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## Lord Kames and Eighteenth-Century Scotland

Nelson S. Bushnell  
*Williams College*

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## REVIEW ARTICLE

### Lord Kames and Eighteenth-Century Scotland

The impact of Professor Ross's study falls on three areas: Kames's background, his personality, and his cast of thought (which was anything but pale!). His time and place reflect our notions of all Scotland in epitome; his personality was more than Scottish — "iron" is the term repeatedly applied to it, but his many-sided vigor with all the 'satiabile curiosity of the Elephant's Child suggests apter metals, steel and quick-silver perhaps. His intellectual bent one might venture to call Euclidean; starting from axioms, truths of human nature not derived by the inductive methods of the laboratory but self-evident (at least to Kames), his thought proceeded by pitiless logic to the formulation of general principles by which in turn specific phenomena could be evaluated.

"— A man of iron frame and sardonic voice, who combined learning and bawdy, wit and indecorum, refinement and coarseness, authority and conviviality, in a manner peculiarly satisfying to the Scot:" (372)<sup>1</sup> Long before attaining to this final estimate of the subject of an exemplary book, the reader has become aware how intensely Scottish both book and subject are. Henry Home (1696-1782) was known as Kames, according to Scottish custom, after he had become a landed laird (1741) by inheriting that Berwickshire estate from his father; officially he was styled Lord Kames when appointed to the Court of Session in 1752. The title that Professor Ross has devised for the work under review is redundant; Lord Kames is "the Scotland of His Day" — and of every day. If one ventures to define the national character as consisting of a lively sensibility flourishing on a soil of vigorous common sense, the Great Unknown comes immediately to mind as an example; it is repeatedly illustrated in the multiplex activities of Henry Home.

1. Ian Simpson Ross. *Lord Kames and the Scotland of his Day*. Oxford. Clarendon Press. 1972. pp. xv + 420. \$20.50. All page references are to Professor Ross's text, though some of the quoted phrases he derived from prior sources.

The chronological treatment of the subject matter reveals the growth of a very unbent twig into a mammoth branching oak; even in the first chapters the personal traits, the interests, and the occupations of the mature Lord of Session are anticipated: his Episcopalian and Jacobite sympathies, his arrogance, his inexhaustible energy and curiosity, his intellectual pretensions, his immersion in the legal, intellectual, and social life of urban Scotland, his enthusiasm for his native soil and its fruits. In its appropriate place in the story of Kames each of his major publications is described and criticized. The difficulty of presenting all this is inherent in the subject matter: Home's ventures into philosophy, legal research, theory of literary criticism, sociology, and agricultural management are mixed and sprinkled throughout his whole career; in the discussion of his pronouncements on any one topic, prior hints and afterthoughts make bewildering intrusions. A handy table of statements and events in strict chronological order would be helpful to the reader — only it would likely end up as long as the eighty-six years of Kames's life and the 420 pages of Professor Ross's book.

Similarly the frequent detours taken into the historical and social environment and among the multitude of Henry Home's acquaintances interrupt the orderly process of biography, though they are essential to an understanding of the subject's personality as well as to a justification of the book's title. Perhaps as a result of the clan system there seems to be a shortage in the variety of Scottish family names: the Homes and the Humes, for example, almost interchangeable in spelling and apparently identical in pronunciation — there are over two dozen of them itemized in the index — are enough to addle any egg-head. Here too perhaps a concise (!) *dramatis personae* identifying each character by a brief phrase would be helpful — if at all possible.

