

# Reason Papers

*A Journal of Interdisciplinary Normative Studies*

Essays to Commemorate the 250th Anniversary  
of the Completion of David Hume's  
*A Treatise of Human Nature*

Edited by Stuart D. Warner

## Articles

- Hume on the Origin and Evolution of Religious  
and Philosophical Consciousness ..... Donald W. Livingston
- The Virtue of Political Skepticism ..... James T. King
- Hume's Account of Property ..... Nicholas Capaldi
- David Hume on the Public Interest ..... Stuart D. Warner
- Spinoza and Hume on Individuals ..... Douglas Den Uyl and Lee Rice
- Natural Rights, Philosophical Realism, and Hume's  
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- In Defense of Moore's "Proof of an External World" ..... John O. Nelson
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- William G. Scott and David K. Hart's *Organizational  
Values in America* ..... David L. Norton
- Hans-Hermann Hoppe's *A Theory of Socialism  
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**Abbreviations for David Hume's Works  
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*E* *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller. Indianapolis: Liberty Classics, 1985.

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# HUME ON THE ORIGIN AND EVOLUTION OF RELIGIOUS AND PHILOSOPHICAL CONSCIOUSNESS

DONALD W. LIVINGSTON  
*Emory University*

**A**lthough Hume often speaks of philosophy and religion as different forms of experience, they are so intimately connected that the one cannot be understood without understanding the other. Both have evolved over time, intermingling to form qualitatively different forms of experience in which their original identities are partially submerged roughly in the way that colors such as blue and yellow may be mixed and submerged into the new color of green. Yet one of the identities may be strong enough to appear in something of its original form as in a yellowish or bluish green. And, of course, both identities can be recovered through analysis. In what follows I examine Hume's views on the nature and origin of religious and philosophical forms of consciousness; how they have evolved to form distinctive modes of religious and philosophical existence; and whether, if at all, these modes of existence are beneficial to society.

## THE ORIGIN OF RELIGIOUS CONSCIOUSNESS

It was a rationalistic prejudice, strong in Hume's time, that the first religion was theism and that it was known by the first men through the design argument. This rational form of theism has since been corrupted by custom and prejudice into polytheism

and into superstitious forms of theism. Sir Isaac Newton states the view as follows: "So then the first religion was the most rational of all others till the nations corrupted it. For there is no way (w<sup>th</sup> out revelation) to come to y<sup>e</sup> knowledge of a Deity but by the frame of nature."<sup>1</sup>

Hume rejected the rationalistic account of the first religion offered by Newton, Clarke, and other "religious philosophers" in favor of a causal, evolutionary account. That account employed three original propensities of human nature which are necessary for Hume's genealogy not only of religion but, as we shall see, of philosophy as well. (1) Men have a disposition to believe in "invisible, intelligent power" as the cause of things. This disposition is "diffused over the human race, in all places and in all ages..." (*NHR*, p. 25). (2) Faced with the flux and contrariety of phenomena, men would despair of understanding the causes of things, "were it not for a propensity in human nature, which leads into a system, that gives them some seeming satisfaction" (*NHR*, p. 33). The system may be metaphorical as in religion or conceptual as in philosophy, but a system of some sort there will be. (3) "There is an universal tendency amongst mankind to conceive all beings like themselves, and to transfer to every object those qualities, with which they are familiarly acquainted, and of which they are intimately conscious" (*NHR*, p. 33).

Because these propensities are universal, religion is natural to man, but it is not inevitable. Propensities have varying strength, and the propensities that make religious belief possible "may easily be perverted by various accidents and causes, and...may by an extraordinary concurrence of circumstances, be altogether prevented" (*NHR*, pp. 25-26). What then were the particular circumstances of the first men such that the above propensities expressed themselves in the form of religion and not in some other form?

Hume supposes that the first men must have been primitive and barbarous. Without the arts and sciences, man was little more than a "necessitous animal" whose main concern was survival. What prompted the first act of critical reflection was not admiration of regularity and order in the universe but fear at the sudden occurrence of unexpected events which threatened life and security. The regularities of nature were absorbed into habit and did not surface as objects of attention. It was frightening events

contrary to expectation such as a monstrous birth or a violent clap of thunder that triggered the three propensities mentioned above and gave rise to the first explanation of events. This first account was, and had to be, anthropomorphic, metaphorical, and practical. Intelligent power was metaphorically read into the contrary event itself: neptune *is* the violence of a sea at storm. Eventually the human propensity to view things *systematically* was triggered. Neptune is identified not only with the stormy sea but also with the sea when calm. The god is seen to be related to other gods, and, in time, the entire world is populated with gods.

Polytheism, then, was not only the first religion, it was the first systematic account of events, and so is the origin of all theoretical science and philosophy. Although polytheism is the remote ancestor of theorizing, its rationale is practical not theoretical. The gods are the invisible powers which control contrary events. To understand is to placate an arbitrary and demanding personality. The logic of the system is not "the pure love of truth" or "speculative curiosity" about the cause of order in the world, but *fear* (*NHR*, p. 32). Local deities are praised not out of admiration but for the advantage of the believer. The local god is flattered as being greater than alien gods and free of their limits. These exaggerated praises eventually free the god from all limits of the visible world, and he is represented as the only true god, a perfect being who transcends the world of space and time and who is its creator. In this way theism evolves out of polytheism.

But what emerges is not the "true" or "philosophical theism" which Hume accepts.<sup>2</sup> True theism is the belief in a perfect, supreme intelligence who created a universe governed by law. Such a belief, Hume says, conforms to "the principles of reason and true philosophy," and inspires men to scientific inquiry into the laws that govern the universe and to moral conduct. It should "banish every thing frivolous, unreasonable, or inhuman from religious worship, and set before men the most illustrious example, as well as the most commanding motives of justice and benevolence" (*NHR*, p. 59). Only a being who could inspire such practice is worthy of what Hume calls "rational worship and adoration" (*NHR*, p. 52).

True theism entails a belief in a "general providence" but not in a "particular providence." The former is the belief that the universe is the result of purposive intelligence which expresses

itself in the form of law. The latter is the belief that the creator "disturbs...at every turn, the settled order of events, by particular volitions" (*NHR*, p. 50). What Hume calls "vulgar theism" carries with it belief in a particular providence, and so is not fully emancipated from its polytheistic roots—the rationale of which is nothing but a strategy for effecting a particular providence. Vulgar theism, then, contains a contradiction. The same being represented as perfect and not governed by human passions is also viewed as "the particular cause of health or sickness; plenty or want; prosperity or adversity" and capable of responding to prayers. But a being who responds to prayers has passions very like our own.

The propensity of the imagination to metaphorically identify invisible, intelligent power with visible things exacerbates the contradiction and generates what Hume calls a "flux and reflux" of polytheism and theism. The abstract conception of a perfect being renders the "active imagination of men, uneasy" (*NHR*, p. 57). Soon an order of "inferior mediators or subordinate agents are invented which interpose betwixt mankind and their supreme deity" (*NHR*, pp. 57-58). These demigods or middle beings resemble the human and are seized upon to satisfy the polytheistic need for "a particular providence." Thus theism descends insensibly back to idolatry: "The virgin Mary, ere checkt by the reformation, had proceeded, from being merely a good woman to usurp many attributes of the Almighty" (*NHR*, pp. 52-53). Eventually the very vulgarity of these middle beings is seen to conflict with the notion of a perfect being, and the religious mind begins again the painful ascent back in the direction of theism only to fall, in time, back towards polytheism. The absurd "flux and reflux" of polytheism and theism can be restrained and moderated, but it can never be overcome (*NHR*, p. 58).

### THE ORIGIN OF PHILOSOPHY AND TRUE THEISM

The view of Newton and other religious philosophers that theism (established by the design argument) was the first religion implied also that the first theists were philosophers and that religion and philosophy were coextensive in their origins. Hume argues to the contrary that the first philosophers were polytheists and that polytheism itself is a form of atheism. Consequently, the

first philosophers were atheists. Why Hume thought polytheism to be a form of atheism will be examined shortly. In the meantime, we should ask what were the conditions which made philosophical questioning possible. Hume's answer is the cultivation of the arts and the security brought on by "the institution of good government" (*NHR*, p. 35). The rationale of polytheism is fear brought on by extraordinary life-threatening events. The normal regularities of experience are absorbed into habits which have proved successful in the struggle for survival and never surface as objects of attention or curiosity. But with the appearance of the arts and good government, security and leisure emerge, and a space is opened up in which, for the first time, regularity and order become objects of attention. "Superstition flourishes when life is governed by accident" (*NHR*, p. 35). As makers of society, men become aware of order in their own works and this enables them to attend to order and regularity in the world. Philosophy has its origin in the *polis* of polytheistic culture.

Hume mentions "Thales, Anaximander," and "Anaximenes, Heraclitus" as the first philosophers. They all sought to give an ultimate explanation of the world by fixing on some privileged item in the world, "fire, water, air, or whatever they established to be the ruling element" and metaphorically identifying it with the whole (*NHR*, pp. 43, 44n, 45). In these first theories, three principles of philosophical reflection are manifest: the principles of ultimacy, autonomy, and dominion. Philosophical theory is *ultimate*: it transcends the world of experience and is unconditioned. The thought behind it is radically *autonomous*: it is entirely emancipated from polytheistic custom and tradition. There is no attempt, for example, to provide an explanation of the world as a whole by magnifying the powers of one of the gods within the world. Philosophical theory extends *dominion* over everything within its scope, and its scope is total: the gods themselves are generated from the ultimate cause and are subject to its laws (*NHR*, p. 45).

Hume seems to think that philosophical reflection with its demand for ultimacy, autonomy, and dominion is *sui generis*, the result of natural propensities which spontaneously arise under conditions of security and leisure. That these conditions first appeared in polytheistic culture was an accident, though one for which a historical explanation can be given. The sudden appearance

of critical philosophical reflection in the world may be seen as a leap to a higher form of human experience. The experience is of a higher form because it is more inclusive: (1) the gods were offered by polytheists as explanations not of regularity and order but of frightening and extraordinary events; with the emergence of philosophy, regularity and order are objects of speculation; (2) an explanation is now possible for the gods themselves.

Hume stresses the fact that the first philosophers were atheists and, indeed, that polytheism itself was atheistic. The polytheists were atheists not because they denied the existence of a supreme author of the universe, but because they simply had no such idea. Theirs was an atheism of innocence or ignorance. Hume describes the first philosophers as "superstitious atheists," who had no notion of a "being, that corresponds to our idea of a deity. No first principle of mind or thought: No supreme government and administration: No divine contrivance or intention in the fabric of the world" (*NHR*, p. 38). And so "Thales, Anaximander, and the early philosophers, who really were atheists" had no difficulty giving an ultimate explanation of the world based on radically autonomous reason while at the same time being "very orthodox in the pagan creed" (*NHR*, p. 44n).

The development of philosophical theism out of philosophical atheism is different from the development of vulgar theism out of polytheism. The latter is motivated by fear, the former by the original human propensity to order experience into a system. Hume describes this as the motive of "speculative curiosity" or "the pure love of truth" (*NHR*, p. 32). Philosophical theism emerges by critical reflection on the thinking of the first philosophical atheists, and its appearance, Hume thinks, marks a superior achievement in understanding. The reason is that the imagination can understand reality only by metaphorically identifying its own parts with the world: "The mind rises gradually, from inferior to superior: By abstracting from what is imperfect, it forms an idea of perfection: And slowly distinguishing the nobler parts of its frame from the grosser, it learns to transfer only the former, much elevated and refined, to its divinity" (*NHR*, p. 27). The great achievement of the first philosophers was to shift polytheistic attention away from the contrarieties of experience to the experience of regularity. It was now not the horror of a monstrous birth which demanded explanation in the form of a

“particular providence” but the regularity of normal birth. However, the first philosophers were limited by the rationale of polytheism insofar as they metaphorically identified the “secret and unknown causes” of the world by reflecting on themselves as passive recipients of nature. The objects of attention were regularities and cycles such as birth and death, and the explanatory entities were such things as water, air, earth, and fire. The polytheistic philosophers had not yet learned to distinguish “the nobler parts” of their frame “from the grosser.” They had not yet achieved a deep view of themselves as *agents*.

But Hume holds that once men have established the habit of organizing the regularities of experience into systems, they naturally begin to view these systems as a unity which is the result of intelligent activity: “A purpose, an intention, a design is evident in every thing; and when our comprehension is so far enlarged as to contemplate the first rise of this visible system, we must adopt, with the strongest conviction, the idea of some intelligent cause or author.” And the “uniform maxims...which prevail thro’ the whole frame of the universe, naturally, if not necessarily, lead us to conceive this intelligence as single and individual...” (*NHR*, p. 92).

Philosophical theism does not arise out of fear but from the speculative play of the intellect as it searches in its own nature for metaphors with which to understand the world. Man emerges from being a passive recipient of nature to being an autonomous agent. Nature is no longer conceived as an order of cycles determined by the power of fire, water, air and the like: what Hume calls the “blind, unguided powers of nature” (*NHR*, p. 44n). Rather, nature is conceived as an intelligible system guided by a general providence, and man is conceived as an agent participating in this divine activity.

Although philosophical theism arises naturally, it is not a natural belief on the order of belief in external objects and causal regularities. Hume taught that such beliefs are universal and, in primitive form, are shared even with animals. They cannot be suppressed by reflection alone. True theism, then, is not natural in that it occurs everywhere and at all times, but it is natural in that it spontaneously arises in the security of the *polis* after men have established the habit of organizing regularities into systems: “it scarce seems possible, that any one of good understanding

should reject that idea, when once it is suggested to him" (*NHR*, p. 92). Moreover, true theism is a hardy plant; and although difficult to start (being the contingent result of historical circumstances and philosophical reflection), once planted it needs little care. It is, in part, for this reason that Hume rejected the theory of the religious philosophers that theism, founded on reflection, must have been the first religion and had since been corrupted by polytheism: "If these opinions be founded in arguments so clear and obvious as to carry conviction with the generality of mankind, the same arguments, which at first diffused the opinions, will still preserve them in their original purity....Reason, when very obvious, prevents these corruptions: When abstruse, it keeps the principles entirely from the knowledge of the vulgar, who are alone liable to corrupt any principles, or opinions" (*NHR*, p. 29).

True theism, then, is a belief won by a philosophical elite, and in the philosophical community is virtually irreversible. Philosophers, however, are not free of the prejudices of the wider vulgar community of which they are a part; and so philosophical theism is never held in pure form. Hume taught as a principle that one should not expect coherence of belief in abstract theories, especially theories of religion and philosophy (*NHR*, p. 78n). Hume mentions Anaxagoras as "the first undoubted theist among the philosophers" followed by Socrates, Xenophon, and Plato. All of these were very much under the influence of polytheistic superstitions. Xenophon, Hume observes, was in the grip of auguries, sacrifices, oracles, and beliefs such as that sneezing is a lucky omen. The same was true of most other pagan philosophical theists, including Hume's own hero Cicero (*NHR*, p. 73). The Stoics were especially remarkable for blending philosophical theism with pagan superstition: "the force of their mind, being all turned to the side of morals, unbent itself in that of religion" (*NHR*, p. 77). Marcus Aurelius "received many admonitions from the gods in his sleep," and "Panaetius was the only Stoic, amongst the Greeks, who so much as doubted with regard to auguries and divinations." Epictetus believed in the "language of rooks and ravens" (*NHR*, p. 77).

Turning to modern theists, Hume observes: "I maintain, that Newton, Locke, Clarke, etc. being Arians or Socinians, were very sincere in the creed they profest: And I always oppose this argument to some libertines, who will needs have it, that it was

impossible, but that these great philosophers must have been hypocrites" (*NHR*, p. 79). Indeed, the philosophical libertines themselves may not know what they really believe. They may accept the tenets of philosophical theism and many of the tenets of vulgar theism while denying them. And so "might seem determined infidels, and enemies to the established religion, without being so in reality; or at least, without knowing their own minds in that particular" (*NHR*, p. 74).

