

ADAM SMITH

V

Lectures on Jurisprudence

THE GLASGOW EDITION OF THE WORKS AND
CORRESPONDENCE OF ADAM SMITH

*Commissioned by the University of Glasgow to celebrate the bicentenary of
the Wealth of Nations*

I

THE THEORY OF MORAL SENTIMENTS

Edited by D. D. RAPHAEL and A. L. MACFIE

II

AN INQUIRY INTO THE NATURE AND CAUSES
OF THE WEALTH OF NATIONS

Edited by R. H. CAMPBELL and A. S. SKINNER; textual editor W. B. TODD

III

ESSAYS ON PHILOSOPHICAL SUBJECTS

(and Miscellaneous Pieces)

Edited by W. P. D. WIGHTMAN

IV

LECTURES ON RHETORIC AND BELLES LETTRES

Edited by J. C. BRYCE

This volume includes the *Considerations concerning the
First Formation of Languages*

V

LECTURES ON JURISPRUDENCE

Edited by R. L. MEEK, D. D. RAPHAEL, and P. G. STEIN

This volume includes two reports of Smith's course together with
the 'Early Draft' of part of *The Wealth of Nations*

VI

CORRESPONDENCE OF ADAM SMITH

Edited by E. C. MOSSNER and I. S. ROSS

Associated volumes:

ESSAYS ON ADAM SMITH

Edited by A. S. SKINNER and T. WILSON

LIFE OF ADAM SMITH

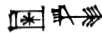
By I. S. ROSS

*The Glasgow Edition of the Works and Correspondence of Adam Smith and
the associated volumes are published in hardcover by Oxford University
Press. The six titles of the Glasgow Edition, but not the associated volumes,
are being published in softcover by Liberty Fund.*

ADAM SMITH

Lectures on
Jurisprudence

EDITED BY
R. L. MEEK
D. D. RAPHAEL
AND
P. G. STEIN



Liberty Fund
Indianapolis

This book is published by Liberty Fund, Inc., a foundation established to encourage study of the ideal of a society of free and responsible individuals.



The cuneiform inscription that serves as our logo and as the design motif for our endpapers is the earliest-known written appearance of the word “freedom” (*amagi*), or “liberty.” It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash.

This Liberty Fund edition of 1982 is an exact photographic reproduction of the edition published by Oxford University Press in 1978.

Liberty Fund, Inc.
8335 Allison Pointe Trail, Suite 300
Indianapolis, Indiana 46250

This reprint has been authorized by the Oxford University Press.

© Oxford University Press 1978.

Library of Congress Cataloging in Publication Data

Smith, Adam, 1723–1790.
Lectures on jurisprudence.

Reprint. Originally published: Oxford: Clarendon Press, 1978.
(The Glasgow edition of the works and correspondence
of Adam Smith; 5)

Includes bibliographical references and indexes.

1. Jurisprudence. I. Meek, Ronald L.
- II. Raphael, D. D. (David Daiches), 1916–
- III. Stein, Peter, 1926–
- IV. Title.

V. Series: Smith, Adam, 1723–1790. Works. 1976; 5.
AC7.S59 1976a vol. 5 330.15'3S 81-23689
[K230.S6] [340.1] AACR2
ISBN 0-86597-011-4 (pbk.)

P 10 9 8 7

This book is printed on paper that is acid-free and meets the requirements of the American National Standard for Permanence of Paper for Printed Library Materials, Z39.48–1992. ∞

Cover design by JMH Corporation, Indianapolis, Indiana.
Printed and bound by Edwards Brothers, Inc., Ann Arbor, Michigan

Contents

<i>List of Abbreviations</i>	vii
<i>Introduction</i>	i
<i>Acknowledgements</i>	43
LECTURES ON JURISPRUDENCE	
Report of 1762–3	i
Report dated 1766	395
APPENDIX	
Introduction	561
‘Early Draft’ of Part of <i>The Wealth of Nations</i>	562
First Fragment on the Division of Labour	582
Second Fragment on the Division of Labour	585
<i>Indexes</i>	587

Abbreviations

A. WORKS INCLUDED IN THE GLASGOW EDITION

Corr.	<i>Correspondence</i>
ED	'Early Draft' of Part of <i>The Wealth of Nations</i> , Register House, Edinburgh
FA, FB	Two fragments on the division of labour, Buchan Papers, Glasgow University Library
Imitative Arts	'Of the Nature of that Imitation which takes place in what are called the Imitative Arts' (in <i>Essays on Philosophical Subjects</i>)
LJ(A)	<i>Lectures on Jurisprudence</i> : Report of 1762-3, Glasgow University Library
LJ(B)	<i>Lectures on Jurisprudence</i> : Report dated 1766, Glasgow University Library
LRBL	<i>Lectures on Rhetoric and Belles Lettres</i>
Stewart	Dugald Stewart, 'Account of the Life and Writings of Adam Smith, LL.D.' (in <i>Essays on Philosophical Subjects</i>)
TMS	<i>The Theory of Moral Sentiments</i>
WN	<i>The Wealth of Nations</i>