Comment on the method of Professor Ross's book would be inadequate if it did not include tribute to his own style, clear, idiomatic, with just such light and colloquial touches as ease the weight of much of the material and are appropriate to the presenting of an intensely human personality. Offset against Kames's own dogmatism is the evenhandedness of the author's treatment of such controversial issues as the Jacobite rising of 1745 and its suppression, the destruction of the feudal system, and the sacrifice of religious sensibilities to practical interests. In pursuing his study Professor Ross has made effective and extensive use of all conceivable published material, it would appear, as well as of an enormous mass of manuscript. He has accompanied his text with genealogical charts almost essential to a reader making

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his way along the tortuous paths of Scottish family relationships; he assists the serious student with full annotation and bibliography and a detailed index of unusual accuracy. The inevitable sprinkling of verbal slips and typographical errors is so slight as to be negligible, and practically never confuses the reader, except perhaps with respect to Lady Jane Douglas's husband: was he "Colonel James" or "Sir John" Stuart (see pp. 135-40 and Index)?

As for the substance of the volume under review, the question necessarily arises, who cares about Kames today? The liberal arts college library in which this review is, in part, being written, was founded within a decade after Kames's death and contains almost four hundred thousand items. Yet of the two score works published by Kames during a period of over half a century only two are at present to be found in that library, and of his most important work, *Elements of Criticism*, the two archaic editions are both stored away among old and rare books almost never circulating. Only three of his works are at present available in print (as scholarly facsimiles). Now, when there must be hundreds of thousands of readers who, like Webster's "College" dictionary, have never heard of Home of Kames, what can we make of the man "whom," David Hume said, "I always regarded as the best Friend, in every respect, I ever possess;" (84) of whom Adam Smith declared, "We must every one of us acknowledge Kames for our master"? (97)

Professor Ross's answers to this question emerge from an examination of the three successive phases of Kames's career, as advocate, as judge in Scotland's highest civil court, and as judge in its highest criminal court. That legal career was probably in the long run the most important activity dominating Kames's own life and his period. "Part One — Laird's Son and Lawyer" covers the first half-century (1696-1752) of Henry Home's life and provides necessary and often entertaining information about the Home family background and the condition of minor Border lairds ("country housekeeping on a middling scale") (7), about young Henry's informal education at home, his introduction to Edinburgh in pursuit of legal training, his admission to practice and his gradual advance in his profession; then his marriage and family life, his connection with the Porteous riots, and his canny abstention from any involvement, either pro or con, with the Jacobite rising under Prince Charles Edward.

But the real importance of Part One is to be found in the insights it gives us into Kames's personality and its essential Scottishness, in

its anticipation of ruling ideas and attitudes of his maturity, and in its revelation of his influence on contemporary and future thought. The distinct traits of the subject's temperament are revealed in all three of the portraits reproduced in Professor Ross's volume: the face keen, quizzical, aggressive with the powerful forehead, sharply prominent nose and chin, and most noticeably the lips, the narrow contracted upper partly hidden by a very full, almost pendulous lower, together seeming to embody a "mixture of scepticism and fertility of hypothesis" (67) which seems to have fascinated his friends and disciples. It is neither the face of a fanatic nor of a philosopher, but rather of a sharp-witted, amused, and intensely active observer and analyst. Thus it is perhaps not proper to call Home's bent philosophical, but it is difficult to find any other term to describe a mind which Professor Ross presents as always looking for principles and examining theories, trying to find in universal human forces the bases for law, morals, and aesthetics, devising formulas to reconcile the appearance of free will with a fore-ordained universe. Long before he was to commit himself to a full-scale program of gentlemen-farming, the theoretical side of agriculture attracted him, and it is difficult to accept his disclaimer, that "he never got much light" (80) from dealing with metaphysics, when we are told of his enthusiasm for a protégée's "talent for supporting a metaphysical argument in conversation, with much ingenuity and vivacity." (95)

In his relationship with such younger disciples, "a succession of clever *élèves* who afterwards attained to eminence," (75) the importance of Kames's influence is exhibited; so also is its dictatorial quality. Of a humiliating proposal offered to David Hume, already thirty-one years old and with the first two books of his *Treatise of Human Nature* published, Kames wrote, characteristically: "He shall never have my Consent, and I know he will not act without it." (85) In addition to David Hume the list of these protégées included such luminaries as Adam Smith and James Boswell, and of lesser importance the Jacobite laureate William Hamilton of Bangour, and John Millar, later a distinguished teacher of law, whose "speculations are all formed on the model of those of Lord Kames and Dr. Smith" (97) and in turn influenced such students of his own as the future Prime Minister Lord Melbourne. It is reported of his disciples, however, that "sooner or later most of them dropped the connexion. It would be indelicate to inquire whether this was their fault or his. Possibly he expected more court