### THE RELATION OF RELIGION AND PHILOSOPHY IN ANCIENT AND MODERN SOCIETY

The polytheistic religions of the ancient world were typically state religions. The task of these civic religions was to preserve the sacred tradition of the political community and its relation to the divine order. Hume observes that polytheistic religion was remarkably tolerant about the gods of other polytheistic regimes. The case was otherwise with theism: "The intolerance of almost all religions, which have maintained the unity of god, is as remarkable as the contrary principle in polytheists.... So sociable is polytheism" (*NHR*, p. 61). Moreover, theism is not only intolerant towards other religions, it tends to give rise to implacable divisions within the theistic society between orthodox and heretical sects. One supreme object of worship demands one form of worship and one creed: "the several sects fall naturally into animosity, and mutually discharge on each other, that sacred zeal and rancour, the most furious and implacable of all human passions" (*NHR*, pp. 59-60). Theism generates actual violence within the theistic community and requires an oppressive regime to contain it. Polytheism, of course, has also been inhumane and at times has even required human sacrifice in its rituals. But though such practices are abhorrent, Hume observes that sacrificing a few individuals chosen by lot does not affect the rest of society very much: "Whereas virtue, knowledge, love of liberty, are the qualities, which call home the fatal vengeance of inquisitors; and when expelled, leave the society in the most shameful ignorance, corruption, and bondage" (*NHR*, pp. 61-62). Hume concludes that "few corruptions of idolatry and polytheism are more pernicious to political society than this corruption of theism, when carried to the utmost height" (*NHR*, p. 61).

Although theism is more intolerant than polytheism, it is not the only form of thinking that is intolerant and in some respects it is not the worst. Philosophy, which first appeared in polytheistic society, brought with it a form of intolerance and hostility peculiar to itself. Philosophical consciousness, as we have seen, is structured by the principles of ultimacy, autonomy, and dominion. Philosophical disagreements are ultimate, and each antagonist thinks that his own opinion has a title to rule: philosophers should be kings. Moreover, philosophical beliefs are determined by the thinker's autonomous reason and cannot be abandoned on pain of losing his integrity as a thinker and, indeed, as an *existent*. For it is a peculiarity of philosophical thinking to exercise total dominion over the thinker and to define the meaning and value of his entire existence. To abandon his philosophical beliefs is nothing less than to betray the meaning and worth of his own existence. Philosophy is generated out of the free play of "speculative curiosity," and so, even more than vulgar theism, tends to break up into sects which stand in implacable opposition. It is for this reason Hume taught that philosophical sects in polytheistic society were more zealous and fanatical than religious sects (*NHR*, p. 63). Philosophy, however, was not a threat to society because it was contained by the polytheistic civic religion. As long as the regime itself was not threatened, philosophy flourished in innumerable sects each holding a self-proclaimed title to truth and dominion at the expense of the others: Epicureanism, stoicism, cynicism, skepticism, Pythagoreanism, the peripatetic philosophy, etc.

Over time philosophy spread throughout the learned part of the polytheistic world, bringing with it the natural (though not inevitable) inclination to theism that Hume thinks attends philosophical consciousness. So by the time Christianity appeared in the polytheistic world, intellectual circumstances, at least, were ripe for its reception: "where theism forms the fundamental principle of any popular religion, that tenet is so conformable to sound reason, that philosophy is apt to incorporate itself with such a system of theology" (*NHR*, p. 65). The merger of pre-philosophic theism (Christianity) and philosophy is the union of two distinct forms of intolerance and oppression driven by different motives. Philosophy is motivated by "speculative curiosity"; vulgar theism by insecurity and fear. Although pre-philosophic

vulgar theism tends to produce warring sects, it is not as prolific as philosophy (with its free and autonomous play of the speculative intellect) in generating them. This means that a vulgar pre-philosophic theism that takes on philosophical shape and seeks to justify itself philosophically will generate a qualitatively distinct form of religion that would be the most intolerant and oppressive imaginable. The philosophical part of the religion will generate endless sects, and these will be a blend of philosophical arrogance (due to ultimacy, autonomy, and dominion) with the insecurity and fear due to vulgar theism. This new *philosophical religion* will both constantly generate these sects and be forced to suppress them.

To return to the color metaphor. The mixing of vulgar pre-philosophic theism with philosophy produces a new but disagreeable hue. The Christianity that emerged at the close of the pagan world is just such a blend: "But as philosophy was widely spread over the world, at the time when Christianity arose, the teachers of the new sect were obliged to form a system of speculative opinions...to explain, comment, confute, and defend with all the subtilty of argument and science. Hence naturally arose keenness in dispute, when the Christian religion came to be split into new divisions and heresies: And this keenness assisted the priests in their policy, of begetting a mutual hatred and antipathy among their deluded followers" (*NHR*, pp. 62-63). It is in large part its capture by philosophical consciousness that "has contributed to render CHRISTENDOM the scene of religious wars and divisions" (*NHR*, p. 62).

But the civil discord within Christendom has not always taken the same form. Hume distinguishes between ancient and modern forms of civil discord within Christendom. These can be explained in the following way. Those born in a theistic culture who are inclined to philosophical reflection will have little trouble seeing their own philosophical reason confirmed by the theistic tradition: "speculative reasoners naturally carry on their assent, and embrace a theory, which has been instilled into them by their earliest education, and which also possesses some degree of consistence and uniformity" (*NHR*, p. 65). Given this merger of philosophy and vulgar theism two things might happen: (1) the philosophic part (motivated by speculative curiosity and the love of truth) could regulate the vulgar theistic part (motivated by insecurity

and fear—which Hume calls “superstition”); or (2) the superstitious part could regulate the philosophical part to serve its own ends. Typically, it is the latter that happens: “But as these appearances do often, all of them, prove deceitful [that philosophy and vulgar theism are compatible], philosophy will soon find herself very unequally yoked with her new associate; and instead of regulating each principle, as they advance together, she is at every turn perverted to serve the purposes of superstition” (*NHR*, p. 65). Such was the case with ancient Christendom, but in modern times the philosophic part of Christianity has been progressively moving to the surface.

In the *History of England*, Hume charts the beginning of the change at the fifteenth century. The conflict in modern religion between Catholicism and Protestantism is interpreted as the internecine struggle within Christendom between its vulgar theistic part and its philosophic part. Hume developed two critical concepts with which to understand the conflict: “Enthusiasm” and “Superstition.” Protestantism is regularly identified with the former, Catholicism with the latter. Both contain the belief of all popular religion in a particular providence. What distinguishes them is that “superstition” is founded on piety to a tradition and to its rituals; whereas “enthusiasm” rejects tradition in favor of the authority of the interpretations of one’s own mind. In the *History*, Hume observes that Protestantism and especially Puritanism resembles more a system of metaphysics than a religion. Protestantism is to be compared to the “Stoics [who] join a philosophical enthusiasm to a religious superstition” (*NHR*, p. 77). The expression “philosophical enthusiasm” is important, for it means that there is a form of fanaticism peculiar to the philosophical mind itself. We have observed Hume’s teaching that philosophy naturally divides into sects and that philosophical sects in the ancient world were more fanatical than religious ones. This process was played out again after the Reformation as philosophical enthusiasm (which was the sublimated logic of Protestantism) shattered the Reformation into countless sects, each claiming an ultimate title to dominion.

The most radical expression of the philosophical enthusiasm internal to Protestantism occurred in the English civil war, which Hume examined in the volumes covering the Stuart kings in the *History of England*. Europe stood astonished to see the Puritans

make war on their sovereign, Charles I, and eventually execute him. Once in control the Puritans themselves split into warring sects each with a theory of the ultimate foundations of society and government which they were prepared to impose on others by force. The result was a dictatorship under Cromwell where the whole of society was regulated by religious-philosophical theory. Hume observes that this was carried so far as to attempt even the regulation of recreation. The Puritans set aside the second Tuesday in the month for recreation, but as Hume dryly observes, "the people were resolved to be merry when they themselves pleased, not when the parliament should prescribe it to them" (*H*, v, pp. 452-53n).

The degree of regulation imposed by the Puritans resembles the total dominion over the life of the individual claimed by the philosophical sects of the ancient world. The civic character of polytheistic religion meant that "religion had, in ancient times, very little influence on common life, and that, after men had performed their duty...at the temple, they thought, that the gods left the rest of their conduct to themselves..." (*EM*, p. 341). But with the birth of philosophy a new guide to life appeared which demanded total control: "In those ages, it was the business of philosophy alone to regulate men's ordinary behaviour and deportment; and...this being the sole principle, by which a man could elevate himself above his fellows, it acquired ascendent over many, and produced great singularities of maxims and conduct" (*E*, p. 341). The total control demanded by philosophical consciousness was confined by the polytheistic magistrate, in the ancient world, to private sects. But in modern Christendom, *philosophical consciousness* is internal to the state religion. Consequently, *its* demand for dominion "is now supplied by the modern religion, which inspects our whole conduct, and prescribes an universal rule to our actions, to our words, and to our very thoughts and inclinations" (*EM*, pp. 341-43). Emphasis must be placed on what Hume calls "the modern religion" which is not merely vulgar theism (superstition), but vulgar theism blended with philosophy (philosophical enthusiasm). It is its *philosophical* component that, in large part, gives modern religion, such as that of the Puritan regime, its totalitarian character. A century later the philosophical element in modern religion had gained such ascendancy that

Hume could say that "religion...is nothing but a species of philosophy" (*EU*, p. 146).

By the time of the Enlightenment, then, a radical change had occurred in the relation of philosophy to religion in European culture. Christendom began as a marriage of "philosophical enthusiasm" and "vulgar theism." In Hume's time the tables had turned, and the theistic part of Christianity, at least in the learned world, sought to justify itself in purely secular philosophical terms. The governing maxim of many theists was no longer Augustine's "*credo ut intelligam*," but the Enlightenment maxim that one should proportion one's belief to the evidence, where evidence was thought of as empirical and scientific. As religion became more philosophical, it became more secular. The secularization of religion was part of a wider secularization of society, and so Hume could observe in 1742: "There has been a sudden and sensible change in the opinions of men within these last fifty years, by the progress of learning and of liberty. Most people, in this island, have divested themselves of all superstitious reverence to names and authority: The clergy have much lost their credit: Their pretensions and doctrines have been ridiculed; and even religion can scarcely support itself in the world. The mere name of *king* commands little respect; and to talk of a king as God's vice-regent on earth, or to give him any of those magnificent titles, which formerly dazzled mankind, would but excite laughter in every one" (*E*, p. 51). In this climate of opinion, philosophical consciousness began to appear on the scene entirely emancipated from its connection with vulgar theism.

### THE *TREATISE* AND PHILOSOPHICAL SUPERSTITION

When he wrote the *Treatise*, Hume thought of these emancipated philosophers as forming an elite group which did philosophy mainly for the pleasure of it, but might also hope to be of some use to society by suggesting reforms for improvement. In the first *Enquiry*, Hume thought that the superior stability of modern governments over ancient ones was due in part to the cultivation of philosophy (*EU*, p. 10). In the *Treatise*, he presented emancipated philosophy under modern conditions as a benevolent force. Even its errors, being confined to a few, are of little danger to

society. "Generally speaking, the errors in religion are dangerous; those in philosophy only ridiculous" (*T*, p. 272). Hume, however, does not deny that philosophy is a potential threat to society, for in the same passage he mentions the cynics as a sect "who from reasonings purely philosophical ran into as great extravagancies of conduct as any *Monk* or *Dervise* that ever was in the world" (*T*, p. 272). This is compatible with his position in "Of Parties," written shortly after the *Treatise*, that philosophical sects in the ancient world were more fanatical than parties of religion.

Hume did not ask, in the *Treatise*, why one should expect philosophy in modern society to be a benevolent force. In the *Essays*, he explained how "philosophical enthusiasm" in the ancient world was contained by the non-philosophical pagan civic religion. But this solution is not possible in modern society since the state religion ("the modern religion"), in Hume's view, embodies the errors of "philosophical enthusiasm" within itself. The only restraint on emancipated philosophical error in modern society must come from philosophy itself. And the question arises of whether the elite, philosophically reflective part of society can be expected to carry out the sort of self-criticism that would keep philosophical criticism moderate and humane. The question was not a lively one for Hume when he wrote the *Treatise* because the number of emancipated philosophers was small and the structure of society was such that they had little influence. The pressing problem for Hume in the *Treatise* was not the errors of philosophy emancipated from vulgar theism but the errors of religious philosophy.

But the question of whether emancipated philosophy would have critical self-knowledge sufficient to recognize and correct its own errors began to be pressing as philosophy became more and more popular. The *philosophes* saw themselves as an elite vanguard leading the masses to higher philosophical self-consciousness. Diderot wrote: "Let us hasten to make philosophy popular."<sup>3</sup> The phenomenon of philosophical consciousness on a popular level was more advanced in Britain than in France. Hume observed that it had given rise to a radically different sort of political party which was unique to modern times and which he viewed with alarm. This new sort of party was based not on interest or affection but on metaphysical principle: "Parties from principle, especially abstract speculative principle, are known only to modern

times, and are, perhaps, the most extraordinary and unaccountable *phaenomenon*, that has yet appeared in human affairs" (*E*, p. 60).

Such parties were possible only in an age in which philosophical consciousness had in some way filtered down to the populace. Centuries of instruction by Christendom with its union of philosophy and vulgar theism had made it possible for even the vulgar to participate in a confused sort of philosophical-religious thinking. But now the philosophical consciousness informing modern political parties is entirely secular, as Hume makes clear in "Of the Original Contract" where he observes that "no party, in the present age, can well support itself, without a philosophical or speculative system of principles, annexed to its political or practical one; we accordingly find, that each of the factions, into which this nation is divided, has reared up a fabric of the former kind, in order to protect and cover that scheme of actions, which it pursues" (*E*, p. 465). Politics in modern society is *metaphysical* politics. The implacable opposition and fanaticism of the ancient philosophical sects which had been contained by the pagan civic religion could now be reenacted in the political arena. The spectacular errors and absurdities of philosophical reflection, the total inversions of experience, and the alienation from common life that is a peculiarity of the philosophical intellect are no longer confined to the closet but are free to inform public policy.

The philosophical intellect informed by the principles of ultimacy, autonomy, and dominion is free to indulge the wildest and most dangerous theories about the real. It naturally gives rise to endless sects each with a claim on the real and a title to rule. The greatest care and attention is needed, even among the most responsible philosophers, to avoid being misguided by the illusion-making character of their own autonomous philosophical reflection. But such care and attention has seldom been exercised by philosophers and is certainly not to be expected of the new philosophically informed masses: "The people being commonly very rude builders, especially in this speculative way, and more especially still, when actuated by party zeal; ...their workmanship must be a little unshapely, and discover evident marks of that violence and hurry, in which it was raised" (*E*, p. 466). The populace is now vulnerable to a new breed of demagogues who will lead their deluded followers by the passions, not of religious

fanaticism, but of "philosophical enthusiasm."

Diderot had issued the call to make philosophy popular. By the next century, Marx could write: "the philosophical consciousness itself has been pulled into the torment of struggle. What we must accomplish is the ruthless criticism of all that exists."<sup>4</sup> Where Diderot and Marx celebrated the capture of all aspects of human existence by secular philosophical consciousness, Hume lamented it, referring to his own time, sardonically, as "this philosophic age" (*EM*, p. 197n). Hume considered this a disaster not because there is anything wrong with critical reflection or theorizing as such but because there is something seriously wrong with philosophical theorizing improperly conceived. In Part IV, Book I of the *Treatise of Human Nature*, Hume forged a distinction between true and false philosophical criticism—a distinction of the greatest importance for understanding his philosophical and historical writings. I have discussed this fundamental distinction elsewhere and cannot do justice to it here.<sup>5</sup> But this can be said. Hume tries to show in Book I, Part IV that the traditional notion of philosophical reflection (i.e., reflection informed by the principles of ultimacy, autonomy, and dominion) distorts, constricts, and if pursued consistently finally alienates one entirely from the experience of common life. Hume carries the reader dialectically through "a gradation of three opinions, that rise above each other, according as the persons, who form them, acquire new degrees of reason and knowledge. These opinions are that of the *vulgar*, that of a *false philosophy*, and that of the *true*; where we shall find upon enquiry, that the true philosophy approaches nearer to the sentiments of the vulgar, than to those of a mistaken knowledge" (*T*, p. 223, emphasis mine).

Vulgar consciousness is not unreflective or uncritical; rather, it is merely *philosophically* unreflective consciousness. False philosophy is vulgar consciousness come to philosophical self-awareness. Such thinking structured by the principles of ultimacy, autonomy, and dominion imagines itself emancipated from *all* the prejudices and customs of common life and with the authority to *totally* restructure vulgar consciousness in a philosophically acceptable way. Hume tries to show, however, that philosophical criticism which consistently supposes itself emancipated from *all* the prejudices and customs of common life ends in *total* skepticism. Philosophers in fact seldom end in total skepticism, only

because they are not really emancipated from the prejudices of common life but unknowingly smuggle in some favorite prejudice which gives content to and hides what are otherwise entirely empty philosophical principles. True philosophy emerges when the philosopher recognizes that this is the condition of philosophical reflection and comes to affirm the prejudices of common life as the ground of thought and proceeds to form critical principles *within* that ground and not in opposition to it.

