despotic prince on his throne,” could not be an exception to this general rule. The despotic prince becomes a slave, the moment he refuses any contest and disregards the rights of his people. ⁽³⁶⁾

“Liberty consists in the secure possession of what the law bestows,” and “the most salutary laws” distribute “the benefits and the burdens of civil society in the most equal manner to all its members.” ⁽³⁷⁾ And he insists that the statute must be admired “as the key-stone of civil liberty, since “No wiser form was ever opposed to the abuses of power.” In other words, a country with sound laws is a country, which secures liberty to its people. And everyone is justly said to be free, “in proportion as the government under which he resides is sufficiently

restrained and limited to prevent the abuse of its power.”⁽³⁸⁾

Then, against what the government should protect its people? According to Ferguson, the government is “the roof under which the free citizen take shelter from the storm of injustice and wrong.” The enemies of the citizen’s liberty are “injustice and wrong” and “wrong or oppression,” whether “foreign or domestic, public or private”. The first requisite towards obtaining this security is the existence of an effective government to wield the strength of the community against foreign enemies, and to repress the commission of wrongs at home.⁽³⁹⁾ In securing the liberty from these enemies, it’s important to reinforce the self-defense and to prevent the abuses of domestic power by checking it constantly by establishments and restrictions. As for the latter, referring to the history of ancient republics, Ferguson pointed out that in Sparta, by the collegiate sovereignty, the senate, and the ephori, institutions mutually checked and held the balance of power. And similar system was operated in Carthage and Roman republic.⁽⁴⁰⁾ He insisted that the system of check and balance bears liberty:

It is well known, that constitutions framed for the preservation of liberty, must consist of many parts; and that senates, popular assemblies, courts of justice, magistrates of different orders, must combine to balance each other, while they exercise, sustain, or check the executive power. If any part is struck out, the fabric must totter, or fall; if any member is remiss, the others must incroach.⁽⁴¹⁾

Liberty would be maintained under the function of check and balance established on institutions, aimed to prevent the abuses of the power. Thus, Ferguson argued over liberty correlating with laws (justice), institutions (check and balance) and government (security). In terms of history of civilization, mankind abandoned the freedom (the state of unrestrained and disobedient) when made up its mind to obeying laws and acquiring liberty. Namely, civilized men traded off the freedom that independent rude men proudly had, to civil liberty that secures rights to anyone under the law.⁽⁴²⁾ Ferguson detected this

trade off between liberty and freedom in modern civilized society, especially in Scotland that selected the unification with England and laid down its political independence for its economic advantage.

V. The fragility of laws in defending liberty

Ferguson insisted on the importance of laws and institutions but he went on to discuss that even laws and institutions would be fragile in order to remain civil liberty. According to Ferguson, even laws cannot be perfectly independent of arbitrary decision of men. They could be applied to “enslave, not to restrain from crimes,” and contain “an actual tendency to corrupt the manners, and to extinguish the spirit of nations” ⁽⁴³⁾. Ferguson expresses disgust toward a society ruled by rules: a society in which people cannot converse without a precise and written ceremonial, or in which people cannot walk safely without barricaded streets, would come to a head. ⁽⁴⁴⁾ Namely, he fears the fixation of the idea that social orders cannot be established without rules, which are supposed to play instrumental role.

We may expect that many of the boasted improvements of civil society, will be mere devices to lay the political spirit at rest, and will chain up the active virtues more than the restless disorders of men. ⁽⁴⁵⁾

In this case, people would become “unworthy of the freedom they possess, and unfit to preserve it”. Now the question is, how can we avoid blind obedience to laws? Rome and England showed the way to Ferguson. Their systems of law differs but had a great similarity in the practice and decisions of courts. “The people in both reserved in a manner the office of judgement to themselves, and brought the decision of civil rights, or of criminal questions, to the tribunal of peers, who, in judging of their fellow-citizens, prescribed a condition of life for themselves.” The tribunal of peers was a system deliberately prepared in order to establish rule of perfectly just law and a place where citizens claim about their conditions of life. According to Ferguson, “The most equitable laws on paper are

consistent with the utmost despotism in administration". But England, "under such favourable establishments, known customs, the practice and decisions of courts, as well as positive statutes, acquire the authority of laws". The tribunal of peers supported the rule of law in Rome and England. ⁽⁴⁶⁾