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from them than they were disposed to pay; and with him there was no medium, his fondness and dislike being equally ardent and undisguised." (75)

Likewise significant are the hints of sides of Kames's character which may be regarded as typically "Scottish;" his avoidance of embarrassing partisanship in the Stuart-Hanoverian conflict was later to be confirmed by the tone of his antiabsolutist *Essays upon Several Subjects Concerning British Antiquities* (1747) and still later found its practical reward in his appointment to the powerful Commission for the management of Forfeited (Jacobite) Estates; he successfully reconciled business and pleasure when at a ripe middle age he won the hand of a reputed beauty and potential heiress, who more than lived up to expectations when she bore him two children and eventually brought him the rich estate of Blair Drummond. Home's distaste for fuddling himself with drink is less representative of the eighteenth-century mores of Scotland's bench and bar than was the Calvinist rigidity of his total repudiation of his adulterous daughter. Professor Ross implies that Adam Smith was following Kames's lead when in public lectures he argued that critical taste (like law) was the product of an interior sentiment present in uniform human nature; hence, by a further application of the Kamesian style of reasoning, Scottish taste is declared independent of English authority and Scottish national pride is vindicated.

The development of such and other attitudes distinctive of the mature Kames was assisted by his tenure of the Curatorship of the Advocates' Library (1737-42), "that noble Treasury of all polite Learning," including "those 'handmaidens of Jurisprudence' — history, criticism and rhetoric," (27) and extending far beyond the strict limits of law to cover travel literature, economics, architecture, science, and literature. Here Kames could find materials to support what was to be one of his basic positions, that the principles of all aspects of human culture (in the broadest sense) were to be sought in psychological drives inherent in human nature. Furthermore the study and practice of Scottish law revealed to him a method congenial to his own temperament and quite distinct from the rule of *stare decisis*, the dogmatic authority of previous decisions, obtaining in common law south of the Border. Scottish law used recorded cases and decisions to adduce underlying principles somewhat in the style fashionable in twentieth-century legal education. In furtherance of this process Henry Home began in 1728 the publication of a series of *Remarkable* and *Select*

*Decisions* and a *Dictionary of Decisions*, in the preface to which "he argued that decisions *per se*, in cases where universal principles obtained, 'ought . . . to have no authority. If the deduction upon which the decision be founded be fair, the decision is just; but then reason is the authority, not the decision. If the decision be founded upon wrong principles, or concludes falsely from true principles, it can signify nothing: And in these matters every man must judge for himself.'" (32) Judging for one's self is, literally, almost heresy, of which Kames was never a man to be afraid. As a law professor was to warn his students in the following century, "We cannot in every instance rely on [Kames's] doctrines . . . as a faithful picture of the actual state of practice. His impressions of what ought to be the law were so lively on some occasions as to influence his judgement of what was truly done or meant on the Bench." (32) At any rate, even before his appointment as a judge Kames was helping to establish an "analytic and comparative point of view towards the law," (15) and anticipating the conclusion that in law as well as in other cultural phenomena the source is to be found in "the passions in so far as they conform to nature." (36)