B. OTHER WORKS

A.P.S.	<i>The Acts of the Parliaments of Scotland 1124-1707</i> , ed. T. Thomson and C. Innes, 12 vol. (1814-75)
Anderson Notes	From John Anderson's Commonplace Book, vol. i, Andersonian Library, University of Strathclyde
C.	Code of Justinian
C. Th.	Code of Theodosius
Cocceius	<i>Samuelis L. B. de Cocceii . . . Introductio ad Henrici L. B. de Cocceii . . . Grotium illustratum, continens dissertationes proemiales XII</i> (1748)
D.	Digest of Justinian
Dalrymple	Sir John Dalrymple, <i>An Essay towards a General History of Feudal Property in Great Britain</i> (1757; 4th edn., 1759)
Erskine	John Erskine, <i>The Principles of the Law of Scotland</i> (1754)
Grotius	Hugo Grotius, <i>De Jure Belli ac Pacis libri tres</i> (1625)
Hale	Sir Matthew Hale, <i>The History of the Pleas of the Crown</i> , 2 vol. (1736)
Harris	Joseph Harris, <i>An Essay upon Money and Coins</i> , Parts I and II (1757-8)
Hawkins	William Hawkins, <i>A Treatise of the Pleas of the Crown</i> , 2 vol. (1716)
Heineccius	Johann Gottlieb Heineccius, <i>Antiquitatum Romanarum jurisprudentiam illustrantium Syntagma</i> (1719; 6th edn., 1742)

- Hume, *Essays* David Hume, *Essays, Moral, Political, and Literary*, ed. T. H. Green and T. H. Grose, 2 vol. (1875; new edn., 1889)
- Hume, *History*, I and II David Hume, *The History of England, from . . . Julius Caesar to the accession of Henry VII*, 2 vol. (1762)
- History*, III and IV David Hume, *The History of England under the House of Tudor*, 2 vol. (1759)
- Hutcheson, *M.P.* Francis Hutcheson, *A Short Introduction to Moral Philosophy* (1747), being English translation of *Philosophiae Moralis Institutio Compendiaria* (1742)
- System* Francis Hutcheson, *A System of Moral Philosophy*, 2 vol. (1755)
- Inst.* Institutes of Justinian
- Kames, *Essays* Henry Home, Lord Kames, *Essays upon several subjects concerning British Antiquities* (1747)
- Law Tracts* Henry Home, Lord Kames, *Historical Law-Tracts*, 2 vol. (1758)
- Locke, *Civil Government* John Locke, *Second Treatise, of Civil Government* (1690)
- M'Douall Andrew M'Douall, Lord Bankton, *An Institute of the Laws of Scotland in Civil Rights*, 3 vol. (1751-3)
- Mandeville Bernard Mandeville, *The Fable of the Bees*, Part I (1714), Part II (1729), ed. F. B. Kaye, 2 vol. (1924)
- Montesquieu C. L. de Secondat, Baron de Montesquieu, *De l'esprit des lois* (1748)
- Pufendorf Samuel von Pufendorf, *De Jure Naturae et Gentium libri octo* (1672)
- Rae John Rae, *Life of Adam Smith* (1895)
- Scott William Robert Scott, *Adam Smith as Student and Professor* (1937)
- Stair James Dalrymple, Viscount Stair, *The Institutions of the Law of Scotland* (1681)

Introduction

1. *Adam Smith's Lectures at Glasgow University*

ADAM SMITH was elected to the Chair of Logic at Glasgow University on 9 January 1751, and admitted to the office on 16 January. He does not appear to have started lecturing at the University, however, until the beginning of the next academic session, in October 1751, when he embarked upon his first—and only—course of lectures to the Logic class.

In the well-known account of Smith's lectures at Glasgow which John Millar supplied to Dugald Stewart, this Logic course of 1751–2 is described as follows:

In the Professorship of Logic, to which Mr Smith was appointed on his first introduction into this University, he soon saw the necessity of departing widely from the plan that had been followed by his predecessors, and of directing the attention of his pupils to studies of a more interesting and useful nature than the logic and metaphysics of the schools. Accordingly, after exhibiting a general view of the powers of the mind, and explaining so much of the ancient logic as was requisite to gratify curiosity with respect to an artificial method of reasoning, which had once occupied the universal attention of the learned, he dedicated all the rest of his time to the delivery of a system of rhetoric and belles lettres.¹

This 'system of rhetoric and belles lettres', we may surmise, was based on the lectures on this subject which Smith had given at Edinburgh before coming to Glasgow, and was probably very similar to the course which he was later to deliver as a supplement to his Moral Philosophy course, and of which a student's report has come down to us.² Concerning the content of the preliminary part of the Logic course, however—that in which Smith exhibited 'a general view of the powers of the mind' and explained 'so much of the ancient logic as was requisite'—we know no more than Millar here tells us.

In the 1751–2 session, Smith not only gave this course to his Logic class but also helped out in the teaching of the Moral Philosophy class. Thomas Craigie, the then Professor of Moral Philosophy, had fallen ill, and at a University Meeting held on 11 September 1751 it was agreed that in his absence the teaching of the Moral Philosophy class should be shared out according to the following arrangement:

The Professor of Divinity, Mr. Rosse, Mr. Moor having in presence of the

¹ Stewart, I.16. The original version of Stewart's 'Account of the Life and Writings of Adam Smith', in which these remarks of Millar's were incorporated, was read by Stewart to the Royal Society of Edinburgh on 21 January and 18 March 1793.

