The London School of Economics and Political Science

Hume's Conservative Utilitarianism:

An Interpretation of David Hume's

Political and Moral Philosophy

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Abstract

The thesis aims to recover Hume's connection with utilitarianism. It is argued that Hume is best interpreted as a conservative utilitarian, and this is intended to be a corrective to recent approaches in Hume scholarship. Nowadays the view that Hume is one of the founders of modern utilitarianism is undermined by two views: one sees Hume as a conventionalist contractarian who is the follower of Hobbes, another situates Hume in the Scottish Enlightenment and emphasises his resemblance to Hutcheson. The thesis does not deny that Hume's political philosophy is influenced by these philosophers. Instead, it is because these views are regarded as providing an exhaustive account of Hume that the thesis aims to challenge them. What is crucial to contemporary Hume studies is a more balanced interpretation of Hume, and this is to be found in the traditional approach which sees Hume as a utilitarian. The thesis is original because, although it recovers a traditional approach, it relates it to contemporary debate by showing that the late 20th century concern to avoid seeing everything through the eyes of utilitarianism has obscured the genuine utilitarian elements of Hume's political philosophy. The resurgence of interest in the problems of utilitarianism is part of the legacy of post-Rawlsian political theory. Philosophers the thesis criticises such as Gauthier and Barry both follow Rawls in marginalising the contribution of utilitarianism to liberalism. For scholars, the traditional interpretation of Hume should be rejected if Hume's political philosophy is to be secured, thus they found it on the basis of social contract. The thesis challenges them on two grounds. First, it illustrates that more similarities are to be identified between Hume and Locke. Second, it argues that Hume is best interpreted as founding the school succeeded by Burke and Sidgwick, which has impact on contemporary utilitarianism and philosophical debates.

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Finally, I would like to acknowledge my great debt to my parents and my sister. Without their support and understanding, I would not have been able to concentrate on my research in London. It is with their care and love that I am able to understand the values of familial society in the political theories of Hume and Locke. This thesis is dedicated to them.

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Chapter 1   Introduction

1.1   Recovering Hume's Conservative Utilitarianism

The purpose of the thesis is to recover David Hume's theoretical connection with the tradition of utilitarianism. I argue in this thesis that Hume is best interpreted as a conservative utilitarian, and this is intended to be a corrective to more recent approaches in Hume scholarship. Recently the view that Hume is one of the founders of modern utilitarianism is undermined by two other views which are prevalent in Hume studies: one sees Hume as a conventionalist contractarian who is the follower of Thomas Hobbes, another situates Hume in the context of the Scottish Enlightenment and emphasises his resemblance to Scottish philosophers such as Francis Hutcheson and Adam Smith. The thesis aims to challenge these interpretations of Hume by showing that neither of them alone is able to provide an adequate account of Hume's political philosophy. Some essential elements of Hume's political philosophy are missed by the views which see him simply as Hobbesian or Hutchesonian. The thesis does not intend to deny that the development of Hume's political philosophy is influenced by various philosophers, among which both Hobbes and Hutcheson are included. Instead it is because these views are regarded as providing an exhaustive account of Hume's thought that the thesis aims to challenge their adequacy. What is crucial to contemporary Hume studies is a more balanced interpretation of Hume's political philosophy, and this is to be found in the traditional approach which sees Hume as a utilitarian.

The originality of the thesis lies in that, although it recovers an old tradition of approach, it relates it to contemporary debates by showing that the late 20th century

concern to avoid seeing everything through the eyes of utilitarianism has obscured the genuine utilitarian elements of Hume's thought. The resurgence of interest in the problems of utilitarianism is part of the legacy of post-Rawlsian political theory. Important political philosophers criticised in this thesis such as David Gauthier and Brian Barry all follow John Rawls in marginalising the significant contribution of utilitarianism to the tradition of liberalism. For them, utilitarianism is not able to provide an adequate theory of justice because it fails to accord due respect to individuals. The contemporary critique of utilitarianism is important for Hume scholarship because it refutes the traditional view on Hume's important contribution to the development of modern utilitarianism. For scholars, the traditional view should be rejected if Hume's theory of justice is to be secured, thus they seek to found Hume's theory of justice on the basis of social contract. Consequently what is embodied in Hume's political philosophy is not the legacy he left to modern utilitarianism, but a more systematic expression of social contract theory inherited from Hobbes. The thesis criticises the contractarian interpretation of Hume's political philosophy on two grounds. First, it is illustrated that more similarities are to be identified between Hume's idea of convention and John Locke's theory of property, a dimension largely neglected by contractarians such as Barry and Gauthier. Second, Hume's political philosophy implies a principle of practical reasoning which embodies the characteristics of a school within utilitarianism, that is, conservative utilitarianism. It is argued that Hume's position in the tradition of political philosophy is best interpreted as founding the school which was then succeeded by Edmund Burke, John Stuart Mill, and Henry Sidgwick, which still has impact on contemporary utilitarian theory and philosophical debates.

1.2   Method and Approach

Despite my criticism of contractarians such as Barry and Gauthier, we share the same method of research. We all grant the importance of reconstructing the philosophers' intentions in composing their works. Indeed, one will find that to explore Hume's intention in composing his *A Treatise of Human Nature* (hereafter *Treatise*), *An Enquiry Concerning the Principles of Morals* (hereafter *EPM*), *An Enquiry Concerning Human Understanding* (hereafter *EHU*), *Essays, Moral, Political, and Literary* (hereafter *Essays*), and *History of England* (hereafter *History*), is a lasting motivation behind many questions this thesis asks, and to which it then attempts to find a sensible answer. However, on the other hand, we are not convinced by the view that the significance of exploring Hume's intention through careful reading of texts and various debates lies in discovering a final, closed answer to the question we explore. We are skeptical about the existence of such an answer. What is discernible from the scholars' works and, I hope, from this thesis is a view that the meaning of philosophical texts is not to be recovered in the historical context by reconstructing the linguistic utterance deployed by the authors. The view which Cambridge historians of political philosophy such as John Pocock, Quentin Skinner and John Dunn hold that 'there is a pure or authentic meaning that can be extracted from our complex hermeneutic practices that privileges the perspective of the author' is not convincing to us (Kelly, 2011: 25). Rather, it is believed that meaning is to be constructed between the philosophical texts and their readers. Ideally, there would be equilibrium of interpretation which can be reached between them, so 'The acknowledgement of surplus meaning does not mean that anything goes' (Kelly, 2011: 25). From this viewpoint, what really matters is what the reader thinks the

philosopher intends to say rather than wondering, as a reader, if he has succeeded in absorbing what the author genuinely intends to convey. The recovering of the meaning of utterance may concern some scholars out of their choice of research interest between narrowly historical questions of texts and more philosophical questions. Yet the point is that one needs not to solve the latter only by means of the former. Indeed, the philosophical questions may not be reduced to the historical questions. On the contrary, the solving of the historical questions, and by this I do not mean the proposal of a closed answer but only a tenable one, is to enrich the resources which may contribute to the solving of the philosophical questions, again, by a tenable but not final view. This is why the classical texts in the tradition of political philosophy have never ceased to retain their significance and inspire generations of readers. This is also why I make no apology if the scholars I consider do not find my characterisation of their views utterly satisfactory. For just as their interpretation of Hume is to point out the most convincing way in which they think Hume's thought could be understood rather than the way in which they think Hume intends his works to be understood, I hope to employ the same privilege of interpretation in my account either of the scholars' works or of Hume's, especially when my reading of Hume deviates from theirs. However, it should be noted that none of us consider our mission as providing an authoritarian interpretation of philosophers' thought. On the contrary, our works are intended to criticise those who claim to have the final say with respect to philosophers' intentions. For us, the idea of meaning is itself complex and multi-stranded and the idea that there is 'single pure or more authentic meaning' is not accepted, because it is too difficult to distinguish, in our reading of classic texts such as Hume's *Treatise* and Locke's *Second Treatise of Government* (hereafter *STG*), where the original intentions of philosophers' end

and then the hermeneutic meanings of these texts begin. This is so because what has not been clearly realised is that historical question is itself a philosophical, hermeneutic question (Kelly, 2011: 25).

Some theories presuppose an opposition between the perspective of philosophy and the perspective of history, and the latter is rejected in favour of the former. For example, Raymond Geuss poses the choice between philosophical political theory and a turn to history, and by favouring the latter he intends to make the whole activity of political philosophy redundant. This Collingwoodian turn in the study of political theory shows not only the crucial role of history in making sense the works of political theorists, but, more importantly, it asserts that political theorists must fail in their endeavour to construct a universal reason without being caught by historical contingency, for the best they can offer are local prejudices and parochial values wrapped in the appearance of universal reason. But the opposition between history and philosophy as drawn by Geuss is neither helpful nor necessary. Instead, one solution is this: so long as it is believed that the ideas deployed by a philosophical text and the questions it aims to address can more properly be understood by considering the context and tradition in which the author is situated, the meaning of texts is also to be constructed by using the language in the context familiar to the readers. In other words, there does not exist a more 'real' pre-philosophical mode of experience as history has itself been transformed into a part of interpretative enterprise. This is precisely what Professor Paul Kelly advances based on Gadamer's hermeneutic theory. Indeed, this is the most important consequence of Gadamer's hermeneutic theory as far as the opposition between philosophy and history is concerned. Such an opposition is denied by Gadamer; far from forcing an adequate

political theory to make a choice between the two, Gadamer's 'hermeneutic understanding of experience forces history to become philosophy, just as it forces philosophy to become history' (Kelly, 2011: 31).

Therefore, from the hermeneutic perspective, the questions which have been regarded as separate or even irreconcilable are in fact the same question, or at least allow the same solution, i.e. a philosophical, hermeneutic method. That here philosophy has been appealed to as the ultimate solution is not without reason. As stated, for hermeneutic theory, if the question a philosophical theory addresses is not to lose its significance, it must have an empirical basis in the social context and practice in which it was born. This then inevitably brings the researchers of such philosophical theory to the question of the original intention of the philosopher. Now, in addressing this question one must not suppose that the original intention is to be found in a discrete and fixed context which we can only approach by reconstructing the rhetoric of the authors. This historicist method assumes that our understanding of political life or the development of political theory must be based on a historical reconstruction of context and rhetoric, as if we may not claim to have a sound understanding of Hume's political theory before we may properly recover what ideas

like liberty or equality literally meant to an 18th century English gentleman.[1] Yet this is misleading in the way that it undermines the philosophical enterprises of political philosophers who are the objects of our study. For, again, to take Hume as an example, before he has developed his philosophical systems in response to various philosophers such as Thomas Hobbes, John Locke, Hugo Grotius, Samuel von Pufendorf, and to philosophical traditions including Skepticism, Epicureanism, and Stoicism, among others, there is nothing to show that Hume only regards his philosophical system as sensible when he has founded it on the reconstruction of the historical context of his predecessors. On the contrary, what one finds is that Hume has based criticisms on his own reading and interpretation of various classical texts. Hume has felt free to do so because he shares a view with the hermeneutic theories of Kelly and Gadamer that human understanding is an accumulation of the numberless and continuous interpretations of others. As Kelly writes:

> To recognize and understand others is to assume overlaps of schemes of interpretation which make possible trans-generational communication. This precludes the possibility of identifying fixed and discrete contexts within which the meanings of others are locked. Contexts are fluid and

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[1] In this thesis I treat Hume primarily as an English rather than a Scottish philosopher, and this is not because I am unaware of the fact that Hume was born and educated in Scotland, but is precisely one consequence of applying the hermeneutic theory as my methodology. That is to say, in my interpretation of Hume's political thought, I find it makes most sense when one traces the origin of Hume's thought back to John Locke. In other words, when addressing the historical questions such as the development of Hume's thought between the *Treatise* and *EPM* and Hume's position in the tradition of political thought, I am convinced that it is most sensible to interpret Hume as primarily a descendant of Locke's empiricism rather than the Scottish sentimentalism of Francis Hutcheson. This perspective is based on my reading and interpretation of the classical texts. In this way, I am attempting to address historical questions with a philosophical method.

overlapping, and meaning is mediated through all of these moves within complex traditions. Meaning is therefore not something that is the sole prerogative of the author, and to claim otherwise is to reintroduce some variant of the private language argument (Kelly, 2011: 31).

To argue that the one must try hard to reconstruct the historical context of a political philosopher and that in which philosophical texts were written is frustrating. We would never be able to think, write and converse in a way in which an 18th century English gentleman did, for our thinking, writing, and conversation are all inevitably constituted by those ingredients belonging specifically to the 20th and 21st century. What is equally frustrating is that the historicist approach presupposes that the historical context of Hume and of his *Treatise* is complete in itself. In thinking this way it ignores the fact that the development or rather the accumulation of human intellect is not composed of various discrete historical experiences. Instead, the development of human understanding may be compared to a stream whose fountain was built in ancient times, from the very moment when human beings started to think and reflect philosophically. It is to this stream that various political philosophers contributed, and thinkers like Locke and Hume were esteemed as prominent and as making significant contributions primarily because their philosophical systems provided important interpretations, constructions, and criticisms of the ideas of their forerunners and contemporaries, so important that they not only contribute to extend this stream of thought but have an impact on where it went.[2]

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[2] For criticism of adopting historicist approach in the study of political theory, see also Mark Philp, 2008: 128-149.

1.3   The Interpretation of Hume's Political Philosophy: An Overview

My purpose in this section is to provide a selective overview of recent Hume scholarship designed to recover an approach to understanding Hume's political theory. What is common among them is to challenge a tendency as part of the reaction against utilitarian dominance of moral and political philosophy to downplay the utilitarian dimension of Hume's thought and the tradition of conservative utilitarianism within British liberal political thought.

This dissertation is a result of, and is also intended to extend, a trend in Hume studies which arose at the beginning of the 20th century, namely a constructive, naturalistic interpretation of Hume's philosophy. Despite the fact that my interpretation of Hume is largely inspired by this trend, I have not taken its teaching for granted, and I am by no means unique in this respect. It is very likely that contemporary readers would have a quite different general impression of Hume's position from that of Hume's readers in the 18th and 19th century. Contrary to the view that Hume is a thoroughly destructive skeptic who brings Locke's empiricism to a dead end, nowadays Hume's positive construction of empiricism, particularly in the domain of morals, is found familiar by many readers and is the starting point of some Hume scholars. This transformation of trend has much to do with Norman Kemp-Smith's work 'The Naturalism of Hume' first published in *Mind* in 1905 and then developed into a book-length work *The Philosophy of David Hume* published in 1941. It was almost from then on that a naturalistic interpretation of Hume has been found convincing by more and more scholars, and Hume's reputation as a philosopher has since then gradually been restored. However, just as hermeneutic theory treats the growth of human understanding as motivated by the interpretation

of others, the rise of the naturalistic view has not only not put an end to the debate between Hume scholars but launched a new debate on the feature of Hume's naturalism. It is within this debate that I regard this thesis as participating.

What the naturalistic perspective gives rise to is not only the debate on how Hume's naturalism could properly be characterised, but also the voice against it. For example, G. E. Moore thinks that all forms of ethical naturalism inevitably commit what he calls 'the naturalistic fallacy' (Moore, 1993). As it is believed that Moore's argument has posed a critical challenge to ethical naturalism, and as my account of Hume is to defend the naturalistic perspective, I will try to show that the latter has not been undermined by Moore's argument if the feature of Hume's ethics is characterised in a particular way, that is, descriptive naturalism. The view that descriptive naturalism may properly represent Hume's position has much to do with the nature of Hume's moral theory, which is in essence a psychological scheme rather than a normative doctrine. This observation would then bring one to consider whether Hume has succeeded in performing his role as a moral anatomist and replacing normativity with psychological causal explanation. What has been argued here is that, if this was Hume's ambition, then perhaps he was not completely successful in adopting an external point of view, to use H. L. A. Hart's terminology, in conducting his psychological investigation.[3] For, it will be shown, what Hume regards as general in his observation of human psychology does in fact reflect the features of a certain type of society, that is, the English society in Hume's time.

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[3] John Plamenatz agrees that Hume's philosophy engaged more in explaining how we use certain moral and political concepts and explaining the origins and functions of social institutions, yet he has not denied that Hume also engaged in advocating certain form of behaviour (Plamenatz, 1958: 161).

However, if one purpose of Hume's rewriting his moral theory a decade later is to moderate the associationism of his first work and instead, as the title of his later work shows, propose 'principles of morals' (the transformation of Hume's concern from developing a psychological scheme into advocating a moral principle is a phenomenon which has not been explicitly declared by Hume himself, but is discernible from a comparison between the *Treatise* and *EPM*, especially that utility has replaced sympathy and become the core of Hume's moral thought), in that case Hume's position seems to be more defendable and one might want to characterise it as negative prescriptivism.

Given that descriptive naturalism and negative prescriptivism are two concepts that may respectively represent Hume's positions in the *Treatise* and *EPM*, my interpretation of Hume is in line with the scholars who value Hume's own evaluation of *EPM* as his best work and who believe that a more adequate understanding of Hume's political thought is not to be derived from one's preoccupation with the *Treatise*, such as Professor Frederick Rosen, James King, and Jacqueline Taylor, among others. It should be added that although it is convincing to me that descriptive naturalism and negative prescriptivism may respectively stand for Hume's theories in the *Treatise* and *EPM*, I am not trying to suggest that there is a clear gap between Hume's early and later thought. Instead, careful readers will find that just as Hume's psychologism still operates in the background of *EPM*, the principle of utility does not first appear in *EPM* but has been mentioned by Hume in the *Treatise*. For example, when Hume was discussing the origin of property rules in Book III Part II Section 3 of the *Treatise*, he writes in a long footnote that

No questions in philosophy are more difficult, than when a number of causes present themselves for the same phenomenon, to determine which is the principal and predominant. There seldom is any very precise argument to fix our choice, and men must be contented to be guided by a kind of taste or fancy, arising from analogy, and a comparison of similar instances. Thus, in the present case, there are, no doubt, motives of public interest for most of the rules, which determine property; but still I suspect, that these rules are principally fix'd by the imagination, or the more frivolous properties of our thought and conception. I shall continue to explain these causes, leaving it to the reader's choice, whether he will prefer those deriv'd from public utility, or those deriv'd from the imagination (*Treatise*, 323 n.71).

Accordingly, what is argued here is not without foundation, namely that by considering and comparing the implications of sympathy and utility, one may observe the development of Hume's political thought, and presumably this is a scheme Hume had in mind as early as when the *Treatise* was written. This then justifies the efforts of the researchers who take the differences between the *Treatise* and *EPM* seriously. Unlike another perspective that shape many scholars' views, i.e. that the *Treatise* is the most comprehensive philosophical work of Hume and the works after it are meant only to be more accessible to the public, this thesis is inspired by scholars like Rosen and King in that by taking the differences between Hume's works seriously, we benefit from observing the internal development of Hume's thought which tends to be ignored by others. Moreover, another benefit is that we may also observe how those ideas Hume has inherited from his philosophical predecessors, Locke for example, are digested and amended by him throughout his life, the result of which then turn out to be Hume's legacy and to inspire his successors.

From this viewpoint, it is inspiring to know that the question about the relationship between the *Treatise* and *EPM* has now drawn more attention from researchers and has been recognised as an important aspect of Hume studies. For example, when the first edition of *The Cambridge Companion to Hume* was published in 1993, it was composed of eleven essays from Hume experts and covers different important issues in Hume studies, like Hume's skepticism, moral psychology, political theory, political economy, and so on. Yet the issue in question is omitted, and one possible consequence of the omission is worth noting. *The Cambridge Companions* have enjoyed the reputation for being useful reference works not only for scholars but especially for students and beginners who attempt to develop a general picture of the challenging thinker whom they are facing. Therefore, one reasonable inference is that either students who are interested in the connection and contrast between two texts may not derive much help from it, or, what is equally probable, is that many of them would neglect the importance of the issue for lack of due incentive. However, when the second edition of the work was published in 2009, minor adjustments were made to the collection and included five new essays, among which and what concern us here is Jacqueline Taylor's 'Hume's Later Moral Philosophy'. In this essay Taylor offers an analysis of the differences between the *Treatise* and *EPM* and points out some significant improvements Hume makes in the latter. Taylor's observation, not unlike that of King's, is that when Hume was composing his later work, his focus had been transferred from moral psychology to moral language and public discourse, and it is by means of public dialogue that man corrects the partiality of his moral views so that the moral standard of society is in happy progress. Although I only accessed Taylor's works when the structure and essence of this thesis was finished, it was inspiring to find that our accounts of Hume

are harmonious in a number of ways.[4] For example, we both agree that the emphasis which Hume puts on the benevolent nature of man does not render him a typical disciple of the moral sense school or a Hutchesonian. Also, I agree with Taylor's observation that Hume's moral theory is progressivist, and that Hume's criticism of monkish virtues reveals his view that man's pursuit of self-advance and well-being are both worthwhile goals. Moreover, I agree with Taylor's view that Hume's two texts reveal a development, even an improvement, of his moral thought, and the advantages of *EPM* over the *Treatise* may not be reduced to Hume's refining of style but represent significant alterations Hume made to his 'juvenile' work. While I agree with Taylor on the principal role of sympathy in Hume's theory, however, unlike Taylor's strategy of taking it as an idea that links and penetrates Hume's two texts, I am persuaded by Selby-Bigge's view that in *EPM* sympathy has been deprived of its particular significance and has been replaced by utility as the foundation of Hume's moral theory (Selby-Bigge, 1975: xxvi-xxvii). This then distinguishes my argument from Taylor's, for in spite of the fact that we share the view that it is important to observe the development of Hume's thought, our interpretations of the issues are not identical. The function of sympathy in Hume's psychological scheme is recognised and elaborated on in this thesis. For example, its connections with man's love of reputation and with the formation of national characters are central to my account of Hume's theory of property. Yet Taylor's preoccupation with sympathy has somehow led her to overlook the crucial role of utility in Hume's later moral theory. For this reason, Taylor then omits to connect the well-known is/ought question and Hume's

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[4] For a shorter comparison between Hume's two texts provided by Taylor in *Blackwell Companion to Hume*, see Taylor, 2008: 283-285.

view on the proper mission of philosopher with the differences between the *Treatise* and *EPM*, a dimension which is crucial for one to observe the development of Hume's thought.

By considering the relationship between sympathy and utility in Hume's philosophical system, one is led to see the inner development of Hume's thought, and this is significant enough for a more adequate interpretation of Hume's political philosophy. However, when one digs deeper and connects this with modern English political thought, one sees that the transformation of Hume's thought, on the one hand, reveals his responses to his philosophical predecessors and contemporaries, and, on the other hand, has an impact on the development of subsequent English political thought. Central to modern English political thought is the question of the origin of social order. Many great political philosophers devoted themselves to the contemplation of the issue, and the different views they advanced derived from the different ways they treated human nature and what they took to be the relationship among man, society, and political authority. In other words, central to the question of social order is the relationship between the private interest of each individual and the public interest of society. Although most political theorists of this period recognised that social order can be secured only when private interest is harmonised with public interest, the different views they hold on human nature lead to diverse theories about how such harmony is to be achieved. In Hume's time three main theoretical views were prevalent; they were respectively founded on fear of God, contractarian agreement, and draconian coercion by the state (Hardin, 2007: 81). Hume finds none of them convincing, hence he advances a fourth view, which turned out to be his most significant contribution to the tradition of political thought, and which, though

being a complex theoretical view based on Hume's psychological scheme of human nature, could nevertheless be expressed in a single term of 'convention', or as Hume sometimes puts it, 'a general sense of common interest'. It is indeed a complex notion expressed in a concise manner, for a large proportion of Hume's moral thought as found in Book III of the *Treatise* and *EPM* was devoted to the elaboration of this idea and how it gives rise to various moral and political rights and obligations, based on which social peace is created. Its complexity is still illustrated in that, despite the numerous efforts Hume made to elucidate it, different interpretations of Hume's argument in this regard have become a fundamental cause of so many debates on his position in the tradition of political thought. To name just some of the most prominent which this thesis aims to reflect on: one's answer to interpretive questions like Hume's connections with Hobbes and Locke, with contractarianism and utilitarianism, all depend on the way one understands Hume's idea of convention.

It is understandable that Hume's thought is open to different interpretations, some of which are not entirely reconcilable. For example, while Hume is regarded by some as a Hobbesian in essence, others are convinced that there is more resemblance between Hume and theorists of the moral sense school such as Lord Shaftesbury, Francis Hutcheson, and Joseph Butler. This is because Hume's intention is to provide a description and explanation of moral phenomena, rather than to construct a moral theory based on one single tendency of human nature. Therefore, the challenge for Hume was not to construct a philosophical system within which all human behaviours and characters may be perfectly reduced to a single propensity, whether it's man's pursuit of self-interest or his kindness to others. Instead, what is remarkable in Hume's philosophy is that it provides a descriptive theory which

comprehends a large amount of characters regarded by people as useful or agreeable, and in his tracing the origin of their moral values to human psychology. In a philosophical system like this, man's egoistic nature and other-regarding tendency equally have their roles to play and none is regarded as predominant since, for Hume, this is precisely how men behave in their daily life.

Although this feature of Hume's philosophy makes the works of interpreters who hope to identify Hume's position challenging, it is a proof of Hume's greatness: since the selfish egoist school and the moral sense school may both be related to Hume one way or another, then the interpretation of Hume's thought would inevitably have impact on the interpretation of these schools. That is to say, these seemingly irreconcilable theoretical views may be connected to one another by means of Hume's mediation. To put it more specifically, if Hume may correctly be regarded as, according to John Plamenatz, the founder of British utilitarianism (Plamenatz, 1958: 28), then in observing Hume's theoretical connections with other schools, what one is doing is more than clarifying the origins of Hume's thought: he is also constructing the genealogy of British utilitarianism. Due to their influence on Hume, philosophers of the selfish egoist school and philosophers of the moral sense school would all be assigned a place in the tradition of utilitarianism. The difference lies in how one observes their connection with Hume. For example, although one may hold that the contrast between Hume and Hobbes is essentially negative and that it is Hutcheson's theory that Hume has inherited, others may hold it the other way round. However, in any case both interpreters may justly be viewed as contributing to the clarification of the theoretical fountain of English utilitarianism in modern times.

