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DAVID HUME'S THEORY OF JUSTICE: A DEFENCE OF THE ESTABLISHMENT WITHOUT RECOURSE TO THE ARGUMENT FOR THE DIVINE RIGHT OF KINGS, OR A WORKABLE GUIDING PRINCIPLE OF LEGITIMATE AND LASTING GOVERNMENT?

A Dissertation presented in the University of Durham for the degree of

Master of Arts

By

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Of

Hatfield College

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MA by Thesis:
Abstract

Author:
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Title:

David Hume's theory of justice: a defence of the establishment without recourse to the argument for the Divine Right of Kings, or a workable guiding principle of legitimate and lasting government?

David Hume' political philosophy has a strongly paternalistic feel, leading to a misconception of Hume as a conservative thinker with little to contribute in the field of political philosophy beyond a defence of the status quo. This Thesis assesses the extent to which Hume's work can help us understand his world and our own.

Chapter One dwells on the personality of David Hume, as a prerequisite to a fuller understanding of the intentions and significance of his work. **Includes**: Hume's ambition; his concern for accuracy (and restraint from empty rhetoric); his caution; his objectivity (demonstrated by his greed for independence; his emotional side (including an introduction to the idea of Hume as agnostic rather than strictly an atheist as he is - still - often characterised); his attitude towards the truth.

Chapter Two moves onto an examination of relevant parts of Hume's general philosophy, forming the beginning of Hume's theory of justice.

Chapter Three concerns the impact of Hume's general philosophy on his politics. Hume's theory of just government is rooted in his general thoughts on morality, which are characterised by a scepticism sometimes mistaken for cynicism. Hume dismisses the idea of an original and binding Contract of Government. In Hume's political philosophy man has the capacity for improvement and progress without being restrained by the past. Justice underscores civil society, which is about mutual protection - peace is justice. Justice is not necessarily about democracy, although Hume is not challenging the possibility of legitimate government authority.

Key questions: What does Hume mean by stability in government? Is Hume right about Justice? What precisely does Hume mean by self-interest? Was Hume a democrat?

Chapter Four Conclusion: concluding comments on Hume's philosophy of the state. Hume shares Hobbes' objective of non-ideological government. Hume was wary of change, especially if it was in accordance with some grand plan for society and / or mankind (which tended to mean revolution). **Includes**: the crucial role of property in Hume's jurisprudence, empirical evidence from history to support this and other claims; more on the political culture in Hume's functional civil society, including a look at how Hume uses the Aristotelean distinction between man and citizen; the practical aspects of his theory of justice in government; conclusion that Hume's theory of justice is a theory of property, and that this is because self-interest drives all men.

Key questions: What is Hume's "common sense"? Has Hume identified the elusive, verifiable moral absolute? Can we derive a workable principle of civil society from Hume's analysis? Did David Hume fulfil his lofty intellectual ambitions?

David Hume's theory of justice: a defence of the establishment without recourse to the argument for the Divine Right of Kings, or a workable guiding principle of legitimate and lasting government?

MA Thesis Nick Castle

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INTRODUCTION

A study of Hume's philosophy of the state in the context of his general understanding of human nature.

"I content myself with knowing perfectly the manner in which objects affect my senses, and their connection with each other as far as experience teaches me. This suffices for the conduct of life; and this also suffices for my philosophy, which pretends only to explain the nature and causes of our perceptions, or impressions and ideas."

***A Treatise of Human Nature* (Book I Part II Section V)**

David Hume's works are driven by his innate curiosity, compassion - and fear. He feared certain "philosophical" (ie completist) theories of politics. By attempting to be total and authoritative in one's prescriptions for society's ills one proposes a solution that is, invariably in some way or other, authoritarian. Good government must be rooted in the circumstances in which it finds itself. In this way Hume can be read as a rejection of a certain Platonism of Aristotle that suggests that there is one ideal way to govern a state that supersedes all others, and that is derived from a divine morality that pre-empts and exists "outside" humanity. Hume's organic approach to reform stems from the terrible consequences of instability caused by radicalism in practice. Given the circumstances of Hume's day[1] this means that both religious fundamentalism and assertive nationalism (in effect the same phenomenon of human behaviour masked by different symbols), are fundamentally bad ways to live and/or govern. The same evidence exists today as then, sometimes less close to home but acutely visible to anyone following the daily news.

Inequalities of resources, both personal and material, are consequences of genetic diversity and social environment. In Hume's day science could only wildly dream of what is so nearly possible today in terms of the manipulation of the former of these factors. As regards the second, Equality is a nebulous subject, all things to all men, and as amassed in contradictions as the battle cries of Liberty and Democracy.

Hume addressed these grand subjects by attempting to lay down a workable principle of government, and this became his theory of Justice. This was based around his belief in man's interest in peace. Not all men recognise this interest for themselves. Hume's political philosophy has a strongly paternalistic feel. This functional peace and harmony was attainable and sustainable through

a respect for property

a respect for law and the authority of those most able to administer it[2]

and

an approach to reforming citizenship and government that was considered and organic rather than dramatic and radical. In the case of dealing with revolt, the balance must be fairly utilitarian: is more

[1] Of which I will say more later.
[2] Platonic paternalism again.

death and unhappiness to be caused by repressing insurrection or by allowing the goals of the insurgency to come about?

This Thesis examines some of the characteristics of the man that have bearing on his philosophy, the philosophical motivations behind Hume's political theory, and a consideration of the implications of his property-based theory of non-absolutist justice.

Amongst the more common traits of Enlightenment philosophy are an interest in (1) an epistemology dominated by "psychology" (i.e. theories of human nature), and (2) a practical perspective for this theorising. These features form the basis for discussion in this thesis, though the subject matter of Hume's *political* thought occupies ostensibly the last category alone. This introduction will attempt to explain the significance of these wider criteria.

Hume claimed to revel in the pleasures of ideas, of thinking for thinking's sake:

> "I cannot forbear having a curiosity to be acquainted with the principles of moral good and evil, the nature and foundation of government, and the cause of those several passions and inclinations, which actuate and govern me. I am uneasy to think I approve of one object and disapprove of another; call one thing beautiful, and another deform'd; decide concerning truth and falshood, reason and folly, without knowing upon what principles I proceed ... These sentiments spring up naturally in my present disposition; and shou'd I endeavour to banish them, by attaching myself to any other business or diversion, I *feel* I shou'd be a loser in point of pleasure; and this is the origin of my philosophy."[3]

Indeed he devoted considerably more words to theoretical analysis than to didactic pronouncements. Yet it is clear from his letters that he was highly motivated by the idea of upsetting "the zealots":

> "I wantonly exposed myself to the rage of both civil and religious factions"[4]

He was a man of affairs and a self-proclaimed "citizen of the world".[5] Amongst other things he served at the British embassy in Paris, tutored the insane Marquis of Annandale, and participated in various military expeditions.

The broad characteristics described above are prevalent in the work of, amongst others, Bacon, Hobbes, Locke and Berkeley. This methodology was also certainly typical of Hume's approach. Bacon believed that knowledge, properly attained, was power. Proper attainment meant that there were three stages to true knowledge; a

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[3] Hume, 1978, p. 271.
[4] In Braham, 1987, p.14.
[5] Burton, 1967, p. 237.

recognition of the vulnerability of human perception as the tool of observation, the use of experience in inductive reasoning, and the need for logical progression of statements and conclusions, without recourse to leaps of faith (beyond that of the first instance). The sentiment that the practical value to man of such power is in material advancement, is echoed throughout Hume's work. In particular at first appearance his theory of justice is tantamount to a theory of property. A discussion of this and similar issues will form the structure of the later sections of this Thesis.

All of Hume's work is preoccupied with a healthy scepticism, an empirical approach, and logical progressions of thought. It was his unusual rejection of history as a means for fighting the battles of the present. He brought a challenge to those who had hitherto, and those who have subsequently, upheld the maxim that history is written by the victors and held little truck with thinkers who started from their prejudices and worked back. It was this attitude that led him to write at the outset of *The Natural History of Religion* proposing the idea of the design argument as self-evident in the manner of Locke[6] ... and then to conclude that book by acknowledging that one could assume no such thing.[7]

This thesis is an assessment of Hume's political theory rather than his general philosophy. Hume's thoughts on social and political matters are principally located in Book III of the *Treatise of Human Nature*, the *Enquiry Concerning Human Understanding*, the *Essays Moral and Political*, and in the *History of England*.[8] The circumstances of his time are also essential since they allow us, centuries later, to put a context on the words that can often be misinterpreted. However it is a tribute to his remarkable consistency of thought that a proper assessment of his thinking can be made in the context of his moral and natural philosophies, which are referenced accordingly throughout. Following from this it is logical to conclude that his personality too is key to an appreciation of his work. Part of the implication of this Thesis - though too complex an issue to do more than suggest here - is that it is at best incomplete to attempt to grasp the significance of the thought of a great thinker by viewing him or her exclusively through a study of his or her best known works. Even reading an entire oeuvre would deny the fact that

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[6] "As every enquiry, which regards religion, is of the utmost importance, there are two questions in particular, which challenge our attention, to wit, that concerning its foundation in reason, and that concerning its origin in human nature. Happily, the first question, which is the most important, admits of the most obvious, at least, the clearest, solution. The whole frame of nature bespeaks an intelligent author; and no rational enquirer can, after serious reflection, suspend his disbelief a moment with regard to the primary principles of genuine Theism and Religion" (Hume, 1967, p. 31).

[7] "The whole is a riddle, an aenigma, an inexplicable mystery. Doubt, uncertainty, suspense of judgement appear the only result of our most accurate scrutiny, concerning this subject" (Hume, 1967, p. 98).

[8] See **Bibliography** for Editions used.

when the author writes a treatise, he writes of himself; an appreciation of the history of the author himself throws perspective on his writings. As Braham writes:

> "What the author writes must be viewed through a study of his personality"[9]

This is not intended to develop into an amateur essay in psychoanalysis. The origins of Hume's personality are not at issue here. Instead it is the impact of his personality and circumstances on his work that are under examination at the start of this exploration of the bases of his political theories. Ultimately it is the legacy of the man not the man himself that we seek. And in this case one suspects that that is what the man himself would have wanted.

[99] Braham, 1987, p. 24.

Chapter 1

The Personality of David Hume

"Every one, who is acquainted with the Philosophers or Critics, knows that ... they contain little more than endless Disputes, even in the most fundamental Articles. Upon examination of these, I found a certain Boldness of Temper ... which was not enclin'd to submit to any Authority in these Subjects, but led me to seek out some new medium, by which Truth might be establisht."

***A Kind of History of My Life*, 1734**

"It is difficult for a man to speak long of himself without vanity; therefore, I shall be short. It may be thought an instance of vanity that I pretend at all to write my life; but ... the first success of most of my writings was not such as to be an object of vanity"

***My Own Life*, 1777**

Hume's ambition

From his teenage years Hume claims that he believed he had something to contribute to what appeared to be a nascent science:

> "I found that everyone consulted his fancy in erecting schemes of virtue and happiness without regarding human nature, upon which every moral conclusion must depend. This, therefore, I resolved to make my principal study, and the source from which I would derive every truth in criticism, as well as morality."[10]

He was not a populist but he did want his work to be popular, i.e. accessible, widely read - and influential:

> "And though I am much more ambitious of being esteemed a friend of virtue than a writer of taste, yet I must always carry the latter in my eye, otherwise I must ever despair of being serviceable to virtue."[11]

What makes good philosophy? In Hume's eyes it is clear that it requires a scientific methodology, testing hypotheses rather than pursuing pre-judged polemics. Hume wanted to stimulate, inspire, as much by asking questions and challenging the orthodoxy of the fanatic as by providing curriculum answers:

> "We must, therefore, proceed like those, who being in search of any thing that lies conceal'd from them, and not finding it in the place they expected, beat about all the neighbouring fields, without any certain view or design, in hopes their good fortune will at last guide them to what they search for."[12]

Hume was an evangelist of a fashion, fighting the tyranny of indolence - but a refreshingly humble one:

> "I assure you that, without running any of the heights of scepticism, I am apt in cool hour to suspect in general that most of my reasonings will be more useful by furnishing hints and exciting people's curiosity than as containing any principles that will augment the stock of knowledge that must pass to future ages."[13]

Hume's aim was not to let ignorance and intolerance suffocate the potential of people to make their own decisions. It is playing the game that matters most. The means do not justify the end. In this sense the end does not matter at all, since it never comes, can never come, for the true philosopher-agnostic. The means affirm life in themselves. *Cogito ergo sum*? Precisely; to *think*, even in the pursuit of a dubious goal, is better than blind acceptance, which to him represented little more than an abdication of humanity:

> "There cannot be two passions more nearly resembling each other than those of hunting and philosophy, whatever disproportion may at first sight appear between

[10] In Burton, 1967, p. 35.
[11] In Burton, 1967, p. 113.
[12] Hume, 1978, p. 77-8.
[13] Hume, 1964, p. 226.

them. To make the parallel more complete, we may observe that though in both cases the end of our action may in itself be despised, yet in the heat of the action we acquire such an attention to this end that we are very uneasy under any disappointments, and are sorry we either miss our game or fall into any error in our reasoning."[14]

To blindly accept is to dwell in the realm of the zealot. One might not exaggerate Hume by suggesting that it is vital that we should travel, and equally vital that we should never let ourselves think finally and definitively that we have arrived. Arrival represents the "discovery" of the one true way, to which all others must yield "for their own good". The issue of forcing men to be free probably should have been a key source in the dramatic falling out between Hume and Rousseau, though in fact it was more a personal affair (see pp. 18-19).

Still though we must have government, and a constituent part of a government's authority is its position as the dominant physical force in the land.[15] How this is achieved is another issue (see Chapters III & IV for more on this subject).

Perhaps the most important and obvious moments of self-analysis within Hume's works comes at the end of the last chapter of Book I of the *Treatise*. It is the key to his endeavours, and to mine in this Thesis. In it he concludes after much soul-searching that:

(1) The path of reason, as a source of knowledge, has in fact many branches, since its origin is in the imagination, based upon empirical induction:

"Experience is a principle, which instructs me in the several conjunctions of objects for the past. Habit is another principle, which determines me to expect the same for the future; and both of them conspiring to operate upon the imagination, make me form certain ideas in a more intense and lively manner, than others, which are not attended by the same advantages"[16]

Our own exercises in lateral thinking reveal this much to us.[17] There are simply more reasons than excuses. Reason is an obedient dog that does its master's bidding. It provides for us answers that are products of our desires and fears - our *imaginations*.

(2) We can't trust our imagination either, for the same reason!

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[14] Hume, 1964, p. 226.

[15] Hume tended not to distinguish between government and state in his writings, preferring instead to distinguish factional representation under the banner of "parties"; I have followed this nomenclature in this Thesis.

[16] Hume, 1978, p. 265.

[17] For example, when we seek to persuade someone who we pity that their cloud has a silver lining, or someone who we envy that their silver lining has a cloud.

(3) Hume does not accept the conclusion that one might logically take, that "no refin'd or elaborate reasoning is ever to be received", and slip into solipsism. We cannot avoid the dilemma of uncertainty:

> "We have, therefore, no choice left but betwixt a false reason and none at all."[18]

If we are to make practical judgements then we should talk as ordinary people,[19] since it is of them whom we speak, with all of their propensity to belief and credulousness over the proper scepticism-agnosticism of the philosopher.

Progress was vital to Hume, for he was an optimist:

> "These are the sentiments of my spleen and indolence; and indeed I must confess that philosophy has nothing to oppose to them, and expects a victory more from the returns of a serious good-humour'd disposition, than from the force of reason and conviction."[20]

We must carry through our arguments to their conclusion, before retracing our steps to see how far we have come, and how much was illusion, in terms of the desired effects and measurable outcomes that they create. Hume's methodology of belief is a restatement of the idea that "the end justifies the means", where the consequences qualify the validity of the original belief:

> "Where reason is lively, and mixes itself with some propensity, it ought to be assented to. Where it does not, it can never have any title to operate upon us"[21]

[18] Hume, 1978, p. 268.
[19] That is to say, non-philosophers.
[20] Hume, 1978, p. 270.
[21] Hume, 1978, p. 270.

Hume's accuracy

Examples abound of Hume's preoccupation with not being vulnerable to criticism, especially of pandering to this or that faction. He was clearly proud of his independence. The claim that history is invariably written by the winners would have been like a red rag to a bull for Hume. This was particularly true of his *History of England*, on revisions of which he noted:

> "But though I had been taught by experience that the Whig party were in possession of bestowing all places, both in the State and in literature, I was so little inclined to yield to their senseless clamour that in above a hundred alterations, which further study, reading or reflection engaged me to make in the reigns of the first two Stuarts, I have made all of them invariably to the Tory side. It is ridiculous to consider the English constitution before that period as a regular plan of liberty."[22]

The same pride in meticulousness and objectivity applied to his other work. Immediately after completing the *Essays* he consulted Adam Smith for suggested improvements,[23] and was correcting manuscripts right up until his death. He was similarly indignant if accused, as by one Dr. Brown, his work was purely for financial gain:

> "I fancy Brown will find it a difficult matter to persuade the public that I do not speak my sentiments on every subject I handle, and that I have any view to any interest whatever."[24]

When accused of inaccuracies he responded to his publisher robustly:

> "It is said by a Mr. Chas. Townsend that my history of the Stuarts is full of gross blunders in the facts, and that a Mr. Dyson, Clerk to the House of Commons, said so. You may tell Mr. Dyson that there is nothing in the world I desire so much as to be informed of my errors, and I should be extremely obliged if they were pointed out to me."[25]

What were the consequences of his desire to be a good philosopher-historian? Throughout his work Hume resists rhetoric. There are no anthems here of the type that Rousseau and Marx used so effectively. Is this an indication of sincerity? It certainly shows a desire not to mislead factually compared to the bending of the truth one associates with the factional politician. This is an important point. Hume considered himself a historian and a philosopher.

He reveals as much in his letter to William More where he discusses the importance for him in his work to be "true and impartial".[26] Is

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[22] "My Own Life", in Norton *et al.*, 1993, p. 354.
[23] "You must not be so engrossed in your own book as never to mention mine": "Letter to Adam Smith", in Burton, 1967.
[24] In Burton, 1967.
[25] In Burton, 1967, p. 133.
[26] In Birkbeck Hill, *Life and Letters of David Hume*, p. 186.

there such a thing as the orphan idea? If not then we are all collectors of ideas, each in our own way. If we are to progress - it is so important to Hume that we should - then we must be surefooted as possible over them even as we try to step beyond them, as our eyes become accustomed to the dimly lit paths all around us. For the empiricist, the relationship is clearer still:

> "This anxiety for correctness was a mark of his strict regard for truth."[27]

Time and time again Hume is concerned in his political essays with the provision of actual examples to support his theories. His opinion of useful political theory was as a branch of history characterised by its perceptive analysis of affairs of state rather than by the detachment of an abstract art:

> "Nothing is more dangerous to reason than the flights of the imagination, and nothing has been the occasion of more mistakes among philosophers. Men of bright fancies may in this respect be compar'd to those angels, whom the scripture represents as covering their eyes with their wings. This has already appear'd in so many instances, that we may spare ourselves the trouble of enlarging upon it any farther."[28]

It was on this basis that Hume's arguments, particularly in his essays are regularly supported by actual historical examples, a density of which far exceeds that of Rousseau in his *Social Contract* or for that matter, Plato in his *Republic*.

[27] In Braham 1987, p. 32.
[28] Hume, 1978, p. 267.

Hume's caution

Again for the sake of "scientific" progress Hume's work is a study in objectivity. Burton notes how free from hypothesis the *Treatise* is in its reference to the physical sciences. Few of his claims in this area are refutable two hundred and sixty years later. Similar caution is exhibited in his historical enquiries and religious debates:

> "I beg the reader to allow me the liberty of supposing it such."[29]

> "I want time to read and think, to correct, to look backwards and forwards, and adopt the most moderate and reasonable sentiments on all subjects."[30]

Again and again he resists dogma in his *Treatise*:

> "I must not conclude this subject of belief without noting that 'tis very difficult to talk of the operations of the mind with perfect propriety and exactness."[31]

Such reluctance to condemn featured in his personal life. When he heard of his publisher sending a manuscript using an untrustworthy courier he wrote of his concern but signed off saying:

> "Yet I do not naturally suspect you of imprudence ... I must hear a little further before I pronounce"[32]

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[29] Hume, 1978, p. 76.
[30] In Burton, 1967, p. 94.
[31] Hume, 1978, p. 105.
[32] "Letter to Millar from Paris", 23rd April 1764, in Burton, 1967, p. 202.

Hume's objectivity

> "'Tis easier to forebear all examination and inquiry, than to check ourselves in so natural a propensity, and guard against that assurance, which always arises from an exact and full survey of an object. On such an occasion we are apt not only to forget our scepticism, but even our modesty too; and make use of such terms as these, *'tis evident, 'tis certain, 'tis undeniable*; which a due deference to the public ought, perhaps, to prevent. I may have fallen into this fault after the example of others **[he had]**; but I ... declare that such expressions were extorted from me by the present view of the object, and imply no dogmatical spirit, nor conceited idea of my own judgement, which are sentiments that I am sensible can become no body, and a sceptic still less than any other."[33]

Burton notes Hume's studied detachment in his *Histories*, such that they do not suggest "either the district or the country of origin" of their author.[34] They were written in self-imposed exile, away from the personalising impact of friends and family. There is very little recorded evidence to suggest that Hume took counsel in developing his philosophy. Until after publication, that is, at which point he was voracious in seeking comment and reaction.

Most of Hume's intellectual borrowing seem to have come from the dead rather than the living, and as already noted he was proud of his self-reliance. This appears to have been at the core of his identity and of his expressions of it in his writings. When writing of his travels across a Europe "seething with war"[35] he maintains a proper historical perspective rather than becoming excited about the impact that these events might have on his person, his friends, colleagues and countrymen.[36] The objectivity in his work with the military expeditions can also be regarded as no more than the balance one would expect from someone employed as an administrative observer. Whilst in truth this proves little more than that he was good at his job, it is indicative of the temperament of the man that this should be the sort of job to which he was suited.

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[33] Hume, 1978, p. 273-4.
[34] Braham, 1987, p. 9.
[35] Braham, 1987, p. 36.
[36] Though he was not particularly patriotic, beyond the occasional stout defence of Scottish literary tradition. After the poor public reception of his early work he wrote that "had not the war at that time been breaking out between France and England, I had certainly retired to some provincial town of the former kingdom, have changed my name, and never more have returned to my native country." (Hume's "My Own Life", in Braham 1987, p. 11).

What of his other jobs, in particular his infamous tenure of the post of tutor to the insane Marquis of Annandale? Why did Hume take on this employment that had so little synergy with his driving ambition for intellectual significance? On examination there seems little room for doubt that the motive was money.[37] Does this mean that Hume was a greedy man? Hume was possessed of a healthy level of greed, but not in a materialistic sense. His life was typically led in thrifty comfort rather than opulence, or even pretence at such. Whilst at the embassy in Paris he wrote to a friend saying:

> "I am misplaced ... I wish twice or thrice a day for my easy chair and my retreat at St. James' Square. Never think, dear Ferguson, that as long as you are master of your own fireside and your own time you can indeed be unhappy, or that any other circumstances can make an addition to your enjoyment."[38]

Hume's greed was for independence. He was of "good family"[39] but, at a personal level, of "slender fortune" owing to the fact that he was not a first son and had little means to support him when he started his life as a scholar. Only late in life did his fortune catch up with his fame.