² See below, pp. 4, 9, 11, and 15–17.

meeting, and Mr. Smith by his letter voluntarily agreed to give their assistance in the teaching both the publick and private classe in the following manner viz: the Professor undertakes to teach the *Theologia Naturalis*, and the first book of Mr. Hutchesons *Ethicks*, and Mr. Smith the other two books de *Jurisprudentia Naturali et Politicis*, and Mr. Rosse and Mr. Moor to teach the hour allotted for the private classe, the meeting unanimously agreed to the said proposals . . .³

About the actual content of these lectures of Smith's on 'natural jurisprudence and politics'⁴ we know nothing, although we do know that according to the testimony of Smith himself a number of the opinions put forward in them had already been the subjects of lectures he had read at Edinburgh in the previous winter, and that they were to continue to be the 'constant subjects' of his lectures after 1751-2.⁵

In November 1751 Craigie died, and a few months later Smith was translated from his Chair of Logic to the now vacant Chair of Moral Philosophy. He was elected on 22 April 1752, and admitted on 29 April. His first full course of lectures to the Moral Philosophy class, therefore, was delivered in the 1752-3 session. He continued lecturing to the Moral Philosophy class until he left Glasgow, about the middle of January 1764,⁶ to take up the position of tutor to the young Duke of Buccleuch.

³ Minutes of University Meeting of 11 September 1751 (Glasgow University Archives).

⁴ In the letter from Smith mentioned in the extract just quoted (Corr., Letter 9 addressed to William Cullen, dated 3 Sept. 1751), Smith wrote: 'I shall, with great pleasure, do what I can to relieve him [Professor Craigie] of the burden of his class. You mention natural jurisprudence and politics as the parts of his lectures which it would be most agreeable for me to take upon me to teach. I shall very willingly undertake both.'

⁵ See Stewart, IV.25. Stewart is referring here to a document drawn up by Smith in 1755 which apparently contained 'a pretty long enumeration . . . of certain leading principles, both political and literary, to which he was anxious to establish his exclusive right; in order to prevent the possibility of some rival claims which he thought he had reason to apprehend'. From this document Stewart quotes (apparently verbatim) the following statement by Smith: 'A great part of the opinions enumerated in this paper is treated of at length in some lectures which I have still by me, and which were written in the hand of a clerk who left my service six years ago. They have all of them been the constant subjects of my lectures since I first taught Mr Craigie's class, the first winter I spent in Glasgow, down to this day, without any considerable variation. They had all of them been the subjects of lectures which I read at Edinburgh the winter before I left it, and I can adduce innumerable witnesses, both from that place and from this, who will ascertain them sufficiently to be mine.'

⁶ The exact date on which Smith left Glasgow is not known. The fact that he was probably going to leave the University was publicly announced for the first time at a Dean of Faculty's Meeting on 8 November 1763. Two months later, at a Faculty Meeting on 9 January 1764, Smith stated that 'he was soon to leave this place' and that 'he had returned to the students all the fees he had received this session'. The previous Faculty Meeting (at which Smith had also been present) was held on 4 January 1764, so it may reasonably be assumed that his last lecture to the Moral Philosophy class (at which, according to Tytler's account, the fees were returned) was delivered at some time during the period between these two Faculty Meetings. The last meeting at Glasgow University which Smith attended in his capacity as a member of the teaching staff was a University Meeting on 10 January 1764, and all the indications are that he left Glasgow within a few days of this date. Cf. Rae, 169-70; Scott, 97; and A. F. Tytler, *Memoirs of the Life and Writings of Lord Kames* (2nd edn., Edinburgh, 1814). i.272-3.

In order to obtain an over-all view of the content of Smith's course in Moral Philosophy it is still necessary to go back to the account of it given by John Millar:

About a year after his appointment to the Professorship of Logic, Mr Smith was elected to the chair of Moral Philosophy. His course of lectures on this subject was divided into four parts. The first contained Natural Theology; in which he considered the proofs of the being and attributes of God, and those principles of the human mind upon which religion is founded. The second comprehended Ethics, strictly so called, and consisted chiefly of the doctrines which he afterwards published in his *Theory of Moral Sentiments*. In the third part, he treated at more length of that branch of morality which relates to *justice*, and which, being susceptible of precise and accurate rules, is for that reason capable of a full and particular explanation.

Upon this subject he followed the plan that seems to be suggested by Montesquieu; endeavouring to trace the gradual progress of jurisprudence, both public and private, from the rudest to the most refined ages, and to point out the effects of those arts which contribute to subsistence, and to the accumulation of property, in producing correspondent improvements or alterations in law and government. This important branch of his labours he also intended to give to the public; but this intention, which is mentioned in the conclusion of *The Theory of Moral Sentiments*, he did not live to fulfil.

In the last part of his lectures, he examined those political regulations which are founded, not upon the principle of *justice*, but that of *expediency*, and which are calculated to increase the riches, the power, and the prosperity of a State. Under this view, he considered the political institutions relating to commerce, to finances, to ecclesiastical and military establishments. What he delivered on these subjects contained the substance of the work he afterwards published under the title of *An Inquiry into the Nature and Causes of the Wealth of Nations*.⁷

So far as it goes, this account would seem to be accurate and perceptive, but there is one point of some importance which it does not make clear. What Millar describes in the passage just quoted is the course of lectures given by Smith, in his capacity as Professor of Moral Philosophy, to what was called the 'public' class in that subject. But Professors of Moral Philosophy at Glasgow also normally gave a supplementary course of lectures, on a different subject, to what was called the 'private' class.⁸ The subjects upon which they lectured in this supplementary course, we are told,⁹ were not 'necessarily connected' with those of their 'public' lectures, but were 'yet so much connected with the immediate duty of their profession, as to be very useful to those who attended them'. Hutcheson, for

⁷ Stewart, I.18-20.