But why the institutions continue to ensure the effects of laws in Great Britain? It is, Ferguson answers, "by lodging legislation in the hands of persons interested in the justice of laws which they make, and by giving to all the different orders of the state a power to reject or amend every law that is likely to be grievous on themselves." ⁽⁴⁷⁾ And the most significant cause is the national disposition of Great Britain: "it requires a fabric no less than the whole political constitution of Great Britain, a spirit no less than the refractory and turbulent zeal of this fortunate people, to secure its (*statute's) effects". ⁽⁴⁸⁾ Even weak and remiss nations are sometimes roused to enterprise, and display ardour and national vigour as if they had paroxysms. "In the case of such nations, indeed, the returns of moderation are but a relapse to obscurity, and the presumption of one age is turned to dejection in that which succeeds." But the Great Britain maintained its national vigour even after the euphoria, and could transform its madness and zeal into wisdom. "Policy," "learning," and "arts" develop in the nation which maintains this active spirit. "The ancient republics, immediately after some alarming sedition," and "the kingdom of Great Britain, at the close of its civil wars," from having appeared on the brink of ruin, they could pass to the greatest prosperity owing to the national vigour. ⁽⁴⁹⁾

The reason to Ferguson referring constantly to ancient republics and England is because they have shown that it's impossible to maintain civil liberty without national vigour and active sprit. Written statutes are made by citizens in order to maintain civil liberty and to avoid despotism. And by obeying the statutes, citizens can enjoy their civil liberties. However, the statutes cannot be independent from arbitrary decisions of men. For example, "corrupt magistrate" respects the statutes when they favour his purpose, but when they stand in their way he evades them. And cunning people can evade the statutes. If the statutes ceased to be enforced by the very spirit from which they arose, "they serve only

to cover, not to restrain, the iniquities of power". Then, the statutes would become "mere record," which do not serve to "record the rights of people," or to "speak the intention of parties to defend what the letter of the laws has expressed".⁽⁵⁰⁾

Since citizen's blind obedience and dependence to laws are equal to the abandonment of responsibilities to society and civil liberty, they're also equal to corruption as being the hotbed of despotism. This is the situation Ferguson mostly fears: the society occupied by corrupted citizens, "the despotism of many".⁽⁵¹⁾ To avoid this worst situation, he argues that it's crucial to maintain "the influence of men", who have "adjusted in writing the terms on which they are to live with the state" by "vigilance and spirit". He says, "Liberty is a right which every individual must be ready to vindicate for himself, and which he who pretends to bestow as a favour, has by that very act in reality denied". Also it would be more and more difficult to prevent despotism, as the laws become complicated and subdivided and become something that only experts understand. Therefore to depend only on laws in securing the rights of citizens is unrealistic as "magic power descending from shelves that are loaded with books".⁽⁵²⁾

If even the safety of the person, and the tenure of property, which may be so well defined in the words of a statute, depend, for their preservation, on the vigour and jealousy of a free people, and on the degree of consideration which every order of the state maintains for itself; it is still more evident, that what we have called the political freedom, or the right of the individual to act in his station for himself and the public, cannot be made to rest on any other foundation. The estate may be saved, and the person released, by the forms of a civil procedure; but the rights of the mind cannot be sustained by any other force but its own.⁽⁵³⁾

To fight against laws that potentially give birth to despotism, "the influence of men resolved to be free," "vigour and jealousy," and "spirit" are indispensable.⁽⁵⁴⁾

VI. The significance of conflicts among free men

Conflicts arise necessarily when the vigour and jealousy of men are displayed. Ferguson perceived political conflicts as one of the symbols of civil society. He warned of “the mere tranquility” in the society: “the turbulence of free states is contrasted with the seeming tranquility of despotical government.”⁽⁵⁵⁾

According to Ferguson, the best political system accompanies “inconvenience,” and “complaints” arise from the exercise of liberty.⁽⁵⁶⁾ The government without inconvenience and the society without objections are neither sound nor free. “A perfect agreement in matters of opinion is not to be obtained, and if it were, what would become in the most select company of society?”⁽⁵⁷⁾ To accept plurality in the society as a matter of fact and to seek for general consensus are incompatible. Ferguson thus denied the possibility of a society to become a single agent formed by unified sense of value. The attempt to justify specific policy or institutional agreement, by the consensus of all the member of society is: “something that has never been realized in the history of mankind,” “its object be as cannot be realized,” “nugatory and absurd”.⁽⁵⁸⁾ To enforce artificial consensus to the society is a conduct of violent suppression: “Nothing, in the mean time, but corruption or slavery can suppress the debates that subsist among men of integrity, who bear an equal part in the administration of state.”⁽⁵⁹⁾