Hume clearly felt that to engage in the pamphleteering and petty squabbling of many of his peers would demean him and more importantly his work:

> "I found, by Dr. Warburton's railing, that the books were beginning to be esteemed in good company. However, I had fixed a resolution, which I inflexibly maintained, never to reply to anybody; and, not being very irascible in my temper, I have easily kept myself clear of all literary squabbles."[40]

During his life, especially after his (mild) breakdown (detailed in his "A Kind of History of My Life"[41]) his was a very level balance. One notable exception to this level-headed clarity appears to have been his experiences in Paris, accompanying Lord Hertford as acting ambassador. At one point he announces blissfully that in that city "I feed on ambrosia and walk on flowers". Yet he also observes that in that city:

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[37] See especially Burton, 1967, p. 194 - 199.

[38] In Burton, 1967, p. 173.

[39] "My father's family is a branch of the Earl of Home's, or Hume's; and my ancestors had been proprietors of the estate which my brother possessed for several generations. My mother was daughter of Sir David Falconer, President of the College of Justice; the title of Lord Halkerton came by succession to her brother." (in Braham 1987, p. 7).

[40] In Braham 1987, p. 10. In 1761 he did respond, on request, to an aggressive response to his essay "Of Miracles" by the Reverend Hugh Blair, but ends the letter on a profoundly conciliatory note: "I would therefore wish for the future, whenever my good fortune throws me in your way, that these topics should be forborne between us." I would suggest that this however does rather seem to be a case of the exception proving the rule... (in Hume, 1932, Vol. I, p.351).

[41] In Norton et al., 1993, pp. 345-50.

"All things appear so much alike that I am afraid of falling into total stoicism and indifference about everything."[42]

This is a good example of Hume's general ambivalence towards the world of employment in general. Paid employment was never more than a means to an end, to the intellectualism he considered his true calling.

All of these examples demonstrate the independence towards which Hume the man seems to have been naturally inclined and Hume the academic considered so professionally important.

Hume's emotional side

It would be wrong to conclude from the above that Hume was a coldly analytical man. His theories were presented in a climate of academic rigour. Yet they were determined at heart by his strongest feelings. He himself observed the inevitability of this. All rational arguments start with assumptions based on the emotions that drive the imagination.

In particular Hume held the Roman Catholic Church in some contempt as the arch-orthodoxy historically built on a bedrock of zealotry and amounting to little more than superstition and propaganda. He was similarly scathing towards other denominations such as the Independents and Presbyterians.[43] What did he find so objectionable about religious orders? Hume was not strictly an atheist. His position was rather that he was agnostic by inevitability, since man could not, despite Descartes best efforts, prove or disprove the divine without a thoroughly subjective leap of faith. He understood the impulse of people to search for certainty. It was his search too. He was distraught at the death of his mother whom he had loved and respected dearly. A friend observed this untypical grief and suggested that this was a consequence of his lack of belief. Hume responded:

"Though I throw out my speculations to entertain the learned world, yet in other things I do not think so differently from the rest of the world."[44]

For Hume the only honest position was to advocate tolerance for and by religions, without accepting the legitimacy of one over another. The criteria by which Hume assessed religions were purely humanistic. Did the religion enjoinder persecution? Did it promote intolerance? Did those seeking to control and motivate their subjects

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[42] "Letter to Baron Mure from Paris", 22nd June 1764, in Burton, 1967, Vol. II, p. 204.
[43] See Hume, 1967.
[44] Burton, 1967, Vol. I, p. 294.

often use it as a smokescreen for power plays? This is why the Catholic Church, with a history encompassing the Inquisitions, the Crusades and many other instances of cruel attempts to maintain status and influence could be held up as a particularly poor example of religious tolerance.

Hume cared about his friends and went to extraordinary lengths at times to support them. He wrote to a number of friends and acquaintances trying to persuade them to buy copies the work of his friend the blind poet Mr. Blacklock, who on account of his blindness required greater financial security than he then had. He encouraged his own publisher, Andrew Millar, to publish his friend and rival historian Robertson's work. He provided counsel in the form of numerous often lengthy letters commiserating with friends who had lost loved ones such as the Comtesse de Boufflers, and was clearly devoted to the welfare of his infirm sister. His concern for the welfare of others was far from purely general, compared to someone like Rousseau, who loved "the people" but had difficulty forming lasting relationships with actual people.

Hume was, I suggest, a gentle man and a good friend, a lover of people both in the abstract and the flesh. Yet there were other passions that marked his character. The high degree of self-regulation that disciplined his conduct should not be mistaken for a dullness of spirit. Hume loved and hated like anyone else, and had on occasion a notorious temper.

What were his great likes and dislikes? For one thing he shared the trait of his countrymen's prejudice against the English. He was at pains to assure Gilbert Eliot in 1764 from Paris that he was "a citizen of the world" in response to claims that he was anti-British. Through his correspondence it is possible to put together quite a collage of abuse that Hume hurled at the English. The English were "the most stupid and factious barbarians in the world"[45] stricken by "foolish prejudices which all nations and all ages disavow".[46] In particular the Wilkes riots provoked an assessment of the "London mob" as "wicked, abandoned madmen"[47], "barbarians on the banks of the Thames".[48] Commenting on Gibbon's *Decline and Fall of the Roman Empire* he noted that:

> "I should never have expected such an excellent work to have come from the pen of an Englishman. It is lamentable to consider how much that nation has declined in literature during our time."[49]

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[45] Birkbeck Hill, Op. Cit., p. 112-3.
[46] Ibid., p. 143.
[47] "Letter to Adam Smith", 6th February 1770, in Burton, 1967, Vol. II, p. 433.
[48] "Letter to Dr. Blair", 26th April 1764, Ibid.
[49] Burton, 1967, Vol. II, p. 487.

Was Hume simply racist? A clear counterpoint to his contempt for the English was his immense respect for the French. Paris in particular was a haven for Hume's intellectual restlessness, and he enjoyed the mannerisms and effusiveness of the French people.[50] He appears to have indulged his stoic libido somewhat more in the French capital too, although such snippets as are available suggest that whilst not entirely platonic his relationships were primarily characterised by intellectual engagement.[51]

As noted, Hume prided himself on the evenness of his temper. Time and again we find reference to it. However there is evidence in his correspondence of another side to his character which in the midst of the general placidity it is refreshing to encounter. He made an opinionated and vitriolic attack on Dr. Johnson's comparison of Pitt (Lord Chatham) with Cardinal Richelieu, for which he subsequently apologised.[52] He had a famous but temporary falling out with a number of friends, notably Lord Elibank.[53] But perhaps the event with the most significance for the student of the connections between the man and the philosopher is the dramatic breakdown of his relationship with another great thinker of the time, Jean Jacques Rousseau.

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[50] Instances such as when he wrote to Professor Ferguson in 1763, of his hankering after "the plain roughness of the Poker" (The Poker Club, London), being notable by their scarcity (Ibid.).

[51] Of a recent acquaintance: "She seems agreeable, well behaved, judicious, a great reader, speaks as if she had sentiment and was superior to the vulgar train of amusements" in his "Letter to the Comtesse de Bouffleurs", 6th July 1764, Birkbeck Hill, Op. Cit., p. 206.

[52] "Pitt is totally destitute of literature, sense, or the knowledge of any one branch of public business. What other talent, indeed, has he but that of reciting, with tolerable action and great impudence, a long discourse in which there is neither argument, order, instruction, propriety, nor even grammar." (in Braham, 1987, p. 44).

[53] Burton, 1967, Vol. II, p. 256.

Hume had admired the work of Rousseau before meeting him. After they had met in France their relationship blossomed. Little is known of Rousseau's thoughts on Hume. His correspondence was notoriously self-obsessed and selfish. However when he came to England for a period of residence in 1766 it was with Hume that he travelled. After their arrival Hume took great pains to find his companion a place to stay and an income. With remarkable patience Hume persisted even as his efforts were repeatedly knocked back by the habitually suspicious Frenchman. When eventually a suitable place was found in the Peak District, there is an extraordinary tale of Rousseau's reaction and the depth of feeling between the two men. Rousseau accused Hume's friend, Davenport, with whom Rousseau would be staying, of trickery. Hume at length assured him that this was not so. Rousseau allegedly sat in silence for an hour, before leaping up and sitting on Hume's knee, showering him with kisses and tears, which Hume reciprocated. This can be seen in retrospect as the high point in their relationship, before the disintegration that seems to have been endemic to all of Rousseau's personal relationships. Rousseau's paranoia led him to accuse Hume of forging a letter alleged to have been by Walpole. Hume, who at that moment in time was in the process of securing a pension for Rousseau from General Conway, took offence and politely demanded an explanation. Rousseau responded with venom, and returned to France, where he was no more welcome. Even after this, when the heat from the quarrel had died, Hume's correspondence reveals his attempts to engage his French friends to protect Rousseau from the French government.[54]

The argument was not literary or philosophical, but it is a good example of a number of characteristics of Hume that have already been mentioned. Firstly his warmth and generosity to his friends, even in trying circumstances. Secondly the fact that his scepticism did not come from an inherently suspicious and cynical attitude (unlike Rousseau's, which surely did). Thirdly, that professional credibility mattered immensely to this man, because it reflected on his life's works - and nothing was more important to him than that.

Braham and Burton both note one final aspect to Hume's emotional side. This is the curious absence of aesthetic observation in his writings. He expounded a philosophy on taste,[55] yet instances of his contemplation and appreciation of actual works of art are not merely scarce but absent from his correspondence. This man had opportunities in Paris, Edinburgh, London, and from trips the length of the Danube through Europe to observe great works of art. Yet the

[54] Birkbeck Hill, *Letters of David Hume to William Strachan*, 1888.
[55] "Of refinement in the arts", in Hume, 1994, pp. 105-114.

only intellectual stimulation of which we are made aware is literary. What should we make of this in relation to his academic output?

Hume believed in civilisation as a positive force for human progress. His positive nature, manifested in many ways and detailed above, makes him a strange companion for Rousseau. Hume believed that the city was the appropriate environment for a man of letters to develop. His intellect was tempered with a modesty that he afforded others who lacked their own. Yet his passions were strong in life, and beneath the surface of his writings is a profound and relentless desire to refine and develop old assumptions into enlightened truths that might benefit both individuals and society. As Braham puts it:

> "He had a creative intellect joined with a throbbing heart."[56]

Hume was also known for having a playful sense of humour.[57] However this stops when it comes to his academic endeavours, about which he was never anything other than passionately serious. The other side to his personal character that sheds light on Hume's perspective as a thinker is his love of people. As Mackenzie, a lifelong acquaintance, observed:

> "He had *two minds*: one which indulged in the metaphysical scepticism his genius could invent, but which it could not always disentangle; another, simple, natural and playful, which made his conversation delightful to his friends, and even frequently conciliated men whose principles of belief his philosophical doubts, if they had not power to shake, had grieved and offended."[58]

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[56] Braham, 1987, p. 46.

[57] I offer this example of his particular, gentle yet not flaccid, sense of humour: [writing of his brother's engagement] "He went off on Monday morning; and this is the first action of his life wherein he has engaged himself without being able to compute exactly the consequences. But what arithmetic will serve to fix the proportion between good and bad wives, and rate the different classes of each? Sir Isaac Newton himself, who could measure the course of the planets and weigh the earth as in a pair of scales: even he had not algebra enough to reduce that amiable part of our species to a just equation: and they are the only heavenly bodies whose orbits are uncertain." ("Letter to Mrs. Dysart", in Burton, 1967, Vol. I, p. 338).

[58] Burton, 1967, Vol. II, pp. 438-439.

Even on his deathbed "his cheerfulness was still so great, his complaisance and social disposition were so entire, that when any friend was with him he could not help talking more, and with greater exertion, than suited the weakness of his body".[59] We can contrast this with the characters of many great thinkers whose preoccupation with "the people" was not matched by their concern for the people around them. It does not seem far-fetched to speculate that this love, and the sights of chaos and disorder ripping through the lives of real people in war-torn Europe witnessed by Hume, influenced him greatly. It was this first hand knowledge of the consequences of ignorance and prejudice masquerading as knowledge that gave him such zeal in his work as an anti-zealot.

Hume's attitude towards the truth

It can be judged from the above that if there was one thing that one could be certain to rile Hume it would have been to accuse him of being a liar. Yet his personal writings reveal his sensitivity to the impact of the truth in certain circumstances, in contrast to the pomposity of Dr. Johnson's pronouncement:

> "I deny the lawfulness of telling a lie to a sick man for fear of alarming him - you have no business with consequences; you are to tell the truth. Besides, you are not sure what effects your telling him that he is in danger may have. It may bring his distemper to a crisis that may cure him."[60]

Hume wrote:

> "It is certainly wrong to deceive anybody, much more a friend, but yet the difference must still be allowed infinite between deceiving a man for his good and for his injury."[61]

This ambivalence to the truth suggests a pragmatism that allows for the bliss of ignorance. In governmental terms, this opens the door for a highly patrician perspective. The duty of the governor is to rule the governed in their best interests. This, of course, need not be the same thing as their tacit or even - perhaps especially - their explicit consent. The argument depends on the validity of Hume's precursor to Popper's theory of "higher" and "lower" order desires: we can know what we want even as we know it is not what we need.[62]

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[59] "Letter from Adam Smith to William Strahan", in Braham 1987, p. 19.
[60] In Boswell's *Johnson*, IV, p. 306.
[61] In Birkbeck Hill, Op. Cit., p. 202.
[62] Popper, 1966.

Chapter 2

Hume's general philosophy

"When we trace up the human understanding to its first principles, we find it to lead us into such sentiments, as seem to turn into ridicule all our past pains and industry, and to discourage us from future enquiries. Nothing is more enquir'd after by the mind of man, than the causes, ... the original and ultimate principle ... And how must we be disappointed, when we learn, that this connexion, tie, or energy lies merely in ourselves, and is nothing but that determination of the mind, which is acquir'd by custom, and causes us to make a transition from an object to its usual attendant, and from the impression of one lively idea of the other?"

***The Treatise of Human Nature* (Book I Part IV Section VII)**

Hume considered himself a philosophical historian. Hence his arguments needed both historical examples and a coherent theory of human nature.

Yet the characteristics of the man as detailed in Chapter 1 naturally contribute to our understanding of Hume's investigations. Given his innate caution - expressed as scepticism in his work - for declarations of absolute knowledge, how can Hume assert *anything*? In the Treatise he offers an explanation based on a comparison between the law of association in the mental world and the law of gravity in the physical world. Some ideas are attracted to each other. The coherence that they seem to offer creates psychological phenomena, that in turn create perceptions, "bundles" of which constitute our experience. Thus whilst we are some distance removed from the true sources of our experience we can at least make some sort of inductive sense out of them. The way we distinguish between memories and imagination is in the relative strengths of sensation. The claim being made here is that the impact on our perceptions of a mental / physical disturbance is greater than purely internal mental imagery. Strength of custom defines our "knowledge" of the way the world around us works:

> "There is, then, nothing new either discover'd or produc'd in any objects by their constant conjunction, and by the uninterrupted resemblance of their relations of succession and contiguity. But 'tis from this resemblance, that the ideas necessity, of power, and of efficacy, are deriv'd. These ideas, therefore, represent not any thing, that does or can belong to the objects, which are constantly conjoin'd"[63]

Is this satisfactory? Caution should be exercised before we accept that imagination can never compete for validity with "truth once removed". Is there really any difference between perceptions and mental images? Vivid imagination, such as that experienced in dreams and nightmares, is a powerful sensation, and capable of creating all the same key physiological consequences as "reality". This vividness was central to Descartes' deconstruction of our perceptions in his First Meditation.[64] It is fair to assert as Hume does that all mental facts as we know them are derived from impressions upon our senses. But so too do many mental fictions. *Sum res cogitans* – all I know is that at this moment I am thinking *something*, real or not.

[63] Hume, 1978, p. 164.
[64] Descartes, 1955, Vol. I.

Nonetheless this thinking forms the bedrock of Hume's general attitude to belief systems, and their imposition on others. It seems only right to add a proviso that our misguided perceptions do not cease to be perceptions because we later change our minds about them. Although he never explicitly acknowledges this, it can be concluded from the fact that he never asserts a precise origin for perceptions themselves that this proviso would make sense of the general course of his argument, which is that the truth *is* out there, identifiable yet without precision. So we should tread carefully.

The relationship of ideas and impressions: Causality and Belief

All this obviously has an immense bearing upon the way Hume constructs his arguments. His analysis of inductive reasoning as the basis for theories of causality is crucial. Whilst Hume fully appreciates the way in which man achieves harmony with his environment by making connections, such as between fire and heat, he is wary of creating a pretence of unbreakable bonds. We are accustomed to what appears to be fire creating a sensation that we label generically as heat. What Hume observes is that heat sensations are not necessarily identical, and hence neither are fires:

> "There is, then, nothing new either discover'd or produc'd in any objects by their constant conjunction, and by the uninterrupted resemblance of their relations of succession and contiguity. But 'tis from this resemblance, that the ideas of necessity, of power, and of efficacy, are deriv'd. These ideas, therefore, represent not any thing, that does or can belong to the objects, which are constantly conjoin'd."[65]

Custom binds us, makes sense of our world. Some relationships make more of this kind of sense (what Hume would describe as the quality of "liveliness") than others. However, constant association remains a subjective connection:

> "Again, when I consider the influence of this constant conjunction, I perceive, that such a relation can never operate upon the mind, but by means of custom, which determines the imagination to make a transition from the idea of one object to that of its usual attendant, and from the impression of one to a more lively idea of the other."[66]

[65] Hume, 1978, p. 164.
[66] Hume, 1978, p. 170.

Braham suggests that Hume ties himself in knots with this analysis. The ultimate origin or origins of ideas and impressions is never directly addressed. They are simply attributed to "unknown causes", a contradiction of his general argument, which is that causes do not exist.[67] This, surely, is not what Hume meant. As we have seen Hume was no nihilist as a person, and it is wrong to regard any of his work in this light. What a study of his life confirms is that his writing is that of what might be described as a positive agnostic. He wants to believe, but he wants to establish the belief in empirical observation, and to do this credibly requires an honest assessment of the epistemology of our observations. It does indeed seem excessive to deny that causes exist. Objects *have* properties, and objects have *different* properties. Subjects, as the next idea in the chain of events, interact with objects. The real point here is that faith not reason begets belief. We cannot know rationally anything with certainty, and so we should be humble in our assertions over our environment including over other people. We are part of the chain of events, and our own "properties" influence our impressions, as do those of the object that stimulates them.

Hume's theory of causality leads on to his theory of belief. As previously discussed the vividness of the association between ideas through mechanisms such as resemblance and spatial and temporal continuity is what creates belief and distinguishes it from imagination. I have already expressed my doubts about this, but the point remains that belief is sensitive not cognitive - at least not comprehensively and universally cognitive.[68] [69]

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[67] "The phrase is unmeaning on Hume's view of cause." (Braham, 1987, p. 54).

[68] As Braham notes (1987, p. 54-55) this is quite in contrast to the claim of Spinoza that belief is "conviction from reason", and makes one wonder at the ordering of events that allows him to claim that true belief "is the way to true cognition" (in his *Short Treatise*, quoted in Lloyd Morgan, *Emergent Evolution*, p. 293). By Hume's analysis this would seem at best tautologous. Hume would doubtless have argued that true belief and true cognition were one and the same, and furthermore, certainty that one had achieved that enlightenment is in any case unattainable.

[69] Note: These arguments lead on to Hume's discussion of the self and personal identity. Whilst his thoughts on these subjects are important parts of his philosophical contribution, and their *origins* are at the core of his political philosophy, the debate becomes more esoteric than is relevant for the subject matter of this Thesis.

Truth and matters of fact

Hume was one of the pioneers of psychology. The subsequent centuries have however broadened our analysis of human nature. In particular Hume deals little with the phenomena of psychological continuity, the subconscious and the unconscious. To be fair his objective in this as in all his work is to stimulate our own thought as to our mental lives and their interpretation.

Typically he avoids dogmatism over the issue of truth. Braham criticises Hume's unwillingness to accept matters of fact that are not derived from experience:

> "... just as we know, for instance, that 2 + 2 = 4 without the need for any proof, it is possible that we may know directly and immediately, without the need of any basis in experience, some facts which we have never observed."[70]

I disagree with Braham's claim, which is really a refutation of the most basic instinct - intellectual humility - which pervades Hume's work. We can know supposed facts, be familiar with ideas, and know those ideas well. But we cannot "know" a country's population. Such facts are speculation right up to the point of mathematical tautology, which we can only know by working out. As Einstein observed, every clock tells a different time, and they may all be wrong.[71]

It is better to think of truth in degrees. The description of the self as "a bundle of perceptions" has deservedly attracted reservations from many commentators. Psychological atomism seems a rather reductionist assessment of the vast complexities surrounding the subject of human consciousness. The mind is surely more accurately seen as an identity experiencing continual ebbs and flows, patterns and inconsistencies. S. Alexander observes that there is a notable inconsistency in Hume's account when he acknowledges that sometimes our imagination can create ideas without prior experience. His example is that we can imagine an intermediate shade of grey between darker and lighter shades. Yet surely we must at least go through a mental process of picturing the colour in our minds - on the basis of our previous experience of the polar shades of grey - before we can say that we have imagined it! In other words everything in the imagination is the product of a creative process; and that process demands an empirical product. It seems strange that Hume includes this argument which is so clearly at odds with his general position that all ideas are the consequence of impressions, and as such I am inclined to dismiss this argument as anomalous. The important thing is that we understand that the variety of our

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[70] Braham, 1987, p. 68.

[71] "As far as the laws of mathematics refer to reality, they are not certain, and as far as they are certain, they do not refer to reality" (in Capra's *The Tao of Physics*, Ch. 2).

perceptions over time and other contexts deny the likelihood of static identity, or at least our awareness of it. It is the interrelations between them and our basic human instinct to understand that cause us to overlook this and allow us to take our perceptions to take root in us as though they were part of our essential human nature.[72] In general the idea that we can do more than feel right and wrong, but actually *prove* it, would present us with the oxymoron of rational faith. It is the argument of the sophist, the zealot, and the plainly wrong.

Of his own time he considered that most people's characters in relation to society were a varying combination of what he described as "superstition" and "enthusiasm".

The first of these two was the divine rightist, steeped in mysticism and superstition ("weakness, fear, [and] melancholy" leading to "blind and terrified credulity"). This part of humanity allowed certain institutions the privilege of access to God, and hence obedience to them was no more in question than obedience to God. [73]

The second aspect of character, the enthusiast, is a more positive believer in the essential freedom of man. The tendency of this "man"[74] to "hope, pride, presumption, [and] a warm imagination" nominally made him an opponent of religion, but such is the degree of affection of this man for the principles of autonomy and civil rights that in effect his belief was every bit as fervent as that of the more negative superstitious man.[75]

These were the characteristics of the "zealots" in opposition to whom Hume defined his work. The many wars of religion that occurred in post-Reformation Europe were results of these theologies, where denominational and secular (i.e. nationalist) forces combined against others or conflicted amongst themselves.