⁸ Cf. Rae, 51; David Murray, *Memories of the Old College of Glasgow* (Glasgow, 1927), 516; and *Discourses on Theological & Literary Subjects, by the late Rev. Archibald Arthur . . . with an Account of some Particulars of his Life and Character, by William Richardson* (Glasgow, 1803), 514-15.

⁹ By William Richardson, loc. cit.

example, had employed these additional hours in 'explaining and illustrating the works of Arrian, Antoninus, and other Greek philosophers', and Reid was later to appropriate them to 'a further illustration of those doctrines which he afterwards published in his philosophical essays'. Adam Smith employed them in delivering, once again, a course of lectures on Rhetoric and Belles Lettres. A student's report of Smith's 'private' Rhetoric course, as it was delivered in the 1762-3 session, was discovered in Aberdeen in 1958 by the late Professor John M. Lothian,¹⁰ and a newly edited transcript of this manuscript will be published in volume iv of the present edition of Smith's *Works and Correspondence*.

Turning back now to Millar's account of Smith's 'public' course in Moral Philosophy, we see that this course is described as having been divided into four parts. About the content of the first of these ('Natural Theology') we know nothing whatever, and about the second ('Ethics, strictly so called') we know little more than Millar here tells us—viz., that it consisted chiefly of the doctrines of TMS.¹¹ About the third and fourth parts, however—at any rate in the form which they assumed in Smith's lectures during his last years at Glasgow¹²—we now know a great deal more, thanks to the discovery of the two reports of his lectures on Jurisprudence which it is the main purpose of this volume to present.

The term 'Jurisprudence', it should perhaps be explained, was normally used by Smith in a sense broad enough to encompass not only the third part of the Moral Philosophy course as Millar described it ('that branch of morality which relates to *justice*'), but also the fourth part ('those political regulations which are founded, not upon the principle of *justice*, but that of *expediency*'). In one of the two reports 'Jurisprudence' is defined as 'the theory of the rules by which civil governments ought to be directed',¹³ and in the other as 'the theory of the general principles of law and government'.¹⁴ Now the main objects of every system of law, in Smith's view, are the maintenance of *justice*, the provision of *police* in order to promote opulence, the raising of *revenue*, and the establishment of *arms* for the defence of the state. These four, then, could be regarded as the main branches or divisions of 'Jurisprudence' as so defined; and this is the way

¹⁰ See John M. Lothian (ed.), *Lectures on Rhetoric and Belles Lettres delivered . . . by Adam Smith* (1963).

¹¹ What appears to be part of one of Smith's lectures on ethics is reprinted and discussed in Appendix II of the Glasgow edition of TMS. The Introduction, 1(a), to that volume considers further evidence about the character of these lectures.

¹² Little direct information is available about the form which they assumed during Smith's first years at Glasgow. A certain amount can be conjectured, however, from the Anderson Notes. For the full text of these notes, and a commentary establishing their connection with Smith's lectures, see R. L. Meek, 'New Light on Adam Smith's Glasgow Lectures on Jurisprudence' (*History of Political Economy*, vol. 8, Winter 1976).

¹³ Below, p. 5.

¹⁴ Below, p. 398. Cf. TMS VII.iv.37.

in which the subject is in fact divided up in both the reports. Clearly the treatment of *justice* in the reports relates to the third part of Smith's Moral Philosophy course as Millar described it, and the treatment of *police*, *revenue*, and *arms* relates to the fourth and final part of it.

2. *The Two Reports of Smith's Jurisprudence Lectures*

The first of the two reports relates to Smith's Jurisprudence lectures in the 1762-3 session, and the second, in all probability, to the lectures given in the 1763-4 session. Hereafter these reports will usually be referred to as LJ(A) and LJ(B) respectively. It will be convenient to begin here with a description of LJ(B), which was the first of the two reports to be discovered and which will already be familiar to a large number of readers in the version published many years ago by Professor Edwin Cannan. A re-edited version of it is published below, under the title 'Report dated 1766'.

In 1895, Cannan's attention was drawn to the existence, in the hands of an Edinburgh advocate, of a bound manuscript which according to the title-page consisted of 'JURIS PRUDENCE or Notes from the Lectures on Justice, Police, Revenue, and Arms delivered in the University of Glasgow by Adam Smith Professor of Moral Philosophy'. In the edition of this manuscript which Cannan brought out in 1896,¹⁵ he described its main physical characteristics as follows:

[The] manuscript . . . forms an octavo book 9 in. high, 7½ in. broad and 1¼ in. thick. It has a substantial calf binding, the sides of which, however, have completely parted company with the back . . . On the back there is some gilt-cross-hatching and the word JURIS PRUDENCE (thus divided between two lines) in gilt letters on a red label. There are in all 192 leaves. Two of these are fly-leaves of dissimilar paper and have their fellows pasted on the insides of the cover, front and back. The rest all consist of paper of homogeneous character, water-marked 'L.V. Gerrevink.'

The manuscript is written on both sides of the paper in a rectangular space formed by four red ink lines previously ruled, which leave a margin of about three-quarters of an inch. Besides the fly-leaves there are three blank leaves at the end and two at the beginning.

There is nothing to show conclusively whether the writing was first executed on separate sheets subsequently bound up, or in a blank note-book afterwards rebound, or in the book as it appears at present.¹⁶

This was a careful and accurate description of the document, and not very much needs to be added to it today. The back of the binding was repaired in 1897, and the volume was rebound again (and the spine re-lettered) in 1969. As a result of these operations the two original end-papers

¹⁵ Edwin Cannan (ed.), *Lectures on Justice, Police, Revenue and Arms, delivered in the University of Glasgow by Adam Smith* (Oxford, 1896).