Part One comes to a conclusion with a thoroughgoing analysis of Kames's ambitious *Essays on the Principles of Morality and Natural Religion* (1751). A reader not oriented in the labyrinthine ramblings of eighteenth-century speculative thought may find this to be one of the more difficult chapters of the book; like many of Professor Ross's pages it requires close reading and rewards it in a sentence of the concluding paragraph: "Here [in Kames's *Essays*] is the work of a mind capable of no great philosophical acumen or much sophistication of statement, but rather of an iron grasp of a few ideas and a tenacious maintenance of the position to which they led." (110) Briefly, it appears that Kames's logical method is founded in a dependence on abstract theories regarding human nature; for example: "The real key to human nature is that man is a social being:" (99) "Our actions are regulated by this peculiar sense of *fitness* to be done or *unfitness*." (101) Working from premises based on bald assertion or intuition rather than on the accumulation of concrete illustration or example, Kames proceeds to conclusions which may make mad the orthodox or merely amuse the agnostic. Such for example is his solution to the problem of free will by the assertion that man, the slave of necessity, is equipped with the flattering (and useful) illusion of freedom — a concept which is, incidentally, closely paralleled in Indian thought. In this cheerful ability to make the most of both worlds, as in the

readiness to employ rational methods on non-rational materials, may be seen a reflection of the Scottish "national character" as postulated at the beginning of this review.

By the end of Part One of Professor Ross's study it should be apparent to the reader that most of Kames's thinking rests on a few central ideas and employs a few basic methods. The ideas: all human nature is governed by common emotional forces; law and other cultural institutions are the products of these forces; culture is fluid, evolving; law's function is utilitarian, detected in and contributing to sociological development; society is adapting itself to serve commercial and mercantile ends. The methods of Henry Home's thought are bold speculation, stubborn tenacity, super-subtle logical process, and an analysis of assumed forces (assumed from intuition or common sense) in human nature establishing standards to apply to specific cases.

Although these ideas and methods persist throughout Part Two, and that section, "Senator of the College of Justice," ostensibly covers only a dozen years (1752-63) of Kames's long life, Professor Ross has devoted almost half of his entire text to it. Such lengthy treatment was made necessary by several circumstances. The account of Kames's functions on the Court of Session is introduced by a sketch of the history of that court and a detailed account of its procedure. But those functions were to continue on during the remaining twenty years of his life after he was named a Commissioner of Justiciary (1765). Hence, materials belonging strictly to that final period must continually be introduced in Part Two. The prestige of his appointment to the bench extended the field of his associations and the scope of his activities, which have been revealed to be already broad and varied. Again, this period, roughly the decade of the 1750's, happened to be one of extraordinary vigor in the social and intellectual life of Edinburgh. And finally, the most important and influential of Kames's writings were published during these years: *Historical Law Tracts* (1758), *Principles of Equity* (1760), and *Elements of Criticism* (1762). To each of these Professor Ross devotes a full chapter of description and discussion.

Kames's qualities as a judge again are seen to be first of all his Scottishness. The Lords of Session were jealous of their independence; Kames deprecated the right of appeal from judgments of Scotland's "supreme" court to the House of Lords in London. He sided with popular Scottish opinion in favoring the "Douglas" claimant in that famous cause; he resented the maneuver of the opposition in intro-



ducing a process in Paris while the matter was pending in Edinburgh. And in his legal essays he repeatedly argued that Scottish law differed from English in not being the slave of statute and precedent. He was a consistent advocate of the jurisdiction of equity, that is, technically, of a legal system quite distinct from and often opposed to common law, and dealing with situations for which common law has no remedy.

Temperamentally Kames does not seem to have been ideally adapted to the bench; he did not commit himself to "passionate absorption in the law," (151) he was continually on the move spreading himself thin in a variety of extracurricular business, domestic, social, speculative; like his fellow-countrymen he was "little acquainted with the attitude of standing still." (172) He was charged with an unseemly "fretfulness and liveliness in his expressions;" as might be expected he was too "subtle and abstracted in his reasonings" (132) to suit the capacity of run-of-the-mine minds. His "wonderful ingenuity" of thought and his supreme confidence in "his own strength of reasoning" (220) often betrayed him into error.