Our "degrees" of truth are open to question, according to Hume. Logic allows us to assess the validity of relationships between ideas. Empiricism gives us food for thought. Induction affords us some sort of consistency in mental and physical events, suggesting - but not proving - sense and order in our world. This is how Hume approaches the challenges of the external world. Reason and action are unconnected. Moral judgements are the result of perception, and hence impressions and ideas, with regularity of sensation that passes for habit:

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[72] Hume, 1978, Book I, Part IV, Section II.
[73] Hume, 1994, p. 46.
[74] In fact, of course, most people exhibited a combination of both instincts.
[75] Hume, 1994, p. 46-7.

"'Tis this principle [habit], which makes us reason from causes and effects; and 'tis the same principle, which convinces us of the continu'd existence of external objects, when absent from the senses. But tho' these two operations be equally natural and necessary in the human mind yet in some circumstances[76] they are directly contrary, nor is it possible for us to reason justly and regularly from causes and effects, and at the same time believe the continu'd existence of matter. How then shall we adjust those principles together? Which of them shall we prefer?"[77]

Do we only affiliate by instinct? We do not prove matters of fact with reason though it can offer explanations of relationships of ideas without as such being an idea itself. Certainly morality is practical, but logic can and does fill the gap between the passions excited in the first instance by a vivid idea and leads, further down the order of "intermediate" ideas to action itself. The power of Marxist-Leninism is twofold, in its appeal to the basic passion of unity ("Workers of the world unite! You have nothing to lose but your chains!" etc) and to the rather more theoretical and contentious issue of the logical progression between didactic materialism and the inevitable historical forces that it unleashes. Hume suggests that emotion, will and action are unaffected by reason:

"Morals excite passions and produce or prevent actions. Reason of itself is utterly impotent in this particular. The rules of morality, then, are not conclusions of our reason."[78]

Must we agree that there is no relationship? They are not the same things, which is the point at the heart of Hume's argument here on the basis of what we know of the nature of the man and his circumstances. Hume's problem, I suggest, is in his passionate involvement in the great debates of his time. As a man intellectually opposed to the tyrannies both of religion, particularly denominate religion (see his *History of England*) and of the "new" science of reason, he was loathe to endorse either way as a means to righteous living. Both assume the sort of superior, "revealed" knowledge that started with tyranny of the mind and tended to end with tyranny of a more physical sort, e.g. the worst excesses of the Inquisitions. This discomfort translates into a position that is very strange and difficult to reconcile. It seems to take a one-level view of human desire and action. In this philosophy there is no connection that bridges the gap between, for example, the desire to smoke motivated by the passion of basic pleasure, and the desire in the same person at the same time not to smoke for reasons of health. There is clearly a connection between the polarised passions of the person (1) for his pleasure and (2) for his health. This argument is the basis for Popper's

[76] "solidity necessarily supposes two bodies, along with contiguity and impulse; which being a compound object, can never be represented by a simple impression ... tho' solidity continues always invariably the same, the impressions of touch change every moment upon us; which is a clear proof that the latter are not representation of the former" (Hume, 1978, p. 231).
[77] Hume, 1978, p. 266.
[78] Hume, 1978, p. 457.

categorisation of higher and lower order desires, and seems to be one that Hume chooses not to address. Not everything man does is derived wholly from his basic instinct, and we do not have to endorse a theory of religious or logical epiphany to conclude this. Reason and emotion interact to determine action.

So when Hume writes that "vice escapes you if you only consider the object" Braham claims that he is suggesting that there is no matter of moral fact in a murder except certain passions, motives, volitions and thoughts.[79] This is the tangle in which Hume finds himself, but I suggest that it is not indicative of his true position on the matter. The real point is made in his *Treatise* when he observes that "'Tis one thing to know virtue: another thing to conform the will to it".[80] Pure reason is no guide to anything by itself. It is a shame that Hume does not equally recognise that pure emotion is not the only alternative. If the notion of free will[81] - one that from his life and works we know was absolutely vital to Hume's philosophy - is to mean anything, pure (i.e. base) feeling must be recognised as being just as guilty of enslavement as pure reason.

In the course of these arguments we uncover ambiguities in Hume's philosophy. Popular sympathies are pleasure related, as mentioned above. These like any other sympathy may vary over time and circumstance, yet our morality remains constant, for "we fix on some steady and general points of view, and always in our thoughts place ourselves in them, whatever may be our present situation".[82] There are two problems here. Firstly, these "steady and general points of view" seem hard to swallow in the context of the sceptical relativism of Hume's general theory. Secondly, the altruism that we use to make our judgements (sic.) also offers us detachment from others, to stand in observation of signs of their "durable principle of the mind" informing their benevolence or otherwise. This durability seems to hang less easily than Hume might have liked with the notion of mental states as transient "bundles of perceptions".

Nonetheless a just act "pleases after a particular manner", and is categorised by being intrinsic to a person, performed altruistically and giving pride to its performer.[83] This forms the beginning of Hume's theory of justice. The interest of the community is not always the same as that of the individual. Yet right-thinking individuals exhibit sympathy for those acts that promote harmony over the general uneasiness of insecurity. In a communal sense right

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[79] Braham, 1987, p. 72.
[80] Hume, 1978, p. 465.
[81] In the sense not so much of man's capacity to take autonomous decisions as his ability to overcome his propensity to abdicate from responsibility.
[82] Hume, 1978, p. 603.
[83] Hume, 1978, p. 547.

and wrong are discussed with regard to a *public interest*. This interest, however, remains an instinct. In its absence there is no public, and hence no public interest. Political artifices can strengthen (or weaken) this bond, but they cannot produce it. The desire for community preceded the existence of state, and any government that lacks this backing is doomed to failure in the normal course of the ebbs and flows of power over time. Some instincts run much deeper and stronger than custom. This is Hume the populist speaking. Popular sympathies are the symptom of natural justice, and the cause of institutional justice (or for that matter, injustice).

Chapter 3

The impact of Hume's general philosophy on his politics

"the science of politics affords few rules, which will not admit of some exception, and which may not sometimes be controlled by fortune and accident"

"Of the original contract"

The political philosophy of David Hume is often overshadowed by his far greater output of theoretical work. However there was a strong, if not vital, aspect to his work that was practical. Haakonssen has observed that Hume "meant his political writings to be also political acts, shaping the opinions or beliefs that in turn shaped politics and society".[84] This is clearly the case, as one can observe from his correspondence the disappointment at the lack of impact of the first publication of most of his works. But as can be seen in Chapter 1 Hume does not necessarily want to answer all the questions but rather to raise the *right* questions. As such his work is suggestive rather than didactic. As also suggested in Chapter 1, morality and aesthetics might not in Hume have much to distinguish themselves at a purely theoretical level. All theories that are not purely mathematical demand assumptions at their core that are, to put it another way, leaps of faith. Hence there is no such thing as completely rational belief, so both lack certainty of knowledge (Hume could be ascerbic on the subject of the appropriateness of partisanship of political philosophers).[85]

However, at the socio-political level Hume clearly has something to say, and is unwilling to let his scepticism drift through relativism into solipsism. The question for Hume becomes - which emotions should we "believe" (i.e. treat as true) and why? In general man lives and dies in societies into which he is born, and which are ruled by some system of government. The state is sustained by the belief in peoples' interests being served by that government's continued existence. Since popular opinion on the right of a government to exercise authority is fundamental to any durable system of government, it was Hume's opinion that the science of politics should be a study in the ebbs and flows of this opinion.[86]

Whereof can we speak, then, in Hume's terms? There is clearly some underlying belief here, as always related to the issues of the time and following from Hume's general theories on human nature (see Chapter 2). Hume's theory of just government is rooted in his general thoughts on morality. There are two types of moral duties.

The first are the "humane instincts", or "those to which men are impelled by a natural instinct ... independent of all ideas of obligation, and of all views either to private or public utility".[87] Actions such as love for one's child, gratitude to our benefactors, sympathy for those less fortunate than ourselves, are, in Hume's view, pursued selflessly, and are not concerned with the greater picture of social convention or

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[84] Haakonssen, K., 1993, p. 183.

[85] " ... philosophers, who have embraced a party (if that be not a contradiction in terms) ..." (Hume 1994, p. 188).

[86] Hume, 1994, pp. 16-18.

[87] In Barker, 1970, pp. 159-60.

self-aggrandisement.[88] This is the motive of the good, or "noble" in Hobbes' terms, man.

The second type are more pragmatic. The common moral framework or "social fabric" that sustains a civil society must be supported by at least its most powerful members. It is essential for justice in Hume's philosophy that their "original inclination ... or instinct, is here checked and restrained by a subsequent judgement or observation". Hence the behaviour brought about by these morals is "performed entirely from a sense of obligation, when we consider the necessities of human society, and the impossibility of supporting it, if these duties were neglected".[89] In short, these are the actions of the good citizen.

Superstitious men endorsing the divine right to rule of those who by and large already were, are one side of the coin. Enthusiasts rejecting all authority but that of fully autonomous individuals are the other. Both display ignorance of the real reasons for society and government. As a consequence of this Hume was particularly concerned with the true "nature" of justice and its relationship with political obligation. This attitude was enough to have him branded an atheist in some quarters, but this does not properly describe Hume's core philosophy, which was:

> " ... to look upon all the vast apparatus of our government, as having ultimately no other purpose or object but the distribution of justice"[90]

Hume's politics concern justice. A proper examination of Hume's political work must start with his perception of the relationship between morality and justice, particularly in matters of religion, and move on to what he considers to be an appropriate means and method for the practical "distribution" of this notion of justice. This latter task requires an extraction of his underlying morality in relation to the "public interest".

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[88] Such sentiments have been explored through detailed empirical examination of what has become known as the "selfish gene" (see Ridley, 1996).
[89] In Barker, 1970, p. 159.
[90] Hume, 1994, p. 20.

Morality

Hume claims the humanist position - man makes his own rules and lives by the consequences.

In Hume's intellectual present there was a strong Platonic-Aristotelian tradition of viewing social and political phenomena, such as contracts and magistrates, as versions of perfect "Forms" which were in nature before their "discovery" by human society. So specific instances of actions or arrangements that man calls "contract", "property" or "government" are approximations, measured by their closeness to an external and absolute measure. This measure, or Form, is identifiable only through philosophical reflection. Hence good kings have to have good philosophy to pursue a just course. Since kings are not necessarily by nature philosophers, this necessitates the presence of "advisers" to "guide" them on the "just" course of action. Such arguments create the need for institutionalised spiritual advisers. By doing so they create the philosophical basis to the controversies of Hume's life. This was the philosophy underpinning absolutist privilege inherent in eighteenth century Toryism, High Church Anglicanism, absolutism in general, and most specifically for Hume Catholicism and divine rightism.

The post-Reformation Enlightenment period brought a crucial challenge to this set of beliefs. The Protestant naturalist theorists, including Grotius, Hobbes and Locke, challenged the notion that there was an external set of definitions which should be regarded generically as The Truth. Meanings are uses, imposed upon a basically amoral world in which mankind finds itself. For these thinkers, God created man with the *capacity* to be something unique. In this sense "humanity" is an achievement of socialisation not an inevitable consequence of birth.[91]

Hume, too, fights for the cause of human exceptionalism. Goodness is a factor of people:

> "Inanimate objects may bear to each other all the same relations which we observe in moral agents - a young tree which overtops and destroys its parents stands in all the same relations with Nero when he murdered Agrippina; and if morality consisted merely of relations would no doubt be equally criminal."[92]

[91] This was a theme later taken up by Wittgenstein, who supplemented his famous "Whereof we do not know, thereof we must be silent" by observing that in semantics we should look for the use of the word in question to derive its meaning, and not the other way around (see Pitkin, 1972, Ch. 1).
[92] Hume, 1751, p. 293.

Braham observes that:

> "The inference that Hume draws from this is that moral quality does not belong to the action at all, but to the state of mind which the circumstances produce in the observer."[93]

Those thinkers who espoused natural law were in effect still operating within the absolutist paradigm. "Nature" or "man" had simply replaced "God". Prescriptions for social institutions ranging from marriage to civil government were espoused as the *correct* form for social interaction. There was a further development, particularly noted in the works of Grotius and Hobbes, towards the idea that empirical assessment of contractual relationships between men in society is more important than some fundamental prescription over the nature of those contracts. The creation of rights and duties was a mechanism for peace and prosperity, and natural rights theorists considered this to have the principal bearing upon the actions of law-makers and their subjects. As we shall see, this was to have considerable influence on the political philosophy of David Hume.

Unfortunately these revolutionary ideas tended to create revolution on the ground also. The "legitimisation" of the continual construction and reconstruction of moral and political rights and duties had created a climate of extreme factionalism in Europe, and exemplified by the strife of seventeenth century Britain. So fundamental were these instincts of enthusiasm and superstition to human nature that as far as Hume was concerned this battle was not over by the eighteenth century either.[94] This exemplifies of the way Hume, as any writer, writes with a perspective that is influenced by contemporary controversies.[95] In this context we may find at times the real value in his writings is slightly obscured by its contemporary focus, a problem further compounded by his use of irony. Again this is why a proper understanding of more than the texts is so important in understanding a man who, ironically, wanted posterity only to judge him on those texts.[96]

Can we say that the action of the aforementioned "murderous" tree, "conscious" or otherwise, was a "good thing"? Hobbes and Spinoza both argued that what was meant by "good" was really a subjective label for certain objects of desire. A pleasure-pain analysis of just

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[93] Braham, 1987, p. 76.

[94] As mentioned in Chapter 1, Hume frequently condemned those rioters in favour of the return to the House of Commons of John Wilkes. His remarks on the English and "the London mob" in particular are best interpreted as an expression not of racism but of his concern that unfettered liberty enabled the possibility of a degeneration into factional "barbarism" (and hence some sort of fettering and culture of restraint would be a good thing) (see Hume, 1983, pp. 209-11, 212-13, 216, and 1954, pp. 196, 199).

[95] In particular his key rivals here were Clarke, Shaftesbury, Butler, and Hutcheson, and are perhaps more significant than Locke in appreciating the underlying passion of Hume's work.

[96] In his "My Own Life" he adjudges literary fame to his "ruling passion" (in Braham, 1987, p. 14).

behaviour has certain obvious flaws. "If it feels good, do it" does not seem like a sophisticated approach to the world around us.

Of course, all human behaviour can be explained in terms of the perceived cost-benefits of possible actions. The diversity of responses to these calculations reflects the diversity of mankind, and is what makes general theories of human morality at a private or public level so contentious, as it does any theory of human behaviour such as psychology, sociology or economics. Consciousness – a notoriously sticky subject in itself – cannot provide the key. If Nero and Caligula were as mad as is commonly supposed had they any more control over their actions than the sapling? What of the lion that kills its rival's cubs? Consciousness of instinct is nowhere near the same thing as freedom of will. Is sane human consciousness different from all other consciousness (i.e. do we have a soul?)? We would like to think so, but the onus is on us to prove it, or else assume a greater level of humility regarding our supposed superiority over other creatures. Morality, like freedom, is ultimately a state of mind rather than of action. Which is not to say that the thought counts for everything if it is not carried through to its practical conclusion.

Hume furiously attacks the idea that man should do things that feel wrong but are in accordance with the *dicta* of a higher authority, be it secular or religious. What Hume argues is not for full-on moral relativism, which would in fact make a mockery of the notion of a cohesive idea of morality in the same way as Thrasymachus would have of that of justice. He is arguing for the souls of the people as individuals, their right and duty to seek their own peace within themselves as to their own actions. He is arguing for right-thinking to come from within. Whilst he is arguing for free will he is doing so with a clear belief that there is such a thing as common sense. When enough people are possessed and aware of it to let it guide their judgement, their opinions and actions - steeped in pragmatism - are what will form the bedrock of what Hume would consider to be a functional society.

If justice *is* a cost-benefit analysis of pleasure and pain, we must recognise that the spirit in which Hume writes is one in which he is thinking of particular kinds of pleasures and pains.

And so we chase our tail; for this qualification effectively leads us back to where we started except in terms of what Hume himself does and does not stand for. What then does Hume mean by just pleasures and just pains? What is common sense?

Common Sense

Is common sense really some sort of Progressive Scepticism?

> "Why should I assent to my own reasonings? I can give no other reason why I should assent to it, and feel nothing but a strong propensity to consider objects strongly on that view."[97]

Hume's scepticism is fundamental to every intellectual utterance he made. His concept of common sense as a guide to moral behaviour and public policy are no exceptions. The attitude is not one of denial *per se*. All men want to believe. Without belief we have nothing to bind us to our world, no sense or sanity beyond sensations the significance of which we do not know. Truth is not rational, it is emotional. And emotion is not prescriptive, it is personal. So it is up to each person to determine his or her own morality. This for Hume was according to a bilateral analysis of virtue and vice. Morality that was entirely *natural*, such as the protective instinct of the mother leading to benefactory behaviour to her child, is an example of where instinct, here genetic preservation, is the natural and "right" course of action. These instincts and the actions that they provoke "have no dependance on the artifice and contrivance of men".[98] These natural or social virtues (that is to say, beneficial to society rather than created by it) provide the basis to close relationship-forming (and otherwise) between human beings. There is another kind of morality that is easily and often confused with the former kind but vitally distinct, and at least as important to peace and security. This is the morality of convention, known by Hume as the *artificial* virtues.[99]

These values, often applied to the same actions, have a different application. Rather than a simple relationship between subject and object, actions of this type have a broader significance. In this sense, the payment of a debt is not an instinctive consequence of gratitude for a good or service rendered, but the recognition of the consequences of a *culture* of non-payment, e.g. debt enforcement by "other means".[100] As such reciprocity may not be an instinct for all men but it is the key to peaceful coexistence in a civil society. Hume offers an example to make clear the distinction. Whilst we might see little sense in isolation in a poorer person giving money to a richer person, we realise that all is well and good if this is in exchange for the performance of some sort of contract, such as the repayment of a loan.[101]

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[97] Hume, 1964, Vol. I, p. 559.
[98] Hume, 1978, p. 574.
[99] Hume, 1978, p. 578.
[100] The sort of culture that we see as a result of weak and corrupt government in contemporary Russia.
[101] Hume, 1978, pp. 480-1.

As already mentioned there is no necessary contradiction between this separation of the natural and the artificial and the hope that morality can be shared. "Thou shalt not steal", for example, has aspects of its practise that are rooted in both the natural and artificial camps. In fact this is an ideal scenario, since it matches virtuous instinct with pragmatic expediency. Hume's position is that it cannot be considered certain, and therefore any claim to just action must carry with it a degree of humility and consent.

Cynicism is broadly absent from Hume's life and works. What Hume is about is agnosticism, accompanied by fundamentally constructive inclinations. As such he has been described as the first of the "post-Sceptics".[102] As already mentioned man, according to Hume, cannot genuinely appeal to inherent values or divine inspiration. Hitherto, as Haakonssen observes, "Only Hobbes had isolated humanity metaphysically and religiously as completely as Hume".[103]

Hume and Hobbes fall some way apart on a number of other matters, particularly their teleology. Hume was more optimistic about man's character and ability to interact socially than Hobbes was, but there was more that set them apart. Hume distrusted the arrogance of the rationalist movement. This was a cause of his arguments that reason was never a true motivating factor in the actions of men. This has already been discussed. Reason cannot defend reason. However: most of his more didactic work only makes sense if one accepts that in truth he had some regard for reason in its place; the reason for belief is experience, and reason, without applying value in itself, is the thread by which experiences hang together in our consciousness.[104] In itself we cannot be certain of the exact significance of experience but we can only proceed to make pragmatic judgements on the basis of preceding events. Despite his caution regarding the validity of inductive reasoning Hume would undoubtedly have agreed with the axiom that history repeats itself. His historical and political writings - not to mention the numerous accounts of his ready wit - suggest that he might well have added that this was because not enough people listened the first time.

Hume *was* a progressive, and his scepticism was a force for scientific, metaphysical and political truth. Doubt in this sense is mental virility, since intellectual activity seeks debate not dogma.[105] True scepticism must logically doubt even itself, and Hume does not rule out the idea of "perfection to the sciences". He merely observes rather galactically that two thousand years is not very long to have

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[102] Norton *et al.*, 1993, p. 1.
[103] Haakonssen, 1993, p. 186.
[104] As discussed in Chapter 1.
[105] What Kant later described as "Critique" (see Kant 1974, 1965).

conducted one's experiments.[106] This can only sit well retrospectively in comparison to the theorists of everything who were so prevalent at the time of the Enlightenment. Yet he was not in favour of abandoning the project. His scepticism is far from nihilistic, and takes a distinct approach to that of Cartesian deconstruction. He does not seek to build from nothing to arrive at conclusions beyond dispute. Hume, it is clear from his attitude to life, loved dispute - though usually in the gentlest of ways. He values greatly in his political works the stabilising power of convention, but his thoughts are based around probabilities rather than certainties.

Hume's brand of scepticism places considerable emphasis on the weaknesses and strengths of sensationalism. In Hume's political philosophy man has the capacity for improvement and progress. The conditions for this progress, rather than the nature of the progress itself, are what concern him most. It affronts his principles to dictate lifestyles; his concern, in the light of recent historical circumstances, was that there should in general be as little such dictation as possible. Reason proves little, though it provokes much.[107] Common imagination and shared emotions are what bind us and yet, paradoxically and qualified by the right set of circumstances, support us on the road to justice.

[106] Hume, 1978, pp. 187 and 273. We can make what we will about this dismissal of any useful scientific advances by the Ancient Greeks, Romans or anyone else until a couple of centuries BC. The point, I think, still stands.

[107] Hume was keener to stress the former than the latter, as noted: "As all reasoning concerning matters of fact arises only from custom – and custom can only be the effect of repeated perceptions – the extending of custom and reasoning beyond the perceptions can never be the direct and natural effect of the constant repetitions and connections, and must arise through the co-operation of some other principles." (Hume, 1978, p. 198).

Authority

Why do men obey the law? Why do they disobey it?

Hume dismisses the claim that an original and binding Contract of Government exists. Based on empirical facts there was little to support the idea that such things could exist, let alone whether they should.[108] However Hume does consider, in a vague form, that certain basic criteria might allow a citizen to judge for himself the degree of legitimacy in the state's actions. For Hume, these criteria are "justice and protection".[109] On the subject of protection from what or whom, for what or whom, by what particular means, Hume is less forthcoming. As it transpires, however, protection in Hume's terms is really just a part of just government. Since protection, as part of just government, plays an integral role to the Social Contract of Thomas Hobbes' "Mortall God" and its subjects it is interesting to hear what Hobbes has to say on the matter. In De Cive Hobbes makes it clear that in regard to the potentially fatal weakness in claiming the sovereign jurisdiction of the state over an individual who makes his own mind up over the exact parameters of that jurisdiction:

> " ... if any man pretend somewhat to tend necessarily to his preservation, which yet he himself doth not confidently believe so, he may offend against the laws of nature"[110]

It is clear that Hume took a similar line of argument. If one wishes to properly discuss the rights and wrongs of a course of action one cannot do so from a position of moral duplicity.[111]

Hume dealt with what justice is *not* - the cynical advancement of the strong and/or devious - but some of what he has to say about what it *is* creates problems. Unlike Aristotle, as already stated, Hume rejected the idea that conventions of the civil society had pre-conditional meanings. The virtue and vice of justice and injustice and their associated "actions" of property and contract are equally artificial.[112] By doing so Hume has also rejected the "traditional" contractarian reliance on explaining the existence of these

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[108] This was on the basis of a history which at that time did not include the US Constitution, although it is a moot point to suggest that a document at once so noble and yet so vague really fulfills the characteristics of a full-blooded Social Contract as perceived by Hobbes or Rousseau.
[109] In Barker, 1970, p. 150.
[110] In Tuck, 1984, p. 104.
[111] Hobbes appealed to the "noble" and "base" sides to a citizen's personality. It is the former which feel bonds of love with his fellow men; the latter makes do with calculating the cost-benefit (authority-freedom) trade-off and, hopefully, concludes that it is in his interest to structure society in a way which promotes general welfare.
[112] Hume, p. 1978, pp. 483-4.

institutions as the expression of "the will of the people".[113] Where then do such notions as property and contract come from?