¹⁶ *Ibid.*, xv-xvi.

and one if not both of the two original fly-leaves have disappeared.¹⁷ Discounting these, there are two blank leaves at the beginning of the volume; then one leaf on the recto of which the title is written; then 179 leaves (with the pages numbered consecutively from 1 to 358) on which the main text is written; then one leaf containing no writing (but with the usual margins ruled); then four leaves, with the pages unnumbered, on which the index is written (taking up seven of the eight pages); then finally three blank leaves—making a total of 190 leaves in all. The new binding is very tight, and full particulars of the format of the volume could not be obtained without taking it apart.

Cannan had no doubt that this document, as suggested on its title-page, did in fact owe its origin to notes of Adam Smith's lectures on Jurisprudence at Glasgow University. The close correspondence between the text of the document and Millar's description of the third and fourth parts of Smith's Moral Philosophy course, together with the existence of many parallel passages in WN,¹⁸ put this in Cannan's opinion beyond question; and his judgement in this respect has been abundantly confirmed by everything that has happened in the field of Smith scholarship since his day—not least by the recent discovery of LJ(A).

The title-page of LJ(B) bears the date 'MDCCLXVI' (whereas Adam Smith left Glasgow in January 1764); the handwriting is ornate and elaborate; there are very few abbreviations; and some of the mistakes that are to be found would seem to have been more probably caused by misreading than by mishearing. These considerations led Cannan to the conclusion—once again abundantly justified—that the manuscript was a fair copy made (presumably in 1766) by a professional copyist, and not the original notes taken at the lectures.¹⁹ The only question which worried Cannan in this connection was whether the copyist had copied directly from the original lecture-notes or from a rewritten version of these notes made later by the original note-taker. The scarcity of abbreviations, the relatively small number of obvious blunders, and the comparatively smooth flow of the English, strongly suggested the latter. Cannan was worried, however, by the facts (*a*) that the copyist had clearly taken great pains to make his pages correspond with the pages from which he was copying (presumably because the index already existed), and (*b*) that the amounts of material contained in a page were very unequal. These two facts taken together suggested to

¹⁷ One of the leaves at the beginning of the book looks as if it *may* have been the original fly-leaf, but a letter has been mounted on it and it is difficult to be sure about this.

¹⁸ Cannan, *op. cit.*, xxxv–ix.

¹⁹ *Ibid.*, xvii–xviii. W. R. Scott, in an article printed as Appendix V to the 2nd edn. of James Bonar's *Catalogue of the Library of Adam Smith* (London, 1932), deduced from the remnants of a book-plate which was formerly pasted inside the front cover that the volume originally belonged to Alexander Murray of Murrayfield—for whom, Scott surmised, the copy was made.

Cannan that it was at least possible that the copyist had copied directly from the original lecture-notes rather than from a rewritten version of them.²⁰ In actual fact, however, the degree of inequality in the amount of material in a page is not quite as great as Cannan suggests, and certainly no greater than one would reasonably expect to find in a student's rewritten version of his lecture-notes.²¹ It seems very probable, then, that the copy was in fact made from a rewritten version.

The question of the purpose for which this rewritten version was made, however, is a rather more difficult one. Was it made by the original note-taker for his own use, or was it made (whether by him or by someone else at another remove) for sale? In those days, we know, 'manuscript copies of a popular professor's lectures, transcribed from his students' notebooks, were often kept for sale in the booksellers' shops.'²² An interesting comparison may be made here between LJ(A)—a rewritten version almost certainly made by the original note-taker for his own use and *not* for sale—and LJ(B). LJ(A), although so far as it goes it is much fuller than LJ(B), is very much less polished, in the sense that it contains many more abbreviations, grammatical and spelling errors, blank spaces, etc. LJ(A), again, faithfully reproduces many of the summaries of previous lectures which Smith seems normally to have given at the beginning of each new one, and often notes the specific date on which the relevant lecture was delivered—features which are completely lacking in LJ(B). Nor is there in LJ(A) anything like the elaborate (and on the whole accurate) index which appears at the end of LJ(B). Considerations such as these, although not conclusive, do suggest the possibility that the rewritten version from which LJ(B) was copied had been prepared for sale, and therefore also the possibility that there were two or three steps between the original lecture-notes and the manuscript of LJ(B) itself. But what really matters, of course, is the *reliability* of the document: does it or does it not give a reasonably accurate report of what was actually said in the lectures at which the original notes were taken? Now that we have another set of notes to compare it with, we can answer this question with a fairly unqualified affirmative. LJ(B) is not quite as accurate and reliable as Cannan believed it to be; but if we make due allowance for its more summary character it is probably not much inferior to LJ(A) as a record of what may be assumed actually to have been said in the lectures.²³

In which session, then, were the lectures delivered from which LJ(B) was ultimately derived?²⁴ Cannan, in his perceptive comments on this

²⁰ Cannan, *op. cit.*, xviii–xix.

²¹ It is certainly no greater than that found in LJ(A) and in the report of the Rhetoric lectures.

²² Rae, 64.

²³ The beginning of LJ(B), which repeats almost verbatim some phrases from the end of TMS, appears to be a highly accurate record.