The denial of the validity of general agreement by Ferguson arise from the realistic point of view that attacks optimistic views that believe men make decisions by harmonizing and controlling various wills and situations by reasons.⁽⁶⁰⁾ Ferguson regarded history as sequence of unintended consequences by men’s conflicts, not by deliberation nor agreement: “[n]o constitution is formed by concert, no government is copied from a plan.”⁽⁶¹⁾

Men, in fact, while they pursue in society different objects, or separate views, procure a wide distribution of power, and by a species of chance, arrive at a posture for civil engagements, more favourable to human nature than what human wisdom could ever calmly devise.⁽⁶²⁾

Law is formed through strategic process between political parties in rivalry. And social order is a product of compromises. The unbalanced dispersion of powers brings the stability of political order by deliberate compromises, avoiding the possibility of a certain party to become overwhelmingly powerful. Consequently, the government and institutions are the products of political conflicts. Ferguson insists that it's dangerous to blindly believe the general agreement. Therefore, "the wisest laws" are "never, perhaps, dictated by the interest and spirit of any order of men: they are moved, they are opposed, or amended, by different hand," and "come at last to express that medium and composition which contending parties have forced one another to adopt". So "the Liberty" is maintained "by the continued differences and oppositions of numbers," and not "by their concurring zeal in behalf of equitable government."⁽⁶³⁾

Each parties have different ideas and interests and oppose each other, but irrelevant to their intentions liberty is formed and maintained through conflicts. It isn't "Peace and unanimity" but "the rivalship of separate communities, and the agitations of a free people" which is "the principal foundations of public felicity" and "the principles of political life," and at the same time, "the school of men."⁽⁶⁴⁾ Ferguson agrees with Plutarch as follows:

'The Spartan legislator,' says Plutarch, 'appears to have sown the seeds of variance and dissension among his countrymen: he meant that good citizens should be led to dispute; he considered emulation as the brand by which their virtues were kindled; and seemed to apprehend, that a complaisance, by which men submit their opinions without examination, is a principal source of corruption.'⁽⁶⁵⁾

The importance of controversy is also emphasized in the following passage: "The conversation of good men very often takes the form of debate or controversy; and it is indeed in this form they are most likely to receive from one another mutual instruction and improvement of thought."⁽⁶⁶⁾ For Ferguson, desirable order of a political body embraces conflicts between pluralistic powers

but is harmonized as a whole. In other words, the nation of pluralistic orders is the “free nation” that makes contrast with despotism. ⁽⁶⁷⁾

Institutions should not exclude differences nor embrace them. Differences must be taken up for discussion in the political conflict. An “ultimate conflict,” which threatens the plurality, differences, conflicts, and independent and active people, can be excluded by the constant political conflict. Ferguson insists that the most important thing is not to eliminate conflicts from the society. The effort to eliminate conflicts is same as “to suppress the debates that subsist among men of integrity, who bear an equal part in the administration of state,” and give birth to “corruption or slavery”. ⁽⁶⁸⁾

VII. Conclusion

The eighteenth century Britain was a model of modern civilized society for Ferguson. In his eyes, the market was expanding by the progress of division of labour, and under the mixed monarch government, British were enjoying peace and wealth. The sophisticated manners took the place of classical virtue as the sense of value. Ferguson faced up to “modern civilized society” as the real time reality, and in tracing the history of mankind from “rudeness” to “civilization”, he added a broader sense to “civil society”. Ferguson really felt the need to confront the meaning of “civil” as “political”, originating from “polis”, in his modern “civilized” society.

While defining the occurrence of civil society as “civilized society” relevant to economic development and sophistication of manners, he defined civil society as “political society,” in which its members subside to government and social order, in political terms. Since his concept of civil society reflects two meanings —“political” and “civilized”— it represents all the spheres experienced by mankind. And it shows us the possibility to remove the fence between public and private (political and economic) spheres.