In Book III Part II Section II of the *Treatise*, Hume offers his explanation.[114] We live in families by instinct. However the functional family unit creates a mini-society. Again, property is at the heart of these relationships. This toy is mine, this car is yours, and the notions of trust and reciprocity ("doing one's share" etc). Historically man has sought the benefits of exchange with other men, and in such a spirit were the first communities created.[115] The imitation of such family relationships with those around us who are outside the family, and the desire to make a functional community with the resultant benefits to needs-satisfaction, creates the notion of friendship (and of course, where unsuccessful, that of enmity). Harking back to the idea that imagination creates belief through empirical association, the *artificial* institutions of trust and reciprocity are established.[116]

As the society grows and confronts competing claims for finite resources, the greater the challenge on these artifices becomes. Empirically, not all societies can withstand this challenge, and either break down completely or stop growing. Those that meet the challenge, says Hume, do so if two conditions are fulfilled. Firstly, its practitioners must consider the practice in question in general terms rather than as an isolated act of goodness in its own right. The practice must be *understood* to be artificial. Secondly, the practitioner should consider this an act that is as binding upon him as it is upon his fellows. No man wishes to be "the cully of his integrity".[117] The combined effect of these criteria is that social practices come to be seen not as an observation of what people do, but a qualitative term: they are rules on what is right and wrong (*natural*), and what should be done (*artificial*).

Hume brought a fresh approach to an old problem for moral philosophers - the relationship between goodness and obligation. The Lutheran divine rightist would claim that man had been essentially lost since the Fall and moral knowledge was beyond him. The only course of action for man in the absence of his free will was obedience to God's representatives on earth, a feudal hierarchy ending in God Himself. Calvinists operated at the other extreme, claiming that each individual man directly reflected the will of God. In either instance,

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[113] Such as Rousseau's "General Will" (Rousseau, 1968).
[114] Hume, 1978, pp. 484-501.
[115] Confirmed by contemporary historians of such societies (see Wood 1992).
[116] Hume, 1994, pp. 484-501.
[117] Hume, 1978, p. 535. Cf. also Rousseau, 1968, Bk. I, Ch. VIII: "The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct and giving his actions the morality they previously lacked".

there was little free, human will involved, and as such both were rejected by Hume as so much rationalisation of existing power structures and / or hocus pocus.

There were thinkers who offered a more humanistic approach to the problem before Hume.[118] Most still wished to find a role for God in morality, however.[119] This generally led to the idea that God had given man the partial ability to know good from bad, and teleologically to know that when natural inclination faltered God's will as written in the scriptures would determine the correct course of action, to which the good man was *obliged* even if in a particular instance he was not *inclined*.[120]

Hume applied a fairly similar analysis. The point of such things as honouring contracts and respecting the property of others is in the resultant society that they create, that is to say, their utility. Collaboration requires trust, and many things cannot be done without collaboration. Thus the general principles of reciprocity in these matters create specific instances of achievement, which in turn can give the impression that there is some grand design above the world of man at work.[121] In this way, actions perceived to be in the public good are popular, and property and contract "come to be accepted as moral rules", or rights.[122] This acceptance leads people to mistakenly consider them as natural, and this becomes a powerful motivator for people's obedience to the law (i.e. as natural duties).

Moving once again from the general to the specific, there can be applications of the rules of property that we call justice that do not provide satisfactory outcomes for all or even any of the parties concerned. As already stated the argument of Hutcheson *et al.* is that at this point it is awareness of God's will within us that guides us. Hume accepts that an internalised will is important here, but being the staunch humanist that he is he argues instead for the presence of

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[118] Notably Clarke, Hutcheson and Shaftesbury in Hume's time.

[119] Subsequently, too. Kant, whose *First Critique* had developed from Kant's own studies of Hume's work, paid homage to his Protestantism by claiming that faith can rest within the boundaries of knowledge. Nonetheless, in reality Kant had presented a case for the impossibility of knowing God that was in no substantial way different from that around which Hume's agnosticism had developed.

[120] This "Christian Utilitarianism" was highly popular during the eighteenth century, particularly that of Hutcheson, who argued that when moral institutions are part of God's design for humanity, and that when they work properly the welfare of the greatest number in society is guaranteed (see Haakonssen, 1990, and 1993b, pp. 61-85).

[121] The issue over whether Hume accepted the Design Argument is still hotly debated, and in truth Hume contradicted himself on the subject on more than one occasion. Notably this includes the contents of the first and last paragraphs of *The Natural History of Religion*, respectively in part: "The whole frame of nature bespeaks an intelligent author; and no rational enquirer can, after serious reflection, suspend his belief a moment with regard to the primary principles of genuine Theism and Religion." and "The whole is a riddle, an aenigma, an inexplicable mystery. Doubt, uncertainty, suspense of judgement appear the only result of our most accurate scrutiny, concerning this subject." (Hume, 1967, pp. 31 and 98).

[122] Haakonssen, 1993, p. 191.

a mechanism that allows us to understand social morals without depending on an epiphany. This mechanism is the treatment of justice as though it were an instinctive act of goodness, such that those who do not follow it are subject to disapproval of themselves *by* themselves (unless they enjoy wrong) and *by* their peers. Thus it is through a sense of *guilt* that people derive obligation to pursue the perceived just course of action. We disapprove of deficiencies in our morality in ourselves and in others. Our moral obligation therefore is either natural (like benevolence, perhaps) or social (respect for property, for example), and the emotions that affect man's motivation in these matters are easily confused but distinct parts of his character.

Obedience

How does the sovereign harness the natural recalcitrance of some men to the inclination towards allegiance and gallantry of others?

Justice underscores the civil society. It is the *perception* of influential members of society that underscores the effectiveness of the rules that exemplify justice. The fact that most people favour the general opinion that some rules that bind society is held to be evidenced by man's tendency to create such societies. Equally supported by empirical evidence is the fact that these rules are, when it comes to the specific application of the principle of justice i.e. law-making, subject to the inconsistencies and selfishness that is also an essential part of human nature. From this need to make and enforce these rules, then, comes the institution of government.[123] In Hume's terms, we must ask on what basis the government, being essentially a servant of the people in a functional civil society, can claim (and where necessary, enforce) the allegiance of the members of the society?

Hume answers this question with the same methodology used to analyse the rules of justice. He examines the main contemporary theories, identifies their weaknesses, and proposes an explanation that is rooted in his humanistic dependence on empirical evidence.

Hume lamented the way in monarchical societies the frequent absence of undisputed successors to "the line of princes" produces "the violence, and wars, and bloodshed, occasioned by every new settlement". He did not (although he could have done) use this as an argument in favour of governmental structures with a greater democratic input. However what he does say becomes crucial to our understanding of his concept of justice:

> "In reality, there is not a more terrible event than a total dissolution of government, which gives liberty to the multitude ... Every wise man then wishes to see, at the head of a powerful and obedient army, a general who may speedily seize the prize, and give to the people a master which they are so unfit to choose for themselves"[124]

[123] Hume, 1978, p. 543.
[124] In Barker, 1970, p. 159.

Hume was no democrat. He shared the Platonic fear of the rule of the mob. The time of strife during the various conflicts collectively termed the "English Civil War" was not distant for an avid historian such as Hume, having riven the Kingdom 61 years before his birth in 1711.[125] Tensions in the American colony were high, and in the year of his death (1776) the War of Independence broke out. Similarly, although the French Revolution did not occur until 13 years after his death, the pressures and instability in that society were tangible even during his lifetime.[126] These experiences (see also Chapter 1) left him with a profoundly humanist belief: that social justice and social stability are the same thing.

[125] Davies, 1996, pp. 549-53.
[126] Schama, 1989, Part 1.

Stability

What does Hume mean by stability in government?

In Hume's thought there are really two aspects to this concept. The first is measured in terms of what the state does and the second in terms of who and what actually constitutes the state.

The practice of government is stable if there is rule of law. Where rules exist, they must exist for all and where necessary must be enforced as such. As already mentioned this is vital for the citizens' trust in the state, which ultimately sustains it. As a consequence a government must carefully consider what is and is not an appropriate area for legislation. Laws that are not to be treated as laws should be unmade since they affect the credibility of the whole system. Again, the two basic institutions of justice-social stability are the integrity of contract and property, and the ability of the government to guarantee these conditions determine the security of the allegiance of those upon whom it relies.[127]

These arguments would probably have led Hume to question the wisdom of the Marxist mantra that each should produce according to his ability and receive according to his needs.[128] The principle may indeed be a fine one, but as a plank of government policy it would become highly specific to the individuals concerned, and would create a chaotic allocation of resources throughout society that would, to say the least, be unlikely to create conditions of peace and harmony. Similarly, the argument of the Levellers in favour of an equalisation of property might seem fair, in principle, but given that it would create a culture of revolutionary give and take that was a recipe for rebellion and disintegration of the civil society.[129]

From this we can interpret Hume's justice and not simply a matter of procedure, but of consequence. As Haakonssen rightly observes:

> "The object of just laws is thus individual liberty and, since the most obvious and most endangered expression of such liberty is the acquisition and use of property, justice is centrally concerned with property, and, it follows, with contracts."[130]

Why are property rights so important? Does Hume think that there is anything more to justice than property?

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[127] Hume, 1994, pp. 16-19.
[128] Marx & Lenin, 1960.
[129] *Viz.* the French Revolution. It is possible to read such sentiments and consider Hume to be little more than a defender of the status quo, but this again misses the point that Hume was first and foremost an advocate of incremental change rather than social upheaval. Actually his statements were something of a challenge to many religious authorities' claims to rightful ownership of the land as God's representatives on earth (see Hume, 1751, 3.2, pp. 193-4).
[130] Haakonssen, 1993a, p. 198.

The answer lies in Hume's actual definition of property, which is divided into "three species of goods". These are the "internal satisfaction of the mind, the external advantages of the body, and the enjoyment of such possessions as we have acquir'd by our industry and good fortune". It is questionable to imply as Hume seems to that there is no such thing as a tyranny of the mind - let alone the body.[131] However it is quite clear that for the purposes of detailed law-making that will govern and hopefully stabilise society into something approaching civility, it is only this last category of property that is subject to the ordinary social pressures of supply and demand. The *Enquiry Concerning the Principles of Morals* makes clear that justice is an artifice for the protection of all three species of goods.[132] In practical terms the easiest one to affect directly is the last, and this is why Hume's writing sometimes seems to suggest that that this is the *only* type that matters.

Reciprocity and humility define "common sense", and like Aristotle, create the possibility of relationships *beyond* the immediate and intimate (e.g. the family). Civil society, of which the state is for Hume the driving force,[133] is a means to achieving social harmony, which is stability, which equates to justice. Beyond this he inclined towards Montaigne's famous rhetorical question, "what truth is that, which these mountains bound, and is a lie in the world beyond them?".[134]

Is Hume right about Justice?

The "average" man does seek certainty, the ability to plan. We fight speculation and uncertainty; we want to know the likely consequences of the range of actions within our reach. It is no surprise that the single greatest benefit of a single European currency is not a reduction in transactions costs through an end to currency conversions but a reduction in speculation costs through the increased certainty of currency stability in the future. Contemporary events in post-Soviet Russia have caused nostalgia amongst the population even for the "bad old days" of Communism. Greater certainty allows people to concentrate time and resources away from the essentially negative pursuits of exploitation and defence. As Parris puts it:

> "Too much political philosophy concerns democracy, too little concerns certainty. Certainty under law, certainty of return, certainty of contract has been much

[131] "The last only are both expos'd to the violence of others, and may be transferr'd without suffering or loss or alteration" (Hume, 1978, pp. 487-8).
[132] Hume, 1751, 3.2, pp. 193-4.
[133] And certainly was in his time, alongside the Church.
[134] In Tuck, 1984, p. 97.

underrated in the study of development economic and politics ... Allow people to plan their own betterment and they will. Official caprice is the greatest oppression. Which is to be preferred: certainty or justice? It must be certainty, for uncertainty is the greatest injustice of all"[135]

D. Gauthier believes that such conditions can avoid the classic Prisoners' Dilemma problems in favour of the mutually beneficial arrangement of collective action. He introduces the concept of the rationally "constrained maximiser" who accepts certain limits on the maximisation of his perceived interests on the assumption that others will do the same. Hence the conclusion is that constitutional government is the most efficient way, potentially, to organise society according to Hobbes' bottom line, "base" terms.[136]

These terms of mutual reasonability, good faith and interest are not an alternative to a Contract of Government in a civil society but the very stuff of it and hence Hume is a Contractarian, of a sort.

[135] Parris, 1995.
[136] Gauthier, 1986, Chapter 6.

Fidelity

Trust is crucial. Fidelity is an important part of justice, in social terms. Bond-keeping, and where necessary enforcing, is a vital role of the state in civil society. Hume is unambivalent on this matter: "society could not otherwise exist".[137]

Government is not necessary to this equation. In the *Treatise* Hume quotes the example of Native American tribes operating domestically without recourse to government except in dealings with outsiders. In support of the naturalistic interpretation of Hume's work one might suggest that in the animal kingdom, "government" is rare yet society is common. In the jungle, the strong survive for as long as they are the strong. Their fate after that point may be brutal. It is the civil authority's duty that it should prevent "the encroachments of the strong upon the weak, of the violent upon the just and equitable".[138] Otherwise no interests are served by its maintenance, and it will lose the allegiance of those whose allegiance it needs to survive.

In the *Treatise* Hume claims that man's knowledge of his need for government is derived from his awareness of actual and potential conflict over property. This awareness is brought about through internal strife and external threat:

> "Throw any considerable goods among men, they instantly fall a quarrelling"[139]

An enlightened, *just* man "would totally abstain from the properties of others". But in the absence of such widespread nobility, government is a necessary evil, an exercise in damage limitation. Internal factors may or may not produce problems. Such factors include the size of the community, relative extremes of wealth and the level of "noble" inclination of its inhabitants.

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[137] In Barker, 1970, p. 161.
[138] Hume, 1978, p. 540.
[139] Hume, 1978, p. 540.

More obvious examples arise when the community that precedes the government has to deal not internally but with "outsiders" who do not originate from the sphere of trust or at least cooperation that characterises a healthy civil society:

"And so far am I from thinking with some philosophers, that men are utterly incapable of society without government, that I assert the first rudiments of government to arise from quarrels, not among men of the same society, but among those of different societies"[140]

It can also be a force for good. If the "right" people are involved in running a just system (Hume's exact definitions for both of which are a key area of focus for this Thesis):

" ... bridges are built; harbours open'd; ramparts rais'd; canals form'd; fleets equip'd; and armies disciplin'd; every where, by the care of government, which, by one of the finest and most subtle inventions imaginable, a composition, that is, in some measure, exempted from all these infirmities."[141]

But in the first instance, at the level of the *raison d'être*, a just government has no higher calling than to enforce the three basic principles of justice, namely stability of possession, transference by consent, and the performance of promises.[142] These are absolutely fundamental to the creation not necessarily of a Contract of Government but a Contract of Society:

"But tho' it be possible for men to maintain a small uncultivated society without government, 'tis impossible they shou'd maintain a society of any kind without justice, and the observance of those three fundamental laws concerning the stability of possession, its translation by consent, and the performance of promises ... government, *upon its first establishment*, wou'd naturally be suppos'd to derive its obligation from those laws of nature, and, in particular, from that concerning the performance of promises. When men have once perceiv'd the necessity of government to maintain peace, and execute justice, they wou'd naturally assemble together, wou'd chuse magistrates, determine their power, and promise them obedience. As a promise is suppos'd to be a bond or security already in use, and attended with a moral obligation, 'tis to be consider'd as the original sanction of government, and as the source of the first obligation to obedience"[143]

The problem with such a pragmatic morality, based around "long-range self interest", [144] is that a rationale of mutual trust and advantage is insufficient. An enforcer state must be on hand to ensure that those who pursue the short-term gains of injustice cannot be perceived to be the only "winners" in society. Crime must be seen *not* to pay, at least to the extent where all regard for the law and the state is lost. Hume recognises this in the *Treatise*:

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[140] Hume, 1978, p. 540.
[141] Hume 1978, p. 539.
[142] In Barker, 1970, p. 154.
[143] Hume, 1978, p. 541. Of course Hume is at pains to point out both in the *Treatise* and in "Of the original contract" that this is the first instance of government, and that he does not want to imply that the matter of the just government is settled then and there...
[144] Mackie, 1980, p. 106.

"The consequences of every breach of equity seem to lie very remote, and are not able to counterballance any immediate advantage, that may be reap'd from it. They are, however, never the less real for being remote; and as all men are, in some degree, subject to the same weakness, it necessarily happens, that the violations of equity must become very frequent in society, and the commerce of men, by that means, be render'd very dangerous and uncertain"[145]

and again in *Of the original contract*:

"Our primary instincts lead us, either to indulge ourselves in unlimited liberty, or to seek dominion over others: And it is reflection only, which engages us to sacrifice such strong passions to the interests of peace and public order. A small degree of experience and observation suffices to teach us, that society cannot possibly be maintained without the authority of magistrates, and that this authority must soon fall into contempt, where exact obedience is not payed to it. The observation of these general and obvious interests is the source of all allegiance, and of that moral obligation, which we attribute to it"[146]

Common belief in the idea of the Contract of Society is essential to society's stability and hence, perpetuation. However only the naïve ignore the fact that man's mental and physical imperfectibility demands an overarching framework which provides help in identifying and protection of the interests of those under its jurisdiction. Again, the institutions of civilisation are institutions of men first - "subject to all human infirmities"[147] - and of God second (if of God at all), there is a need for a governmental system to reflect the fallibility of men in government as in any other walk of life. Hume is keen on checks and balances on the power of "the state". Rather than a concentration of power he would favour a state in which "the balance of power, and the balance of property do not coincide".[148] This, then, is the Contract of Government, distinct from the Contract of Society but vital to its perpetuation.

Hume is a contractarian, where the Contract is (1) twofold, between the members of Society, and (2) between the Society and the Government. The basic concern of the first is that communal living produces tangible benefits for its participants. The terms of the second are:

"to point out the decrees of equality, to punish transgressors, to correct fraud and violence, and to oblige men, however reluctant, to consult their own real and permanent interests"[149]

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[145] Hume, 1978, p. 535.
[146] Hume, 1994, p. 196.
[147] Hume 1978, p. 539.
[148] Hume, 1994, p. 18. See also his comments on Athenian democracy in "Of some remarkable customs", op. cit. pp.181-2. We might find incongruous his suggestion that amongst his suggestions for criteria that could have created a more sophisticated concentration of rulers was a level of property – which in fact it often was - but this probably does not detract from the gist of his arguments.
[149] Hume, 1994, p. 21.

Consent is recognised for the elusive beast that it is.

> "No compact or agreement ... was expressly formed for general submission ... each exertion of authority in the chieftain must have been particular ... the sensible utility ... made these exertions become ... more frequent; and their frequency gradually produced an habitual, and ... voluntary, and therefore precarious, acquiescence in the people"[150]

So in Hume any "Contract" between fellow men and between government and men is based on "voluntary, and therefore precarious, acquiescence in the people". *Ergo* the civil society needs maintenance to survive, and no ruler or good citizen would be wise to forget the precariousness of the institutions, and the balance between them, that constitute that society:

> "Religion ... and other principles or prejudices frequently resist all the authority of the civil magistrate; whose power, being founded on opinion, can never subvert other opinions, equally rooted with that of his title to dominion"[151]

This does breed in government, if not conservatism, a certain innate caution, as was Hume's nature. As Viscount Falkland put it centuries beforehand, "when it is not necessary to change, it is necessary not to change".[152]

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[150] In Barker, 1970, p. 149.
[151] Hume, 1994, p. 23.
[152] In "A Speech Concerning Episcopacy", delivered 1541, reproduced in *A Discourse of Infallibility*, 1660.

However the idea of "tacit" consent in the people as part of a contractual relationship is dismissed for the nonsense that it must be. We are by and large born into a system of government. When we learn the convention of obedience we learn the law as that which must be obeyed. Rarely does an individual have the power invested in him or her self to operate in conditions of choice in this matter so significant as to be described as one of consent, in the absence of rebellion.[153] As Haakonssen observes:

> "People of a particularly enthusiastic cast may, of course, say that they always have the choice of dying rather than living with what they consider a tyrannical government. These are exactly the people Hume fears most of all because in their fanaticism they could destroy existing government, and their wildness of temper could never sustain a lasting government"[154]

Hume recognises the fact that governmental authority and the liberty of the citizenry are in conflict if they are not in balance:

> "In all governments, there is a perpetual intestine struggle, open or secret, between AUTHORITY and LIBERTY; and neither of them can ever absolutely prevail in the contest."

For a civil society, as Hume acknowledges, "liberty is the perfection". Yet he argues that liberty without authority is anarchy, and the kind of freedom one associates with the jungle rather than civilised society. In order to protect man from man, from himself and from the elements, "a great sacrifice of liberty must necessarily be made".[155]

Hume suggests that "free" government features a division of executive powers united under a common but largely symbolic sovereign. Laws are to be made according to accepted process, and the rule of law is universally applicable and enforced. In other words, civil society is not arbitrary.[156]

As already stated, allegiance (Hume's word for his version of consent) to society creates the need for government. Government can only therefore demand the allegiance of the people if it delivers justice, which is first and foremost *peace* (internally and externally). Allegiance to government is, like justice and government themselves, artificial. Also like justice, once the interest served in the existence of and obedience to the government is apparent, allegiance becomes a pseudo-natural sentiment of the good citizen. Under these conditions the absence of such loyalty to the state is considered a personal

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[153] Hume, 1978, pp. 534-50.
[154] Haakonssen, 1993a, p. 192-3.
[155] Hume, 1994, p. 22.
[156] Hume, 1994, p. 23.

deficiency and the state has a functional foundation of support amongst its citizens.[157]

If this description seems more or less familiar to the late 20th Century inhabitant of a "Western Liberal Democracy" then it should impress upon us how thoroughly prescient Hume was 250 years ago. He remains not simply an interesting stage in the history of some linear philosophical "development" but a highly pertinent thinker for today.

[157] Hume, 1978, p. 545.

Justice in practice

Does Hume offer a credible concept of a public interest? How does it fit into his vision civil society?

It is quite clear from his work that Hume considered the public interest to be all policies, behaviour and activities that sustained the civil society. The civil society of the eighteenth century United Kingdom was the largely commercial social order surrounding the material benefits of secure government, rule of law in commercial transactions,[158] and the spread and deepening of civic freedoms.[159] Later Tom Paine used the concept to distinguish an area of the social whole that encompassed all except the state itself (i.e. the "non-political": markets, churches, families, clubs, universities, the stock exchange).