²⁴ We are assuming that these lectures were all of a piece—i.e. that the original notes

question,²⁵ declined to lay too much weight on the frequent references to the Seven Years War as 'the late' or 'the last' war, on the perfectly valid ground that 'it would be natural after the conclusion of peace for the reporter or the transcriber to alter "the war" or "the present war" into "the late war"'. The reference to the ransom of the crew of the *Litchfield*,²⁶ however, which took place in April 1760, clearly meant that it was almost certain that the lectures were not delivered before 1761-2. They could conceivably have been delivered *in* that session, but Cannan thought it more probable that they were delivered 'either in the portion of the academical session of 1763-4 which preceded Adam Smith's departure, or in the session of 1762-3 . . .'

More light can now be thrown on this question as a result of the discovery of LJ(A), which relates without any doubt (since many of the lectures are specifically dated) to the 1762-3 session. The crucial point here is that in LJ(A) the order of treatment of the main subjects is radically different from that in LJ(B). 'The civilians', Smith is reported in LJ(B) as saying,²⁷

begin with considering government and then treat of property and other rights. Others who have written on this subject begin with the latter and then consider family and civil government. There are several advantages peculiar to each of these methods, tho' that of the civil law seems upon the whole preferable.

In LJ(B), then, Smith adopts the method of 'the civilians', beginning with government and then going on to deal with 'property and other rights'. In LJ(A), by way of contrast, he adopts the method of the 'others who have written on this subject', beginning with 'property and other rights' and then going on to deal with 'family and civil government'. LJ(B), therefore, cannot possibly relate to the same year as LJ(A), whence it follows (given the decisive *Litchfield* reference) that it must relate either to 1761-2 or to 1763-4. And it can now fairly readily be shown that it is very unlikely to relate to 1761-2. There is a reference in LJ(B) to Florida being 'put into our hands';²⁸ and a comparison of the passage in which this reference occurs with the corresponding passage (a much more extensive one) in LJ(A)²⁹ shows that it must refer to the cession of Florida at the end of the Seven Years War by the Treaty of Paris in February 1763. This event, therefore, could not have been remarked upon in the 1761-2 session; and it thus seems almost certain that LJ(B) relates to 1763-4.

Cannan, when speaking of the possibility that LJ(B) might relate to 1763-4, seemed to suggest that if this were so the lectures from which the notes were taken would have had to be delivered in the portion of that of them were all taken down in one and the same session. We have found no evidence which suggests the contrary.

²⁵ *Op. cit.*, xix-xx.

²⁶ Below, p. 432.

²⁷ Below, p. 401.

²⁸ Below, p. 435.

²⁹ Below, p. 324.

session which 'preceded Adam Smith's departure' from Glasgow.³⁰ But this is surely to take the words 'delivered . . . by Adam Smith' on the title-page of LJ(B) much too literally. After Smith left Glasgow, his 'usual course of lectures' was carried on by one Thomas Young, with whom (at any rate according to Tytler's account) Smith left 'the notes from which he had been in use to deliver his prelections'.³¹ Assuming, as would seem probable, that Young was in fact furnished by Smith with these notes and that he kept fairly closely to them in his lectures, it would have been perfectly possible for a student to take down, in the 1763-4 session, a set of lecture-notes from which a document possessing all the characteristics of LJ(B) could quite plausibly be derived.

We turn now to LJ(A), an edited version of which is published for the first time below, under the title 'Report of 1762-3'. 'At various dates in the autumn of 1958', wrote the discoverer of the document, the late Professor John M. Lothian, 'remnants of what had once been the considerable country-house library of Whitehaugh were dispersed by auction in Aberdeen.' In the eighteenth century Whitehaugh belonged to the Leith and later the Forbes-Leith families. Among a number of Whitehaugh books and papers purchased by Professor Lothian at various dates at these sales were two sets of lecture-notes, apparently made by students. One of these (hereafter called LRBL) clearly related to Smith's lectures on Rhetoric and Belles Lettres, as delivered in the 1762-3 session. The other set, upon closer examination, proved to relate to Smith's lectures on Jurisprudence, as delivered in the same session.³²

The manuscript of LJ(A) is in six volumes, each measuring approximately 120 × 195 mm., bound in a contemporary binding of quarter calf with marbled paper sides and vellum tips. On the spine of each volume its

³⁰ Above, p. 8. Cf. Scott, 319.

³¹ Tytler, *op. cit.*, i.272. Not very much is known about Thomas Young. At a Dean of Faculty's Meeting on 26 June 1762 we find his name heading a list of six students of Divinity which was to be presented to the Barons of Exchequer with a view to the selection of one of them 'to study Divinity three years upon King Williams mortification from the 10th October next'. At a University Meeting on 24 June 1763 'a presentation was given in and read from the Barons of Exchequer in favour of Mr. Thomas Young to study Theology three years commencing at Martinmass last'. The decision to appoint Young to carry on Smith's Moral Philosophy course was taken at the Faculty Meeting on 9 January 1764 to which reference has already been made in note 6 above. According to the minutes, 'the Meeting desired Dr. Smiths advice in the choice of a proper person to teach in his absence and he recommended Mr. Thomas Young, student of Divinity who was agreed to'. Young was a candidate for the Moral Philosophy Chair which Smith vacated, and was supported by Black and Millar. Black reported to Smith on 23 January 1764 that 'T. Young performs admirably well and is much respected by the students'; and Millar, in similar vein, reported to him on 2 February 1764 that Young 'has taught the class hitherto with great and universal applause; and by all accounts discovers an ease and fluency in speaking, which, I own, I scarce expected'. See Scott, 256-7; also *Corr.*, Letter 79 from Joseph Black, dated 23 Jan. 1764, and Letter 80 from John Millar, dated 2 Feb. 1764. Young did not obtain the Chair (which was given to Thomas Reid), and nothing is known of his later career.