Hume's reform of philosophy in Book I, Part IV requires that one abandon the principle of *autonomy* (the philosopher is not the spectator of common life but a *participant* in it) and the principle of *dominion* (it is not autonomous reason that has a title to rule but custom—and custom is always social, requiring deference to others). True philosophy is critical reflection on custom carried out within the domain of custom. It is, if one likes, criticism of custom, by custom, and for custom. Or as Hume puts it: "Philosophical decisions are nothing but the reflections of common life methodized and corrected" (*EU*, p. 162).

The false philosophical consciousness imagines itself the sovereign spectator of the whole of custom. Custom is no longer a mode of participation but an alienated *object* of reflection. The philosopher seeks a theory of this totality purged of the authority of any custom within it. But such theories always end in taking a favorite part of custom and ontologically reducing much, if not all, of the rest to it: "When a philosopher has once laid hold of a favourite principle, which perhaps accounts for many natural effects, he extends the same principle over the whole creation, and reduces to it every phaenomenon, though by the most violent and absurd reasoning" (*E*, p. 159). Thus Thales took water and reduced everything to it. The history of philosophy is filled with such magical inversions. Benevolence is really self-love, property is theft, to be is to be perceived, man is condemned to freedom, etc. Oakeshott once observed that everything Marx touched turned to superstition.<sup>6</sup> Hume taught that everything the false philosopher touches is transformed into a strange inverted world over which the philosopher alone has dominion. Hume, like Oakeshott, recognized in false philosophical consciousness a secular form of superstition: "Do you come to a philosopher as to a *cunning man*, to learn something by magic or witchcraft, beyond what can be known by common prudence and discretion?" (*E*, p. 161).

THE *TREATISE* AND POSTMODERN CULTURE

Hume recognized his own age as one in which philosophical consciousness was on the way to becoming the dominant form of culture. In our own time it has become the dominant form: we live in what might be called the first philosophic age. Hume taught that modern philosophic religion imposed universal rules "to our action, to our words, and to our very thoughts and inclinations" (*EM*, pp. 341-43). Likewise, secular philosophical consciousness informs every aspect of contemporary culture. Writing at the height of the cold war Camus had this to say about the dominion of (what Hume would have called) false philosophical consciousness in politics: "There are crimes of passion and crimes of logic.... We are living in the era of...the perfect crime. Our criminals are no longer helpless children who could plead love as their excuse. On the contrary, they are adults, and they have a perfect alibi: philosophy, which can be used for any purpose—even for transforming murderers into judges.... In more ingenuous times, when the tyrant razed cities for his own greater glory, when the slave chained to the conqueror's chariot was dragged through the rejoicing streets...the mind did not reel before such unabashed crimes, and judgment remained unclouded. But slave camps under the flag of freedom, massacres justified by philanthropy...in one sense cripple judgment. On the day when crime dons the apparel of innocence through a curious transposition peculiar to our times—it is innocence that is called upon to justify itself."<sup>7</sup>

The spontaneous collapse of communist regimes throughout eastern Europe may be viewed as the long overdue Humean unmasking by "true philosophy" of the spectacular absurdities of failed economic systems ruling in the name of social justice and of totalitarian regimes ruling in the name of human freedom. What Camus called "a curious transposition" of concepts "peculiar to our times" is what Hume called "philosophical chymistry" (alchemy) whereby false philosophical consciousness inverts the object of its reflection into its opposite (*EM*, p. 297). If the cold war is over, the political world we live in is still very much a world of contrary philosophical systems seeking instantiation and dominion. And so it is a world vulnerable to the secular superstitions of false philosophical theorizing. And not just the political world. The whole of culture: morals, art, literature, architecture, manners, and

language are vulnerable to the inversions of "philosophical chymistry" as carried out by countless forms of "critical theory" such as structuralism, deconstructionism, feminism, etc., each seeking dominion through the ancient philosophical project of "unmasking" and "consciousness raising." But if Hume's teaching in Book I, Part IV of the *Treatise* that there is a distinction between true and false forms of philosophical consciousness is correct, then some of the unmaskers will need to be unmasked and some of the consciousness raisers will need to have their consciousness raised from the level of false philosophy to that of "true philosophy [which] approaches nearer to the sentiments of the vulgar, than to those of a mistaken knowledge" (*T*, p. 223).

In a philosophic age, the discovery of this distinction between true and false philosophical criticism is of fundamental *ethical* importance. It is of ethical importance because in a philosophic age no normative question of practice can escape being structured by philosophical consciousness whose dominion, by the very nature of philosophical thinking, is and must be total. Spinoza could title his great work on substance *Ethics* because he thought the question of being is prior to the question of how to live. But modern thinkers after Hume and Kant rejected this thesis in favor of the doctrine that substance itself is structured by human consciousness. In Book I, Part IV of the *Treatise* Hume shows how philosophical consciousness itself is a deeper notion than substance insofar as substance is a construction of philosophical consciousness. In a philosophic age all objects of culture are *philosophically constructed* objects. (This is part of what is meant by describing contemporary culture as "postmodern.") In such an age it is not the question of being but an understanding of the difference between true and false philosophical consciousness that is prior to the question of how to live. In this way the *Treatise*, especially Book I, Part IV, is a deep work in ethics.

The Enlightenment also imagined itself to possess the solution to the problem of ethics. That solution was for philosophical consciousness to purge itself of vulgar theism and to replace it as the dominate form of culture. It never occurred to the *philosophes* that the philosophical intellect itself might contain a form of error, superstition, self-deception, and destruction the equal to anything in vulgar theism. This error is all the more difficult to discover because philosophical reflection (informed by the principles of

ultimacy, autonomy, and dominion) is done in the name of *reason*, and how can "reason" be a source of error and self-deception? In this naive confidence in the philosophical intellect as self-justifying, Diderot issued the call to make philosophy popular. But before this call had gone out, Hume had already seen, in the *Treatise*, the need for a radical criticism of philosophy itself. In the heyday of the Enlightenment Hume had issued a call for a deeper form of Enlightenment, one devoted to unmasking the kingdom of darkness internal to the philosophical intellect itself. It was a call that in our "postmodern" culture has scarcely been heard.

1. Quoted by James Force in "The Newtonians and Deism" in James Force and Richard Popkin, *Essays on the Context, Nature, and Influence of Isaac Newton's Theology* (Dordrecht: Kluwer, 1990), p. 59.
2. I have discussed the nature of Hume's belief in "philosophical theism" in *Hume's Philosophy of Common Life* (Chicago and London: University of Chicago Press, 1984), chap. 6.
3. Quoted in Thomas A. Spragens, *The Irony of Liberal Reason* (Chicago and London: University of Chicago Press, 1981), p. 83.
4. *Karl Marx on Revolution*, 13 vols., Saul K. Padover, ed. and trans. (New York: McGraw Hill, 1971), I, p. 516.
5. See *Hume's Philosophy of Common Life*, chap. 1.
6. Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975), p. 309.
7. Albert Camus, *The Rebel* (New York: Vintage Books, 1956), p. 23.

# THE VIRTUE OF POLITICAL SKEPTICISM

JAMES T. KING

*Northern Illinois University*

**M**y thesis in this paper<sup>1</sup> is twofold: first, that Hume advances moderation as the chief political virtue and, second, that he strengthens this view by connecting his account of moderation with his treatment of skepticism. Exploring this twofold thesis will cast light on certain questions that have exercised Hume scholars and will reveal how Hume visualizes the intellectual's relationship to the order of practical politics.

## THE VIRTUE OF MODERATION IN HUME'S POLITICAL WRITINGS

That Hume thinks of moderation as an important virtue needs no argument—no other quality of mind is so consistently praised in his works. That he sees it as the chief political virtue is made abundantly clear in the *Essays Moral, Political and Literary*,<sup>2</sup> and perhaps nowhere quite so forcefully as in those passages which reveal the author's self-understanding. In "Politics as a Science" Hume characterizes himself as a "friend to moderation" and then goes on to describe his role as that of "promoting moderation" (*E*, p. 15). He concludes his important essay, "Whether the British Government Inclines More to Absolute Monarchy, or to a Republic," by remarking, "This may teach us a lesson of moderation in all our political controversies" (*E*, p. 53). The essay, "Of the Protestant Succession," provides Hume an occasion for giving a self-accounting. A penetrating understanding of practical politics,

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linked with the virtues of balance, impartiality and moderation, are the distinguishing marks of the intellectual and convey, I submit, a portrayal of the qualities the Humean philosopher brings to practical political questions. "It belongs, therefore, to a philosopher alone," he writes, "who is of neither party, to put all the circumstances in the scale, and to assign to each of them its proper poise and influence.... Hesitation, and reserve, and suspense, are, therefore, the only sentiments he brings to this essay or trial" (*E*, p. 507). In short, attention to moderation (and its opposites) is an extremely important element in Hume's political thinking.

At the same time that moderation is a pervasive theme of Hume's, he neither exalts it as a new absolutism nor condemns zeal entirely. Indeed, disconcert for the political order cannot be attributed to Hume; on the contrary, he seemed to believe the intellectual should take a positive interest in the conditions under which political liberty can thrive. Thus in "Politics as a Science" Hume recommends "the utmost Zeal, in every free state, [for] those forms and institutions, by which liberty is secured, the public good consulted, and the avarice or ambition of particular men restrained and punished" (*E*, p. 26).

Despite Hume's eloquent encomium, we may be inclined to think there are certain problems in the notion of political moderation, at least as commonly understood. First, persons who fall into this category are often thought of as being moderate by default, moderate for lack of passion and commitment; the more hot-blooded among us might object to making a virtue of what they think of as inborn pusillanimity. Second, political moderates are sometimes thought of as compromisers long on accommodation and short on principles. This observation becomes a criticism of moderation when it is said, as is customary among philosophers at least, that being a person of moral character is identified with being a person of principle. (Thus Kant, for example, refuses to acknowledge moderation as an important virtue.)<sup>3</sup> From such a point of view as this, a politics of principle is incomparably worthier than a politics of moderation; and if moderation has a place in a politics of principle, it will be only insofar as it is required by a principle. Hence moderation appears in the writings of moralists typically as a sleepy minor virtue, if it appears at all.<sup>4</sup>

Further, a specifically Humean notion of political moderation is not without its difficulties. I shall describe two of these. To

begin, it is far from clear that Hume can account for how moderation can be the effective force in the world of modern politics that he wishes it to be. Contemporary affairs were seriously affected, Hume claimed, by what may be termed the politics of principle, which he deemed a source of great upheavals and social ills. Hume cannot settle for praising moderation where he finds it—he must give an explanation of how moderation can counter the politics of principles once the latter has taken root. In setting the politics of moderation over against the politics of principle, he must explain how moderation can be brought about in the area of convictions, beliefs, and even political theory itself. One of the tasks to be undertaken in this paper is to investigate whether Hume has the resources to explain how there can be such a thing as epistemic moderation.

A second difficulty is this. Hume seems far from consistent when he describes the philosopher as disinterested when it comes to matters of political partisanship<sup>5</sup> but, as we saw above, also zealously interested when it comes to concern over the conditions of political liberty. If this be Hume's view, it seems scarcely coherent, and we are tempted to think that, in the end, he moved away from this praise of moderation and endorsed zeal in pursuit of the values he deems the right ones. Thus another challenge awaiting us is to explore how Hume might consistently maintain that some forms of zeal are not inconsistent with a programmatic moderation in life.

In what follows I shall draw on Hume's far-flung remarks on moderation and show how this quality can be a Humean virtue. I shall reconstruct how the case he makes for political moderation is strongly linked to what most agree is the most basic element of Hume's thinking, namely his skepticism. I shall argue that the distinctive virtue of the skeptic is moderation, and that rather than lacking causal conditions, Hume's accounts of epistemic moderation and of political moderation share the same overall structure. From these materials I shall show how Hume has the resources for a response to the two difficulties just described.

### THE POLITICS OF PRINCIPLE: PROS AND CONS

It cannot be overemphasized that Hume is fundamentally opposed to the politics of principle and thinks of it as a source of

excesses and of great ills in political life. In "Of Parties in General" he distinguishes three sorts of political parties, those "from *interest*, from *principle* and from *affection*" (*E*, p. 60). Parties from affection or attachment to particular persons or families Hume acknowledges as political realities; parties from interest he treats as natural developments of the variety of causes which divide men within the social and political order; both are susceptible of being immoderate but their immoderation does not present any particular theoretical challenge. Turning to "Parties from *principle*, especially abstract speculative principle," Hume writes these "are known only to modern times, and are, perhaps, the most extraordinary and unaccountable *phenomenon*, that has yet appeared in human affairs." What accounts for Hume's thinking of this form of politics as a bizarre modern development is that he regards abstract speculative principle as being in itself a trifle, a matter of indifference; thus what is wondrous is how the politics of principles can gain such power as to become the source of the most perilous political divisiveness. To illustrate how such principles can generate noxious strife and faction, ruinous wars and divisions, Hume draws an illustration from the influence of religion; but we must remark that in the diachronically structured explanation he gives of this phenomenon the root cause is, rather surprisingly, not religion but philosophy.

Religions, that arise in ages totally ignorant and barbarous, consist mostly of traditional tales and fictions, which may be different in every sect, without being contrary to each other; and even when they are contrary, every one adheres to the tradition of his own sect, without much reasoning or disputation. But as philosophy was widely spread over the world, at the time when Christianity arose, the teachers of the new sect were obliged to form a system of speculative opinions; to divide, with some accuracy, their articles of faith; and to explain, comment, confute, and defend with all the subtilty of argument and science. Hence naturally arose keenness in dispute, when the Christian religion came to be split into new divisions and heresies: And this keenness assisted the priests in their policy, of begetting a mutual hatred and antipathy among their deluded followers. Sects of philosophy, in the ancient world, were more zealous than parties of religion; but in modern times, parties of religion [united with philosophy] are more furious and enraged than the most cruel factions that ever arose from interest and ambition. (*E*, p. 62 f.)

Given Hume's view that the introduction of philosophical principle transformed religion into a qualitatively new and socially deleterious phenomenon, it is easy to see that in modernity the coupling of philosophy with politics has generated a hybrid which merits description as "extraordinary and unaccountable." Hume analyzes how this happened and how it can be overcome in what I think is the best of his essays, "Of the Original Contract."

Hume begins the essay by acknowledging political divisions and political parties as entirely normal developments of modern culture. What is distinctive of the modern age, however, is that each party, by drawing on philosophy (the same which above is credited to the tradition deriving from Plato of insistence on principles), annexes to its political program "a speculative system of principles" which it rears up as a fabric so as purportedly "to protect and cover [justify] that scheme of actions, which it pursues" (*E*, p. 465). In Hume's day the chief two systems were of course the theologically inspired Divine Right theory of the Party of the Court and the Lockean contractualist theory of the Party of the People. In each of these cases the basic difference between a politics of interest and a politics of principle seems to be just this, that the latter is based on or mediated by a theory or system—let us call it a *normative political system*—which is thought to provide the party's program with *justification*. When men come to relate to their political program in the manner of something required by principle, there occurs the same sort of shift as that on which Hume had remarked in "Of Parties In General," namely, between ancient non-dogmatic religion and modern philosophically animated religion; with a shift of this sort the adherent of a political program not only comes to believe that he is in the right (as assuredly every political partisan does), but is persuaded his program has a rational foundation or is justified from theoretical principle; when this happens he is obliged to conclude that those who opt for a different course are without justification. Principle thus provides something new for the intellectual who applies himself to politics, namely, the theoretically justified conviction of being in the right. And at the same time it performs an exclusionary function—it deprives the other parties of legitimacy, of the *right to exist*. On Hume's diagnosis the politics of principle is politically disruptive, inherently divisive in the most extreme manner. Clearly, a case can be made for the need

for a form of moderation capable to reining in the politics of principle. The problem is: once unleashed in the world, can it be subdued? What can possibly restrain a theoretical enterprise bent on justifying political principles? What can unthroned normative political theory? (Cf. *T*, p. 186.) We now turn to whether Hume has the resources to explain how moderation is possible in matters of conviction.