This is where Elie Halévy starts in *The Growth of Philosophical Radicalism*. In the tradition of English utilitarianism, Hume's position may be characterized as conservative utilitarianism, which was then inherited by Edmund Burke. This is in contrast with the radical utilitarianism of Jeremy Bentham and James Mill, but even so the development of Benthamite utilitarianism is still overshadowed by Hume's views on the reconciliation between private and public interest. As Halévy indicates, there are three solutions implied in Hume's theory. The first is founded on Hume's idea of sympathy and may be called the principle of the fusion of interest. According to this principle, 'the identification of personal and general interest is spontaneously performed within each individual conscience' by means of man's sympathetic feeling for the happiness of others (Halévy, 1972: 13). The point here is that since the fate of others interests us only through sympathy, then the latter may be viewed as a particular form of the principle of utility. On this account, the moral sense school theorists like Lord Shaftesbury and Hutcheson may already be considered as utilitarians. As Halévy indicates, the language of utility is found in the works of Shaftesbury, and Bentham owes the utilitarian principle underlying his philosophy to Hutcheson, who in his *Inquiry concerning Moral Good and Evil* explicitly writes that 'in equal Degree of Happiness, expected to proceed from the Action, the Virtue is in proportion to the Number of Persons to whom the Happiness shall extend' and 'that Action is best, which procures the greatest Happiness for the greatest Numbers' (Hutcheson, 2008: 125).

Along with this, according to Halévy, a second and very different principle is also revealed in Hume's philosophy, namely the predominance of man's egoistic tendency. Hume opens his essay 'Of the Independence of Parliament' with a political

maxim: '*every man must be supposed a knave*', and indicates that it is based on the maxim that an effective constitution is contrived and government established (*Essays*, 42).[5] In politics everyone must be supposed to have no other end than private interest: 'By this interest we must govern him, and by means of it, make him, notwithstanding his insatiable avarice and ambition, co-operate to public good' (*Essays*, 42). Without this, the governed shall nowhere benefit from the constitution, and shall count on nothing to secure their liberty and property, except on the good-will of the governor, which is unreliable. From the predominance of man's selfishness derives the second view on the reconciliation between private and public interest: the natural identity of interests. For example, in *The Fable of the Bees: or, Private Vices, Public Benefits* Bernard Mandeville argues that men's pursuit of self-interest would contribute to the general interest of society, on this account, 'what we call *Evil* in this world, *moral* as well as natural, is the grand principle that makes us sociable creatures' (quoted in Halévy, 1972: 16). A similar view is adopted by Adam Smith in the sphere of political economy. In *The Wealth of Nations* Smith develops the thesis that, by the mechanism of exchange and the division of labour, individuals are contributing to the realisation of the general utility in pursuing their own interest, though without desiring or being aware of it.

However, on the premise of the predominance of man's selfishness, there is still another way in which the principle of utility can be interpreted, and it may be called the artificial identification of interests. According to this principle, the harmony between men's pursuit of self-interest and the general interest of society

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[5] Emphasis in quotations is in the original unless otherwise stated.

cannot be reached naturally, and it is the business of the legislator to bring this about, since it is in the interest of citizens. It is argued by some interpreters that Hume's men are solely selfish, they desire only their own survival and well-being, and compete with others for scarce natural resources; in that situation conflict is inevitable. Fortunately, Hume's men are also rational, so they learn the disadvantage of anarchy from experience and design to get rid of it by establishing an empire, that is, the state. With the establishment of the state and its authority to punish the transgressor of law, the harmony between the private and the public interest is created and social order secured. In interpreting Hume this way, he is viewed as the disciple of Thomas Hobbes who argues that the miserable state of nature is ended with the establishment of a political authority. According to Halévy, although one may find in Bentham's works that he occasionally adopts the principle of the fusion of interest, and, as following Adam Smith, applies the principle of the natural identity of interest in the sphere of political economy, 'the primitive and original form in which in his doctrine the principle of utility is invested is the principle of the artificial identification of interests'. Bentham appeals to a legal system as a solution to the great problem of morals, that is, he thinks the interest of the individual is to be identified with the interest of the community by means of a well-regulated application of punishments. Thus his first great work was an 'introduction to the principles' not only 'of morals', but also 'of legislation' (Halévy, 1972: 17-18).

Accordingly, Hume's philosophical system comprehends almost every essential element of modern English political thought, and they have been used to justify different interpretations of his position. However, as stated, the significance of Hume's thought consists in that it transforms these interpretations, which seem in

stark contrast on the surface, into the debate within one theoretical family, that is, into different views on the development of English utilitarianism. While some focus on man's selfish nature and argue that social order can be secured by means of the principle of natural or artificial identification of interests, others advocate the sympathetic feeling in human nature and suggest that the harmony between the individual and the community can be reached spontaneously. In any case, different depictions of the feature of Hume's thought would influence one's account of the origin of English utilitarianism. This thesis is founded on an understanding of the significance of Hume's thought like this. It is practicable to construct a utilitarian genealogy on the basis of Hume's connections with other philosophers; both Professor Frederick Rosen and Professor John Plamenatz have demonstrated their great achievements in this respect. It is also my aspiration, although what is presented in this thesis would have to be more confined and may be viewed as developing a foundation for greater theoretical enterprise. I hope first to defend a utilitarian interpretation of Hume and clarify the features of his utilitarianism, and I will do these by comparing Hume's theory with those of Hobbes and Locke. By analysing the similarities and differences between three philosophers, I hope to suggest that there is a negative contrast between Hume and Hobbes and a positive contrast between Hume and Locke. By this I mean, on the one hand, Hume's political philosophy is essentially a refutation of Hobbes's position; on the other, while Hume has criticised Locke's theory in some significant ways, he is nevertheless a sympathetic reader of Locke and his intention is to amend the latter's theory and place it on a sounder basis. If this is the case, it will then be sensible to outline a utilitarian school initiated by Locke, which was then inherited by Hume and afterwards shapes Burke's thought, as in contrast with another school founded by

Hobbes which then has Bentham and James Mill as its disciples. With this idea in mind, before I can explore Hume's impact on Burke and the development of utilitarianism thereafter, I must trace Hume's philosophy to its origin and show that it is Locke rather than Hobbes who has overshadowed Hume's thought.

It seems to me that this is a work of dual advantages: first, as said, it is helpful for developing a genealogy of utilitarianism; second, when we turn our attention to the critics of utilitarianism, it is useful to defend a utilitarian interpretation of Hume. In fact, another trend observable in contemporary Hume studies is the refutation of Hume's theoretical connection with utilitarianism, and this is to be found in the works of a number of important political philosophers including David Gauthier and Brian Barry. Both Gauthier's contractarianism and Barry's contractualism take Thomas Hobbes as the founding father of modern political thought, and the contribution of Hume lies not in providing an original perspective, but in expressing Hobbes's theory in a more systematic manner. The debate between Gauthier and Barry is thus a debate within the broader tradition of social contract theory, and, on this account, what they both approve of is marginalising utilitarianism and refusing to take it seriously as the third approach in the contemporary debate on justice. If the views of Barry and Gauthier are not entirely convincing, as I am going to suggest, it is partly because they overemphasise the role of the principle of artificial identification of interest in Hume's theory of social order, yet pay almost no or only very limited attention to the principle of sympathy. This is problematic because, as Halévy writes, the three principles 'form three logically distinct and perhaps contradictory doctrines; nevertheless there is not one of them which is not present, more or less explicitly, in every Utilitarian doctrine' (Halévy, 1972: 13). This follows

that observing the different roles assigned by different philosophers to these three principles will provide a useful clue for us to develop a genealogy of utilitarianism and to clarify the connection between each member of the family. In contrast, it is only when one confines himself to the function of any of these principles in Hume's thought while paying no attention to that of the others, that one will then reject Hume as an utilitarian. In this way, the interpretations of Hume as proposed by Barry and Gauthier are indefensible because some very important elements of Hume's thought have been overlooked, e.g. the conception of sympathy.

Sympathy and utility are two conceptions most crucial in this thesis. If, as Professor Plamenatz says, Hume is not a complete utilitarian, then it is partly because Hume has always had some reservation about the idea that the mission of the philosopher is to construct a normative doctrine following the instruction of which people may lead a happy life. So when utility takes the place of sympathy and becomes the foundation of his philosophical system, Hume's purpose is to strengthen his argument that sociability is implanted in human nature rather than artificially created and to place it on a more solid foundation. However, a move from sympathy to utility implies something much more important than the mere adjustment of wording. It is a move from a psychological tendency of human nature to a moral principle by which human motivation is to be evaluated. It is a move from a description of how we feel other people's feelings to how we ought to feel about them. Sympathy reveals a psychological mechanism by means of which various feelings are instilled into us before a moral judgment is made, with the assistance of reason, which corrects the natural partiality of our emotive responses. However utility is itself impartial and public, and if it is still connected with human nature and

represents a tendency of man, as Hume intends it to be, utility is connected with those feelings that are redirected and impartial. Utility skips the complex psychological mechanism which sympathy implies and stands for the result derived from it. If Hume's elaboration of sympathy is to provide scientific evidence for man's natural sociability, then his appeal to utility shows more of his approval than verification of this propensity. Whether or not this is a theoretical consequence intended by Hume, his move from a psychological mechanism to a moral principle has inspired Benthamite utilitarianism. That is, if Hume's purpose is not to deny that value can be derived from fact, but rather to show that the former must be derived from the latter of a specific kind, i.e. human nature, then, for Hume, Bentham's utilitarianism is certainly developed on a legal basis since it appeals to human nature as its basis and to nothing else. Meanwhile, Hume's observation that mankind has stronger feelings for things they own than for those that are yet to belong to them, and that opinions as well as beliefs are crucial to man's daily practice, both forecast the important roles of security and expectation in Bentham's theory and the value of tradition and prejudice in Burke's conservatism. Although Hume's own interpretation of utility has greater resemblance with that of Burke's, he is positive about reform in the spheres of politics, economics, and morals at the proper time and is convinced that human civilisation is in a steady progress. In this way, if Hume is not a complete utilitarian, it is with his nourishing that utilitarianism was bound to flourish.

1.4   The Structure of the Argument and the Order of Chapters

The structure of this dissertation is arranged in accordance with the structure of Hume's theory: given that Hume's political theory is based on his moral psychology,

I therefore believe I can approach Hume's theory of property, of justice, and of government only after I explain the philosophical background of Hume's thought, the structure and implication of his moral psychology, and the feature of his ethical naturalism. Therefore I start in Chapter Two with a sketch of theories which, though having an influence on Hume's philosophy, are primarily the objects of his criticism, including the selfish-egoist school such as Hobbes and Mandeville and the moral sense school such as Hutcheson. I argue that to distinguish himself from these great philosophers is one of Hume's motives in recasting his moral theory. It is true that one main purpose of this thesis is to explore the connection between Hume and Locke and revive the view that Hume is the most important philosopher in the tradition of empiricism after Locke, a view once standard in the studies of Hume. However I will leave this until I focus more specifically on Hume's political theory. Before then, I hope to explore the reason why this once standard point of view has now gradually lost its credit, and it is suggested that it has much to do with the dominance of the view that Hume is a disciple of Hobbes. This view does not rise only recently. In fact, when Hume's first work was published, it was seen as defending Hobbes's theory and its anonymous author was seen as a moral skeptic who was destroying the foundation of morality. If there is a reason for Hume's failure to acknowledge the *Treatise* as his work and hope that *EHU*, *EPM* and *Essays* alone be taken as representative of his thought, it seems sensible to infer that the unsympathetic criticism he has suffered due to people's misunderstanding of the *Treatise* would inevitably have an impact on his writing strategy thereafter. This then leads us to compare the *Treatise* and *EPM* carefully and consider the significance of their differences.

Before Hume felt the necessity of rewriting his works, it seems that he had little doubt about his role as moral scientist whose task was to provide a precise causal explanation of moral phenomena. It is based on this conviction that Hume offers a dichotomy of virtues in the *Treatise* and devotes nearly two-thirds of Book III to explaining the origin of artificial virtues such as justice, fidelity, allegiance, and chastity. On this account, it is misleading when Selby-Bigge describes Hume's theory of justice in the *Treatise* as 'awkward'. Based on the comparison between the *Treatise* and *EPM* in Chapter Two, my purpose in Chapter Three is to continue the refutation of Selby-Bigge's unsympathetic reading of Hume in his famous 'Introduction' to his edition of *Enquiries Concerning Human Understanding and Concerning the Principles of Morals* (hereafter *Enquiries*). I argue that the *Treatise* is important for the development of Hume's thought in the sense that it contains the most fundamental elements of Hume's ethical naturalism. Hume's position in that work may correctly be described as that of an ethical naturalist because he attempts to reduce ethics to psychology and sociology. Hume's advocacy of sympathy in the *Treatise* is the strongest objection to the theorist who rejects the idea that Hume is an ethical naturalist, for Hume has told us that virtues and vices may all be traced to the propensity of human nature or to the interaction between human nature and the physical environments in which men are contingently placed. Hume has never clearly stated that from 'facts' one cannot derive 'values', by contrast, he only says that it is 'inconceivable' how this could be done, and most of his philosophy is devoted to addressing this question. Although the famous is/ought paragraph only appears in the *Treatise*, in *EHU* we find Hume's concern is more explicitly expressed in his criticism of religionists.

If by considering the function of the idea of sympathy we have been led to the core of Hume's moral psychology, then by reflecting on the implication of utility in Hume's later thought, we will then see what Hume adds to his early philosophy, thus acquiring a comprehensive understanding of Hume's ethical naturalism. This is the purpose of Chapter Four. As stated, the rise of the debate on the feature of Hume's naturalism reveals the reverse of the trend in the study of a philosopher whose position has been controversial since his lifetime. Kemp-Smith's work challenges the conventional Reid-Beattie view which represents Hume as a dangerous skeptic. However, since naturalism is a term never used by Hume, and Kemp-Smith neither provides a specific definition of it, the view that Hume is a constructive philosopher though restores his philosophical reputation, has inevitably given rise to another debate on the features of Hume's naturalism. In addressing this question, I find Railton's argument very useful. According to him, there are two forms of naturalism: methodological and substantive naturalism. What is more complicated is deciding whether Hume is a substantive naturalist, and this relates us to the second debate I would like to consider in Chapter Four, in which ethical naturalism being the target of the philosopher's attack. I suggest that Hume has defined the idea of good in terms of natural property, and this is particularly evident when utility becomes the core of his philosophy in *EPM*. Moore's 'open question', however, has not undermined Hume's philosophy, because Hume's moral conventionalism corresponds to a type of naturalism which, according to Railton, is most interested in developing an effective account of moral concepts. In this way, Hume does not intend his definition of good as utility to be conceptually incontestable, thus Moore's open question poses no challenge to his ethical naturalism.

After refuting the criticisms of Hume's ethical naturalism from a prescriptivist such as R. M. Hare and an intuitionist such as G. E. Moore in the first part, in the second part I explore Hume's political philosophy by relating it to a post-Rawlsian debate on justice. The important participants of the debate I consider in Chapters Five and Six are David Gauthier, Brian Barry, Russell Hardin, Jonathan Harrison and Paul Kelly. Gauthier and Barry both defend the tradition of social contract theory, though by different approaches; both Hardin and Harrison are utilitarians, though they belong to different sects of the school. Utilitarianism and contractarianism as these scholars interpret them are not completely distinct, as Barry and Hardin both apply the model of game theory implied in Hobbes's thought to their interpretation of Hume. The difference lies in Hardin taking Hume as developing an innovative theory of coordination on the basis of Hobbes's thought, whereas Barry criticises Hardin for his overstating the originality of Hume. The point of Hume's political theory that these researchers are arguing about and the part which is most controversial, is Hume's example of the two rowers when explaining the implication of his idea of convention which he takes as the basis of social order. This analogy is regarded by contractarians such as Gauthier and Barry as confusing because oarsmen will cooperate without relying on external sanctions whereas the interaction in the case of justice is simply otherwise. It is argued that Hume's example of rowing makes perfect sense when his reasoning is understood as utilitarian rather than contractarian: my sympathy with others' feelings restrains me from being a free-rider when I take part in a practice, whether it's rowing or larger social cooperation, and no external sanction is indispensable for either to operate smoothly.

What makes Gauthier's interpretation of Hume inadequate is likewise fatal to Barry's reconstruction of Hume. Barry is more enthusiastic about interpreting Hume as a successor of Hobbes's social contract theory than revealing what Hume intends to achieve by his philosophical system. This then explains why he makes no mention of Hume's conception of sympathy, as that would run the risk of making explicit Hume's resemblance with utilitarianism which is a main target of Barry's criticism. However, to neglect such a crucial conception only renders Barry's reconstruction of Hume and the link between Hume and Hobbes questionable. Although they both adopt the game theoretic model and take it as an important clue through which the similarities between Hume and Hobbes can be shown, the goals that Barry and Hardin aim to achieve by reconstructing Hume's theory of property are not identical. In contrast to Barry's intention of absorbing Hume into the social contract tradition, Hardin's work may be seen as developing a genealogy of utilitarianism in which he thinks the modern origin of this tradition should be traced to Hobbes rather than Locke. My criticism of Hardin, therefore, is not exactly the same with my criticism of Barry. Contrast with my endorsement of Harrison's utilitarianism in Chapter Five, I think Hardin's utilitarian approach does not contribute much as clarification either of Hume's thought *per se* or of Hume's position in the tradition of political thought. However, in both cases, the criticism and endorsement take place in the camp of utilitarianism and may be seen as contributing, whether negatively or positively, as clarification of Hume's connection with this tradition and, as a consequence, to secure utilitarianism from being marginalised by its social contract antagonists.

If Barry has falsely attributed Hobbes's position to Hume, and if there is indeed an idea of spontaneous social order wider than the idea of the political in Hume's

thought, then it is to Locke that Hume owes this insight. Locke's theory of property has been one of the most important topics in the research of political theory, and this is so not only because it comprehends Locke's ideas of distribution and labour, but also because it explicitly defends the priority of society over the state or of the moral over the political. The elaboration of Hume's theoretical connection with Locke continues in Chapter Seven, where I focus on Hume's theory of government. My objective in that chapter is to reflect on the conservative interpretation of Hume as found in the works of Sheldon Wolin and Frederick Whelan, in order to clarify Hume's conservative utilitarianism. As stated, conservative utilitarianism, in contrast with radical utilitarianism, stands for an interpretation of the principle of utility. It is conservative because it sees that more (or no less) utility may be acquired from the *status quo* than from innovation; nevertheless, what it defends is still a reasonable philosophical principle of utility rather than the intrinsic value of the existing social norms. To put it differently, even if there is indeed some value implied in a practice or tradition long existing in human society, that value can be expressed in no better way than by the notion of utility. In this way, it is conservative primarily because it reveals the view that the cases in which the utility of social and political reform outweighs their cost are less constant as radical utilitarians suppose, therefore one must be cautious and prudent in this respect. Along with Hume, Edmund Burke, John Stuart Mill (to some degree), and Henry Sidgwick are characterised as conservative utilitarians, despite the significant differences between their philosophical systems. Chapter Eight is the conclusion of the dissertation, and by revealing their approval of the Glorious Revolution, I shall try to suggest that it is plausible to justify a utilitarian school from Locke and Hume, to Burke.

Hume's political philosophy, when compared to Locke and Burke and interpreted as conservative utilitarianism, reveals important features which have been obscured by its contractarian interpretation. The purpose of this dissertation is to challenge the exhaustive view as found in the works of Gauthier and Barry. By recovering Hume's connection with utilitarianism, this dissertation is intended to secure the important utilitarian elements of Hume's thought without which a more balanced account of Hume's political philosophy is unlikely to be achieved.

Chapter 2　　Sympathy and Utility: A Comparison between *Treatise* and *EPM*

2.1　Anatomist and Painter

The purpose of this chapter is to challenge the view that a sound understanding of Hume's political and moral thought can be founded solely on one's reading of Hume's earliest work. The intention is not to deny the fact that the *Treatise* is the most comprehensive philosophical work Hume ever wrote, but to suggest that there are some important questions contained in that work which Hume has reflected on throughout his life. Therefore, it seems arbitrary to claim that *EPM*, a work described by Hume as 'of all my writings, historical, philosophical, or literary, incomparably the best' (*My Own Life*: xxxvi), is nothing but his 'juvenile' work expressed in an elegant style. Hume's two major works on morals deserve a more careful comparison, and by considering the differences and continuity between them, we are led to observe that which occupied the philosopher's mind from 1740 to 1751, a decade that is the golden period of Hume's philosophical career right before he devoted himself to the writing and publishing of *History* for next ten years.

As James King remarks, the relationship between the *Treatise* and *EPM* has long been a controversial topic among Hume scholars (King, 1976: 349). Scholars either hold that *EPM* is a fine restatement of the *Treatise*, that there is no difference between the two and Hume's thought is coherent. Moreover, the *Treatise* is exceptional for its comprehensiveness and depth (Stewart, 1973: 17; Plamenatz, 1958: 23; Selby-Bigge, 1975: vii-xl; Snare, 1991; Bricke, 1996; Baier, 2010: 214-250). Along with this, however, some scholars are convinced that *EPM*

authoritatively represents Hume's thought according to Hume's own evaluation of this work (Albee, 1902: 91-112; Sidgwick, 1954: 205 n; Broad, 1930: 84; King, 1976: 343-361; Gauthier, 1998: 17-18; Rosen, 2003: 29-57).[6] Scholars have argued that these views are only partially true, for not all of them take the differences between the two works seriously. In this chapter I hope to show that the differences between the *Treatise* and *EPM* reveal that Hume's philosophical perspective has transformed from that of an 'anatomist' into a 'painter', to use Hume's own terms, although this is not a transformation originally intended by Hume. For the former, Hume's aim is to describe and explain man's motive for being virtuous, which is why the *Treatise* is primarily a psychological work founded on the principal idea of sympathy. On the other hand, Hume's task as a painter is to demonstrate that the tendency to promote the public utility is indispensable for those qualities and characters regarded as virtuous, and this is so because the connection between the public utility and men's natural concern for the public interest motivates men to praise those qualities. I suggest that Hume's positions in the *Treatise* and in *EPM* may respectively be characterized as descriptive naturalism and utilitarianism. It is true that, in both works, Hume has consistently regarded himself as an anatomist, which is a role he takes as the most proper for a philosopher. However, unlike in the *Treatise* which demonstrates both the selfish and sympathetic propensity of human nature, the principal role of utility in *EPM* shows that Hume deliberately takes the public interest of society as the foundation of morals and downplays men's selfish nature in

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[6] In a letter dated 1775 to a French man of letters Abbé Le Blanc who is also the translator of Hume's *Political Discourses*, Hume wrote that *EPM* is 'my favourite Performance' (*The Letters of David Hume*, vol.1: 227, hereafter *Letters*, quoted in Taylor, 2009: 311 n.1).

this regard. Hume does not deny men's selfish nature in *EPM*, but he endeavours to show that as well as being selfish, men are also by nature altruistic; he rejects reducing the latter to the former and describes any such attempt as a fruitless love of simplicity (*EPM*, 166). In this way, despite the fact Hume never forgets that his mission in *EPM* was explaining the causal relation between human nature and moral phenomena, the consequence of that work may nevertheless be prescriptive, i.e. it shows not only the cause of men's being virtuous, but provides a reason for his readers to be so. It is this significant though implicit transformation of Hume's role between his two major works on morals that I would like to capture and consider in this chapter, for by so doing the contribution of Hume's theory and his position in the tradition of political thought can properly be observed. That is, Hume is pivotal in the development of modern English political thought from John Locke to the rise of utilitarianism after him.

2.2 Between Benevolence and Selfishness

The *Treatise* is composed of three books, Book I 'Of the Understanding' (1739) corresponds to, in terms of the subject, *EHU* published in 1749, and Book III 'Of Morals' (1740) corresponds to *EPM* published in 1751.[7] As to Book II 'Of the Passions' (1739), it was recast by Hume in the form of an essay and published as one of the *Four Dissertations* in 1757. In 1893 Selby-Bigge wrote an important 'Introduction' to his edition of *Enquiries*, where he enumerated the differences and continuities between the *Treatise* and its corresponding works by a careful

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[7] For an objection to the received view that *EPM* is an intended replacement of 'Of Morals', see J. B. Stewart, 1973.

comparison between them. Selby-Bigge argues that 'although in one sense the *Enquiry concerning the Principles of Morals* is the best thing Hume ever wrote, to ignore the *Treatise* is to deprive him of his place among the great thinkers of Europe' (*Enquiries*, x-xi). In comparing the *Treatise* and *EPM*, Selby-Bigge indicates that one difference between them lies in the fact that the idea of sympathy had significantly changed its meaning between the two works. On the one hand, in the *Treatise* sympathy represents a psychological mechanism which facilitates the communication of feelings among people. It is by means of such a mechanism that the feelings of each agent are perceived by others and the social or public feelings are thus formed in society.[8] However, in *EPM* the conception of sympathy has lost its special function and become one feeling among many others, and has therefore usually been used by Hume as interchangeable with humanity and benevolence. According to Selby-Bigge, such a difference is caused by Hume's feeling that the machinery assigned to sympathy in the *Treatise* did not work effectively, so he decided to get rid of it in the later work. In so doing, Selby-Bigge thought that

> [Hume] may be said to have abandoned perhaps the most distinctive
> feature of his moral system as expounded in the Treatise, so that in the
> Enquiry there is little to distinguish his theory from the ordinary moral
> sense theory, except perhaps a more destructive use of 'utility' (*Enquiries*,
> xxvi).

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[8] The conception of sympathy first appears in Book II of the *Treatise* when Hume refers to men's love of fame, he writes: 'No quality of human nature is more remarkable, both in itself and in its consequences, than that propensity we have to sympathise with others, and to receive by communication their inclinations and sentiments, however different from, or even contrary to our own' (*Treatise*, 206). For a criticism of Hume's conception of sympathy, see C. Taylor, 2002.

Two important points may be drawn from Selby-Bigge's observation. First, in *EPM*, utility has replaced sympathy and become the core idea of Hume's ethics. Second, Selby-Bigge seems to be suspicious of Hume's strategy mentioned in the last point. I agree with the first point and will try to explore its implication in the next section, but I reject Selby-Bigge's suspicion. I think it is a misunderstanding of Hume to treat his intention in *EPM* as attempting to develop a moral sense theory which was then obstructed by the idea of utility, for it was the latter rather than the former which was taken by Hume as the foundation of his moral theory. This is particularly true when we observe the development of Hume's thought between the *Treatise* and *EPM*.

