

Reason Papers

A Journal of Interdisciplinary Normative Studies

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

Edited by Stuart D. Warner

Articles

- Hume on the Origin and Evolution of Religious
and Philosophical Consciousness Donald W. Livingston
- The Virtue of Political Skepticism James T. King
- Hume's Account of Property Nicholas Capaldi
- David Hume on the Public Interest Stuart D. Warner
- Spinoza and Hume on Individuals Douglas Den Uyl and Lee Rice
- Natural Rights, Philosophical Realism, and Hume's
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Discussion Notes

- In Defense of Moore's "Proof of an External World" John O. Nelson
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Book Reviews

- William G. Scott and David K. Hart's *Organizational
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**Abbreviations for David Hume's Works
Used Throughout This Volume**

E *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller. Indianapolis: Liberty Classics, 1985.

EU *David Hume's Enquiries Concerning Human Understanding*, ed. L. A. Selby-Bigge, 3rd ed. revised P. H. Nidditch. Oxford: Clarendon Press, 1975.

I *An Inquiry Concerning Human Understanding*, ed. C. W. Hendel. Indianapolis, Ind.: Bobbs-Merrill, 1955; *EM* *Enquiries Concerning the Principles of Morals*, ed. L. A. Selby-Bigge, 3rd ed. revised P. H. Nidditch. Oxford: Clarendon Press, 1975.

H *The History of England, From the Invasion of Julius Caesar to the Abdication of James the Second, 1688*, based on the edition of 1778 with the author's last corrections and improvements. 6 vols. Indianapolis: Liberty Classics, 1983.

L *The Letters of David Hume*, J. Y. T. Grieg. 2 Vols. Oxford: Clarendon Press, 1932.

NHR *The Natural History of Religion*, ed. A. Wayne Colver and *DHR* *Dialogues Concerning Natural Religion*, ed. John Valdimir Price. Oxford: Clarendon Press, 1976.

T *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, 2nd edition with text revised and variant readings by P. H. Nidditch. Oxford: Clarendon Press, 1978.

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HUME ON THE ORIGIN AND EVOLUTION OF RELIGIOUS AND PHILOSOPHICAL CONSCIOUSNESS

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

THE ORIGIN OF RELIGIOUS CONSCIOUSNESS

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

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

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

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

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

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

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

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

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

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

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

THE ORIGIN OF PHILOSOPHY AND TRUE THEISM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE RELATION OF RELIGION AND PHILOSOPHY IN ANCIENT AND MODERN SOCIETY

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

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

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

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

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

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

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

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

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

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

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

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

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

THE *TREATISE* AND PHILOSOPHICAL SUPERSTITION

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

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

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

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

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

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

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

fanaticism, but of "philosophical enthusiasm."

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

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

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

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

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

THE *TREATISE* AND POSTMODERN CULTURE

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

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

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

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

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

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

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

THE VIRTUE OF POLITICAL SKEPTICISM

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My thesis in this paper¹ is twofold: first, that Hume advances moderation as the chief political virtue and, second, that he strengthens this view by connecting his account of moderation with his treatment of skepticism. Exploring this twofold thesis will cast light on certain questions that have exercised Hume scholars and will reveal how Hume visualizes the intellectual's relationship to the order of practical politics.

THE VIRTUE OF MODERATION IN HUME'S POLITICAL WRITINGS

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

Reason Papers No. 15 (Summer 1990) 24-46.
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linked with the virtues of balance, impartiality and moderation, are the distinguishing marks of the intellectual and convey, I submit, a portrayal of the qualities the Humean philosopher brings to practical political questions. "It belongs, therefore, to a philosopher alone," he writes, "who is of neither party, to put all the circumstances in the scale, and to assign to each of them its proper poise and influence.... Hesitation, and reserve, and suspense, are, therefore, the only sentiments he brings to this essay or trial" (*E*, p. 507). In short, attention to moderation (and its opposites) is an extremely important element in Hume's political thinking.

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

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

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

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

A second difficulty is this. Hume seems far from consistent when he describes the philosopher as disinterested when it comes to matters of political partisanship⁵ but, as we saw above, also zealously interested when it comes to concern over the conditions of political liberty. If this be Hume's view, it seems scarcely coherent, and we are tempted to think that, in the end, he moved away from this praise of moderation and endorsed zeal in pursuit of the values he deems the right ones. Thus another challenge awaiting us is to explore how Hume might consistently maintain that some forms of zeal are not inconsistent with a programmatic moderation in life.

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

THE POLITICS OF PRINCIPLE: PROS AND CONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

reflective thinker to the world of politics.

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

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

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

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

DOXASTIC MODERATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ZEAL FOR INSTITUTIONAL GUARANTEES: AN INCONSISTENCY?

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

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

Still fascinating today is the question of how the liberties of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HUME'S ACCOUNT OF PROPERTY

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INTRODUCTION

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

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

HUME ON THE ORIGIN OF JUSTICE AND PROPERTY

Hume raises two initial questions:

Q1. What is the *origin* of justice?

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

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

Q3. What is the relationship between justice and property?

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

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

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

A3. The relationship of property to justice is fourfold:

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

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

HUME'S SECULAR CONSERVATIVE THESIS

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

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

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

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

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

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

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

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

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

a. natural law;

b. religious foundations;

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

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

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

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

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

is marked by limited benevolence as well.

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

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

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

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

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

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

THE ORIGIN, NATURE AND DEVELOPMENT OF PROPERTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

private property for the benefit of all.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If the perspective from which we explicate normative concepts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE MEANING OF PROPERTY IN MODERN COMMERCIAL REPUBLICS

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

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

Earlier in this paper we insisted upon the importance for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DAVID HUME ON THE PUBLIC INTEREST

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INTRODUCTION

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

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

I

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

in part, is to show dispositions that “naturally form themselves in the world, and [to] entertain different ideas of human life and of happiness” (*E*, p. 138). Hume, of course, endorses the position set forth in the finale of this set of essays. His chief reason for rejecting the preceding three theories of morals is made clear at the outset of “The Sceptic.”

There is one mistake, to which [philosophers] seem liable, almost without exception; they confine too much their principles and make no account of that vast variety, which nature has so much affected in all her operations. When a philosopher has once laid hold of a favourite principle, which perhaps accounts for many natural effects, he extends the same principle over the whole creation, and reduces to it every phenomenon, though by the most violent and absurd reasoning. (*E*, p. 159)

In the engagement of theorizing about morals, as Hume sees it, philosophers tend to universalize their passions or inclinations; they magnify their own pursuits in such a way that they see them as being of the utmost value for all. Anyone who fails to recognize these “philosophically defensible” ends is simply being unreasonable. Furthermore, these philosophers are entirely myopic to the possibility that what is totally indifferent to them, can be of genuine value to others. Such philosophers do not comprehend “the vast variety of inclinations and pursuits among our species” (*E*, p. 160).

Hume proceeds to ask the question whether or not there truly is one course of life that is proper, one determinate set of ends worthy of one’s endeavors. He responds by suggesting that if one wants to be rich, one should be diligent in one’s profession, and so on; and if one wants the esteem of others, one should not exhibit arrogance. One might respond, however, that Hume is merely expressing the maxims of common sense and prudence, and ignoring the question asked. To this Hume remarks:

What is it then you desire more? Do you come to a philosopher as to a *cunning man*, to learn something by magic or witchcraft, beyond what can be known by common prudence and discretion?—Yes; we come to a philosopher to be instructed, how we shall chuse our ends, more than the means for attaining these ends: We want to know what desire we shall gratify, what passion we shall comply with, what appetite we shall indulge. As to the rest, we trust to common sense, and the general maxims of the world for our instruction. I am sorry then, that I have pretended to be a philosopher. (*E*, p. 161)

For Hume, it is not the job of the philosopher, or any one else for that matter, to elucidate a course of life that is appropriate for all: there is no single path to be found. The ends that are worthy of a person's endorsement vary from person to person, depending on the individual's inclinations, education, practices of the person's society, and so forth. In rejecting the theories of "The Epicurean," "The Stoic," and "The Platonist," Hume is rejecting what he sees as the heavy-handed monism of eudaimonism: there is no *telos* to be discovered toward which all should direct their conduct. Instructive in this regard is a letter of Hume's to Francis Hutcheson: "For pray, what is the End of Man? Is he created for Happiness or for Virtue? For this Life or for the next? For himself or for his Maker? [T]hese Questions...are endless and quite wide of my Purpose" (*L*, I, p. 33). For Hume, morals does not provide a consideration of the ends of life—and in this way Hume is thus repudiating the conception of morals as a maker of souls.

Putting some of this in the idiom of this essay, in sanctioning the relative character of individual ends, Hume is sanctioning the pursuit of interest, the pursuit of an individual's private interest, that is, action motivated by "the expectation of particular rewards" for oneself (*E*, p. 34). "The private interest of every one is different," (*T*, p. 555) and the institution of morals must be reflective of this. It is probably wise to emphasize that I am not claiming that, for Hume, the pursuit of private interest is the only important part of an individual's life, although it is of great import, and I am not claiming that the passion of interest (cf. *T*, p. 491; *E*, p. 97) is all consuming, although its influence scarcely can be overestimated: "Nothing is more certain, than that men are, in a great measure, govern'd by interest, and that even when they extend their concern beyond themselves, 'tis not to any great distance" (*T*, p. 534).

That all of this is so should hardly come as any surprise. It is only a poor moralist, something Hume was not, who invents his own version of the human character. As his essays "Of Commerce," and "Of Refinement in the Arts," make abundantly clear, Hume recognized that the character that had fully emerged in Europe by the eighteenth century was the character of an independent, enterprising individual in pursuit of his own private interests. And it is the nature and origins of the virtues of such a character that Hume is at pains to explore in his moral and political writings.¹

II

Since at least the time of Bentham's encomium of Hume in his *A Fragment of Government in 1776*,² the standard reading of Hume has been one which sees him as a utilitarian in his moral and political philosophy. There is, however, nothing greater standing in the way of understanding Hume's conception of the public interest than that interpretation. On that view of Hume, one is led to expect that by "the public interest," Hume means the aggregate of the satisfaction of individual private interests, and in the absence of any systematic or detailed analysis of the public interest in Hume's writings—and there is none to be found—that conception can be read somewhat easily into the text, especially given the frequency with which the notion of utility appears. However, careful attention to the myriad references to the public interest in Hume's moral, political, and historical writings, and the context in which these references appear, suggest an entirely different view.

The place to start is with what Hume means by "the public"; and we will be best served in this regard by examining the contrast that Hume draws between the individual or private person on the one hand, and the public on the other.

That Hume draws such a contrast is clear: his writings reveal any number of remarks such as, "private, as well as public," (*E*, p. 19) "individuals, as well as the public," (*E*, p. 263) and "both to private persons and to the public" (*E*, p. 280). The point that comes out in these passages and innumerable others is that the public is distinct from the private in some important respect, suggesting that it is not simply a sum of that which is private.

There are two passages in particular in Hume's *Essays* that are especially lucid in leading us to reflect on the difference between the public and the private. First, in "Of Commerce," Hume writes:

The greatness of a state, and the happiness of its subjects, how independent soever they may be supposed in some respects, are commonly allowed to be inseparable with regard to commerce; and as private men receive greater security in the possession of their trade and riches, from the power of the public, so the public becomes powerful in proportion to the opulence and extensive commerce of private men. This maxim is true in general[.] (*E*, p. 255)

Second, in his essay, "Of Refinement in the Arts," Hume writes:

[I]ndustry, knowledge, and humanity, are not advantageous in private life alone: They diffuse their beneficial influence on the *public*, and render the government as great and flourishing as they make individuals happy and prosperous. (*E*, p. 272)

As these quotations seemingly make clear, by "the public," Hume means the government. This reading is supported by various other passages in Hume's writings. For example, while discussing the usefulness of paper securities with good backing, Hume remarks, "If the public provide not a bank, private bankers will take advantage of this circumstance" (*E*, p. 284); also, Hume's various comments about the public debt are apposite in this context (*E*, pp. 349-365; pp. 95-96). Thus, it would seem that in referring to the public interest, Hume is referring to governmental interest exclusively; and, thus, in referring to public utility, Hume is referring to usefulness to the government. This claim is only partially true, however, for there is another sense of "public" and, therefore, another, and indeed more robust, sense of "public interest" in Hume's writings, a sense that contains within it this (narrower) sense of the public as government. However, I shall treat these two senses *as if* they were distinct until section III where I discuss the constitutive elements of the public interest on Hume's conception. That one sense of the public and, therefore, the public interest, is contained within the other, will become clear then. For now there is value in keeping these two senses apart.

In the first sense of "the public," the term is synonymous with government. In the second sense of "the public," a sense to which I now turn, the term is synonymous with society at a certain level of development. Here "the public" refers to a large-scale association of individuals, an association held together by *certain* shared practices, including morals and manners, a shared history, and existing under the authority of a government. Thus, on this second sense of "the public," the public interest means the interest or interests of society. This reading is confirmed when one compares Hume's claim in the *Treatise* that, "a sympathy with public interest is the source of the moral approbation which attends [justice]," (pp. 499-500) with his statement that, "the obligation

to justice is founded entirely on the interests of society" (*E*, p. 489). There is no difference, that is, between sympathizing with the public interest and sympathizing with the interests of society.³

It is apparent that the first sense of "the public interest," which involves the conception of the public as government, does not involve any claim to an aggregation of individual interests. It is also the case that in the second sense of "the public interest," which involves the conception of the public as society, Hume is not making reference to such an aggregation, for we find many cases in which Hume differentiates between the interests of society and individual interests. In the *Treatise*, for example, he remarks of justice that, "The whole scheme...of law and justice is advantageous to the society *and* to every individual," (p. 579; my emphasis) implying that the interest of society is a distinct phenomenon from the set of individual interests. In the second *Enquiry*, Hume writes, "a particular act of justice may be hurtful to the public [in the second sense under discussion] *as well as* to individuals" (*EM*, p. 306; my emphasis), again implying that by the public interest Hume means something other than an aggregation of individual interest. Most compelling of all, however, is a passage from the third volume of Hume's *The History of England*, where he asserts:

Most of the arts and professions in a state are of such a nature, that, while they promote the interest of the society, *they are also* useful or agreeable to *some* individuals; and in that case, the constant rule of the magistrate, except, perhaps, on the first introduction of any art, is, to leave the profession to itself, and trust its encouragement to those who reap the benefit of it. (*H*, III, p. 135; my emphasis)

Thus, the promotion of the interests of society is, in some important respect, a distinct enterprise from the promotion of individual private interests, and the reason is that the interests of society, on Hume's account, are not constituted by an aggregate of individual private interests.

I have been attempting gradually to mount the simplest textual case that I can within a short compass that Hume's position is that the public interest is not simply the aggregate of individual interests. I shall add to this case in the next section when I turn to the constitutive elements of the public interest, presenting an interpretation of these elements in support of the claim in question. However, in concluding this section, it is important

to emphasize that, in some manner, the public interest or the interest of society must have some bearing on private interests for, after all, the public *qua* society all too obviously consists of individuals. The question is what is the exact character of the connection between the public and private interests.

I shall now consider the issue of what Hume takes the interests of the public to be.

III

It is wise to begin with our second conception of the public interest, wherein this notion refers to the interests of society. And in considering what is to the interests of society, that is, what is the good for society, Hume is considering that which is necessary for the maintenance and well-being of a society, the *minimal conditions* that are called for if a society is to persevere, and persevere well. The principal requirement here is peace and order: "all men are sensible of the necessity of peace and order for the maintenance of society" (*E*, p. 38). Society cannot be maintained under a lengthy regime of violence, nor can it be maintained in circumstances where, because individuals do not know what to expect of one another, they cannot adjust their actions to one another accordingly.

For Hume, there are two institutional arrangements that are most responsible for the maintenance of peace and order in society, and hence most responsible for maintaining the interests of society, namely, justice (rules for the allocation of property) and government.

The general character of Hume's analysis of justice is too well known to necessitate my recounting most of its details in this essay;⁴ however, there is one feature of Hume's analysis that does require mention, for it has an especially deep bearing on Hume's understanding of the public interest.

The feature I want to mention and consider is Hume's account of the origin of justice. Of the utmost importance here is that, for Hume, justice—both as a virtue and as an institutional arrangement—came into existence as a result of individuals pursuing their interests in a world of scarcity, a world in which the possessions of a person could be taken from him without "any loss or alteration" (*T*, p. 488) in the possession. And even though justice

is a moral virtue because it is "absolutely requisite...to the support of society" (*T*, p. 497). "The Inventors of [justice] had chiefly in view their own Interest,"⁵ and not that of the public. Justice is a consequence of human action, but not of human design.

The pursuit of interest led to the establishment of justice, for men ultimately were capable of realizing that they could pursue their interests best if they refrained from taking the possessions of others. Thus, justice provides a matrix in which individuals can act in pursuit of their own ends. In particular, it does this by providing a matrix or framework of protected domains which define a range of expectations, allowing for an orderly correspondence to be established amongst individuals, thus giving rise to a circumstance in which individuals can pursue their own ends without colliding with one another. It is exactly in this manner that justice serves to maintain society, by providing conditions in which individuals can pursue their own ends, their private interests, in a peaceful and orderly way; and it is exactly in this manner that justice serves or constitutes the public interest. One should also note that in specifying these procedural conditions, Hume is also specifying certain private interests or ends that are not and cannot be countenanced—for example, the thrill of one's own thievery—because they violate the procedures at hand.

In considering certain aspects of Hume's analysis of the origins of justice, we were inexorably led to consider certain elements of the relationship between justice, private interest, and the public interest. More needs to be said on this subject; however, before doing so we will serve ourselves well if first we briefly consider that second institutional arrangement which is so vital to the public interest, namely, government.

For Hume, the principal purpose of government is to protect people in their property and persons: "We are, therefore, to look upon all the vast apparatus of our government, as having ultimately no other object or purpose but the distribution of justice" (*E*, p. 37). Human beings easily can be overcome by the seductive desire for present goods, so much so that even the recognition of the importance of justice to their well-being fails to prevent their injustice. And "This great weakness is incurable in human nature" (*E*, p. 38); thus, governments are necessary to maintain justice and, as such, a regime of peace and order. Governments,

therefore, are charged with maintaining certain conditions under which individuals can pursue their private interests. To maintain these conditions and protect their citizens, governments require fleets, armies, magistrates, *et cetera*; hence, governments must tax their citizens in order to acquire the necessary revenue. In addition to this task, Hume makes governments responsible for the provision of certain public goods, for example, canals, harbors, roads, and the like. These are goods that although a considerable number of individuals desire them, the market, in Hume's estimation, fails to provide for them.⁶ What is important in this case is that most individuals have an actual interest in such goods, and they recognize this interest. Government, in this context, is not acting paternalistically. It is, instead, aiding the pursuit of individuals' self-conscious interests and, therefore, it is in no way setting forth or initiating what those interests should be.