³² John M. Lothian, *op. cit.*, xi-xii.

number—'Vol. 1', 'Vol. 2', etc.—has been inscribed in gilt letters on a red label. The make-up of the volumes is as follows:

Volume i: This volume begins with a gathering of 4 sheets (i.e. 8 leaves and 16 pages) watermarked 'C. & I. Honig'. The first leaf is pasted to the inside front cover as an end-paper; the second forms a fly-leaf; both these are blank. The recto page of the third leaf contains a list of contents of vol. i (only partially completed); the verso page of the third leaf and the remaining five leaves of the gathering are blank. There follow 170 leaves (three of which have been left blank), watermarked 'L.V. Gerrevink', upon which the notes have been written. The volume finishes with a fly-leaf and an end-paper, both blank.

Volume ii: This volume begins with an end-paper and a fly-leaf, both blank. There follow 181 leaves (one of which has been left blank), watermarked 'L.V. Gerrevink', upon which the notes have been written. The volume finishes with a fly-leaf and an end-paper, both blank.

Volume iii: This volume begins with an end-paper and a fly-leaf, both blank. There follow 150 leaves (the last two and one other of which have been left blank), watermarked 'L.V. Gerrevink', upon which the notes have been written. Then comes a gathering of 8 sheets (i.e. 16 leaves and 32 pages), watermarked 'C. & I. Honig', all of which are blank. The volume finishes with a fly-leaf and an end-paper, both blank.

Volume iv: This volume begins with an end-paper and a fly-leaf, both blank. There follow 179 leaves (none of which have been left blank), watermarked 'L.V. Gerrevink', upon which the notes have been written. The volume finishes with a fly-leaf and an end-paper, both blank.

Volume v: This volume begins with an end-paper and a fly-leaf, both blank. There follow 151 leaves (the last two of which have been left blank), watermarked 'L.V. Gerrevink', upon which the notes have been written. The volume finishes with a fly-leaf and an end-paper, both blank.

Volume vi: This volume begins with an end-paper and a fly-leaf, both blank. There follow 172 leaves (the last of which has been left blank), watermarked 'L.V. Gerrevink', upon which the notes have been written. Then comes a gathering of 8 sheets (i.e. 16 leaves and 32 pages), watermarked 'C. & I. Honig', all of which are blank. The volume finishes with a fly-leaf and an end-paper, both blank.

The presence of the blank leaves watermarked 'C. & I. Honig' at the beginning of vol. i and at the end of vols. iii and vi, we believe, can be accounted for fairly simply. So far as vol. i is concerned, the reporter would seem to have instructed the binder to insert a few blank leaves at the beginning so as to leave space for a list of contents: the list was duly started, but left incomplete. So far as vols. iii and vi are concerned, all the indications are that the reporter still had some relevant material to write up when he took these volumes to be bound, and therefore instructed the binder to insert some blank leaves at the end so that he could include this material when the volume came back from binding. Once again, however,

the reporter apparently did not get round to using the blank leaves as he had planned.

The format of the volumes makes it clear that the reporter wrote the notes on loose sheets of paper folded up into gatherings, which were later bound up into the six volumes. Almost all of these gatherings—all except four, in fact—consist of two sheets of paper placed together and folded once, making four leaves (i.e. eight pages) per gathering. Each gathering was numbered in the top left-hand corner of its first page before being bound. The writing of the main text almost always appears only on the recto pages of the volume, the verso pages being either left blank or used for comments, illustrations, corrections, and various other kinds of supplementary material.

The handwriting of the manuscript varies considerably in size, character, and legibility from one place to another—to such an extent, indeed, as to give the impression, at least at first sight, that several different hands have contributed to its composition. Upon closer investigation, however, it appears more likely that at any rate the great majority of these variations owe their origin to differences in the pen or ink used, in the speed of writing, and in the amount which the reporter tried to get into the page. It seems probable, in fact, that the whole of the main text on the recto pages of LJ(A), and all or almost all of the supplementary material on the verso pages,³³ was written by one and the same hand. This hand seems very similar to that in which the main text of LRBL is written;³⁴ and this fact, particularly when taken together with certain striking similarities in the structure of the volumes,³⁵ strongly suggests that both LJ(A) and the main text of LRBL were written by the same person.

The main text of LJ(A) appears to us to have been written serially, soon after (but not during) the lectures concerned, on the basis of very full notes taken down in class, probably at least partly in shorthand.³⁶ After having

³³ There are a few corrections and collations on the verso pages of vol. i which may possibly be in a second hand, although this is by no means certain. Such cases are rarely if ever to be found in the later volumes.

³⁴ We speak here only of the 'main text' of LRBL, rather than of the MS. as a whole, because in this MS. a large number of corrections and collations were in fact made, without any doubt at all, by a second hand.

³⁵ Cf. the description of LJ(A) given above with that of the MS. of LRBL given in the Appendix (by T. I. Rae) to John M. Lothian, *op. cit.*, 195. Another possibly significant similarity is that the average number of pages of MS. devoted to a lecture is almost the same in both cases—roughly 15.5 in LJ(A) and 15.3 in LRBL. The bindings of the two MSS., it is true, do differ in certain respects, but even here the differences are not very significant, and according to the opinion of the Glasgow University binder both of them could quite possibly have come from the same bindery.