Compared with the *Treatise*, the idea of utility replaces sympathy and is central to Hume's argument in *EPM*. Selby-Bigge's concern is that this 'even freer use of *Utility*' (*Enquiries*, xxvii) would have weakened the emphasis that Hume placed on the benevolent nature of human beings in that work, although Selby-Bigge is pleased that Hume avoided drawing such conclusion from the principle. Presumably the reason for Selby-Bigge's concern is that he regards Hume's use of utility as his endorsement of psychological hedonism, and, moreover, equates psychological hedonism with psychological egoism. However, this is a misunderstanding of Hume. Just as Ernest Albee's objection to Selby-Bigge that

> Why the admission of a certain undefined degree of native altruism and
> the use of the principle of 'utility' should be regarded as necessarily
> conflicting, I have never been able to understand (Albee, 1902: 98).

As Albee rightly indicates, for the hedonist who holds that one is always determined to act for one's own pleasure, he is not therefore committed to egoism in

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any offensive sense. If one derives pleasure from the pleasure of others, one is just so far altruistic.[9] John Plamenatz agrees with this in his rejection of the view that Hume is in essence a Hobbesian:

> Hume explicitly rejects the notion that egoism is in any sense fundamental, and altruism either a disguised form of it or else its derivative…he borrows the simple argument of Bishop Butler, that a man must be able to desire other things besides his own pleasure, because, before anything can please him, he must first desire it. A man must, before he can get pleasure from quenching his thirst, feel thirsty. And if he can desire other things besides his own pleasure, there is no reason why other people's pleasures should not be among those things…What Butler and Hume, therefore, most desire to do is to refute Hobbes. For the egoistic hedonism of Hobbes is not properly a theory of morals. It does not explain the facts of our moral experience but obliges us to reject them as illusions. Hume is as well aware as anyone, and much better aware than either Bentham or James Mill, that no true moral philosophy can make an accommodation with Hobbes (Plamenatz, 1958: 30).

It seems to me that this expresses Hume's view properly, for utility in Hume's theory represents a principle extracted from the altruistic feelings with which human nature is universally endowed. In other words, acts with utility make people feel pleased and thus earn their approbation because such acts have touched their

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[9] The distinction between egoism and psychological hedonism is also made clear by Professor Paul Kelly. As Kelly indicates, the feature of egoism is self-regarding motivation. That is, in an egoistic theory a person's motives are confined to the pursuit of his own interests, which incorporate the interests of others only to the extent that their interests correspond with his. Therefore, those actions which are done solely for the benefits of others are ruled out in an egoistic theory of motivation. By contrast, psychological hedonism only implies that the cause of action be self-referring, that is, one's own pleasure. This does not entail that self-interest is the only object of one's action, for except self-interest there are still many ways to bring one pleasure, including actions which are wholly other-regarding, such as caring for others (Kelly, 1990: 23).

altruistic nature. Therefore, Selby-Bigge's concern is redundant. Furthermore, what is implied in Albee's and Plamenatz's comments is a sustained debate on human nature in the tradition of political philosophy to which Hume is an important contributor.

Thomas Hobbes has been regarded as the initiator of this debate in modern times. For Hobbes, man is a rationally selfish individual; he acts for self-interest and for nothing else. Things that conform to a man's interest are good for him; otherwise they are bad. Given that one man's situation is differentiated from that of others and their interests naturally diverge, there is no room for objective moral qualities or relations. Hobbes believed that for people who were by nature selfish and equal in their ability there were three principal causes of quarrel, i.e. competition for resources, diffidence with respect to each other, and the search for glory. The result is a war of every man against every man. In Hobbes's state of nature, society is not yet formed, not to mention the development of industry, so men's knowledge, civilisation, and art remain blank. Worst of all, men live in continual fear and danger of violent death, and Hobbes has famously described men's life in that state as 'solitary, poor, nasty, brutish, and short' (Hobbes, 1994: 74-76). It is worth noting that for Hobbes, men are by nature anti-social; it is the concern for self-interest that drives them to cooperate with others and put an end to the state of conflict; it is the same egoistic concern that leads them to set up a 'common power' to prevent the natural state from happening again. As Hobbes writes, 'All society, therefore, exists for the sake either of advantage or of glory, i.e. it is a product of love of self, not of love of friends' (Hobbes, 1998: 24). Being a follower of Hobbes, Bernard Mandeville takes over Hobbes's view on human nature, saying: 'no species of

animals is, without the curb of government, less capable of agreeing long together in multitudes than that of man', and 'being an extraordinary selfish and headstrong, as well as cunning animal', although man may be subdued by external force, still force alone cannot make them tractable (Raphael, 1991 vol.1: 229-230). In this way, in order to preserve his authority, the governor will endeavour to convince his people that the most effective way to fulfil their private interests is to restrain desires and pursue the public interest. However, for men who were born selfish, it is difficult to ever persuade them to set their own interests aside, unless rewards are provided as incentives. The difficulty lies in that for a country, however opulent it is, so huge an amount of rewards would still be unaffordable, given that this scheme is aimed at all citizens rather than just the minority. Fortunately, 'the lawgivers and other wise men' discover that all men are vulnerable to vanity: 'none were either so savage as not to be charmed with praise, or so despicable as patiently to bear contempt', so they take flattery as an imaginary reward (Raphael, 1991 vol.1: 230). They first teach people that men are different from other animals, that the rationality and intelligence of the former is superior to the latter; then they instruct them in the notions of honour and shame, representing the one as the highest good, and the other as the worst of all evils. Subsequently, they inculcate people with the grossness of gratifying their natural appetites and the glory of attempting to defeat them. Finally, they divide people into two classes: the one consisting of abject, low-minded people who are enslaved by sensual pleasure and incapable of performing other-regarding acts, the other made up of high-spirited people who despise whatever they have in common with irrational creatures and make a continual war with themselves to promote the public welfare. When these conceptions become widespread, people being motivated

by their passions of vanity will endeavour to show that they belong to the latter camp, and this is the result most welcome to governors (Raphael, 1991 vol.1: 229-236).

However, the view that men are by nature selfish and anti-social and that the state is indispensable for social order was not unchallengeable in the time before Hume. From the end of 17th century, this view was critically objected to by the moral sense school led by Anthony Ashley Cooper, the third Earl of Shaftesbury, other important philosophers of this camp including Francis Hutcheson and Bishop Joseph Butler. This camp of philosophers opposed the rationalist systems of ethics, and located the active principles of human conduct in passions, to which they regarded the rational faculty as subordinate. Meanwhile, the selfish conception of the person advocated by Hobbes and Mandeville was rejected, the moral sense philosophers bringing the 'public affections' of men into prominence to show the fact that men naturally tend to perform altruistic acts, therefore men are social animals (Whelan, 1985: 138; 162 n.102). Hutcheson was elected Professor of Moral Philosophy at the University of Glasgow in December 1729, and he delivered his inaugural oration 'On the Natural Sociability of Mankind' in November 1730, on the occasion of his formal admittance to the university. In this lecture Hutcheson concisely expressed the philosophical essence of the moral sense school. He criticised Hobbes's use of the state of nature as being not only despicable as philosophy, but also an insult to human nature (Hutcheson, 2006: 198). Contrary to Hobbes's distortion of the term, Hutcheson thinks that 'state of nature' should be used to represent the perfect state which men may attain after their natural social affections are fully developed. Admittedly, Hutcheson goes on to argue, the imperfectness of our nature usually carries us into vices and makes corruption inevitable. However, when we

contemplate our nature, there must be something we will discover aside from desires, that is the 'the social and kindly (*communes et benignos*) affections and that moral sense which we may also call natural conscience' (Hutcheson, 2006: 199). Then we realise that vices and corruptions are not natural to our nature, for the faculties which ought to moderate sensual desires have presented themselves to us. Although in men's ordinary life natural conscience does not always win in the battle with desires, it is by nature fit to govern. As Hutcheson says, 'Nor indeed can the true fabric of our nature as God disposed it be restored until conscience, seated on this its proper throne, crushes the bodily desires beneath its feet' (Hutcheson, 2006: 199). In this way, Hutcheson argues that philosophers should 'unlearn' the use of the 'natural state' and instead adopt 'state of liberty' to refer to the social life as opposed to the civil state.

Hutcheson proceeds to deal with another question, namely 'in what sense is this social life natural to man?' In other words, can men's pursuit of the social life eventually be reconciled with their pursuit of self-interest? It is not surprising that Hutcheson certainly would not agree with the egoistic view, but it is worth noting that his purpose is not to deny the fact that men do benefit from social life, whether it physically satisfies men's desire for existence or psychologically satisfies them by the pleasure that can be derived only from social interactions. On the contrary, what Hutcheson endeavours to show is that the egoistic view on the origin of society does not reveal the whole story, for what is important is that men are naturally endowed with benevolent and social feelings. It is these feelings that motivate people to share others' pleasure disinterestedly, motivate them to heartily admire the nobleness of a historical figure, and so they cannot be indifferent to the fate of their offspring,

friends, and fellow-citizens even before their death. For Hutcheson, the same feelings prompt men to seek social life without reasoning and make the duties of social life agreeable and delightful (Hutcheson, 2006: 204-208). Through manifesting the feeling of benevolence and men's natural sociability, Hutcheson, on the one hand, justifies the values of social life, and on the other, takes the public interest that they symbolise as the foundation of morality.[10]

The two philosophical positions briefly sketched here greatly influenced Hume's thought. Hume reflected on and criticised both sides of the argument, while being inspired by both of them; Hume's thought contains similarities with each of these two positions, but he has deliberately kept them at a distance. In short, it seems that Hume's attempt is to take middle course between egoism and the moral sense school.[11] Hume's theory aims to develop an empirical and secular foundation for morals, and it seems sensible to see Hume as the philosopher who contributed most significantly to the secularisation of morals in the age of Enlightenment, particularly when we find that Adam Smith, who was deeply influenced by Hume, again secured a place for God in the realm of morals.[12] This trend of secularisation of morals can be

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[10] For example, Hutcheson thinks that the cardinal virtues, i.e. temperance, courage, prudence, and justice, are regarded as virtues because they promote the public good and are associated with men's benevolent motives (Mackie, 1980: 27).

[11] The thinkers briefly introduced in this section are, except Hobbes, mentioned by Hume in a footnote at the beginning of the *Treatise*. Hume describes them as representatives of philosophers who introduce the scientific method into the research of human nature (*Treatise*, 5; see also *An Abstract of A Treatise of Human Nature*, 407 (hereafter *Abstract*)).

[12] It remains controversial that whether God has a substantial role to play in Smith's moral theory since his function has been replaced by men's conscience which Smith termed 'inner God' (Smith, 1982). For the relationship between Hume and Smith, see Haakonssen, 1981.

traced back, at least, to Hugo Grotius, who in his discussion of justice claimed that '*all we have now said would take place, though we should even grant…that there is no God, or that he takes no Care of human Affairs*' (Grotius, 2005 vol.1: 89).[13] It is so because, for Grotius, a system of property is indispensable for social life, and social life is a natural consequence of human nature.[14] Indeed, the idea that men are by nature social animals or that sociability is implanted in human nature is essential to the interpretation of Hume's thought. Taking the idea of sociability as a clue, it would not only help us to clarify Hume's place in the tradition of political thought, but would also help to answer the controversial question about the relationship between Hume's *Treatise* and *EPM*. On the surface, when one focuses on the role of the idea of sociability in Hume's thought, it seems natural to regard it as evidence of Hume's theoretical resemblance to the moral sense school, based on our understanding of Hutcheson's position as outlined earlier, and thus attribute Hume to that school. Although I do not intend to deny Hutcheson's influence on Hume, it is one of the main purposes of this thesis to show that the basic elements of Hume's

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[13] With regard to this empirical, naturalistic tradition of natural law and Hume's place in it, see Forbes, 1975 and Buckle, 1991. The views advocated by these interpreters have been challenged by Pauline Westerman by a detailed comparison between Grotius and Hume. Westerman argues that, though both Grotius and Hume may employ much the same concepts, it is for different purposes. Grotius's account of human nature is for justifying the existing rules of justice, whereas Hume's is for explaining justice. To identify Hume as a natural lawyer thus only contribute to distort his position (Westerman, 1994: 83-104).

[14] Therefore Grotius argues against Carneades, who is the representative of those who denied the existence of natural law and who regard interest as the only spring of justice, by saying that '*the Mother of Natural Law is human Nature itself, which, though even the Necessity of our Circumstances should not require it, would of itself create in us a mutual Desire of Society*' (Grotius, 2005 vol.1: 93). See also Forbes, 1975: 6 and Albee, 1902: 2-3.

thought, the idea of sociability being no exception, are not inherited from Hutcheson alone. Instead, we can see that it is primarily John Locke that has also inspired Hume and that Hume reflects on problems from Locke (to borrow the title of Mackie's famous book, see Mackie, 1976) as well as defending some non-theological Lockean premises. On these terms, when Hume argues in the *Treatise* that 'so far am I from thinking with some philosophers, that men are utterly incapable of society without government' (*Treatise*, 346), he is objecting to Hobbes's thought, but he needs not be understood as rejecting the selfish nature of mankind and regarding benevolence as the only basis of social life, as Hutcheson holds. Rather, one significant contribution of Hume lies in the fact that he provides an authentic depiction of human nature and shows that despite men's natural partiality, social order is still to be created among a group of men without the interference of political authority. Indeed, Hume is convinced that the social order which justice stands for would be invented by men spontaneously in order to prevent conflicts and inconveniences. So long as the convention of justice is formed to maintain order, a society which was founded on the connection between families may operate for a long period of time before government was established, and for Hume, this 'state of society without government is one of the most natural states of men' (*Treatise*, 346).[15] As will be shown in the

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[15] For Hume, justice rather than government is indispensable to society, and not long after society was formed, the idea of justice would gradually be developed in a process of evolution. Christopher Berry thinks that a feature of the theories of Hume and Adam Ferguson who being the representatives of the Scottish Enlightenment is to criticise the rationalism advanced by Hobbes, Locke and Rousseau, and to explain the origin of social institutions and norms from the view of gradualism (Berry, 1997: 23-51). As will be shown more clearly in what follows, I am afraid Berry has misunderstood the relationship between Hume and Locke in the respect.

following chapters, this view of human nature and society, namely that social order is the product of men's sociability for which both benevolence and selfishness are important ingredients, is to be found neither in Hobbes nor in Hutcheson, but in the works of Locke.

Since men's instinct renders society inevitable, Hume's concern is how morals are possible in this form of human life. In a sense, both the *Treatise* and *EPM* are meant to address this question, the difference lying in the approaches Hume adopts in these two works, which may respectively be termed descriptive naturalism and utilitarianism. The former has description and explanation as its purpose, while the unintended consequence of the latter is justification and prescription. In the *Treatise* Hume distinguishes two ways of conducting the research of morals: one is similar to that of an anatomist, who dissects men's appearance and studies his internal structure authentically; the other is like that of a painter who represents the charming looks of men. For Hume, the two approaches are distinct and may not be confused. Although in a sense these two approaches may complement each other and complete our understanding of morals, the point Hume attempts to make clear is that, as far as the work of a philosopher is concerned, it is the role of anatomist that is fulfilled by him, whereas the role of moral painter is to be played by each individual as a practical person. To put it differently, Hume does not think that the mission of philosopher is to provide a reason for men's being virtuous. Instead he provides only a scientific and causal explanation of the origin and principles of morals. Hume's intention of composing the *Treatise* is an exact demonstration of the descriptive and explanatory task of the philosopher, as he concludes the work by saying that:

the most abstract speculations concerning human nature, however cold and unentertaining, become subservient to *practical morality*; and may render this latter science more correct in its precepts, and more perswasive in its exhortations (*Treatise*, 395; see also *Abstract*, 407).

Hume's conception of the task of philosopher thus explains his reply to and difference from Hutcheson. When Hutcheson read the manuscript of the still unpublished Book III of the *Treatise*, he commented that the work 'wants a certain Warmth in the Cause of Virtue'. However, what we find in Hume's reply to the criticism is not an attempt to defend himself by showing his enthusiasm for promoting virtues in the *Treatise* which might have been overlooked by Hutcheson. On the contrary, Hume once again appealed to the dichotomy between anatomist and painter, and he not only recognised Hutcheson's observation but stressed that it did not happen by chance, and was the effect of his reasoning as an anatomist (*Letters* vol.1: 32-35). A physical anatomist studies men's biological structure and functions, and a moral anatomist has his eyes on the features and rules of men's psychology, thus the psychological tendency that characterises the *Treatise*, and thus the crucial role of the idea of sympathy in it.

As John Plamenatz remarks, 'No theory of morals assigns a larger role to sympathy than does Hume's' (Plamenatz, 1958: 30). The meaning of sympathy was elaborated on by Hume in Book II of the *Treatise* and was then frequently applied in his discourse on morals in Book III. Its function is described by Hume thus:

> As in strings equally wound up, the motion of one communicates itself to the rest; so all the affections readily pass from one person to another, and beget correspondent movements in every human creature. When I see the *effects* of passion in the voice and gesture of any person, my mind immediately passes from these effects to their causes, and forms such a

lively idea of the passion, as is presently converted into the passion itself. In like manner, when I perceive the *causes* of any emotion, my mind is convey'd to the effects, and is actuated with a like emotion (*Treatise*, 368).

Instead of treating sympathy as one of various feelings operating in human nature, it seems more plausible to view it as medium for other feelings. Sympathy in Hume's *Treatise* is like an invisible channel connecting one person's mind with that of another, and it is via this psychological mechanism of the communication of feelings that men are capable of perceiving the feelings that other people experience. As Charlotte Brown remarks:

> Sympathy is our capacity to receive the passions, sentiments, and even belief of others. It is not itself a passion, so it should not be confused with such feelings as compassion, pity, or empathy…Rather, it is a mechanism by means of which the feelings of others are imparted to us. Sympathy explains how we literally enter into the feelings of others, feeling what they are feeling (Brown, 2008: 232).[16]

Moreover, the importance of sympathy is further highlighted by Hume's treating his work in the *Treatise* as an anatomy of human nature, for just like a physical anatomist who describes his observation that the blood vessels function as circulatory system to transport blood and oxygen throughout the body, Hume intends by his description of sympathy to reveal the fact that men are by nature capable of communicating their feelings with each other. In so doing, Hume's purpose is to

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[16] Frank Balog also asserts that the idea of sympathy in both Hume's and Smith's systems is a foundation of conscience and is a passion 'in itself not specifically moral' (Balog, 1990: 199). Philip Mercer likewise argues that 'sympathy is emphatically *not* a passion or emotion of any kind' (Mercer, 1972: 21; 42). See also Kemp, 1970: 35 and Stroud, 1977: 197.

provide empirical evidence of the public character of men and reject Hobbes's view that self-interest is the only motive of mankind.[17] However, once the fact that men are by nature social animals is proved by the moral anatomist, the task of cultivating men's moral character is beyond the scope of his task and left to a moral painter, namely to each individual in his common life. Where this practical dimension of morals is concerned, the philosopher does not and ought not to have superiority over common people. To put it differently, in cultivating moral agency, the moral philosopher is equal with the vulgar, because this task can only be fulfilled when he returns from being a philosopher to one of the vulgar, for whom the causal law of moral phenomenon and of social life is not an object of philosophical inquiry but his way of life. From this, one may discern the libertarian and egalitarian feature underlying Hume's thought, though he deliberately avoids developing them into a normative doctrine either in the *Treatise* or *EPM*, and only feels free to demonstrate these evaluative positions when he has switched his role from a philosopher to an essayist and historian.

Hume's aim in the *Treatise* is to discover the connections between human nature and morals, that is, he explores how moral phenomena arise out of the psychological constitution of human beings. However, the structure of his theory has been altered in *EPM* and one more element is now added between human nature and

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[17] In Hume's explanation of the operation of sympathy, he notes that sympathy as a psychological mechanism 'is an object of the plainest experience, and depends not on any hypothesis of philosophy' (*Treatise*, 208). Hume's elaboration of the conception of sympathy and its impact on the development of social psychology is noted by Lauren Wispé, he calls Hume, along with Adam Smith and Arthur Schopenhauer, 'heroes of sympathy' (Wispé, 1991: chap. 1).

morals, namely utility. In *EPM*, human nature remains the only foundation of morals, since Hume rejects any attempt to found morals on transcendental ideas; the difference, however, lies in the fact that he has adjusted his strategy for moral discourse and turned the dual structure into a triadic relationship, the core of which is utility. On the one hand, Hume shows the close connection between virtues and utility. He teaches that a just or benevolent act is virtuous because it has the quality of utility, that is, it contributes to the public interest of society. On the other hand, one might go on to ask why an act with utility is going to earn our moral approval. The reason Hume offers is that utility corresponds with the natural public feeling of mankind and thus makes us satisfied. In other words, although Hume regards morals as arising from men's subjective feelings, by highlighting the role of utility, just like the function of sympathy in the *Treatise*, Hume shows that men can pull themselves out of their selfish and narrow-minded situation and develop a more public, impartial foundation for morals. This is also Hume's response to the selfish and the moral sense school. On the surface, utility being a tendency of virtues, it seems inapplicable to separate one from the other. However, Hume's intention is to show that from his inductive reasoning of various virtues observable in men's daily life and in history, utility has been extracted by him as a quality generally shared by most of men and thus may be seen as a principle underlying morals. In this sense, utility functions as a stable and constant 'moral principle' which guides men's daily life. For Hume, human nature is plural and complex; it is various kinds of instincts, propensities, and passions which continuously conflict and blend with each other that make human

nature what it is (Miller, 1981: 105).[18] Morals being the derivative of human nature inevitably share its plurality and complexity. Besides, external environments fluctuate, so a virtuous act is beneficial to the society here and now, but might cause more harm than good once circumstances change. This is why Hume shows that, though justice is indispensable to a well-ordered society, under certain circumstances the public benefit more from the temporary suspension than the strict observance of it. This is also why Hume argues that, certain conducts though being performed out of benevolence, that is, to relieve the distress and pains of others', once their consequences of decreasing rather than increasing public utility are discovered, this conduct is then considered a weakness rather than a virtue, such as tyrannicide and giving alms to beggars. Therefore, utility is a constant quality that Hume grasps from the changeable human condition; it always guides men through plurality and complexity to the moral judgment which benefits society in every circumstance.

What is particularly worth noting is that it was not Hume's original intention to detach utility from human nature and take it as a basis for normative doctrine which would then in turn prescribe what men ought to perform. Rather, utility is of interest because it reveals a propensity of human nature. Indeed, for Hume utility is *the* human nature he has endeavoured to show in *EPM*. By means of reflecting on this propensity or dimension of human nature, Hume aims in that work to illustrate that men are by nature capable of creating pre-political moral life and, in this sense, it is

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[18] The state, however, to use Frazer's terms, should be described as 'psychic democracy' rather than 'psychic anarchy'. As Frazer remarks: 'Just as a nation as a whole can govern itself through democratic deliberation…so too can a mind as a whole govern itself through reflectively refined and endorsed moral sentiments' (Frazer, 2010: 11).

the society rather than the state onto which the moral tendency of human nature is primarily projected. This for Hume, as for Locke, is a fact of human evolution supported by historical experience. However, it is interesting to observe how far Hume succeeded in sticking to his role as a moral scientist and avoiding advocating normative judgment, especially when the principle of utility has replaced that of sympathy as the foundation of his moral theory. The view advanced in this thesis is that, despite Hume's intention, the adoption of the principle of utility forced him to deviate from his descriptive and psychological enterprise, which seems more successful in the *Treatise* but which was undermined when he transferred his attention from 'human nature' to the 'principles of morals'.

2.3   From the *Treatise* to *EPM*

Compared with the idea of sympathy which Hume uses to explain the origin of moral consensus within society in the *Treatise*, what catches our attention when reading the *EPM* is the idea of utility. In *EPM*, utility is adopted by Hume as a principle by which various virtues are connected. To explain this, let us take Hume's treatment of justice and benevolence as example. In *EPM* at the end of Section 2 'Of Benevolence', Hume indicates '*that a part*, at least, of its merit arises from its tendency to promote the interests of our species, and bestow happiness on human society' (*EPM*, 82). Then, in Section 3 'Of justice', Hume observes that 'justice is useful to society, and consequently that *part* of its merit, at least, must arise from that consideration, it would be a superfluous undertaking to prove'. By contrast, what Hume aims to explore is that 'public utility is the *sole* origin of justice, and that reflections on the beneficial consequences of this virtue are the *sole* foundation of its merit' (*EPM*, 83). Later, Hume again affirms at the end of the same section that 'The

necessity of justice to the support of society is the ꜱᴏʟᴇ foundation of that virtue' (*EPM*, 98). Moreover, Hume continues to say, given that 'this circumstance of usefulness has, in general, the strongest energy, and most entire command over our sentiments', it must be

> the source of a considerable part of the merit ascribed to humanity, benevolence, friendship, public spirit, and other social virtues of that stamp; as it is the ꜱᴏʟᴇ source of the moral approbation paid to fidelity, justice, veracity, integrity, and those other estimable and useful qualities and principles (*EPM*, 98).

Finally, in the Conclusion of *EPM* Hume again emphasises that

> Are not justice, fidelity, honour, veracity, allegiance, chastity, esteemed solely on account of their tendency to promote the good of society? Is not that tendency inseparable from humanity, benevolence, lenity, generosity, gratitude, moderation, tenderness, friendship, and all the other social virtues (*EPM*, 151)?

From the passages quoted above we may discern the close connection discovered by Hume between utility and virtues, while also noticing that the connection between them varies from virtue to virtue, namely, that some virtues are more inseparable from utility than others. That is to say, artificial virtues such as justice have no foundation other than utility, whereas natural virtues represented by benevolence, while to a certain extent being inseparable from utility, are not founded solely on it; Hume believes that the second category of virtues are already implanted in human nature (*EPM*, 170), although the question concerning the origin of virtues is not his focus in *EMP*. To put it another way: when we contemplate the acts of justice performed by a person, such as abstaining from taking the possessions of others and being faithful to his promises, he earns our approbation simply because

such acts contribute to the public interest or at least cause no harm to it. By contrast, when another's benevolent act earns our approval, this is so not only because such an act brings pleasure to its beneficiary and such a feeling is then conveyed to us by means of sympathy, but because we are driven by nature to anticipate certain reactions on that agent's side. Once our anticipation of that other person's action is frustrated by actions such as doing nothing to save one from ruin or gloating over another's misfortune, he would become the object of our contempt.