Though not strictly relevant to the judicial function, Professor Ross points out one or two other aspects of Kames's temperament which appear somewhat incongruous. He often delayed for a surprising length of time before arriving at and expressing his opposition to doctrines published in his day. And in spite of a flavor somewhat acid to our delicate palates his personality seems to have appealed to his contemporaries by its lovability. His encouragement of promising young protégées and his sympathy with their interests and ambitions (Boswell's, for example) seem to have inspired an affectionate response. Boswell also admired Kames's industry and activity, qualities more appealing and less oppressive in an older friend than in one's own father (if that father happened to be Lord Auchinleck). And Boswell appreciated a domestic harmony in the Kames house notably lacking in his own family. Mention has already been made of David Hume's expression of devotion; and another former protégée writes of that period, "I then learnt to value beyond every thing the qualities of the heart." (179)

Kames's rigorous application of the methods of analysis and synthesis, already pointed out as characteristic of his thinking, served the bench well. His "insight into the adaptive, evolutionary nature of institutions" revealed to him that "the law of that country is wrong which does not accommodate itself to the fluctuating manners of the people;" (206) this has a surprisingly familiar ring in the twentieth

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century. The predominantly liberal trend of Kames's thought is seen in several cases before the Court of Session. In one involving a publication offensive to the Aberdeen town fathers Kames's judgement in effect vindicated the freedom of the press; in a suit over copyright he established the privilege of the public to have free access to books after the statutory limit of protection expired; and in an attempt to enforce in Scotland the rights of a former owner over a negro slave brought from Jamaica "Kames was on the side of freedom," (146) anticipating Cowper's "Slaves cannot breathe in England." Kames's influence in the councils of the Church of Scotland promoted tolerance, and the free use of the intellect; his championship of equity is still regarded as an authoritative treatment of the subject, and as Professor Ross points out, many of Kames's positions eventually prevailed in his own country and apparently helped to shape the thinking of such fathers of ours as John Adams, Jefferson, and Madison.

The scope of Henry Home's activities was vast and it is difficult to credit days with sufficient hours and a human spirit with sufficient vigor to accommodate his incessant labors. The fruit of intellectual speculation in varied fields is apparent not only in the major publications already listed but also in the *Introduction to the Art of Thinking* (1761) and in a pamphlet recanting in part the extreme position regarding the determinism-free will dilemma of the earlier *Essays on the Principles of Morality*. The picture of a charming domestic and social life, walks with friends, music, the drama, dancing, dining also emerges in Professor Ross's pages. Henry Home as his own overseer in managing his inherited estate in rural Berwickshire is a minor example of his immersion in economic and agricultural problems of his country, officially manifested in his office as one of the trustees for fisheries, manufacturers, and improvements, and as commissioner for the forfeited estates.

And of course he was caught up in the vortex of the intellectual turmoil of the period. In this he was perforce involved because of the fury of opposition generated in the High-flying extreme conservative wing of the established Church in Scotland by his 1751 *Essays . . . on Morality*, and by the *Treatise of Human Nature* and other publications of his friend David Hume. A war of pamphlets ensued, Kames was threatened with excommunication and his seat on the bench possibly jeopardized; and he was in fact deprived of his position as Commissioner to the General Assembly. A group of Moderates gathered in support of the Hume-Kames cause and succeeded in deflecting the

ire of the High-flyers against another Home, the clergyman John Home. This Home had an inclination for the drama; he had written a tragedy, *Douglas*, (containing the immortal "My name is Norval" declamation), which was approved by the critical experts among his friends, including David Hume and Kames, and produced with great success in Edinburgh (1756). The High-flyers were dead set against even the attendance of the clergy at the performance of a play, let alone at a clergyman's writing one. Eventually however, the tolerant position of the Moderates prevailed.

In "The Modern Athens" and "Works and Days" Professor Ross lists a number of Kames's associates in that decade of "intense intellectual activity" (182) in Edinburgh; some of them have already been named. David Hume, William Robertson, and Adam Smith were perhaps the most distinguished. They were fond of convivial meeting and incessant discussion. Benjamin Franklin, who was greatly admired and liked in Edinburgh and who developed a close and enduring friendship with Kames, offered wry testimony to this latter trait: "Persons of good sense . . . rarely fall into [disputation] except lawyers, university men and men of all sorts that have been bred in Edinburgh." (198) These gifted and congenial disputants met in such informal groups as the Select Society and the Poker Club; they cultivated and were cultivated by a number of lively ladies. As a group they possessed "Abilities . . . of instructing, delighting and being useful." These, as Professor Ross notes "were the grand aim of all the men of letters, . . . among whom Kames assumed a prominent place." (200 f.)