In examining certain features of Hume's analysis of justice and government, a certain picture of the public interest keeps coming into view, namely, that what is in the public interest is a framework or matrix that allows individuals to pursue their private interests. We must consider this more carefully, but before doing so we would be wise to return to two issues we have already broached: first, the connection between our two senses of the public interest; and second, the relationship between justice, interest, and the public interest.

In section II we saw that by the notion of the public, Hume sometimes means government and sometimes society; hence on first inspection it appeared as if Hume were working with two senses of the public interest. However, at this point in my essay it is, I hope, somewhat clear that ultimately Hume has only one sense of the public interest at hand. It is the case that more than occasionally Hume will use the term 'public' to refer to government and the term 'public interest' to the interests of government; however, we must recognize that, on Hume's analysis, government is part of society, and indeed one of those institutions that most provides for the interests of society. Thus, government is in the interest of the public in the same manner as justice is. One important difference, however, is that government is an agent capable of acting in a way that justice obviously is not; for this reason, government can act for the public interest as justice

cannot, and therefore the propriety in occasionally identifying government with the public. Moreover, by identifying government with the public, and thus identifying the interests of the two, Hume is attempting to limit revolutionary, political activity by suggesting that an attack on government is an attack on the public. Nevertheless, the important point to bear in mind is that there is only one sense of the public interest in Hume's moral, political, and historical writings, and in this sense public means society, and the public interest refers to the interests of society.

It is now appropriate to turn back to our earlier discussion of justice, and to examine from a somewhat different angle the relationship between justice, private interest, and the public interest. And the place to begin is with a well known quotation from Hume's *Treatise*:

A single act of justice is frequently contrary to *public interest*; and were it to stand alone, without being follow'd by other acts, may in itself, be very prejudicial to society. When a man of great merit, of a beneficent disposition, 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[.] ...But however single acts of justice may be contrary, either to public or private interest, 'tis certain, that the whole plan or scheme is highly conducive, or indeed absolutely requisite, both to the support of society, and the well-being of every individual. (*T*, p. 497)

That single acts of justice may be contrary to a person's private interests is not difficult to understand. Less understandable is how single acts of justice can be frequently contrary to the public interest. In considering this, I shall begin with the two examples that Hume presents.

We must note at the outset that the examples that Hume uses to illustrate his point have to do with restoration—thus, the focus seems to be on the actions of a magistrate. This does have some importance as I shall show shortly; however, the essence of the point that Hume is getting at could be made with an example involving private persons. And the beginning of that point is this: that there will be circumstances in which an individual who has a lawful right to property—either land or chattel—will make a use of that property that is either directly opposed to the public

interest—the seditious bigot—or not as beneficial to the public interest as other uses—the miser. In the former case, the seditious bigot will use his money to attempt to undermine the present government, creating an instability that is deleterious to the public interest; in the latter case, the miser does not further commerce—of which more shortly—thus not increasing the wealth of a society and, therefore, among other things, not increasing the tax base. In this way, everything else notwithstanding, the funds that government has at its disposal are not as much as perhaps they could be, and in this way the public interest is damaged. Irrespective of the particulars, however, Hume's point is that even if there are cases in which there is a better known use to which property can be put, it is best not to violate the present rules of justice in pursuit of that end.

The seditious bigot and the miser must be granted all that is legally theirs under the rules of justice, for all institutional arrangements require some hardship. One cannot, as Hume frequently remarks, separate the good from the ill: "Good and ill are universally intermingled and confounded; happiness and misery, wisdom and folly, virtue and vice. Nothing is pure and entirely of a piece. All advantages are attended with disadvantages" (*NHR*, p. 92). It is impossible, Hume believes, to arrive at a set of rules the application of which will always be for the good in every particular case. However, it is by only inflexibly observing or applying the rules of justice that the whole scheme of justice becomes useful, thus establishing a regime of peace and order and serving the public interest.

Public utility requires that property should be regulated by general *inflexible* rules; and though such rules are adopted as best serve the same end of public utility, it is impossible for them...to make beneficial consequences result from every individual case. (*EM*, p. 305; my emphasis)⁷

The question at which we have arrived is why the rules of justice have to be inflexibly applied, if the public interest is to be served. We can best approach an answer by turning over certain passages in Hume's *The History of England*, particularly those that deal with the Star Chamber.

In his *History*, Hume recounts both the evil character of the Star Chamber court, and the importance of its removal by Parliament in 1641. Its heinous character was due to the fact that it

possessed an unlimited discretionary authority of fining, imprisoning, and inflicting corporal punishment[.]... [It] had no precise rule or limit, either with regard to the causes which came under its jurisdiction, or the decisions which it formed.... There needed but this one court in any government, to put an end to all regular, legal, and exact plans of liberty. For who durst set himself to the character of being a patron of freedom, while exposed to so arbitrary a jurisdiction. (*H*, vol. IV, p. 356; vol. V, p. 328; vol. IV, p. 356)

By removing the Star Chamber, Parliament greatly limited the discretionary power of the King:

The star-chamber alone was accustomed to punish infractions of the king's edicts: But as no courts of judicature now remained, except those in Westminsterhall, which take cognizance only of common and statute law, the king may thenceforth issue proclamations, but no man is bound to obey them. (*H*, vol. V, p. 329)

Following this passage, Hume suggests that perhaps no government can be entirely without arbitrary authority of some kind, however,

[T]he parliament justly thought, that the king was too eminent a magistrate to be trusted with discretionary power, which he might so easily turn to the destruction of liberty. And in the event it has hitherto been found, that, *though some sensible inconveniences arise from the maxim of adhering strictly to law, yet the advantages overbalance them*, and should render the English grateful to the memory of their ancestors, who, after repeated contests, at last established that noble, though dangerous, principle. (*H*, vol. V, pp. 329-30; my emphasis)

In his discussion of the Star Chamber, Hume presents two different conceptions of law and government: the rule of man and the rule of law. He views the latter as involving laws being applied inflexibly to the particulars of a case.⁸ These two conceptions are incompatible with one another, and institutionally provide—broadly speaking—the only alternatives; for once discretion enters the scene, Pandora's box is opened. And we can see here in the lengthy quotation cited above from the *Treatise* why Hume is interested in the question of restoration, for Hume has history and historical contingency very much before his mind—as he almost always does.

The rule of law provides the only alternative that is consonant with the interests of the public, for it is only the rule of law that

provides a matrix or framework that allows individuals to know—as completely as possible—when their actions are legally sanctioned; that is, the rule of law is the alternative that best allows individuals to coordinate their activities with one another, leading to a society of peace and order. Peace and order, that which principally constitutes the public interest, requires that the rules of justice be applied inflexibly, for it is only this kind of application that ultimately defines a clear range of expectations for an individual's conduct.

Even though an inflexible application of the rules of justice may in particular cases be contrary to both the public and private interest, it is, as Hume claims, that which ultimately serves both interests—and an inflexible application serves private interests by providing for the public interest: by making a regime of peace and order possible, justice provides a matrix in which individuals can best approach their own interests. And Hume can make this claim without any analysis of the projected aggregation of individual private interests—even if such an analysis could be done, which Hume would think quite fantastic. Indeed, Hume shows no concern at all that the rules of justice *directly* better the private interests of any particular individual or set of individuals; instead, his concern is with a set of conditions that best provide for peace and order, a set of conditions that provide a social order in which individuals can satisfy their ends, yet with no guarantee that they will.

IV

I now want to turn to different terrain, and to examine two other aspects of the public interest, beginning with a brief look at the relationship between the public interest and certain economic matters.

All of Hume's economic writings are contained in that collection of essays first published in 1752 under the title of "Political Discourses."⁹ This collection consists of twelve essays, the first eight of which are on economics. The first essay in that series, "Of Commerce," contains a brief introduction to the whole; and therein Hume states that, "The chief business of politicians[,] especially in the domestic government of the state [is] the public good" (*E*, p. 254). Hume then goes on to say that he "thought this

introduction necessary before the following discourses on *commerce, money, interest, balance of trade, etc*" (*E*, p. 255). We are, in other words, more or less to understand his analyses of these economic matters to be analyses of what economic conditions contribute to the public interest.

A detailed examination of Hume's economic thought is beyond the pale of this discussion; however, it is important to briefly comment on the spirit of Hume's various analyses, and I can do so best by focusing on commerce and luxury.

Commerce and luxury contribute to the public interest in at least four ways. First, by contributing to the wealth of a country, they provide—through taxation—increased support for that country's fleets, armies, judiciary system, *et cetera*; second, by encouraging industry and ambition, and discouraging sloth and indolence, commerce and luxury contribute in establishing a certain bent of mind that can be used by the government in time of conflict; third, they increase the number of "innocent gratifications" that are available for any given individual's disposal; and finally, by increasing the knowledge and wealth of a country generally, commerce and luxury increase the chances of any given individual's achieving his ends.¹⁰

In these four ways, then, commerce and luxury provide for the public interest by aiding in the establishing of conditions in which individuals can seek their own ends. The appeal to the public interest in Hume's economic writings, as in his work on justice and government, is not an appeal to an aggregate of individual private interests, but rather to a matrix or conditions under which individuals can pursue their ends in a peaceful and orderly manner. It is to Hume's contention that the philosopher, the true philosopher, is the *guardian of the public interest* that I now turn. Consider here Hume's famous discussion of factions in his essay, "Of Parties in General." There he tells us that (Real) factions can be divided into three kinds: those of interest, affection, and principle. It is the party of principle that Hume finds most astonishing and dangerous.

Parties from *principle*, especially abstract speculative principle, are known only to modern times, and are, perhaps, the most extraordinary and unaccountable phenomenon, that has yet appeared in human affairs. Where different principles beget a contrariety of conduct...the matter may be more easily

explained.... But where the difference of principle is attended with no contrariety of action, but every one may follow his own way, without interfering with his neighbour...what madness, what fury can beget such unhappy and such fatal divisions? (*E*, p. 60)

As intrinsically dangerous as such parties are, according to Hume, they are especially so when one such party begins to dominate. That this could happen, and was always in danger of happening, is what might be called "Hume's Nightmare." A moderating force is required, and this force is to be provided by the true philosopher. In his essay "Of the Protestant Succession," Hume writes, "It belongs therefore, to a philosopher alone, who is of neither party, to put all the circumstance in the scale, and assign to each of them its proper poise and influence" (*E*, p. 507). It is for this reason that Hume goes to great pains in his essays "Of the Original Contract," "Of Passive Obedience," and "Of the Coalition of Parties," to argue that neither Social Contract Theory—the principle of the Whigs—nor Divine Right of Kings theory—the principle of the Tories—has the upper hand either philosophically, practically, or historically (cf. *E*, p. 494). Most important here is Hume's claim to have shown that speculative systems of politics, systems that appeal to transcendent, timeless, ahistorical principles, are incoherent.¹¹ Critical arguments to this effect, Hume believes, serve to diffuse the attempt to overturn—in this instance—the moral, social, and political order of England. Hume suggests that revolutionary politics, the attempt to remake the normative order on the basis of some transcendent principle, are typically attempts to substitute one set of interests for the public interest; revolutionary politics, that is, typically attempt to impose one set of ends upon individuals, rather than providing a somewhat "neutral" framework in which individuals can seek their own ends (cf. *EU*, pp. 11, 132-48).

The philosopher is thus a guardian of the public interest and, given Hume's approach, his work in the philosophy of politics will be of a much narrower scope than has traditionally been assigned to the political philosopher. It is for this reason that Hume's political essays deal with particular, historical matters of fact. Moreover, in a curious way, it is also one reason why interest in Hume's political philosophy has never been bullish: he was offering an entirely new way of doing political philosophy, one that

would not, by simply presenting a new principle or a new theory, add fuel to the fires burning within parties of principle.

V

In concluding, I would like to bring many of the threads of this essay together. And to do so I shall begin with two quotations, the first from the *Treatise*: "moral distinctions arise, in great measure, from the tendency of qualities and characters to the interest of society" (p. 579). This quotation should be read in conjunction with Hume's comment in his essay, "That Politics May Be Reduced to a Science," that, "a man, who is only susceptible of friendship, without *public spirit*, or a regard to the community, is deficient in the most material part of virtue" (*E*, p. 27; my emphasis). What emerges here is the position that the predominant stage on which morals is played out, is the stage of the public interest. The virtuous individual is in some very large measure the person whose actions are in accord with the public interest, that is, whose actions lead to the achievement of, and do not violate, the peace and order of society, that is, the framework that makes it possible for individuals to successfully pursue their own interests. The virtuous individual can act perfectly virtuously in pursuit of his own ends, and by doing so, contribute, in various ways to the public interest. The public interest does not provide instructions on how to live; instead, it provides a shelter in which one can.

1. Cf. Michael Oakeshott, *Rationalism in Politics* (London: Methuen and Co. Ltd., 1962), pp. 250-51.
2. Jeremy Bentham, *A Fragment on Government*, by J. H. Burns and H. L. A. Hart, eds., with an intro. by Ross Harrison (Cambridge: Cambridge University Press, 1988), p. 51 n. 1.
3. My claim here does not rest on the view that Hume's doctrine of sympathy remained unchanged through his writings, as the same claim could be made *mutatis mutandis* without any reference to sympathy.
4. For an excellent discussion, however, see Nicholas Capaldi, "Hume's Account of Property," in this issue.
5. From Hume's manuscript alterations to Book III of the *Treatise*. Cf. *Treatise*, p. 672.
6. For a more Humean treatment of the problem of public goods than Hume's own, cf. Anthony de Jasay, *Social Contract, Free Rider* (Clarendon Press: Oxford, 1989).

7. In this context, by 'utility,' Hume means 'interest.'
8. However, for one important exception to this, cf. *Essays*, "Of Passive Obedience," p. 489.
9. For a discussion of when Hume published what essays, cf. Eugene Miller's "Foreword" to his edition of Hume's *Essays* (cited in abbreviations); and Ernest C. Mossner, *The Life of David Hume*, 2nd ed. (Clarendon Press: Oxford, 1980). The reader may want to note that although the second edition of Mossner's *Life* is to be preferred because of some small alterations and additions in the text, the first edition of this work, published by Nelson of London, 1954, contains many plates that are of great interest, plates that were not reproduced in the Oxford 1970 reprint of the Nelson edition.
10. For Hume's most spirited defense of free trade generally, cf. *Essays*, "Of the Balance of Trade," pp. 308-26; and, "Of the Jealousy of Trade," pp. 327-31.
11. The details of Hume's argument for this cannot be taken up here. Cf. James King's very important essay, "The Virtue of Political Skepticism," in this issue; and Donald Livingston's seminal work, *Hume's Philosophy of Common Life* (University of Chicago Press: Chicago, 1984).

SPINOZA AND HUME ON INDIVIDUALS

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INTRODUCTION

Although Hume has had a much wider audience than Spinoza in Anglo-American circles, there are reasons to believe that a comparison between these two great thinkers of the modern era should be instructive. In the first place, we have it on the authority of Wilhelm Dilthey that Hume was carrying on the work begun two generations earlier by Spinoza.¹ Furthermore, the value of a comparison is suggested by Gilbert Boss's recent and massive two volume study on the work of these two thinkers.² In addition, Spinoza may have had some impact on British thought, or at least more affinity to it than may have been initially supposed.³ These reasons, coupled to the fact that a comparison between any two important thinkers is always instructive, have led us to the conclusion that there is much still to do and gain from a comparison of Hume and Spinoza. For although Boss's work is massive, it is not in English, leaving the English speaking reader with little more than Dilthey's insight to go on. And that insight is sufficiently accurate to justify any further discussion here.

We have chosen to compare Hume and Spinoza on the topic of "individuals." Our main reason for doing so was that it allowed

us to cover a range of topics without stretching our account beyond reasonable limits. Using this topic, we can discuss Hume and Spinoza with respect to the problems of individuation, causality, ethics, and politics. With the possible exception of the second of these topics, the individual factors importantly into the others. Yet our discussion of causality flows out of our discussion of individuation, so that some continuity is maintained throughout the entire discussion to follow. An additional feature of our discussion is that we tend to look at Hume through spinozistic eyes. It might be more prudent, and usual, to keep our biases silent, but it must be admitted up front that part of our purpose is to claim that Spinoza is *worthy* of the comparison to Hume. It is not that we believe that Anglo-American audiences do not respect Spinoza (they do); rather, the relative lack of attention by such audiences puts the burden of proof on Spinoza. On the Continent the matter might be entirely the reverse. What we offer, therefore, is a treatment that gives a bit more emphasis to the Spinozistic solutions to the issues both men had in common. And while such an approach may de-emphasize the many similarities to be found in the thought of these two philosophers, there is the hope that the reader will be inclined to pursue the question further because of the suggestions made here.

THE PROBLEM OF INDIVIDUATION

Ever since Hume's discussion of individuation in the sixth section of Part IV of Book I of the *Treatise*, the question of individuation is usually approached in terms of personal identity; but, as Hume and Spinoza both knew, it is both wider in scope and less anthropological in origin than this. From a logical perspective it intersects the general theory of predication, and from a scientific one it underlies the problems of substance and continuity. From both of these perspectives, as well as that of personal identity, the issues remain no less lively today than in Hume's and Spinoza's time. Einstein and quantum theorists spoke of the "disappearance of substance" earlier in our own century, and nominalism today is ably defended by Goodman and an entire school of logicians.

The question of nominalism can best be left in its contemporary setting, for it is one of a great many questions on whose

answer Hume and Spinoza seem to be in perfect agreement. What exists are *individual* objects; universal objects or common properties are no less idle fictions for Spinoza than for Hume. In *E2P40Schol1*, Spinoza reminds us that notions called 'universal' are no more than blurred images in the mind caused by the inability of imagination to keep individual data distinct. The dual division by Hume of perceptions into impressions and ideas, and simple and complex, is equally an insistence that objects and mental states are both *individuals* and *of individuals*. The question of the nature of these individuals remains no less a problem for the one than for the other.