It is interesting the form that Hume's first response to the politics of principles takes in "Of the Original Contract." He does not move directly to enjoin the divisive political theories *as theories* and to criticize them for their lack of philosophical grounds, as we might naturally expect of a philosopher hostile to the politics of principle. I venture that Hume realizes that to do this would be to engage in political theory of just the sort he means to challenge and to encourage the continuing cohabitation of philosophy and politics in which the politics of principle is conceived. What he does instead is to deflate the enterprise of theory and to trivialize the parties' systems across the board by saying their differences, extreme though they seem to their adherents, are in reality not at all so significant; scoring a rhetorical *coup de grace*, he says the principles of the most radically opposing theories, are *equally just*. Hume's verdict on normative political systems, set off in a paragraph most of which he italicized, reflects a position which transcends both the order of political interest and the order of political theories which give intellectual articulation to those interests.

I shall venture to affirm, *That both these systems of speculative principles are just; though not in the sense, intended by the parties; And, That both the schemes of practical consequences are prudent; though not in the extremes, to which each party, in opposition to the other, has commonly endeavored to carry them.*  
(*E*, p. 466)

To appreciate Hume's strategy, we need to get clear how a theory's *speculative principles* stand "in the sense intended by each party" and then by contrast the sense in which Hume suggests opposing *principles* and *consequences* are equally just or equally prudent. What each party intends is that having a normative political system makes a difference for the political partisan by authorizing his treating his political beliefs as being exclusively and absolutely true. By contrast Hume is not prepared to admit any particular set of political beliefs as true in that sense

or any set of principles as furnishing justification; rival principles are leveled and, so long as they might be reintroduced in a moderated form, are offered as being *equally just*. Stripped of intellectual pretensions (i.e., taken in a sense other than that intended by the parties of principle), normative political systems offer *nothing* of substance not already present in the standard political oratory of the parties.

In the second part of the italicized text, Hume addresses the matter of *practical consequences* to be found in the systems he criticizes. I think we are to understand *consequences* quite literally as logically necessitated implications from a system's principles taken as premises. These are important to those who do normative political theory because the practitioner of the politics of principle takes a system to be perfectly prescriptive in the order of conduct and to provide a justification for a political program in the form of practical consequences from those principles. As explained above, Hume discredits the claims of such theorists to establish principle—the bulk of the essay is attack against the two leading political theories in just this regard. But he here does something else: he denies that, even were any such principles established, there could be any logical nexus from principle to consequences putatively sanctioned by them. Thus his point here is the same as he made in the famous is/ought passage of the *Treatise*: there are not, and cannot be, any practical consequences entailed by speculative principle. And this signifies that theories fail to do the work for which they are raised up, namely, to provide a justification for a scheme of actions. And at the end Hume adds that with the elimination of the conceit of justification (which by its nature is exclusive), parties are deprived of one of the sources of the extremism they display in modern times. We must also note, finally, that Hume does not reject the opposing parties' several schemes of action—these he says are all prudent. But the form in which these programs are acknowledged is their natural or non-extreme presentation, not the shape they take on in normative political theory.<sup>6</sup>

For Hume the operative reality in politics is a genuine and original diversity of interests. We must be careful to note that the target of his criticism is normative political systems and not the politics of interests. Thus if in their everyday discourse ordinary men talk of rights, they do not claim to be naming philosophical

realities but to be advancing a cause or attempting to influence events. Hume attacks the pretensions of writers who would dress up the political rhetoric of rights in the guise of philosophical theory and claim truth or justification over and above the rhetoric of party and practice. Thus Hume turns on its head the standard understanding of the relation of theory and practice. While ordinary discourse is supposed by philosophers to be the application of truths or principles grasped loosely and uncertainly by the vulgar, Hume maintains that political theories never advance beyond political rhetoric and determined for their content by the political programs of the parties they are designed to serve. Moreover, Hume reverses the standard conception of immoderation. Philosophers treat principles as lying beyond the realm of moderation and find the source of immoderation in the vulgar's thoughtless application of them to a practical world. But Hume asserts that the politics of interests is naturally moderated by the give-and-take of political practice, while the politics of principle is, in its hauteur and conceit, natively immoderate.<sup>7</sup>

I stated that Hume's first response to normative political systems is to trivialize them, but he does not stop there. Indeed it could scarcely be that he thought such a response would be effective by itself, for those committed to normative political theory would object in principle to the dismissal of theory as bespeaking the sheerest misology. Thus the essay contains Hume's famous critical attack on the political theories raised by both parties, though Lockean contractarianism occupies most of his attention—perhaps because he thought it the likelier to turn extremist. The purpose of this attack is to loosen the grip exercised on the mind of the intellectual partisan by the theory which his extra-theoretical interests lead him to entertain.

Now to this second response there is an easy objection, namely, that Hume is inconsistent in practice, for to critique theory is (paraphrasing Aristotle) to engage in theory oneself. Thus Hume is accused of just replacing one theory by another and of thinking that the other theory is in fact a justifiable one. This line of objection can also move on to declaring that Hume is in fact no less partisan than the political theorists he derides, since his critical undertaking must itself be animated by some set of partisan interests. Forging a reply to this objection will oblige us to explore Hume's conception of the relation of the

reflective thinker to the world of politics.

I think the beginnings of a reply would emphasize that the dynamics of political moderation do not require opposing one set of interests to another in the exclusionary or absolute sense typical of normative political system—as though in rejecting the Whiggish Locke, for instance, Hume had to be, and show himself to be, a hated Tory. So to construe Hume's critical program is a grave mistake. Rather than overcoming the "systems of speculative principles" by appealing to particular political interests, Hume works from a perspective transcending particular interests and the theories fashioned to support them. His stance is that distinctive of the skeptical thinker. There is no need to read into such skepticism either attachment to a political program or even love of compromise for compromise sake; instead what is required is that we acknowledge the liberating force of the critique of theories and ideas. Critique is destructive of speculative systems indeed, but not of the extra-theoretical interests and political program those systems were created to support. If Humean skepticism returns us to our starting-point in political divisions, it does so with a difference, for we should have learned the lesson that, as opposing political theories cannot make out an exclusive claim to truth, opposing political interests are not entitled to exclusive claim to govern the civil union. The task of refashioning our political thinking in light of this lesson is part of the patrimony Hume has left us.

There is in this a new difficulty, however, for it is problematical how on Hume can deploy "the liberating force of the critique of theories and ideas" against the politics of principles without again admitting a role for philosophical theory of just the sort which spawns the politics of principle. Put otherwise, Hume both gives and takes away when discussing philosophy and its import for political life. He takes away when he says philosophy introduces dogmatism, immoderation in the epistemic order and a most dangerous form of divisiveness into politics; but he gives when he says that it belongs to the philosopher to rise above the fray and discern the elements of merit in the opposing claims of those engaged in politics. The cynic will say that Hume means philosophy is dangerous just when others do it but is salutary when he does it, and this response is not utterly misplaced, for in "Of the Original Contract" Hume not only argued that the Divine Right

theory and the contractualist theory are mistaken but went on in the final pages to present a precis of his own account of the origin of justice, government and political existence. Does this not make Hume a practitioner of philosophical theory just as much as the entire philosophical tradition since Plato, and does not a Humean insistence on "the liberating force of the critique of theories and ideas" place him squarely in the rationalist tradition, *malgre lui*?

The question we are here encountering bears on the character of Hume's philosophical career, and specifically on whether his skepticism represents a revolutionary break with the philosophical tradition since Plato. We have arrived at the recognition that Hume's views on political moderation require exploration of probably the most basic theme in his writings, his skepticism.

### DOXASTIC MODERATION

The traditional model whereby philosophers account for "the liberating force of the critique of theories and ideas" attributes a moderating role to reason itself which, precisely because of this force, is construed as having a governing or ruling function (a model that may deservedly be termed Platonic). Here moderation is achieved from reason but not of reason. As is well known, Hume denies this model and in fact inverts it, asserting that reason is subordinate to the passions. Now the problem is that it appears the only way a consistent Hume can say that moderation is possible is by tracing it to a passion (in parallel manner as the rationalists trace it to reason). But for several reasons philosophers are inclined to think Hume cannot do this. First, if the only resources available to explain how moderation comes about are reason and passion, having rejected reason, Hume can only count on passion; but on the terms of his moral psychology, it does not seem possible that passion can determine or influence reason. Second, if it were possible, it would be most objectionable that matters of truth were deemed to be determined by the passions. Philosophers' *principle of epistemological autonomy* requires the order of truth be insulated from that of value. If Hume did allow the passions to determine truth (which is one possible reading of his famous—or infamous—dictum that reason is and ought only to be the slave of the passions), then Hume would be in violation of the principle of epistemological autonomy. And third, Hume

himself often presents political moderation as a matter of detachment and disinterest, that is, the exact opposite of a passion. But if Hume will not allow that moderation be produced by reason in a ruling role and if moderation cannot be produced by a passion, it is not clear that on his terms there can be such a thing as epistemic moderation—moderation, that is, in the order of beliefs and convictions.

I defend the view that Hume has within his distinctive adaptation of the skepticism of Sextus Empiricus the resources for an account of liberating moderation internal to the life of the mind and radically different from the Platonic model. To see how this works, let us briefly examine first Sextus' skepticism and then Hume's revision of it.

Sextus makes out the case for skepticism in the proper manner. He does not attempt to prove by reason that we should abandon reason. Rather, he describes a life embodying rational inquiry as an all-absorbing ideal, and asks from the broadest perspective whether it is worth living. His answer is that such a life does not attain its *telos* but instead annuls itself in its pursuit of rationally grounded knowledge achieved by inquiry. That it does so is something learned through repeated test and experiment: in terms of results reason's historical record, revealed in the history of philosophical speculation, is regrettably quite negative according to Sextus. But reason's failure is disclosed in the present as well, for by providing strict proofs of contradictory theses regarding any interesting claim (and this not just occasionally but systematically), reason cancels itself. The skeptics, aware of this, must withdraw from the business of reason and suspend judgment. The self-annulment of reason is limited, however, in that while the skeptic abandons the life devoted to rational inquiry, he is not impelled to deny the formal canons of logic; it is just that in the course of his life logic will play no important role. The newfound skeptic, one who had professed that the life of rationality represents the summum bonum and the highest form of selfhood, thus comes to see that form of selfhood as a vacuous ideal. Of the progression from the philosophical to the skeptical life Sextus writes as follows.

His initial purpose in philosophizing was to pronounce judgments on appearances. He wished to find out which are true and which false, so as to attain mental tranquility. In doing so, he

met with contradicting alternatives of equal force. Since he could not decide between them, he withheld judgment. Upon his suspension of judgment there followed, by chance, mental tranquility in matters of opinion.<sup>8</sup>

The term *mental tranquility* appears twice in this passage. That which the seeker after knowledge originally pursued would be the attainment of the intellectual telos; the mental tranquility he actually achieves, without seeking it, is not the satisfaction of that same connotation but rather *self-satisfaction in abandoning it*. What is of maximum interest is that Sextus describes the resulting condition as one of moderation; I propose to call this "mental tranquility in matters of opinion" a form of *doxastic moderation*.

In Book I of the *Treatise* (and in the Appendix) Hume, although not an academic skeptic, plays out a 'natural history of philosophic reason' quite similar to Sextus' account of the self-cancellation of the quest for rational knowledge.<sup>9</sup> He follows the ancient skeptics in holding that the reflective thinker, upon examining the contradictions of philosophical and common reason, will discover both that the form of selfhood determined by the quest for rational certainty is to be abandoned but at the same time that reason as *organon* is scarcely to be dismissed. Thus something like a Humean form of doxastic moderation emerges consisting in abstinence from the business of speculative reason and a refashioning of one's life as one in which confidence in theoretical enterprise plays no important part. What is most significant about this re-ordering of the self is that it occurs *precisely in the epistemic order*, and thus the effect of Humean doxastic moderation is a deflation of the enterprise of theory-construction accomplished otherwise than on the basis of a theory constructed by the skeptic. Its causal conditions, moreover, depend on no particular passion, but represent an illustration of self-correction of the reflective mind by the reflective mind. Finally, since this re-ordering is a liberation and since it is something approvable on reflection, *doxastic moderation* appears to be a virtue, though an epistemic one. Here we have a *virtue from conviction* in the epistemic order which is specific to the skeptic. I think we are entitled to conclude that for Hume there is a form of moderation from conviction, namely the epistemic virtue of *doxastic moderation*, and that this achievement is the skeptic's virtue *par excellence*.<sup>10</sup>

We have, however, told only part of the story. Hume is, of course, a *moderate* skeptic. Where he differs from Sextus and the ancient skeptics is in whether total suspense of judgment is possible. Admitting that what is beyond reach is the certain and justified knowledge philosophers seek, he contends that we nevertheless have implanted in us by Nature an instinct-like determination to form beliefs. Avowing that no form of selfhood which denies our belief-forming nature is liveable, he breaks with Sextus by recognizing that skepticism involves a more complex problematic and by attributing to doxastic moderation a more significant role than it has on Sextus' misguided view that it lies within our power to abstain not only from the business of philosophy but from having beliefs about ourselves and the world about us. For Sextus suspense of judgment is an all-or-nothing affair and skepticism therefore a simpler matter; for Hume, since we cannot cease to be belief-formers, skepticism informs how we are to conduct ourselves as belief-formers when we have arrived at the conviction that in this connection reason alone provides no reliable influence. As is well known, Hume proposes a moderate ethics of belief: he suggests we form our beliefs within the natural order in a measured and moderate manner—measured by what is necessary for life and moderated by the hard won lesson the self-cancellation of the quest for metaphysical knowledge. And of course admitting measured and moderated beliefs does not expose us afresh to the foibles of speculation and theory-construction because the Humean skeptic, having gone through the discipline of the first Book of the *Treatise*, is now cured of excessive attachment to the business of reason.

I find it extremely interesting to note that Hume's account of the self-cancellation of the philosophical life reveals the same structure as does his account of the overcoming of the politics of principle: in each case the abandonment of a vacuous and delusive enterprise leaves intact something which, taken by itself, is entirely to be acknowledged—in the first case, the natural belief-forming self and in the second, the ordinary politics of interest. Of course the basic liberation is that which the skeptic achieves over the self who would make the world over according to the philosophers' norms. Having achieved this, the skeptic can turn to politics and upon detecting there the work of theoretical reason in constructing speculative systems can move to their overcoming

by deploying criticism ordered by reason as *organon* (logic) against reason in its system-building and world-remaking role (metaphysics). In deploying criticism, however, the skeptic is not slipping back into the theory-constructing enterprise; he works not as promoter of any particular beliefs but as protector of the order of natural (pretheoretical) beliefs as such.

The challenge we have been examining in this section is to explain how Hume can account for "the liberating force of the critique of theories and ideas" without reintroducing philosophical theories of the sort he judges *manques*. The answer is plain in Hume's adaptation of classical skepticism. Skepticism is a liberating force which operates by critique of theories and ideas, but it does so differently than does the form critique which operates from within a particular theory; the latter is engagement in fashioning theory with different objectives, the former is the relinquishment of the enterprise of constructing theory as such. Since for Hume skepticism cannot annul the belief-forming propensity of the mind, doxastic moderation requires that ordinary beliefs be measured as part of the natural order and that the tendencies to turn such beliefs into more than what they are be checked by a hard won skeptical bent of mind (such tendencies being, of course, the spurs to construction of theories). Thus moderation is possible without appeal to the Platonic model and without making the epistemic order subject to any particular passion or passions. Hume is entitled to hold that, as a virtue from conviction, Humean doxastic moderation regarding political convictions bespeaks the detachment and disinterest characteristic of the skeptical thinker.

While this response shows how Humean skepticism, or more specifically, Humean doxastic moderation, *requires political moderation as an epistemic virtue*, it gives the impression that Hume's treatment of moderation in the political order is seriously incomplete. This is because the import of doxastic moderation is against theories, but not against ordinary beliefs. Though to cancel the politically exacerbating influence of normative systems is significant, Humean skepticism seems to leave intact the disagreements and natural party divisions typical of the politics of interest. Since these are also inimical to the social union in their immoderate form, the question arises, is it true that Hume's perspective on politics also leaves ordinary political

disagreements and divisions intact? Certainly many of Hume's references to the importance of political moderation bear on ordinary politics. What needs further elaboration is how, once the problem of overcoming the politics of principle has been addressed, moderation is to be accounted for in the politics of interests; and whether Hume believes there is a specific contribution the skeptical intellectual can make in effectuating practical political moderation.