In this way, two categories of virtues may be distinguished on the basis of utility, and the result of this distinction coincides with the dichotomy between the natural and the artificial virtues as proposed by Hume in the *Treatise*. The difference, however, is that in *EPM* Hume deliberately avoids the dichotomy between the natural and the artificial virtues. Instead his intention is to reveal that utility is a feature shared by both categories of virtues, thus he frequently considers both of them as under the concept of 'social virtues' (*EPM*, 77, 117, 135, 151, 170-171). In terms of the relationship between the *Treatise* and *EPM*, this difference reveals a significant development of Hume's thought. For it shows that, despite the difference of their connections with utility, what Hume aims to manifest in *EPM* is the fact that utility is a principle that unites justice and benevolence, namely they *both* contribute to the maintenance of a proper social life. It is this commonality of virtues that Hume endeavoured to make explicit when he recast his moral theory over the eleven years between the two works. Accordingly, one may infer that what concerns Hume in the *Treatise* is the origin of virtues, so he highlights the differences between justice and benevolence, whereas in *EPM* his concern is the consequence or use of virtues, thus he unites justice and benevolence by utility and emphasises their commonality.

Certainly, I am not suggesting that in *EPM* justice and benevolence are considered identical by Hume – they are two distinct virtues – but it seems to be Hume's intention to compress the main thesis of Book III of the *Treatise* into Appendix III of *EPM*. From this perspective it is then clear why many notable arguments of the *Treatise* are restated by Hume in that Appendix. For example, he again refers to the idea of convention as the basis of justice, and argues that convention is different from a promise for without being founded on 'a sense of common interest' which the former stands for, the latter would have nothing on which to base its binding force. Meanwhile, Hume lists several vivid examples to show the implication of convention, including two men rowing a boat to cross a river, the rise of money, and of words and language in human society, all of these examples verifying Hume's argument that convention is the origin of social order, and all of them appearing in the *Treatise*. Moreover, in a footnote of that Appendix, Hume again picks up his earlier arguments and explains the meaning of 'natural' by contrasting it with 'unusual', 'miraculous', and 'artificial', which, again, is a view familiar with the readers of the *Treatise*.[19] The difference lies in that at the end of footnote Hume concludes: 'But all these disputes are merely verbal' (*EPM*, 173 n.64), which seems to suggest that the dichotomy of natural and artificial which reveals the origin of virtues is not his primary concern in *EPM*.

So far we may conclude, that the difference between the *Treatise* and *EPM* lies in that, on the one hand, Hume deliberately downplaying the importance of his

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[19] As observed by James King that 'the best of Hume's analytical and psychological work from *Treatise* III…is located in the Appendices, as if to set abstract speculation off from the basic import of the *Enquiry*' (King, 1976: 355).

earlier arguments and, on the other, utility being adopted as a principle that penetrates the whole book of *EPM*. What we are curious about is: what is Hume's intention behind such adjustment of his argument? To put it differently, what is it that Hume aims to achieve by recasting his moral theory after eleven years? To explore this, some clues seem to be implied in Hume's definition of utility. In his explanation of 'Why Utility Pleases' Hume notes that

> Usefulness is agreeable, and engages our approbation. This is a matter of fact, confirmed by daily observation. But, *useful?* For what? For some body's interest, surely. Whose interest then? Not our own only: For our approbation frequently extends farther. It must, therefore, be the interest of those, who are served by the character or action approved of; and these we may conclude, however remote, are not totally indifferent to us. By opening up this principle, we shall discover one great source of moral distinctions (*EPM*, 108).

Hume continues:

> we must renounce the theory, which accounts for every moral sentiment by the principle of self-love. We must adopt a more public affection, and allow, that the interests of society are not, even on their own account, entirely indifferent to us. Usefulness is only a tendency to a certain end; and it is a contradiction in terms, that any thing pleases as means to an end, where the end itself nowise affects us. If usefulness, therefore, be a source of moral sentiment, and if this usefulness be not always considered with a reference to self; it follows, that every thing, which contributes to the happiness of society, recommends itself directly to our approbation and good-will (*EPM*, 109).

These paragraphs clearly show that Hume's intention of composing *EPM* is to reveal the fact that, among various kinds of feelings with which men are naturally endowed, there is one of a public or altruistic kind. It makes no difference whether it is termed humanity, benevolence, sympathy, friendship, or social feeling, and it is

true that this feeling might not be as intense as feelings like vanity or ambition, but the point is that it does exist and is generally shared by human beings. Hume's endeavour to prove this point is evident in numerous paragraphs of *EPM*. For example, he writes in the Conclusion that

> It is sufficient for our present purpose, if it be allowed, what surely, without the greatest absurdity, cannot be disputed, that there is some benevolence, however small, infused into our bosom; some spark of friendship for human kind; some particle of the dove, kneaded into our frame, along with the elements of the wolf and serpent (*EPM*, 147).

One purpose of Hume's considering benevolence as the foundation of morals is to object to Hobbes's view that men are only motivated by self-interest and by nothing else. It is true that selfishness, just like benevolence, is also implanted in human nature, but appealing to men's egoistic nature in no way contributes to a stable moral standard which is indispensable for a decent social life. In Hume's view, Hobbes's egoism is not only contradictory to his understanding of morality; it is also a distortion of human nature which Hume would like to oppose by revealing men's altruistic propensity. To put it another way, morality being the cement of society must be generally applicable to every individual in every particular circumstance; therefore morality can only be founded on benevolence or humanity, since

> One man's ambition is not another's ambition; nor will the same event or object satisfy both: But the humanity of one man is the humanity of every one; and the same object touches this passion in all human creatures (*EPM*, 148).

Society would soon collapse without morality, and morality would not contribute to the peace and order of society if an impartial and stable moral standard were not available to overcome men's partiality. Also, in order to achieve this goal,

morality must be founded on the public character of mankind, namely on the character which is common to all mankind and which is directed to the overlapping end: the maintenance of society. Hume's view of the public feature of morality is made explicit in the following paragraph:

> When a man denominates another his *enemy*, his *rival*, his *antagonist*, his *adversary*, he is understood to speak the language of self-love, and to express sentiments, peculiar to himself, and arising from his particular circumstances and situation. But when he bestows on any man the epithets of *vicious* or *odious* or *depraved*, he then speaks another language, and expresses sentiments, in which, he expects, all his audience are to concur with him. He must here, therefore, depart from his private and particular situation, and must choose a point of view, common to him with others: He must move some universal principle of the human frame, and touch a string, to which all mankind have an accord and symphony. If he mean, therefore, to express, that this man possesses qualities, whose tendency is pernicious to society, he has chosen this common point of view, and has touched the principle of humanity, in which every man, in some degree, concurs. While the human heart is compounded of the same elements as at present, it will never be wholly indifferent to public good (*EPM*, 148).

To judge from these paragraphs, one may think that Hutcheson's influence on Hume is evident, but what must be noted is that Hume believes human nature is composed of various passions and propensities, none of which is predominant. As mentioned in the last section, this is the middle course Hume takes between the selfish and moral sense school. However, if this is the case, why does Hume put so much emphasis on the altruistic tendency of mankind in *EPM*? To answer this question is to clarify Hume's purpose of composing *EPM*, and I would suggest that Hume's purpose is to revise his position as revealed in the *Treatise* and to clarify the misunderstanding that he is a disciple of Hobbes. Indeed, what is likely to impress

the readers of Hume's first work is his affinity with Hobbes.[20] For example, Hume's treatment of justice in the *Treatise* takes this virtue as derived from the co-working of human nature and external circumstances in which men are contingently situated. On the one hand, men are by nature fragile and selfish, on the other, the resources which may be collected from the physical environments are inconstant and scarce in comparison with men's endless greed. Consequently, men are driven by their instinct for survival to seek a set of rules in order to prevent the conflicts and disorder arising from the distribution of resources. For Hume, justice turns out to be the norm fundamental to human society because the stability of possessions that justice represents is crucial to a well-ordered societal frame within which each individual may safely pursue self-fulfilment. If this is the outline of Hume theory one is likely to grasp from the *Treatise*, i.e. justice as a virtue originating from men's selfish nature and the scarcity of resources, it seems to be Hume's intention in *EPM* to reject or at least moderate the perception of a close link drawn between his argument and Hobbes's.[21] In *EPM* Hume retains the same structure which frames Book III of the *Treatise*, but the proportion of each section of this structure is changed. In the

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[20] See, for example, Mercer's criticism of the unduly egocentric of Hume's conception of sympathy in the *Treatise* (Mercer, 1972: 44). However, Mercer does not seem to endorse the separate criticism that Hume's philosophy of mind as a whole is unduly egoistic, a view which can be traced, at least, to T. H. Green's 'Introduction' to his edition of Hume's *Treatise* (Green, 1874).

[21] This presumably is a reason why David Gauthier takes the *Treatise* as 'more contractarian' than *EPM*, although his own contractarian interpretation of Hume is primarily based on the latter, because by focusing on a work with which Hume is more satisfied Gauthier intends to establish an account 'which Hume could not but find himself obliged to acknowledge' (Gauthier, 1998:18). In spite of this, Gauthier's intention seems clear: if his contractarian interpretation of Hume based on *EPM* is justified, then it seems less controversial to apply the same view to the more contractarian work, i.e. the *Treatise*. A discussion and rejection of Gauthier's essay is provided in Chapter Five.

Treatise, the space devoted to the discussion of justice and other artificial virtues is twice as large as that of benevolence and the rest of virtues. This is so because that work is Hume's first attempt to explore human psychology, his goal therefore being to trace various moral phenomena in the human world back to the psychological mechanism of mankind and develop a secular philosophical system. In this way, justice, unlike benevolence, which is the product of men's natural feelings, is the result of men's socialisation after a long process of evolution, thus Hume believes that its origin requires a more elaborate account. Since an elaboration of artificial virtues is available in the *Treatise*, in *EPM* Hume then turns to provide a more balanced observation of human nature and virtues, and by doing so he hopes to draw the distinction between himself and Hobbes more clearly. From this perspective, it is then sensible that the idea of utility is endowed with such a primary role in *EPM*. It must be clear that Hume objects to the philosophical systems founded on a specific feature of mankind, for this approach can never provide a comprehensive knowledge of human nature, and is thus based on a weak foundation. Hume's observation of human nature is drawn from experiences of daily life; just as one feels the conflicts of different feelings occurring in him when he faces a difficult situation, these are revealed by Hume as the complexity and changeableness of human nature. When interpreters, based on Hume's theory of justice in the *Treatise*, regard Hume as following Hobbes, this understanding of Hume can only be partial. It is true that, in Hume's view, justice is inseparable from men's selfishness and is meant to restrain it, and so he emphasises how mankind, with the assistance of instrumental reason, pursues self-fulfilment in an oblique and peaceful manner. However this does not mean that Hume is thus blind to other propensities and passions imbedded in human nature: on the one hand, even when one focuses only on the *Treatise*, this is still a

misunderstanding of Hume and intentionally overlooks many other important ideas proposed by Hume in that work, such as familial relationships, community, reputation, and sympathy, among others; on the other hand, given the fact that the partial view of human nature proposed by egoism is incompatible with men's common experience, it would not be endorsed by Hume, since Hume has founded his philosophy on the common experience of most people in their daily life.[22]

Furthermore, the view that Hume is a disciple of Hobbes faces a more critical challenge when we turn our attention from the *Treatise* to *EPM*. For the importance of utility there shows that Hume's intention is to challenge the selfish-egoist school as illustrated by the works of Hobbes and Mandeville, and replace self-love with sociability as the foundation of morality. As stated, Hume thinks that men 'will never be wholly indifferent to public good', but why do we approve of certain acts even if we do not benefit from them? The reason lies in our natural sociability. That is to say, some acts or characters earn our moral approbation because they have the quality of utility, provided that we are not by nature indifferent to what other people are experiencing. From this we may discern that utility and men's natural sociability are closely connected in Hume's theory. However, let us dig deeper. According to Hume's empiricism, perceptions are the very material of mind or consciousness. Whether an act is judged to be good or depraved, its moral qualities are endowed by our moral feelings, although some of the moral feelings are given by nature and some are derived from education and human artifice. Therefore, an act is good because,

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[22] As Hume writes in his essay 'The Epicurean' that 'In our cheerful discourses, better than in the formal reasonings of the schools, is true wisdom to be found. In our friendly endearments, better than in the hollow debates of statesmen and pretended patriots, does true virtue display itself' (*Essays*, 142).

when we contemplate it, the pleasure it brings about motivates us to praise it. By the same token, when an act is described by us as having utility or being useful, that is because its property of promoting public interests is discovered by us, thus our minds endow it with the quality of utility. Different virtues contribute to the public interest by different means. In the case of justice, one single act of justice usually renders individuals or the whole of society victims, if the general performance of this virtue is wanting. By contrast, the contribution of single act of benevolence to the interest of individuals and of society is not lessened by the absence of the general performance of it; its utility is visible as the consequence of every single act. This is the reason why Hume compares the difference between justice and benevolence to developing a vault and a wall: for the former, each stone would fall to the ground if the whole fabric is not supported by the mutual assistance and combination of its corresponding parts; for the latter, every stone heaped on a wall increases its height (*EMP*, 171).[23] What is noteworthy is, if men were by nature indifferent to other people's fate, where the altruistic propensity is not implanted in human nature, then when an act which contributes to the social welfare is observed by us, we would have no feelings about it, not to mention approval of it. Therefore, although utility in *EPM* seems to be taken by Hume as a principle by which various virtues are evaluated, what Hume is primarily concerned with is exploring the question 'Why Utility Pleases?', for in solving this question, Hume may then prove that men are by nature socially-oriented and other-regarding, and this is exactly the main thesis of *EPM*. As Professor Frederick Rosen remarks

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[23] This is how Hume's comparison of justice and benevolence to developing vault and wall is understood in general. For an alternative interpretation of this comparison, see Chapter Five.

The pleasure we obtain from utility is primarily social in nature. We take pleasure in practices, events, laws, and institutions, which are useful to society not only because we receive a benefit from such practices, etc., but also because we are pleased by the pleasure others take in such usefulness. Utility and humanity go hand in hand creating a force for morality in society. They prevail over selfishness and cruelty, because they provide many opportunities for pleasure and happiness (Rosen, 2003: 39).

Professor Rosen's view lends further support to my observation, namely as with sympathy in the *Treatise*, utility in *EPM* is still primarily a psychological conception, thus in neither work Hume has changed his intention of developing a descriptive and explanatory theory of morals. Although the idea of utility has played a more significant role in Hume's thought than in ancient and early modern philosophers, Hume 'did not simply assume that we should approve of utility as a moral doctrine or imperative', because it is not his attempt to provide a utilitarian ideology (Rosen, 2003: 36; 42). The same view is also endorsed by Ronald Glossop, who writes:

In fact, Hume's *Enquiry* is an attempt to empirically substantiate the validity of the utilitarian principle. Hume is not maintaining merely that spectators *should* approve of those qualities which tend to promote the happiness of humanity. He is trying to show that as a matter of fact those qualities which tend to promote the happiness of humanity *are* approved by disinterested spectators (Glossop, 1967: 536, quoted in Rosen, 2003: 37).[24]

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[24] For Glossop's observation that Hume is quite aware of the distinction between analyzing what is happening when people use moral language and making his own recommendations, and has set himself to do the former rather than the latter, see also Glossop, 1976: 363.

The view that Hume's philosophy is descriptive and explanatory is verified by Hume himself when he states at the beginning of Section 2 of *EPM* that

> But I forget, that it is not my present business to recommend generosity and benevolence, or to *paint*, in their true colours, all the genuine charms of the social virtues. These, indeed, sufficiently engage every heart, on the first apprehension of them; and it is difficult to abstain from some sally of panegyric, as often as they occur in discourse or reasoning. But our object here being more the speculative, than the practical part of morals (*EPM*, 79, emphasis added).

Hume's distinction between the speculative and the practical part of morals is just another way of expressing the distinction he draws between anatomist and painter at the end of the *Treatise*. By describing his own role as a moral anatomist before the close of the *Treatise*, Hume hopes to eliminate his readers' suspicion caused by their reading of an unconventional work of moral philosophy which does not instruct them in what ought to be performed.[25] By reaffirming the nature of his theory as speculative rather than practical at the beginning of *EPM*, presumably Hume would like to avoid the suspicion roused in his readers by the earlier work and to assure his readers that, in this fundamental sense, he has not left his original intention behind and is sticking to the standpoint initiated in the *Treatise*, namely it is a scalpel rather than brush that he is holding.[26] Nevertheless, the *Treatise* is still the

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[25] By a detailed comparison between Hume's text and that of Hutcheson's, James Moore points out that Hume's clarification of the difference between painter and anatomist in the Conclusion of the *Treatise* is properly a response to Hutcheson's criticism (J. Moore, 1994: 38).

[26] In *EHU* Hume's distinction between and description of 'easy and obvious' philosophy on the one hand, and 'accurate and abstruse' philosophy on the other, as well as his attribution of his own system to the latter, also verify our observation here (*EHU*, 87-88).

best demonstration of Hume's moral anatomy. Therefore, having observed the development of Hume's thought between his two major works on morals, in the next chapter I will focus on the *Treatise* and try to defend Hume's ethical naturalism.

Chapter 3   Anatomy of Human Nature

3.1   Unsympathetic Criticisms of Hume

Having shown the development of Hume's thought between the *Treatise* and *EPM*, from now on I will further my exploration of Hume's position in the *Treatise* and *EPM* respectively. By clarifying the implications of Hume's moral anatomy in this chapter and his idea of utility in the next chapter, my purpose is to defend Hume's ethical naturalism against the unsympathetic criticism from scholars such as L. A. Selby-Bigge, R. M. Hare, and G. E. Moore. This is part of the endeavour to recover the utilitarian interpretation of Hume's political philosophy and the important role of conservative utilitarianism within British liberal political thought.

A few paragraphs added to his works in order to explain to the readers the task of his philosophy were by no means the only cost to Hume for being faithful to a humble conception of moral philosophy. There was something more substantial Hume was due to pay. Hume is one of the most distinguished philosophers of British tradition, but in his life never held a philosophy chair or enjoyed the professional philosophical status that would now be accorded to him. It was not because Hume did not try, but because his controversial philosophical system as a moral skeptic prevented him from being appointed. In 1744 and 1752 respectively Hume applied for the Professorship at Edinburgh University and Glasgow University, but in both cases the opposition of the zealots such as clergy, William Wishart who was then the Principal of Edinburgh University, along with Professor Francis Hutcheson and Professor William Leechman of Glasgow University prevented his appointments (Mossner, 1980: chap. 12; 246-249). In 1752 Hume's disappointment was brief, for

in the same year he was elected Librarian to the Faculty of Advocates at Edinburgh. In contrast, Hume seems to be more directly involved in the campaign for the Edinburgh chair. In the tense period of this campaign, Hume even published a 'hastily compos'd' letter named *A Letter from a Gentleman to his Friend in Edinburgh*. In this letter Hume answered those charges against him since the publication of the *Treatise*, one of which accused him of 'sapping the Foundations of Morality, by denying the natural and essential Difference betwixt Right and Wrong…making the Difference only artificial, and to arise from human Conventions and Contracts' (quoted in Mossner, 1980: 630).[27] Although Hume was eager for the dignified position, in his answer to the charge he only clarified rather than altered the arguments of the *Treatise*, which the zealots found offensive and problematic. In this defence of his system of morals, Hume demonstrated the affinity between his theory of moral sense and that of Hutcheson, a strategy not without practical consideration. Further, he elucidated the implication of drawing the distinction between natural and

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[27] The philosophical opposition to Hume in 1744-1745 was spearheaded by Francis Hutcheson is a fact that never has been well reconciled with the contemporary view that Hume's moral philosophy was heavily indebted to the sentimentalist theories of Hutcheson. Barry Stroud acknowledges Hutcheson's influence on Hume, he states that Hume 'agrees with the essential of Hutcheson's theory of morality and aesthetics – in fact his work on morals contains many passages only loosely paraphrased from Hutcheson's own writings' (Stroud, 1977: 10). Charlotte Brown also regards Hume as a follower of Hutcheson in endorsing a spectator component in his theory, as contrast to a privilege of the agent component she observes in Samuel Clarke and William Wollaston (Brown, 2008: 219-239). For a brief sketch of the debate between moral rationalism and moral sentimentalism, see W. D. Hudson, 1967: chap. 7. The alignment between Hume and Hutcheson has been contested by other scholars. For example, James Moore rejects the view that Hume is a Hutchesonean; he contrasts Hutcheson's strong alliance with Stoic moralists with Hume's alliance with Epicurean and Skeptic traditions (Moore, 1994: 23-57). See also Stephen Darwall, 1994: 58-82. Instead, Annette Baier argues that it is Shaftesbury who primarily influenced Hume (Baier, 2010: 214-250).

artificial virtues, and explained the reason why justice is categorised amongst the latter.

Hume's fame as a philosopher fared no better in the 19th century. In his short autobiography, *My Own Life*, Hume's candid confession that 'my love of literary fame, my ruling passion' (*My Own Life*, *xl*) contributed to shape the general image of Hume as a thinker who lacked intellectual integrity, and the trajectory of Hume's writings merely reflected his pursuit of literary fame. For example, T. H. Huxley argued that Hume 'abandoned philosophy' after the *Treatise*, 'turning to those political and historical topics which were likely to yield, and did in fact yield a much better return of that sort of success which his soul loved' (quoted in Passmore, 1980: 3). Even in the 20th century J. H. Randall Jnr. was able to comment sarcastically that 'Since he [i.e. Hume] couldn't shock men by a new theory of science, he would try politics and religion' (quoted in Passmore, 1980: 3).

These unsympathetic criticisms of Hume provide a basis for my task in this chapter, namely to clarify Hume's position by reflecting on Selby-Bigge's account of Hume which is to be found in the 'Introduction' to *Enquiries*, a work I started to explore in the previous chapter. Since Selby-Bigge's edition of *Treatise* and *Enquiries* have been a standard text adopted by many Hume scholars, the influence of his view should not be underestimated.[28] Having indicated that Selby-Bigge

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[28] John B. Stewart holds the same view in his reflection on Selby-Bigge's 'Introduction', he writes: 'In examining the relation between the *Treatise* and *Enquiry II*, I have undertaken to reply to some of the comments made by L. A. Selby-Bigge in his edition of the *Enquiries*. I have done this, not because his introduction is notably good, but because for over half a century it has stood as the introduction to the standard edition of these works' (Stewart, 1973: 402 n.8).

misunderstood Hume's idea of utility in *EPM*, I would like to focus on another fundamental question, namely Hume's idea of justice as an artificial virtue. I will argue that an adequate understanding of the implication of Hume's dichotomy between natural and artificial virtues is essential not only for interpreting the *Treatise*, but also for clarifying the relationship between the *Treatise* and *EPM*. Regarding this question, Selby-Bigge's observation is as unsympathetic as other early critics of Hume, as he writes:

> In the Treatise he [i.e. Hume] insisted vigorously, though not very intelligibly, that justice was not a natural but only an artificial virtue, and it is pretty plain that he meant to be offensive in doing so. His argument in the Treatise was, to say the least, awkward, and he may have been glad to get rid of an ungainly and unnecessary discussion. In the Enquiry he dismisses the question in a few words as a vain one, and contents himself with pointing out the superior sociality of justice as compared with benevolence (Selby-Bigge, 1975: xxvii-xxviii).

Selby-Bigge fails to capture the most significant difference between the *Treatise* and *EPM*, and due to this misconception, he therefore criticised Hume's idea of justice in the *Treatise*, quoted above, as being offensive, awkward, and not very intelligible, 'only' artificial but not natural, and he believes this question was dismissed as vain in *EPM* for Hume may have been glad to avoid so unnecessary and ungainly a discussion. At this point I cannot agree with Selby-Bigge, and I will argue that had Selby-Bigge grasped Hume's different intentions in composing the *Treatise* and *EPM*, then he might have realised that his criticism is unfair and inappropriate to the philosopher.

First let us consider Selby-Bigge's claim that Hume 'in the Treatise insisted vigorously, though not very intelligibly, that justice was not a natural but only an

artificial virtue, and it is pretty plain that he meant to be offensive in doing so'. On the surface, it seems that this claim is not so incorrect of itself, as it represents the general reaction to Hume's idea of justice (i.e. the one developed in the *Treatise*) from his general readers, and it has been long lasting from Hume's time to that of Selby-Bigge, and still has impact on many scholars' understanding of Hume's philosophy today. As stated in Chapter Two, Hume regards his role in the *Treatise* as an anatomist of human nature whose purpose is to observe the constitution and operation of human psychology and, at the same time, to reveal the causal connections between human nature and moral phenomena. Just like an anatomist who faithfully records one's observation of the structure of human body, the *Treatise* can be taken as Hume's records of his observation of human psychology.[29] As long as the rules which determine the operation of human psychology may be found by means of experience and observation, Hume can then trace the origins or causes of the moral phenomena back to human nature. This is not only the first and perhaps most fundamental step in his theoretical scheme of founding morality on a secular and empirical basis of human conventions, but also the reason why Hume was so proud of his discovery of the three principles of the association of ideas, including resemblance, contiguity, and causation.[30] Based on Hume's introspection and his observation of people's conduct in their ordinary life, he found that these three rules regulate the operation of human imagination, which, according to Hume, is one

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[29] J. B. Stewart vividly describes the *Treatise* as 'the log-book of a daring voyage of discovery. The voyage is often rough, and the log, often terse' (Stewart, 1973: 328).