Couching the problem of individuation in terms of personal identity, as Hume does at one point in his own discussion in (*T*, I, IV, 6), seems somewhat perverse, by suggesting that the problem may lie in the nature of "personhood" (about which neither Hume nor Spinoza have much at all to say) rather than in what constitutes the identity of something which happens to be a person.^{4,5}

Hume himself has three analogies to offer us in his discussion (see *T*, I, IV, 6, 252-53, 257). The first is that of a "bundle of perceptions"; and, as LeRoy notes,⁶ historians intent on emphasizing Hume's atomism have assured a wide audience for it. The second analogy, however, that of the mind as a theatre on whose stage the actors-perceptions play, suggests the sceptical turn which Hume later makes in his Appendix(*T*, 633-36), since the underlying nature of the theatre itself is totally unknown. The third analogy is that of civil society, and in Hume's closing discussion of it, it takes on teleological tones:

A ship, of which a considerable part has been chang'd by frequent reparations, is still consider'd as the same ... The common end, in which the parts conspire, is the same under all their variations, and affords an easy transition of the imagination from one situation to another. (*T*, I, IV, VI, 257)

LeRoy suggests that there are three distinct elements which Hume wishes to incorporate into his account of individuation. The first is that of non-substantiality (an individual is not a self-contained substance in the metaphysical sense), the second that of unknowability (in one sense we cannot know what makes an individual unique), and the third that of agency:

Hume's suggestions are, accordingly, quite precise. The mind is an active spontaneity, but it cannot be considered a single and self-identical agent in the strict sense of these terms. At first sight it may appear as an organism of perceptions really distinct from one another, but bound in an intimate reciprocity of action. In being considered more closely, it emerges as something still more subtle, further yet from our reach.⁷

As Hume himself acknowledges in the general appendix to the *Treatise* (see *T*, 633-36), however, he has no principles by which to base a characterisation of self (or of individuation) upon agency in general; since his concept of agency itself presupposes some notion of individuation. As he puts it in (*T*, 635), "If perceptions are distinct existences, they form a whole only by being connected together. But no connections among distinct existences are ever discoverable by human understanding." The key word here is clearly "discoverable," since connections can always be *produced* or *created* by the understanding. To use an example of Goodmanian origin, the collection of objects consisting of the Eiffel Tower, the present U. S. President, and the square root of two is connected insofar at least as it can be thought of by the understanding as one collection rather than two.

Much has been written about Hume's self-confessed difficulties with individuation and personhood.^{8,9,10} From a spinozistic perspective, Hume fares better than some of his contemporary critics would perhaps have it. He has supplied a necessary condition which only fails for sufficiency: while every individual is a collection of parts, not every collection of parts is an individual.

There are two lengthy discussions of individuation to be found in Spinoza. In the first of these, the lemmas, axioms, and demonstrations following *E2P13*, the discussion is related to individuation in physics (better: for physical entities). A detailed discussion of the physical model employed is found in Lee Rice's *Spinoza on Individuation*,¹¹ and would take us too far afield here. For our purposes, Spinoza's informal discussion in *Ep32* is more useful. Spinoza is here replying to a request from Oldenburg to make clearer his (Spinoza's) distinction between "whole" and "parts," and replies (almost anticipatory of Hume's stylistic approach) with a metaphor. We are asked to conceive a worm ("virus" or "bacterium" would modernize the discussion somewhat) in the bloodstream, endowed with sufficient vision to

distinguish particles or parts within the blood, and sufficient reason (Hume's "understanding") to understand the nature of the interactions which take place among these components. Such a being would inhabit the blood much as we inhabit the earth, and would regard each particle as a whole rather than as a part ("*et unamquamque sanguinis particulam ut totum, non vero ut partem, consideraret*"). Spinoza does NOT say that the worm would be wrong to do so, but only that his (her? its?) notion of an individual would be limited to the causal interactions which it understands, or which it can incorporate into an explanatory model. (These two features of understanding and nomological explanation are not the same, but the differences are of no significance here.)

So *agency* or causal connectedness is the missing link which provides the necessary condition for Hume's characterisation. Spinoza's more technical formulation is found in *E2Def7*: "If several individuals concur in a single action, such that they are simultaneously the cause of one effect, all of them are to that extent one individual" (*unam rem singularem*). One possible objection to this line of definition might be to claim that the notion of "individual thing" is in fact wider in extension than that of causal interaction. Spinoza, however, insists on their co-extensionality: "*Nihil existit ex cujus natura aliquis effectus non sequatur*" (*E1P36*). The unity of an individual is correlated strictly to the unity of available causal chains. One consequence of this is that individuals can be parts of other individuals without themselves ceasing to be individuals. This is the crucial respect in which individuation as both Hume and Spinoza conceive of it differs from the traditional concept of substantiality which both reject as predicable of individuals (no substance can be part of another substance). Spinoza shares this "anti-substantiality" perspective of experience with Hume.¹² Of course, for Spinoza, it is not merely the case than individuals *can be* parts, but rather that every individual is in fact a part of higher-order individuals, with the exception of god or nature itself (see the scholium to lemma 7 of *E2*, following *E2P13*); but that is another story.

None of this is to suggest that Hume could then simply embrace Spinoza's account of agency (or, in Hume's terms, "necessary connection"), thereby solving his (Hume's) avowed problems with identity; for it is just that account which Hume rejects; and thus

concedes that he can go no further, that his own account of (personal) identity is limited by his sceptical analysis of causation. This analysis, as we shall see in the next section, depends intimately upon his understanding of the types or levels of human cognition, another area where there are startling similarities and differences with Spinoza, and the topic to which we now turn.

AGENCY AND COGNITION

Hume's central discussion of causation is in (*T*, I, II, 73-82), where his claim to found causality upon experience in fact divides into two subclaims. The first relates to our experience of constant conjunctions (spatial contiguity coupled with temporal asymmetry of events which are said to be causally connected). The second relates to the fact that we find ourselves "determined" to pass from one instancial member of a conjunction to the other. As Buchdahl¹³ notes, it is unclear whether this feeling of determination is experienced by all, or whether it is instead something whose existence is exhibited only by reflection or by philosophical analysis.

Hume, however, is not trying to justify causal inference, but rather to explain it; which, as he argues, entails that it be traced to its sources in the field of perception (images). He wants to claim that causal *statements* (i.e., claims regarding causal connections among individual events) arise from experience (imagination or sensation), and that causal *laws* are inductive generalizations from these. The problem, as even his most sympathetic commentators note,^{14,15,16,17} is once again the provision of necessary conditions in the absence of sufficient ones. Contiguity and regular succession are clearly components of any causal sequence, but just as clearly not of only causal ones. "For there are, first of all, cases where from the occurrence of *A* we may infer the subsequent occurrence of *B*, yet would not speak of *A* as causing *B*. And, secondly, there are cases where from the occurrence of *A* we may infer the simultaneous occurrence of *B*, yet would not speak of *A* as causing *B*."¹⁸

More seriously yet, the inference from causal laws to statements is at least as common as that of inductive inferences from statements to laws—which suggests that Hume may be reversing the order of explanation. We more commonly appeal to an

individual pair of events as causally related to the extent that we have a cover model or general law from which their connectibility may be inferred, than we do to a causal principle because of its simple conformity with past experience.^{19,20} Indeed, Hume concedes as much and contradicts his own explanation of causation in admitting that some causal statements can result from a single conjunctive instance of events (*T*, I, XVI, 173-740); and then goes on to admit that we never meet any series of constant conjunctions which could serve as premises for causal inferences, since they are always encrusted in a variety of causally irrelevant circumstances (*T*, I, XIII, 149). In short, we use the laws to determine conditions of relevance, and thus at least partly as a means of justifying the causal statements, rather than the other way around.

Where, then, do these admissions leave Hume's discussion and putative analysis of causation? As in the discussion of individuation in the preceding section, things are not so bad as they appear when viewed from a perspective which is both spinozistic and sympathetic. First, neither Hume nor Spinoza attempts to "justify" causal inference in general (the scare quotes are there because we are unsure what such a justification could possibly be). They rather accept it as a primitive (see *E1Def3*), and attempt to explain how it functions in a wider explanatory framework. For Spinoza this framework is primarily deductive and necessitarian in structure, for Hume inductive and probabilistic.

Secondly, Hume's implied distinction between causal statements and causal laws is of fundamental importance, just as (for Spinoza) Hume's insistence that experience is a necessary condition for the first (cf. *Ep10*: "*Respondeo, nos nunquam egere experientia, nisi ad illa, quae ex rei definitione non possunt concludi, ut, ex. gr., existentia modorum*") is true. These statements, however, require further conditions than experience; and it is just here that Hume has overlooked (and Spinoza underlined) that it is the laws which justify the causal statements and not the other way around.

Hume's ambivalence toward the nomological and deductive features of causal laws, and their role in interpreting and justifying experience, is nowhere more obvious than in his discussion of gravitation (see *T*, I, V, 62-65), on which his position comes closer to that of Cotes than to Newton,²¹ despite his frequent allusions

to the text of the latter. He follows the letter of Newton's account of inertia as well, in wanting to claim that the law of inertia is "derived from phenomena" (*I*, p. 73), without ever asking what possible structure such a derivation could take. If anything, the aristotelian law that a body set in motion tends to come to rest has a firmer basis in ordinary experience and the conjunction of events.²²

Paradoxically, Hume could have reconciled his own insistence on the logical difference between causal statements and causal laws by taking more seriously his own insistence on the distinction between relations of ideas and matters of fact. He need only have avoided the hopeless claim that this distinction is one of logic (a claim equivalent to the analytic-synthetic distinction in its now-defunct form), in favour of the claim that the distinction is one of functionality. To quote Boss:

To avoid this paradox, the sole means appears to be that of dividing up the tasks, and giving to understanding the task of assuring the basic principles of science, while abandoning to experience the need to discover the particular causal connections.²³

Boss goes on to argue that Hume's empiricist model of science is most clearly explained in the examples provided by Spinoza: natural history, the interpretation of Scripture, and political science itself.²⁴ In all of these instances, however, the basic nomologico-deductive principles which are put to work in the inductive task of sorting and generalization are taken from still other sciences which meet the spinozistic notion of *mos geometricus*. In this way Spinoza can, and Hume cannot, account for what both men take to be the two central components of scientific reasoning: deduction and universality on the one hand, and experiential justification (by appeal to probability) on the other.

As in the preceding section, however, it is most important that we not charge Hume with simple oversight. The underlying consistency of Hume's position arises from the fact that his inability to recognize causal connection or causal efficacy as the basis of explanation (rather than its result) is a consequence of his analysis of cognition generally. Note that, in saying this, we are insisting that Hume's purpose is NOT to deprive things of causal efficacy. As he himself says approvingly of Newton:

It was never the meaning of Sir Isaac Newton to rob second causes of all force or energy, though some philosophers have endeavored to establish that theory on his authority. On the contrary, that great philosopher had recourse to an ethereal active fluid to explain his universal attraction, though he was so cautious and modest as to allow that it was a mere hypothesis not to be insisted on without more experiments. (*I*, pp. 84ff, 11)

Hume even concedes a few pages earlier in the *Inquiry* that there is a kind of force which we feel ourselves exert, as in a strong endeavor (see *I*, 78-79ff 7). What Hume is claiming, then, is not that force or causation is absent from things, but rather that we lack an experiential-cognitive basis on which to base just such a concept. And what Spinoza must claim, in order to avoid the very paradox whose existence Hume concedes within his own philosophy, is that such a notion of agency has a cognitive basis.

This claim takes us back to the fundamental point of contention between the two thinkers; but, once again, we shall find interesting and crucial points of agreement as well. The concepts of individuation and of causation depend for their intelligibility upon an underlying claim concerning what we can call (following neither Spinoza nor Hume) *cognitive competence*. A major point to be underlined here is that Spinoza's analysis of mind and of mental events is both empirical and hypothetical. Concerning his explanation of memory, for instance, he remarks:

I do not think that I am far from the truth, since all of the postulates that I have assumed contain scarcely anything inconsistent with experience; and, after demonstrating that the human body exists as we sense it (*E2P13Cor*), we may not doubt experience.

From his, admittedly conditional, analysis of human cognition, Spinoza argues, in a quasi-inductive manner, that human knowledge is of three kinds (see *E2P40Schol2*). The first of these is from individual objects (or symbols) "presented through the senses in a fragmentary and confused manner without any intellectual order," which Spinoza calls "imagination." The second is from common notions and adequate ideas of properties, which is reason (or "knowledge of the second kind"). Spinoza also argues for a third kind of knowledge, intuition, which appears to be an intellectual knowledge of singular things seen in their own natures, and about which there is considerable disagreement among the commentators.²⁵

We need only set our sights on the first two kinds of knowledge in any case, for two reasons. First, by Spinoza's admission, the *Ethica* is written at the second level anyway, which is that of scientific demonstration. Secondly, the parallels with Hume's treatment of impressions (Spinoza's ideas of imagination) and ideas (Spinoza's ideas of reason) are what is important for our purposes. Spinoza's confidence in the ability of reason to fashion tools or principles of universal necessity is what clearly separates him from Hume, who sees reason/ideation as little more than a pale theatre reflecting with less vivacity the impressions of sensation (see *T*, I, I, I, 1-7), which themselves contain no basis for the distinction between truth and falsity. As Boss remarks, "The scottish empiricist seems to experience no malaise at the prospect of being carried across the landscape of sensations and images among virtually uncountable indefinite qualia; and, instead of seeking refuge outside of this originating mixture, he traverses these errant terrains and obscure forests in order to trace from them a geographical map."²⁶

The central disagreement, however, runs perhaps deeper than this. For it is not so much the *nature* of the geography of the perceptual field (to use a rather attractive phrase of Boss's), but rather of the *epistemic status* of claims about this field. The dichotomy of impressions and ideas, for Hume, with its attendant account of reason as a passive reflection of sensation, constitutes the opening section of the *Treatise* for a very good reason: despite his professed probabilism and empiricism, this dichotomy is an absolute which is not subject to revision. For Spinoza, the account of cognitive geometry comes midway in the *Ethica*, and has no special status, epistemic or otherwise, in the order of explanation.

From a spinozistic perspective one might ask Hume why the theory of perception and cognition should occupy sheltered terrain, separate from and untouched by shifts in perspective and evidence in other areas of our theories. Hume pays little attention to the possibility of alternative hypotheses fitting the same data in his account of causal explanation, and no attention whatever to this question when the data involved are those of the nature and status of cognition. This total lack of attention to the status of cognitive geography is due, Buchdahl argues,²⁷ to the rigid distinction, itself built into Hume's epistemology, between theoretical and data languages. But that rigid distinction, since it is

the foundation upon which Hume's system is constructed, lies itself foundationless.

We end this section on a paradoxical note. There are numerous and noteworthy agreements between Hume and Spinoza regarding causality and cognition. They differ in the consequences which each wishes to draw from their understanding of the cognitive geography. In this respect, however, Spinoza remains the "pragmatist," Hume the "dogmatist." The nature of cognition, and the question of certainty derivable therefrom, are essentially questions of theory (psychology) for Spinoza, and they cannot be insulated from the scientific and explanatory enterprise. The success of accounts of cognition and of agency depends not upon their roots or foundations, but rather in their ability to interface with a larger matrix of theory and explanation. In this respect Spinoza's account of science is both more optimistic and more humble than Hume's. The justification of principles like those of causation or cognitive certainty lies in the role which they play within larger theoretical constructs, and not in their derivation from principles yet more fundamental.

MORALITY AND THE INDIVIDUAL

The similarities between Hume and Spinoza are not limited to the areas we have already discussed. If anything, the similarities are perhaps more obvious in moral and political theory. And although it is Hume who is best remembered for making the passions central to morality, it must not be forgotten that Spinoza defined the essence of man to be desire (*E3P9Schol*). Both thinkers understood that action is grounded in desire and that a mere knowledge of the truth (as true) is not alone sufficient to motivate action (*E4P14*). To change an action one must find a way to alter the desire that presently motivates it and replace that desire with another one. Hirschmann credits Spinoza with being the first one to advance and explore this theory,²⁸ but it is certainly a feature of Hume's moral theorizing as well.

Desire, however, gets transformed by custom into moral sentiment for Hume, whereas for Spinoza if desire is transformed at all,²⁹ it is towards reason. The impotency of reason in Hume's ethics is to be contrasted with the supreme potency of reason in Spinoza's. Our central question must therefore be concerned with

giving some account of this difference. A complete account of the issue would require us to compare Hume and Spinoza on the nature of reason; but apart from any hints we have given and shall give on what each might say about the nature of reason, such a discussion would take us too far away from ethics to be appropriate here. Fortunately, we can arrive at some conception of the difference between the two thinkers within the purview of ethics itself and with connection to what we have already said above.

We can characterize the difference between Hume and Spinoza in ethics at a general level by noting that Hume is a modern moralist whereas Spinoza is a classical moralist. The difference between the two approaches to ethics revolves around what is considered to be the central problem of ethics. In classical ethics (beginning with Plato) the central question of ethics was "what should one make of one's own life?" Here the focus was upon the perfection of the individual and only secondarily or derivatively upon the individual's relations with others. From Plato's definition of "justice" as having one's soul in proper order, to Aristotle's emphasis upon character development, to medieval Christianity's concern for personal salvation, the first concern of ethics was self-development or self-perfection. It was not that others were of no concern to classical ethics, but rather that appropriate relations with others were a function of the character of one's own "soul" and not the reverse.

In modern ethics, by contrast, the first question of ethics is how one should act towards others. The focus is primarily social with self-perfection or self-development, if it is of concern at all, being given secondary or derivative status. Concepts such as "peace," "harmony," or "cooperation" are given pride of place on this view. Self-perfection, which by the twentieth century simply disappeared as a concern or was discussed in Kantian terms as "duties to self," became thoroughly socialized. We "perfect" ourselves to the extent that we act properly towards others or develop socially conducive attitudes. A pertinent example is Mill's attempt to move from personal happiness to the happiness of society by suggesting that the ethically appropriate attitude is to identify one's own happiness with that of society at large.

The modern conception of ethics owes its origins to Hobbes,³⁰ but Hume is perhaps one of its finest representatives. We learn from the very first paragraph of Book III of the *Treatise* that our

interest in morality derives from our belief that the peace of society depends upon our moral conclusions. Indeed, the very sentiments which drive the moral enterprise for Hume are "built entirely on public interest and convenience" (*T*, Bk III, Pt. 2, Sec. 5). And elsewhere we are told that approbation about the virtues is a function of their social utility (*T*, III, 3, 6), that justice and promise keeping are artifices in the service of social utility (*T*, III, 2, 8-10, and that the value of the clergy in this life is determined by their contribution to society (see *E*, Pt. 1, Essay 5). Yet it seems to us that there is less need here to show that Hume is a "modern" moralist in the sense we have defined it than that Spinoza is a classical one. For few thinkers have been regarded as more archetypically modern than Spinoza.