### ZEAL FOR INSTITUTIONAL GUARANTEES: AN INCONSISTENCY?

The disinterestedness which characterizes the skeptic does not extend of course to every matter of practice: Hume would no more turn this quality into an absolute than any of the other absolutes he criticizes. Respects in which Hume holds the philosopher admits interests are chiefly two, each determined by nature, though in very different ways. First, the existence of the passions and of the original instincts of the mind is to be traced to nature (in much the same manner as is the existence of the mind's propensity to form beliefs). Second, and more to the point, Hume admits such interests as are required to check and correct our natural passions, that is interests won in experience, such as we can recognize in the rules of justice and other areas where our practices are governed by general rules. The former make for men's social co-existence; the latter furnish conditions that make for social co-existence being informed by practices of a sort that men can approve of. The former are furnished by nature; the latter emerge in history and must be cultivated. Their cultivation is something to which the Humean intellectual can and should contribute.

That natural interests are fully compatible with skepticism and doxastic moderation helps explain how, without falling into inconsistency, Hume can praise political moderation and also recommend "utmost zeal" for the "forms and institutions, by which liberty is secured." To appreciate Hume's view that there is an internal connection between political moderation and the institutional securing of liberty we must explore Hume's account of how liberty came to be secured in the one context where in his day it flourished. This takes us into Hume's analysis of British history.

Still fascinating today is the question of how the liberties of

Englishmen were established in the midst of the upheavals of the seventeenth century. Hume of course discredits the suggestion that the events of that time were brought about in some way thanks to the theories of the philosophers. But he goes so far as to argue that the establishment of liberty came about *without its having been foreseen or intended* by the actors in the historical scene. As proof he need but note that neither the followers of Cromwell nor the advocates of the Crown aimed to establish the political liberty which ensued historically from the conclusion of the turmoil which their differences had produced. Liberty came about, however, precisely through the interplay of those opposing forces, in that, extremities of opposition having cancelled themselves out, men of moderation could effectuate a balanced resolution of conflict. In this process what secured the civil union was of course not simply oppositional interplay, for this can be destructive as well as beneficial, but precisely the effective influence of moderation—a lesson which eloquently reinforces the importance of this political virtue.

For Hume liberty was secured when it was given institutional guarantees through the establishment of the modern British Constitution. The Constitution assured liberty (that is, effectively forestalled tyranny) by effectively *obviating a monopoly of power* by the interests represented in either the party of the Court or the party of the Country; and this of course is just moderation institutionalized. It is not hard to see that the virtue of the Constitution consists precisely in its consolidating and systematizing the moderation reflected in its origin. Thus the process of achieving balance between competing political interests was permanently incorporated as the leading feature of the mixed constitutional form of government in Britain. In Hume's view moderation and constitutionalism converge in value. The internal connection between moderation and the securing of liberty which we are seeking is now evident. At the same time we must bear in mind that the modern British constitution is an artifice and a fragile one at that, something the maintenance of which calls for vigilance on the part of those sensitive to the conditions whence it sprang, men, that is, of moderation.

What results is an historically conditioned conception of common interest or public good, a good which in explaining in the *Treatise* the origin of justice Hume implies must be originally of

an order different from personal or private interest, though through civilizing influence can become for the public man a matter of his personal interest. The public interest presupposes the achievement of moderation, adjustment, correction, and thus it secures the pursuit of personal interests. Of course the public good does not oblige men to abandon, neglect or fail to take their particular interests seriously; what it does is place the opposition of interests within a dynamic setting, the leading feature of which is that the political contest has conventional rules and civilized men play by these rules because doing so is essential to the preservation of the processes whereby political life can be sustained. What conditions it doubles as condition of men's civil liberty.

Perhaps it is not surprising that thinkers who do standard normative theory should construe moderation as being nothing but an abstract principle in need of the standardly conceived *philosophical* justification. But from the first introduction of this good (implicit even in the famous oarsmen example in Part II of Book III of the *Treatise*) Hume has construed it not as an abstract ideal or object of theory, but an actuality attained in the mutual give-and-take of social co-existence. Accordingly, it would be a mistake to ask what the *philosophical* principle or *philosophical* standard of moderation is, as if we were undertaking a Platonic inquiry, or how Humean moderation is rationally justified, as if Humean skepticism had not shown that the old way of thinking about the human world had not been overcome. Moderation is to be understood naturalistically and as part of the historical order; we gain access to it not by theoretical reason but by imaginatively re-enacting, understanding and appreciating the past; moderation is disclosed in the civilized give-and-take of social co-existence.

We are now in a position to address the question before us. The text from "That Politics May Be Reduced to a Science" which occasions the objection now being discussed encourages, on its face, not moderation but utmost zeal; on closer examination we find that Hume's concern is directed precisely to the conditions whereby the civil union is shaped and influenced by the processes making for progress, enlightenment, and social liberties. "Here, then, is a sufficient inducement to maintain, with the utmost ZEAL, in every free state, those forms and institutions, by which liberty is secured, the public good consulted, and the avarice of

ambition of particular men restrained and punished" (*E*, p. 26). A little later he says that "perhaps the surest way of producing moderation in every party is to increase our zeal for the public" (*E*, p. 27). What needs clarification here is just what exactly is the object of the zeal Hume recommends and how it differs from the forms of political zealotry, including that characteristic of the politics of principle, which Hume abhors.

The difference, I submit, is that between concern for what makes the social union possible and particular concerns which take the existence of the social union for granted. This distinction somewhat parallels that between the public interest and particular interests the pursuit of which is secured by the institutions which articulate the public interest. Or this distinction parallels that between what is basic to the artifice by which justice is originated and therewith civilized society constituted and the partial interests which are protected by the rules of justice. That in civilized society particular interests are moderated, that is, some of their exercises are curtailed by rules and laws, is inherent in its very constitution, and the continued existence of this sort of society requires that actions which threaten the social union be quashed—or as Hume puts it, "the avarice of particular men restrained and punished." A political writer's saying that it is imperative that violations of justice are to be punished is certainly nothing out of the ordinary. The *zeal* Hume commends to the public man in this regard is likewise unexceptional, for such is *required* by the public interest and by the standards of probity. And of course utmost zeal can be recommended only to those actuated by the public interest over against the interests of political factions, for to urge on the political parties utmost zeal in the pursuit of their political interests would of course invite discord and weaken society, if not assure its destruction. When properly conditioned, this zeal, moreover, functions as a moderating force, and in this regard is sharply distinguished from the zeal associated with the politics of principle.

Against this it might be objected that Hume draws a false contrast between a zeal for the public good and a zeal for party, since what the parties embody is just distinct *conceptions of the public good*. But this objection fails, and for two reasons. First, even if a party has and works from a conception of the public good, this is a function of the interests which animate the party—inter-

ests which do not exhaust the legitimate pursuits of men within political society. (We should bear in mind it is not extra-theoretical interests Hume condemns, but extremism in their pursuit.) Second, it is in fact not necessary, in order for men to be actuated by a *concern* for the public good, that they have a *conception* of the public good, whether this conception be partisan or not. (In the famous oarsmen simile in the *Treatise*, for example, it is not the case that the participants need share a *conception* of what is involved in what they are doing.) What is necessary, on Hume's view, is to be involved in advancing one's political interests collaboratively with others, or at least without violating the processes that make for the maintenance or even the flourishing of social co-existence.

Further, if we turn from reflecting on the conditions for the existence of society to considering the conditions of its flourishing in liberty, again Hume directs us to think in terms of institutions. On his analysis a society becomes free as it achieves institutions which are made to function on the basis of law, and the fashioning and the administration of law is made independent of the whim of those in political power, and between the chief competing political factions in society there is in place a *system for moderating extremism* and inducing action on behalf of the public interest, despite disagreements in political outlooks. But the institutions to which men's liberty is tied are fragile artifices subject to subversion and manipulation. To protect them is to protect the highest political good. It is most particularly toward this end that Hume recommends the utmost zeal, but he recommends this zeal not to all, but to men of moderation, that is, those who can rise above particular interests—as does the skeptical philosopher—for only such as these understand how political life is to be conducted conformably to the requirements of liberty.

Better to appreciate Hume's response to the above question and to the others we have discussed, it is helpful to bear in mind what role he thinks the enlightened intellectual plays relative to the order of practical politics of which he is a part. The careful thinker will not refuse political involvement but neither will he involve himself as does a partisan. He will refrain from indulging in the rhetoric of rights or the rhetoric of established order because he will maintain a detached stance and will focus instead on a *tertium quid*, the interplay of social forces that animates

political life. And if intervene he must, it will be by reinforcing the quality of moderation, which may oblige him, if one or the other of the political factions of the day has given in to excess, to seek in a statesmanlike manner to restore balance by advancing the reasonable case for the other side. (That in Hume's England the popular party had become extremist accounts for his intervening by advancing the cause of stability and order.)

We may wish to pause to ask what entitles the Humean intellectual to intervene in the political order if he is not doing so in the manner of the politics of interest. Involvement is all well and good, we might say, but what permits Hume to think the intellectual's intervention stems from anything but *particular interest* rather than *zeal* for liberty and public interest? After all, in being a skeptic, the intellectual works without the benefit (if such it be) of a normative political theory and the convictions men take such a theory to sanction. What then guides the skeptic, if not his private and partial interests?

I can only surmise what Hume might say in response to this question. The Humean intellectual is guided indeed not by abstract theory but by an understanding of the conditions of liberty derived from the study of history. We have already seen the outline of such an understanding in the summary earlier given of Hume's explanation of the securing of liberty through the establishment of the British constitution. Probing somewhat deeper shows what it is that guides the Humean intellectual's interventions into politics.

In arriving at this explanation and at any number of others in his philosophical and popular writings Hume deploys the same methodologically pluralist approach he used as early as the *Treatise*: he sets a problem up as a clash between two opposite principles or forces. His treatment of the political order follows the same pattern, and in this regard it is noteworthy that Hume thinks the existence of political factions not a regrettable breach of the social union but the very source and guarantee of civil liberties. This pluralism explains why zeal for liberty does not translate into partisanship in the party which claims the cause of liberty or rights as its own. The study of history indicated to Hume that the effectiveness of the advocacy of liberty in actually bringing liberty about is limited inasmuch as it necessarily meets the *counterforce* of the opposing faction, the party of established order and authority. Thus, when effective, the advocacy of liberty is in reality *only*

*a partial cause* alongside the advocacy of order, since one faction functions to limit or moderate the other. Were this not so, the advocacy of liberty would be perverted into an absolutism and therein spawn tyranny, as it did at the hands of Cromwell, when the tempering influence contributed by the oppositional interests was effectively removed. By contrast, when opposing parties represent their particular interests moderately, each functions as a partial cause of the resulting political action. Under such circumstances as these, the advocacy of popular rights would meet the tempering counterforce of the advocacy of order, and the stage would be set for the statesmanship of moderate men toward a suitable resolution. Here we find renewed evidence that for Hume moderation is the foremost virtue of civil life and we discern the deep reason for his rejection of normative political theories. By affirming a single standard and judging what does not conform to this standard as valueless, these theories tend inherently toward a single-minded extremism denying the viability of the opposition and thus violating the dualism which for Hume accounts for the liberties Englishmen actually enjoy. And, as we have seen, only a moderation strongly connected to skepticism, itself reinforced by an understanding of how civil liberty has actually come to be established—connected, that is, with the distinctive convictions of the skeptic—can prevail against the influence of normative political theory.

I submit that what for Hume guides the skeptic's political interventions is an understanding of political life informed by the Hume's method of explaining social phenomena as the result of the interplay of opposing partial causes which Hume so frequently deploys in his writings. This leads him to be neither fashioner of normative theory nor practitioner of practical politics, but an unimpassioned observer (contrast Nietzsche) who rising above faction comprehends the conditions under which it can contribute to the public interest and perhaps even the cause of liberty. What shapes his political vision is study of the historical processes whereby the political order unfolds, rather than an extra-theoretical attachment to one or the other of the motivating causes operative in that unfolding. Thus Hume's occasional comments on politics reflect not partisan preference, as his liberal critics claim, but the moderating force of political skepticism; it is because he appreciates the bipolar structure of political dynamics

that he resists extremism of whatever stripe. To think that Hume is inconsistent in counseling the zealous safeguarding of the processes wherein political oppositions are moderated while he praises political moderation is to overlook the difference between thinking in terms of social systemic interests and thinking in terms of party interests. We find, consequently, that Hume's outlook on politics was, first, not ideologically inspired, second, strictly required by the findings of his analysis of political history, and third, entirely within the spirit of his skepticism. Thus I find Hume is not inconsistent in praising both zeal regarding the conditions of liberty and moderation regarding the pursuit of limited interests.

1. This paper is a development of a paper presented at the Central Division meeting of the American Philosophical Association in the Spring, 1989. I am grateful to the persons present at that session for their comments.

2. Citations of Hume's works will be given parenthetically in the text, after the symbols *T* and *E* for the *Treatise* and *Essays*, respectively. I have used the Selby-Bigge/Nidditch edition of *A Treatise of Human Nature* (Oxford: Clarendon, 1987) and the Miller edition of *Essays Moral, Political and Literary* (Indianapolis: Liberty Classics, 1985).

3. There is not a single reference to moderation in the extensive index of the Ellington edition of Kant's *Metaphysical Principles of Virtue* (Indianapolis: Bobbs-Merrill, 1964), pp. 167 ff. Kant's attack on a somewhat related topic, the Aristotelian doctrine that virtue lies in a mean, may be found at pp. 63 f. and 94 f. of that work.

4. To the objection that a person mild by natural endowment should not be counted as virtuous there are two lines of response Hume might pursue. First, aretaic ethics does not prize struggle and effort as such, and admits no reason why, if someone's being politically moderate is of positive value, we should discount that person's coming by this quality in so felicitous a manner as natural endowment. Second, Hume adopts a generous attitude toward virtues from endowment generally. The scope of morality is broader for him than it is for us; his catalog of the virtues includes qualities such as cheerfulness, industriousness, wit and good memory, even if these be natural in a person and not the object of deliberate striving. He concedes that "the approbation, which attends natural abilities, may be somewhat different to the feeling from that, which arises from other virtues," but quite expressly denies that this renders "them entirely of a different species." (*T*, p. 608)

5. In "Of the Coalition of Parties" Hume writes, "There is not a more effectual method of promoting so good an end, than to prevent all unreasonable insult and triumph of the one party over the other, to encourage moderate opinions, to find the proper medium in all disputes, to persuade each that its antagonist may possibly be sometimes in the right, and to keep a balance in

the praise and blame, which we bestow on either side." (*E*, p. 494)

6. And if there be anything of theoretical merit in a normative political theory, it will be fragmentary—as is the interest which inspires it. Obviously to compose these fragments into a suitable picture of political life requires the ability to rise above faction and to appreciate how the civil union is sustained despite the factions into which society is divided.

7. For Hume politics of interests is practiced in a civil world and exposed to the virtues of the common life; its practitioners are as oarsmen in the same craft. Theory is spun in a largely private world apart from civility and common life. It is distinctive of the justification which theorists seek that it transcends mere civility and lies outside common life, though it pretends to ordain and regulate life. I believe the thinking underlying Hume's critique of the politics of principle is much the same as we find rehearsed in the Conclusion of Book I of the *Treatise*.

8. *Skepticism, God and Man*, P. Hallie, ed. (Middleton, Mass.: Wesleyan University Press, 1964), p. 41.

9. It is of course impossible in a paraphrase to convey the impact that working one's way with Hume through a series of philosophical quandaries has on the reader of the *Treatise*, especially because the force of the case Hume makes for skepticism is not a matter of argument but of trial.

10. In this connection a remarkable parallel is to be noted between the moderating self-correction of the reflective mind and the moderating self-correction of the acquisitive passions—between what I term *doxastic moderation* and *dikastic moderation*, that is, the process by which, as Hume explains in Part II of Book III, the order of justice, which is foundational for morality, comes about. An interesting question is how, if at all, these two forms of moderation are interrelated. Let it here suffice to say that Hume's treatment of the origin of justice is consistent with his skepticism in that it is a *doxastically minimalist* account.

Note: While editing this issue of *Reason Papers* Stuart Warner had occasion to remark to me that in aiming to correct misconceptions about the character of Hume's political thought I may have given the impression that Hume embraced a fully non-normative approach to morality and politics. Such was not my intention, however, and is not in fact a correct statement of Hume's position (who, after all, emphasizes *rules* for the correction of the judgment in matters either causal or moral) nor is it a plausible position in itself. I would defend the interpretation that there is room for normative considerations in Hume's thought but that these are only minimally or weakly normative, in that they are entirely *derivative* from practices in which educated persons find themselves engaged. Properly to spell out such an interpretation would require a separate study, and one of not inconsiderable length. I am grateful to Professor Warner for providing me the opportunity to add this clarifying note.