[30] In *Abstract*, Hume says that 'if anything can entitle the author [i.e. Hume himself] to so glorious a name as that of an *inventor*, 'tis the use he makes of the principle of the association of ideas, which enters into most of his philosophy' (*Abstract*, 416).

major faculty of human mind along with memory. Given that moral phenomena are the reflections of human mind,[31] then by discovering the rules of the operation of human imagination, we find the causes and the rules of the moral world as well. To put it in another way, the idea of causation in the *Treatise* is not only a rule that regulates the connection of ideas in human minds, it also symbolises the relationship between the three books of the *Treatise*. That is, Hume takes Book III 'Of Morals' as the effects of his explanation of human understanding and passions in the first two books.[32] For a wholly secular and naturalistic philosophical system, Hume's attempt is to explain moral phenomena by means of the principles which he discovers regulate man's rational and emotive faculties. As James King writes:

> *Treatise* III is an endeavour to account for moral distinctions on the basis of a theory of human nature. The elements of the explanation are, generally, perceptions and, specifically, what Hume calls the passions or the 'springs and motives'; these elements are tied together according to dynamic principles, such as sympathy and association, in such a fashion

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[31] For example, Hume writes in *EPM* that, if one is to neglect the difference between the utility of justice and the pernicious consequence of religious superstition, in essence they are not of great difference. One may lawfully nourish himself from this tree, but may not legally touch another tree of the same species ten paces away; a Syrian would rather starve than tasting pigeon and Egyptian would not have approached bacon. There is no difference between the nature of the trees, likewise the feature of holiness or baseness in not to be found in animals by scientist. In both cases, among many others, values are projected (or 'imposed', in Pufendorf's term, see Forbes, 1975: 21) on to objects by human minds (*EPM*, 93-95).

[32] We should keep in mind the sub-title Hume added to the *Treatise* which reveals his intention in that work, i.e. 'Being an attempt to introduce the experimental method of reasoning into moral subjects'. It seems that a sub-title like this corresponds to my view on the relation between three Books of the *Treatise* as stated here. On the other hand, the sub-title also implies that Hume always considered himself as a *moralist* and this original intention had never been changed. It is a goal of this thesis to justify this view.

as to yield a causal account of the moral distinctions or moral sentiments (King, 1976: 350).[33]

Given the fact that causation is the central idea that pervades the whole book of the *Treatise*, it seems to me that the task which Hume is fulfilling in this work is essentially descriptive. This explains why 'Of Morals' is founded on the dichotomy of natural and artificial virtues. For in Hume's causal explanation of moral phenomena, the natural virtues represent those derived directly from human instinct and impulse, while, on the other hand, there remain some virtues which men do not naturally perform before they were educated and socialised, like respecting those objects which belong to others, being loyal to the government, etc. Therefore, when Hume insists that justice is an artificial virtue, his concern is primarily to show that justice is not an effect which has a natural cause in human instinct, but the result of a process of socialisation and evolution which make men suitable for social life 'by rubbing off those rough corners and untoward affections, which prevent their

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[33] Hume's remarks that 'In giving a reason…for the pleasure or uneasiness, we sufficiently explain vice or virtue' (*Treatise*, 303) support the view that the purpose of the *Treatise* is to explain the constitution of morality by means of an account of human nature.

coalition' (*Treatise*, 312).[34] I hope this is sufficient to show that, contrary to Selby-Bigge's criticism, Hume's strategy is in fact intelligible enough.

3.2 Hume's Anatomy of Human Nature

Let us continue to consider the remainder of Selby-Bigge's comments, in which he says that Hume's idea of justice in the *Treatise* is awkward, and, in this way, the same theory did not appear in *EPM* because Hume would be happy to get rid of a theory which had embarrassed himself. In this respect I still cannot agree with Selby-Bigge, and it seems to me that the differences between Hume's two major works on morals imply something of genuinely theoretical importance, rather than just a sign that the philosopher was forced to save himself from trouble under the pressure of social atmosphere or public opinion. To approach the matter obliquely, I would like to consider one famous passage in the *Treatise* that was generally believed to reveal Hume's opinion on the relationship between factual assertions and moral judgments, and had caused many disputes among scholars.

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[34] Not a few clues in the text show that Hume believes that the development of justice and human society reveals a process of human evolutions. For example, he says that 'the chief impediment to this project of society and partnership lies in the avidity and selfishness of their natural temper; to remedy which, they enter into a convention for the stability of possession, and for mutual restraint and forbearance. I am sensible, that this method of proceeding is not altogether natural; but besides that I here only suppose those reflections to be form'd at once, which in fact arise insensibly and by degrees' (*Treatise*, 322-323). Hume's evolutionist view is more explicitly expressed at the beginning of an essay 'Of the Populousness of Ancient Nations', where he writes that the evolution of man, whether psychologically or physiologically, belongs to a part of greater order of nature, and like other species of animals and plants, the progress of human history is inseparable with the evolution of nature (*Essays*, 377-378). In this way, Hume is described as a precursor of Darwin in the field of ethics (Hardin, 2007: 226).

At the end of the *Treatise* Book III Part I Section 1, after demonstrating that morality exists neither in any relations of ideas, nor in any matter of fact, Hume then concludes that morality is not an object of reason against the ethical rationalist such as Samuel Clark and William Wollaston who explain moral goodness in terms of conformity to some abstract rational relation (Buckle, 1991: 256). To verify his argument, Hume asks readers to consider a vicious act such as wilful murder. According to Hume, vice as a moral judgment exists not in the object, but is produced in the spectator when an act such as wilful murder is contemplated. Hume view is expressed in an important paragraph which I will quote at length:

> The vice entirely escapes you, as long as you consider the object. You
> never can find it, till you turn your reflection into your own breast, and
> find a sentiment of disapprobation, which arises in you, towards this
> action. Here is a matter of fact; but 'tis the object of feeling, not of reason.
> It lies in yourself, not in the object. So that when you pronounce any
> action or character to be vicious, you mean nothing, but that from the
> constitution of your nature you have a feeling or sentiment of blame from
> the contemplation of it. Vice and Virtue, therefore, may be compar'd to
> sounds, colours, heat and cold, which, according to modern philosophy,
> are not qualities in objects, but perceptions in the mind: And this
> discovery in morals, like that other in physics, is to be regarded as a
> considerable advancement of the speculative sciences; tho', like that too,
> it has little or no influence on practice. Nothing can be more real, or
> concern us more, than our own sentiments of pleasure and uneasiness;
> and if these be favourable to virtue, and unfavourable to vice, no more
> can be requisite to the regulation of our conduct and behaviour (*Treatise*,
> 301-302).

A number of important points are made by Hume in this paragraph, and it seems that clarifying them would directly contribute to our understanding of the controversial 'is' and 'ought' paragraph.

First, Hume asserts that virtue and vice, unlike solidity, extension, figure, or mobility, are not qualities in the objects; instead, they are perceptions produced by the objects in man, similar to other qualities such as sounds, colours, heat and tastes. In this sense, virtue and vice may be compared to the second qualities, to use Locke's terminology (*An Essay concerning Human Understanding* bk. II chap. 8, hereafter *Essay*). Virtue and vice are particular kinds of pleasure or pain perceived by man's moral sense. When an object causes 'a satisfaction of a particular kind' in man, it earns his praise or admiration; on the contrary, when a feeling of pain or uneasiness is felt, it becomes an object of man's moral disapproval. Hume's intention in rejecting the notion that man's moral judgments are founded on ideas and asserting that they are derived from impressions is to assign this important task to man's sentimental rather than rational faculty (Kemp, 1970: 32; Brown, 2008: 223-224). However, although morals are a matter of sentiment, Hume saying that the experiences man learns from daily life must soon convince him that virtue is based on the pleasure and vice on the pain,[35] what requires a further explanation is the fact that the pleasure and pain we discuss here must be of a special kind. For, first, 'under the term *pleasure*, we comprehend sensations, which are very different from each other' (*Treatise*, 303). For instance, good music and a good wine both bring us pleasure, and the pleasures they produce are the only origins of their goodness. However, people do not normally describe the wine as harmonious and the music as of good flavour. Such is the proof of the different pleasures they produce. What is also noteworthy is that an inanimate object and a person may both bring us

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[35] Hume says that 'pain and pleasure, if not the causes of vice and virtue, are at least inseparable from them' (*Treatise*, 194).

satisfaction, but normally we do not say that an inanimate object is virtuous. This, again, is a proof that moral judgments are based on a particular kind of feelings. Moreover, Hume goes on to argue that while various actions or characters of men cause the sentiment of pleasure or pain in us, not all of them deserve the name 'moral judgments', because not all of them can stand the test of generalisation. For example, in a time of war, the gallantry the enemy show on the field and the loyalty they swear to their country are damaging to my country, therefore they cause my condemnation when I am concerned only with my own interests. However, Hume would not agree that such condemnation equals a moral judgment, since it is derived from the concern for particular interest and will inevitably vary once my situation changes. Thus Hume concludes that ''Tis only when a character is consider'd in general, without reference to our particular interest, that it causes such a feeling or sentiment, as denominates it morally good or evil' (*Treatise*, 303). In other words, only when man's concern for self-interest is overcome by a general moral reflection can a moral judgment be reached; as in the case cited above, the loyalty and bravery of the enemy are esteemed virtuous by me, for they represent the virtues that every soldier should perform in the time of war.

Second, let us consider the example of wilful murder that Hume cited. A man may murder another person for various motives, now here is a matter of fact before us: a person was murdered by another due to a dispute between them. When the situation is examined more carefully, we may find that the murderer was a worker in a factory, his wife and young children being fed by his meagre salary. One day the owner of the factory may have fired this worker for a very trivial reason. The worker thus may have argued with his employer and tried to fight for his own rights, but the

employer turned down his request indifferently. The worker, feeling humiliated and anxious for the life of his family, suddenly loses his self-control; he grabs a knife on the table and stabs the man who, as he believed, was going to ruin his life. In contemplating this case, we may perceive the murderer's depression, anxiety, and anger; meanwhile, we may also perceive the employer's arrogance, indifference, and the pain he suffers before his death. However, no matter how hard we survey the case, we can nowhere find the moral quality of vice which is usually ascribed to wilful murder. This is so because vice is the result of the moral condemnation which was aroused in us by our contemplation of the situation. We are likely to feel sympathetic towards the worker and his family, at the same time, we might detest the employer for being cold-blooded, but when we contemplate that the worker took the employer's life as revenge, a particular feeling of uneasiness naturally arises in our bosoms which drives us to blame such an act and ascribe vice to it. This is precisely why Hume says that, in terms of moral quality of virtue or vice, 'You never can find it, till you turn your reflection into your own breast, and find a sentiment of disapprobation, which arises in you, towards this action'.

Based on this account of Hume's theory of moral sentiment,[36] here then comes a more complicated question, that is, what, if anything, distinguishes facts from values? This question is derived from the famous 'is' and 'ought' passage, however, it seems that before we look into the famous passage to clarify Hume's view on this controversial issue, a clue is to be found in the final sentence of the paragraph quoted above, where Hume says 'Nothing can be more real, or concern us more, than our

[36] For a recent strong defence of Hume's sentimentalism, see Frazer, 2010.

own sentiments of pleasure and uneasiness; and if these be favourable to virtue, and unfavourable to vice, no more can be requisite to the regulation of our conduct and behaviour'.

First of all, more than once Hume asserts the fact observed by him in common life, namely that man is a natural hedonist and the operation of his mind has pleasure and pain as its impetus. For example, Hume says that 'Nature has implanted in the human mind a perception of good or evil, or in other words, of pain and pleasure, as the chief spring and moving principle of all its actions' (*Treatise*, 81). Similarly, Hume remarks in other place that

> The chief spring or actuating principle of the human mind is pleasure or pain; and when these sensations are remov'd, both from our thought and feeling, we are, in a great measure, incapable of passion or action, of desire or volition (*Treatise*, 367).

According to Hume's empiricist psychology, perceptions are only material of the mind. Perceptions may be divided into two kinds: impressions and ideas. Impressions still can be separated into two sorts: impressions of sensation and impressions of reflection. Impressions of sensation are the direct deliverance of the senses: experiences such as heat and cold, thirst and hunger, pleasure and pain, etc. (*Treatise*, 11). When impressions of sensation have faded from the mind, the faint copies they leave are what Hume terms ideas. An idea of pleasure or pain (i.e. the copy of impressions of sensation), when it again comes into the mind, produces new impressions of love and hatred, pride and humility, which are impressions of reflection, and are discussed in detail by Hume in Book II of the *Treatise*. As stated, pain and pleasure belong to the impressions of sensation, and what should be noted is that Hume regards them as objects of the study of natural rather than moral

philosophy, thus claiming that 'The examination of our sensations belongs more to anatomists and natural philosophers than to moral; and therefore shall not at present be enter'd upon' (*Treatise*, 11). Indeed, Hume believes that the impression of sensation 'arises in the soul originally, from unknown causes', and does not seem to express any interest in explaining the process by which these impressions are produced. In other words, Hume simply takes them as an instinctive capacity intrinsic to human nature.

From this perspective, let us now return to the sentence quoted above, which seems clearly represent a process through which values are derived from facts. In the first part of the sentence, Hume says that 'Nothing can be more real, or concern us more, than our own sentiments of pleasure and uneasiness'. As has been explained, this sentence may be understood as meaning that the operation of the mind has pleasure and pain as its impetus. Second, in the sentence that follows, Hume says that 'and if these be favourable to virtue, and unfavourable to vice'. Again, as has been explained, the impressions of pleasure and pain are produced, first and foremost, by the physiology of mankind, and they represent a capacity which is implanted in human beings by nature. Now, following the functioning of such a capacity, we are led to approve an act or character and ascribe virtue to it, or to disapprove an act or character and condemn it to be vicious, due to the particular kind of pleasures or pains they caused in us. As a result, to combine the above two points, norms are thus derived from the feature of human physiology which prescribe human conduct, i.e. we perform acts which bring us pleasure and which are thus regarded as virtuous, and, meanwhile, we abstain from committing those acts which would produce in us pain and, on that account, are vicious to us. This is presumably why Hume ends the

sentence by saying that 'no more can be requisite to the *regulation* of our conduct and behaviour' (emphasis added). In short, according to Hume, men are by nature capable of performing moral acts.

It seems that what is particularly important here is noticing the perspective from which Hume makes this observation. As stated, pain and pleasure, like our perceptions of heat, colour, and voice are the direct deliverance of the senses. They are, as Hume believes, derived directly from the physical constitution of human beings. Therefore, to reveal how we perceive pain and pleasure is not unlike a research into the constitution of our organs such as ears and eyes, those secrets being unveiled by natural philosopher and physical anatomist. From this we may infer that 'a man feels pleasure or pain' is a factual statement, not unlike 'a man hears a voice'. Moreover, as Hume teaches us, men are by nature attracted by pleasure and repelled by pain, therefore we are by nature attracted by virtue which cause pleasure in us and repelled by vice which make us feel uneasy. So far, Hume is still making a factual statement. What, then, is the consequence when we follow our nature as Hume observes here? It is the rise of moral distinctions, i.e. the distinction between good and evil. That is to say, we naturally approbate an act performed by others which raises pleasure in us, and blame others' act for it makes us feel uncomfortable. What is shown here is the process by which a moral judgment is derived from men's natural, physical constitution. When we praise one's act or character, that means we are attracted by the particular pleasure it makes us feel; conversely, when we blame one's act or character, that means the particular pain it causes in us make us detest it. Given that Hume believes that pain and pleasure are the chief impetus and moving

principles of men's actions, i.e. men tend to pursue pleasure and avoid pain by nature, from this it follows that men naturally pursue virtue and avoid vice.

One problem is, an act may bring us pleasure but make others feel painful. For example, even in a house where a gathering is held for a group of non-smokers, smoking brings a smoker pleasure as usual. It is only when the smoker feels the uneasiness which the non-smokers feel by means of sympathy that he judges his own behaviour to be bad and thus restrains himself from performing it. As Charlotte Brown remarks,

> Hume's theory also has the resources to explain why we try to live up to
> the moral ideal. Sympathy ensures that we will inherit other people's
> moral judgments about us, which, in turn, pressures us to see ourselves as
> others see us. If we fall short of the moral ideal by having a trait that is
> harmful or disagreeable to others, but not to ourselves, sympathy will get
> us to disapprove of it. Sympathy may go so far as to make us disapprove
> of our own vices, even when they are beneficial to us (Brown, 2008: 237).

As Stroud notes, men's passions in Hume's observation are 'contagious' (Stroud, 1977: 196), or as Russell Hardin writes 'It is psychological mirroring that leads me to like or dislike something that is done to you, by letting me sense what

you enjoy or suffer' (Hardin, 2007: 42).[37] Indeed, the capacity of psychological mirroring is a major discovery of Hume, as he notes in the *Treatise* that

> the minds of men are mirrors to one another, not only because they
> reflect each other's emotions, but also because those rays of passions,
> sentiments and opinions may be often reverberated, and may decay away
> by insensible degrees (*Treatise*, 236).

The conception of sympathy in the *Treatise* represents a psychological capacity, based on which Hume develops general morality from thoroughly secular and empirical facts of human nature without appealing to *a priori*.[38] It is by means of sympathy that men's sociability and their subjective, individual emotive reactions are communicated and influence each other's thought or even behaviour, and a psychological foundation based on intersubjectivity is thus formed for moral judgments. In this respect Haakonssen writes that

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[37] Hume's affirmation of men's psychological mirroring is, in a way, corroborated by the contemporary neurophysiological evidence from fMRI (functional magnetic resonance imaging) studies of the brain's reaction to others' sensation. What is interesting is that neurophysiological findings do not seem to do more than Hume already did; they verify Hume's claim but the mechanism is not yet thoroughly clear (See Hardin, 2007: 41-45; Frazer, 2012: 169-170). It is also interesting to notice that the obstacle of the development of science had been forecasted by Hume when he says that 'tho' we must endeavour to render all our principles as universal as possible, by tracing up our experiments to the utmost, and explaining all effects from the simplest and fewest causes, 'tis still certain we cannot go beyond experience; and any hypothesis, that pretends to discover the ultimate original qualities of human nature, ought at first to be rejected as presumptuous and chimerical' (*Treatise*, 5).

[38] For an affirmation of interpersonal communication of feelings by contemporary social psychologist, see, for example, Aronson, 1999: chap. 8. Aware or not, the procedure of communication as described by Aronson on p. 419 of his work is highly analogous with Hume's account of the operation of sympathy in the *Treatise*. See, for example, *Treatise*: 207-208.

> On the one hand morality is a matter of the passions, and hence to be dealt with within the framework of his [i.e. Hume's] associationist scheme of the human mind. But at the same time the mind is seen not just as acting, but as interacting with other minds. For Hume, as well as for Smith, morality is not primarily accounted for in terms of the person acting and the subject of his action, but in terms of the reaction of the observer of men's dealings with each other. Morality thus arises out of such triadic relationships (Haakonssen, 1981: 4).

The conception of human nature which Hume displays is a pluralist one,[39] and as I have tried to show, this can be viewed as his attempt to find a middle way between the selfish school such as Hobbes and Mandeville, and the moral sense theory like Hutcheson and Shaftesbury. In Hume's view, although men are by nature benevolent, what is equally obvious is that they love themselves more than anyone else. Whether the tendency of men's selfishness to be stronger or weaker than their benevolence is not the most significant issue, the point is that so long as men's selfishness is recognised as a fact, the imperfection or partiality of human nature is thus acknowledged. Since men are partial, they tend to be seduced by the immediate interests in each particular instance while ignoring the fact that, without a general and stable standard of morals, society would never be formed and everyone would suffer from that primitive and isolated condition. This presumably is the reason why artificial virtues such as justice, allegiance, and fidelity are important, for they are invented to suppress the natural defects of mankind and make a decent social life possible. To be brief, these virtues exist for men's natural defects; the consequence of the observance of artificial virtues is to bring men's partiality under control and

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[39] See also Darwell, 1994: 67, and Balog, 1990: 198. Elisabeth Radcliffe describes Hume's *Treatise* as the most systematic presentation of philosophical empiricism (Radcliffe, 2008: 3).

prevent them from doing harm to each other. In this way, it is not their purpose to give rise to any positive good; Adam Smith famously describes justice as 'a negative virtue', and remarks that 'We may often fulfil all the rules of justice by sitting still and doing nothing' (Smith, 1982: 82). Moreover, it is not inconceivable that virtues such as justice, in a sense, can only emerge artificially, given the fact that the impartiality they embody are in conflict with the partiality of human nature, and are invented by human artifices to restrain it.

From the above observation it follows that, on the one hand, Hume's intention of writing that 'Nothing can be more real, or concern us more, than our own sentiments of pleasure and uneasiness; and if these be favourable to virtue, and unfavourable to vice, no more can be requisite to the regulation of our conduct and behaviour', and on the other, more generally, Hume's intention of composing the *Treatise*, was to provide a naturalistic foundation of morality. Hume indicates that the formation of moral judgment involves both a physiological and a psychological process; exploration of the former belongs to the work of the natural philosopher and physical anatomist, while being a moral philosopher and a moral anatomist such as himself, Hume's mission is to reveal the latter process truthfully. Therefore Hume did not deny that the *Treatise* 'wants a certain Warmth in the Cause of Virtue', since, as he said, 'I forbear insisting on this subject', for 'Such reflections requires a work apart, very different from the genius of the present' (*Treatise*, 395). What is more, Hume says just few paragraphs earlier that

> Those who resolve the sense of morals into original instincts of the
> human mind, may defend the cause of virtue with sufficient authority;
> but want the advantage, which those possess, who account for that sense
> by an extensive sympathy with mankind. According to the latter system,

not only virtue must be approv'd of, but also the sense of virtue: And not only that sense, but also the principles, from whence it is deriv'd. So that nothing is presented on any side, but what is laudable and good (*Treatise*, 394).

Hume clearly indicates in this paragraph that to explore the origins of morals and to preach morals can be conducted only in two distinct systems. The former provides an accurate description of the psychological process from which virtues are originated, but its disadvantage lies in that it does not encourage people to be virtuous. Whereas the latter, based on the psychological facts provided by the former, paints fascinating colours on those facts and contributes to the promotion of virtues. For the work of a painter, not only is the beauty of virtues manifested, but also the sense of virtue, which is a natural faculty of men, along with the principle on which this sense depends, i.e. sympathy, obtaining moral beauty because of their positive roles in forming moral judgments.[40] Now this distinction does not perfectly match Hume's intention of composing the *Treatise* and *EPM*, because, as stated, he regards his mission in both works as exploring the speculative part of morals. However, the point is Hume's description of the practical enterprise of morals has provided some important clues for us to judge how far he has been successful in sticking to the role as a moral anatomist in *EPM*. For example, sympathy in *EPM* has lost its special function as in the *Treatise* and is treated by Hume as a social feeling not dissimilar from benevolence and friendship. Whether this phenomenon matches Hume's description of a normative work, that not only virtues, but also moral sense and the

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[40] For a discussion of the connection between moral judgment and sympathy on which the former is based, see Frazer, 2010: esp. chap. 2.

principle of sympathy are approved of, and that 'nothing is presented on any side, but what is laudable and good', is worth considering when Hume's philosophy is evaluated. The view advanced here is still that Hume's *EPM*, unlike the *Treatise*, implies certain normative tendencies, and this is the price Hume is liable to pay in order to distinguish himself from Hobbes or the selfish-egoist school. However, in any case, Selby-Bigge's comments, that Hume did not reassert the artificiality of justice in *EPM* because he would be happy to get rid of a theory and dismiss the question as vain which had embarrassed himself, is by no means the most adequate reading available to us of Hume's two works.

3.3 MacIntyre's Defence of Hume Ethical Naturalism

We are now in a position to try to interpret the controversial 'is' and 'ought' passage, and to see if the examination we have done above will contribute to our understanding of it. In this section I will concentrate on the passage and introduce a debate arising from its interpretation, and in the next section I will provide an account of Hume's intention in that passage by referring to *EHU*. It seems to me that, although the 'is' and 'ought' passage appears only in the *Treatise*, Hume's own view on this relevant issue is expressed again in a different but more explicit manner in *EHU*. From his argument in that later work we may discern that the target of Hume's criticism is who he calls religious philosophers, among which John Locke is likely to be a target of Hume's reflection. It will also be shown that the intentions behind the controversial passage in the *Treatise* and behind the two sections on miracles and on providence in *EHU* are identical, i.e. they both reveal Hume's attempt to secure a secular foundation for morals and to confine the role of moral philosopher to its proper realm, that is, the speculative part of morals.

Now this is what Hume writes in the 'is' and 'ought' passage:

I cannot forbear adding to these reasonings an observation, which may, perhaps, be found of some importance. In every system of morality, which I have hitherto met with, I have always remark'd, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surpris'd to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*. This change is imperceptible; but is, however, of the last consequence. For as this *ought*, or *ought not*, expresses some new relation or affirmation, 'tis necessary that it shou'd be observ'd and explain'd; and at the same time that a reason shou'd be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it. But as authors do not commonly use this precaution, I shall presume to recommend it to the reader; and am perswaded, that this small attention wou'd subvert all the vulgar systems of morality, and let us see, that the distinction of vice and virtue is not founded merely on the relations of objects, nor is perceiv'd by reason (*Treatise*, 302).

As Alasdair MacIntyre says, how we take what Hume says about 'is' and 'ought' would result in different interpretations of Hume's moral thought in general (MacIntyre, 1968: 264), and it appears that one can derive something from this passage to support his view whether it is for or against ethical naturalism. For example, R. M. Hare's view seems to represent a mainstream interpretation of Hume's position in this passage. According to Hare, this passage should be treated as representing Hume's rejection of deriving moral conclusion from non-moral premises. Hare thinks that Hume had founded his rejection of such argument on the general logical principle that a valid argument cannot proceed from premises to some 'new affirmation' not contained in the premises. This follows that an 'ought' cannot be derived from an 'is' given that moral judgments contain an element which is not

equivalent to anything in the conjunction of the premises. Hare describes this as 'Hume's Law' (Hare, 1972: 43-44; 20). Moreover, Hare argues that the ethical theories which challenge this law are known as naturalism. The term 'naturalism' has been used in a variety of ways,[41] but here Hare's usage is appropriate for our purpose: 'an ethical theory is naturalistic if, and only if, it holds that moral judgments are equivalent in meaning to statements of non-moral fact' (Hare, 1972: 44).[42] In other words, Hare takes Hume's position against naturalism, but this view has not convinced MacIntyre.

MacIntyre indicates that, if Hare's interpretation of Hume is correct, 'then the first breach of Hume's law was committed by Hume', for the development of Hume's own moral theory does not square with what he is taken to assert about 'is' and 'ought' (MacIntyre, 1968: 242). According to MacIntyre, it would be very odd if Hume did uphold the logical irrelevance of facts to moral judgments, for the whole difference in atmosphere between Hume's discussions of morality and those of Hare's springs from the former's interest in the facts of morality. MacIntyre goes on to say that Hume's work is full of anthropological and sociological remarks: 'so far as his moral theory is concerned, the sociological comments have a necessary place in the whole structure of argument' (MacIntyre, 1968: 247). MacIntyre takes Hume's account of justice as example and quotes a passage from the *Treatise*:

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[41] For a discussion of this issue, see Chapter Four below.