The case for saying that Spinoza is a classical moralist is no less obvious than that which places Hume in the modern camp. Spinoza's *Ethica* culminates in a description of what the individual must do to be released from bondage and achieve freedom in Books 4 and 5. This is not social or political freedom, but individual freedom—the sort of freedom that is personal and independent of the condition of one's society. Although freedom is certainly more *difficult* to achieve in some societies than others, the sort of freedom Spinoza speaks of can be attained in tyrannical as well as free social orders. An individual's well-being is not a function of the well-being of his society, nor does Spinoza use social categories in advising the individual on how to escape from bondage. Virtually all of Spinoza's recommendations in the latter part of his *Ethica* are concerned with the "inner" nature of the individual. This is true even when Spinoza speaks of social questions (e.g., *E4P36Schol* and *E4P37*). As a representative example of Spinoza's way of doing ethics, consider the following:

In life, therefore, it is especially useful to perfect, as far as we can, our intellect, or reason. In this one thing consists man's highest happiness, or blessedness.... No life, then is rational without understanding, and things are good only insofar as they aid man to enjoy the life of the Mind, which is defined by understanding. On the other hand, those that prevent man from being able to perfect his reason and enjoy the rational life, those only we say are evil. (*E4App.4-5*; Curley translation)

The self-perfectionist character of the foregoing passage is much closer in tone to what one might find in Aristotle than in Hume.

Spinoza is, however, modern (and thus closer to Hume) in the sense that he does not make the mistake of antiquity in believing that, because the well-being of an individual is not necessarily a function of the society he is in, therefore the well being of society can result only if that society is populated with, or at least led by, individuals who have achieved the sort of perfection he recommends. Spinoza fully expects that society will be led by and populated by those who have not achieved self-perfection (*TP*, 1, 5-6). But that fact does not change the claim that ethics for Spinoza is still essentially about individual self-perfection.³¹

To evaluate which approach to ethics is "better" would be a monumental and perhaps fruitless task. Our point here is not to argue for the superiority of one approach over the other, but instead to argue that (1) Spinoza *can* be a classical ethicist precisely because he has the theory of individual agency which Hume lacks, and (2) that because Spinoza has that theory of individual agency he can carry ethics to an additional level, while still agreeing with much of what Hume says about the foundations of morality and politics. Given what we have already said, the first of these points is largely logical in nature. One cannot have a self-perfectionist ethics if there is no self to perfect. As we have seen, Hume's problems with personal identity and individual agency would necessarily make it difficult to get a self-perfectionist ethics going. Spinoza, in contrast, makes constant reference to a person's nature when discussing freedom or perfection. When speaking of virtue, for example, we are told that "insofar as it is related to man, [it] is the very essence, or nature of man, insofar as he has the power of bringing about certain things, which can be understood through the laws of his nature alone" (*E4Def7*). And what is good for us is also defined in terms of the things conformity to our nature (*E4P31&Cor*). Obviously to speak of something conforming to one's nature requires a reasonably well articulated conception of individual agency.

In describing Spinoza as a classical moralist, one should in no way draw the inference that the theoretical underpinnings of that morality are conceived in classical terms. Classical morality is essentially teleological, whereas Spinoza's ethics is not, although this still continues to be a source of some controversy in Spinoza scholarship.³² As Spinoza puts it, "by end for the sake of which we do something, I understand appetite" (*E4Def7*). The antecedent

conditions of an action (i.e., appetite) are what matter for Spinoza, not final causes. And "perfection" too is not understood in terms of final causality, for by "perfection" Spinoza means nothing more than "reality" (*E4Pref*). The ability of a thing to act in accordance with the laws of its own nature, as opposed to things outside of itself, are what determine the degree of perfection or reality of the thing. In the human case, this means acting according to reason rather than passive affection, and activity (as opposed to passivity) is defined in terms of the adequacy of our ideas (*E3Def1-3*). There is nothing teleological in this, for perfection as activity amounts to an increase in power—that is, in efficacious action—and not in the realization of some end. So while Spinoza can be clearly defined as a classical moralist because his ethics is self-perfectionistic, his conception of self-perfection is neither the same, nor similarly grounded, as the teleological ethics of antiquity.

Nevertheless, the foregoing qualifications do not affect the claim that the formal properties and intent of Spinoza's ethics are classical, even if some substantial features of it are not. But to say all this would be to merely point to the fact that our two thinkers are different. What is interesting about Spinoza is that he *adds* the self-perfectionist dimension onto a foundation which is substantially similar to Hume's ethics. As we have said, the lack of skepticism on Spinoza's part with respect to agency and causation allows for the element of self-perfectionism in his ethics. What we need to do now is locate the place for the "humean" elements in that ethics.

In a manner quite analogous to the three levels of knowledge already mentioned, Spinoza has three levels of the good. At the first level, what is good or bad is decided by what is pleasurable or painful (e.g., *E3P39Schol*). Here the individual is being considered essentially in isolation, and when the other levels of the good are added, this first level does not disappear but is more commonly characterized by what we might call "motivation." This, of course, is akin to what Hume does in the first section of Book III of the *Treatise* when he argues against reason being the ground of morality and favors passion. Morality proper, however, is reserved for that sentiment which, as the result of the artifice of custom, law, politics and culture, looks to the utility of society. And it is here that we also find Spinoza's second level of the good. Here the good is the "social good" which Spinoza understands as

the socially useful (*utile*) (*TTP*, XX). This level is, in fact, the normative standard used in the political writings (see *TTP*, XVI, XX; *TP*, II, 19; *TP*, V, 1). It is nevertheless found in Spinoza's ethics as well (see *E4P34-35*, especially *E4P35Cor2*), although with an eye to the third level. The first two levels are meant by both Hume and Spinoza to work in tandem as we can illustrate by comparing the following two passages:

Such a principle is a proof that promises have no natural obligation, and are mere artificial contrivances for the convenience and advantage of society. If we consider aright of the matter, force is not essentially different from any other motive of hope or fear, which may induce us to engage our word, and lay ourselves under any obligation. A man, dangerously wounded, who promises a competent sum to a surgeon to cure him, would certainly be bound to performance; though the case be not so much different from that of one who promises a sum to a robber, as to produce so great a difference in our sentiments of morality, if these sentiments were not built entirely on public interest and convenience. (*T*, III, 2, 5)

And for Spinoza:

...no one at all will keep promises save from fear of a greater evil or hope of a greater good. To understand this better, suppose a robber forces me to promise that I will give him my goods whenever he wishes . . . if I *can* get out of the robber's clutches by making a counterfeit promise to do anything he wishes, I have a natural right to do this, . . . From this I conclude that a contract can have no binding force but utility; when that disappears it at once becomes null and void . . . Hence even although men give sure signs of honest intentions in promising and contracting to keep faith, no one can be certain of the good faith of another unless his promise is guaranteed by something else. (*TTP*, XVI)^{33,34}

For both Hume and Spinoza, promises carry with them no natural obligation beyond what is to be found at the first level of the good. The moral obligation promises carry with them is purely an artifice of civil society. As Spinoza says a few pages after the passage just cited, "for wrong-doing can only be conceived in a political order" (see also *TP*, II, 19). Consequently, the private utility of the first level becomes public utility at the second. The latter in turn defines the standards of moral conduct for human beings. Such standards are utilitarian in result (but not in origin), and apply to all (and only)³⁵ humans.

The story essentially ends here for Hume. What is left to be

done is to show how public utility transfigures the sentiments to where they become moral sentiments. Clearly Hume (and later Adam Smith) have carried this project much further than Spinoza did; but there is nothing in the nature of it that is substantially different from the foundations laid by Spinoza in his second level of the good. Unlike Hume, however, Spinoza does not rest the moral enterprise here. For however well one manifests the sorts of actions and attitudes conducive to public utility and demanded by the standards of that utility, one is still some distance away from moral perfection—what Spinoza in Book V of his *Ethica* calls “blessedness.” Just as we saw earlier with respect to agency and causation when Hume (from a spinozistic perspective) had correctly identified the necessary but not the sufficient conditions in those matters, so too do we find here that public utility is but a necessary, and not a sufficient, condition of ethics for Spinoza. Without the third level of the good, it becomes increasingly difficult to distinguish ethics from law and politics.³⁶ And neither law, culture, politics, nor custom are sufficient to guarantee to anyone the condition of blessedness or moral perfection demanded by ethics for Spinoza. The good, in other words, is not fundamentally social, but personal:

Spinozism, however, will not allow itself to be further reduced to a classical utilitarian morality. Dogmatic utilitarianism claims to limit us within a theoretical and abstract egoism. Spinoza is content to state, without normative hindsight, that utility is in fact the underlying principle of our actions. He makes no pronouncement on its content. The pleasure principle is in fact a natural attitude which precedes each personal deliberation and involves a multiplicity of aspects—to such a degree that it sometimes may take aberrant forms. Each person is only able to seek that which is agreeable to her/him.³⁷ (see also *Ep19*)

To rest at the second level is to settle for passivity in Spinoza’s sense of the term, because accommodation, rather than self-directedness, is the hallmark of a social ethics. Spinoza’s third level, then, points to a different conception of politics than does Hume’s. To that problem we now briefly turn.

INDIVIDUAL AND LIBERTY

The classical orientation of Spinoza and the modern orientation of Hume in ethics have certain spill-over effects in their

respective political theories. Yet it is important to note at the outset that Spinoza and Hume are more similar in political theory than they are in ethics. In the first place, both thinkers place a great deal of emphasis upon actual practice, in opposition to abstract theory. For Hume this means that he paid a great deal of attention to history and experience (e.g., his *History of England*). Spinoza likewise draws lessons from history (*TTP*, XVIII), as well as from "practical" thinkers such as Machiavelli (*TP*, V, p. 7). By the same token, this reverence for experience leads both thinkers to reject the idealism and moralism of philosophers and theologians (see *T*, Bk. 2, 2, 10; *DNR*, Pt. 12; *TP*, I, 1). Promises, for example, have no binding force but the utility or sentiment they carry with them, and in the absence of coercion they cease to be binding if that utility or sentiment are absent (see *T*, Bk. 3, 2, 5 and *TTP*, XVI). In addition, both Hume and Spinoza reject social contract theory and adopt a more evolutionary approach to government and social institutions (see *T*, Bk. 3, 2, 8, 10).³⁸ They both regard the right of property to be established by the state (see *T*, Bk. 3, 2, 2; *TP*, II, 23; and VII, 25). And finally, both men are rather conservative when it comes to challenges to the fundamental character of one's political order (see *T*, Bk. 3, 2, 10; *TTP*, XVIII; *TP*, VI).

It might further be argued that the "ends" of the state or political order are the same in Hume and Spinoza. Hume, for example says that "liberty is the perfection of civil society" (*E*, Pt. 1, Essay 5). Spinoza too says that "the purpose of the state is really freedom (*libertas*)" (*TTP*, XX). Although such statements suggest a common framework, they actually mask the division between these two thinkers. Hume's politics is essentially conservative, whereas Spinoza's is essentially liberal. Since we attached the term "conservative" to both thinkers above, a word of explanation is in order. A conservative outlook on politics is one which requires political questions to be evaluated in light of standards used or implied by the traditions and institutions of one's own society. There is no vantage point "outside" one's society from which to evaluate it. All moral, political, and social principles of analysis are given by the social/political order itself. It is one thing, therefore, to suggest that both Hume and Spinoza are conservative when it comes to revolution. It is quite another to claim that both have a conservative framework of analysis. Spinoza's politics

is not conservative in the sense just described, and the main reason for this is that Spinoza, unlike Hume, does not take the normative standards inherent in any social/political order to be sufficient for the evaluation of that order. And Spinoza does not take those standards to be sufficient, because his self-perfectionist moral theory implies a standard of analysis that is independent of the communitarian framework Hume must use. That Spinoza's perspective is also liberal is not a necessary consequence of not being a conservative, but it does become an issue when the relation between state and individual is discussed.³⁹

Hume's political theory is perhaps best summed up by Shirley Letwin:

For Hume's politics follows no logical scheme and offers no formulas. Although it is consistent in itself and of a piece with the rest of his thought, its pattern lives only in particular judgments. One can discover it in the way one comes to know a man's character, by seeing him in many different moods and circumstances.⁴⁰

Letwin's point seems confirmed by other Hume scholars as well. Miller writes, for example, that "Hume believed that those things which liberals characteristically value are indeed valuable, *provided* that those things which conservatives characteristically value can be securely enjoyed at the same time."⁴¹ This suggests that Hume's politics is decided in terms of balancing competing claims on a case by case basis with an underlying conservative temperament. The conservative temperament of Hume's politics is brought out in some detail by Livingston.⁴² Here the "common life" of a society cannot be superseded by philosophical abstraction or exogenous standards of analysis. So called "liberal values" must be understood in context and not as a program for reform. This leads Hume to be skeptical of any universalistic platforms of reform, because such reforms are usually imposed upon an existing order rather than derived from it. Consequently, Hume's conservatism stems in large part from his skepticism, but as Whelan notes, that skepticism requires that Hume's conservatism "be distinguished from a partisan position: the term conservatism, referring to a programmatic political doctrine or ideology, is anachronistic when applied to Hume."⁴³ Skepticism of *any* programmatic endeavor in politics means that the only acceptable

role for the political philosopher is that of an impartial arbitrator among claims made by those who *are* attached to various programmatic reforms. Partisans confuse partial truth with the whole truth; the political philosopher recognizes the truth that is missing from each partisan position. But since the arbitrator has no standards to call upon other than those given by society itself, he judges the defects of one partisan position in light of valid claims made by others.

While the general sensibility of Hume's political theory would not be denied by Spinoza, that theory, like Hume's ethics, seems unable to attach any particular significance to the liberty of the individual. This is to be expected, since the categories of evaluation do not address themselves to individuals but to society at large. And the value of liberty is itself instrumental to the well-being of society. Hume sees politics in general as a kind of contest between liberty and authority (*E*, Pt. 1, Essay 5), and if a preference for liberty is shown it is because its presence is more difficult to establish and delicate to maintain. As Hume says:

The government, which in common appellation, receives the appellation of free, is that which admits of a partition of power among several members, whose united authority is no less, or is commonly greater than that of any monarch; but who, in the usual course of administration, must act by general and equal laws, that are previously known to all the members and to all their subjects. In this sense, it must be owned, that liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence; and in those contests, which so often take place between the one and the other, the latter may, on that account challenge the preference. Unless perhaps one may say (and it may be said with some reason) that a circumstance, which is essential to the existence of civil society, must always support itself, and needs be guarded with less jealousy, than one that contributes only to its perfection, which the indolence of man is so apt to neglect, or their ignorance to overlook. (*E*, Pt. 1, Essay 5)

The humane political philosopher is, of course, neither indolent nor ignorant. He therefore seeks to keep the contest between liberty and authority alive and in balance. If he tilts toward liberty it is because of its fragile character; but if the two were of equal strength and resilience, a preference could not be shown.

In sum, the foregoing is the best Hume can do for individual liberty, because he has no normative standards beyond the community itself by which he could give a decisive weighting to individual liberty against authority. And this in turn stems from the fact that Hume must rest contented at what we called Spinoza's second level of the good in the last section. For when normative principles are exclusively social in nature and society itself is but a confluence of evolutionary forces tending as much away from liberty as towards it, there is little else to appeal to but balance and the moderation of partisan causes. The only other way to give liberty additional weight would be to claim that the progress of society is inherently tilted towards increased liberty. This may have been the position taken by Adam Smith.⁴⁴

Now it should not be inferred from this that Spinoza is in substantial disagreement with the passage we have just cited from Hume's *Essays*. Spinoza too speaks of the foundational importance of authority or power and even advocates a state that is absolutely powerful. But when Spinoza is correctly interpreted, his absolutely powerful state looks very much like Hume's civil society perfected by liberty.⁴⁵ As Hume himself points out in the passage being referred to, free orders are often more powerful than those more commonly associated with the idea of "absolute" rule. So when Spinoza advocates an absolute state he should not be understood as an advocate of tyrannical rule. The disagreement between Hume and Spinoza is not, therefore, one that occurs within the same level of analysis, but rather one that exists because Spinoza has *another* level of consideration that he can bring to bear upon politics.

When considering Spinoza's political theory it is important to realize that the state (*civitas*) may open the way to moral development, but is not the vehicle through which such development is realized or ultimately understood. This interpretation was first given by H. F. Hallet.⁴⁶ The point is that the problem of moral development or self-perfection is in no way secured or even defined in terms of the categories or processes appropriate to political life or theory. Just as sacred rites in religion contribute nothing to a person's blessedness (see *TTP*, V and *TP*, III, p. 10), so too does conduct in conformity to the conventions, rules, and norms of civil society contribute little to self-perfection. As Spinoza puts it,

Actions whose only claim to goodness is the fact that they are prescribed by convention, or that they symbolize some good, can do nothing to perfect our understanding, but are simply empty forms, and no part of conduct which is the product or fruit of understanding and sound sense. (*TTP*, IV)

It does not, of course, follow from this that one is free to ignore the rules and conventions of one's civil society, but it does follow that the "good" secured by such behavior is some distance from the highest good or self-perfection. And while conventional standards cannot be used to judge the nature or degree of self-perfection, the door has now been opened for the standards of self-perfection to be used to judge conventional norms.

As Hallet correctly understood,⁴⁷ the individual does not exist for the state, but rather the reverse is more nearly the case. But unlike Locke who limits the ends of the state for the sake of the individual by means of the social contract, Spinoza's point is that *whatever* the ends of the state may be, they do not bear upon the question of self-perfection, except with respect to providing the platform from which the pursuit of self-perfection can be launched. It would be a mistake, therefore, to see the good of the individual in terms of the good of the state (or social life) or the good of the state in terms of the good of the individual or even to suggest (à la Mandeville) that the vices of the individual can be good for the state, or that what is good for the state can be a vice for the individual. From a spinozistic perspective, making such claims either misunderstands the meaning of self-perfection or inappropriately mixes different levels of the good.