# HUME'S ACCOUNT OF PROPERTY

NICHOLAS CAPALDI  
*Queens College*

## INTRODUCTION

**T**he specific conclusions that Hume drew on the issues of the origin of property, the rules for determining the ownership of property, and the rules for the transference of property by consent are straightforwardly presented in the *Treatise*. What is not so obvious are the reasons or philosophical account behind his conclusions. Despite the vast amount of secondary literature that invokes his name, we believe that Hume's fundamental philosophical perspective is rarely understood. Failure to understand Hume's philosophical enterprise as a whole is responsible for the failure to grasp what we think are important and subtle insights about property and the implications of Hume's account of property for normative issues in public and legal policy making.

In what follows, we shall approach Hume's account of property at three levels. First, we shall summarize very briefly what Hume says in the section of the *Treatise* entitled "Of the Origin of Justice and Property." Second, we shall identify the main philosophical thesis that undergirds Hume's account of property and indicate the interlocking set of arguments Hume presents on behalf of his thesis. Third, we shall offer an expanded explanation of those arguments by indicating the philosophical controversies, ontological, epistemological, and axiological, that inform the arguments. Finally, we shall conclude with a brief indication of the continuing importance of Hume's account of property.

## HUME ON THE ORIGIN OF JUSTICE AND PROPERTY

Hume raises two initial questions:

Q1. What is the *origin* of justice?

Q2. How do we explain the *normative* status of the rules of justice?

Since the title of the section mentions justice and property, there is a third question:

Q3. What is the relationship between justice and property?

Hume's answers are easily summarized and even italicized for the lazy and inattentive reader:

A1. The origin of justice is "from the selfishness and confined generosity of men, along with the scanty provision nature has made for his wants..." (*T*, p. 495).<sup>1</sup>

A2. The normative status of the rules of justice is a sympathy *with public interest* (*T*, pp. 499-500).

A3. The relationship of property to justice is fourfold:

- a. property is a normative concept;
- b. normative concepts cannot be understood outside of civil society;
- c. property, therefore, only exists within civil society; i.e., property depends upon the prior existence of justice.
- d. if justice is artificial (i.e., conventional), then property is artificial (i.e., conventional).

Having said this, I have told you very little. Hume's discussion of property appears primarily in Book III of the *Treatise*. Any serious discussion of this section presupposes a familiarity with Hume's moral philosophy and with his overall philosophical project in the *Treatise*. In addition, Hume modified his view on the status of sympathy in the *Enquiry Concerning the Principles of Morals*, so any attempt to understand his position must also take that work into account.<sup>2</sup> In order to get at what he is really saying, we have to see the larger context in which his argument appears.

### HUME'S SECULAR CONSERVATIVE THESIS

What Hume is doing is asserting the view that justice in general and property in particular emerge from and exist only

within civil society. This entire section of the *Treatise* is an explication of what that means. Philosophically, what Hume is contending is that any attempt to understand, to apply, or to extend our normative concepts must begin with an explication of our established practice. I shall call this the *secular conservative thesis*.

Hume supports the secular conservative thesis with four interlocking arguments. I shall identify these arguments as the biological argument, the socio-historical argument, the metaphysical argument, and the conceptual argument.

1. (biological): The original condition of humanity is social. It is meaningless, therefore, to speculate about the pre-social condition or what the human condition would be independent of some social context. What follows from this is that talk about a state of nature, if such a state is ever understood as a pre-social condition, is meaningless as well as false.

We are not only born into a social-familial setting but the relationship is also *generational*. That is, human beings do not come into the world all at once. This leads to Hume's second argument.

2. (socio-historical): We are born into a world that is not only social but also operates with an on-going system of rules.

a. Part of the socialization process consists of imparting a sense of moral obligation (internal sanction). When successful, the process leads us to see the rules as legitimate and to feel motivated to sustain and protect what we think is legitimate. The question of whether our self-interest is well served by the socialization process is meaningless because we do not possess a pre-social self-interest. For Hume, questions of utility are always restricted to the survival or preservation of society as a whole. Hence, within Hume's moral theory we cannot ask the question "Why should I be moral?" Given the socialized, malleable, and historically evolving sense of self-interest in his account, Hume does not need to appeal to utopian, metaphysical, teleological abstractions, either naturalistic (e.g., "hidden hand arguments") or supernaturalistic, to guarantee the convergence of self-interest and the public interest. What holds the society together is sympathy, not utility.

b. Any meaningful criticism of the on-going system would have to be from within the system. This leads to Hume's third argument.

3. (ontological or metaphysical): There are no external, objective, or timeless criteria for evaluating our system. This does not rule out other criteria of an intersubjective nature but rather is intended specifically to exclude:

a. natural law;

b. religious foundations;

c. utopian views of human nature, either past oriented or future oriented, including maximizing models based on contextless views of human rationality and optimality. Moreover, all of these suggested external models are, according to Hume, destabilizing of the order in civil society. This leads to Hume's fourth argument.

4. (conceptual or logical): Any attempt to account for justice and property must be an explication of on-going practice. The explication of practice presupposes (retrospectively) that efficient practice precedes theory and (prospectively) that a clear understanding of past practice generates norms for guiding future practice.

a. Retrospectively, we cannot question the legitimacy of past practice as a whole, although we can question specific practices. This part of Hume's argument is analogous to his treatment of scepticism. Scepticism is meaningful only with regard to specific beliefs and not to the totality of our beliefs precisely because the sceptic himself must make certain presuppositions in order to challenge specific beliefs.

We cannot meaningfully envisage the rise of civil society from the pre-civil but original social condition except as the confirmation of the status quo. In the pre-civil but social condition there is possession but not property. Civil society commences with the *normalization* of what we possess in the social condition prior to civil society. *This is the logical origin of justice and property.*<sup>3</sup> It has to be a process of normalization because (1) there are no external standards, and because (2) no negotiation (i.e., no *promise*) would be morally or legally binding prior to the establishment of civil society itself.

It is important that you see this as a purely logical or conceptual argument on Hume's part. It has nothing to do with an abstract appeal to self-interest. Self-interest is already socialized and malleable in the social condition that precedes the formation of civil society, and Hume repeatedly insists that the social condition

is marked by limited benevolence as well.

b. Once civil society is established, all further negotiation or contracts must begin from the inherited status quo. It is at this point, and this point only, that recorded history serves as a guide.

Six specific conclusions follow from this. (i) We can dissolve civil society as in revolution or anarchy, but (ii) we cannot refound our own community, for that is incoherent; (iii) we can found a new community but the founding can only begin from the status quo and cannot meaningfully embody reform, since reform presupposes norms that exist only within an established and legitimate on-going civil society; (iv) such a founding can only take place when two or more pre-existing polities merge subject to the status quo, (hence a possible model for international law); (v) we cannot have a symbolic renegotiation for that too is incoherent; and, finally, (vi) periodic renegotiation of the total community is indistinguishable from anarchy.

If all negotiations or contracts begin from the status quo in civil society, then *all schemes for the redistribution of property, understood as original possession, are invalid*. Such schemes are incoherent and therefore either rhetorical masks for greed, envy or oppression, or such schemes appeal to illicit metaphysical abstractions, or such schemes project back into the pre-civil social condition those normative concepts that only have meaning in a civil society.

Understanding this conceptual point reinforces the socialization process discussed above as part of the socio-historical argument in connection with the rise of a sense of moral obligation. A correct understanding of both the historical and *logical origins* of social institutions reinforces our sense of their legitimacy. There is an important role here for education.

All of this I believe makes clear Hume's conclusions that justice is artificial, that the basis of all property is present or long-standing possession, and that contracts within civil society are sacred. To this should be added two more things: (1) Hume's rejection of essences or universals, so that property is not just real-estate but the right to engage in a wide variety of activities; (2) Hume's contention that within commercial societies we witness both the expansion of property and that growth of our personal identity as free and responsible individuals ("pride" as he calls it) that is the hall mark of a liberal society. It is important

that we not restrict ourselves to an impoverished conception of what it means to be free and responsible. Hume's discussion of property is not a rationalization of the propertied class, as some have contended, but an attempt to provide a philosophical understanding of how emerging free market economies permit the growth of liberal societies with free and responsible individuals. It is not the autonomous individual who creates the liberal society, but vice versa. To think otherwise is to read back into an earlier state what is only true of the later state. Liberty is an achievement, not a natural condition.

### THE ORIGIN, NATURE AND DEVELOPMENT OF PROPERTY

[1] *Property is created by and exists only within civil society.* Property is not a natural object, although natural objects can become someone's property. "A man's property is some object related to him: This relation is not natural, but moral, and founded on justice" (*T*, p. 491). Property is a concept that refers to a relationship among an owner, an entity (or process), and civil society. "...property may be defined...[as] a relation betwixt a person and an object as permits him, but forbids any other, the free use and possession of it, without violating the laws of justice and moral equity" (*T*, p. 310). Without civil society the relationship of property does not exist. There are no property rights prior to or outside of civil society. In order to explain further the origin of property one would have to explain the origin of civil society.

Civil society is not to be confused with society. All human life originates within a social setting, a simple biological fact often overlooked. Human beings cannot survive unless cared for by others over a long period of time. There can be no pre-social condition. Hence it is meaningless to talk about the origin of society. If a social setting, or society, is the "original" condition of mankind, i.e., the fundamental frame of reference from which we begin, and if this original condition is characterized by established practices (i.e., by spontaneous order or the unintended consequences of purposeful human "social" action), then civil society can be explained as emerging from those practices.

According to Hume, social practices invariably generate problems. The problems are of at least two kinds: the difficult and

novel circumstances of the natural world in which we carry on our social practices (e.g., "the scanty provision nature has made for [human] wants" [T, p. 495]), and the internal conflicts generated by the social practices (e.g., "the principal disturbance in society arises from those goods, which we call external, and from their looseness and easy transition from one person to another" [T, p. 489]). In other words, goods or possessions take on social functions that permit some members of the community to exercise power or control over others. The power of parents over children is the most obvious example.

Within the family unit itself problems are generated by conflicts among children with regard to possessions. "Every parent, in order to preserve peace among his children, must establish" (T, p. 493) some rule for stability of possession. So it comes as no surprise that when we move to larger social units, where we cannot count on limited benevolence, other formal mechanisms or artifices such as promise keeping must be employed to solve problems and resolve conflicts.<sup>4</sup>

It is in order to solve these problems that civil society comes into existence. Civil society emerges from the original social context with the establishment of conventions that (a) consciously recognize or make explicit the implicit norms of previous practice and (b) provide for additional or new, conventional or artificial practices to handle specific and immediately recognizable conflicts generated by the previously implicit practices. The new artifices (b) must be known or believed to be consistent with previous practice (a). To say that the new artifices (b) are consistent with previous practice (a) is not to say that they are entailed by previous practice. For reasons we shall discuss shortly, Hume would deny that this entailment relation is possible. Let us remind ourselves that in his general philosophy Hume distinguishes between matters of fact and relations of ideas in such a way that he is led to deny that matters of fact are demonstrable.

The relationship between self-interest (including limited benevolence) and the public interest is an important one. It has to be understood psychologically, historically, and logically. Conflicts in the social but pre-civil condition are not in any simplistic sense merely the result of self-interest and confined generosity. They arise from the foregoing only in conjunction with the scanty provision of nature. Self-interest has no universal content in this

context. Moreover, prior to the establishment of justice there is, logically speaking, no public or social interest. That is why it is impossible for us to be motivated by public interest to establish justice. Hence, Hume should not be understood to be denying that we have a capacity to look beyond self-interest narrowly construed. In this context, self-interest can only be understood negatively and tautologically as what we have prior to the public interest. Finally, once established, the public interest is neither static nor capable of being hypostatized. The public interest remains the mutual respect for the on-going dynamics of the normalization of essentially private interests.

Since it is impossible to anticipate every potential future conflict, the establishment of conventions is not a unique event but itself becomes an on-going social practice, known as government. As a social practice, government is to be understood as involving both implicit norms and evolving conventions or artifices. Once more, the evolving artifices of government must be consistent with previous implicit practice but cannot be definitively specified.

Hume is led to ask at this point, "Why do human beings try to solve the conflicts generated in the social context and why do they do so by creating civil society?" His answer is that three factors enter into the decision: our pursuit of our self-interest, our natural but limited benevolence towards our family and friends, and the process of socialization itself.

...men, from their early education in society, have become sensible of the infinite advantages that result from it[namely, society], and have besides acquired a new affection to company and conversation... (*T*, p. 489)

Please note, that Hume is not answering the question of why we enter society. Anyone who asks that question is asking something meaningless, because there is no pre-social human state. The question Hume is answering is why do social individuals seek to preserve society through the creation of conventions that constitute civil society. It is also important to note that there are three factors and that self-interest is just one of them. Both in the *Treatise* and in the *Enquiry Concerning the Principles of Morals*, Hume stresses that a natural but limited benevolence is an integral part of human nature. In his discussion of property he

stresses the same point: "that 'tis only from the selfishness and confined generosity of men, along with the scanty provision nature has made for his wants, that justice derives its origin" (*T*, p. 495). Finally, it is especially important to note that both self-interest and benevolence are influenced and modified by the process of socialization. Hence, it makes no sense to talk about our self-interest independent of a social and historical context.

...the first and original principle of human society. This necessity is no other than the natural appetite betwixt the sexes, which unites them together, and preserves their union till a new tie takes place in their concern for their common offspring. This new concern becomes also a principle of union betwixt the parents and offspring, and forms a more numerous society; where the parents govern by the advantage of their superior strength and wisdom, and at the same time are restrained in the exercise of their authority by that natural affection, which they bear their children." (*T*, p. 486)<sup>5</sup>

Given what we have said above, it is pretty clear what Hume would reject. First, Hume would reject any attempt to make of property a *natural*<sup>6</sup> state of affairs, that is, a state of affairs or relationship either independent of human beings or independent of human attitudes toward those affairs. Property is not a concept that refers to an objective state of affairs totally independent of our attitude toward it. In this respect, Hume's account of property is part of his overall treatment of moral distinctions, wherein he declared that moral distinctions are not discovered by reason as states of affairs independent of the observer.<sup>7</sup> Both in his discussion of moral distinctions (*T*, p. 470), and in his discussion of justice Hume specifically criticized the "vulgar" for believing that "there are such things as right and property, independent of justice, and antecedent to it; and that they would have subsisted, tho' men had never dreamt of practicing such a virtue" (*T*, pp. 526-27).

For the same reasons, Hume would reject any attempt to found our understanding of property on supernatural or religious grounds. The traditional Christian view asserts (1) that there was an original common ownership derived from God, (2) that covetousness is a sin which led to the Fall, (3) that present ownership dates from the individual appropriation of what originally belonged to all before the Fall, and (4) that individual appropriation is justified only on the grounds that ownership carries the responsibility to administer

private property for the benefit of all.

Hume most certainly would deny original common ownership on the logical grounds that ownership is a meaningless concept prior to civil society. The concept of original common ownership is both oxymoronic and a reading back into a pre-civil social condition a concept that can only exist in a civil social condition. This same Humean argument would hold against other versions, that is non-religious versions, of the original common ownership thesis. The concept of original common ownership is descriptively vacuous. It is not, of course, normatively vacuous for those who believe in it, since it provides them with a set of criteria, which if accepted, help to answer questions about the determination of ownership and the transference of property. Hume did not accept these criteria in particular and he denied in general that religion could serve as an external framework for judging conventional morality. In the *Dialogues Concerning Natural Religion*, Hume has Cleanthes articulate the limits of religion:

The proper office of religion is to regulate the heart of men, humanize their conduct, infuse the spirit of temperance, order, and obedience; and as its operation is silent, and only enforces the motives of morality and justice, it is in danger of being overlooked, and confounded with these other motives. When it distinguishes itself, and acts as a separate principle over men, it has departed from its proper sphere, and has become only a cover to faction and ambition.<sup>8</sup>

In addition, Hume denied that the pursuit of luxury was in and of itself a sin. On the contrary, like Mandeville, Hume defended the beneficent social consequences of the pursuit of luxury, especially in his essay "Of Refinement in the Arts." Although he himself stressed the serious potential dangers of "the love of gain", "especially when it acts without any restraint" (*T*, pp. 491-92), Hume refused pointedly to discuss this danger by reference to speculations about whether human beings were innately good or evil. "The question, therefore, concerning the wickedness or goodness of human nature, enters not in the least into that other question concerning the origin of society" (*T*, p. 492). Hume's reason here is that to the reflective and socialized human being it is self-evident that the "love of gain" is better served by restraint. The only thing to be considered is the degree of human sagacity or folly.