³⁶ Our suggestion that the original notes were probably taken down at least partly in shorthand is based mainly on the sheer *length* of the reports of a large number of the specifically dated lectures. Take, for example, the reports of the lectures delivered on 5, 6, and 7 April 1763 (below, pp. 355–74), which occupy respectively 18, 20, and 16½ pages of the MS. There is little padding in these reports; they contain a great deal of quite

been written up in the form of a more or less verbatim report, the notes were corrected and supplemented in various ways shortly to be described. We do not have the impression, however, that the report was prepared with a view to sale: it has all the hallmarks of a set of working notes prepared, primarily for his own use, by a reasonably intelligent and conscientious student.

The question of the origin and function of the supplementary material on the verso pages is not at all an easy one, and there seems to be no single or simple answer to it. Most, if not all, of these verso notes appear to be written in the same hand as the main text; but the appreciable variations in pen, ink, letter size, etc. often make it difficult to be sure about this (particularly in the first volume of the MS., where the verso notes are very numerous), and it is at least possible that a few of them may have been written by another hand—that of a fellow student, or a later owner, or perhaps the original owner at a later date. Our over-all impression, however, is that at any rate the great majority of the verso notes were in fact made by the original owner, and made fairly soon after the text on the recto pages was written. Some of these notes, we think, may have been explanatory glosses added from memory, or perhaps as a result of private reading. Others were very probably the result of collation with at least one other set of notes. And others still, we feel, may possibly have been added as a result of the reporter's attendance at Smith's daily 'examination' session—at which, we are told, lecturers had the opportunity of 'explaining more clearly any part of the lecture which may not have been fully understood', and at which Smith apparently delivered many 'incidental and digressive illustrations, and even discussions'.³⁷ Some of the longer verso notes in LJ(A) have a distinctly digressive quality,³⁸ and may quite possibly have had this origin.³⁹ intricate detail; and there is every reason to think that they are on the whole reliable and accurate accounts of what Smith actually said. It is difficult to believe that these reports could have been as full and accurate as this if the original notes had been taken down entirely in longhand.

³⁷ Our authority here is once again William Richardson in his *Life of Arthur* (op. cit., 507–8). The complete statement reads as follows: 'The professors of Ethics, or Moral Philosophy, in the University of Glasgow, employ two hours every day in instructing their pupils. In the first of these, they deliver lectures; and devote the second, after a proper interval, to regular and stated examinations. Such examinations are reckoned of great utility to those who study, as tending to insure their attention, to ascertain their proficiency, and give the teacher an opportunity of explaining more clearly any part of the lecture which may not have been fully understood. Those who received instruction from Dr. Smith, will recollect, with much satisfaction, many of those incidental and digressive illustrations, and even discussions, not only in morality, but in criticism, which were delivered by him with animated and extemporaneous eloquence, as they were suggested in the course of question and answer. They occurred likewise, with much display of learning and knowledge, in his occasional explanations of those philosophical works of Cicero, which are also a very useful and important subject of examination in the class of Moral Philosophy.'

³⁸ See, for example, the verso notes reproduced on pp. 20–1, 128–9, and 153–4 below.

³⁹ It would appear, however, from a statement made by Thomas Reid (quoted below, p. 14), that it would be unusual for a student to attend the Moral Philosophy lectures, the

The frequency of the verso notes begins to decline after the first volume, with a particularly sharp fall occurring about two-thirds of the way through the third volume. In the first volume, there are verso notes on 64 leaves (out of 170); in the second volume, on 44 leaves (out of 181); in the third volume, on 20 leaves (out of 150), with only one note in the last 50 leaves; in the fourth, on 14 leaves (out of 179); in the fifth, on 5 leaves (out of 151); and in the sixth, on 5 leaves (out of 172). Hand in hand with this decline in the frequency of the verso notes goes a decline in their average length: in the last three volumes the great majority of the notes are very short (there being in fact only three which are more than six lines long), and most of them appear more likely to be glosses added from memory than anything else. There are various possible explanations of these characteristics of the MS., but since no one explanation appears to be more probable than any other there would seem to be little value in speculating about them.

Only one other point about LJ(A) needs to be made at this juncture. Although the treatment of individual topics is usually much more extensive in LJ(A) than in LJ(B), the actual range of subjects covered is more extensive in LJ(B) than in LJ(A). Of particular importance here is the fact that whereas LJ(B) continues right through to the end of the course, LJ(A) stops short about two-thirds of the way through the 'police' section of Smith's lectures. The most likely explanation of this is that LJ(A) originally included a seventh volume which somehow became separated from the others and has not yet come to light; but there are obviously other possible explanations—e.g. that the reporter ceased attending the course at this point.

3. *Adam Smith's Lecture Timetable in 1762-3*

The fact that a large number of the lectures in LJ(A), and all (or almost all) of the lectures in LRBL, were specifically dated by the reporter, means that it is possible up to a point to reconstruct Smith's lecture timetable for the 1762-3 session. Where the dates are missing, of course, guesses have to be made, and the conclusions sometimes become very conjectural. The exercise seems well worth carrying out, however: it is of some interest in itself, and it provides us with certain information which will be useful when we turn, in the next section of this Introduction, to the problems involved in the collation of LJ(A) and LJ(B).

In Thomas Reid's *Statistical Account of the University of Glasgow*, which was apparently drawn up about 1794, the following remarks appear under the heading '*Time of Lecturing, &c.*':

The annual session for teaching, in the university, begins, in the ordinary Rhetoric lectures, *and* the daily examination session in one and the same academic year. But the writer of LJ(A) may of course have collated his notes with those of another student who *did* attend the examination session.