Now the problem for the spinozist is that since self-perfection is significantly separated from politics and seems to be achievable under almost any political order, how can we say that this third level of the good can have any political importance at all? This problem is only accentuated when one realizes that Spinoza, like Hume, does not really take the question of the legitimacy of a civil order seriously, because its actual presence is sufficient to answer the question of why it is justified. Thus an abstract and programmatic politics of reform seems as foreign to Spinoza as it does to Hume. In an important sense all this is true—Spinoza is like Hume when it comes to practical politics. The role of the partisan is no more appropriate to the spinozist political philosopher than it is to the humane political philosopher. So to see the difference

between these two thinkers we must return to the role of the political philosopher in each of their theories.

Apart from what we have already said above about the role of the political philosopher in Hume's thought, we can follow Livingston's thesis that the philosopher's mission is to purge society of "false philosophy."⁴⁸ False philosophy is that philosophy which tries to emancipate itself from common life. In practice such philosophy subverts the order and traditions of society and lends itself to partisan conflict. Spinoza, in contrast, while recognizing the value of common life to the peace and stability of a social order, need not and does not rest contented with common life as the final arbiter in political questions. The principles which characterize the essence of common life—obedience, order, tradition, authority, custom—are passive in nature (in Spinoza's technical sense of "passive" in *E3Def2*) and not the sort of principles that are exhibited by the "active" life of the free individual. Yet while the self-perfected or free individual for Spinoza is indeed emancipated from common life, he is no purveyor of "false philosophy." Indeed, such is precisely the political problem for Spinoza. On the one hand, it makes no sense to threaten the peace and stability of society with the sort of abstract and detached moralizing that Hume rightly rejects as "false philosophy." On the other hand, there is the higher order of the good that must be made compatible with, if not safeguarded against, the conservatism of common life. This is Spinoza's political problem. Because Spinoza must in some sense reconcile the ordinary with the extraordinary, he does not have the luxury of settling for either the conservatism or skepticism so characteristic of Hume.

Spinoza's answer to this problem seems to us the only plausible one—evaluate civil societies in light of their prospects for individual liberty. Liberty is not only a value to be found in the fabric of common life, but is also productive of other values to be found there, e.g., peace, order, security, and willing obedience to established authority. The reverse implication, however, does not necessarily hold; that is, one can have peace, order, and security (with some ambiguity about willing obedience) without liberty (*TP*, VI, 4). By the same token, liberty is the optimal environment for the pursuit of self-perfection, not only because it allows the individual the freedom to engage in that pursuit, but also because self-perfection is itself a personalized form of liberty. For as we

have already mentioned, the self-perfected individual is one whose actions flow from his own nature, and the liberal commonwealth treats people as if they were self-directed in this sense.

This is not to say that liberal politics is a logical implication of Spinoza's metaphysics or ethics; it is not.⁴⁹ In Spinoza's philosophy, liberalism as a logical implication would mean that there could be nothing but liberal regimes. Instead, the bias towards individual liberty found in Spinoza's political thought represents his insight that this is the most efficient and direct means for making what we have called the second and third levels of the good compatible in a social context. And because of this, liberty (or what Spinoza often calls "democracy" when speaking of political forms and institutions) comes to function as an evaluative norm of political orders—a point one can verify by simply looking at how he modifies monarchy and aristocracy in the later chapters of the *Tractatus Politicus* or by examining his defense of free speech in chapter XX of the *Tractatus Theologico-Politicus*. True, one can attain self-perfection under almost any political order; but it is only in liberal orders that such self-perfection is made consistent with, as opposed to in conflict with or alienated from, the civil society in which one finds oneself. And in saying this one is not committed to a reformist program that ignores context. All that really follows is that one now has a standard of evaluation that is not limited to a particular context. So in the end we can say with Spinoza that,

It is not, I say, the purpose of the state to change men from rational beings into brutes or puppets; but rather to enable them to exercise their mental and physical powers in safety and use their reason freely, and to prevent them from fighting and quarrelling through hatred, anger, bad faith, and mutual malice. Thus the purpose of the state is really freedom. (*TTP*, XX)

CONCLUDING NOTES

The question of what it means to be an individual, the application of this concept in both epistemology and ethics, and the consequent role of the notion in political theory, are not only intimately connected in the thought of Spinoza and of Hume, but also form a focal matrix from within which their mutual agreements and disagreements may be better seen and critically assessed. We have suggested that, contrary to the time-honored (or

perhaps "tattered") dichotomy between "rationalists" and "empiricists," the interplay between these two thinkers is both subtle and piecemeal. The dichotomy in fact emphasizes too strongly, and oversimplifies as well, their differences, and fails to see the often startling similarities and convergences between them.

The issues and questions which we have underlined are major points of contemporary philosophical development as well, in both social theory and epistemology (to mention only two areas). To insist, as we do, upon a close and critical assessment of both thinkers on these issues is to place them both into the contemporary dialogue. Given the originality of their thought, and the place of importance which philosophical dialogue occupied in their development, we owe such a rereading and juxtaposition of their arguments not only in justice to them, but to ourselves as a means of further developing the important issues which they raise.

WORKS OF SPINOZA

We use the standard spinozistic abbreviations:

E — *Ethica*

TTP — *Tractatus Theologico-Politicus*

TP — *Tractatus Politicus*

EP — *Epistola*

So *E32P16Cor2* is the second corollary to Proposition 16 of Book 2 of the *Ethica*.

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4. Lee C. Rice, "Spinoza on Individuation," in *Spinoza: Essays in Interpretation*, M. Mandelbaum and E. Freeman, eds. (LaSalle, Ill.: Open Court, 1975), pp. 195-214.
5. Boss, *La différence des philosophes: Hume et Spinoza*, pp. 27-28.
6. André-Louis LeRoy, *David Hume* (Paris: PUF, 1953), p. 168.
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8. Terence Penelhum, "Hume on Personal Identity," in *Human Understanding: Studies in the Philosophy of David Hume*, A. Sesonke and N.

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 10. John Passmore, *Hume's Intentions* (New York: Basic Books, 1952) pp. 77-83.
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 12. See Gilbert Boss, *La différence des philosophes: Hume et Spinoza*, vol. I, pp. 24-25.
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 14. *Ibid.*, p. 383.
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 23. The translation is mine; Boss, *La différence des philosophes: Hume et Spinoza*, vol. I, pp. 316.
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33. For a discussion of Spinoza's theory of natural right, see, Douglas Den Uyl, *Power, State, and Freedom* (Amsterdam: Van Gorcum, 1983).
34. For a discussion of Spinoza's theory of natural right, see, Douglas Den Uyl, "Sociality and Social Contract: A Spinozistic Perspective," *Studia Spinozana* 1 (1986): 19-48.
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41. David Miller, *Philosophy and Ideology in Hume's Political Thought* (Oxford: Clarendon Press, 1981), p. 195.
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44. See Adam Smith, *The Wealth of Nations*, vol. 2, chap. 3, p. 31.
45. Den Uyl, *Power, State, and Freedom*, ch. 5.
46. H. F. Hallet, *Creation, Emanation and Salvation* (The Hague: M. Nijhoff, 1962), p. 197.
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NATURAL RIGHTS, PHILOSOPHICAL REALISM, AND HUME'S THEORY OF COMMON LIFE

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The primeval identification of the good with the ancestral is replaced by the fundamental distinction between the good and the ancestral; the quest for the right way or for the first things is the quest for the good as distinguished from the ancestral.

— Leo Strauss

“Origin of the Idea of Natural Right,”
Natural Right and History

To argue that someone, let us call him William, has a natural right to liberty is to argue for a right which exists prior to any convention or agreement, regardless of whether he is a member of a particular society or community. Such a right is due to the possession of certain natural attributes in virtue of which William is said to be a human being and is based on a normative understanding of human nature. It thus involves more than a mere appeal to “natural powers,” but it does not require that William be in some original state of nature. The natural right to liberty is used to determine what duties ought to be legally required of others. It is used to morally evaluate and criticize a legal system, e.g., Apartheid in South Africa, and when change is not forthcoming, it is the moral basis for revolution.

The claim that William has a natural right to liberty has certain ontological, epistemological, metaethical, and ethical

presuppositions. They are: (1) that William exists and is what he is independent and apart from human cognition; (2) that William can be known as he really is; (3) that what William is is essential to showing what his ultimate end or *telos* is and thus what is truly valuable for him; (4) that William's *telos* provides the normative standard for determining what William ought to desire and do; and (5) that the natural right to liberty protects the self-directedness of William when he is in the company of others and thereby provides the social and political condition necessary for the possibility that William might flourish, attain his natural end. (1) and (2), when generalized, constitute the ontological and epistemological position called "philosophical realism." (3) and (4) are the fundamental premises of a "natural end" ethics, and (5) is a contemporary formulation of a justification of the natural right to liberty in terms of what Leo Strauss called "classic natural right."¹

It is, of course, no news that David Hume rejects the natural right to liberty. How Hume's phenomenalism undercuts the presuppositions of natural rights is well-known. Further, responses to phenomenalism, though not as well-known, have been made.² What is not so well-known, however, is that Hume scholars³ are interpreting his fundamental views in a different manner, and this new interpretation poses a different set of objections to the natural right to liberty. These objections to the presuppositions of the natural right to liberty, as well as to the function of this natural right itself, will be the concern of this essay. It will be argued that, by and large, these new objections do not apply to either philosophical realism, natural end ethics, or the natural right to liberty. Rather, the proper target of these objections is a Cartesian or, more generally, rationalist conception of these positions. We will begin by considering one of the new interpretations of Hume.

HUME'S HISTORICAL EMPIRICISM

In *Hume's Philosophy of Common Life*⁴ Donald W. Livingston persuasively argues that Hume's philosophy is not a form of phenomenalism. Rather, Livingston believes that the best way to read Hume's philosophy is as a transcendental perspective on the nature and limits of philosophical theories of experience. This

perspective, which Hume terms "true philosophy," holds that philosophy must give up any authority to direct belief and judgment independent of the practices, traditions, customs, passions and prejudices of the world of common life. "True philosophy" presupposes the authority of common life as a whole. It is only through the customs and practices of common life that we can think about reality. Common life or popular thinking is the ultimate conceptual framework for interpreting perceptions. Though any particular judgment or practice of common life may be criticized, the entire order of common life cannot be questioned. Philosophy cannot claim to test common life as a whole against reality. "True philosophy" is post-pyrrhonian. It recognizes its alienation from ultimate reality—reality as it is apart from how it is conceived through the customs and practices of common life.

When philosophy tries to answer ultimate questions apart from the framework of the world of common life, that is, when it assumes that it has the authority to reject the entire set of customs and conventions which constitute common life, it is "false philosophy" and leads to total skepticism if consistently followed. False philosophers are, however, seldom consistent and do not recognize that they presuppose the customs and conventions of common life. They suppose they have insights into ultimate reality as opposed to the appearances of common life. They lack "Pyrrhonian illumination."

When practiced in the academy, false philosophy is amusing and ridiculous, but when it declares an entire social and political order illusory and proclaims the moral necessity of razing this order and replacing it with a new one, it is dangerous. It threatens the peace and well-being of society; for it would destroy the very customs and practices that give moral standards their force and meaning. Accordingly, Hume can be interpreted as performing two tasks: a positive one of exploring common life and explaining reality, e.g., causality, within the confines of common life and a negative, therapeutic, one of purging from common life the dangerous illusions of false philosophy.

Central to Livingston's overall interpretation of Hume is his claim that

Hume has told us precious little about the meaning of "impression" and "idea." We know that they are the same, differing only in force and vivacity, that the difference is roughly that between

feeling and thinking, and that ideas represent impressions. But these expressions are just so many variables in search of values.... There is no support in the text for substituting phenomenistic values for the variables and, further, no support for taking impressions as the paradigm for understanding ideas.⁵

Hume's "first principle" that all ideas are derived from past impressions should not, then, be taken to require that impressions are sense data or that ideas are mere faint impressions. Though impressions are causally prior, they are not prior in the order of intelligibility. "Ideas are not the ghosts of simple impressions conceived as sense data. We cannot understand simple impressions without first understanding the a-priori structure of ideas...."⁶

The egocentric starting point that Locke seemed to uncritically accept from Descartes is also not Hume's. According to Livingston, "perceptions of the mind"—by which Hume understands the actions of seeing, hearing, judging, loving, hating, and thinking—are conceived in a common way. They cannot exist apart from public objects. They are not mental images that we somehow know or inspect privately before we know anything else. Further, the meanings of words are not private mental images. Rather, the meaning of words is fixed by historically developed human convention and agreement. Language arises unreflectively over time out of the human need to communicate. All the conventions, practices, and rules of common life involve the convention of language. Linguistic convention historically developed is considered fundamental when it comes to explaining the meaning of a word.⁷

Hume's "first principle" does, according to Livingston, require that all ideas are past-entailing, and this is where Livingston's interpretation is most novel. Hume is interpreted as advocating an "historical empiricism." Its deep paradigm of significance and understanding is that of stories or narrative associations. We only understand things after they have occurred and are compared to later occurrences. A simple impression of, for example, scarlet is at first not intelligible. It becomes so only after it is past, and we compare it with a resembling perception, called an idea. "Narrative significance is conveyed to the earlier perception by viewing it in the light of the later perception, which because it bestows this light is thought of as an idea."⁸ Tenseless ideas, e.g., "man,"

"red," "elastic," "rose," and so on, are possible by abstraction from the temporal features of resembling existences. Yet, no full comprehension of an idea is possible apart from the appropriate narrative encounter, that is, apart from the experience of the impression and idea in recollection. One only fully comprehends an idea when one knows its story.

Tensed ideas, like "nephew," "friend," "U. S. senator," "priest," "Tudor rose," "queen," cannot be applied to present existences unless certain statements about the past are true. These ideas correspond to past-entailing existences, that is real nephews, friends, senators, Tudor roses, and queens which have the past ontologically built into their present existence. Such ideas as "men," "women," "red," "elastic," and "rose," and the like, do not. They refer to things that have no tensed properties.

What Hume calls the moral world, and what Livingston calls the world of common life, is constituted by individuals and institutions with past-entailing existences. A woman, for example, is a natural object, and the criteria for predicating "woman" is based on observation, but the same is not true of "queen." There are no properties of being a queen to observe because "the past that constitutes a queen cannot, in principle, be observed."⁹ The properties for being a queen is a narrative relation to the past. "To understand this relation we would have to understand the principles governing the narrative unity of action that constitutes it. These principles determine a vast system of narrative relations which inform the rank, status, privileges, rights, and duties of an entire social and political order of which the queen is a part."¹⁰ Such existences as a queen do not exist independent of the temporally reflective mind. They are narrative existences.

Not only, however, are the individuals and institutions which constitute the world of common life narrative existences, they are also normative entities. They have a normative character, for they do not exist apart the passions and sentiments we naturally attach to them. Anything with tensed properties is emotionally charged. We have an original propensity to view the past normatively, a temporal passion which gives narrative existences, e.g., the Bill of Rights, Founding Fathers, a queen, a U.S. senator, authority and prescriptive power. The moral world for Hume, then, is not the natural world, if that is understood to mean the spatiotemporal world existing independently of mind. Rather,

the moral world is the natural world viewed in light of temporal human passions from certain points of view—namely, points of view which relate present occurrences to the past and evaluates them in light of it. “Objectivity in the moral world is constituted by these points of view and is manifest in the conventions of common life and the language that informs them.”¹¹

The rules for the use of moral language, which result unreflectively over time from reconciliations of conflicting sentiments and judgments, provide a common point of view and express moral norms. This common point of view, which everyone feels, is social utility. Yet, utility is not an abstract norm which can be used to evaluate and reconstruct social and political institutions. Rather, utility is a value immanent in existing institutions. It is only used to explain why social and political institutions break down.

Moral principles for Hume are true in virtue the rules governing the application of the terms that constitute them. The conventions of morality and the conventions of language are internally connected. They constitute the public conditions to be met by any participant in the convention of morality. It is only through the use of moral language that self-consciousness of moral conventions is achieved. The moral world is fundamentally a system of historically developed conventions.

Hume's historical empiricism has no place for natural ends. Such an approach to ethics is clearly out of place. As Hume noted in a letter to Francis Hutcheson:

I cannot agree to your Sense of *Natural*. Tis founded on final Causes; which is a Consideration, that appears to me pretty uncertain and unphilosophical. For pray, what is the End of Man? Is he created for Happiness or Virtue? For this Life or for the next? For himself or for his Maker? Your definition of *Natural* depends on solving these Questions, which are endless, & quite wide of my Purpose.¹²

The idea that human nature might be a *telos* or final cause is considered to be part of a providential conception of nature and history. Neither an empirical study of nature nor history provides any evidence that the universe was designed for a purpose or that this purpose constitutes some normative standard. According to Livingston, only the past can be normative for Hume, and the providential view of nature and history treats the future as a

normative standard. To think of the future as normative conflicts with the temporal passions which for Hume are fundamental and internal to the function of reason itself.

In social and political philosophy, Hume's historical empiricism requires that the conceptual effects of "Cartesianism in politics" be eliminated. The attempt by social and political philosophers to deny the rational authority *and* reality of the existing social and political order by appealing to standards, e.g., the natural right to liberty, set forth by an ahistorical use of reason must be challenged. There must be a recognition that society is a sacred order. Without it, moral reform is impossible, for it is the basis from which our moral ideals are taken. As Livingston states:

In knowing the present as constituted by common life, it is *logically* necessary that we also know the past. Descartes is wrong, then, to think that the past must be bracketed out *in order* to know the present. Such bracketing would conceptually destroy the past-entailing structure of the present and with it the world of common life. We should then be left with merely tenselessly conceived individuals (men, persons, rational agents, and the like), pursuing tenseless goals, disconnected from each other and preceding generations *like*, to use Hume's memorable image, the silkworms of a season.¹³

Revolutionary activity which seeks to upset the entire social and political order is ultimately incoherent. Instead, we must uncover the moral standards that make up the whole of common life, put them into order, and use them as the basis for evolutionary reform.