Marx offered a new perspective on the concept when he observed that in practice these bourgeois freedoms did not really extend to all areas of the non-political, and were in fact a perk for those who could afford them. Freedom to eat what one chooses means little if one does not have the wherewithal to buy it. Rights for those who were starving or homeless were still thin on the ground in Hume's time. There is little in his writings to suggest that he had a particular policy in mind for those who did not share his fairly fortunate background. To a large extent he had the robustness of a man self-educated through his writings and tutorials. He shared the general Enlightenment attitude towards the idea of the civil society as an order which includes all the influential political and non-political units of the society, and which is geared through these mechanisms for the benefit of those who come under the jurisdiction of its state. This was progress enough, in the context of historical events in England, France and the colony of America.

So in Hume's civil society the state is a component, albeit a uniquely special one. But in fact the state is only one of society's two hearts. The other is the economy, and certainty of contract and laws that affect property reach such prominence in his thinking that his theory of justice becomes to a large extent a defence of property rights. This can be justified if one takes this to include one's property to include one's person.

Throughout Hume's political works it is clear that he has little interest in revolution as a medium for constructive change:

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[158] In general, of course; this statement certainly does not mean to imply that all transactions of that time took place within the law or that the richer members of society were not able to receive preferential treatment at times, but simply that a greater certainty of contract was available under conditions of a strong mediator state than in its absence.

[159] Which were to become enshrined in the Reform Acts of 1832, 1867, and 1885.

"The crime of rebellion among the ancients was commonly expressed by the terms *neoterizein, novas res moliri.*"[160]

Yet he is not a conservative. The single most important aspect of the status quo is its defining characteristic, that is to say, peace. That peace is justice, in Hume's terms. Yet since all things are subject to change and development, and whilst technological change in Hume's time may seem almost stationary by today's breakneck standards, it is the scientist who brings about the most significant developments in man's capacity and environment. Hume was well aware of this. Change is endemic to all things. How a species deals with change determines that species' long-term prospects for survival. Similarly for the civil society, a capacity to develop to meet new challenges and opportunities is vital. Hume's paradigm is that progress is linked to underlying stability and security. The embrace of the new can only be supported by the consolidation of the old. In the euphoria of the former it is easy for the naïve revolutionary idealist - and those he carries with him - to overlook the importance of the latter until it is too late.

[160] "To strive for novelty".

As Anthony Daniels has observed:

> "This tendency to anger - or self-righteousness - is promoted by a historiography which sees progress through the ages as the result of pure and irreducible political opposition to what already exists. What exists didn't have to be created by (among other things) human ingenuity: and insofar as it is better than what existed before, it too is the result of the struggle against what pre-existed it. Bakunin's claim that the urge to destroy is also a constructive urge has been subtly transmuted into the dictum that the urge to destroy is the *only* constructive urge."[161]

Is the promotion of the rule of law and general endorsement of the status quo indicative of lax morality and vested interest? Potentially, yes. Marx would have us consider this to be the case in regard to bourgeois justice. Thrasymachus would have us believe that that is indeed the essence of any justice in practice. But as Socrates answered Thrasymachus, so too would Hume answer Marx that with certain qualifications and with a motive of belief in the possibility of individual and corporate advancement, *it need not be so.*[162] Again, it may help to view the political spectrum in scientific terms. In the sciences, a challenge against tradition is not valued *per se.* Such a revolt is only valued when qualified by the one criterion that really matters - whether it brings us closer to the truth. In the meantime things that we might consider "essential" to the identity of civil society, like perhaps the monarchy, ought by definition to be able to maintain that position. Other more progressive features of that civil society, such as a universal, comprehensive health provision for its citizens, must be given the highest priority in government:

> " ... a circumstance, which is essential to the existence of civil society, must always support itself, and needs to be guarded with less jealousy, than one that contributes only to its perfection, which the indolence of men is so apt to neglect, or their ignorance to overlook."[163]

In government, Hume is in line with Deng Xiaoping's pragmatic dictum: "It doesn't matter whether a cat is black or white so long as it catches mice".[164] Yet Hume is not a moral cynic. Many who knew him personally, including Carlyle and Smith, would and did testify to his "warm heart and clear brain".[165] His ethic is altruistic, and he is quite clear that as far as he is concerned morality has humanity rather than divinity as its foundation. In general, good morality (i.e. justice) is to someone's benefit. To whose benefit precisely is another matter, discussed in Plato's <u>*Republic*</u> by Socrates and Thrasymachus and by many commentators since. But whether private or public, it cannot be selfish. It must be an act that excites the sympathies of the observer. Thus it becomes clear how justice and property rights

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[161] Daniels, 1997.
[162] In other words, depending on who and how...
[163] Hume, 1994, p. 23.
[164] In Burton, 1997, p. 26.
[165] Braham, Op. Cit., p. 75.

will converge. Furthermore there is an extremely significant distinction between the initial motivation of the development of an institution and the subsequent motivation from which we can assess its worth.

(Denominational) Religion and the State

What are these common imaginings that have such power?

Above all, in Hume's time - and arguably for all human history - the pre-eminent answer to this question is religion. I have noted already that man seeks certainty to make sense of the chaos of life.[166] That it is not as strong and universal a "propensity" as towards those of sensation and experience does not change the fact that it is a powerful binding force. In his *Dialogues concerning Natural Religion* Hume assumes the existence of the divine. His focus is on the nature of that divinity.[167] Taking into account the scepticism inherent in his work, it still seems fair to say that Hume is aware that there are many things on earth and beyond that conform to some sort of coherent pattern. Obviously the universe is not to be explained in purely human terms, and it is not completely random. So in the sense of certain consistencies in action and reaction, and in the metaphysics that may operate between them, "controlling forces" of the universe appear to exist. As far as Hume is concerned the nature of these forces, conceived as Nature herself, a Father Christmas character sitting on a throne in cloud-borne Heaven, or any other imagining, is in fact incomprehensible, and yet another reason for intellectual humility.

[166] It would be a distraction to be drawn here into a discussion of scientific "chaos" and "antichaos"; suffice to say that the more one analyses the basic building blocks upon which we place our certainties the more we wonder what shifting sands they are, viz. the bizarre behaviour of electrons, quarks etc suggested by Quantum Physics (see Gilmore, 1995, Gleick, 1987, Lecomber, 1992).

[167] "Surely where reasonable men treat of these subjects the question can never be concerning the Being, but only the Nature of the Deity." (Philo, in Hume, 1989, Part 1).

There is much evidence through the words of Cleanthes in the *Dialogues* that Hume's belief in human exceptionalism comes from his promotion of the Design argument (that was also later used by Kant):

> "The chief and sole argument for a divine existence is derived from the order of nature"[168]

As a *political* observer Hume is well aware of the impact of religion. In *Of the origin of government* he states that religion is historically one of the most important motivating and binding factors in the coming together of individuals to form collectives.[169] Its significance also presents a potential challenge to the pre-eminence of the state in civil society. Here lies the key contrast between the thoughts of Hume and Hobbes on the matter of the sovereignty of the state. In both cases the "contract" is made with men not God. Religious appeals are in fact a practical tool to ensure obedience.[170] The role of the state is not to dictate morality but to arbitrate between the different practices and courses of actions that may occur through different moralities.[171]

For Hobbes, in the tradition of Grotius, Locke *et al*, certain rights are absolute, immutable - and identifiable. Beyond this, moral authority is in the hands of the Sovereign. Subjects may seek to influence but not challenge the Sovereign's judgement while he continues to honour the covenant, that is to say, offers "sufficient" security.

For Hume on the other hand, we have to remember that everything is viewed through a profoundly anti-absolutist lens. Justice, freedom, even rationality itself are external moral artifices intended to enable stable society. Hume the outsider puts much of himself into the strong undercurrent of individualism in his writings. The concepts of freedom and morality, though external pressures may define them, come from within.

Hence the notion of some form of individual consent is an essential ingredient of state legitimacy rather for Hume, whereas Hobbes is rather more satisfied with the idea of an original, static contract.

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[168] *Enquiry*, "of a Particular Providence and of a Future State". It is an argument that has echoes of Hobbes' / Descartes' Prime Mover argument. All things are observed to feature movement, and all movement is energy derived from another source. What then was the original source of movement / energy? By our understanding this argument demands the existence of something beyond the universal cycle, to have started the ball rolling, as it were. The *Dialogues* do reveal some hesitancy here however. We know from elsewhere that Hume is reluctant to accept as a Matter of Fact the existence of innate ideas / properties, since we have only access to our own perceptions (Hume, 1978, p. 160).

[169] Hume, 1994, p. 23.

[170] Both men were noted for their at best ambivalence to the existence of the Judaeo-Christian God; in *De Cive* Hobbes argues that atheism is not a sin (Hobbes, 1972, Vol. II).

Equally Hobbes believes that the natural rights of man to (1) self-preservation and (2) freedom from wanton attack by another are at the basis of any such compact. Hume does not argue even this - he does not want to be drawn into the dilemmas of the natural rights debate, and it does not to him seem to matter. The natural interest of all but the most perverse is security, and thus we have our criterion for legitimacy.

Hume hopes that by accepting the Design argument of a finite (i.e. bound by the world of impressions and ideas) "God", societies can bond in an atmosphere of rational piety. In these societies mutual tolerance is the goal, as a consequence of this humility, rather than the imposition of one particular set of moral beliefs. We are all ignorant believers. Man exists in conditions that are conducive to good and evil, which in themselves are man-made concepts from wherever they may have been derived. Pontificating about the infinite is a waste of time, though Hume never denies their possibility any more than he asserts it. Once again we come to Hume the defender of a fearful freedom:

> "Look around this universe. What an immense profusion of beings, animate and organised, sensible and active. You admire this prodigious variety and fecundity. But inspect a little more narrowly these living existences, the only beings worth regarding. How hostile and destructive of each other! How insufficient all of them for their own happiness! How contemptible or odious to the spectator. The whole presents nothing but the idea of a blind nature impregnated by a great vivifying principle and pouring forth from her lap, without discernment or parental care, her maimed and abhortive children. Epicurus' questions are yet unanswered. Is God willing to prevent evil, but not able? Then He is impotent. Is He able, but not willing? Then He is malevolent. Is He both able and willing? Whence, then, is evil?"[172]

In other words it is up to us. Do we ever really consent to government in a positive way? Or do we consent when we do not actively rebel?

[172] Hume, 1989.

Consent

As already mentioned Hume has serious qualifications for appeals to tacit consent, since these usually involve the Socratic[173] notion that if one chooses to remain within the boundaries of the state one is bound by the jurisdiction of that state:

> "Can we seriously say, that a poor peasant or artizan has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day by the small wages which he acquires? We may as well assert, that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean, and perish, the moment he leaves her."[174]

Certainly in today's terms this makes consent a very middle class prerogative, at best. Yet "the perception of political power is close to being the essence of that power"[175], as Hume acknowledges:

> "The force, which now prevails, and which is founded on fleets and armies, is plainly political, and derived from authority, the effect of established government. A man's natural force consists only in the vigour of his limbs, and the firmness of his courage; which could never subject multitudes to the command of one. Nothing but their own consent, and their sense of the advantages resulting from peace and order, could have had that influence."[176]

What Hume categorically rejects is that have sporadically given consent over time, that the current generation have bound themselves and their descendants more or less irrevocably into a particular status in the chain of command:

> "It is in vain to say, that all governments are, or should be, at first founded on popular consent, as much as the necessity of human affairs will admit ... in the few cases where consent may seem to have taken place, it was commonly so irregular, so confined, or so much intermixed either with fraud or ignorance, that it cannot have any great authority"[177]

From this we begin to see how, rather than being opposing or even distinct viewpoints, divine rightists and original contractarians are putting forward much the same argument - those not in power have, on the whole, no right to do anything about it. Or alternatively, they represent a common call for revolution through obligation. The status quo is immoral! We must rebel! Either way, scant attention is paid here to the status of the citizen as an independent entity entitled to his own opinion.

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[173] See Plato's *Crito*, referred to by Hume, quoted in Barker, 1970, pp. 155-6.
[174] Hume, 1994, p. 193.
[175] Maidment & Tappin, 1989, p. 100.
[176] Hume, 1994, p. 188.
[177] Hume, 1994, p. 192.

Hume is fighting the notion of a "philosophical origin to government"; such a thing, he believes, has not been, cannot be, and does not need to be the basis of political obligation. Governments that come to power through struggles based on metaphysics are frauds right from the start. Politics is about power, and it is what is done with that power in practical terms which counts (*see* ***A principle of government and citizenship***, pp. 81-84). *Sui generis* the state has a coercive intrusion upon the life of the average citizen. What should matter to the citizen are what tangible benefits he gets in return for his "great sacrifice of liberty".

From here we start to see that though Hume pursues an individualistic line he is wary of following the easier path to concluding, in the words of the anarchist Federica Montseny, "The words government and authority signified the negation of every possibility of freedom for man".[178] As is clear from preceding quotes there are echoes in Hume's analysis of the origins of society and government of the Hobbesian state of nature. The state of nature of course represents the literal anarchist ideal - brutal freedom. Hume's state of nature is one where man is able to conceive of ways in which his lot could be improved, i.e. an environment from which to escape not seek.

Hume is not challenging the possibility of legitimate government authority. However, having exposed the flaws of the two main philosophies of his time regarding such authority, he does put upon himself the task of proving the existence of "some other foundation of government".[179] He does this by asserting that since "FORCE is always on the side of the governed" those who govern must court public opinion, or most specifically <u>enough public opinion to carry the support of the enforcers</u> (the "praetorian bands"[180]). Popular unanimity is no more essential to good government than it is likely.

[178] In Blinkhorn, 1988, p. 11.
[179] In Barker, 1970, p. 154.
[180] Hume, 1994, p. 16.

In Hume's view there are two kinds of "opinion". The first is *interest*-based, being the sense of advantage gained from a particular government, and right-based. *Right*-based opinion concerns either power, via antiquity, inheritance, a general sense of the appropriateness of continuity, or property, specifically the entitlement of a citizen to certain possessions and/or standards of living.

As far as Hume is concerned these factors in popular opinion, from which the "grounds" for popular consent may or may not be derived, are at the heart of de jure and de facto government authority. It is the way that these factors are regarded, in terms of "self-interest, fear and affection", that determine the level of consent in the civil society.[181]

Is Hume entertaining some uncertainty on this matter? He seems not to wish to take a stance on whether self-interest is paramount in justifying a government, as he seems to propose in *Of the original contract*, or whether it is the public interest, in a more utilitarian sense suggested in *Of the first principles of government*, that is more important. The answer appears to be that the second part of opinion, right-based, is in fact one of self-interest. Thus we come to a more satisfying clarification: public opinion is fundamentally determined by the coincidence of public *and* private interest. C. H. Rolph exemplifies this in his observation of the impact of Churchill's "Finest Hour" speech in 1940:

> "Men who, to my knowledge, had always detested each other were united in a surge of righteousness that they barely understood, even if they later came to see it as self-preservation disguised as brotherhood"[182]

What precisely does Hume mean by "self-interest"? Self-interest is the concern for specific rewards rather than general advantages of a particular government. This source of de jure authority is likely to come as a result of a de facto authority already established. A similar argument underlines the secondary nature of "fear and affection":

> "No man would have any reason to fear the fury of a tyrant, if he had no authority over any but from fear"[183]

> "A man's natural force consists only the vigour of his limbs, and the firmness of his courage; which could never subject multitudes to the command of one"[184]

A single man without authority cannot dominate the masses physically; he must rely on the obedience of others via respect.

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[181] Hume, 1994, p. 17.
[182] In Sparkes, 1994, p. 104.
[183] Hume, 1994, p. 16.
[184] Hume, 1994, p. 188.

Similarly with affection: we frequently have affection for others without granting them any kind of sovereignty.[185]

The notion of consent, fundamental to the quasi-contractarian philosophy of the state of Hume, demands not only that the citizen should choose but also that he should know that he has a choice. If he does not, he like an animal obeys only his basic instincts. As such he is, if not sub-human, certainly sub-civilised. He tacitly denies himself any option other than obedience by accepting without question the perpetuity of his father's constitution. Aldous Huxley suggested that:

> "the root and primal cause of bondage is wrong belief, or ignorance - an ignorance, let us remember, which is never completely invincible, but always, in the last analysis, a matter of will. If we don't know, it is because we find it convenient not to know. Original ignorance is the same as original sin."[186]

Having said this, Hume was well aware of the fact that it took exceptional men to be good leaders, and often exceptional circumstances (e.g. war) to find them:

> "It is probable, that the first ascendant of one man over multitudes began during a state of war; where the superiority of courage and of genius discovers itself most visibly, where unanimity and concert are most requisite, and where the pernicious effects of disorder are most sensibly felt."[187]

Whether one considers Hume a democrat or not naturally depends on what one means by democracy; probably the parts of Lincoln's famous assessment of the democratic constitution as "of the people, for the people, by the people" that Hume would endorse would be the first two. The majority of the population do not deserve "or even expect and desire"[188] to rule themselves. Participatory democracy of an Athenian nature was a recipe for disaster. A regard only for the immediate will of the majority "without any limitation of property, without any distinction of rank, without controul from any magistracy or senate[189]" was one "without regard to order, justice, or prudence."[190]

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[185] Hence Machiavelli's observation in *The Prince* that "it is desirable to be both, but because it is difficult to join them together, it is much safer for a prince to be feared than loved, if he is to fail in one of the two" (Machiavelli, 1961, Chapter VIII).
[186] Huxley, 1945, p. 300.
[187] Hume, 1994, p. 22.
[188] In Barker, 1970, p. 158.
[189] Except the senate of the Bean, which Hume dismisses as "only a less numerous mob" (Hume, 1994, p. 181).
[190] Hume, 1994, p. 181.

It is interesting

a. that Hume feels that there should be criteria limiting the suffrage and
b. which criteria he suggests might be the most reasonable.

He does not suggest sex, or age. Yet class - and top of the list, property - do seem relevant factors in a citizen's right to be on the electoral roll in Hume's civil society.

In a civil society "the people" in the main seek leadership. Only the relative few have both the talent and the inclination to do the job. So for Hume whilst consent is vital to civil society, unanimity is an unattainable and unnecessary judgement. The continual referral to the people for their explicit consent for each and every act of government is not only an intrusion but also a challenge to a basic facet of human nature.

Much learned debate has concerned the supposed atheism of Hobbes, and Hume too was known in some quarters of Edinburgh as "The Atheist".[191] Neither is wholly accurate, as I have suggested. It would be fairer to think of both men as academic agnostics. They are too practical to wish to rely on alarming leaps of faith, and too honest to concoct a rationalisation of a position they consider unproven. Accordingly Man - or certain men in positions of power - can make good or ill, and his fate is not necessarily predetermined by benevolent or other forces entirely beyond his control, in the manner of Augustine's *City of God*.[192]

[191] See, for instance, Fieser, J., 1995.

[192] In his Theism as in much of his other work he is trying to stimulate his readers by posing questions rather than answering them. T. H. Huxley is wrong to dismiss it as "shadowy and inconsistent". Taken empirically, as it is quite clear all of Hume's work should be, he is saying that the finite resources that are available to us, mentally and physically, cannot permit us comprehension of the infinite.

His scepticism does not blind him to the fact that the objects of allegiance are crucial foundations of the stability that made the Contract of Society in the first place and from which the Contract of Government was derived.[193] There is a strong conservatism in man's attitude to his government. The divine rightists of the pre-Enlightenment time argued that in our ignorance of God's Plan For The Universe, we should accept our circumstances as inevitable. This includes the inevitable authority of our rulers. Using this argument does of course reduce *ad absurdia*. Without choice there is no responsibility, without responsibility there is no right or wrong behaviour, and whatever we do - whether we support the sovereign or destroy him - is a consequence of God's Plan, and therefore any issue should be taken up directly with Him.

In this way divine or hereditary rights to govern are dismissed by Hume. However he can see a justification if they fit into *his* plan - on the grounds of utility, i.e. if it avoids anarchy, provides a source of bonding in the civil society.

Hume uses stability not simply as a consequence but also a source of authority:

> "Some innovations must necessarily have place in every human institution, and it is happy where the enlightened genius of the age give these a direction to the side of reason, liberty, and justice ... but violent innovations no individual is entitled to make : they are even dangerous to be attempted by the legislature : more ill than good is ever to be expected from them"[194]

There is a vital transition between the <u>*Dialogues*</u> and the later <u>*Enquiry*</u>. Good government is possible, because moral attributes are identifiable. Reason and appetite define man. Reason is not negotiable by God or anyone else.

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[193] Hume, 1978, pp. 539-567.
[194] In Barker, 1970, p. 158.

Hume concedes that man himself and hence his appetites are created things, and without making bold claims about the identity of man's creator, the sentiments of approval or disapproval are common to all:

> "Reason, being cool and disengaged, is no motive to action, and directs only the impulse ... by showing us the means of attaining happiness and avoiding misery. Taste, as it gives pleasure and pain, and thereby constitutes happiness or misery, becomes a motive to action, and is the first impulse to desire and volition. From circumstances or relations, known or supposed, the former leads to the discovery of the concealed and unknown; after all circumstances and relations are laid before us, the latter makes us feel from the whole a new sentiment of blame or approbation. The standard of the one, being founded in the essential nature of things, is eternal and inflexible even by the will of the Supreme Being; the standard of the other, arising from the eternal frame and constitution of animals, is ultimately derived from that Supreme Will which bestowed on each being its peculiar nature and arranged the several classes and orders of existence."[195]

Absolute knowledge of the basis of the sensation of right and that of wrong is not the lot of man the finite, just as knowledge of God is said by many believers to be beyond our comprehension. And we can be incorrect in our judgement. But it is out there, and we can approach it, in the manner of Plato's man in the cave seeking the source of the light that pervades the surrounding darkness.[196] That is the clearest evidence of Hume's progressive intellect reflecting his great personal optimism.

[195] Hume, 1975.
[196] Plato, 1993.

Leadership

In *Of the first principles of government* Hume makes references to how the "lawful" ("law" here meaning both constitutional and legitimate) sovereign comes to reign. The present is what matters, but our view of the present is a consequence of our perception of the past. Stability demands the general acceptance of the "imagination-based" principles mentioned earlier (pp. 45-6). These principles, being historical possession, current possession, "legitimate" conquest - in Hume's opinion it matters a great deal to the vanquished the way in which they were vanquished[197] - hereditary succession and the value in positive law-making assume an interesting mixture in the human spirit of a strongly conservative ideology of continuity *and* respect for the dynamics of progress.[198] Hume's understanding of human nature is reflected in the balance that these forces can attain for the good, but as all with any polarised balancing items, there is the possibility of upset if the balance is not made.

The fact that in practice for the state "its first authority was derived from usurpation and violence" suggests that original Contracts of Government were rarely more than power plays of the great.[199] As such the authority was largely practical. As Proudhon suggested, possession of anything is based on exclusion, a view which echoes Hume's opinion that:[200]

> "there is no property in durable objects, such as lands or houses, when carefully examined in passing from hand to hand, but must, in some period, have been founded on fraud and injustice"[201]

Hence in the first instance leadership is an exclusion of certain aspects of a man's freedom. This is a complex issue but one that is firmly rooted in the present. The grounds for legitimacy are individual and subject to constant re-examination. There is a dangerous but theoretical case for saying that we can therefore pick and choose the laws that suit us. Indeed that *is* what we do. But we must not forget that the Contract of Government is a development from the Contract of Society. When we litter or travel above the speed limit in a car we do not consider ourselves a threat to society, and it may well be that the state does not either. However if a person steals, or rapes, or

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[197] Defeat by a stronger external enemy is more readily accepted than the loss of an internecine quarrel. Familiarity can breed contempt, and it is much harder to lose to a rival for whom one has no respect. It was popular notion in inter-War Germany that Germany had lost the War as a result of having been "stabbed in the back" by immigrants and above all Jews. Hitler's skilful exploitation of such a perspective helped to popularise Nazism in its early stages. Certainly, usurpation is not a principle that is likely to bind society to the usurper, for if it succeed, who dares call it usurpation...