[42] This corresponds to Jonathan Harrison's definition of ethical naturalism when he says that 'The view that denies this prima facie distinction between establishing facts about the world as it is and making a moral estimate of the facts is called "ethical naturalism"' (Harrison, 1993 vol.1: 177).

But however single acts of justice may be contrary, either to public or to 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. 'Tis impossible to separate the good from the ill. Property must be stable, and must be fix'd by general rules. Tho' in one instance the public be a sufferer, this momentary ill is amply compensated by the steady prosecution of the rule, and by the peace and order, which it establishes in society (*Treatise*, 319).

MacIntyre argues that this passage has three layers: first, Hume is asserting that it is logically appropriate to justify the rules of justice in terms of interest; second, Hume is also asserting a sociological point that to observe such rules as a matter of fact are conducive to public interest; third, such rules are morally justified because they are conducive to public interest. If the justification of the rules of justice lies in the *fact* that their observance is to everyone's long-term interest, then this is to derive an 'ought' from an 'is'.

However, it may be argued that Hume only appears to contravene his own prohibition, because we may suppose that Hume's argument is defective in the same way to Bishop R. C. Mortimer's, and may attempt to repair it in the way Nowell-Smith repaired the other. In *Ethics,* Nowell-Smith quotes from Bishop Mortimer the following passage: 'The first foundation is the doctrine of God the Creator. God made us and all the world. *Because of that* He has an absolute claim on our obedience. We do not exist in our own right, but only as His creatures, who ought *therefore* to do and be what He desires' (Nowell-Smith, 1954: 37-38 n). On this Nowell-Smith comments that the inference that 'God created us, therefore we ought to obey him', is defective unless and until it is supplied with a major premise, 'We ought to obey our creator'. Similarly, when we observe Hare asserting that a moral

conclusion is reached syllogistically, the minor premise stating 'what we should in fact be doing if we did one or other of the alternatives open to us' and the major premise stating a principle of conduct, his strategy is no different from Nowell-Smith.

This view is criticised by MacIntyre in two aspects. On the one hand, MacIntyre thinks that it is based on an assumption that arguments must be either deductive or defective, but it is due to the same assumption that Hume shows his skepticism about induction. For example, we can pass from 'The kettle has been on the fire for ten minutes' to 'So it will be boiling by now' by way of some such major premise as 'When kettles have been on the fire for ten minutes, they boil'. But if our problem is that of justifying induction, then this major premise itself embodies an inductive assertion that stands in need of justification. If, then, it is pointless to present inductive arguments as deductive, there seems to be no special reason in the case of moral arguments for attempting to present them as deductive. On the other hand, if one somehow ignores the suggestion mentioned above and deems Hume's argument defective in the way that Bishop Mortimer's is and intends to repair it in the way Nowell-Smith repairs the other, then the transition from the minor premise, 'Obedience to this rule would be to everyone's long-term interest', to the conclusion, 'We ought to obey this rule', would be made by means of the major premise, 'We ought to obey whatever is to everyone's long-term interest'. However, MacIntyre thinks that this is not a proper defence of Hume, and the problem lies in the major premise. For in Hume's theory of justice, the notion of 'ought' is equivalent to the obedience to certain rules, while the existence of these rules presupposes the functioning of the idea of reciprocity, i.e. one is willing to restrain one's impulsive desire for goods and seek to satisfy it in a manner that does not cause clash, provided

others will do the same. The idea of reciprocity functions when every member of the society recognises that their private interests can be fulfilled only in a stable and ordered society framed by the rules of justice. In other words, public interests must be secured before each individual could safely pursue their own interests, and this is the origin of justice. [43] In other words, in Hume's theory of justice, an 'ought' represents the obedience to certain rules which implies a consensus on a public interest. In this way, according to MacIntyre, to say that 'we ought to do what is in the common interest' would be 'either to utter an aphoristic and misleading truism or else to use the term "ought" in a sense quite other than that understood by Hume' (MacIntyre, 1968: 249). From this it follows that the locution 'We ought to obey whatever is to everyone's long-term interest' could not lay down a moral principle which might figure as a major premise in the type of syllogism which Hare and Nowell-Smith describe.

The aim of MacIntyre's essay is to oppose Hare's formal interpretation of Hume's passage, and to show the prominent feature of Hume's moral thought which is to manifest the connection between morality and men's factual psychology. MacIntyre has provided more evidence to support his view. He says, first, Hume does not actually say that one cannot pass from an 'is' to an 'ought' but only that it 'seems altogether inconceivable' how this can be done. It would be odd if we take Hume to mean that 'observations concerning human affairs' could not lead to moral judgments, since such observations are so constantly used by Hume himself. Second,

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[43] As will be explained in more details in Chapters Five and Six, I will try to suggest that the idea of reciprocity does not exhaust the essence of Hume's theory of justice, and some other important factors which seem implicit in Hume's observation of human nature must also be taken into consideration.

the force of the passage as it is commonly taken depends on what seems to be its manifest truth: 'is' cannot entail 'ought'. However 'the notion of entailment is read into the passage', for the word Hume uses is 'deduction', and in ordinary 18th Century use this was likely to be synonymous with 'inference' rather than 'entailment'. MacIntyre thus indicates that Hume in the celebrated passage does not mention entailment, 'What he does is to ask how and if moral rules may be inferred from factual statements', and the rest of Book III of the *Treatise* is to address this question (MacIntyre, 1968: 253-254). What, then, is Hume's answer? According to MacIntyre, it is men's emotional reactions. MacIntyre cites an example to show how valid inferences can be made from an 'is' to an 'ought': 'If I stick a knife in Smith, they will send me to jail; but I do not want to go to jail; so I ought not to (had better not) stick a knife in him' (MacIntyre, 1968: 256). One might reply without a doubt that this is a valid inference, but it also is a perfectly ordinary entailment relying upon the major premise 'If it is the case that if I do x, the outcome will be y, then if I don't want y to happen, I ought not to do x'. MacIntyre says that there are good reasons for not treating the argument in question as entailment; the most important one being that by so doing the way in which the transition within the argument is in fact made is obscured. For the transition from 'is' to 'ought' is made in this inference by the notion 'wanting', other concepts which can form such bridge notions between 'is' and 'ought' include: needing, desiring, pleasure, happiness, health, etc., that is, in a word, man's passions. Apart from these concepts, MacIntyre suggests, the moral notions are unintelligible.

To sum up, one point of MacIntyre's reconstruction of Hume's famous passage is that 'we can connect the facts of the situation with what we ought to do only by

means of one of those concepts which Hume treats under the heading of the passions', and for this reason, Hume should not be understood as trying to say that morality lacks a basis, on the contrary, 'he is trying to point out the nature of that basis' (MacIntyre, 1968: 261).[44] MacIntyre's view agrees with my analysis of the important passage preceding the 'is' and 'ought' paragraph as showed in the last section, i.e. Hume has not denied that values can be derived from facts. Later, in *EHU*, Hume put his view in a more explicit manner by arguing that 'The experienced train of events is the great standard, by which we all regulate our conduct' (*EHU*, 194). Indeed Hume attempted to show that whatever norms are observable in human society, they all originate from human nature, that is, from the factual mechanism of human physiology and psychology, thus the sentence above quoted from *EHU* continues 'Nothing else can be appealed to in the field, or in the senate. Nothing else ought ever to be heard of in the school, or in the closet' (*EHU*, 194). This is why one-third of the *Treatise* is devoted to the account of man's emotional reactions, for they are without doubt the factual function of man's natural constitution, but at the same time, they have the effect of regulating man's behaviours as well. Unless this is acknowledged, we would be unable to explain the existence of various social norms and institutions in human society. From this viewpoint, the authors of the moral systems are criticised by Hume in the 'is' and 'ought' passage mainly because they cannot pass from their observations of human affairs or assertion of the existence of God to the moral statements while paying no attention to the psychological process which takes place between and thus bridges the two. The point therefore is, this

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[44] For a defence of Hume against the charge of moral skepticism, see also Ronald Glossop, 1976: 379; 383.

presumably is Hume's intention, so long as the authors took men's emotional reactions into account they would find that any appeal to a supreme being is simply redundant, for that contributes nothing significant other than Hume's view that human nature is the sole origin of morals, except those derived from imagination and conceit.

3.4 Fountain of the Question: Hume's Criticism of Religious Philosophy

The point made at the end of the previous section is implicit in the 'is' and 'ought' passage and is the underlying argument of the *Treatise*, but when *EHU* was published in 1749, it turns out that, this time, Hume's view is clearly stated in two sections named 'Of Miracles' and 'Of a Particular Providence and Of a Future State'. When we reflect on the 'is' and 'ought' passage by referring to these sections, it seems Hume's main concern is obvious to us. That is, he is primarily criticising the fallacy committed by the religious authors who, after affirming 'the being of a God' thence establish a normative moral theory, the purpose of which is to create an order in the human world more perfect than the existing one. In *EHU* Hume's attack on the fallacy of religious philosophers is twofold. On the one hand, Hume challenges the credibility of the Christian scripture, a work mainly founded on testimony, by showing the weakness of its foundation as incompatible with the experience of common people. On the other hand, Hume shows the logical fallacy of religious systems. He advances a fundamental principle that 'The knowledge of the cause being derived solely from the effect, they must be exactly adjusted to each other' (*EHU*, 191). Accordingly, the authors who imagine that the creator 'must produce something greater and more perfect than the present scene of things, which is so full of ill and disorder' have committed the logical fallacy and have founded their

theories on no other foundation than conjecture and hypothesis, which Hume thinks is more the work of poets and priests than philosophers. By observing his criticism of religious philosophy, we are brought to see the main shortages Hume detects in normative theories; in other words, having affirmed that Hume intends his theory to be descriptive, we will now explore his reason.

In Section 10 'Of Miracles' Hume's strategy is clear. First, Hume deprives religion of its holy feature and attributes it to matter of fact, that is, to causal law. Given that most religions are established on the basis of testimony, Hume argues that testimony, not unlike our other experiences of matter of fact, is also subject to the causal law: it is founded on the principle of probability; there is uncertainty implied in it and it may not always be true. Second, once the nature of religion that is subject to men's judgment is made clear, Hume then strengthens his attack by indicating that the testimony which involves miracles can by no means be accepted by most people to be true so long as they are evaluated against their 'regular experience and observation' as accumulated in the daily life. The reason why many people are convinced of the truth of such testimony is because of the weakness of human nature. To observe how this weakness and its connection with religious superstition are exposed by Hume would help us to realise Hume's optimistic attitude towards the progress of civilisation and the development of trade and art as expressed in *Essays*. For Hume, the progress of human civilisation and the prosperity of trade, knowledge, and art of a society are the most ideal and natural way of liberating men from ignorance and superstition. On such issues, the progressivism implied in Hume's view on human history seems clear. The essence of human nature has not changed under different historical conditions, as Hume believes the essence of human nature

to be constant and general. It is just that different social and economic circumstances tend to elicit and moderate different attributes of human nature. For example, were natural resources not scarce relative to men's endless desires, perhaps the selfishness of human nature would have been much less obvious to us, since the competition for resources would no longer be necessary for men's survival. Likewise the development of art and knowledge does not have the effect of eliminating men's fancy for the miraculous, but it could reduce this tendency to the lowest degree by enlightening men and by making them incredulous. The progress of human history in this direction is, for Hume, the consequence compatible with and motivated by the natural sociability of mankind. This is an important reason why the idea of sociability is crucial to my interpretation of Hume.

Hume observes that the nature of most religion is the testimony of barbarians in ancient ages, and he is surprised to find that, even in court the judges with most authority, accuracy, and judgment often find themselves at a loss to distinguish between truth and falsehood in the most recent actions (*EHU*, 183), however, people never entertain any suspicion that the miraculous testimony derived from ancient age can ever be false, since their passions have been engaged in these 'forged miracles, and prophecies, and supernatural events'. Of this phenomenon, Hume provides a series of analyses and powerful criticism. First, Hume argues that, when we are judging the truth of other people's testimony and reports, there are several factors we normally take into account, such as 'the opposition of contrary testimony', 'the manner of their delivering their testimony', 'the character or number of the witness', etc. In other words, when the witnesses contradict each other, when their number is too small and their character doubtful, and when they deliver their testimony either

with hesitation or with too violent assertions, we entertain suspicion concerning the testimony. None of these factors requisite for giving us full assurance in the testimony of men, according to Hume's investigation, is available in history. Secondly, Hume points out the weaknesses of human nature which are closely connected with religious superstition and frequently serve to strengthen each other, a phenomenon that constitutes the origin of Hume's detest of superstition and regarding it more pernicious than factional enthusiasm. For unlike the latter, which promotes men's boldness and ambition and is naturally accompanied by a spirit of liberty, the former renders men tame and abject and fits them for slavery, thus is an enemy to civil liberty (*Essays*, 78). The weaknesses enumerated by Hume as inseparable from superstition are many, such as fear, melancholy, ignorance (*Essays*, 74), inclination to lie, and so on, among which, the agreeable 'passion of *surprise* and *wonder*', or as Hume sometimes puts it, the strong propensity to the extraordinary and the marvellous, motivates men to receive and spread intelligence without reflection. When this passion is combined with the spirit of religion, 'there is an end of common sense' and human testimony has lost all its authority (*EHU*, 175). Hume's highly cautious attitude towards religious and normative philosophical doctrines, and the role of his skepticism as meant by him as a weapon with which to overthrow those philosophical systems based on men's tendency of credulity – after which a descriptive theory founded on human nature is provided by him – is explicit in his criticism of religion:

> A religionist may be an enthusiast, and imagine he sees what has no reality: He may know his narrative to be false, and yet persevere in it, with the best intentions in the world, for the sake of promoting so holy a cause: Or even where this delusion has no place, vanity, excited by so strong a temptation, operates on him more powerfully than on the rest of

mankind in any other circumstances; and self-interest with equal force. His auditors may not have, and commonly have not, sufficient judgment to canvass his evidence: What judgment they have, they renounce by principle, in these sublime and mysterious subjects: Or if they were ever so willing to employ it, passion and a heated imagination disturb the regularity of its operations. Their credulity encreases his impudence: And his impudence overpowers their credulity (*EHU*, 175).

Thirdly, Hume's progressivism is revealed by his contrasting the ancient with the enlightened ages, and attributing the origin of miracles to men's 'ignorance and stupidity' in the former during which time they were 'ready to swallow even the grossest delusion' (*EHU*, 177). According to Hume, that all supernatural and miraculous events chiefly abounded among ignorant and barbarous nations is strong evidence against the truthfulness of testimony. Even if they were received by civilised people, these people usually received them from ignorant and barbarous ancestors with the inviolable sanction which always attend established opinions. To judge from the fact that 'Prodigies, omens, oracles, judgments…grow thinner every page, in proportion as we advance nearer the enlightened ages', we learn that 'there is nothing mysterious or supernatural in the case', but are all derived from 'the usual propensity of mankind towards the marvellous' (*EHU*, 176). As we will see more clearly in the following chapters, Hume's objection to taking traditional values for granted poses a challenge to scholars who interpret him as a conservative. Against the traditionalist interpretation, I will try to show that it is moral conventionalism which Hume inherited from Locke that represents his views more accurately. In the remainder of the same section, Hume then introduces several well-known miracles in the profane history and indicates that no matter how reliable the source and content of the testimony are, he would nevertheless stick to the view that 'the knavery and

folly of men are such common phenomena'. In this way, the falsehood of the testimony can hardly be more miraculous than the miracle itself, so after weighing its probability, Hume would reject almost all violations of the course of nature. Before the end of the section Hume turns his criticism to the Christian religion. He describes the scripture as a book presented by 'a barbarous and ignorant people, written in an age when they were still more barbarous'. After enumerating some of the prodigies and miracles the scripture contains, such as an account of a state of the world and of human nature entirely different from the present, of men's fall from that state, and of the destruction of the world by deluge, he then asks the readers to 'lay his hand upon his heart' and consider seriously whether the falsehood of such a book would be more miraculous than all the miracles it relates.

In Section 11 'Of a Particular Providence and Of a Future State' Hume's attack on religion continues, and the main argument is to defend a secular moral theory by pointing out the logical fallacy of religious systems. That is, their account of the cause has not been proportioned to the effect, as a consequence, they illegally add something to the effect which is nothing but conjecture and hypothesis. What worries Hume is that some religionists regard themselves as controlling the only path to the truth and perfection, and thus mean to dominate the vulgar's moral life. For Hume, it makes no difference whether religionists are motivated by greediness, vanity, or faith, because the price the society is due to pay for this blind and flaming superstition is inevitably enormous. In the sphere of morals, no one may rightfully claim to be superior to the rest. Every practical individual should learn and is free to *paint* his own ideal moral landscape; the consequence of men's superstition along with religionist's regarding their *painting* as the only one worth living is usually

catastrophic. Motivated by his concern, Hume points out in this section that, so long as the logical fallacy of inferring a cause which is not in proportion to an effect and further ascribing those extravagant qualities to the effect is to be prevented, the religious system is in no way more advantageous than a secular moral system, except vainly 'tortur[ing] one's brain' to justify the course of nature upon suppositions and hypotheses. In this way, Hume's attack on the religious systems is consequentialist, and this challenges Hare's formal interpretation of the 'is' and 'ought' passage. That is to say, Hume has no intention of denying the freedom of thought that an individual has of tracing the existing social order to whatever cause he finds suitable and convincing, since this freedom is indispensable to a liberal and plural society in which Hume's own though is cultivated. What Hume is arguing is that when one regards his work as philosophical rather than poetical, when he intends his reasoning to be just, then the cause he provides must be proportioned to the effect that he observes. Therefore, Hume writes: 'A body of ten ounces raised in any scale may serve as a proof, that the counterbalancing weight exceeds ten ounces; but can never afford a reason that it exceeds a hundred' (*EHU*, 190). To the extent that this principle is observed, religionists ought not and need not come backward from the inferred causes to the effects, 'since it is impossible for you to know any thing of the cause, but what you have antecedently, not inferred, but discovered to the full, in the effect' (*EHU*, 193). Accordingly, a science of human nature is a philosophical system with most utility, for it wastes no time and spirits on those subjects purely hypothetical and imaginary. This is why Hume attacks religious systems primarily for their being uncertain, as the subject lies beyond human experience; and for their being useless, as no matter how perfect the supreme being is presumed to be, religionists can never trace back from the cause to the effect and make additions to

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the experienced course of nature or 'establish any new principles of conduct and behaviour' (*EHU*, 194).

Another important clue concerning Hume's position that can be drawn from this section is Hume again confirming the speculative nature of philosophy and objecting to the attempt which regards philosophy as the servant of practical enterprise, whether political or religious. The section was skilfully written in the style of dialogue between Hume and a friend, and the question they are discussing lies in: whether Epicurus deserves criticism for loosening the ties of morality, and should he be seen as pernicious to civil society because of his denial of providence and a future state. Hume's friend then presents himself as Epicurus and delivers a harangue to the Athenian people as presented by Hume. In this supposed self-defence of Epicurus, Hume makes his point fairly clear: that philosopher's denial of a divine being poses not a tincture of threat to public morality for a fundamental reason, namely his philosophy is meant to be speculative and is not intended to have such a practical implication. The accusation of atheist against philosopher reveals religion's ambition to develop its doctrine, once based on faith, now on reason. This ambitious enterprise is not only a distortion of the nature of philosophy and meant to render it a servant of religion, but also exposed the internal contradiction of religious philosophy. That is, religion's ambitious enterprise of absorbing philosophy can never be successful, for in fulfilling its ambition, it must take just philosophical reasoning into account, and when this is the case, religion is going to ruin itself, because a religion which aims to provide a precise causal explanation of the world is not religion any more. This contradiction, fatal to the ambition of religionists, is pointed out by the pretended Epicurus:

The religious philosophers, not satisfied with the tradition of your forefathers, and doctrine of your priests (in which I willingly acquiesce), indulge a rash curiosity, in trying how far they can establish religion upon the principles of reason; and they thereby excite, instead of satisfying, the doubts, which naturally arise from a diligent and scrutinous enquiry. They *paint*, in the most magnificent colours, the order, beauty, and wise arrangement of the universe; and then ask, if such a glorious display of intelligence could proceed from the fortuitous concourse of atoms, or if chance could produce what the greatest genius can never sufficiently admire (*EHU*, 189 emphasis added).

Neither 'sapping the Foundations of Morality' (as quoted at the outset of this chapter) nor 'loosening the ties of morality' are criticisms that Hume or Epicurus deserve, for that is to misunderstand the nature of their works. For both, philosophy is the speculative enterprise which provides an inductive reasoning of human affairs and of social order rather than constructing perfect models of both. It would be a mistake to accuse them of moral skepticism, unless a stable moral consensus is unavailable in the society observed by them. As Epicurus and as Hume says:

I acknowledge, that, in the present order of things, virtue is attended with more peace of mind than vice, and meets with a more favourable reception from the world. I am sensible, that, according to the past experience of mankind, friendship is the chief joy of human life, and moderation the only source of tranquillity and happiness. I never balance between the virtuous and the vicious course of life; but am sensible, that, to a well disposed mind, every advantage is on the side of the former. And what can you say more, allowing all your suppositions and reasonings (*EHU*, 192-193)?

Indeed, no more it seems can be said so long as a just principle of reasoning is not to be violated. It is by this philosophical reasoning that Hume frustrates the ambition of religionists and secures the independent status of philosophy from its

erosion. Nevertheless it must be clear that Hume's task in the two sections discussed here is a philosophical one as a means of exposing the weakness of religious philosophy in terms of its origin and internal logic, for his evaluative judgement of the latter, one will have to turn to Hume's *Essays* and *History*.

Having defended Hume's theory in the *Treatise* in this chapter, in the next chapter I will focus on *EPM*, and my purpose is still to defend Hume's ethical naturalism. Both of these arguments are important for recovering Hume's contribution to the development of conservative utilitarianism.

Chapter 4　　Descriptive Naturalism and Utility

4.1　Ethics: Normative and Metaethical

When we focus on Hume's political theory in the second part of the dissertation, we will be in a better position to discuss Hume's normative views as expressed in a number of important essays and *History*. For now, in order to complete our investigation of Hume's moral psychology, the purpose of this chapter is to deepen the discussion of Hume's moral theory as elaborated on above and define its specific features by reflecting on, first, a debate among contemporary Hume scholars on the feature of Hume's naturalism and, second, within a broader background, on an ongoing philosophical debate in which ethical naturalism has faced so much harsh criticism.

Philosophers writing about ethics usually draw a distinction between first-order and second-order questions. First-order, or normative, issues are about which actions are right or wrong, which actions, character traits, and institutions, are good or bad, and the like. One further distinction has been drawn within normative ethics between questions of moral theory or principle and particular moral issues. The first kind of question concerns the theoretical structure of morality. How is goodness defined and related to rightness? What is the feature of impartiality or universality that a moral theory usually pursues? Does the maximisation of social welfare reveal impartiality, and is maximising aggregate welfare incompatible with distributive justice? On the other hand, substantive moral questions comprehend more specific moral issues. For example, is self-suicide ever justified and on what grounds? Does the state have right to deprive the subjects of their lives in order to punish the crime they commit? Do

animals exist for our pleasure and convenience so we are justified in killing them for the purpose of food, laboratory experiments, or the fur trade? Second-order or metaethical issues, however, deal not directly with the content of first-order questions but focuses on their 'status', and typically take the form of metaphysical, epistemological, semantic, or psychological issues about morality. What is the origin and nature of morality? Does it exist in the form of facts or truths like those which natural science examine? If it does, what is the feature which marks its difference with other facts, and on what basis can it be tested (Brink, 1989: 1-2)? In what follows I hope to show that it is the metaethical issues that Hume's philosophy is primarily concerned with, therefore one might feel frustrated if his purpose of reflecting on Hume's philosophy is to draw a free-standing normative doctrine. Moreover, I will also suggest that Hume's metaethical theory may be depicted as descriptive naturalism to which criticism from intuitionists like G. E. Moore pose no direct threat.

4.2   Varieties of Naturalism

Let us start with a debate occurring among contemporary Hume scholars. As has been said in previous chapters, Hume's philosophy has been controversial since the publication of the *Treatise*, and a large proportion of interpretations of Hume's thought from then on are rather unsympathetic criticisms inseparable from misunderstandings. From one mistaken viewpoint, the purpose of Hume's philosophy is solely negative, that is, it is a skeptical denial of man's knowledge of truth and value. As David Fate Norton indicates, the first published comments of Hume's *Treatise* described it as the work of a 'new free-thinker' with 'evil intentions' (Norton, 1982: 3). In addition, Hume's kinsman Henry Home (later Lord Kames)

launched his attack on moral and epistemological skepticism, of which Hume is a main target. For Lord Kames, Hume is not only skeptical about the real existence of external objects, but also man's perceptions and even man's existence. This negative interpretation was then taken over by another Scottish contemporary of Hume, Thomas Reid. Reid argued that, having inherited the theory of ideas of Descartes and Locke, Hume leads it to its logical conclusion, namely Hume has denied genuine knowledge and real values. In Reid's view, Hume was 'a dangerous skeptic who represented mankind as mere Yahoos and undermined both natural and moral philosophy' (Norton, 1982: 4). With the promotion of another Scottish contemporary and strict critic of Hume, James Beattie, this account of Hume's philosophy was widely accepted among the learned and subsequently became the orthodoxy. As Norton notes, in the next two centuries that followed, 'Hume as a philosopher was Hume the universal skeptic who dogmatically denied the existence of knowledge, causes, substances, freedom, values, and God' (Norton, 1982: 3-4).