In Hume's historical empiricism we thus "find a conceptual structure designed to rebut revolutionary thought and capable of explaining in broad outline the conservative view of legitimate social and political order."¹⁴ It is in fundamental opposition to the idea that an entire social and political order might have to be changed. According to Livingston, any standards that might be used to evaluate a social and political order are either abstract tenseless standards or concrete narrative ones. If they are the former, then they are vacuous unless interpreted in terms of some actual historical social and political order. If they are the latter, then ultimately one is not revolting against the entire social and political order.¹⁵

It would certainly seem that Livingston presents us with a

much different Hume, but this new interpretation of Hume is like the older, phenomenalist one in, at least, one respect—namely, philosophical realism, natural end ethics, and natural rights do not fare very well. In the hands of Livingston's Hume, philosophical realism is considered as an example of false philosophy, because it supposes that it can provide an account of reality, not merely reality as conceived through the beliefs and practices of common life. A commitment to natural ends is seen as not only involved in endless metaphysical disputes but tied to an untenable providential conception of nature and history. The natural right to liberty is viewed as a "metaphysical rebellion" against the reality of the status quo. It involves an ahistorical use of reason which tries to appeal to a timeless order of nature that somehow exists independent of historical processes. Ultimately, the natural right to liberty is an empty standard. It only succeeds in tearing down the very basis for standards—the actual historical social and political order. These are the basic objections that Livingston's Hume has to the natural right to liberty and its presuppositions. The following sections will not attempt to argue for philosophical realism, natural end ethics, and the natural right to liberty. Instead, they will simply attempt to show that these objections, by and large, miss their mark. These objections are more properly aimed at a rationalistic conception of philosophical realism, natural end ethics, and natural rights.

PHILOSOPHICAL REALISM

Philosophical realism is characterized by two theses. The first thesis is metaphysical.

1. There are beings which exist, and are what they are, independent and apart from anyone's cognition of them.

The second thesis is epistemological.

2. These beings can be known in human cognition, more or less adequately, often with great difficulty, but still known as they really are.

The second, epistemological, thesis, will be examined. The first, metaphysical, thesis will not be examined, but its importance will be noted at the end of this essay.

Crucial to the maintenance of philosophical realism's epistemological thesis are four distinctions. The first distinction regards how human percepts and concepts are understood. They can be understood as direct, self-contained objects of awareness or not. If they are understood as direct, self-contained objects of awareness, then philosophical realism's epistemological thesis becomes highly dubious. Indeed, the central epistemological problem of modern philosophy almost immediately appears: How one can ever know the nature of, or even the existence of, extramental beings? Once percepts and concepts are treated as objects which can be known directly without making reference to something other than themselves, then the entire dialectic of modern philosophy is in place. Can we know extramental reality? Is there extramental reality? How can skepticism be avoided? What are the conditions and limits of human knowing? What are the conditions and limits of objectivity?

If, on the other hand, percepts and concepts are not understood as direct, self-contained objects of human awareness, but instead as the activities by which human awareness occurs, then the problem of moving from what is "inside" consciousness to what is "outside" does not immediately appear. Further, if percepts and concepts cannot be identified as conscious states if they are not first of or about something other than themselves, then the epistemological thesis of philosophical realism is not dubious, and the dialectic of modern philosophy's epistemological investigations can be largely avoided.

The Cartesian egocentric starting point which, according to Livingston, Hume so justly rejects is not one that philosophical realism accepts. Further, if percepts and concepts are not direct, self-contained objects of human awareness, then it does not follow from the rejection of the claim that a word's meaning is some private mental image that the rules of language are fundamental when it comes to the determination of linguistic meaning. A realist theory of linguistic meaning which uses abstraction and involves ultimate reference to extramental reality remains a possibility.

The second distinction is between an "absolute" and an "objective" account of human cognition. An absolute account of human cognition requires that human knowledge not be something partial or incomplete, that knowledge claims must be made *sub specie*

aeternitatis, and that humans cannot claim to know some proposition, *P*, unless they know both that they cannot be wrong regarding *P* and that not-*P* cannot possibly be true. An objective account of human cognition holds that not everything can be known in all its detail all at once, that knowing is achieved in pieces, step by step, and can change and develop, and that neither human fallibility nor limitations preclude one from knowing that *P*.

In order to maintain its commitment to cognitive realism it is not necessary for philosophical realism to accept an "absolute" account of human knowledge. It can be admitted that there is a sense in which human knowledge is relative. As Roger Trigg notes:

Our knowledge *is* still correct, since partial, or relative, knowledge is knowledge, and the mere use of the term "relative" need not make us fear that we are lapsing into the kind of position which makes truth and reality themselves relative matters. "Relative" is in fact here being opposed to "absolute" rather than "objective."¹⁶

The objective account of human knowledge readily acknowledges that there is no privileged position, no "God's vantage point," from which to determine the truth of propositions and that the procedures for determining their truth will vary with subject matter and the evidence and methods currently available. The objective account of human cognition recognizes that knowledge is achieved by a human subject—a subject which has a mode of cognition and whose interests and needs can determine the starting point as well as extent of theories and investigations. Yet, the objective account of human knowledge does *not* hold that since human knowledge is not "absolute," but is "relative" in the sense admitted, that one is, "therefore," not capable of knowing what things really are.

Accordingly, philosophical realism does not assume that in order to have an adequate account of reality, it is necessary to raze all the opinions, beliefs, and practices of the world of common life. Since there is no intrinsic "barrier" between a knower and reality, and since conceptual awareness is not conceived of as a closed a-contextual repository of omniscience, the world of common life need not be regarded as being nothing more than mere appearance. The rationalistic hubris which holds that only the philosopher (or

the scientist) knows true reality and that the world of common life deals with something less than reality is entirely foreign to philosophical realism.

The third distinction is between the mode and content of human cognition. As Aquinas notes:

Although it is necessary for the truth of cognition that the cognition answer to the thing known, still it is not necessary that the mode of the thing known be the same as the mode of its cognition.¹⁷

It is not necessary to assume that the mode of existence of human cognition must be the same as the mode of existence of what is cognized in order for human cognition to be of realities which exist, and are what they are, independent of human cognition. For example, it can be true that "man" cannot exist independently and apart from human cognition without the same being true of the beings to which it refers. Most generally stated, our knowledge can be of reality without being identified with it. It is not necessary to assume that what can be truly predicated of our mode of knowledge must also be truly predicated of what we know. Philosophical realism does not require this assumption.

This distinction has important implications when it comes to understanding the nature of social institutions, practices, customs, and conventions. Just as it can be true that "man" cannot exist independently and apart from human cognition without the same being true of the beings to which it refers, so it can be true that social institutions, practices, customs, and conventions cannot exist apart from human cognition and effort without the same being true of the realities upon which they are based. There is nothing inconsistent about claiming that nephews, friends, queens, and U. S. senators are narrative existences that do not exist apart from the human mind and at the same time holding that these narrative existences also depend on certain characteristics and features of the extramental reality we call "human being." Further, the fact that there is great diversity in social institutions in various times and places is not inconsistent with there being fundamental features about human nature that are true in various times and places and upon which social institutions are based.

The fourth distinction pertains to how the empiricist maxim,

"Nihil in intellectu quid non prius erat in sensu," is interpreted. This maxim could mean either (a) that all objects of knowledge are without exception presented *in* sense perception and recognized *by* sense perception or (b) that all objects of knowledge are without exception presented *in* sense perception but not necessarily recognized *by* sense perception. If interpretation (a) is followed, then human knowledge is confined to what the senses explicitly grasp. If interpretation (b) is followed, then it is possible for all human knowledge to be based on sense perception but not confined to what the senses explicitly grasp. Thus, sense perception could involve an implicit awareness of the intelligible character of extramental realities which we discover by abstraction.

Interpretation (b) is the approach taken by Aristotle and Aquinas. As Etienne Gilson once noted when explaining this approach, "the senses carry a message which they cannot interpret." It is human reason which discovers and interprets what the senses present. Human knowledge is not something that can be divided into the sensory/empirical and the rational/conceptual. These aspects of human knowledge are distinguishable, but they are not separable. Both are necessary. Yet, what is crucial to interpretation (b) is that it allows for human reason to play an active role in discovering, but not creating, the intelligible character of reality.

Interpretation (a) of the empiricist maxim is the basis for the traditional claim that Hume has a phenomenalistic ontology, and it is this view of Hume that Livingston's interpretation challenges. Livingston argues that for Hume the intelligibility of impressions is found in understanding the a priori structure of ideas—that is, the way present impressions are narratively linked to past ones. In effect, it is the beliefs, customs, practices, and conventions of the world of common life that provide intelligibility. Without the past as concretely presented in the institutions of common life our world would be a booming, buzzing confusion. Yet, interpretation (a) of the empiricist maxim is not the only alternative. If interpretation (b) is used, then it could be possible for the world of common life to be understood not as an a priori source of intelligibility but as an historical context in which new discoveries are made. As noted before, human knowledge does not exist in a vacuum. Human knowledge is not like a static, timeless, snapshot or picture. Yet, to admit this is not to

suppose that the world of common life is a transcendental structure which provides intelligibility but prevents us from knowing what reality truly is. Livingston may indeed be correct in interpreting Hume as neither holding interpretation (a) of the empiricist maxim nor adopting a phenomenalist ontology, but this does not show that the case has been closed for interpretation (b) of the empiricist maxim or philosophical realism.

NATURAL END ETHICS

Natural end ethics involves a commitment to the existence of a human *telos*, but this commitment need not require either involvement in endless metaphysical disputes or an acceptance of a providential conception of nature and history. The question of whether there are natural ends is primarily a question of whether there are some facts which cannot be explained or adequately understood without appealing to a natural end or function. Specifically, when it comes to understanding what living things are and how they act, can the laws in terms of which organic phenomena are explained be reduced to laws which make no mention of the end or goal of the living process but only to how the material constituents interact? If such a reduction cannot be made, then there is a case to be made for teleology.

Contemporary developments in biology seem to support the idea that such a reduction cannot be made, and the core idea of Aristotle's natural teleology—namely, that a living thing has an irreducible potential for its mature state—seems vindicated.¹⁸ This is, of course, an empirical matter and cannot be answered from the philosopher's arm chair. Yet, it is clear that if there is a biocentric basis for natural ends, then teleology need not be regarded as universal or cosmic in order to be defended. Nor is it necessary to adopt a theistic conception of the universe or somehow view history as unfolding according to some divine plan.

This is, of course, not yet to explain what the *human telos* is. This is a huge task and cannot be handled here. Yet, once it is realized that the claim that an entity has a nature or essence need not be tied to Platonic or even rationalistic formulations,¹⁹ that is, once it is realized that the nature of something is discovered from sense perception and need not be eternally fixed, then this task becomes less ominous. Furthermore, current discussions

regarding such topics as human flourishing, the nature of the relationship between reason and the passions, and how an ethics of virtue differs from deontologism and consequentialism are part of the process of explaining the ethical dimensions of the human *telos*. This also is much too huge an issue to be discussed here, but there are two points that can be made regarding natural end ethics that are particularly relevant.

1. Hume's realization that morality must involve human passions and desires is not something that a natural end ethics rejects. The use and control of passions, the creation of rational desire, is central to this ethics. The rationalistic attempt to make morality something that does not involve the passions, ultimately something impersonal which exists apart from an individual and his history, has no place.

2. The actual form that a person's flourishing takes will be determined by factors that cannot be abstractly formulated. Though there are virtues which everyone can be said to need if they are to flourish, what they actually involve, what conduct they concretely require, depends on the person's circumstances, in a word, on the person's *history*. Prudence, the fundamental intellectual virtue of a natural end ethics, determines what ought to be done. Yet, being prudent is not merely a manner of following moral virtues in the way one follows a recipe in cooking a meal. What the moral virtues require, what they concretely involve, is determined by a person's own insight into the situation. Morality cannot be divorced from the particular and the contingent. A natural end ethics holds that moral abstractions that try to be tenseless and universal, with no role for the individual's own insight and history, are both useless and dangerous.

There are many insights of Hume's historical empiricism which are not alien to a natural end ethics, but this is, of course, not to say that there are not important differences between Hume's approach to morality and that of a natural end ethics. These differences cannot be discussed at this time, but they are worthy of mention. There are five. (1) A natural end ethics holds that human nature is such that reason can create rational desires. Thus, even though passions or desires are always present in normative matters, they do not rule. A natural end ethics sees itself as occupying a middle ground between a rationalistic deontologism and a theory of moral sentiments which makes the

passions the basis for normativity. (2) Even though understanding the narrative history of something is crucial to its full comprehension, the past qua past can only be of instrumental value to a natural end ethics. The past has no intrinsic value. (3) A natural end ethics sees the ethical life as being concerned with the attainment of human flourishing of the individual human being. While acknowledging that there is a social and interpersonal dimension to the ethical life, it does not assume that ethics must attain a common or impersonal point of view. (4) A natural end ethics does not assume that the meaning of "utility" or "human need" is determined merely by what someone desires or wants. Something deeper is required. (5) Ultimately, according to Livingston, Hume holds that we have an original propensity to view the past normatively. In other words, the past is ultimately valuable, because of our temporal passion, and there is nothing more fundamental. A natural end ethics, on the other hand, seeks to reverse the causal order by claiming that there is something which is valuable in itself, e.g., the flourishing of the individual human being, and passions and desires are for the sake of this state of being. If there is no state of being which is an end in itself, then one is trying to move from what is desired to what is desirable. Even though it may be impossible for us to consider the past without temporal affection and piety, this only shows our desires. It does not make the past valuable. From the perspective of a natural end ethics, Livingston's Hume seems to be either guilty of trying to derive an "ought" from an "is" or guilty of not really providing a normative theory—that is, a theory which tells people what they ought to do. Instead, it may only be an account of what they in fact do.

THE NATURAL RIGHT TO LIBERTY

To claim that William has a natural right to liberty is indeed to uphold a moral concept by which to evaluate legal systems. On the basis of this right, particular laws and entire legal systems can have their moral authority challenged. Yet, this does not mean that the reality of the particular laws or the legal systems is denied. To uphold that the nature of a human being provides a basis for determining not only how one ought to live but what the character of a legal system should be like is only to say what ought

to be. This is not to endorse what Livingston regards as the ultimate ontological principle of Cartesianism in politics—namely, Hegel's claim that the rational is the real and the real is the rational. To claim that there ought to be a legal system which protects the right to liberty and to argue for, and indeed establish, the rationality of this claim is not to show that the present legal system is unreal or illusory.

Yet, why does Livingston think that the natural right to liberty involves denying the reality of an illegitimate legal system? In describing Cartesianism in politics he states: "True social and political order is viewed as an order of *nature*: a timeless object of reason existing independently of the historical process."²⁰ Hence, anything that is not timeless is not real. Yet, there is an ambiguity here. When we speak of "a timeless object of reason" do we mean, for example, the concept "man" or what this concept signifies—namely, men. When the concept "man" is the object of reason, then this object is timeless, for we are considering our abstraction. But when we do not consider the concept "man" but instead what it signifies, then, of course, the objects of reason are not timeless. Human beings are born, mature, grow old, and die. The Cartesian view of nature involves a confusion of concepts and realities or, as old-time Aristotelian logicians would say, a confusion of second and first intentions. Such a confusion is the basis for Platonism and many other forms of idealism, but it is not something a proponent of the natural right to liberty needs to accept.

Generally, unless we have some interest in doing so, when we abstractly consider features of human beings and form the concept "man" we are not attending to their temporal dimension. This is, of course, not to deny the reality of this dimension or the many other features of human beings that are not specified when we form the concept "man." An awareness of how the process of abstraction works is vital to all areas of philosophy. It is, however, especially important to ethics, and, if possible, even more so for the ethics of revolution. What actions are to be taken against a morally illegitimate legal system must involve considerations that go far beyond a mere determination that the natural right to liberty is not respected. The natural right to liberty tells us what a morally appropriate legal system must do, but it does not tell us what the proper procedures for the elimination of illegitimate

legal systems are or how to create and implement legitimate ones. The natural right to liberty is not the only moral principle that is relevant here. Contrary to what Livingston suggests,²¹ there is no inconsistency for an advocate of the natural right to liberty to regard no existing government as legitimate, and yet, at the same time, not to call for all of them to be overthrown. Surely, an advocate of the natural right to liberty does not have to be blind to the difference between, for example, the government of the United States and that of the Soviet Union's.

According to Livingston's Hume, the central objection to the natural right to liberty is its vacuity. In other words, this right has to be interpreted "by the standards of some actual historical order having independent authority."²² The crucial issue here is not whether the natural right to liberty can take various forms in various cultures and times. Certainly, no advocate of this right needs to deny this. Rather, the issue is whether there is any substantive content to this right. Does it provide a way of determining what liberty is and when it is violated in any society at any time? Indeed, this also seems to be the central issue when it comes to discussing the nature of anything: Can an abstract understanding of, for example, human beings have any content so that regardless of the culture or time we can determine what is a human being and what is not?

Granting the nature of a human being is not be some timeless reality that exists in some metaphysical heaven and that our knowledge of human nature can be partial and incomplete and subject to error, and even admitting that there can be borderline cases, we can still nonetheless claim that a human being is an animal whose consciousness can, when self-directed, grasp the world in conceptual form. An abstract understanding of human beings is not contentless. This is not, however, the place for a detailed discussion of the process of discovering the real definition of something. Further, this has been done elsewhere.²³ Yet, it can be said that unless Hume's historical empiricism takes a rationalistic turn and announces a priori that there *is* and *can be* nothing that abstraction can discover from sense perception regarding the entities we call "human," there is no principled basis for an historical empiricism to hold that an abstract understanding of man is contentless. And if this is true, then there can be no principled objection, even though this is a more complicated

matter, to the natural right to liberty having sufficient content to judge actual historical and political orders. The historical empiricism of Livingston's Hume does not seem, nor does it need, to be historicist.

Hume could, of course, argue against abstractions having any content by denying the first, metaphysical, thesis of philosophical realism, but if this is done, then he abandons his status as "true philosopher" and becomes a brother metaphysician. This was certainly an option for the older phenomenalist Hume, but it is not one for Livingston's Hume.

1. See Douglas B. Rasmussen and Douglas J. Den Uyl, *Liberty and Nature: An Aristotelian Defense of Liberal Order* (La Salle, Ill.: Open Court, 1991).
2. Rom Harré and E. H. Madden, *Causal Powers* (Totowa, N.J.: Rowman and Littlefield, 1975) and Milton Fisk, *Nature and Necessity* (Bloomington and London: Indiana University Press, 1973) offer especially powerful criticisms of phenomenalist ontology.
3. See David Fate Norton, *David Hume: Common-Sense Moralist, Skeptical Metaphysician* (Princeton: Princeton University Press, 1982); Donald W. Livingston, *Hume's Philosophy of Common Life* (Chicago and London: University of Chicago Press, 1984); and Frederick G. Whelan, *Order and Artifice in Hume's Political Philosophy* (Princeton: Princeton University Press, 1985).
4. Donald W. Livingston, *Hume's Philosophy of Common Life* (Chicago and London: University of Chicago Press, 1984).
5. *Ibid.*, p. 55.
6. *Ibid.*
7. For Hume, the meaning of a term is "the *custom* framed in some linguistic convention of applying the term to resembling objects along with the capacity to form mental imagery of the appropriate sort on the occasion of using the term. The meaning of a term does not change by having different images annexed to it as long as those images are of a resembling set." *Ibid.*, p. 75.
8. *Ibid.*, p. 104.
9. *Ibid.*, p. 148.
10. *Ibid.*
11. *Ibid.*, p. 137.
12. Quoted in David Fate Norton, *David Hume: Common-Sense Moralist, Skeptical Metaphysician*, p. 205.
13. Livingston, *Hume's Philosophy of Common Life*, p. 103.
14. *Ibid.*, p. 310.