At the core of his thoughts on civil society was “civil liberty” which secures property and rights to all the people under the law. But civil liberty is fragile according to Ferguson. To maintain it, citizens must not blindly obey laws and be

always conscious of liberty. He argues that civil liberty needs to be reinforced by vigour and freedom as seen significantly in rude people, in order to protect society and its people from despotism. The freedom in rude society was unrestrained one, dependent on rude people's spirit of self-determination. If modern civilized men desire to keep the liberty to choose and pursue freely their own objects they must consciously keep rude men's spirit. The active engagement to the society was suggested for this purpose. Thus, civil liberty was conceived as a negative concept by Ferguson, not a positive one.

In Ferguson's argument on civil society, rude society and civilized society do not fall into simple dichotomy. Liberty of civilized men and freedom of rude men coexists in the way of the latter reinforcing the former. The message of Ferguson is if we lose the spirit of rude men we would inevitably lose our liberty attained by civilization.

Notes

- (1) Kettler (1965; 1967); Sher (1994).
- (2) Aoki (2005).
- (3) Ferguson (1995), p. 260.
- (4) Although Ferguson also uses the term "tyranny", the term "despotism" is more frequently used (Cf. *Ibid.*, p 248). He doesn't make rigid distinction between both. It seems that Ferguson selected the latter to discuss the broader sense of the term.
- (5) *Ibid.*, p 71; p. 72; p. 228; p 66; p. 72.
- (6) *Ibid.*, p. 73.
- (7) *Ibid.*, p. 33.
- (8) Cf. Ferguson (1975), II, p. 418: "Human nature nowhere exists in the abstract," "human virtue is attached, in every particular instance, to the use of particular materials, or to the application of given materials, to particular ends."
- (9) According to Kettler, Ferguson discussed that the "main object of wise statesmanship" isn't the development of men's "moral character" but is the formation of an appropriate "political character". Cf. Kettler (1965), p. 265.
- (10) Ferguson (1776).

- (11) Ferguson (1995), p. 66: "When I recollect what the President Montesquieu has written, I am at a loss to tell, why I should treat of human affairs"; Cf. Gautier, (1993), p. 95.
- (12) Montesquieu, (1950a), p. lvij.
- (13) Ferguson (1995), p. 210; p. 141; p. 132.
- (14) Viroli (2002), p. 69.
- (15) Ferguson (1995), p.59.
- (16) *Ibid.*, p. 208; p. 149; p. 176.
- (17) *Ibid.*, p. 57.
- (18) *Ibid.*, p 17.
- (19) Ferguson (1858), p.424.
- (20) *Ibid.*, p.444.
- (21) Ferguson (1995), p 196.
- (22) Ferguson (1756), pp. 5-6; p. 11; p. 13.
- (23) *Ibid.*, p.12.
- (24) cf. *Ibid.*, p. 33.
- (25) Ferguson (1995), p 196.
- (26) *Ibid.*
- (27) Ferguson (1994), p. 288.
- (28) Ferguson (1995), p. 84; p. 144; p. 84.
- (29) *Ibid.*, p. 85.
- (30) *Ibid.*
- (31) *Ibid.*, p. 84.
- (32) Ferguson (1994), p. 288; Ferguson (1975), II, p. 459.
- (33) Ferguson (1995), p. 247.
- (34) *Ibid.*, p. 249; cf. Ferguson (1975), II, p.458: "It is under just restraint only that every person is safe, and cannot be invaded, either in the freedom of his person, his property, or innocent act."
- (35) Ferguson (1995), p. 150.
- (36) *Ibid.*, p. 251; p. 150; cf. Ferguson (1975), II, p.458: "If any one were unrestrained, and might do what he pleased, to the same extent also every one else must be exposed to suffer whatever the free man of this description were inclined to inflict; and the very usurpation of the most outrageous tyrant is no more than a freedom thus assumed to himself."
- (37) Ferguson (1994), pp. 288-9.
- (38) Ferguson (1995), p. 160; Ferguson (1975), II, p. 459.