But in contemporary studies of Hume, the view that Hume is a purely negative and destructive skeptic has lost most of its credit, this reverse of the trend having much to do with the naturalistic interpretation of Hume to which Norman Kemp-Smith is an important contributor. In 1905, Kemp-Smith's article 'The Naturalism of Hume' was published in *Mind*, and later on the thesis was expanded into *The Philosophy of David Hume* published in 1941. The earlier paper is composed of two parts, one focusing on Hume's philosophy of knowledge, and the other on Hume's ethics. There is, however, a central argument that penetrates the whole paper, namely that Kemp-Smith thinks that either dimension of Hume's philosophy culminates in a novel positive theory of belief. Confronting the time-honoured view of Hume as a

great destructive skeptic, Kemp-Smith aims to show that Hume's overriding aim is positive. The positive theory is a naturalistic one, for it is to explain how certain fundamental beliefs arise by reference to specific natural features of the human mind, such as instincts, propensities, passions, or sentiments. According to Kemp-Smith, 'the establishment of a purely naturalistic conception of human nature by the thorough subordination of reason to feeling and instinct' is the 'determining factor' in Hume's philosophy. In this way, Kemp-Smith indicates that the maxim central to Hume's ethics, namely 'Reason is and ought to be the slave of the passions', is likewise central to his theory of knowledge and can be expressed as 'Reason is and ought to be subordinate to our natural beliefs' (1905b: 339; 1941: 11). By advocating a naturalistic interpretation of Hume's philosophy, Kemp-Smith's work has been deemed a landmark in Hume studies; it defines the important questions of the subject and inspires many Hume scholars.[45] Kemp-Smith does not, however, provide a specific definition of his use of naturalism, and, at the same time, not much help is directly derived from Hume's works, for, as Heiner Klemme rightly remarks, naturalism is a term never used by Hume himself (Klemme, 2003: 130). As a result, although the main stream of Hume research has shifted from the negative view to the positive and naturalistic one, a new debate arises concerning the implication of Hume's naturalism.

Robert Fogelin and Don Garrett, for example, hold that Hume's naturalism is simply 'a naturalistic program intended to offer causal explanations of mental

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[45] For the influence of Kemp-Smith's works, see Don Garrett's 'Introduction' to *The Philosophy of David Hume* (2005: xxv-xl).

phenomena' (Fogelin, 1985: 2, quoted in Garrett, 2005: xxxix n.16, see also Garrett, 2004: 68). For Terence Penelhum, Hume's naturalism is more specifically the programme of trying to show

> how human nature provides us with resources, mostly non-intellectual,
> which enable us to interpret and respond to our experience in ways which
> rationalist philosophers had vainly tried to justify by argument
> (Penelhum, 1975: 17, quoted in Garrett, 2005: xxxix n.16).

A naturalistic interpretation of Hume is likewise recognised by Norton. According to him, Kemp-Smith's naturalistic interpretation does seem to capture the essence of Hume's philosophy on the following two occasions. First, when naturalism is understood as holding (Norton adopting John Dewey's definition) 'that the whole of the universe or experience may be accounted for by a method like that of physical sciences', then, Norton says, 'Hume must certainly be called a naturalist' for his attempt to extend the 'experimental method of reasoning into moral subjects' as showed on the title page of the *Treatise* or for his attempt to explain mental phenomena by the principles and techniques of natural philosophy.[46] Second, Norton thinks that Hume may also be viewed as a naturalist for he has developed his philosophical system on a thoroughly non-religious basis. In other words, Hume has attempted to explain moral values 'from human beings as constituted and active in the world' (Norton, 1982: 15-16). Although Kemp-Smith's view does not seem problematic to Norton, he thinks that the trivial role which Kemp-Smith assigned to reason as thoroughly subject to feeling, instinct, or natural belief is rather misleading and does not contribute to a proper understanding of Hume's position. Norton

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[46] See, for example, Hume's Introduction to the *Treatise*.

describes the core of Kemp-Smith's argument as the 'subordination thesis', and to reject it constitutes a main theme of Norton's *David Hume: Common-sense Moralist, Skeptical Metaphysician* (1982: 5-6, 9, and passim). It should be noted that in objecting to what he calls the subordination thesis, Norton does not reject that Hume does provide a naturalistic theory of belief. His point is rather that Hume does not provide an irrational theory of belief, thus Norton writes: 'We may wish to say that for Hume belief arises naturally, but the activities of reason constitute one of its determining influences or causes' (Norton, 1982: 17).

The debate on the implication of Hume's naturalism does not end here. In *Hume's Naturalism* (1999) H. O. Mounce rejects both views of Kemp-Smith and of Norton. On the one hand, Mounce points out two defects of Kemp-Smith's argument. First, Mounce thinks that Kemp-Smith fails to realise the tension between Hume's empiricism and naturalism. According to Mounce, Kemp-Smith recognises the opening sections of the *Treatise* as empiricist in their tendency, meanwhile Kemp-Smith also argues that these views are only provisional and that they can properly be understood only when they are supplemented with the naturalistic view which occurs later in the same work. However, for Mounce, empiricism and naturalism in Hume's thought are not simply different but incompatible, making it difficult to see how one can arrive at the latter simply by supplementing the former. Mounce indicates that Scottish naturalism, to which he thinks Hume belongs, is religious in spirit; it holds that the mind is to be understood in relation to a world that transcends it. However, in stark contrast, for the 18th century empiricist, the world is to be understood through its reflections in the mind. In this way, Mounce argues that it is impossible to combine these conflicting views in a coherent philosophy. What the *Treatise* does

present us, and what Mounce takes Kemp-Smith as failing to grasp, is an acute tension between two incompatible philosophical doctrines (Mounce, 1999: 6-7).

Secondly, Mounce thinks that Kemp-Smith fails to distinguish clearly between two different types of naturalism and sometimes treats them as interchangeable. One type of naturalism which Mounce thinks represents Hume's view is the Scottish naturalism featured by its religious spirit. By contrast, Mounce identifies another type of naturalism which he takes as incompatible with Hume's position, namely scientific naturalism. This doctrine holds that reality is co-existent with nature, and nature itself is defined as that which falls under the categories of physical science. Since nature falls within those categories and since it is co-existent with reality, the whole of reality may be revealed by scientific inquiry. Science therefore embraces all knowledge. Like Norton, Mounce also cites John Dewey's definition of naturalism as an example, but, contrary to Norton, he takes it as an extreme form of scientific naturalism and as in conflict with Hume's philosophy (Mounce, 1999: 9). Scientific and Scottish naturalism, Mounce argues, are in such stark contrast, that they are confused because of the increasing domination of scientific naturalism, which 'has become the spectacles on the nose of the commentator and turned everything into positivism or empiricism' (Mounce, 1999: 11). Mounce thinks that the work of Norton has illustrated this point. For Mounce, the contrast Norton draws between Hume and the Scottish naturalists such as George Turnbull and Lord Kames is not convincing at all. Norton thinks that the naturalism of the Scottish school is not comprehensive, because up to a point, naturalists depend ultimately on their religious belief. Hence Norton refers to their view as providential naturalism or as a 'curious supernatural naturalism'. For Mounce, however, this shows that Norton identifies

naturalism with the scientific naturalism prevalent in our time (Mounce, 1999: 11). Moreover, Mounce argues that Hume never rid himself of his belief in God (Mounce, 1999: 14); therefore Hume belongs to the camp of the Scottish naturalism and is, contrary to Norton's view, incompatible with the spirit of the scientific naturalism.

Mounce's attributing Hume to the Scottish naturalism and his view that there is a religious tendency underlying Hume's position are not accepted in this thesis. Nevertheless the debate goes on as Mounce is not the only interpreter who challenges the view held by Norton. In *Ethical Naturalism: Hobbes and Hume* (1970) Jonathan Kemp, though motivated by a concern quite distinct from Mounce's, likewise questions the validity of Hume's scientific naturalism. Although on the title-page of the *Treatise* Hume declares his ambition of adopting experimental method in moral inquiry as inspired by the achievements of Isaac Newton in natural philosophy, Kemp thinks that the relation between Hume and Newton is not as straightforward as Hobbes and Galileo. For one thing, 'Hume at no times sets out to demonstrate his conclusions in the manner of a geometrical or strictly logical system', starting with 'definitions' and proceeding to 'regularly proved theorems' (Kemp, 1970: 29). In addition, Kemp describes Hume's naturalism as 'human naturalism', for in spite of his admiration of Newton, Hume does not try to connect phenomena with a systematic metaphysical account of the nature of the universe, but adopts scientific method in his anatomy of human nature. Moreover, Hume, unlike Hobbes, does not aim to draw practical conclusions from a scientific account of human nature regarding what men ought to perform. On the contrary, what Hume attempts to do is to explain the facts of human nature by a few general principles, and in this respect Hume was inspired by Newton's explanation of the behaviour of matter by the three

laws of gravitation. For Hume, the way in which, and the reasons for which, men do actually praise and condemn certain kinds of act or character form part of the facts to be examined (Kemp, 1970: 29-30). Thus Kemp concludes by describing Hume as a 'descriptive moralist' and remarks that

> [Hume] is a naturalist, not because he does something that hostile critics can condemn as committing the naturalistic fallacy in some form or other, but, quite simply, because he finds the key to the description and explanation of the moral judgments men actually make in the basic facts of human nature, not in the supernatural realms of theology nor in the *a priori* categories of rationally determined fitness and unfitness of things (Kemp, 1970: 52).

Though being more cautious about applying the notion of scientific naturalism to Hume, Kemp's account of Hume's naturalism is not entirely incompatible with that of Norton's. His use of descriptive naturalism and the contrast he draws between Hume and Hobbes as two distinct philosophical paradigms agree with my argument, and in later chapters, I will try to refute the view which treats Hume as a successor of Hobbes. For now, based on the survey above, what I would like to show is that although not a few scholars agree that Hume could be viewed as a naturalistic philosopher, a consensus has not yet been reached among them about what the specific features of Hume's naturalism are. Indeed, Hume himself says of the term 'natural' that 'there is none more ambiguous and equivocal' (*Treatise*, 304). In the remainder of this chapter I shall try to clarify the features of Hume's naturalism, and to defend it by locating it within an ongoing philosophical debate in which ethical naturalism is the main target of scholars' criticism.

4.3 Features of Hume's Descriptive Naturalism

To find a way out of the debate on the features of Hume's naturalism, it might be helpful to consider the views of Heiner Klemme and Peter Railton. Klemme argues that two different versions of naturalism exist in Hume's thought. First, he considers Hume a descriptive naturalist, for Hume attempts to describe the working of our faculties in belief formation (Klemme, 2003: 130). Second, according to Klemme, Hume is also a normative naturalist, because he claims that we have good reasons to believe certain things, such as the sun rising again tomorrow. These good reasons are based on custom and habit, and they may also be called justifying reasons because they are reasons for which we place our trust in science and in our daily life (Klemme, 2003: 130-131). It seems that Klemme's view cannot be accepted without qualification, for although the conception of belief or natural belief has normative force and may prescribe men's conduct; it is in people's common affairs of life that this normativity is demonstrated rather than in Hume's philosophy. To put it differently, what we should always bear in mind is that Hume regards himself as an anatomist of human nature rather than a painter when composing the *Treatise* and *Enquiries*. In this way, although we find in these philosophical works Hume's comments that natural belief is sufficient to cure men of 'philosophical melancholy and delirium' and to save us from 'the deepest darkness' of pyrrhonism, Hume by no means attempts to instruct us that we ought to follow our natural beliefs which may 'dispel these clouds' and 'obliterate all these chimeras' (*Treatise*, 175). Instead, he is just describing what men, Hume himself included, are already performing in the everyday life, and this is why these beliefs are 'natural'. As Hume writes:

I dine, I play a game of back-gammon, I converse, and am merry with my friends; and when after three or four hour's amusement, I would return to these speculations, they appear so cold, and strain'd, and ridiculous, that I cannot find in my heart to enter into them any farther (*Treatise*, 175).

This then makes sensible Hume's comments in the Introduction to the *Treatise* that 'we ourselves are not the only beings, that reason, but also one of the objects, concerning which we reason' (*Treatise*, 4). [47] In other words, a significant contribution from Hume's philosophy consists in this discovery rather than in the construction of the crucial role which natural belief plays in our everyday life; were human nature not as it is, were habit and custom not the second nature of men, it is conceivable that natural belief would not have had its importance in Hume's philosophy. Accordingly, although Klemme's distinction between Hume's descriptive and normative naturalism seems sensible, it should be added that the relationship between these forms of naturalism in Hume's philosophy may be compared to concentric circles: the centre is human nature, and the normative naturalism is a smaller circle surrounded by the bigger one of the descriptive naturalism that underlies Hume's philosophy. If this is the case, one may go on to ask, what are the features of Hume's descriptive naturalism? In replying to this important question, let us consider Peter Railton's analysis of naturalism.

According to Railton, naturalism can be a doctrine about either method or substance. In terms of methodological naturalism, it holds that 'philosophy does not possess a distinctive, *a priori* method able to yield substantive truths that, in principle, are not subject to any sort of empirical test' (Railton, 1989: 155). A methodological

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[47] I owe this point to Professor Roy Tseng.

naturalist believes that, not dissimilar from the empirical research conducted in the natural and social sciences, philosophical investigation should employ *a posteriori* method (Railton, 1989: 155-156). On the other hand, substantive naturalism is not primarily concerned with philosophical method, but with philosophical conclusions. A substantive naturalist puts forward 'a philosophical account of some domain of human language or practice that provides an interpretation of its central concepts in terms amenable to empirical inquiry' (Railton, 1989: 156). It is worth noting that, as Railton indicates, these two forms of naturalism are not essentially connected: it is not unlikely that we arrive at a substantive naturalistic interpretation by *a priori* conceptual analysis; likewise, a methodological naturalist needs not arrive at substantive naturalistic conclusions (Railton, 1989: 156). Now let us consider whether Hume's philosophy is naturalistic in either of these senses.

First, it seems that the way in which Hume develops his science of human nature effectively illustrates the essence of methodological naturalism. Hume expressed his thought in a letter when he was only twenty-three:

> I found that the moral Philosophy transmitted to us by Antiquity, labor'd under the same Inconvenience that has been found in their natural Philosophy, of being entirely Hypothetical, & depending more upon Invention than Experience. Every one consulted his Fancy in erecting Schemes of Virtue & of Happiness, without regarding human Nature, upon which every moral Conclusion must depend. This therefore I resolved to make my principal Study, & the Source from which I wou'd derive every Truth in Criticism as well as Morality (*Letters* vol.1: 16).

As Passmore remarks, what is implied in this passage is Hume's belief that 'moral science had yet to experience its Newtonian revolution', and Hume's main task was to show that the 'Newtonian methods of philosophising' are as applicable in

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the moral as they are in natural philosophy (Passmore, 1980: 8). This intention of Hume has been made fairly clear in the Introduction to the *Treatise*. There Hume first declares that the importance of the study of human nature lies in its being the capital of all sciences, thus not only moral subjects, even mathematics, natural philosophy, and natural religion, are all in some measure dependent on it. In this way, by bringing human nature into focus, Hume regards himself as helping to 'propose a compleat system of the sciences, built on a foundation almost entirely new, and the only one upon which they can stand with any security' (*Treatise*, 4). Having identified the subject matter of his research, Hume goes on to introduce his research method. His science of human nature reveals 'the application of experimental philosophy to moral subject', so it can only be conducted by means of experiments and observation within the boundary of experience. It is not the purpose of Hume's moral philosophy to reveal the ultimate principle of human nature; on the contrary, he believes that those who went beyond experience were simply imposing their conjectures and hypotheses on readers, which for Hume must be an error and no reliable knowledge can be derived from it. However, Hume notices a difference between natural and moral philosophy. Unlike natural philosophy, observation and experiment in moral philosophy cannot be carried out purposely, because this will influence the psychology of the observed and bias will be inevitable. To avoid this, Hume suggests that

> We must therefore glean up our experiments in this science from a
> cautious observation of human life, and take them as they appear in the
> common course of the world, by men's behaviour in company, in affairs,
> and in their pleasures (*Treatise*, 6).

Hume's disapproval of *a priori* knowledge and his stringent adherence to *a posteriori* approach in his science of men aligns with Railton's definition of methodological naturalism. To strengthen this observation, let us turn to Section 1 of *EPM* 'Of the General Principles of Morals'*, in which Hume again introduces his research method and shows the substantive rather than formal feature of it, which is not different from what a methodological naturalist would hold (Railton, 1989: 156). First, Hume claims that his goal in *EPM* is to 'discover the true origin of morals' (*EPM*, 76); by this he means that he will explore the origin of moral phenomena in human psychology, and provide an account of how the constitution of human nature and its interaction with external circumstances gives rise to various virtues and vices. In other words, what Hume is concerned with is not prescribing what ought to be performed by a virtuous man; instead, he attempts to provide a psychological explanation of the status of our moral values and the nature of moral evaluation. This corresponds to what has been argued above, namely, to apply the terms of present-day, that they are not normative but metaethical questions that Hume is addressing in his philosophy. Moreover, Hume distinguishes between two different methods of conducting moral inquiry. For the first method, a general abstract principle is established beforehand and 'is afterwards branched out into a variety of inferences and conclusions' (*EPM*, 77). Of this Hume comments that, ostensibly, it may be a more perfect approach, yet it should be rejected for not being founded on fact and observation, and thus is usually a common source of illusion and mistake in morals as well as in other subjects (*EPM*, 77). Alternatively, the other method which Hume calls 'a very simple method' is based on observation. In adopting this method, the philosopher has to consider every attribute of the mind which renders a man an object of esteem or contempt, and by doing so he aims to 'collect and arrange the

estimable or blameable qualities of men' (*EPM*, 76). The function of reason is to discover the circumstances on both sides, to reveal the particular feature commonly shared by the estimable qualities on the one hand, and by the blameable on the other, 'thence to reach the foundation of ethics' and 'find those universal principles, from which all censure or approbation is ultimately derived' (*EPM*, 76-77). In brief, Hume concludes, for the moral inquiry concerning the question of 'fact' rather than of 'abstract science', experimental method is the only way to success (*EPM*, 77).

If this is sufficient to show that methodological naturalism is a feature of Hume's philosophy, let us continue to consider whether it is also substantive naturalism. To clarify this, it might be helpful to locate Hume's philosophy in an ongoing philosophical debate. First let us recall briefly some of this debate, and ethical naturalism, being our main concern here, may be a good place to start. According to Richard Brandt's definition,

> The essential thesis of naturalism is the proposal that ethical statements can, after all, be confirmed, ethical questions answered, by observation and inductive reasoning of the very sort that we use to confirm statements in the empirical science…because of what ethical statements *mean* (Brandt, 1959: 152).

Brandt's definition agrees with Railton's when its two components are observed. The one is methodological, i.e. ethical naturalism asserts that 'ethical statements can be confirmed or verified' in a way parallel to that 'in which the statements of the empirical sciences can be confirmed', for ethics is a department of empirical science (Brandt, 1959: 155). Another is about the substantive meaning of ethical statements: 'naturalists hold that any ethical statement can be translated, without any change of meaning, into a statement in the language of empirical science'

(Brandt, 1959: 155). An example of this is Bentham's view that something being 'morally right' means it 'will contribute maximally to the happiness of sentient creatures' (quoted in Brandt, 1996: 2). During the first thirty years of the last century, a dominant position known as nonnaturalism or intuitionism was critical of naturalism. Intuitionist philosophers such as Henry Sidgwick, G. E. Moore, and W. D. Ross, admit the existence of moral facts and moral truths, but they do not agree with the naturalist's proposal about the meaning of ethical statements. As a consequence, they reject the naturalist's view that moral facts are verifiable by observation. For intuitionists, one can know that ethical statements are true; however the way one knows this is not by observation but by 'intuition' or 'rational insight' (Brandt, 1959: 152; Brink, 1989: 2-3). Afterwards, in the 1930s, 1940s, and 1950s, the rise of one philosophical school in response to intuitionism was known as noncognitivism. Noncognitivists such as C. L. Stevenson, A. J. Ayer, R. M. Hare, and Patrick Nowell-Smith, reject the thesis held by both naturalism and intuitionism. They think that moral claims are fundamentally noncognitive in character. From this viewpoint, moral claims do not make assertions of facts, but are used to express attitudes or issue the commands of the moral agent. Therefore, moral claims are not used primarily to tell us that something is the case, and moral knowledge is not possible (Brandt, 1959: 152; Brink, 1989: 3).

The sketch of this contemporary philosophical debate is oversimplified, not to mention that nothing has been said about the philosophers who returned to first-order moral issues in the 1960s and 1970s, the most remarkable, among others, being Brian Barry's *Political Argument* in 1965 and John Rawls's *A Theory of Justice* in 1971 (Kelly, 2000a: 3). However, it might be sufficient for our purpose here, for one way

to defend our interpretation of Hume's philosophy as descriptive naturalism is to consider whether it can stand the attack from intuitionists such as G. E. Moore, whose argument is influential and requires attention from those interested in the debate about naturalism (Simpson, 1987: 11). Another benefit of relating our account of Hume to the contemporary debate is that the features of his descriptive naturalism will become more explicit. In examining Hume's philosophy, by reflecting on Moore's criticism of naturalism, the question as to whether substantive naturalism is applicable to Hume is also taken in to account, for what is crucial in both cases is determining whether Hume has attempted to define the idea of good and, if he has, how?

4.4   Utility and Good

A substantive naturalist, as defined by Railton, proposes an 'account of some domain of language or practice that provides an interpretation of its concepts in terms amenable to empirical inquiry'. Along with the example of Bentham, others such as Edward Westermarck who argues that to say an action is reprehensible is essentially to say 'I have a tendency to feel moral disapproval toward the agents of all acts like this one' (quoted in Brandt, 1959: 166), also like Herbert Spencer who argues that we call 'good the acts conducive to life, in self or others, and bad those which directly or indirectly tend towards death, special or general' (quoted in Moore, 1993: 102), are also committed to a naturalistic view. In *Principia Ethica*, Moore introduces the expression 'the naturalistic fallacy' for the mistake that he supposes all proponents of ethical naturalism to have made. Moore thinks that goodness is a unique, unanalysable, and nonnatural property; therefore any attempt to define goodness in terms of natural property must be a mistake. Moore's proposal is

founded on two grounds. First, he thinks that those who try to define 'good' in terms of natural property have confused the question of 'what sorts of things are good' with the question of 'what goodness itself is' (Mackie, 1990: 50-51). We may answer the former in naturalistic and descriptive terms, but unlike the latter, it does not provide a definition of 'good' *per se*. Second, Moore appeals to what is known as the 'open question' argument. Suppose a naturalist defines 'good' as 'conducive to pleasure'; in that case it is not absurd for a person who understands the meanings of both to ask 'is good conducive to pleasure?'. When we substitute 'conducive to pleasure' any other definition, for example, 'conducive to evolutionary survival', it is still sensible to ask 'is good conducive to evolutionary survival?', so the question remains open. However, Moore's point is that, if the proposed definition of 'good' is a correct one, the question would not still be open, for it is absurd to ask a question like 'is good identical with good?' (Mackie, 1990: 51)

To see if Moore's open question argument poses a challenge to Hume's theory, we must first decide whether, or in what sense, Hume is a substantive naturalist. In *EPM* Hume argues that, in comparison with the development of natural philosophy that 'bulk and figure of the earth have been measured and delineated', and 'the order and economy of the heavenly bodies' have been subjected to the proper laws of natural philosophers, it is regrettable that the principle of morals derived from observation and inductive reasoning, i.e. 'personal merits consists entirely in the usefulness or agreeableness of qualities to the person himself possessed of them, or to others' (*EPM*, 152), has not yet been recognised. In this way, Hume says he cannot help but suspect the truth of the principle. This statement, of course, is rather an oblique confirmation of the validity of that principle, on which Hume founds his

moral theory both in the *Treatise* and *EPM*. It is interesting to notice that, as Ronald Glossop argues, 'although this groupings form the outline for the organisation of the *Enquiry* [and the *Treatise*], Hume wants us to view them as arising out of an original unorganised list of virtues', because 'his grouping is arrived at inductively' (Glossop, 1967: 534).[48] A large proportion of Hume's moral theory is about how men's acts are perceived by an impartial observer (see also Frazer, 2010: 44). Egoists would object that this is implausible, for man evaluates things simply by his concern for self-interest. But the view of egoistic hedonism is exactly what Hume rejects in his theory, the reason being that it is in conflict with men's experience in daily life, as they do not approve or disapprove of characters and acts simply because they are or are not beneficial to themselves (Plamenatz, 1958: 25, 30). In other words, Hume does not take the impartial observer as a hypothetical character who exists only theoretically. On the contrary, based on the fact that Hume's moral theory is founded on induction and observation, we may infer that for Hume the impartial observer is a character empirically implanted in human nature. Also, by appealing to this character, Hume intends to show that it is public utility instead of self-interest that underlies the fourfold catalogue of virtues mentioned above, and thus underlies morality. In this way, it seems that Hume identifies 'good' with what brings man pleasure through disinterested contemplation: whatever quality causes pleasure in an impartial observer, it will turn out to fit into at least one of four catalogues, utility being an

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[48] Glossop goes on to point out that an impartial spectator would approve of those qualities of character which are '*useful* or *agreeable* to the *person himself* or to *others*' (*EPM,* 145) is 'not true by definition', but is 'a synthetic proposition whose truth is discovered by empirical methods' (Glossop, 1967: 534-535).

ingredient shared by all of the acts or characters comprehended under the catalogues.[49] From this it follows that Hume identifies 'good' with his idea of utility, or to put it differently, it is because the character traits, which are useful or agreeable either to the possessor of them or to others, touch our humanity and earn our approval that they are esteemed good. For instance, at the end of his discussion of character traits that are 'immediately agreeable to the possessor', such as courage, philosophical tranquillity, and the tenderness of the sentiment, Hume writes that

> No views of utility or of future beneficial consequences enter into this
> sentiment of approbation; yet is it of a kind *similar* to that other
> sentiment, which arises from views of a public or private utility. The
> *same* social sympathy, we may observe, or fellow-feeling with human
> happiness or misery, gives rise to both (*EPM*, 138 emphases added).

Hume's point here is that it is the passions of similar nature that motivate us to approve of those useful and agreeable qualities whether we benefit from them or not. In concluding his discussion of qualities 'immediately agreeable to others', Hume again confirms this by saying that:

> We approve of another, because of his wit, politeness, modesty, decency,
> or any agreeable quality which he possesses; although he be not of our
> acquaintance, nor has ever given us any entertainment, by means of these
> accomplishments. The idea, which we form of their effect on his
> acquaintance, has an agreeable influence on our imagination, and gives
> us the sentiment of approbation. This principle enters into *all* the

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[49] Glossop thinks that the principle 'useful or agreeable to the person himself or to others' can be viewed as equivalent to the phrase 'tending to promote the happiness of humanity', for even those qualities which are useful or agreeable to one's own also tend to promote the general happiness of society, 'since the person himself is a member of society' (Glossop, 1967: 535).

judgments, which we form concerning manners and characters (*EPM*, 143-144 emphasis added).