15. Ibid., p. 335.
16. Roger Trigg, *Reality at Risk* (Totowa, N.J.: Barnes and Noble, 1980), p. 196.
17. Aquinas, *Summa Contra Gentiles*, II, 75.
18. See Allan Gotthelf, "Aristotle's Conception of Final Causality," *The Review of Metaphysics* (December 1976): 226-54 and Michael Bradie and Fred Miller, Jr., "Teleology and Natural Necessity in Aristotle," *History of Philosophy Quarterly* 1 (April 1984): 133-46.
19. See Baruch Brody, *Identity and Essence* (Princeton: Princeton University Press, 1980).
20. Livingston, *Hume's Philosophy Common Life*, p. 277.
21. Ibid., pp. 281-82.
22. Ibid., p. 335.
23. Douglas B. Rasmussen, "Quine and Aristotelian Essentialism," *The New Scholasticism* 58 (Summer 1984): 316-35.

Discussion Notes

IN DEFENSE OF MOORE'S "PROOF OF AN EXTERNAL WORLD"

In his *The Significance of Philosophical Scepticism*, Barry Stroud finds it "an extremely puzzling philosophical phenomenon" that Moore, in his proof of an external world, seems so oblivious of the fact that his arguments do not actually address the philosophical problem of an external world at all.¹ The reason that they do not, according to Stroud, is that they operate *within* material-thing discourse (this is clearly what Stroud has in mind in describing Moore's arguments as "internal") whereas the philosophical problem rests on arguments that place the legitimacy of the entire discourse itself in doubt (thus stand outside of it, or in Stroud's notation are "external").² Thus, in a manner of speaking, Moore has tried to walk on water. What he needs to do if he is to resolve the philosophical problem of an external world is first to establish the legitimacy of material-thing discourse itself before appealing to it, not the other way around. I am trying here, of course, to represent Stroud's claim: a claim, incidentally, that almost all philosophers familiar with Moore's proof of an external world have been inclined, in one form or another, to make.

Before setting forth my defense of Moore's proof of an external world I want to lay out a few preliminary observations.

First of all, but of little consequence, I shall continue to make use of Stroud's terms "internal" and "external" as these terms are used by Stroud (not, for instance, as Moore uses them in his paper, "External and Internal Relations," in *Proceedings of the Aristotelian Society*, 1919-20).

Second, it needs to be noted that Moore himself never fully addresses Stroud's particular objection to his proof of an external world or any of its look-alikes. To be sure, having already, without discernible qualification or qualm, set forth his proof of an external

world—"How? By holding up my two hands, and saying, as I make a certain gesture with the right hand, 'Here is one hand', and adding, as I make a certain gesture with the left, 'and here is another'"³—Moore does some paragraphs later advert to the possible claim that he will need to prove "for one thing, as Descartes pointed out, that I am not now dreaming."⁴ But not only is this possible undercutting of his proof's premises referred to merely in the way of a belated after-thought but it is brushed aside with no more than the passing remark that "I have, no doubt, conclusive reasons for asserting that I am not now dreaming; I have conclusive evidence that I am awake."⁵ Moore's cavalier treatment of this sort of objection to his proof may not demonstrate quite that he was unaware of its existence but it surely demonstrates that he was not at all concerned with its existence. Thus, to all intents and purposes he seems to think that in citing the premises of his "proof" he is citing simple, unchallengeable evidence for and against competing hypotheses: the one that we can know that external or material objects exist and the other that we can not.

One can account for this blind spot in Moore's vision, I believe, as due to the empiricistic stance that he constantly assumes in his philosophizing: as if the philosophical problems he is dealing with rest upon one's failing to note observable details (details of the various senses of words or of what is presented by one's senses, and so on) and are resolvable accordingly. In this solvent, the objection that Stroud makes tends to dissolve and get lost.

It should be understood, therefore, that the defense of Moore's proof of an external world that I am underwriting is not one that I find Moore himself advancing. It is, however, one that Moore, consistent with principles that he does uphold or suggest, could advance. Let me clarify. It is Stroud's particular objection that I mean to be responding to. I realize that other objections might be made and have indeed made to Moore's proof. I shall not only leave the latter untouched but leave untouched those parts of Moore's proof that they pertain to. I shall, for example, go along with Moore's claim that in saying, "Here is one hand" one means to be referring to an external object, a material thing, and should so be understood.

Now, for reasons already made clear, Moore may not, in his

proof, go directly from its "internal" premises—these already having been put in doubt in so far as they are taken to assert the existence of material things by the "external" conclusions of the skeptic—to its conclusion that there exist external objects. There is, however, a principle adhered to by Moore that can be used to disarm the "external" conclusion of the skeptic which puts in doubt those premises. Obviously, this principle cannot be "internal" to material-thing discourse nor even on the same plane (as it were) of the skeptic's "external" conclusions. It must be external not only to material-thing discourse but to the "external" skeptical conclusions that place in doubt that discourse; for if on merely the same referential level as the latter, rather than a higher level, it could not adjudicate between the premises of Moore's proof and the skeptic's conclusions embracing those premises.

This principle, which is suggested and tacitly applied in much of Moore's philosophizing, might descriptively be called "the principle of weighted certainties," namely, the principle that says that we ought never give credence to that of which we are less certain over that of which we are more certain.⁶ On the face of it this principle is not only quintessentially rational but it applies to propositions at any level of discourse; thus, to those stating skeptical "external" conclusions embracing material-thing discourses as well as the "internal" propositions of material-thing discourse and the propositions implied by them.

Let us then apply this "external" principle to the two assertions, Moore's "internal" statement, "Here is one [material or externally existent thing, this] hand," and the skeptic's "external" proposition, "No material or externally existent thing can be known to exist" or any of his arguments purporting to establish the latter. "Of which are we the more certain?" we ask. Can the answer be in doubt? Not at all. Thus, on quintessentially rational grounds we vindicate the philosophical adequacy of Moore's proof of an external world. Simultaneously, of course, Stroud's objection, and its various look-alikes, fall to the ground.

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1. Barry Stroud, *The Significance of Philosophical Scepticism* (Oxford: Clarendon Press, 1984), p. 126.
2. *Ibid.*, pp. 117 ff.
3. G. E. Moore, "Proof of an External World," in *Philosophical Papers* (London: Allen and Unwin, 1959), p. 146.
4. *Ibid.*, p. 149.
5. *Loc. cit.*
6. See, for instance, Moore, "A Defence of Common Sense" in *op. cit.*, p. 40, "...since I am more certain that they have existed and had some views...than that they have held any views incompatible with it...".

RACE ISN'T MERIT

As a general rule, the six-year statute of limitations ought to apply to responses to journal articles—after a while it gets to be a waste of time. But when the journal in question comes close to being the official voice of English-speaking philosophy, and the unanswered article presents the danger of lowering the level of discourse on an important topic by not allowing us to make distinctions between some of the key concepts in that discussion, it seems an exception can be made.

The article in question is “Race as Merit,” in the journal *Mind*.¹ In it Michael Davis defends affirmative action by attacking an argument used by its critics.

The argument [Davis says]...assumes, first, that the only just criterion of governmental distribution of goods is merit and, second, that merit is always something independent of mere race. The defenders of affirmative action have, until now, either accepted both these assumptions or rejected only the first. I propose to reject only the second. (pp. 347-48)

This rejection takes the form of an argument that “in certain societies, including my own, affirmative action can be distribution according to merit” (p. 347); and that it is not discriminatory to give preference to individuals of one race over individuals of another. If Davis were to make his point, defenders of affirmative action wouldn’t have given up anything by rejecting *only* the second assumption; they could also say that the first assumption is irrelevant to an argument against reverse discrimination, since a racially based governmental distribution of goods, if based on merit, *is* just. But he fails to make his point, because he ignores the backward-referring character of concepts like “merit,” and because he assumes that any policy which is *justified* is not *discriminatory*. There are more concepts involved than Davis will allow, and we must be clearer about them than Davis is if we are

ever going to be able to use them properly.

"A merit," Davis begins, "is an attribute of a person properly relevant to his receiving the goods in question.... Whatever is a merit makes it *more* reasonable to give the person having the attribute the goods in question. Merit is whatever makes someone to some degree deserving" (p. 348). There is a nest of confusions here. Merit does make it *more* reasonable to give a person the goods: *more* reasonable, rather than reasonable *simpliciter*, because merit is a *prima facie* reason for distribution. There might be others which outweigh it. (We can assume that Davis did not mean by "more reasonable" that it is always *more* reasonable to act on merit than on any of the other reasons, which would make merit an *absolute* principle of distribution.) It is not the case that whatever makes it reasonable to give the person the goods in question is a merit, and this converse is what Davis argues for throughout his paper. To see that there *are* other principles involved, one has only to apply Davis' "an attribute of a person properly relevant to his receiving the goods in question" to being named in a will. This surely is relevant to receiving the goods, but it is just as surely not any merit on the part of the legatee that makes it more reasonable to give him the goods. It is simply that he was named. We will see later that being named in a will isn't even part of the general area of ethics under which merit is included.

Let us look at the area where merit does reside. It *is* true that "merit is what makes someone deserving," but this is because "desert," like "merit," is a backward-looking word. There are a whole family of words, of which "merit" and "desert" are among the most general, which have this backward-referring character. It would take much more space than we have here to make this completely clear, but the point need only to be raised to have most of us intuitively agree with it. It is more obvious—and has been much discussed in ethics—in the negative, with words like "punish": you can't *punish* someone except for something he has done. And, on the positive side, it seems much clearer with a word like "reward" than it is with "merit." Yet Davis seems blind even to this. He is willing to say "government can reward people for their race" (p. 364). But this is nonsense. You can no more *reward* someone for being black than you can *punish* her for being tall.

"Merit is an attribute which" leads to consideration of another aspect of the desert-word grouping, which we can bring out by means of another of Davis' statements. He says that it is all right to give special consideration to "the blind, veterans, and others whose *attributes* are relevant" (my italics). But the blind, and veterans, are different kinds of categories. Being blind is, for our purposes, an attribute: it's simply something you *are*. Being a veteran, however, *isn't*. We can create a technical (formal) sense in which it can be considered an attribute possessed by the class of all veterans, but it is not simply something you *are*, it is something you *have done* that gets you (earns you?) membership in the class—and by virtue of that something you can make a claim. There is a kind of point in a veterans' organization claiming that they *merit* special treatment, a point which isn't available to an organization representing the blind.

"Desert" is a broader term than "merit," but even here the backward-looking aspect is necessary if they are to be connected. Joel Feinberg has a careful examination of the concept, in which among other things he distinguishes between "deserve" in the "merit" sense of worthiness due to what you have done, and "deserve" in the sense of entitlement²; exactly the distinction, we will see later, that Davis misses when arguing from desert to merit.

Once again, it's easier to see in the negative. Consider Yahweh's servant Job, sitting on his ash heap and asking "What have I done to deserve this?" *Only* God, if even She, can respond "Don't ask. I just felt like it." That's the backward-looking part. But also, the answer God gives, in terms of *who* God is and who Job is, doesn't really satisfy us; that's why it's taken more commentary than probably any other part of the Old Testament. And the reason it is intuitively unsatisfactory is that who Job *is* is not the same as what he has *done*: it's an attribute in Davis' sense, in the being-blind sense. And so it is not relevant to Job's question of why he *deserves* it—you can only be *punished* for what you've done. Speaking of attributes is another way in which Davis overlooks the backward-looking character of the desert-family.

Davis goes on to argue that there can be good reasons for considering race in distributing the goods in society. But his argument shows only that race may qualify you for receiving those goods, and this would make his point only if any qualification were

a case of merit. But if there is one thing that the history of ethics from Mill to Rawls has taught us, it is that there are at least two basic principles we have to consider when deciding how to treat people, including how we distribute goods to them. Fuzzily speaking, in order to fit just about anybody's particular ethical theory, one is the Utilitarian principle of the Greatest Good of the Greatest Number; the other is some kind of principle of Individual Rights. Merit, or desert, comes under the latter; one of your rights is to have what you deserve. The fact that it usually works out for the Greatest Good of the Greatest Number in the long run to have such a system is a bonus.

This, of course, is the reason why you get the goods when you are named in a will; it has nothing to do with *your* desert, or any other *natural* right. You get them by an artificial desert, a convention set up because society benefits by letting people pass on their acquired goods, and because *they* (may—there are people who question this) have a right to do so. But insofar as Individual Rights—hence desert, hence merit—are concerned at all, they have nothing to do with the legatee in spite of fulfilling Davis' "relevant to receiving the goods in question."

And now we can see that Davis' example (pp. 352-56) of using race as a criterion of admission to medical school in order to get more doctors to treat people of a disadvantaged race is clearly an argument from the Greatest Good for the Greatest Number, and so can have nothing to do with merit. He sums it up as follows:

If I am concerned that a fair number of the doctors my school graduates end up looking after those most in need of doctors, I may...have to take race into account. If so, race is relevant and you can not complain that I have treated you arbitrarily when I refuse to admit you because you did not seem to be the sort of person to go where doctors are needed. I rejected you for lack of sufficient merit. (pp. 365-66)

Up to the last sentence, this is fine. You haven't been rejected arbitrarily. But "not arbitrary" does not mean "not (*prima facie*) unfair because not according to *my* merit, what *I* deserve." Most of us would recognize that the last sentence simply does not follow from what has preceded it. And the problem, as before, comes with the reason given to the person complaining of reverse discrimination, "because you do not seem to be the type of person to go where doctors are needed." Even if race can be an important determining

factor in our making that decision, Davis never quite realizes that this puts it into the realm of the Greatest good for the Greatest Number and takes it out of the realm of individual rights, and hence of merit, which has to do with an individual's (or group's) claim against somebody because of something he has done.

Davis is remarkably consistent in this mistake, making it again in introducing his argument for preferential admissions:

If race tells us who is unequal, why not use race to pick out those who need help? If race tells us who is more likely to help those in need, why not use race to pick out those to be given the office of helping? If race tells us these things, then race is merit. (p. 351)

Even the *style* is the same: two points that one can accept on the Greatest for the Greatest Number grounds followed by an Individual Rights statement which we are supposed to think follows logically as well as chronologically. But it *can't* if there's nothing about rights in the *premises*, and clearly the claim (even if we grant its truth, which we may not) that being an *A* tells us that a prospective doctor is more likely to practice among *A*'s is a Greatest Good for the Greatest Number principle, and so totally merit-independent. *You* don't merit a place, *race* isn't meritorious, although the *decision* may have been made "on the merits," i.e., not arbitrarily, personally, procedurally, etc.³ A decision on the merits is not necessarily a decision that you merit. (For that matter, the decision may be justified but not just—same difference [one place where that usually abominable solecism is correctly used], the unjust treatment of some individuals being overridden on extreme Greatest Goods for the Greatest Number grounds—and it would likewise be confusing the issue terribly if we simply say "its just.") And it's not one that you merit because, as all along, it's based on nothing that you have done.

This means that Davis seriously misunderstands his opponents when he says they claim that "only ability or achievement deserve rewards." What they are saying is that only achievement does—reward for something you have done. That you *earn* what you have is a basic position of those who oppose any form of affirmative action. And *ability* is not something that can be *rewarded*, not a merit, not a right; where it *is* relevant to receiving goods, it is because we feel (possibly wrongly) that people of ability will do the most for society.

Just as something went wrong when Davis thought he was showing merit but instead was showing qualification, so something goes wrong when he argues that treating racial groups differently is not discriminatory at all, and so not reverse discrimination. In general he says that a policy is acceptable if it doesn't favor anybody at the expense of anyone else's (chance for a) Minimally Decent Life (which to strengthen Davis' case we can take as meaning suffering harm, even if not *by* anyone), and all rational beings affected would agree to it. This is not intuitively unacceptable as a difference principle. Ultimately it removes the question of whether we can give special consideration to some groups from the sphere of moral argument and moves to the *factual* question of whether A's are below the Minimally Decent Life threshold, and whether any non-A's might be moved below it; and it is always an advantage, *ceteris paribus*, to be able to move a discussion from moral to factual territory. But this gives no backing at all to Davis' further claim that we also ought to help *successful* A's who might have been *more* successful but for a "racially charged environment." The racially charged society, since it undoubtedly does lead to harm, we ought to try to change; but special consideration for successful people goes beyond what could be justified by his Minimally Decent Life—anyone applying to law school is above it already.

None of this, though, should obscure the fact that from the beginning Davis was not distinguishing discriminatory from non-discriminatory action. As all along, he claims to be showing one thing, that race-conscious policy is not discriminatory, whereas what he *might* show—and the discussion is not helped by his fudging—is another, that the discrimination may be *justified*. As with "merit," Davis is arguing for the wrong concept. If he seems to show affirmative action as non-discriminatory, it is only because he define "discriminatory" from the beginning in such a way that only those who are (or would wind up) below the Minimally Decent Life can be discriminated against: "A policy is discriminatory if ... some rational personal will ... not have the chance for even a minimally decent life as the rest do" (p. 358). But surely this definition too is idiosyncratic. To pick out differences, to treat differently, is exactly to discriminate, whatever the status of the people whose differences we pick out. Harm is simply not one of the conditions of discrimination.

Why is Davis so willing to overlook the distinctions between a reason for distribution without merit and a merit, between a justified though discriminatory policy and a non-discriminatory one? He says he wants to call it "merit" or "reward" or "non-discrimination" for fear that "rejecting the [principle that] the only criterion of governmental distribution of goods is merit" will make affirmative action "seem the tragic victory of one cherished principle over another" (p. 348). This is the same motive that led Kant or Mill to seek one basic moral principle, so there could be no conflict. But it didn't work; we live in a world where there is conflict, and we sometimes have to balance one principle against another. There is no reason why this has to be called "tragic."