Part One, as has been pointed out, concluded with the examination of the most important composition published by Kames before his elevation to the Court of Session; similarly Part Two ends with a lengthy discussion of Kames's supreme contribution to the field of humane letters, the *Elements of Criticism* (1762). The main subject of this lengthy and somewhat difficult chapter is "the interaction between human psychology and literature." (260) In applying to literature his familiar ideas and methods Kames draws upon suggestions of Hobbes and David Hume regarding the association of ideas; and supports his conclusions by a wide variety of quotations from literary works. Professor Ross finds some of these conclusions anticipatory of doctrines of romantic criticism advanced by Coleridge and Keats.

Dr. Johnson spoke lightly of the *Elements*, Voltaire attacked it vigorously, and David Hume found it "too abstruse & crabbed ever to take with the Public." (285) Presumably, however, that arrogance

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and egotism in Kames's character which troubled his contemporaries made him callous to attacks on his works; and he would have been gratified to know of the persistence with which the Kamesian tradition of philosophical criticism was to survive for a good half century after his death. In the early years of higher education in the United States the *Elements of Criticism* was to be studied as one of the basic documents in the field, and Professor Ross's last word on the book, after recognizing its lapses and shortcomings is to hail it as "a characteristic product of a mind trained in Scots law and with broad humanistic sympathies, . . . a contribution . . . to the world-stream of intellectual progress." (291)

In 1763 the third phase of Henry Home's life was introduced by his appointment as a Commissioner of Justiciary. It should be made clear that this did not involve the surrender of his seat in the Court of Session, but rather the acquisition of enhanced duties and honors, bringing an increased salary plus an annual expense account. The Justiciary Court, that is, the criminal court of Scotland, administered a criminal law based on precedent rather than on any formulated code. In effect, the court made its own law. Headed by two Lord Justices (one of them merely nominal) five of the Ordinary Lords of Session (like Kames) constituted the Commissioners. They held weekly meetings in Edinburgh during the usual Sessions, and twice a year one pair of justices went the rounds of each of the three circuits, making a formal stop in each of the burghs that constituted a single circuit.

Kames's promotion to this court was of course professionally gratifying; it also led to some of the most colorful and entertaining passages of his career. For one thing, both the Western and the Northern Circuits included visits to the Highlands, a region whose glamour and beauty was beginning to be appreciated even before the advent of its greatest press agent, the author of *The Lady of the Lake* and *Waverley*. It was also a region which Kames had as a Commissioner of Forfeited Estates already begun to improve in a practical way and for which he was destined to do much more.

The Circuits also involved splendid, and slightly comic, pageantry, eventful travel, meetings with prominent and interesting residents of the provinces, and much hilarious conviviality (though Kames individually was criticized for the somewhat niggardly style of the entertainments he provided). But whether on circuit or in Edinburgh, Henry Home found in the administration of criminal law, as it functioned in eighteenth-century Scotland, an outlet for the expression of arbitrary

quirks in his own nature, including a cruel jocularly in which his fellow commissioners likewise were prone to indulge. One of his innovations, a judicial charge to the jury immediately before it retired to find a verdict, severely criticized in his own day, has since been recognized as an essential part of criminal procedure. His concern for the protection of property, the maintenance of authority, and the effective administration of the law, gave him a reputation for severity and impatience even in a period when the law itself was, by our more permissive standards, unbearably harsh. His impatience and wit were pilloried by Boswell in almost Savoyard style; the character of "Kames" in a satirical ballad sings:

"Of all the Judges in the land  
I surely must be held the Chief;  
For none so cleverly can hang  
A bloody Murderer or Thief." (301)

With respect to Kames's famous quip when his chess-playing crony Mathew Hay was found guilty of murder: "That's checkmate to you, Mathew!" (311) Professor Ross records rather tentatively, a somewhat lame excuse that has been offered in palliation.