With regard to the assertion that after the fall private individuals appropriated the common property, Hume would no doubt reject this as speculation about an historical event for which there is no serious historical evidence, just as he rejected the report of miracles. Such speculation would appear to him as mythical as that of the alleged original social contract. Finally, with regard to the notion that ownership is to be justified in terms of its serving the benefit of all, Hume will deny that it is meaningful to take this in any but a metaphorical sense. Analogous to his critique of schemes of equality, there is no way to calculate in any objective way what is in everyone's long term best interest. The social interest is something which can be given a more or less precise contextual and historical meaning, but it cannot be given an atemporal or futuristic utopian meaning.

It should be obvious, as well, that Hume would reject any attempt to account for property by reference to a pre-social human nature. "It is utterly impossible for men to remain any considerable time in that savage condition which precedes society; but that his very first state and situation must be esteemed social" (*T*, p. 493). In a remark that may have been aimed against Hobbes, Hume declared that "the representations of [selfishness] have been carried much too far" (*T*, p. 486).

Hume also called to our attention a peculiar philosophical error. In his *History of England*, Hume accused the Whigs of reading back into early British history the notion of a constitution and a form of liberty that were of a much more recent origin. It seems to be part of Hume's position that certain normative concepts, including property and liberty, have to be understood in terms of historical evolution and that it is a mistake to read back the later meaning of a concept into an earlier stage of development. We shall refer to this error exposed by Hume as *normative anachronism*. For the same reason, Hume is critical of Hobbes because the conventions that establish justice are "not of the nature of a *promise*" (*T*, p. 490). That too is a reading back into an earlier period a concept that could only make sense in a later period. For the same reason, it is a serious distortion to say that "law and justice have as their distinctive function the protection of the propertied."<sup>9</sup> This kind of metaphorical anachronism is either a confusion about the nature and origin of property or a mask for a privately expressed grievance about the present

distribution of property. What Hume says is that the idea of justice arises after we have stabilized possession, not property (*T*, pp. 490-91). Prior to the establishment of justice there is no property. It is the earlier stages that explain the later stage by noting how practices are qualitatively transformed through time. There are no atemporal conceptual analyses in Hume so that any concept is understood by Hume through noting its historical transformations. Finally, as we shall see, this argument will permit Hume to rebut redistribution proposals based on appeals to alleged norms independent of the history of one's civil society.

Since property does not exist prior to civil society and comes into existence only with civil society, we need a word to signify the social relationships of what we now call property in a pre-civil social context. That word for Hume is *possession*. Possession only becomes property after the formation of civil society. Civil society in Hume's account, as we have contended, emerges from previous social practices. Are there other practices besides those concerning possession? One would have to think there are many social practices besides those associated with possession. Hence, the emergence of civil society, or "the establishment of justice," in Hume's phrase, is wider in scope than conventions establishing the stability of possession. Although Hume asserts that the instability of possession is both the principal source of disturbance in society (*T*, p. 489) and that the elimination of that instability "the chief advantage of society" (*T*, p. 488), he nowhere asserts that stability of possession is the only reason for establishing justice or that justice is identical with property. On the contrary, property requires the previous logical existence of justice.

After this convention, concerning abstinence from the possessions of others, is entered into...there immediately arises the ideas of justice and injustice; as also those of property, right, and obligation. The latter are unintelligible without first understanding the former....the origin of justice explains that of property. The same artifice gives rise to both. (*T*, pp. 490-41)

Recall, as well, that in defining property Hume qualified property by reference to "...the laws of justice and moral equity" (*T*, p. 310).<sup>10</sup>

[2] *Property is a normative concept*. Earlier we defined property as a relationship among an owner, an entity (or process), and civil society. In the previous section we also saw that Hume

construes the relationship as causal. We must now add to the definition that property is a normative relationship.<sup>11</sup> To say that the relationship of property is normative is to say that (1) we attribute to the rules or artifices of property a sense of legitimacy and (2) we feel internally bound to uphold these rules. In Hume's words, we "attribute to the observance or neglect of these rules a moral beauty and deformity" (*T*, p. 484).

We may well ask: "What legitimates property?" Hume's answer, as we have already seen above, is unequivocal: civil society legitimates property. That is, there is no frame of reference, natural or supernatural, external to civil society that legitimates or delegitimizes property.

I assert not, that it was allowable, in...[*the state of nature*]...to violate the property [i.e., possessions] of others. I only maintain, that there was no such thing as property; and consequently cou'd be no such thing as justice or injustice. (*T*, p. 501)

This kind of claim is analogous to Hume's contention that there cannot be a "theory" of justified revolution even though there may be reasons to engage in revolutionary activity. Legitimacy or justification presupposes an authoritative framework, but there is no such framework independent of present civil society. We cannot, on Hume's system, raise the question "What legitimates civil society?"

If we are led to ask how does civil society itself come about, we shall be reminded of Hume's answer that civil society normalizes pre-existing social practices and that normalization reflects the historically and socially conditioned motives of self-interest and limited benevolence. At the same time, Hume insists that these motives which account for the establishment of civil society do not account for why we feel internally bound to honor the rules of property. At the very beginning of his discussion of property he insisted that "these questions will appear afterwards to be distinct" (*T*, p. 484).

To the question: "How and why do individuals come to recognize and internalize the normative order?", Hume responds that "a sympathy with public interest is the source of the moral approbation, which attends that virtue" (*T*, pp. 499-500).<sup>12</sup> Unlike Hobbes,<sup>13</sup> Locke, and Mandeville, Hume recognizes an internal moral sanction or motive. "The matter has been carried too far by

certain writers on morals, who seem to have employed their utmost efforts to extirpate all sense of virtue from among mankind" (*T*, p. 500). But unlike other moral theorists of his time who did recognize the internal moral sanction, Hume offered a purely naturalistic *and* historical-social account of the growth and development of that motive. "In a little time, custom, and habit operating on the tender minds of the children, make them sensible of the advantages, which they may reap from society, as well as fashions them by degrees for it, by rubbing off those rough corners and untoward affections, which prevent their coalition." (*T*, p. 486). The fact that this motive can only be explained historically or temporally reinforces Hume's insistence that we must not engage in normative anachronism in either trying to justify or trying to delegitimize a social practice of any kind. It is precisely because property is a normative concept and because normative concepts can come into existence only within civil society that it is a fallacy, according to Hume, to project such normative concepts back into the pre-civil condition.

It is important that we not confuse the Humean answer to three different questions. (1) What causes (or motivates) us to establish a social context? Hume denies the meaningfulness of this question. (2) What causes (or motivates) us to sustain the social context, that is, turning it into civil society? Hume's answer is self-interest and limited benevolence, both of which are already socially conditioned. (3) What causes us to feel morally obligated to obey the rules of civil society? Hume's answer is the growth of a new motive, an internal sanction, brought about through sympathy within an on-going social context. Here, we would do well to reiterate the importance of Hume's denial of natural law, that is, Hume denies that there is a pre-civil context either for explaining or judging our decision to sustain the social context or the particular way in which we choose to sustain it. Nor can the moral obligation we feel to obey the rules be either explained or justified by reference to such natural law. In addition to the ontological and epistemological reasons he has for denying the existence of natural law, Hume would point out that the alleged existence of such natural law as an abstract theoretical structure would create a gap between what we "ought" to do and what we might be actually motivated to do. Previous moral theorists had attempted to close that gap by invoking special "moral relations."<sup>14</sup> Hume, in his

moral theory, denied the intelligibility of those relations. Rather than asserting a gap between "is" and "ought," which is what conventional Hume scholarship has maintained, Hume denied the very intelligibility of such a gap.<sup>15</sup>

Just as Hume's socialized view of human nature helped him to avoid raising the question whether we are better off in civil society, so his view of human nature as capable through sympathy of internalizing norms and coming to feel those norms as morally obligatory, allows him to avoid having to ask if our moral motivation is consistent with our non-moral motivation. There is no actual or potential gap in Hume's moral theory between "is" and "ought," no unbridgeable theoretical gap between moral apprehension and moral motivation, no in-principle conflict between non-moral motivation and moral motivation.

There is something unique and important about normative concepts. Trying to capture and to express that uniqueness is a difficult task. A good deal of Hume's moral philosophy is a critique of previous attempts to do so. Again, conventional Hume scholarship has maintained that Hume himself established an unbridgeable gap between normative and descriptive discourse. On the contrary,<sup>16</sup> rather than denying the cognitive status of normative discourse, Hume sought to explain how normative discourse was factual, in what sense it was factual, and how this special sense connected directly with motivation.

Let us focus on the special sense in which normative discourse, specifically about property, is factual discourse. To be sure, property is not a natural object. That is, no collection of facts about objects, entities, or human social relationships independent of human attitudes toward those objects, entities, or relationships can explain property or allow us to understand and criticize property. "The property of an object, when taken for something real, without any reference to morality, or the sentiments of the mind, is a quality perfectly insensible, and even inconceivable; nor can we form any distinct notion, either of its stability or translation" (*T*, p. 515). Once the attitudes are factored in, and once those attitudes are seen to reflect a pre-existing social condition, then we can more clearly recognize the peculiar cognitive status of normative discourse about property. The historical and social framework establish the conditions that account for the uniformity of intersubjective attitudes. This reinforces why it is

so important for Hume to deny that we can begin our understanding by adopting the perspective of the isolated or atomic thinker.

It was part of Hume's Copernican Revolution in philosophy that he stressed both the contribution of the responsible *social agent* in the knowing process and the primacy of practical knowledge over theoretical knowledge. Given Hume's basic philosophical orientation, it becomes obvious in what sense justice and property must be artificial. Given his beliefs about human nature, it becomes obvious how Hume thought that we could come to feel a moral obligation to obey the rules concerning property. It should be easy to understand why Hume would reject natural law or any teleological account of human nature, for such views are not only impossible to establish empirically in a non-question begging way but try to smuggle in the very normativity they are supposed to be explaining.

If we require a special set of attitudes, if those attitudes reflect a pre-existing social condition of shared practices, and if some of those attitudes are temporally posterior to others, that is, require an historical context as well, then we can understand Hume's criticism of attempts to explain the normative dimension of property that appeal to timelessly abstract notions of human nature, or to mythical and unsubstantiated accounts of the pre-existing social condition, or that fail to take the temporal dimension into account. As Hume put it, "...there is nothing real, that is produced by time; it follows, that property being produced by time, is not anything real in the objects, but is the offspring of the sentiments, on which alone time is found to have an influence." (*T*, p. 509). The kind of error Hume has in mind is reflected in accounts of property or justice that project back into the pre-civil state the very normative dimension that can only exist in a civil state. Such accounts try to smuggle in the very notion they are attempting to explain. That is why Hume is so vehemently critical of accounts based on promising.

Some of the important consequences of Hume's understanding of the normative dimension should be noted. First, to the extent that any adequate account of the normative must be a conceptual explication of the social and historical dimensions of human life, any attempt to reduce the normative dimension to contextless analyses of personal self-interest are doomed to failure. This means that Hume cannot be construed as any kind of utilitarian.<sup>17</sup>

So far from thinking, that men have no affection for any thing beyond themselves, I am of opinion, that though it be rare to meet with one, who loves any single person better than himself; yet 'tis as rare to meet with one, in whom all the kind affections taken together, do not over-balance all the selfish. Consult common experience: Do you not see, that though the whole expense of the family be generally under the direction of the master of it, yet there are few that do not bestow the largest part of their fortunes on the pleasures of their wives, and the education of their children... (*T*, p. 487)

Nor is it possible for the same reasons to interpret Hume without serious misrepresentation as a contractarian.<sup>18</sup>

The second and most important consequence of Hume's understanding of the normative dimension is that although conventions are human artifices they cannot be changed at will. We feel bound by our conventions in a way that seems to make them at odds with the idea that they are mere human creations. However, the creation is not the result of a single human will or a mere collection of wills. Conventions are social, but they are also historical. It is both the social and the temporal dimensions that account in large part for the internal sanction. Moreover, the historical dimension is part of how we see and understand ourselves.

As Hume came increasingly to see,<sup>19</sup> the greatest threat to social stability originated in economic, political, and social doctrines which appealed to timeless metaphysical absolutes. Hume's objection to pure and unfettered democracy, his stress on the positive importance of checks and balances, and his objection to economic egalitarianism have nothing to do with aristocratic elitism or meritocracy or alleged extra-communal values. His objection is that in the absence of past practice there is no objective way to resolve disputes on these matters. There is, in short, no content to timeless metaphysical absolutes. The notion of a contextless atomic individual will is itself one of those timeless metaphysical myths. Moreover, since human beings can only and must understand themselves historically, any speculative account of why these allegedly timeless norms were not previously honored will eventually produce a normatively anachronistic and historically mythological sense of "past injustice" and terminate in a fanatical repudiation of our present social context. Such a repudiation, if believed, undermines all normativity and

eventually the very civil society that makes civilized life possible. There is an urgency to Hume's account that goes way beyond seeing itself as a mere intellectual exercise.

[3] *Property begins with the status quo.* The explication of any normative concept begins with the status quo, "the accepted practice of the age" in Hume's words. Property is a normative concept, and therefore any explication of the concept of property begins with the status quo.

The explication of normative concepts requires us to adopt the perspective of the socially engaged and responsible agent. The perspective cannot be external because Hume denies the existence of norms that are not the result of artifice or convention. The perspective cannot be purely theoretical because norms are intended to and actually do influence our action, whereas theoretical reason by itself is inert. The perspective cannot be that of an isolated or atomic individual because normative concepts by their very nature bind us in several ways to other members of a community. Hence, the proper perspective for the explication of normative concepts must be internal, rooted in action or practice, and socio-historical.

The clearest example is given by Hume himself when he speaks of two men who find themselves rowing a boat together and who subsequently come to synchronize their movements and thereby establish a rule-governed practice. "Two men, who pull the oars of a boat, do it by an agreement or convention, though they have never given promises to each other. Nor is the rule concerning the stability of possession the less derived from human conventions, that it arises gradually, and acquires force by a slow progression, and by our repeated experience of the inconveniences of transgressing it" (*T*, p. 490). This example illustrates what is meant by the claim that efficient practice precedes the theory of it. It is as well an example which proceeds from the perspective of what "we do" (as opposed to the perspective of what "I think"). It is a perspective that is both social and rooted in action.

Finally, the example shows the extent to which the common interest is discovered not simply by positive accounts of benefit but more often by negative accounts of what Hume calls "the inconveniences of" transgression.

If the perspective from which we explicate normative concepts

such as property is that of the socially engaged and responsible agent, then the explication must of necessity begin with the status quo or present property relationships. Of course, if we begin with the status quo then present property relationships cannot be judged to be unjust except if they violate the inherent norms of the on-going system to which we belong. This might require judicial adjudication of specific claims but it cannot involve the delegitimation of the framework of the status quo. It follows, as well, that present property relations may be modified by contractual agreement so that those relations are extended, contracted, and developed in ways that are too numerous for us even to anticipate or imagine fully. Contractual agreements within this framework of the status quo are legitimate and binding.

It is important to see that there are two provisions in Hume's account of property as beginning with the status quo. The first part concerns how we establish present ownership, hence the title of the next section of the *Treatise*, "Of the rules that determine property" (*T*, pp. 501-13), and the second part concerns how we provide for the future elaboration of property relationships, "Of the transference of property by consent" (*T*, pp. 514-16). This double provision is already spelled out in the original philosophical discussion of property:

...a convention entered into by all the members of the society [1] to bestow stability on the possession of those external goods, and [2] leave every one in the peaceable enjoyment of what he may acquire by his fortune and industry. (*T*, p. 489)

It should not be necessary to say this, but, in maintaining that property begins with the status quo, Hume is still leaving provision for future changes in property relationships, for the growth and evolution of property in ways that are not foreseeable: "...the improvement, therefore, of these goods is the chief advantage of society, [just as]...the *instability* of their possession, along with their *scarcity*, is the chief impediment" (*T*, p. 488). What Hume did foresee is the growth of a market economy, and a market economy presupposes a prior distribution of goods. The status quo functionally provides the prior distribution upon which the market can begin to operate.