One final point. Davis' argument is weak in that it depends on assuming some theoretical *political* propositions that many people, especially most who are opposed to affirmative action, would dispute. He says "Government is not primarily an agency of reward, praise, or gratitude but of doing good more generally, for example, by helping people to live justly and well" (p. 349). That's one possible position on the function of government, but certainly not one with which any advocate of the minimalist state would agree.⁴ Likewise, the claim that every rational person will be willing to give up his first preference (that he get treated better than anyone else) and support a just policy depends on the assumption that there is enough to go around; if there isn't, rational persons might very well hold out for their first choice. This is a line taken by Bruce Ackerman, who in an otherwise egalitarian argument admits "there can be no escape from the struggle for power" because of "overall scarcity."⁵ Davis' argument, that is, rests on a politically biased set of assumptions, that of a 1960s liberal. An argument for affirmative action that intends to do anything more than preach to the converted can not be based on these assumptions.

In any case, whatever arguments there may be in favor of affirmative action, Davis has not shown that *merit* is one of them; and it is just creating confusion to speak as if it is.

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1. Michael Davis, "Race as Merit," in *Mind* (July 1983), pp. 347-67. Page numbers of quotes will appear in parentheses in the text.
2. Joel Feinberg, *Doing and Deserving* (Princeton: Princeton University Press, 1970). But even Feinberg forgets his own distinction at least once in the book: he says "If a person is deserving of some sort of treatment, he must, necessarily, be so *in virtue of* some possessed characteristic or prior activity" (p. 58). The point, of course, is that while prior activity is what you have done and so is the merit/worthiness sense of deserving, characteristics are what you *are* and so *at best* are the entitlement sense.
3. Cf. *Random House Dictionary* (New York: Random House, 1973). "Merits—the intrinsic right and wrong of a matter, as a law case, unobscured by procedural details, technicalities, personal feelings, etc.: *The case will be decided on its merits alone.*" Needless to say, this is not the sense of "merit(s)" under discussion.
4. See, for example, Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).
5. Bruce Ackerman, *Social Justice in the Liberal State* (New Haven, Conn.: Yale University Press, 1980), pp. 3, 58.

Book Reviews

Organizational Values in America. By William G. Scott and David K. Hart. New Brunswick: Transaction Publishers, 1989.

In his *Nicomachean Ethics*, Aristotle says that "No one chooses to possess the whole world if he has first to become someone else."

By contrast, the motto of most Americans might be expressed, "Promise me material prosperity and I will become whomever you please." Material prosperity was promised to Americans by the modern organization, and has in good measure been delivered. In the process, Americans have allowed themselves to be defined by the modern organization, and have ended by defining themselves accordingly. (Emblematic of this, Scott and Hart tell of a student of theirs who spoke of himself as a "sausage," and admonished his teachers not to stuff him with anything his future employers would find indigestible.)

Organizational Values in America charts the history of the rise to predominance of the modern organization, and then analyses the pre-suppositions involved. Its thesis is that the great gains in productivity and material prosperity that this Leviathan has provided have come at a devastating cost that is only now becoming evident. What has been exacted in payment is the moral character of individuals. Our bankruptcy of moral character is lately epitomized in the flood of exposures of corruption in our business and political leadership, in finance, in academia, in the professions, in the military, in evangelical religion. This has produced a public outcry for "more integrity" in our leadership, but the cry is anachronistic. Since the beginning of this century, the virtue of integrity has been systemically eroded by what Scott and Hart term the "organizational imperative," until we no longer have an operative idea of the meaning of the term.

The Founders of our country knew what integrity is, and the current agitated demand for "more integrity" is identified by the authors as a faint echo of Founding values. Integrity is a moral virtue in individuals that consists in living in truth to oneself. It is the life that is true to itself that Aristotle said no one would abandon for the promise of the whole world. Personal integrity was understood alike by Aristotle and our country's Founders as beyond price, never to be traded by those who possessed it for promised rewards of any sort or amount. (Was Spiro Agnew anathematized for selling himself, or for selling himself so cheaply? In any case his conduct disclosed that his self was whatever

prospective buyers were ready to pay for.)

In mid-nineteenth century Thoreau wrote: "It is remarkable that there are few men so well employed, so much to their minds, but that a little money or fame would commonly buy them off from their present pursuit." He counted on the retention by his readers of the idea of integrity, in order to shame them with it. Today we retain the word, but it has been emptied of content by the organizational imperative: (a) that "whatever is good for the individual can only come from the modern organization," (b) that "therefore, all behavior must enhance the health of such organizations," and, finally, (c) that "the individual can [and should] be shaped ... for maximum organizational utility" (pp. 30, 49).

The history of the ascendance of the organizational imperative begins with the emergence of the discipline of sociology, in mid-nineteenth century, on the premise that human beings are "social products." What the authors mean by the "modern organization" is a twentieth century phenomenon that translates this sociological premise into a technology for creating the kind of persons society is thought to require.

Humankind has never been without forms of social organization, but "the modern organization" is *sui generis*. "Modern organizations are managerial systems, using universal behavioral techniques and communication technologies, to integrate individuals and groups into mutually reinforcing, cooperative relationships" (p. 2).

As Scott and Hart present it, the modern organization began in our country with the "scientific management" of Frederick W. Taylor. Taylor's innovation was to break tasks into their constituent elements, improve the efficiency of each element, and then recombine the elements or reassign some of them to other workers where efficiency dictated. The effect of this was to extend the centuries-old progression of management control into the least details of work, removing from workers the last vestige of self-direction and self-responsibility. In terms of the analysis provided by Scott and Hart it capped the transformation of "individuality," understood as self-direction, into "obedience," and of "spontaneity" (the expression of the worker in his or her work) into "planning" (by management).

The next step came with the Hawthorne studies at Western Electric in the mid-1920s. They are widely known for the "Hawthorne effect," but according to Scott and Hart this misses their true impact. "Although many of the Hawthorne findings are now discredited, no other single piece of psychological research has had as great or as lasting impact on management thought and practice. It opened the floodgates for the behavioral sciences to inundate management with new perspectives and techniques for manipulating employees. They demonstrated that management could enter the realm of the employees' subconscious to manipulate their job attitudes" (p. 100). And to the extent that persons identify

with their work, the shaping of employees' job attitudes is the shaping of their self-conceptions.

The flood of experimental findings from the behavioral sciences was effectively integrated into the paradigm that constitutes management orthodoxy today, in classical management texts authored by Chester I. Barnard, in 1938, and by Herbert Simon in 1947. To Barnard and Simon, management entailed the shaping of persons through the inculcation of values. Barnard held that management must determine "the conditions of behavior, including a conditioning of the individual by training, by the inculcation of attitudes, by the construction of incentives." Simon began with the proposition that "The behavior of a rational person can be controlled ... if the value and factual premises upon which he bases his decisions are specified for him."

This is recognizably moral work, and requires moral justification. The moral justification of the modern organization for shaping persons to organizational requirements is often merely implicit in management texts, but is explicated by Scott and Hart as the proposition that the modern organization is the most effective way to supply people with more of what they want, namely material benefits, and is therefore entitled to their support. The evidence that people are getting what they want is their readiness to cooperate in the shaping of themselves to organizational requirements.

So effective has been our conditioning in this doctrine that its perniciousness will be difficult to recognize. It would have been instantly recognizable to the Founding Fathers, however, and Scott and Hart endeavor to reawaken us to their wisdom.

The sociological tenet that human beings are "social products" is a half-truth whose incipient dangers become manifest in the endeavor to implement it by modern management. The notion that persons are entirely social products is by definition totalitarian, i.e., it represents total control of persons by social institutions. That persons appear to choose to be thus controlled is not the endorsement of the controlling institutions by individuals, for true individuals do not exist. Such endorsement by persons who are institutional products is but the institutions' self-endorsement.

This deceptive question receives the special attention of the authors in a striking Epilogue that is presented as a dialogue between Dostoevsky and Chester I. Barnard. In essence Barnard defends the modern organization on the ground that it gives people what they want, and Dostoevsky counters that oppression becomes truly effective when it thus conditions people to welcome it.

As Scott and Hart show, the Founding Fathers perceived the incipient totalitarianism of unopposed social power, and would have resolutely opposed the capitulation to it that is represented by the sociological principle. "What they would not accept was that individuals were nothing

until institutions molded them into something—that it was up to the institutions of a society to give shape, meaning, and substance to individual lives” (p. 47). They held that while, indeed, social forces shaped individual lives and identities, individuals also possessed within themselves an independent source of identity in the form of innate potentialities within each person. While individuals are responsible to society in important respects, so correspondingly society is responsible to individuals. It is therefore in a dynamic tension between individuals and society that the health of both society and the individual lies. Accordingly it is a grave misconception of the problem of the individual and society to suppose that it is to be “solved” in favor of either side as against the other.

To restore this dynamic tension today is as the authors insist to rediscover true individuality. Their thesis is that the dominance in “Organizational America” of the organizational imperative requires to be redressed by an “individual imperative.”

In their formulation the individual imperative consists of the primary proposition, “All individuals have the natural right to actualize the potentials of their unique selves throughout the stages of their lives,” together with the derivative proposition, “The primary justification of any organization is the extent to which it promotes the actualization of those potentials” (p. 162). The reason that actualization of potentials requires to be promoted is that in its early stages it is weak and tentative—we all begin life as helpless infants and dependent children—and no match for the powerful social forces that it meets in the world. The measures that are proposed by the authors include the restriction of organizational size to human scale, the encouragement of the formation within organizations of social enclaves in the interest of the pluralism that individuation requires, the adoption of a federal model of organizational governance, and promotion of ongoing moral discourse within management in acknowledgement of management’s moral nature (Chapter 11).

Scott and Hart are also clear that the individual imperative will require profound revision in our patterns of education, affecting alike its elementary, secondary, and higher levels. One basic revision is that the development of moral character in individuals must be recognized as a responsibility of our educational system. The second is that education must be designed to promote self-knowledge as the foundation of self-actualization and of moral self-development. Each of these basic revisions has countless secondary entailments for teaching and learning, in terms both of methods and of content. To develop them is the work of a philosophy of education whose agenda is laid by *Organizational Values in America*.

The book makes a powerful case for the recovery of strong moral character in individuals as the only feasible corrective to a gradual drift toward totalitarianism. The historical prescription of pitting organization

against organization, as in church against state, or public sector vs. private sector, or division of powers within government, are alike vitiated by the subsumption of all organizations under the modern organizational imperative.

But implementation of an "individual imperative" depends upon reformist initiative, and the authors confess that it is difficult to identify a likely source. They analyze our prevailing class structure as consisting of The Significant People (managers), The Professional People (possessors of technical know-how), The Insignificant People (organization functionaries), and The Invisible People (no organizational role or place). In these terms they find only minimal reformist prospect, and in but one class. The Professional People hold this small prospect because they know how the modern organization works, are not numbed by munificent rewards, and preserve a vestige of personal integrity thanks to tension between their allegiance to the organization and their identification with their professions.

Much likelier, in the authors' judgment, is that cracks that are lately appearing in the modern organization will provoke reform initiatives from presently unspecifiable sources, perhaps including organizations themselves. For example, the cost of American labor has by degrees for two decades been pricing American goods out of both foreign and domestic markets. Ironically, this outcome reflects the success of Organizational America at buying the compliance of workers through material rewards. The need for continued escalation of rewards was predictable by the long-recognized truth that material acquisitiveness has no upper limit.

What has been squeezed out of the consciousness of us Americans is all recognition of the intrinsic rewards of work, when the work in question is the right work for the individual, and when the conditions of work are designed to enable workers to do work they are proud of, rather than to frustrate this ambition. Organizational America today needs these initiatives. And if we recognize that self-fulling work is an important dimension of the personal integrity of workers, we will perceive with Scott and Hart the self-defeating mistake in the tenet of orthodox management theory that personal integrity of workers is subversive of organizational loyalty. It is the *ground* of the individual's loyalty—to the right organization.

Organizational Values in America is as timely as it is telling. It is unequalled as a guide for college students to the world they are preparing to enter. And it has the power to jolt some of us who are their elders into a new sense of our responsibility to dormant moral potentialities within us.

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A Theory of Socialism and Capitalism. By Hans-Hermann Hoppe. Kluwer Academic Publishers, 1989.

Hans-Hermann Hoppe, a professor of economics at the University of Las Vegas, Nevada, attempts to show that certain presuppositions are implicit in any argumentation, and that principles supporting laissez-faire capitalism deductively follow from such presuppositions. Hoppe's claim that anyone who engages in argumentation must recognize certain norms should not, I think, be terribly controversial. In order to genuinely argue, one must appeal to and use reason and persuasion, and any attempt to deny this would itself involve reason and persuasion, thus vindicating the claim that argumentation involves the adoption of certain norms. What makes Hoppe's view arresting is that he also maintains (a) that as long as there is argumentation one must presuppose the norm that "everyone has the right of exclusive control over his own body as his instrument of action and cognition" (p. 132) and (b) that a Lockean-entitlement view of private property rights follows from that right.

Hoppe's support for (a) is that argumentation involves attempts at justification, and justification is incompatible with the use of coercion against one's argumentative disputant. However, while it is true that argumentation implies a commitment to using persuasion and reason rather than force and coercion, this does not show that anyone who engages in argumentation presupposes the *right* to control one's own body. To make out his claim, Hoppe needs to show that the parties to an argument must employ or recognize the concept of a right—as opposed to say, merely using other ethical concepts, such as "ought"—and nowhere does Hoppe even address this issue. However, let us suppose, for the sake of the argument, that Hoppe could show this—perhaps it can be shown that the concept of a moral right is one any arguer must implicitly presuppose. It's not entirely clear that, *if* rights must be implicitly recognized in order to engage in argumentation, that the right which is recognized is "the individual's property right in his own body" (p. 132). Genuine argumentation requires that each party must appeal to reasons and persuasion rather than threats and force; if a recognition of rights is involved here, it would seem to be the right to freedom of *thought* (or something along those lines). True, in order that one be able to exercise such a right, a certain degree of bodily autonomy must be

recognized, but this does not seem to be equivalent to a property right in one's own body, in the Lockean sense that Hoppe intends.

Again, let us suppose that I am wrong about all this, and that as long as there is argumentation one must presuppose the recognition of a property right in each person's body. A crucial question is: what is the scope of this right? Hoppe seems to believe that the recognition of this right extends beyond the context of argumentation. The basis of this belief seems to be the view that "argumentation implies that a proposition claims *universal* acceptability, or, should it be a norm proposal, that is 'universalizable'" (p. 131, his emphasis). Thus presumably Hoppe would say that if one recognizes the right to control one's own body in the context of argumentation, one must recognize it in any context. This is a big mistake, as Hoppe misconstrues the nature of universalizability in ethical argumentation. Universalizability in ethics means, roughly, that if someone says *A* ought to do *X* in situation *S*, or that *A* has a right to do *X* in situation *S*, etc., then one cannot deny that *B* ought (has a right) to do *X* in situation *S*, or that *A* ought (has a right) to do *X* in a situation *T*, *unless* one can point to a morally relevant difference between persons *A* and *B* or situations *S* and *T*.¹ Thus even if I am wrong and any arguer must grant the right to property in each person's body while one is arguing, it doesn't follow that one must grant this right in all contexts: for there is no doubt that many people will argue that there is a morally relevant difference between the context of argumentation and other contexts such that a right granted in the former context does not imply the same right must be granted elsewhere. In order, then, for Hoppe to use the universalizability criterion to show that a right granted in the context of argumentation must be granted elsewhere, he must show the failure of all views that there is a morally relevant difference between argumentation and other contexts. This he does not even attempt to do.

The above problems pretty much wreck Hoppe's derivation. In fact the news gets worse: not only does Hoppe's derivation of a property right in each person's body fail, but his attempt to show that robust private property rights in nonhuman resources follow from the former right also fails. First, he argues that if no one had the right to acquire and control anything except his own body, "then we would all cease to exist" (p. 135). This is just wrong: lacking rights to control external objects does not mean that one *in fact* could not control such objects; though life might be, à la Hobbes, nasty, brutish and short without the recognition of such rights, it would hardly be over. Then Hoppe argues that once one grants that there must be a right to acquire and control external goods, the choices are between a Lockean-entitlement view of external property rights, and a view that one can acquire property titles simply by verbal declaration. Of course he has no problem showing the defects of the latter view. But this is a blatant example of the fallacy of false alternatives: there are other, more reasonable, alternatives to a Lockean-entitlement

view of property rights than the view that property titles arise simply by verbal declaration! To maintain his restricted view of the alternatives to a Lockean-entitlement view, Hoppe would have to show that all the alternatives to that view reduce to the claim that property titles can arise simply by verbal declaration, and this he does not do.

Since Hoppe's ethical derivation of laissez-faire is a complete failure, does this mean his book should be passed up? Not necessarily. I have focused on only one of the ten chapters in the book. The other chapters have much that is worth reading. A number of these are devoted to showing that the various forms of interference with and restriction of robust private property rights—all of these are viewed by Hoppe as forms of socialism²—restrict the overall level of wealth. Most of this is clear and well-argued. While this material will be largely familiar to those well versed in free market economics, particularly the Austrian school, Hoppe does succinctly summarize a lot of this material, which will be useful to those who may not have read it or be that familiar with it. The same point applies to Hoppe's discussion of the alleged problem of monopoly in capitalism. This cannot be said, however, of Hoppe's discussion of the public goods problem, where Hoppe argues that there is no problem whatsoever, since if consumers do not choose on the free market to purchase such goods (or only a low level of these goods) then this shows that they are not really desired over private goods (or that only a low level is desired). This argument rather amazingly ignores the whole literature on prisoners' dilemmas.

So: if you want a clear account of how various forms of interferences with laissez-faire reduce the overall wealth of a society, (parts of) Hoppe's book may be for you. But if you are looking for a well-argued ethical foundation for laissez-faire, *A Theory of Socialism and Capitalism* is hardly a must-read.

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1. Hoppe *seems* to recognize this idea, for he does say at one point that the universalizability principle is compatible with making distinctions between people if "this is founded in the nature of things" (p. 132). But he never discusses how someone might argue that "in the nature of things" there are bases for making such distinctions.

2. Hoppe uses "capitalism" so that it is equivalent to pure laissez-faire capitalism, indeed, so it is equivalent to free market anarchism. So for Hoppe, "socialism" refers to any interference with laissez-faire. I think this is a mistake, but lack of space prevents me from discussing this issue.

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ISSN 0891-3811

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