- (39) *Ibid.*; *Ibid.*, p. 465.
- (40) Ferguson (1995), 154; Ferguson (1858), p. 35; cf. Ferguson (1995), p. 154. Ferguson regards Sparta as the ideal ancient republic. In Sparta, “if citizens be ranged into separate classes, they become mutual checks by the difference of their opinions, not by the opposition of their interested designs”. But the system of check and balance was not the greatest reason for him to highly esteeming Sparta. Ferguson agreed with Xenophon saying: “the Spartans should excel every nation, being the only state in which virtue is studied as the object of the government.” *Ibid.*, p. 153; Carthage had similar systems but it was a commercial state and the main object of the government was to accumulate wealth. Citizens “estimated rank by their wealth,” and their armies were composed of “fugitive and slaves from every country around them”. Ferguson (1858), pp. 36-7; Roman republic, which Ferguson esteems next to Sparta, “riches were of no account in constituting ranks. Men became eminent by rendering signal services to their country, not by acquiring wealth”. *Ibid.*, p. 38; Ferguson emphasizes that the remote cause of Carthage defeated by Rome in the Poeni war was the nature of Carthage as a commercial state that depended national defense to mercenaries.
- (41) Ferguson (1995), p. 252.
- (42) Cf. Sher (1994), pp. 372-83; Montesquieu (1950b), pp. 26-36: By examining Montesquieu’s description of “Troglodytes” in *Lettres Persanes*, Sher verified its influence and similarity to Ferguson’s argument. When Troglodytes changed over from small-scale and perfect virtuous community to a large-scale commercial society, they established government and acquired civil liberty based on law by their will — at the sacrifice of their autonomy and independence —. Sher added to Montesquieu that in the process of establishing modern society, men traded their “primitive liberty” to “civil liberty,” and he called this transition “Troglodytes’ tradeoff”.
- (43) Ferguson (1995), p. 210.
- (44) *Ibid.*, pp.209-10: He mentioned China where despotic emperor ruled.
- (45) *Ibid.*, pp. 202-3.
- (46) *Ibid.*, p.210; pp.159-60.
- (47) Ferguson (1776), p. 13.
- (48) Ferguson (1995), pp. 160-1.
- (49) *Ibid.*, pp.201-2.
- (50) *Ibid.*, p. 249; p. 160.
- (51) Ferguson (1975), II, p. 436; cf. *Ibid.*, II, p.464. “The violence of popular assemblies and

their tumults need to be restrained, no less than the passions and usurpations of any other power whatever; and there is indeed no species of tyranny under which individuals are less safe than under that of a majority or prevailing faction of a corrupted people"; The classification of despotism by Ferguson, and his concept of "despotism of many," are further argued in: Aoki (2004), pp. 108-14.

- (52) Ferguson (1995), p. 249; p. 251; p. 249.
- (53) *Ibid.*, p. 160.
- (54) *Ibid.*; p. 249.
- (55) Ferguson (1975), II, p. 510; Cf. Geuna (2002), p. 193: In the good political life suggested by Aristotle, there was no room for conflict. According to Geuna, although there were competitions in agora striving for excellence, conflicts did not occur since there were no fundamental differences between ancient Greek citizens; Machiavelli argued the significance of conflicts in the civil life, breaking the Aristotelian tradition. Cf. Aoki (2004).
- (56) Ferguson (1995), p. 270; According to Ignatieff, David Hume prefers calm and peaceful society under the absolute monarch to volatile society in which political parties struggle. Ferguson and Hume clearly had different standpoint. Ignatieff (1983), pp.329-30.
- (57) *Ibid.*, p. 63; cf. Ferguson (1975), II, p. 510: "In free state, even where men do not act from any culpable defect of understanding or criminal disposition, they are seldom all of one mind, on any subject whatever. The conversation of good men very often takes the form of debate or controversy; and it is indeed in this form they are most likely to receive from one another mutual instruction and improvement of thought."
- (58) *Ibid.*, pp. 470-1.
- (59) Ferguson (1995), p. 63.
- (60) Cf. Kettler (1977), p. 450. Kettler accounts for Ferguson's recognition of history of nations as the consequences of interactions of situations, namely the unintended political consequences that conflicts brought.
- (61) Ferguson (1995), p. 120.
- (62) *Ibid.*, p. 225.
- (63) *Ibid.*, p. 125.
- (64) *Ibid.*, pp. 62-3.
- (65) *Ibid.*, p. 63.
- (66) Ferguson (1975), II, p. 510.
- (67) It seems that Ferguson was inspired by Montesquieu's concept of "harmony of discordance" and Machiavelli. Cf. Aoki (2004), pp. 155-6.

(68) Ferguson (1995), pp. 61-2.