[198] Hume 1994, p. 18.

[199] Hume, 1978, p. 556.

[200] "Property is theft", in *Qu'est-ce que c'est la propriete?* (Proudhon, 1840, Chapter 1).

[201] Hume, 1994, p. 197.

murders, there is a clear breach of the stability principle, of justice. What if we were all to behave thus? Hence whilst as an individual the person may be exercising his freedom of judgement, the state exercises its duty in protecting the rest of society by the means necessary to the general stability.[202] Hume's point here is that there are other aspects of a man's potential that are released through the security that the right government can engender that makes him "freer" than he was before.

[202] Again we find relevance in the Aristotelian distinction between the man and the citizen (Aristotle, 1981, pp. 176-83).

Chapter 4

CONCLUSION

Comments on Hume's political philosophy

Whilst Plato and his successors in Western political thinking tended to create elaborate theories about the nature of the just state and the good life, and of right and wrong in general, they made assumptions about nature, both physical and metaphysical.[203] These assumptions, however rational their subsequent arguments, were based in subjective viewpoints. Like it or not (and many of them would not), making claims about "natural" rights - to the extent that they might be enforced upon others - demands a leap of faith somewhere between intuition and epiphany. Wittgenstein's observation that "whereof one cannot speak, thereof one must be silent" was intended to be a statement of the obvious.[204] It is not simply a matter of saying what the rights of man are; there is an enormous hill to climb simply to satisfy the sceptic that there is any such thing as a right at all. And this challenges the very heart of political theory. Philosophy has become logic, and logic, like mathematics, is, however complex, tautologous.[205] In other words, the answer is in the question - and we are left fearing that political "science" is no more than a series of rationalisations of different historical stages in power politics.

[203] See Tarnas, 1991, Chs. I, II, III, IV, V for a discussion of this theme.
[204] Wittgenstein, 1961, Ch. 7.
[205] See Stewart, 1998.

Hume's "common sense"

David Hume confronted the issue of the absence of an objective, knowable criterion for justice in traditional political theory. He rejected the idea of the divine rule of authority as a logically absurd rationalisation of tyranny. But he had no more time for specious arguments claiming the existence of a social contract like Magna Carta that binds current and future generations of subjects to the commands of the sovereign. Hume was comfortable neither with absolutism nor relativism. His moral philosophy was based around the belief that life without happiness is unfulfilled, whatever else one might achieve. The fulfilment that brings happiness varies from person to person. Some people, in the Greek tradition of *telos*, are best suited to public service whilst others are more natural traders and artisans.[206]

Hume observed that fundamental to the functional society was an absence of civil unrest. His observations were made around the time of the English Civil War and the French Revolution. The sheer sense of outrage that he felt at the way disinterested civilians were caught up in the worst of the atrocities that such instability created is something we can, should, must share. We need only look at the despicable actions of man against man, and even child against child, in the world around us, in Algeria, Liberia, Burundi, Rwanda, Chad, Nigeria, Afghanistan, Bosnia, to Iraq's treatment of the Kurds and Indonesia's treatment of East Timor under Suharto. Must we still refuse to commit ourselves, to pass judgement, because it is not our neighbours or we ourselves who suffer? Some say so; I cannot help but despise them for it, for their callousness, their narrow-mindedness and lack of compassion. There are none so blind as those that refuse to see.

[206] See Barker, 1945; or more specifically, see Plato, 1993, pp. 60, 119, 165 & Aristotle, 1981, pp. 183-5.

Belief systems

Hume may have doubted religion but he always remained fascinated by the beliefs of others because of the thought processes upon which they were dependent and the actions that they instigated.

The rationale behind the idea of a state which aspires to stand aloof from matters of belief is appealing in empirical terms both for Hume's time and our own. Hobbes lived through the English Civil War and the Huguenots were persecuted and expelled from France only 26 years before Hume's birth. The *limpieza de sangre* of Torquemada's Inquisition 500 years ago is echoed in the behaviour of contemporary "ethnic cleansers" in the Balkans, East Timor, Tibet and parts of sub-Saharan Africa. Hume shares Hobbes' objective of non-ideological government. As Tuck observes of the latter:

> "Strong beliefs allied to powerful institutions were anathema to him: men had to be defended from the physical force of fanatics ... The power of the state to determine ideological matters was a precondition for using it to smash the ideologues, and it is not at all clear that Hobbes intended his sovereign to have any strong beliefs of his own ... the institutions which would oppress men intellectually were above all Churches, since their whole raison d'être was to get people to believe various improbable things"[207]

Likewise, Hume was attempting to be "reasonable" in an intellectual climate that tended either toward the mysticism of divinely inspired authority, or the rationalist belief that reason, along the lines of pure, unfettered mathematical logic could fill all the "metaphysical" gaps, if properly applied. These latter beliefs, based upon enormous intellectual arrogance of the sort that Hume so delighted in puncturing, tended towards drastic systematic programmes for the reform of society that were more akin to revolution.

[207] Tuck, 1984, pp. 106-7.

Revolution, reform and the status quo

Hume was not an enthusiast for changing things, in general. Man must sometimes challenge and innovate as part of his nature, his search for betterment. Making him do so, "forcing him to be free" as it were, is rather less natural. Beaten paths may well be for beaten men, and Hume was aware of this. Change in the Contract of Government is fine because Hume is so careful to emphasise that good government is not measured by a plethora of criteria. The ways to judge just government are few, large, and very, very important. This is why he points out the absurdity of the idea that living under dominion does not create a "tacit" consensual relationship that justifies the ruler's action to the point of revolt. There is a clear distinction between *de jure* and *de facto* sovereignty. Similarly Hume does not see why we must be bound by a one-off contract into which we are born, and are bound by thereof.

Instead Hume's reasonability was based around pragmatism, what one might refer to as "common sense" (would that it were so common!). Stability and certainty, being the opposites of turmoil and caprice, were the conditions under which human happiness could flourish. There was no guarantee, no Utopian promise that in a country with no war or famine that contentedness would be the inevitable fate of every citizen. But it did begin to allow the sort of freedom to plan and develop that could enhance its possibility.

Balance

There was clearly then in government, as in life,[208] a need for balance between tolerance and intolerance. Given that all sorts of elements make up societies, just as our instincts pull us in different directions, the identification of that balance between the man and the citizen has proven an appealing challenge for many political thinkers. A "Community" is therefore extremely difficult to identify. Yet it is a rare, anti-social, and extraordinarily perverse individual who would rather live in a society characterised by random violence and death, famine, disease, lies, deception and ruthless exploitation. This polar juxtaposition is what the Spanish describe as the two nations in their souls. The one desires and believes in the possibility for a great and structured society that ensures the morally correct behaviour citizens. The other treasures almost animalistically the propensity of man to seek his own path and live free from the restrictions and constraints of government. Even General Francisco Franco - not a noted libertine - observed that "at heart, all Spaniards are anarchists".[209] One might even venture further and suppose that this balance is at the core of what we generically term "the human condition".

It does seem sensible to speak of collective security, strength in numbers, etc. Even this does depend however on a certain ontology. Many philosophers have valued unrestrained emotion above the application of philosophical reasoning, leading to the characteristics of balance and restraint. A little over a hundred years after Hume's death Nietzsche promoted the idea of the "affirmative man" who rejected what Nietzsche saw as the hypocrisy of the idea that a man has any "duty" to anyone other than himself:

> "The concept 'sin' invented together with the instrument of torture which goes with it, the concept of 'free will', so as to confuse the instincts, so as to make mistrust of the instincts into second nature!"[210]

In the manner of natural selection, in Darwinistic terms, the weak are a drain upon the resources of the strong and should, naturally perish if a new breed of "supermen" are to characterise the progressive development of the human race:

> "Finally - it is the most fearful - in the concept of the *good* man common cause is made with everything weak, sick, ill-constituted, suffering from itself, all that *which ought to perish* - the law of *selection* crossed, an ideal made of opposition to the proud and well-constituted, to the affirmative man, to the man certain of the future and

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[208] As Waterfield (1993, p. xviii) observes of Chapters XI and XII of the *Republic*, there is a clear and surely deliberate analogy between the tripartite state and the tripartite soul. Balance, in both cases, is the key – and in both cases, therefore, there is a need for balance specifically between the forces of discipline and consolidation and those of dissent and change.

[209] In Blinkhorn, M., 1988.

[210] Nietzsche, 1992, p. 134.

guaranteeing the future – the latter is henceforth called the *evil man* ... And all this was believed in *as morality*! – *Ecrasez l'infame*!"[211]

Shortly after writing these words, Nietzsche went mad. But in the days of Empire, where justification for the subjugation of entire foreign cultures was sought, such beliefs were echoed. From his thoughts and those of the existentialist Martin Heidegger, the Nazis were to draw philosophical inspiration for their hateful propaganda. This propaganda fuelled some of the cruellest acts of a civilised nation. So there is great relevance to the twentieth and the twenty-first century in the words of a man who would confront such vicious, uncivilised and seductive lies about human progress.

There are a number of commonly raised "problems" with Hume's theory of justice in this context.

1. In keeping with his sceptical tendencies Hume does not really address "justice" as a noun, but rather observes adjectivally, in terms of just and unjust behaviour. In this way he rather predates Wittgenstein in equating the meaning of a word with its use rather than spending time and energy establishing the former in isolation.[212] This is born of his conviction that justice is a man-made concept derived from social needs (the Contract of Society) rather than pre- or super- human nature. For man,

" ... his confin'd benevolence, and his necessitous condition, give rise to that virtue, only by making it requisite to the publick interest, and to that of every individual. 'Twas therefore a concern for our own, and the publick interest, which made us establish the laws of justice; and nothing can be more certain, than that it is not any relation of ideas, which gives us this concern, but our impressions and sentiments, without which every thing in nature is perfectly indifferent to us, and can never in the least affect us. The sense of justice, therefore, is founded not on our ideas, but on our impressions."[213]

2. It might appear that Hume does not care about private injustices, since all his writings on the subject of justice seem to be about citizenship and the community. This is partly true, but there are qualifications to be made before the statement can be accepted. Hume relates so closely the Contract of Society and the Contract of Government that anything that does not come under the context of the former is no business of the latter. Excepting to oneself, there probably is no such thing as a "private" injustice, such as an "issue" between family or friends. These are units of society and as such may or may not come under the jurisdiction of the state if the state is likely to enhance the general harmony of relationships between all citizens in the state, be they family, friends or strangers. In this context the state

[211] Nietzsche, 1992, p. 134.
[212] "Don't ask for the meaning, ask for the use" (quoted in Pitkin, 1972, Chapter I).
[213] Hume, 1978, p. 496.

can be as intrusive or as laissez-faire as the situation rather than a "natural law" demands.

3. Some commentators have argued that what Hume has really given us is not a theory of government at all but a justification of the Establishment, in the respect that property ownership defines the idea of an Establishment as a class entity. For example Scaff claims that Hume implies that:

> "all those cases in which our considered moral duties contravene formal legal requirements must be excluded ... as must those cases, far from uncommon nowadays, in which our sense of justice can only be satisfied by our exercise of human rights" [214]

This interpretation may not do justice to the independent spirit of the man, which we know to be his characteristic from his own writings and from his friends and foes. However this is a flaw in Hume's arguments that typically he acknowledges even without a clear solution. He accepts that single acts of justice can challenge the stability (or public interest) that he so studiously attempts to equate:

> "A single act of justice is frequently contrary to public interest; and were it to stand alone, without being followed by other acts, may, in itself, be very prejudicial to society. When a man of merit ... restores a great fortune to a miser, or a seditious bigot, he has acted justly and laudably, but the public is a real sufferer. Nor is every single act of justice, consider'd apart, more conducive to private interest, than to public; and 'tis easily conceived how a man may impoverish himself by a single instance of integrity, and have reason to wish ... the laws of justice were for a moment suspended in the universe"[215]

Ibsen's *An Enemy of the People* provides a clear example. The action of the doctor of the spa town, when he announces that the waters are polluted, is an action which, despite Ibsen's creation of a genial and generous character, is also an act of impetuosity, self-indulgence and mental blindness.

[214] Scaff, 1995, p. 211.
[215] Hume, 1978, p. 497.

The role of property in Hume's jurisprudence

It is clear that just behaviour has an element of the good man as well as the good citizen, even for Hume. A good government should aim to provide opportunities for and examples of a convergence of the two. We should not overlook the fact that Hume's starting point for political prescription was that Mankind confronts unlimited wants with finite resources. Uncontrolled these factors create conditions of conflict and misery. A government worth fighting for is one that lifts all of us who would be lifted out of the quagmire of mistrusting, basic, selfish instincts. If the constitution of his theory of justice is dominated by a theory of property then this is because property is at the heart of our need for government:

> "Property must be stable, and must be fix'd by general rules. Tho' in one instance the public be a sufferer, this momentary ill is amply compensated by the steady prosecution of the rule, and by the peace and order which it establishes in society. And even every individual person must find himself a gainer, on balancing the account; since, without justice, society must immediately dissolve, and every one must fall into that savage and solitary condition, which is infinitely worse than the worst situation that can possibly be suppos'd in society."[216]

This is despite the fact that property is clearly not part of the essential, natural qualities of an external object.[217]

There are three types of property in Hume's philosophy - the mind, the body, and material possessions. The first is unattainable by others, the second is perishable and subject to violence, but not strictly transferable to another's advantage. Hence the only "goods" relevant to politics are "such possessions as we have acquir'd by our industry and good fortune".[218] Hume considers the idea of natural justice to be false for a number of reasons. He challenges the notion that one can define justice as the giving or receiving of that which one deserves. This definition assumes that there are ideas of right and property that are separate to justice. Further to this, there are moral qualities to the notions of property, right and duty. Hume accepts that in this way returning a good that was lost to a person is an act of virtue. A champion of *natural* justice would argue that this is not because it makes the returner feel like a good member of society, a good citizen, but because it is the action of a good man to return a good to its rightful owner, *and that there is only one such owner for each piece of property.*

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[216] Hume, 1978, p. 497.
[217] See also Hume, 1978, p. 527, and Vol. IV of the *Enquiries*.
[218] Hume, 1978, pp. 487-8.

Hume considers this empirically unsound:

> "...it seems sufficiently evident, in this dry and accurate consideration of the present subject, that nature has annex'd no pleasure or sentiment of approbation to such a conduct"[219]

However, Hume is aware of how important the refutation of any theory of natural justice is to his political philosophy, so he goes on to examine the common arguments in its favour. His argument is that if such justice were really integral to human nature, as our instincts for sustenance and procreation, then we would analyse it in that way. By creating a "deceitful" circular argument that presupposes property in its theory of justice and presupposes justice in its theory of property, such an argument proves nothing. Since the way we *actually* determine property, rights and duties is by contrivance of constitutional law, and as such are created by civil government on the basis of a stable ordering of society

> "if men had been endow'd with such a strong regard for public good, they would never have restrain'd themselves by these rules"[220]

There is also the issue of clarity. Good and bad are often simultaneous. The action of a ship's captain in sealing a hold of 20 men on a sinking ship which has 200 men, when not doing so would seal the fate of all hands, is both good and bad. Yet the essence of the concept of property, civil rights and duties, is far more black and white. In society, we endorse ownership not as a vague or simultaneous thing, but as a clear-cut definition of the social identity of that thing. A horse belongs to this man, not that man, unless that second man under some agreement or understanding takes possession of that first man's horse, at which point the possession remains "contractual", and not "natural". Whilst Hume himself uses this argument to suggest that justice is purely social, and virtue purely personal, it is possible to use his exposition as an articulation of the difference between social and personal justice, and the fact that they are different expressions of the same impulse, i.e. morality. In the normal course of human action and interaction, our motives are impulsive and related to the specific circumstances in which we find ourselves. In more philosophical moments when we try to form general rules out of the particular instances, we find that there are not many and those that we do hold to tend to be highly qualified and "allow of many exceptions".

Since we do not allow that of justice, rights or duties, which in each instance are supposed to be absolute, justice cannot be an action of instinctive virtue. Justice is a social phenomenon:

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[219] Hume, 1978, p. 528.
[220] Hume, 1978, p. 529.

"Were men, therefore, to take the liberty of acting with regard to the laws of society, as they do in every other affair, they wou'd conduct themselves, on most occasions, by particular judgements, and would take into consideration the characters and circumstances of the persons, as well as the general nature of the question. But 'tis easy to observe, that this wou'd produce an infinite confusion in human society, and that the avidity and partiality of men would quickly bring disorder into the world, if not restrain'd by some general and inflexible principles, and have agreed to restrain themselves by general rules, which are unchangeable by spite and favour, and by particular views of private or public interest. These rules, then, are artificially invented for a certain purpose, and are contrary to the common principles of human nature, which accommodate themselves to circumstances, and have no stated invariable method of operation."[221]

So property is, like justice itself, a relative term. There is nothing essentially possessive in the third category of goods. A house does not *naturally* belong to its inhabitants any more than rap music *belongs* to black people.

Since we are neither particularly willing nor able to dissolve our selves into selflessness our contractual system of graceful government must also recognise that obedience is best obtained by appeals to interest. It is instead more common to the nature of man to selfishness, or "self-love", and our system of government is most likely to reflect this in its pragmatic balancing of these interests. Stability of possession is fundamental to justice and constitutionalised reciprocity is the true law of nature.[222]

Hume's second form of morality seems curiously detached from virtuous origin. Can we learn from this dual definition, or is Hume really talking about two isolated concepts?

As a cold and rational survival strategy, this seems to be related to the Judaeo-Christian rationalisation of obedience to and worship of God for fear of the consequences, i.e. hell. We do have to be careful here. Hume was a humanitarian man, and as we know (see Chapter 1) not overly materialistic. So there should be caution over what Hume seems at times to imply: that we must have rules to have freedom, and that if we do have those rules and they are generally obeyed *whatever they may be and however they were made* our society is both free and just. Consent is absolutely vital to Hume's philosophy of the civil society, and sometimes he does not emphasise it all that much, and his scepticism threatens to become pure relativism. It is our knowledge of

[221] Hume, 1978, pp. 532-3.

[222] By "natural" he meant not that it is not natural for man to consider right and wrong, but that in social terms justice is a mechanism for good citizenship and good government. Justice is a natural invention of mankind as a consequence of man's impulse to society, but it remains a human rather than divine invention: "Tho' the rules of justice be *artificial*, they are not *arbitrary*. Nor is the expression improper to call them *Laws of Nature*; if by natural we understand what is common to any species, or even if we confine it to mean what is inseparable to the species."[222]

the man that allows us to appreciate the fundamentally optimistic and constructive nature of his endeavours.

The point is that traditional concepts of virtue, such as those that tend to spring from religious tenet, derive right and wrong from a source outside human knowledge and experience. Hume's morality is still based around virtue, but it is a resolutely *practical* virtue; right and wrong are the ways in which we order our society, and their effects. Hume does arguably borrow from the metaphysical in positing peace and certainty as the ultimate benchmark. These states are undoubtedly virtuous in a Platonic / religious sense to him, but we must qualify this with a consideration for his stress on the means for their imposition over chaos being a moral concern for people not gods. People bring peace, or war, to each other, and moral- religious teachings can offer a smokescreen to this. War is essentially by Hume's analysis a failure, however necessary - and a holy war is still just a war. Morality and virtue are synonymous in Hume, but for his time he was unusual in the explicit degree to which they were a function of humanity rather than divinity.

At times Hume the thinker may seem esoteric and distanced from the political world. This is not the case. As we know, David Hume was a man of society, an academic man of affairs. What this reasoning does is prepare the groundwork for his thoughts on tradition and convention in affairs of state. These, in whatever manifestation they should take, were the "objects of allegiance" that matter so much to the well-being of the civil society. Custom could be bogus, but it could bind a nation and maintain peace and security through a common bond such as religion. It could on the other hand stifle and frustrate the natural inclinations of men such that it would foment and explode into violence and insecurity. A classic example of this would also be religion. Religious belief can be good or bad. What Hume is leading towards is the idea that prescriptive religion neither guarantees nor denies in itself the good life. What Hume really wants to do is present a defence of humility. In the face of our ignorance, we should know that tolerance is the key to "getting along".

A principle of government and citizenship

Can we derive a workable principle of civil society from Hume's analysis?

Societies, as systems of social interaction, distinguish themselves from each other by the way their institutions are ordered. The intention of the civil society, be it the uniquely "functional" constitution that Aristotle sought to define, or simply part of the broader *genus* that Hume believed was to achieve a common aim of civility, to create a system of harmony amongst citizens who participated in it's rights and duties. To construct this concept of order, one must have a point of reference, a guiding principle to create an identity and coherence that supports such a system. In Hume there is obviously, as we have seen, a problem caused by his general reluctance to pronounce on absolute morals or principles. Hume's one metaphysical concession is to the place of grace in his concept of justice. Hume concedes this point because he believes that we do have the capacity to make moral judgements. Hume himself was far from a moral vacuum, and certainly did not encourage amorality in others.

So where does this lead? Altruism, as selflessness, does not really make sense in practical terms. We cannot "forget" who we are without a disabling loss of identity that would certainly not allow us to think with reason. Reasons are always built upon assumptions. Our assumptions *are* an essential part of our identity, as much as the way we build our rationality from them. Furthermore, it is a moot point as to whether giving of oneself to others is always virtuous. Sacrifice and duty are only part of what makes society work. Every right implies a duty, every duty, a right. Having regard to our own needs can be no more selfish than breathing itself. The acts of giving and receiving, as Jesus gives and receives foot-washings in the New Testament, provide the essence of community.[223] The key to this fundamental social balance is reciprocity in the Contract of Society and its enforcement through the Contract of Government not by altruism but by <u>grace</u>.

To have grace one must have power. The grace of God - any omnipotent, omniscient God - is the ultimate grace *because* God is the ultimate power and He bestows upon us His favours. Grace demands respect, and the bearer of that grace must be in a position of strength and knowledge[224] - and *de facto* a position of potential abuse

[223] In John, Chapters 12 and 13. In the latter Jesus actually states, "Unless I wash with you you have no share in me".
[224] Of the bearer's superiority.

- over another in order to act gracefully. The weak do not have the luxury of grace.

Theological grace is the divine love and protection bestowed freely on people. In humanist terms it is either the state of being protected, or of possessing enlightenment that puts the strong at the service of the weak, through the mastery of their basic destructive instincts. The desire to reach higher planes of enlightenment - without the reliance on anything as fundamental as a soul - through the recognition of fundamental human weaknesses (but with potential) makes one wonder in idler moments if Hume was not something of a Buddhist.[225] Certainly there seems to be a shared attitude that there is no grace without power, and government of the man or people demands the attainment of a position of benign control.

In the case of governments, then, grace is the pragmatic manipulation of physical structures and institutions like parliaments and security forces. The belief systems of the population of the state are also vitally tied up in all this. Any denominated belief system can have an impact on the balance of civil society, be it religious, monarchical or cultural.[226] There is as mentioned in Chapter 4 a strong hint that democracy need not be the most important sentiment in a governmental system.