The next new arena opened for the exercise of Henry Home's talents was the lordly estate of Blair Drummond — in Perthshire; it brought in "near 2 thousand pounds a year" (354) — inherited by his wife in 1766. To the improvement of this property Kames was to devote the hypothetical spare time of his ripe years. In so doing he was only continuing the practical experiments in agriculture that he had long been conducting at Kames (which he was to sell off in 1775) and in the development of rural and natural resources that he had been encouraging in various official capacities already mentioned. Some of his publications of earlier years had touched on agricultural theory, and his *Elements* had included a chapter on gardening and architecture.

With a finger in every bowl of porridge in Scotland, Kames promoted extended surveys of the Highlands, urged the improvement of roads and canals, the extension of vocational education, the development of the linen industry, the exploitation of coal deposits, and the employment of displaced Highlanders to reclaim marsh lands. (Incidentally, with a kind of prophetic irony, Kames's scheme to drain the Blair Drummond Moss for agricultural use backfired; the discarded peat carried off to the Forth by a channelized stream poisoned the salmon and ruined the oyster beds.) Nevertheless he and his wife

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figure among early conservationists; he suggested a method for protecting trees from moor fires, and while "Mrs. Home Drummond interested herself in botany, . . . Kames arranged that wild fowl were permitted to settle undisturbed on an island in a lochan near the house." (354) The cream of Kames's experience in agricultural development was finally skimmed off in *The Gentleman Farmer*, which he published in 1776.

An earlier product of his persistent spirit of philosophical inquiry had been his *Sketches of the History of Man* (1774). Kames was interested by phenomena in the field of anthropology and sociology; he dug into travel literature, curious to know if men were "like horses and wheat, apt to degenerate in foreign climes." (334) How to account for the differences in various races? Were all men created not equal but unlike so as to harmonize with different environments? Or did differences develop after the dispersal of mankind from the Tower of Babel? From such quaint and charming speculations Kames proceeds in his groping toward a "natural history of man" (333) to explore the chronicle of the successive stages in human culture, the effect of the institution of private property, and assorted problems of politics, economics, and ethics. "His methodology in tracing evolutionary succession among human groups by reference to evidence presented by animals and 'primitive' peoples is held to be remarkable for his time." (348)

Equally impressive is the evidence that the old Adam in Kames was still alive and kicking as he approached his eightieth year. In fact in the best sense he never did outgrow his salad days. Professor Ross concludes his massive and impressive study with a most heartening account of "The Last Years" of this "iron mind in an iron body," "the most arrogant Man in the world," "apt to change his favourites, . . . positive in opinion, . . . very fond of young people, of instructing them and dictating to them" (David Hume's words). (349) These rigid strictures on Kames's character are to be tempered by the recollection that he could recognize and make amends for some of his own errors, such as his original opposition to the elevation of the younger Dundas over his own head to the Presidency of the Session Court, or the lapses into Scotticisms in his own prose. It is gratifying to learn that he retained his vigorous health of body and mind to the end of his eighty-six years, doing his judicial duty, indulging in his flights of speculation into strange cloud-lands of thought, dallying in innocent intimacy with charming or learned ladies under the amused, tolerant eyes of his wife. He must have enjoyed denying to Boswell

an edifying spectacle as a dying man, and no one would willingly reject the anecdote of his report to his doctor, two days before his death, that "he earnestly wished to be away, because he was exceedingly curious to learn the nature and manners of another world." (370) In sum, Professor Ross has presented to us not a noble man, and perhaps not a great one; but undeniably a man of great importance not only for representing and influencing his own age and for anticipating posterity but also for illustrating the powers of vigor and range of which human nature is capable.

NELSON S. BUSHNELL

*Williams College*

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