REFERENCES

- Aoki, Hiroko (2004). "Civil Society as Conceived by Adam Ferguson: Preservation of "Civil Liberty" and Avoidance of "Despotism of Many" in Modern Civilized Society, PhD Dissertation submitted to the graduate school of International Christian University, in Japanese.
- (2005). "Adam Ferguson's Perception of History and Historiography: The Significance of 'Virtues of Rude Men'," *The History of Economic Thought*, Vol. 47, No. 2, December 2005, pp. 57-74, in Japanese.
- Ferguson, Adam (1756). *Reflections Previous to the Establishment of a Militia*, Printed for R. and J. Dodsley in Pall-mall.
- (1776). *Remarks on a Pamphlet lately Published by Dr. Price*, Printed for T. Cadell.
- (1858 [1783]). *The History of the Progress and Termination of the Roman Republic*, with a notice of the author by Lord Jeffrey, New York: Derby & Jackson.
- (1975 [1792]). *Principles of Moral and Political Science: Being Chiefly a Retrospect of Lectures delivered in the College of Edinburgh*. Vol. I & II, with an introduction by J. Jean Hecht, New York: Georg Olms Verlag.
- (1994 [1769]). *Institutes of Moral Philosophy*, London: Routledge/ Thoemmes Press.
- (1995 [1767]). *An Essay on the History of Civil Society*, ed. and introduction by Fania Oz-Salzberger, Cambridge: Cambridge University Press.
- Gautier, Claude (1993). *L'invention de la Société Civile: Lécures Anglo-Éossaises: Mandeville, Smith, Ferguson*, Paris: Presses Universitaires de France, 1993.
- Geuna, Marco (2002). "Republicanism and Commercial Society in the Scottish Enlightenment: The Case of Adam Ferguson," in Martin van Gelderen & Quentin Skinner eds. *Republicanism* Vol. II, Cambridge: Cambridge University Press.
- Ignatieff, Michael (1983). "John Millar and Individualism," in Istvan Hont & Ignatieff eds. *Wealth and Virtue: the Shaping of Political Economy in the Scottish Enlightenment*, Cambridge: Cambridge University Press.
- Kettler, David (1965). *The Social and Political Thought of Adam Ferguson*, Ohio: Ohio State University Press.
- (1977). "History and Theory in Ferguson's Essay on the History of Civil Society: A

Reconsideration," *Political Theory*, Vol.5, No.4, Nov. 1977.

Montesquieu, Charles Baron de (1950a). "De l'Esprit des Lois," *Oeuvres Complètes de Montesquieu*, Tome I, Paris: Les Editions Nagel.

————— (1950b). "Lettres Persanes," *Oeuvres Complètes de Montesquieu*, Tome I, Paris: Les Editions Nagel.

Sher, Richard (1994). "From Troglodytes to Americans: Montesquieu and the Scottish Enlightenment on Liberty, Virtue, and Commerce," in David Wootton ed. *Republicanism, Liberty and Commercial Society 1649-1776*, California: Stanford University Press.

Viroli, Maurizio (2002). *Republicanism*, New York: Hill and Wang.

The Significance of Freedom of Rude Men in Commercial Society
— **In Search of Reinforcing Liberty of Civilized Men by Adam Ferguson** —

〈Summary〉

Hiroko Aoki

The aim of this paper is to point out the significance of the distinction between liberty and freedom found at certain key points in the works of Adam Ferguson (1723-1816), a prominent Scottish enlightenment thinker in the eighteenth century, and to add a new contribution to the precedent studies. The distinction is important since it shows us that Ferguson develops his understandings of civil liberty by drawing comparison between liberty and freedom.

At the core of his thoughts on civil society was “civil liberty” which secures property and rights to all the people under the law. But since civil liberty is fragile, citizens must not blindly obey laws and be always conscious of liberty to maintain it. He argued that civil liberty needs to be reinforced by vigour and freedom as seen significantly in rude people, in order to protect society and its people from despotism. The freedom in rude society was unrestrained one, dependent on rude people’s spirit of self-determination. If modern civilized men desire to keep the liberty to choose and pursuit their own objects freely, they must consciously keep rude men’s spirit. The active engagement to the society was suggested for this purpose. Thus, civil liberty was conceived as a negative concept by Ferguson, not a positive one.

In Ferguson’s argument on civil society, rude society and civilized society do not fall into simple dichotomy. Liberty of civilized men and freedom of rude men coexists in the way of the latter reinforcing the former. The message of Ferguson is if we lose the spirit of rude men we would inevitably lose our liberty attained by civilization.