Grace is the answer, the use of power to help those that cannot help themselves, to find the talents that might not at first be apparent. We did not come out of the state of nature because of the power of heroes. We came out of the state of nature for mutual benefit. There is a self-interest that works, that does herald progress, and that Hume promotes through a theory of justice as stability; it is not the selfish hedonism of the Nazi or the existentialist:

> "'Tis by society alone he is able to supply his defects, and raise himself up to an equality with his fellow-creatures, and even acquire a superiority above them. By

[225] Buddhism analyzes human existence as made up of five aggregates or "bundles" (*skandhas*): the material body, feelings, perceptions, predispositions or karmic tendencies, and consciousness. A person is only a temporary combination of these aggregates, which are subject to continual change. No one remains the same for any two consecutive moments. Buddhists deny that the aggregates individually or in combination may be considered a permanent, independently existing self or soul (*atman*). Indeed, they regard it as a mistake to conceive of any lasting unity behind the elements that constitute an individual. The Buddha held that belief in such a self results in egoism, craving, and hence in suffering. Thus he taught the doctrine of *anatman*, or the denial of a permanent soul. He felt that all existence is characterized by the three marks of *anatman* (no soul), *anitya* (impermanence), and *dukkha* (suffering). The ethic that leads to nirvana is detached and inner-oriented. It involves cultivating four virtuous attitudes, known as the Palaces of Brahma: loving-kindness, compassion, sympathetic joy, and equanimity. A central ethic of Buddhism is centered on fulfilling one's duties to society. It involves acts of charity, especially support of the *sangha*, as well as observance of the five precepts that constitute the basic moral code of Buddhism. The precepts prohibit killing, stealing, harmful language, sexual misbehavior, and the use of intoxicants. By observing these precepts, the three roots of evil—lust, hatred, and delusion—may be overcome.

[226] At least one war in recent memory has been triggered by the result of a football match.

society all his infirmities are compensated; and tho' in that situation his wants multiply every moment upon him, yet his abilities are still more augmented, and leave him in every respect more satisfied and happy, than 'tis possible for him, in his savage and solitary condition, ever to become."[227]

Justice makes sense by providing us with "*force, ability*, and *security*".[228] Has Hume identified an elusive, verifiable moral absolute? He doesn't really think so himself. Stability is simply the sensible way to organise society and therefore the correct aim of just government. Enlightened scepticism does not allow him to make bolder assertions than this. The first part of tolerance is scepticism. Hume provides criteria for judgements of just and unjust acts, qualified by his wariness of asserting an argument of such significance so definitively. So Hume's "guiding principle" for a civil society is justice, constituted by the practical virtues of reciprocity (rights, corresponding duties, rule of law) and inclusion (i.e. a sense of participation[229]) and the metaphysic of grace.

[227] Hume, 1978, p. 485.
[228] Hume, 1978, p. 485.
[229] The relevance of democracy comes in the power of the unsettled masses. To curb a mob's urge for expression through rage, universal suffrage offers a participatory olive branch to those who feel disenfranchised.

Who should govern?

Having examined Hume's concept of stability in government action, the investigation then moves on to that of the stability of the identity of those who govern and the system in which they operate. Everything centres around the opinion of those with influence over the right of a particular system and / or government to power. Hume actually challenged James Harrington's positing of property as the basis of authority to govern. The tendency for those with property to gravitate towards political power is fairly common, but in general popular affection towards this or that constitutional frameworks tempers this inclination. Otherwise England would have become a republic, probably since the Magna Carta, and certainly since the arrival in the House of Commons of so many landed gentry. Once again we see the consistency of Hume's philosophy at work; convention creates expectations which in turn create the illusion of external morality:

> "Time and custom give authority to all forms of government, and all successions of princes; and that power, which at first was founded only on injustice and violence, becomes in time legal and obligatory"[230]

The "imagination-based" factors constituting a government's right to power are:

long possession (historical precedent)

present possession (with considerable pragmatic impetus), conquest (in reality, an immediate example of present possession)

succession (from the human belief in / need for continuity)

positive laws (specific regulation on the subject, e.g. the Act of Settlement of 1701).[231]

Not all these factors necessarily point in the same direction, and should it come to conflict, the rationale to which all other factors are subordinate is a government's ability to deliver peace and certainty into the lives of its citizens. If it cannot it is not worth having.[232]

Much of Hume's political works that deal with social contractarian issues ("Of the original contract", "Of the first principles of government", and the last essay he wrote, "Of the origins of government") challenge the contractarian notions of the time. Writers like Hobbes in *Leviathan* and Locke in his *Two Treatises of*

[230] Hume, 1994, p. 566.
[231] Hume, 1978, pp. 556-63.
[232] Hume, 1994, p. 562.

Government were devoted to the preservation of the status quo in a way no great manner dissimilar to those who proposed the theory of the divine right of the (usually current) king to rule. Locke went so far as to title the preface to his *Two Treatises* "to establish the Throne of Our Great Restorer, our present King William; and to make good his Title, in the Consent of the People".

In the outset of "Of the original contract" Hume establishes his opinion that both such approaches are nothing more than "unshapely" *ex post facto* rationalisations of factional interests of the present establishment.[233]

Can the same accusation be levelled at Hume himself, as it was by Kant?[234] It seems unlikely that this entirely true, however, of the man who concluded his essay "Whether the British Government inclines more to absolute monarchy or to a republic" in such ambivalent style:

> "we have reason to be more jealous of monarchy, because the danger is more imminent from that quarter; we have also reason to be more jealous of popular government, because that danger is more terrible. This may teach us a lesson of moderation in all our political controversies"[235]

What Hume did argue, paralleling his argument for the continuity of death and rebirth in the animal world of which man is very much part in his general philosophy, was that "every government must come to a period, and that death is unavoidable to the political as well".[236] In this Aristotelean context, where popular and autocratic government follow each other as night and day, the stabilising influence of the absolute monarch who unifies the factions amongst his people is preferable to letting those factions run riot. This exemplifies his empirical analysis, demanding how one can know that dissolution of the status quo, as opposed to organic change, will bring greater peace and harmony.

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[233] Hume, 1994, p. 186.
[234] See Kant, 1965.
[235] Hume, 1994, p. 32.
[236] Hume, 1994, p. 31.

In what one supposes to be a dig at the Socratics he observes that:

> "The question is not concerning any fine imaginary republic, of which a man may form an opinion in his closet."[237]

Hume has come to be interpreted more perceptively as time has passed. His writings offer in fact a striking alternative to the works of the Establishment philosophers of the Enlightenment. In his view a theory of government that provides proper justification needs to establish a balance between deference to the individual as a person with a certain right to natural individuality and the need for safeguards against excessive self- or corporate assertion.

Was this "distinction" and "balance" a social contract between rulers and ruled, binding the two forever in a relationship of mutual conditions? Hume derided such "justification" of the status quo as the creation of "violence and hurry".[238] This went for social contractarians and divine rightists equally. He did not actually equate them, though the many wars of nationalist-religion in post-Reformation Europe might have suggested that there was not really more than one species involved here. The view of a Contract of Government (derived from a separate Contract of Society) having an isolated origin based on Natural Law was anathema to Hume's historical-empirical inclinations.

There is a version of the original contract that Hume finds palatable. This is in fact one of the two Contracts which operate in civil society, this first being a Contract of Society, between members of that society, and a Contract of Government derived from and dependent on the Contract of Society for its *de jure* and *de facto* existence. From the beginnings of civilisation, thousands of years ago, men and families convened because the common human goals of security, strength and power were seen to be best achieved through orderly community. The very first social bonds were forged in an atmosphere of trust, mistrust and consent. According to Hume there were no subjects:

> "Nothing but their own consent, and their sense of the advantages arising from peace and order, could have had that influence"[239]

[237] Hume, 1994, p. 31.
[238] Hume, 1994, p. 186.
[239] In Barker, 1970, p. 149.

There was no "documentation" of the proceedings either:

> "In vain, are we asked in what records this charter of our liberties is registered. It was not writ on parchment, nor yet on leaves or barks of trees."[240]

Hume is right to doubt the responsibility of descendants for the activities of their ancestors. This is a strong argument against the rigid contractarian stance of the Magna Carta type of social arrangement.[241] However that less refutes the idea of a bond between ruler and ruled than refines it.

Rousseau's concept of a "general will" suggests the necessary imposition of the judgments of a rectifying state over the consent of individual citizens:

> "Whoever refuses to obey the general will shall be constrained to do so by the whole body, which means nothing more than that he should be forced to be free"[242]

To an extent Hume actually shared this sentiment. Hume believed passionately in the rule of the best, the best being those who are able to gauge the laws and practices in government that will maintain the short and long-term stability of the state. Yet we must of course be wary of putting too much faith in our leaders. This translates into another, aristocratic justification of democracy as the late twentieth century would have it. The immediate interest of the ruler in power could be directed by mechanisms affecting his very interest in power such as universal suffrage and maximum term elections. And of course by introducing such qualifying factors on the powers of rulers as the checks and balances favoured by Hume, we can organise our political culture to prevent inept governments from doing too much damage.

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[240] Hume, 1994, p. 188.
[241] As promoted by Hobbes, Locke, Rousseau et al.
[242] Rousseau, 1968, p. 64.

More on the political culture in Hume's functional civil society

Certainly good government is judged by content and results rather than form. It remains the duty of the society's policymakers to maintain a relationship of grace with these cultural institutions known as the "objects of affection", even as they themselves remain as far from having too rigid a set of beliefs as possible. The ability of the state to intervene should be well-toned, but ideally in practice, a muscle rarely flexed.[243] This seems to have been Thomas Hobbes' basic intent in Leviathan, despite a turn of phrase that suggests Divine Rightist teleology.[244]

The difference between Hume and Hobbes in this area is derived from their different approaches to absolute authority. Both argue that civil liberty is derived from a state that protects its citizens from the vagaries of anarchy. Hobbes enthusiastically endorses such authority in the right hands. Hume more sceptically doubts the prolonged existence of the right hands, and the need for checks and balances on the dexterity of those hands to counter potential political excess. Consent rather than physical domination is where Hume's emphasis lies. Not only should just governments be obeyed but also in the long run *only* just governments will be obeyed.

In his unwillingness to infuse the state with a sense of quasi-religious fervour we see the Hume we know from his general philosophies. People can approach the truth but they cannot arrive, or at least there is no particular reason to believe that they have. The state is human in creation *and* constitution, and hence the powers of men in the state must be limited even as the bonds of the citizen to that state are encouraged. These bonds are for reason of grace or nobility towards the weak on the one hand, but also grounded in the rationale of self-interest. Worshipping the state *per se* is nonsense. The words of J. E. McTaggart convey Hume's attitude, that:

> "It would be as reasonable to worship a sewage-pipe, which also possesses considerable value as a means"[245]

An acceptable Contract of Government is one that is equally acceptable to those who it places in authority and those whom it takes as its citizens. This is the characteristic moment of balance in Hume's political philosophy: the sovereignty of the state is the point of balance between how much power the rulers will be satisfied with and how much the masses will put up with. At this point the

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[243] Although occasionally, given the concerns of Machiavelli for the risk for the complacent state of losing the respect of those who might support it against those who might challenge it (1981, p. 96).

[244] "...that great LEVIATHAN, or rather (to speake more reverently) ... that *Mortall God*, to which wee owe under the Immortall God, our peace and defence" (Hobbes, 1994, p. 222).

[245] In Sparkes, 1994, p. 222.

reasonable man, whether as ruler or normal citizen, experiences a convergence of his admiration for the principle of reciprocity and his desire for self-aggrandizement. This is what might describe as the point of consent.

The government must be strong to reach this point. . . And ultimately the goal is prudence with the strength to back it up. A system of allegiance that is perceived to provide this for its citizens is that which is most likely to endure. However once again we come to a part of Hume's political theories that has its roots in his more esoteric thinking. The self in Hume is not entirely coherent, and it would not be natural if it was.

What Hume meant by "bundles of perceptions" in relation to identity and accuracy has been written about extensively.[246] In keeping with this perception Hume considered a number of forms, if not all forms, of government to have potential legitimacy if they deliver a truly civil society. The convention of a Magna Carta offers no essentially superior legitimacy upon a system of government than the conquest of a Battle of Hastings:

> "How far these fundamental laws extend is not determin'd in any government; nor is it possible it ever should. There is such an insensible gradation from the most material laws to the most trivial, and from the most antient laws to the most modern, that 'twill be impossible to set bounds to the legislative power, and determine how far it may innovate in the principles of government. That is the work more of imagination and passion than of reason"[247]

Societies and governments do not have fixed identities, and so it is natural and healthy that the Contracts that define them are dynamic. It is the extremities of revolution and stasis that cripple societies and threaten civilisation.

Is this the direction of contemporary society, as politicians converge on an "End of History" enlightened pragmatism, appealing to "the people" to endorse not so much the radical alternativism of their beliefs as their relative competence and incorruptibility? Perhaps we are headed into a future of charismatic technocrats operating under the guidance of unified and unifying principle of liberty, justice and stability that Hume would find satisfyingly familiar...

Hume's theory of just government relies on consent, but really to a slightly limited sense, certainly one that does not require the presence of universal suffrage in a just society. Hume's prince relies on the Praetorian Guard, and the key power bases within the civil society. The only ways for an "ordinary" citizen to count in this society would

[246] See Penelhum, 1976, for a particularly good refutation of the alleged contradictions and identification of the gaps and complexities within Hume's idea of the self.
[247] Hume, 1978, pp. 561-562.

be to ally himself with one of the existing power bases or to create through class action one of his own. Hume's functional, civil society does rather depend on a convergence of pragmatism with non-absolute power. If one is powerful enough to ensure through force and fear of force the obedience of the rest of civil society, and of a mind to do so, there is no reason to compromise one's ambition for the logic of reciprocation, wherein one might become "the cully of my integrity".[248] As Rousseau put it:

> "If, unhappily, there should appear one ambitious man, one hypocrite ... that man would readily exploit his pious compatriots."[249]

So in Hume, as in Hobbes, a strong and impartial state is of paramount importance:

> "it is impossible for the human race to subsist, at least in any comfortable or secure state, without the protection of government"[250]

Where opportunities for grace are seen and spurned by those members of a social grouping who prefer selfish behaviour, then it is to the greater grace of the state to which the civil society must look for its survival.

Competing pressures are endemic to all societies. With all dynamism comes friction, and all life is dynamic. How a society deals with these pressures, what valves it creates to allow steam to escape, determines fundamentally the very essence of that society. Nationalism and its practical consequences - internal persecution, chauvinist imperialism - are on the darker side of the same moon as multicultural awareness and positive-sum alliance making. On this the facts of life are clear. All species evolve - or die. Violent protest should not of its own accord be allowed to force changes. A process of change is essential but if it is not organic then it is anarchic. Anarchy represents death, to the civil society and invariably to individual human beings as well.

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[248] Hume, 1978, p. 535.
[249] Rousseau, 1968, p. 183.
[250] Hume, 1994.

Consistency

Could Hume do more than hint at why stability is not the be-all and end-all, but the start?

"The general obligation, which binds us to government, is the interest and necessities of society; and this obligation is very strong. The determination of it to this or that particular prince, or form of government, is frequently more uncertain and dubious"[251]

It may be easy to endorse, but absolute relativism is an absolute denial of human moral evolution. It is also a denial of a basic human instinct that has spawned religions and ideologies across cultures and continents. We want to believe. But generalisation is the great double-edged sword. On the one edge, it allows us a sense of moral consistency, of integrity, which allows us coherence as individual people and as societies. It is said that most clichés are clichés precisely because they contain at least a grain of truth. On its other, more deadly edge, it can equate to simplification, the rejection of diversity, xenophobia. It is this type of lack of sophistication, of moral insensitivity, that underlies *Mein Kampf*, for example.[252]

Some writers argue constancy in a world that is not at all constant is less than a virtue. Aldous Huxley wrote "Consistency is contrary to nature, contrary to life. The only completely consistent people are the dead".[253] And the dogmatic, of course.

People do crave consistency. This instinct underpins mankind's impulse towards the certainties of religions and ideologies across time and continents.[254] In this regard stability without reference to how this stability is achieved and perpetuated is still natural (in a basic sense) and noble, but it is an incomplete notion of justice by Hume's criteria. It is blind love. Policy makers should have their eyes open. That some elements within and without society are threats to the broadly harmonious interaction of the citizenry is quite plausible. But where is that line drawn, between the terrorist and the freedom fighter? Can that sort of question be answered without implicit reference to moral judgements of some kind? In Hume's theory they are borne of the quest for stability and the issues that surround it. In this Thesis I have endeavoured to examine and propose the criteria that support these beliefs. These questions are of paramount relevance to the public and its servants.

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[251] Hume, 1994.
[252] Hitler, 1974.
[253] In Usher, 1997.
[254] Is this so very undesirable? In 1996 the Vatican withdrew its support for UNICEF because the organisation was administering family planning programs in developing countries. Even as we might deplore the action taken, we must at least acknowledge it as a "moral position". The Roman Catholic Church rejects fundamentally the use of contraceptives. It must surely be wrong then to expect it to endorse such programs.

This "common sense" approach promotes justice as the freedom to plan, to take control of one's destiny in some small way. Justice equals stability, which equals freedom. If the goal of a policy such as EMU is stability and from this stability, the opportunity to grow, then is this not a policy of the just government? In the context of the EU as a policy of war-avoidance (prosperous intertwined democracies being less historically prone to going to war with one another), there is much to be said for the arguments for these policies in Hume's terms.

As already stated, there is a need for balance in society as in the individual. It is a very Platonic argument that encourages the specific training of leaders (the philosopher-king argument) to ensure the rule of the wisest and most clear-headed members of society. The rule of the wise is equated to the rule of the good ruler. This can retain its plausibility even as we recognise the imperfectability of wisdom, the Absence of Solomon, that is exemplified by the difficulty in identifying the "national interest".

Stability is not enough. "Justice" is more than stability, and this should be recognised not just at a personal level but at a state policy-making level. Can we find objective criteria for this?

There is a sense in which we cannot escape our post-Enlightenment scepticism. If we are seriously to start from the premise that one can be sure of nothing except one's own mind, then everything is necessarily a matter of opinion. This throws into doubt not only the whole of political theory but also all other academic pursuits. Can we, in truth, be any more certain that what we see is "right" as what we feel is "right"? The mind-body dilemma faced by philosophers is an expression of these uneasy foundations to intellectual and scientific study. Is all "science" a sham?

The belief of logical positivism[255] that there are simply competing beliefs and competing interests, with no more legitimacy attached to one than the other, is morally bankrupt. We can recognise that certain things are wrong. Man's moral development, recognising that acts of rape, pillage and wanton slaughter are not just issues of power but of barbaric evil, is a fact as much as our physical transition from *homo erectus* to *homo sapiens*.

"Able to" and "ought to" are not interchangeable. To deny this is to deny that there is anything unique about mankind. That man has the capacity for great cruelty is not in doubt. But neither is the fact that man has the capacity for great kindness and sacrifice, and love. This is as clear as his imperfectability and his bio-diversity. It is these very things that make us realise that, however unjust we find a particular

[255] As expounded by R. Plant in Plant, 1991.

government, we are aware - by examples of its absence - of the potentially civilising and morally enhancing circumstances of the living conditions where men and women have some say, however qualified, in their own destiny.[256] Destiny is a much abused word, frequently used by individuals frightened to embrace their potential ("*Que será, será*" and other superficially comforting but soul-destroying clichés), who must remain weak because they fear the chill wind of autonomy. But if the state can create a destiny for its people of peace and hope, then it must do so. Too much of human history is littered with the corpses and suffering of good and innocent men and women for this not to be true. That, surely, is where the law of human nature (common sense, really) and established conventions on the significance of "justice" can and must coincide.

[256] Therein lies the roots of the essential iniquity of the Communist reliance upon dialectic materialism (see Gellner, 1994).

Justice in government

What can citizens expect from a just government? What can just governments expect from just citizens? What possibility is there for limited altruism in a culture of individualism?

The rights debate is the same as the freedom debate, the justice debate, and effectively the core of the entire Western-Liberal tradition of political thought. The *telos* of the state is not defined by its form, just as the measure of a discus thrower is in how effectively he is able to throw a discus, not in the way in which he does it (*NB within the prescribed rules of the game*).

The notion of reciprocity that Hume so eloquently espouses is a consequence of a belief in a rational basis to justice that is common to more recent political thinkers. For example, in Rawls' *A Theory of Justice* the key idea is that there is a single rational choice under conditions of uncertainty. The principles of justice are reasonable to everyone if they are able to "forget" for an instance their own identity (the "Original Position"). Even if in practice this seems a little absurd, the point that there are reasons of altruism, or grace and self-interest that we should empathise with different points of view. Contracts tend to imply a compromise between the parties involved.[257]

What are the chances of true public service by private individuals? Clearly when we try to answer the question of whether the system works, part of that answer is contained in how it does so. Government is perhaps best perceived first and foremost as damage limitation. Once again we find ourselves drawn to a "post-heroic" scenario. In a broadly stable state (as opposed to the conditions addressed by Machiavelli, and those "addressed" by in Albanian citizens in mid-1997) practical citizenship demands a balance of both community action and a tolerance of diversity, derived from a similar ideological balance between altruism and pragmatism. These at least should be the terms of debate for political direction.

[257] Points which Rawls himself has later acknowledged (Rawls, 1985, pp. 223-51).

Compassionate government is on the one hand a necessary evil (for the strong who may someday be weak) and on the other a force for good (for the weak who seek to reduce their vulnerability).[258] What is of overwhelming importance is that humans and human society can achieve consciousness (i.e. the concept of "nation" - and therefore a national or public *interest* - is not as wholly fatuous as it might seem).

There are limits to the force of the collective, "herd" instinct. The "people" are a collection of individual choice-makers. In the absence of *Brave New World* cloning, it is always possible to sub-divide people. Civilisation is about finding the level of sub-division that allows judgements to be made that give full credit both to the power of the team and the unique significance of the individual. This is not the law of nature as either Hobbes or Rousseau perceived it, but it is much more along the lines of contemporary thinkers such as Ridley.[259]

Grand designs in the name of "the people" have been responsible for some of the greatest atrocities in human history - above all in the twentieth century. But planning our betterment is essential to our existence as moral beings, for the very reason that we are not simply animals, apparently sophisticated but essentially similar descendants of the prehistoric "life" found in the deepest depths of our oceans (and also on Mars...). We can be self-aware; we can help how we feel. As Plato suggested, only the person who examines him or her self, why they feel as they do, only then can that person be honest with themselves and with other people, and have the potential to be a truly good person, in an enlightened (as opposed to purely functional) sense.[260] We must therefore demand of our right-thinking just society a break with the law of nature, that of survival of the fittest. A decent, just, civilised society is based around not only rights but also duties. Duty to one's parents, duty as adults to the young, the sick, the old, the weak, duty to those who help, and duty to those who hinder and even harm (i.e. rehabilitation rather than retribution is a hallmark of a caring society).

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[258] Without wanting to extend this into a discussion of the merits and otherwise of affirmative action it should be possible to start thinking about justice in terms of the analogy between the "soul" of the individual, and what these "souls" have in common that can be said to constitute the "soul" of a state, and whether or not the human soul is a product of neurone activity or a mythical ether is hardly the point when it comes down to practical citizenship.

[259] See Ridley, 1996.

[260] This is of course the theme of much of the *Republic* (but see, for example, Ch. XII on "Happiness and Unhappiness", in Plato, 1961).