Given the foregoing, it comes as no surprise how Hume enumerates the rules which determine the ownership of property and

the acquisition of property. There are five considerations: (1) possession; (2) occupation; (3) prescription (time); (4) accession; and (5) succession (inheritance). Several commentators have astutely pointed out that this list reflects the position embedded in Roman Law as reflected in Scottish jurisprudence.<sup>20</sup> However, what is important is not that these rules were accepted in Hume's own historical context or that they could be traced to more classical origins. What is important is the philosophical underpinning to these rules. To be sure, the historical context and classical origins confirm Hume's views by showing that what Hume would consider intelligent commentary reflected long standing practice. But the confirmation is not to be confused with a philosophical foundation. Hume accepted and agreed with these rules because they reflected how he thought normative concepts were grounded. On this issue, articulated Roman law and Scottish jurisprudence accurately captured established practice. To that extent, and to that extent only, they were correct. Once more we want to deflect the suggestion that Hume was "merely" an apologist for the status quo. Finally, it should be stressed that in his account Hume focuses on the artificiality of all systems of rules as a way of emphasizing the point that property is not a natural state of affairs.

Two questions, internal to Hume's own account, can be raised here. First, "Is Hume's own account time bound?"<sup>21</sup> Second, "What if Hume is wrong about his understanding of the original practices?"

In answer to the first question, it is clear that Hume's account is time bound. Not only is it generally true that we are time bound or limited to present contexts and what we know or believe about past contexts, but according to Hume's own philosophical position we are necessarily time bound. Hume's accounts are always "*natural-historical*" accounts. Being time bound does not prevent us epistemologically from making generalizations based upon past experience understood socially and historically. Hume believes that the very structure of the mind, the natural relations of the imagination, is such that we instinctively make such generalizations and that these generalizations are reinforced by constant conjunction.<sup>22</sup> Moreover, according to Hume's understanding of the explication of normative concepts the only legitimate approach is the attempt to make explicit the norms embedded in

inherited practice. The emphasis here should be on "practice." The object of explication is not to comment on previous commentaries but to get at the practices. Previous commentaries become important only insofar as and to the extent that they accurately capture previous practice. If Hume is correct, then no matter how much the practices evolve, his understanding of how we are to understand normative concepts remains valid, and his explication then becomes an important historical document as well as a philosophical document. Part of Hume's wisdom is that he never lost sight of the limits of his own account: "no prudent man, however sure of his principles, dares prophesy concerning any event, or foretell the remote consequences of things."<sup>23</sup>

Moreover, Hume's understanding of the limits of normative analysis might allow him to respond to critics who would delight in pointing out how some of his 18th-century views would no longer be acceptable today. The obvious answer on Hume's part would be that social and economic conditions have evolved through the twentieth-century in ways that could not have been anticipated in the eighteenth-century and that Hume's own account allows for such evolution in economic roles. This is not to say that we are forever barred from criticizing practices in our own time. Obviously such criticism is always possible and has to be considered on a case by case basis and always with reference to the implicit norms of inherited practices in the light of then present circumstances. Historians are usually more sensitive to this point. However, to project back into the eighteenth-century the norms of twentieth-century practices is to engage in normative anachronism. Not only is normative anachronism a fallacy, but like all claims to universal and timeless wisdom it is a destabilizing social force. It is pointless and mindlessly self-destructive to condemn the very historical contexts and traditions from which our present cherished values have emerged. Our present cherished values are also artifices, specifically analogical transformations of inherited norms in the light of new circumstances, and as such are subject to further articulation in ways we cannot predict. One of the advantages of Hume's approach is that it encourages a constructive scepticism about the finality of any practice, including our own present ones.

Just as there is no timeless framework for understanding individual human beings or whole societies, so there is no timeless

framework for any set of historical circumstances. It is Hume, and not his critics, who avoids being merely a product of his time. Hume refused to elevate one set of historical circumstances onto a level where it can freeze into a dogma. Trying to protect a practice or a norm by claiming that it is a metaphysical absolute is to reveal oneself as a dogmatist, and it also runs the risk denying to practices and traditions their capacity to be fertile sources of adaptation and reconstruction. Traditions have a past that must be taken seriously in that the history of past transformations become an integral part of what a practice is. A tradition or practice, in other words, cannot be transcended. On the other hand, a tradition or practice cannot have a closure. Failure to balance both of these dimensions of tradition is to risk falling into an abyss.

Let us turn to the second question, namely, whether Hume's understanding of the original practices is correct. On the one hand, we can contemplate correcting Hume's account with newly found *historical* evidence, but while this would require a change in detail the very process of correcting Hume would confirm the general correctness of his account. On the other hand, Hume stressed the importance of long possession as opposed to original possession. Borrowing from this distinction, we could analogically distinguish between long tradition as opposed to original practice. Once human beings have become accustomed to certain practices and have generated expectations as a consequence, and assuming that these expectations are not in fundamental conflict with other deeply entrenched expectations, it would be "unreasonable" and destabilizing of the social order to go back on those expectations. That is why, among other things, we have a statute of limitations. Given the malleable and socialized nature of our self interest and given that there is no social interest above and beyond the historically evolving interests of the members of the community, it would be irrelevant beyond a certain point to correct the account of the original practice. Social practices and the normative concepts embedded therein do not have an existence independent of our attitude toward them. This is why it is so important to recognize the Copernican Revolution in Hume's moral theory and what it means to say that justice and property are *artificial virtues*.

We have come a long way from our primary focus on property.

Nevertheless, Hume presented his original analysis of property conjoined with a discussion of the origin of justice. I believe now that we can see why. Crucial to his understanding of property is the notion that we begin from the status quo. This understanding does not reflect any hidden commitment to the propertied interests of eighteenth-century Britain, rather beginning with the status quo is a consistent application of the Humean argument that norms only exist within civil society, or, in his terminology, that justice is an artificial virtue.

### THE MEANING OF PROPERTY IN MODERN COMMERCIAL REPUBLICS

So far we have stressed that any understanding of property must begin with the status quo. At the same time we have indicated that all practices, including the acquisition and transference of property, are fertile sources of adaptation. It is now time to indicate how Hume perceived the changing circumstances of property in the eighteenth-century. Let us keep in mind that since Hume denies the existence of universals, he is at liberty in his account of property to indicate how that normative concept is being transformed.

It is well known that Hume was a great advocate and defender of the then rising commercial and industrial societies, that he opposed mercantilism, monopoly, price-fixing, inflation, and spiraling national debt, that he favored credit, savings, and international free trade. In these respects, Hume had an enormous influence on Adam Smith. Crucial to Hume's case is the contention that industry and commerce in republics and mixed monarchies encourage economic growth and consumption. Such growth and consumption in turn make human beings more civilized, more cooperative, more free and more responsible. In short, *liberal societies as we have come to know them create autonomous individuals*. This overall thesis is articulated in several of Hume's famous essays and is articulated in excruciating detail in his *History of England*.<sup>24</sup> Economic development in free market societies based upon the institution of private property increases opportunities for material independence and moral autonomy and thereby increases the capacity for responsible citizenship.

Earlier in this paper we insisted upon the importance for

Hume of distinguishing between questions of origin and questions of normative justification. Hume's own normative justification for the institution of private property is that private property is a precondition of autonomy as well as independence. Any systematic exclusion of large classes of individuals from the benefits of property ownership creates an underclass incapable of understanding and therefore unwilling to defend or to participate in the institution of private property. Therefore, the survival of the institution of private property and its attendant values requires that there be means for increasing the number of those who have independent resources or private property. That is why Hume does not treat the existing distribution of property as final. Rather, as we have already seen, Hume provided for the transformation of present property relationships in the form of a free market economy.<sup>25</sup>

Throughout his economic writings, Hume asserted that commercial and industrial societies as opposed to feudal ones provide much greater opportunities for constructive action. Hence, it is in commercial societies which encourage action through growth and consumption that the institution and practice of private property expand opportunities for individuals to achieve self-esteem through the creative use of private property. As Hume put it in the *History of England*, the tradesman is a better man and a better citizen than an idle retainer, for the growth of civilization and commerce produce that "middling rank" no longer willing to tolerate either anomalies in the Constitution or an overly broad discretionary power on the part of the government.

1. All references are to the Selby-Bigge/Nidditch editions of *A Treatise of Human Nature*, 2nd ed. (Oxford: Clarendon Press, 1967), and the *Enquiries*, 3rd ed. (Oxford: Clarendon Press, 1972).

2. See for example, James T. King, "The Place of the Language of Morals in Hume's Second *Enquiry*," in D. Livingston and J. T. King, eds., *Hume: A Re-evaluation* (New York: Fordham University Press, 1976), pp. 343-361.

3. Hume concedes that the historical origin, as opposed to the logical origin, of existent states is most likely conquest.

4. In the *Treatise*, Hume stresses that limited benevolence is not a sufficient basis for morality precisely because it can become through its partiality a destabilizing social factor. In that same work, Hume denied the existence of an extensive benevolence. As a result, Hume concluded that sympathy was the general principle of morals. However, as Hume progressed in his

writing of the *Treatise*, he came increasingly to recognize difficulties in his own account of the sympathy mechanism. When he wrote the *Enquiry Concerning the Principles of Morals*, Hume replaced sympathy as the general principle of morals with the sentiment of humanity, not exactly extended benevolence. As I have argued elsewhere, this actually strengthens Hume's overall case in his account of morality. See N. Capaldi, *Hume's Place in Moral Philosophy* (New York: Peter Lang, 1989).

I think it is interesting to point out here that even within family units held together with benevolence conflicts can arise that ultimately require resolution by appeal to "historical" principles like long possession. Here we have a microcosm of Hume's moral theory in that some sort of concern for others is necessary to hold society together, but such concern by itself can also destabilize society. Hence, it is also necessary to appeal to some principle or criterion beyond concern. The concern, whether in the form of limited benevolence or the sentiment of humanity, explains in part why we will eventually embrace or are capable of coming to embrace the other criterion, but the other criterion cannot be reduced to that concern anymore than it can be reduced to self-love. Adopting the perspective of the responsible social agent avoids any potential irresolvable conflict between concern and the socio-historical criterion. In this way, Hume solved the major internal problem in his account of morality.

5. Notice as well that when Hume identifies the destabilizing effect of avidity, it is an avidity that is already directed beyond the self: "...this avidity alone, of acquiring goods and possessions for ourselves and our nearest friends..." (*T*, pp. 491-92).

6. Hume used the word "natural" in many different senses. For some indication of this see the Selby-Bigge index in the *Treatise*, pp. 715-16. In the ontological or metaphysical sense, something is "natural" if it exists "independent of our thought and reasoning" (*T*, p. 168), or has "no dependence on the artifice and contrivance of man" (*T*, p. 574).

7. See N. Capaldi, *Hume's Place in Moral Philosophy*.

8. David Hume, *Dialogues Concerning Natural Religion*, ed. Norman Kemp Smith (Indianapolis, Ind.: Bobbs-Merrill, 1947), p. 220.

9. Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, Ind.: Notre Dame University Press, 1988) p. 295.

10. In the interests of space, I have eliminated a long discussion of Hume's critique of Locke's conception of property. The gist of that discussion was that (a) it exemplified the point made in the text that property does not exist prior to civil society, and (b) that Locke's view that we have a natural right to property through labor is founded on Aristotelian realist metaphysics and Aristotle's analysis of causation, both of which Hume rejects. The discussion also stressed the extent to which substantive theses in moral, social, and political philosophy turn on fundamental philosophical disputes. Hence, Hume's discussion of property cannot be divorced from his overall philosophy.

11. If property is a causal relationship, and if property is a normative

concept, then clearly causal relationships can become normative under certain circumstances. If causal relationships can become normative, then Hume does not make a sharp distinction between certain kinds of factual states of affairs, including causal ones, and normative states of affairs. The widely held contention that Hume was the first to distinguish between the factual and the normative is not only false but the opposite of what Hume actually held. For a discussion of this issue see N. Capaldi, *Hume's Place in Moral Philosophy*.

12. In the *Enquiry Concerning the Principles of Morals*, Hume substitutes the sentiment of humanity for sympathy as the general principle of morals. This does not substantively change any issues we have discussed so far or will discuss in this paper. For a further elaboration of this change and its importance, see N. Capaldi, *Hume's Place in Moral Philosophy*.

13. It has been suggested to me that something like an internal sanction can be found in Hobbes. This is a controversial point in contemporary Hobbes scholarship. However, it remains the case that Hume and many of his contemporaries took Hobbes to be denying the existence of an internal sanction, and a great deal of debate in seventeenth- and eighteenth-century British moral philosophy centered on the existence of an internal sanction.

14. In the *Enquiry Concerning the Principles of Morals*, Hume specifically mentions the issue of "relations" in his discussion of property. Referring to Montesquieu, Hume says: "The author of *L'esprit des Loix*. This illustrious writer, however, sets out with a different theory, and supposes all right to be founded on certain *rappports* or relations; which is a system, that, in my opinion, never will be reconciled with true philosophy. Father Malebranche, as far as I can learn, was the first that started this abstract theory of morals, which was afterwards adopted by Cudworth, Clarke, and others; and as it excludes all sentiment, and pretends to found everything on reason, it has not wanted followers in this philosophic age." (*EM*, p. 197n).

15. N. Capaldi, "Hume's Rejection of 'Ought' as a Moral Category," *Journal of Philosophy* (1966): 126-37; see also N. Capaldi, *Hume's Place in Moral Philosophy*.

16. See N. Capaldi, *Hume's Place in Moral Philosophy*.

17. Areyh Botwinick, "A Case for Hume's Nonutilitarianism," *Journal of the History of Philosophy* (1977): 423-35.

18. The contractarian misrepresentation of Hume is most noticeable in the work of D. Gauthier, "David Hume: Contractarian," *Philosophical Review* (1979): 3-38; "Three Against Justice," *Midwest Studies in Philosophy VII*, eds. P. A. French, T. E. Uehling, and H. F. Wettstein (1982): 11-29; *Morals By Agreement* (1986).

19. A point stressed in Donald Livingston's book *Hume's Philosophy of Common Life* (Chicago: Chicago University Press, 1984).

20. See J. Moore, "Hume's Theory of Justice and Property," *Political Studies* (1976): 103-19. See also, David Miller, *Philosophy and Ideology in Hume's*

*Political Thought* (Oxford: Clarendon Press, 1981), chap. 3. It must also be kept in mind that where Hume rejected Roman law concepts he tended to substitute common law practices.

21. Various versions of this charge can be found in: Frederick G. Whelan, "Property as Artifice: Hume and Blackstone" in *Property*, J. Roland Pennock and John W. Chapman, eds. (New York: New York University Press, 1980), pp. 101-129; John B. Stewart, *The Moral and Political Philosophy of David Hume* (New York: Columbia University Press, 1963), pp. 114-15; John Plamenatz, *The English Utilitarians* (Oxford: Basil Blackwell, 1958), pp. 29-30.

22. See N. Capaldi, "The Preservation of Liberty," in N. Capaldi and D. Livingston, eds., *Liberty in Hume's "History of England"* (Dordrecht: Kluwer, 1990) for a discussion of how Hume construed the operation of historical thinking.

23. David Hume, *Essays*, Eugene Miller, ed. (Indianapolis: Liberty Classics, 1985), p. 47.

24. See Capaldi and Livingston, eds., *Liberty in Hume's "History of England."*

25. In the interests of space, I have eliminated a discussion of how Hume's account of human nature grounds his discussion of property. Specifically, property produces pride and pride produces the idea of the self. This underscores the extent to which property is peculiarly human, social, moral and not reducible to the desire for gain. Historically, both Kant and Hegel recognized the importance of property as a means by which an individual could "translate his freedom into an external sphere in order that he may achieve his ideal existence" (Hegel, *Philosophy of Right*, Sec. 4).

# DAVID HUME ON THE PUBLIC INTEREST

STUART D. WARNER  
*Roosevelt University*

## INTRODUCTION

**T**he notions of interest and the public interest appear early on in the first act of Hume's moral, political, and historical writings. And not only do these notions make an early appearance, but they are the lead characters in almost every scene. Some of these scenes are of monumental importance, for example, Hume's account of the origin of justice; some scenes are of lesser importance, for example, Hume's account of the need for ecclesiastical establishments. Regardless of the magnitude of the scene, however, the various appeals to interest and to the public interest are ubiquitous.

The principal object of this essay is to try to make clear some of the things that Hume means by the public interest. In order to do so, it is first necessary to say something about how the notion of interest fits into Hume's moral philosophy; thus it is to that subject that I now turn.

## I

My approach to Hume's view of interest begins by looking at four of Hume's most remarkable essays: "The Epicurean," "The Stoic," "The Platonist," and "The Sceptic." Hume makes it clear that he does not intend that this series of portraits provide a precise historical analysis of the ancient sects; instead, his aim,











































































































































