Hume did not consider it necessary to have a great plan, a vision, and an "end", to justify the means. We are not gods, but in recognising the flawed but improvable beings that we are, is it not the means that justify the end, in the sense that they are one and the same? It is somehow fatuous to ask whether something of this type was a good thing "in the end". The question presupposes an end for which there is no clear evidence. This sort of analysis is one that lacks awareness of the cycles that are part of nature and therefore, since man is part of nature, of human history also.

Hume's historical-empirical analysis addressed this common mistake directly: experience showed that men could expect to have duties imposed on them by the state in order to guarantee the reciprocal system of rights that promoted peaceful co-existence and security. He did not deny there could be ambiguities, simply that it was to be understood that solutions were rarely to be clinical, so changes should err on the side of caution since dramatic change created circumstances of instability that it is the point and duty of the government to avoid. The citizen can expect rights, and he can expect duties, with a broadly civil aim. The state can expect and enforce obedience, so long as it can carry the opinion of the significant part of the citizenry that it's aims and methods are pursuant to the goal of the civil society.

Are human rights and natural rights the same things?

As already mentioned, Wittgenstein adjudged the meaning of a word to be its use, and as normally understood justice is a party to the debate over rights.[261]

The ideal of the just government, in terms of a government with a sense of public duty as opposed to self-aggrandisement (e.g. tyranny, oligarchy, democracy in the Greek sense), is to make all the people happy all of the time. In recognising this to be an impossible ideal, we confront two crucial questions. Firstly, how to make as many as happy as possible, and secondly, given that this leaves others out in the cold, how much should we temper our pursuit of this goal by concern for those who may not benefit from it? Would Tiananmen Square have led to civil war? Were the controversial actions of the Chinese leaders at that time in fact those of good men, good citizens, good leaders? In Platonic terms, and in Humean ones, a good case can be made for this claim. If so then better that a few hundred "antisocial" dissidents should die than millions of ordinary citizens. Compassion in all things: but we must have priorities.

[261] It may even be possible to establish a constructive debate out of a conceptual distinction between *rights* (as civil entities) and *interests* (as a natural feature of all living things). In terms of sensible policies on such divisive issues as abortion this can help in making the most balanced judgements possible.

For Hume there are no such things as natural rights; there is only nature. Nature creates, in mankind and elsewhere in the interactive world, cycles and rhythms which pattern out existence. There is a natural impulse to create systems, but there is an impulse to destroy systems also. The concept of "rights" is a part of both of these impulses, and as such can be a force for creation or destruction depending on their specific application, which is an entirely human definition. So human rights are vital to Hume in the scheme of the building of the civil society, but once again, they are only of nature in that they come from man - and nothing more.

Convention vs. natural phenomenon

The idea that pragmatism is in a sense the most important element in healthy idealism forms the basis of a kind of utilitarianism. This is a theory of utilitarianism based around healthy scepticism, tolerance and compassion. If social cohesion cannot be maintained even after a relative level of stability has been enforced (e.g. in Bosnia-Herzegovina since 1996), then the humanitarian path may indeed be to acknowledge this, and arrange for as amicable a break-down as possible.

Thrasymachus' "justice" is a rationalisation of the survival of the strong at the disadvantage of the weak.[262] The empirical observation of the notion of survival of the fittest has been with us at least since Darwin.[263] The Nazis celebrated power as the law of nature as demonstrated by the evolution of the animal kingdom.[264] It is not hard to translate this into terms of human society, and provide evidence of lawmakers making laws to attempt to protect or further their own interests.[265] The key question is whether one can distinguish this empirical observation from a moral one. Is the stronger man the one who crushes the weak, or the one who helps and protects them?[266]

Why this concern for the underdog? Nature is a savage garden, after all. But we are not trapped in it. We are not obliged to accept that might is right. There are two reasons why the strong should recognise their position as one of right, duty and privilege to protect the weaker. Firstly because it breaks with the barbarism of evolution. In a sense, the man who shows compassion has evolved. In Machiavellian terms, it may very well be the case that it is better to be feared than loved if respect is at stake even Machiavelli is clear that it would be even better if the ruler was a nice guy, both loved and respected (à la Mandela). When a young person gives up a seat for an older person, when a man opens the door for a woman[267], these are acts of social convention. Mostly they are followed (if they are) because they are "the done thing".

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[262] See Plato, 1993, Ch. I.

[263] See especially Ridley, 1996, for a fascinating analysis of the extension of this into a discussion of the "selfish gene" – that all concern for others (or in Hume's terms, "Morality") that we consider "natural" is in fact motivated by, if not directly self- then certainly genetic preservation.

[264] As such it was easy for the Nazis to use the arguments of Heiddeger and Nietzsche to support their prejudices (See Hitler, 1974).

[265] The Reform Acts in Great Britain; for example, the popular momentum towards which had grown during Hume's time and started to come to fruition shortly after his death. Similarly the repeal of the Corn Laws that were so controversial before, during and after Hume's time, that was a result of the machinations of merchants who had joined together in 1839 to form the Anti-Corn Law League and appealed successfully in the 1840s to workers and farmers to unify against the landlords who supported their continuance (see Davies, 1996).

[266] See Buchanan, 1975 for a further discussion of public choice theories.

[267] Or whatever, e.g. in central Europe the custom is reversed: the man should precede the woman through a door, in case there is a brawl going on the other side, and leave the room last, in case a glass, bottle, chair etc is thrown in their direction as they leave (!) - the point being that such conventions are social mores not fundamental rights or obligations.

But their origin is in the grace of putting oneself at the service of another, not because they are stronger than you and can bestow favours upon you, but precisely the reverse; because it is in your power to help them, and you choose to do so. The essential idea behind "conventions", the basis to all civilisations, is that there is a right way to do things (i.e. *this is a natural human instinct*; not everything is governed by the laws of chaos).[268]

Secondly there is a more pragmatic reason: the strong do not remain the strongest forever and they might be grateful for the perpetuation of a culture of compassion when they in turn become vulnerable.

We are defined by our conflicts. It is not when we acquiesce, when we please others, when we are "nice" that we encounter ourselves. When we take a stand, we do so because we will not accept a particular destiny. It is these moments that reveal our strength and integrity; our spirit, or lack of it.[269]

This may be an argument between individuals, even friends, or it may be between polarised representatives of something greater. So it is with the nation-state. In time of conflict and circumstances of challenge groups of people bond tighter than ever before, or they fall apart. These then are equally the defining moments of the corporate body.

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[268] See Lecomber, 1992, for more analysis of how in fact laws of "antichaos", or order, can exist in the most unlikely of circumstances.

[269] An Ingushetian warrior tradition represents this idea. When confronted by insurmountable odds, the Ingush does not surrender, nor does he take his own life. Instead he carefully and deliberately takes off his cloak, and with the dignity of a priest administering last rites, spreads it across the ground. This damned man will literally take his last stand on this grounded cloak that is symbolic of his defiance, of his unbroken will. He will die defending this otherwise ordinary patch of ground. As freedom is in the mind not the body, he chooses to die like a man rather than be slaughtered in the animal-panic of the hunt or the pathetic desperation of the beggar. He retains his freedom, his dignity, his manhood – and, it is supposed, his identity.

Freedom

With the limited collectivism and communications (especially amongst the masses) of Hume's time, few major sources of power existed beyond the state religion and the state itself. Now of course with multifarious institutions and social movements to challenge the "traditional" power bases we can make much more sense of Paine's "non-political" civil society. These would include churches, universities, trade unions, green, feminist and other single-issue organisations. What de Tocqueville described as "the habit of association" was in Hume's mind the clear motivating factor between all human society from the very beginning. In today's climate of atomising and enervating market forces Hume would have recognised a challenge to the other components of civil society that threatens the balance he values so highly just as surely as either an overactive, over-intrusive state or the momentum of a revolutionary demagogue. I suggest that from what we know of Hume that this would have been his chosen path had his society been ours.

This is surely a healthy wariness of the arrogance of applying scientific method to that which clearly defies it except in the most specific of cases and in the most general of ways. The inconsistency of nature is a beautiful, dangerous thing. Beautiful, because diversity is part of the journey into the unknown that life is for all of us. Dangerous, because of man's desire to understand and master it through clumsy simplification. Such simple thought is at the heart of racism, nationalism, sexism, and *sui generis* almost every other "-ism". Hume acknowledged that to avoid insanity and get anything done, as ordinary people we must pretend that we know things that we cannot. However it would be the greatest crime against ourselves and against our fellows if we were to try to build a theory of everything on our crass assumptions.

Any totalising plan is necessarily wrong. This was not strictly the lesson of the Enlightenment, but it is certainly the theme of Hume's work. Goodness in government as in life demands humility, translated in practice as principled pragmatism. This can be contrasted not only with examples from Hume's knowledge of human history, but from history subsequent to his death. No century demonstrates better than our own, with its technological and population explosions, be it in Germany under the Nazis, Stalinism in Russia, Cambodia under Pol Pot, or Iraq under Saddam, that political evil is the destruction of civilized stability, the devastation of the individual, *even as those individuals may themselves aid and abet that evil.*[270] Of course Hume was a patrician, but because he loved people not because he had contempt for them. As Popper noted, it

[270] For a stimulating discussion of empirical evidence to this effect see Goldhagen, 1996.

may be presumptuous at times to talk about what *x* really needs (as opposed to what *x* says he wants), but whilst we are wary of authoritarianism, it is clearly false to say that I or anyone else is invariably right in judging one's best interest.[271] Usually such judgments cannot be made without hindsight anyway. We make mistakes. A crucial part of personal freedom is in learning from them.

Greater awareness of the fragility of many of our assumptions about political and other "truths" is a good thing. This should not be treated as a call to revolution. Clearly such a thing was far from Hume's mind. It is better to see that what has gone can usually be refined, and what has come should be treated with positive scepticism. This attitude, fundamental to Hume's work, applies politically as well as metaphysically.[272] There is no right or wrong form of government.

Democracy possesses no moral superiority over monarchy or oligarchy. A greater awareness of what we mean when we talk of contract allows us to think not of a bleak and static historical event, but of an onward contractual relationship. Society and the state, if they are to survive as such, should be as convenient and advantageous to as many of their constituents as possible. In this way both the Contract of Society and the Contract of Government are based around consent. "Consent" may be as hazy at the edges as the very notion of "society" itself (and equally, it cannot be reduced to purely logical analysis, despite its importance to the way we live our lives). But its effects are very real, as are the effects of its breakdown.

Hence there are tangibly right or wrong ways to govern. In the context of a "free" state in Hume's terms civil society is sustainable when those who rule are aware that man is by nature simultaneously egoist and socialist, and real consent, or in Hume's terms the formulation of "opinion", is an individual and ongoing activity.[273]

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[271] Popper, 1966, Chapter VII.

[272] As well it should; there are always gaps and leaps of faith in any theory beyond Descartes *First Meditation* (in Descartes, 1955).

[273] Hence the obligation for the citizen qua citizen to realise an active interest in the *polis*; cf. Aristotle on the good man and the good citizen (*The Politics*, Bk. III, Chapter IV).

Final thoughts

To accept that legitimacy is in the eye of the beholder is dangerous. It requires good and strong leadership to maintain a sufficiently broad perspective. The power of common sense is blighted by the frailty of human nature. Too often we forget the "higher" rationality of mutuality, and descend to our base, "frivolous" temptations. This is why in a state's best moments it appeals simultaneously to pragmatic self-interest *and* a sense of community. Legitimate government is damage limitation. "Good" or "just" government seeks to stem and guide rather than cure the selfish inclinations of man:

> "If we are too eager for perfection, we shall only perpetuate confusion"[274]

The goal of the good public servant or citizen is the harmonious functioning of society to the greatest possible extent, and whichever form of government best creates such an environment is the one worth defending. Freedom and Justice are moral Ideals are best approached from a perspective of management rather than full instalment. A. W. Sparkes compares the static property of having a high IQ and the act of actually living intelligently, distinguishing the latter as:

> "a continual activity in the face of opposing tendencies"[275]

Similarly, the conceptual mechanism of a Contract of Government creates the possibility of institutional arrangements like a national health service that are not perceived to impinge excessively upon private concerns (even if wastefulness in such a service is condemned). These types of arrangements attract the public loyalty that fosters a sense of nationhood. In this way there is a less schizophrenic demarcation for the man-citizen between his individual and social interest. Any functional theory of government as a contractually-driven mechanism must work towards this symbiosis between public and private aims. A society that follows Hayek down the path to fundamental rights to non-intervention is one that is on a path to join Nietzsche and the Nazis.

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[274] Mackie, 1980, p. 111.
[275] Sparkes, 1994, p. 153.

Nagel proposes a state that is present and powerful, but minimal in its intrusion into the lives of its constituents, allowing a balance between the "agent-neutral" values that others in society, and the "agent-relative" values that do not.[276] One might add that variations in these values and their impact upon others is a dynamic that is natural to the way a society changes, and the important thing is that the balance is maintained for the greater good (i.e. peace and security are maintained). At this point we would be basically restating a philosophy of life and government that Hume eloquently constructed some 260 years previously. This contemporary relevance may explain why, after being for some time regarded as a cynic with little to offer in positive terms (he even observed that he would "not live to see justice done to my work"),[277] he is now widely considered one of the greatest philosophers produced by this or any other country.

It is a moot point whether Hume believed in the validity of consent and contract in explaining government. Personally Hume was a great challenger of the arguments that relied on these notions at the time of his writing. However in retrospect we may well consider that his arguments do not destroy the need for these ideas as put them on a rather sounder, empirically based footing. Hume as an historian was a great revisionist, and the same might be said for much of his political and philosophical thinking. The ideas of the past and present were refined, and we have been left thoughts and most importantly ways of thinking that can enlighten *our* present too and are likely to remain relevant to our future. Uncertainty about authority leads to insecurity in the minds and actions of individuals, and a breakdown of civil society. Regular, acceptable institutions that reinforce the sometimes shaky natural instinct towards the benefits of society and good social behaviour are essential for most men. Wars are fought over the establishment of such institutions and once they are achieved, Hume's point is that they should not be given up lightly. The loss, as opposed to the refinement, of the conventions of these institutions is a dangerous game, since we lose a part of the fabric that binds our societies. When this happens we are in danger of losing that civil freedom that allows us to reflect and grow as people, to be replaced by the paradoxical freedom of chaos, the freedom to lose everything.

Hume's theory of justice *is* a theory of property. This may appear limiting, but it is not. Firstly, because Hume's definition of property is not limited to material possessions, but also to the minds and bodies of individual citizens. It must also be viewed in the context of his general moral dichotomy. Property is artificial. Justice is artificial. Acts of theft, when they break both types of morality (e.g. benevolence and respect for property) are unjust and wrong. Hume

[276] Nagel, 1991, p. 86.
[277] In Noxon, 1976.

felt, rightly, that living along these lines must be the right way to live, and that all else was selfishness and lies.

Hume frequently alluded to the Aristotelean distinction between being a man and being a *good* man. Civil society is the means for the citizen to live well, and unlike Aristotle, the good man and citizen are necessarily the same thing in Hume, because society is an expression of humanity in itself. Civilisation is a process as much as a destination. For Hume it is focussed around expressions of humanity in the arts and the sciences, certainty derived from rule of law, and trade. Self-interest drives all men. As such, the enlightened citizen must realise that speculative factional bias must be avoided and that the public interest is their real, private interest as well.[278]

How has Hume been received over the years? During his life it was only Hume's *Histories*, and to a lesser extent the *Political Discourses*, that established him as a significant writer in public debate. Indeed, at a time when historical interpretation was still the main battleground for the debates of the present, his accumulated *History of England* became the seminal volume for decades after his death. However, the publicity it achieved entered him into the fray in which all participants were assumed to belong to one of two polarities, namely Whig and Tory. Hume's underlying philosophy in this work was obscured by its contemporary interpretation, perhaps inevitably, as the work of a polemicist. As a consequence of his leanings toward enlightened monarchy[279] and stability in general, and the fact that the first part of his History to be published was that of the ascendancy of the House of Stuart led to his being labelled unfairly as a Tory apologist.[280] Whilst remaining a significant force in epistemology, particularly alongside Berkeley and Locke, in terms of *political* philosophy Hume's star fell for a long period after his History was superseded in the public firmament by T. B. Macaulay's own *History*. In the period until the Second World War little attention was paid to the significance of Hume as a political thinker.

Ernest Barker drew attention to Hume as a thinker of stature in the political arena in 1947,[281] but the perspective did not significantly alter until momentum began to build behind something of a Hume revision that exploded in the 1970s. The cause of this change was the examination by Duncan Forbes and J. G. A. Pocock of the impact of Hume's thinking on the Founding Fathers of the Constitution of the

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[278] Hume, 1994, pp. 33-9.

[279] Such as that of France, although of course it would have been interesting to have observed how Hume would have dealt with the fact that such enlightenment failed to prevent the French Revolution not long after his death. (see, for example, Hume, 1994, pp. 1-3, 186-201, 58-77).

[280] Hume was proud of relating that the Tories had been upset by his handling of the period from the death of Charles I to the 1688 Revolution (See Chapter 1 of this Thesis, pp. 11-12).

[281] See Barker, 1947. However this was largely restricted to providing a foil to the Social Contractarians.

United States. This exploration led them to lead the re-examination of the works of this hitherto relatively low-profile "North Briton".[282] By looking at Hume's works in the context of Florentine Renaissance politics - above all, the existence of militias, armed, reactionary citizens, and influential but transient wealth - one can apply fascinating analysis on civic ethics. In a similar way one might today assess the political and economic climate of late twentieth century Russia. In this context Hume was, curiously, reinvented as a proponent of republicanism.

Interest in the Scottish Enlightenment's impact upon the Founding Fathers[283] has led naturally to an enhanced standing for Hume, and the 1970s and 80s interest in the writings of his doctor and friend, Adam Smith, have in particular opened up new interpretations of the Humean vision of justice. It was not until this time, strangely, that Hume came to be seen as offering a framework for discussion as something other than yet another natural law theorist. Our understanding of Smith's political thought on jurisprudence is greatly augmented by Hume's methodology of causation and knowledge in general, and justice in particular. Natural law was at the time of his writing fundamental to the systematic framework for students of jurisprudence in eighteenth century Edinburgh. By rejecting natural law as an explanation of ethics, Hume was setting himself up as a pioneer of psychology, empirical history, and jurisprudence.

His belief in progress through balancing moral impulse with rational reciprocation is applicable for the state as for the individual, in the manner of Plato's alignment of the tripartite state and the tripartite mind in his *Republic*.[284] As Hill observes:

> "just as the threat of social disorder provides the antagonistic parties of subjectivist contract theory with a reason to seek agreement, so the inner conflict occasioned by the clash of subjective and impersonal concerns provides each person with a powerful incentive to find a reasonable accommodation between these competing claims"[285]

We obviously should look to advance the quality of those assumptions through which we live our lives and affect those of others. For that we must first know that inevitably to some degree they are false. Then we must look for inspiration from writers such as Hume to

[282] See in particular Forbes, 1975, and Pocock, 1975. Ironically Forbes in particular pursued the idea of Hume as a Whig (albeit a more scientific, neo-Whig)!
[283] Madison especially – see Freedland, 1998.
[284] Especially Chapters 11 and 12 (Plato, 1993).
[285] Hill, 1995, p. 114.

encourage us in our belief that progress, towards enlightenment but never arriving, is possible.[286]

David Hume was a man with lofty intellectual ambitions. He also possessed great humility, displayed in his personal relationships, by his caution in the boldness of his claims and his tolerance of others. He displayed great love not of the vague concept of humanity but of the people with who he engaged. Gibbon, his friend and rival, commented to Holroyd:

> "You tell me a long list of dukes, lords, and chieftains of renown to whom you are introduced; were I with you, I should prefer one David to them all. When you are at Edinburgh I hope you will not fail to visit the sty of that fattest of Epicurus' hogs and inform yourself whether there remains no hope of its recovering the use of its right paw."[287]

It was upon these experiences and these characteristics that Hume sought to create a truly sympathetic and *human* intellectual mechanism for peace through balance.

There is no one-off contract, either of society or government. But that is far from the essential nature of contract. Dynamism, in our commitments as in everything else, is the stuff of life. Hume's case is that not only is political obligation (more obviously) artificial, but so is what underlies it; namely, "justice" itself. Consent is therefore essential to our political relationships in Hume's view.

The need for consent is a feature that continues even in the most "forceful" of states. Much is made of the "reasonability" of the common people. This is with good reason, as Barrington Moore Jr. observes in his excellent Social Origins of Dictatorship and Democracy:

> "Peasants do not revolt as long as they accept the privileges of the aristocracy and their own obligations to them as legitimate. Why the peasants accept them remains as much as a problem as ever ... Folk conceptions of justice ... do have a rational and realistic basis; and arrangements that depart from this basis are likely to need deception and force the more they do depart"[288]

Viewing the evidence empirically, as Hume would, we can see good justification for these sentiments. For example the 16th Century Baurenkrieg (1524-1525) peasant revolt was easily crushed in Bavaria because of the lack of class cohesion. However the 20th Century provides examples of the effectiveness of more consolidated class cohesion, like the Bolshevik Revolution of 1917. Consent in such

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[286] Interestingly this was the line taken by the existentialists when in their more positive moments they sought for a human rather than divine meaning for life, however hard it may be to imagine a high degree of personal compatibility between Hume and, for example, Sartre or Heidegger.
[287] From Gibbon's Miscellaneous Works, Vol. II, quoted in Braham, 1987, p. 49.
[288] Moore Jr., 1966, pp. 470-471.

circumstances does tend to be almost entirely negative: a desire to remove the *status quo*, which says nothing of their acquiescence to the subsequent system of government:

> "Twentieth century peasant revolutions have had their mass support among the peasants, who have then been the principal victims of modernization put through by communist governments"[289]

Ultimately the limits of Hume's political thought are in his championing of property rights as the key to stability and humanist justice. As far as he goes, he is quite right. But we would in our modern times consider this a somewhat reactionary defence of "special interests". As Ben Rogers notes:

> "There is a Russian joke that socialism marks the phase of historical transition from capitalism to capitalism...Yet it would be sad if the ideal of a civil society became just another route back to the free market."[290]

We must be careful not to judge Hume unfairly. This limitation to Hume's political prescription is a product of his time. In the heady days of the Enlightenment, the debate raged between theocratic feudalism dominated by robber barons and the brave new world of equality under law, advancement of "the common man" through access to education, and the justice of the market. Communism was not a concept yet under discussion, and this was as far as socialism could be said to have arrived. So it makes little sense to be surprised that such a man and thinker, who prized balance so highly, should not be a direct proponent of a "third way" between socialism and capitalism.

Of course, in the light of mere reason and human experience, immortality cannot be proved, and grace cannot be definitively known. Hume knows this, but equally he accepts the possibility of epiphany, as is typical with his double-edged scepticism. One of the great attractions of Hume is that for all his healthy pragmatism and scepticism, one senses that at heart he recognises the passion of belief. He was a first rate academic, but more than that, he was a truly human philosopher, and both he and his work - inseparable, I contend - deserve to be considered as such. As Braham states the case:

> "He is perhaps the greatest of all British philosophers if for no other reason than that he is undoubtedly the least committed to system. His acute mind was ever looking ahead. He closed no issue. He finally solved no problem, but he has raised enough to keep many generations of thinkers very busy."[291]

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[289] Moore Jr., p. 428.
[290] Rogers, 1994, p. 43.
[291] Braham, 1987, p. 99.

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