Accordingly, Hume presumably would not mind if his fourfold catalogue of virtues is described as being united by the principle of utility. What should be noted is that utility was not taken by Hume as an objectified moral principle that prescribes what man ought to perform when facing moral dilemmas. Instead, it is because utility already plays a significant part in our daily social life that Hume manifests it in his philosophy and uses it to demonstrate the socially-oriented nature of human beings. In other words, what Hume hopes to reveal by manifesting utility is its connection with the natural sociability of mankind, thus he says: 'we resolve the pleasure, which arises from views of utility, into the sentiments of humanity and sympathy' (*EPM*, 151). From this perspective, the publication of *EPM* was not intended by Hume as a deviation from the *Treatise*, for it still adheres to the psychological scheme which Hume commenced in his first work, and utility is meant to be the supplement to the central idea of that scheme, i.e. sympathy.

To clarify Hume's definition of good, let us say something more about Hume's theory of the impartial observer. As stated, the impartial observer for Hume is not just a philosophical device but a tendency of human nature, therefore it is not a hypothetical conception used by Hume to create a universal moral criterion, but a psychological status man actually enters when a moral judgment is to be made. However, the psychological status man creates in his mind is indeed a hypothetical situation primarily based on imagination. In our daily life, we make various moral judgments in many of which we are merely observers and which we may have no similar experience of beforehand. For example, we do not need to have been the

victims of war in order to acquire a sense of its cruelty.[50] Despite this, we may still reach moral consensus with other fellows of the society with the aid of imagination and sympathy. I am not sure whether it is appropriate to describe this psychological mechanism, like Ronald Glossop does, as the 'analytic part' of Hume's ethical theory (Glossop, 1967). Yet Glossop does address a number of important questions which are helpful in grasping the essence of Hume's moral theory. For example, as stated, Hume's moral theory provides a description of how various mental qualities are evaluated by an impartial observer, and by describing an observer as 'impartial', Hume means, first and foremost, a man who is informed about the circumstances of the matter which he is contemplating, and this being the first step towards making a 'moral' judgment. Here reason performs its instrumental function of conveying relevant circumstances before a judgment is formed. Hume writes:

> in moral deliberations, we must be acquainted, before-hand, with all the
> objects, and all their relations to each other; and from a comparison of
> the whole, fix our choice or approbation. No new fact to be ascertained:
> No new relation to be discovered. All the circumstances of the case are
> supposed to be laid before us, ere we can fix any sentence of blame or
> approbation. If any material circumstance be yet unknown or doubtful,
> we must first employ our enquiry or intellectual faculties to assure us of
> it; and must suspend for a time all moral decision or sentiment. While we
> are ignorant, whether a man were aggressor or not, how can we
> determine whether the person, who killed him, be criminal or innocent
> (*EPM*, 160)?

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[50] As Stroud writes that 'we can sometimes make ourselves feel sick or afraid just by thinking about certain things; a thought leads to a feeling. In Hume's terms, an idea is converted into an impression. That is just what happens when we observe or contemplate other people who are feeling certain things, and this is how we can be affected and moved by their feeling what they do' (Stroud, 1977: 196).

It is in this way that reason functions as the slave of the passions (*Treatise*, 266). However, being well-informed has no necessary connection with a just judgment; the reason lying in the partiality of human nature. It is not inconceivable that, even if one is familiar with the context of a certain event in which his relative and other strangers are involved, a sentiment in favour of his relative would arise in him because of the private connection between them. To solve this problem, Glossop indicates that one must distinguish between a 'sentiment of approval' and a 'judgment of approval' (Glossop, 1967: 529-531). As stated, it is with the aid of imagination and sympathy that man is able to judge as an observer. Although sympathy is described by Hume as the most remarkable quality of human nature, and as a principle 'by which we enter into the sentiments' of others to 'partake of their pleasure and uneasiness' (*Treatise*, 206; 234), it cannot entirely eliminate the partiality rooted in human nature. Therefore, when the objects are related to us in one way or another, it would be easier for us to conceive of the feelings they entertain, as Hume says

> The sentiments of others have little influence, when far remov'd from us, and require the relation of contiguity, to make them communicate themselves entirely. The relations of blood, being a species of causation, may sometimes contribute to the same effect; as also acquaintance, which operates in the same manner with education and custom…All these relations, when united together, convey the impression or consciousness of our own person to the idea of the sentiments or passions of others, and

makes us conceive them in the strongest and most lively manner (*Treatise*, 207).[51]

Clearly a partial sentiment of approval derived from sympathy cannot be the foundation of morals, thus Glossop suggests, instead of actual sympathy, we should appeal to *ideal* sympathy which give rise to a *judgment* of approval featured by its disinterestedness. This means that to make a moral judgment, 'we must be *equally* concerned about the interests of each and every human being'; whenever we do not actually have such concern, we create one with imagination (Glossop, 1967: 530). What Hume says seems to verify this account of him:

> 'Tis only when a character is consider'd in general, without reference to
> our particular interest, that it causes such a feeling or sentiment, as
> denominates it morally good or evil (*Treatise*, 303; quoted in Glossop,
> 1967: 531).

Accordingly, Glossop thinks that Hume's definition of virtue as '*whatever mental action or quality gives to a spectator the pleasing sentiment of approbation*; and vice the contrary' (*EPM*, 160), could be restated as 'A virtue is whatever mental action or quality evokes a *judgment* of approval in a fully-informed spectator'

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[51] Although Glossop tends to think that sympathy shares the partiality of human nature, therefore a reflection is required before a moral judgment arises, he, mainly due to the ambiguity of Hume's language, does not rule out the view that sympathy may produce disinterested sentiments of approbation which need no correcting (Glossop, 1967: 530-531). The passage quoted above supports the first view, and that is also the view I endorse here. See also Michael Frazer, 2010 where Hume's position is described as 'reflective sentimentalism', and Jonathan Harrison, 1981: 271. For the account of sympathy which bears affinity with the second view, see Craig Taylor, 2002 where sympathy is described as an unreflective, 'primitive' response to the suffering of another, Gordon holds the same view in Gordon, 1995: 728.

(Glossop, 1967: 531). If this is an adequate modification of Hume's definition of virtue, and when the generality of human nature also taken into account, Glossop concludes that Hume's definition of virtue implies the universality of morals, for with these elements, a moral judgment made by a spectator will also be endorsed by everyone else who takes the same view. The following passage quoted from *EPM* supports this:

> The notion of morals implies some sentiment common to all mankind, which recommends the same object to general approbation, and makes every man, or most men, agree in the same opinion or decision concerning it. It also implies some sentiment, so universal and comprehensive as to extend to all mankind, and render the actions and conduct, even of the persons the most remote, an object of applause or censure, according as they agree or disagree with that rule of right which is established. These two requisite circumstances belong alone to the sentiment of humanity here insisted on (*EPM*, 147-148).

On the basis of the interpretation of Hume's theory as stated above, does his definition of virtue identify 'good' with natural property? It seems it does, for it is pleasure, though of a disinterested and imaginatory kind, that constitutes the main ingredient of moral judgment. That is to say, Hume thinks that 'good' denotes a particular kind of sentiment. From this it follows that Hume is a substantive naturalist as Railton defines it. What we must go on to ask is, to use Moore's expression, does Hume thus commit naturalistic fallacy? I think probably not. The reason lies in the particular relation between Hume's methodological and substantive naturalism, or, to put it in different terms, in the underlying feature of Hume's descriptive naturalism.

4.5 Moore's Question

It has been mentioned that, according to Railton, methodological naturalism and substantive naturalism are not necessarily connected, however, after the discussion above, it seems that Hume's descriptive naturalism is featured by both. What needs to be clarified is how methodological and substantive naturalism are connected in Hume's philosophy. To explore this, Railton's essay provides an important clue. As Railton indicates, there is a type of naturalism, although being both methodological and substantive, owes its primary allegiance to methodological naturalism (Railton, 1989: 156). Such a naturalist, Railton goes on to explain, is impressed by the fact that those philosophical claims which seemed logically or conceptually true could nonetheless come to be empirically false as a consequence of the endeavour to develop 'powerful explanatory empirical theories' (Railton, 1989: 156). The claims about the world which have historically been proven to be true by philosophers with *a priori* method, such as the Euclidean structure of space, the nonexistence of vacua, the principle of sufficient reason, etc., have either been revised or abandoned by the emerging scientific theory. Bearing this in mind, the methodological naturalist believes that those philosophers who can see the 'danger of becoming entrapped by treating evolving linguistic categories as fixed' should abandon the *a priori* approach and try their best to 'integrate their work with the ongoing development of empirical theory' (Railton, 1989: 157). Thus, while the naturalism which Railton considers proposes substantive naturalistic theory of value, this dimension is integrated into a greater scheme, that is, 'to develop a good explanatory account of what is going on in an evaluative practices' which involves claims about good (Railton, 1989: 157).

It is interesting to observe that this type of naturalism, the attempt of which is to develop a worthwhile explanatory theory and take substantive naturalism as an instrument for serving this end, provides a reforming definition of moral concept or *a posteriori* statement of property identity (Railton, 1989: 157). The main theme of such naturalism is synthetic rather than analytic, i.e. it is based on experience and presents itself as open to further challenges. As Railton points out, one consequence of this is that Moore's 'open question' argument poses no challenge to this type of naturalism, since it does not purport to be analytically true or utterly incontestable. For example, the scientific identification of water with H_2O is an instance of reforming definition, for the rise of this definition represents an important revision in thinking about water, such as denying water the status of an element, and introducing the principle of distinguishing chemicals by their molecular composition rather than their macroscopic features (Railton, 1989: 157). A man who were to be introduced the new meaning of water as H_2O could still find the question as to whether water is H_2O conceptually open. In this way it fails Moore's 'open question' test. However, it fails this test not because H_2O is not identical with water, but because scientists did not attempt to provide a conceptual truth. Moore's argument simply poses no challenge to them. A feature of empirical science is that it takes scientific research as dynamic; although the definition of water as H_2O is conceptually closed in the sense that 'Water is H_2O' is true-by-virtue-of-meaning, it does not rule out the possibility that this definition will be challenged or even dropped in the future under the pressure of further empirical discoveries or theoretical developments (Railton, 1989: 157-158).

Although Railton declares that the theory that he considers is contemporary naturalism, nevertheless his discussion provides an important clue in identifying the features of Hume's moral theory. First, it seems that the naturalism Railton considers is consistent with Hume's position as regards the ambition to construct an explanatory theory by means of scientific method. As stated, it is a goal of Hume's science of human nature to introduce scientific methods into moral subjects, this Newtonian dimension of Hume's philosophy having been recognised by many Hume scholars.[52] Second, what is also similar to the naturalism as elaborated by Railton is that, in Hume's philosophy, methodological naturalism plays a role more fundamental than that of substantive naturalism. A main reason lies in that, in composing the *Treatise* and *Enquiries*, Hume clearly regards himself as an anatomist whose concern is to provide a theory which describes and explains the status of morals, and in this way, Hume has only metaethics but not a normative moral theory. This is the reason Hume takes pride in his explanation of human psychology by means of the three principles of the association of ideas, which to Hume represent the Newtonian 'method of philosophising', i.e. to explain most phenomena with fewest principles (Passmore, 1980: 8). The same concern also influences Hume's thinking of morals and, for instance, is demonstrated by the crucial role of utility in *EPM*. In general, we may take utility as comprehending four categories of virtues, namely 'useful or agreeable to the person himself or to others'. Moreover, for Hume, utility is not only a principle that explains the existence of various virtues in his time, but provides a perspective from which he can observe the ongoing transformation of

[52] But see a refutation of it in Forbes, 1975: 3-18.

moral standards from ancient time till his own without being trapped in the views remote from and inevitably arbitrary to an 18th century English gentleman. A good example of this is Hume's opinion expressed in 'A Dialogue' usually attached to *EPM*, where Hume writes

> It appears, that there never was any quality recommended by any one, as a virtue or moral excellence, but on account of its being *useful*, or *agreeable* to a man *himself*, or to *others*. For what other reason can ever be assigned for praise or approbation? Or where would be the sense of extolling a *good* character or action, which, at the same time, is allowed to be *good for nothing*? All the differences, therefore, in morals, may be reduced to this one general foundation, and may be accounted for by the different views, which people take of these circumstances (*EPM*, 194).

In this passage it not only shows that utility is regarded by Hume as an ingredient shared by various virtues popular in different times and places according to his historical investigation, moreover, it also reveals that Hume's theory has an important feature attributed by Railton to naturalism, namely a 'revisionist definition' of moral concepts. To elaborate: the distinction between reformation and revision must be made clear. An example of the former is the definition of water as cited above. The definition of water as H_2O is only temporarily instead of eternally closed, for natural scientists do not exclude the possibility that a significant progress will be made in chemistry in the future and, as a result, this definition could be replaced and dropped. I do not intend to suggest that a drastic transformation of the definition of concept, as the reformationist approach stands for, may properly be applied to Hume's definition of 'good'. For, presumably, Hume would hold that so comprehensive a reformation of the definition of moral concepts is unlikely, if not impossible, to take place. The reason is that Hume almost equates morals with

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human nature. He defines virtues in terms of utility, and utility here is not abstract but based on his inductive reasoning of human affairs, implying that utility has its origin in human nature and corresponds to men's social nature. Almost all virtues are, to a larger or lesser extent, connected with men's sociability. Justice becomes a virtue because men are motivated by their sociability to reconcile the conflict between their selfishness and the scarcity of natural resources; benevolence and humanity are regarded by Hume as synonymous with sociability; other virtues which are useful or agreeable to their possessors are praised by us because sociability make us share other people's pleasure. In this way, Hume's definition of virtue as utility will be abandoned only when human nature and/or external circumstances go through a dramatic change, which seems unlikely to happen although Hume does not deny its possibility.

What is more applicable to Hume's naturalism is a moderately revisionist definition of good. In 'A Dialogue' Hume argues that utility is a general feature of virtues, however, exactly what virtues are esteemed as useful or agreeable vary from time to time and from place to place. Hume writes that

> Sometimes men differ in their judgment about the usefulness of any habit or action: Sometimes also the peculiar circumstances of things render one moral quality more useful than others, and give it a peculiar preference (*EPM*, 194).

In time of war and disorder, 'the military virtues should be more celebrated than the pacific, and attract more the admiration and attention of mankind' (*EPM*, 194). Different countries also have different ideas of utility: in Switzerland, a degree of luxury may be ruinous and pernicious, whereas in France and England, it only fosters the arts and encourages industry (*EPM*, 195). Moreover, in a nation where the

men live much apart, they will naturally approve more of prudence, while another will approve of gaiety; one nation will distinguish themselves by good sense and judgment, while another will do so by taste and delicacy. Not to mention those social norms which were highly esteemed in ancient Greece and Rome but were forbidden in Hume's time, such as incest and tyrannicide (*EPM*, 81). In addition, what people deemed useful and agreeable does not only diverse spatially and temporally; other variables like political institution, custom, and chance, i.e. what Hume calls moral causes, have an equal impact on the shaping of moral standards in a particular society. Even when our observation is narrowed down, it still appears to us as natural that a person has different preferences at different ages in his life: a young person may be more attracted by the pleasure brought about by certain virtues, while a mature person usually demonstrates qualities that are more solid and useful. To conclude, what is to be discerned from this is, although Hume sticks to his definition of good in terms of utility unless human nature changes drastically, he nevertheless leaves the substantive content of utility open and lets it be determined by the milieu of society.[53] By doing so, Hume, first of all, falls not into the abyss of moral skepticism, for 'good' is equal to the concrete nature of human beings. Secondly, the explanatory force of Hume's moral theory is maintained all the time, for while he defines 'good' as utility, the specific implication of utility depends on social conventions which are

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[53] As John Rawls's characterisation of utilitarianism: 'It is simply a feature of utilitarian doctrine that it relies very heavily upon the natural facts and contingencies of human life in determining what forms of moral character are to be encouraged in a just society' (Rawls, 1999: 28). Although this characterisation matches the diversity of human moral landscape as observed by Hume, it only serve to prove that, for Hume, utility is a tendency of human nature rather than that Hume has developed a utilitarian doctrine.

empirical facts rather than *a priori* philosophical statements. Finally, Moore's question poses no threat to Hume's philosophy, because although he defines good in terms of utility, Hume does not intend it to be conceptually incontestable but is expressing an empirical discovery. Moreover, the revisionist definition of utility shows that Hume's naturalism is primarily characterised by its methodological rather than substantive dimension, to which Moore's question does not seem to mount a direct challenge.

At the end of the first part of the thesis, it may be helpful to summarise what has been done. My purpose in this part is to defend Hume's ethical naturalism. In order to do so, an account of Hume's theory of moral psychology has been provided after a comparison between the *Treatise* and *EPM*. In Chapters Three and Four I defended Hume's naturalism against the criticism from the advocates of prescriptivism such R. M. Hare and intuitionism such as G. E. Moore. All of these are endeavours to recover a traditional interpretation of Hume's political philosophy, because both Moore and Hare represent a tendency as part of the reaction against utilitarianism and the important role of conservative utilitarianism in the tradition of British liberal thought. In the second part of the thesis, I will concentrate more specifically on Hume's political philosophy, and the purpose is to demonstrate that Hume is best interpreted as a conservative utilitarian by revealing what important elements of Hume's thought are sacrificed when he is interpreted as a conventionalist contractarian or a conservative.

Chapter 5   Hume's Non-Instrumental Public Utility

5.1   A Third Theory of Justice

My purpose in this chapter is to clarify Hume's position in the history of political thought by challenging a view prevalent in Hume studies nowadays, namely that Hume is regarded as a follower of Hobbes and as expressing the latter's view in a more systematic, concise manner. I hope to show that this interpretation of Hume is inadequate; instead, I suggest that it is some important elements of Locke's philosophy that is represented in Hume's thought after amendments, and a number of significant resemblances and differences between two philosophers will be revealed. In comparing their theories of property and of government, I suggest that Hume is a sympathetic reader of Locke; this is so because the main theme of Hume's political theory may well be taken as developing a secular and naturalistic foundation for Locke's theory. By doing so, Hume's intention was to solve the conflict between Locke's moral conventionalism and the universalism implied in the will of God which is the first principle of Locke's political theory, and to show that even without God's sanction, moral disorder is not the natural consequence to be expected, for other important conceptions proposed in Locke's theory, including family, society, convention, and natural sociability, are already sufficient – not in a deductive sense but in that they have been empirically verified in human history – to create a decent social life. To put it differently, universalism of religious sanction in Locke's theory was dropped by Hume, and the mission originally fulfilled by God as to prevent moral relativism or moral skepticism was taken over by the universal moral propensity implanted in human nature. In Hume's secularisation of morals, the normative premise of Locke's political theory was removed. Hume's intentions was

to show that the social order as depicted in Locke's political theory could be derived from human psychology alone without appealing to religious sanction. As a result, political philosophy for Hume became a psychological project, and its functions of justification and prescription have been turned into explanation and description.

What is connected with the naturalisation and secularisation of Locke's political theory is a viewpoint Hume inherited from Locke, i.e. the order of human society may grow out among its members spontaneously without external sanctions, political in Locke's theory and both political and religious in Hume's. A common view shared by Locke and Hume is that they both regard society as a product of human nature, the state or political authority being subordinate to society and created as a device that may effectively preserve the morality that already binds men in pre-political society. In other words, the legitimacy of the state is derived from the morality of society. Therefore, unlike Hobbes, neither Locke nor Hume regards sociability and morality as artificially created by rational egoism and the state. On the contrary, Locke and Hume both recognise that sociability is a propensity implanted in human nature, and family, being the basic unit of society, is the first occasion for men's socialisation. Therefore, Hobbes's natural state of all against all is indeed a philosophical fiction and is incompatible with the position of Locke and Hume, which is known as empiricism.

In order to refute the view that Hume is a disciple of Hobbes, in this chapter I concentrate on an important essay of David Gauthier: 'David Hume, Contractarian'. The main thesis of Gauthier's essay is, as he states, 'What is perhaps controversial about these comparisons [i.e. among Hobbes, Locke, and Hume], and so about my interpretation, is that with respect to property and justice, Hume is in essence a

Hobbist' (Gauthier, 1998: 28). I will reject Gauthier's interpretation of Hume by considering a question addressed by Gauthier in his essay, namely Hume's account of the origin of man's duty to observe justice. Hume's view on this question is to be found in Book III of the *Treatise*, *EPM*, and in a number of essays. Although it seems to me that the perspective from which Hume observes the question is not exactly the same in these works, what is common to them is that Hume approaches the question by first considering the possibility of the rise of moral distinctions in society. After affirming that social order may be secured among its members without relying on external sanctions, the state is then brought in to dispose of some inconveniences that would inevitably occur along with the enlargement of society. The establishment of the state, the origin of its legitimacy, and the measure of man's allegiance is the topic of a later chapter, for here I focus primarily on the first part of the story by considering the conception of the person and its impact on the internal structure of the interaction among members of a society. It is the different views held by interpreters on this question that give rise to a debate concerning the features of Hume's political theory and thus his position in the tradition of political thought.

In that debate political theorists including David Gauthier, Brian Barry, Russell Hardin, Jonathan Harrison, and Paul Kelly are all important participants and stand for different philosophical approaches respectively. The view elaborated by Gauthier in *Morals by Agreement* (1986) is known as 'justice as mutual advantage'. According to this view, self-interest is the only motive for man to participate in social cooperation; hence man's duty of being just derives from this. In *Treatise on Social Justice* (1989) Brian Barry criticises Gauthier's view by providing an alternative approach known as 'justice as impartiality'. Barry is not happy with Gauthier's view

that man's reason for behaving justly is reducible to a sophisticated and indirect pursuit of self-interest. In the hypothetical contract that Gauthier conceives, its participants are determinate individuals with full knowledge of their talents, abilities and strengths. It is bound to do this because it appeals to self-interest as the motive for observing justice, thus 'if the terms of agreement failed to reflect differential bargaining power, those whose power was disproportionate to their share under the agreement would have an incentive to seek to upset it' (Barry, 1989: 7; see also Moore, 1994: 212). Instead, Barry's strategy is to ground justice as impartiality on T. M. Scanlon's contractualist thesis, which saves him the trouble of appealing to Rawls's original position. In 'Contractualism and Utilitarianism' Scanlon provides a definition of morality as follows:

> An act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement (Scanlon, 1982: 110).

The moral motive provided by contractualist morality is 'The desire to be able to justify one's actions to others on grounds they could not reasonably reject', and the basis on which others decide whether they can reasonably reject the grounds one offers is given by their 'desire to find principles which others similarly motivated could not reasonably reject' (Scanlon, 1982: 116 n.12). Barry's view coincides with Scanlon's in affirming that

> The desire to be able to justify our actions to ourselves and others on a basis capable of eliciting free agreement is, as common experience attests, widely shared and deeply grounded (Barry, 1989: 284).

For the purpose of this chapter, what should be noted is the marginal role of utilitarianism in this contemporary debate. It is true that since *Political Argument* (1965) Barry has involved a debate with utilitarianism, but in his view utilitarianism is excluded from being a genuine third theory that contrasts with justice as mutual advantage and justice as impartiality (Kelly, 2000b: 44-45). Likewise, in Gauthier's essay, which I would like to reflect on here, his purpose ostensibly is to challenge the view that Hume is an important critic of contractarianism by showing the contractarian feature of Hume's theory of justice and government; along with this his subordinate thesis is to reject Hume as a proto-utilitarian. However, Gauthier's engagement with utilitarianism in his essay is indirect; he refutes the utilitarian interpretation of Hume by considering the circumstances in which justice does not exist or is suspended, and the really important implications of his essay are using Hume in support of his own justice as mutual advantage by demonstrating the seeming absence of distributive justice in Hume's theory, and challenging the egalitarian outcome of justice as impartiality (Kelly and Boucher, 1998: 4-5). Both of these implications in Gauthier's essay will be criticised in this chapter for the reasons showed below.

When reading Gauthier in this way, I am inspired by Professor Paul Kelly's insight that utilitarianism has not been taken seriously by major participants of this contemporary debate on justice (Kelly, 2000b). My aim in this chapter is to challenge Gauthier by showing that, first, in Hume's account of the origin of justice and social order, Gauthier's hypothetical contract is redundant, because what the hypothetical contract is meant to create, namely man's sociability, is already implanted in men by nature and drives them to seek peace and order with one another; second, the feature

of Hume's theory of justice agrees with a form of utilitarianism as elaborated by Jonathan Harrison, namely cumulative-effect utilitarianism; third, Gauthier's conservative account of Hume's theory of justice is a consequence of his failure to distinguish Hume's descriptive theory of psychology from Hume's normative moral standpoints. I shall suggest that, although a conservative tendency is recognisable in Hume's major philosophical works, this should be viewed as a psychological tendency observed by Hume in human nature. That is, that man's desire for a property system that secures his possessions is stronger than his need for a just distribution of resources, but this may not be viewed properly as Hume's conservative defence of the *status quo*. Instead, when one turns attention to Hume's economic essays, his egalitarian concern is evident in the discussion of economic issues and is thus incompatible with Gauthier's theory of justice as mutual advantage.

5.2   Non-Instrumental Public Utility

Perhaps the starting point of the debate on the feature of Hume's theory of justice is that Hume, both in the *Treatise* and *EMP*, famously draws an analogy between the origin of justice or social order and the situation of two men rowing a boat across the river. In both works, the instance is proposed by Hume when he rejects the view that justice arises from promise (*Treatise*, 315; *EPM*, 172). Justice does not arise from promise because the observance of promise is itself a considerable part of justice, 'and we are not surely bound to keep our word, because we have given our word to keep it' (*EPM*, 172). Therefore justice must be founded on some other basis, which Hume calls convention and describes as 'a general sense of common interest'. It is when Hume tries to make the meaning of his idea of convention more explicit that he refers to the example of rowing and the rise of

language, words, and money in human society. Presumably the example of rowing was considered by Hume as properly expressing the implication of convention; otherwise the same example would not appear again in *EPM*. However, this is an example that triggers many important criticisms of as well as arguments about the feature of Hume's theory of justice. As will be explained more clearly in Chapter Six, Brian Barry takes issue with Hume's comparison of the convention of justice with the convention of rowing, and criticises Hume for being the one responsible for the difficulty in interpreting his theory of justice, for he fails to distinguish cooperation convention, which is the case of justice, from coordination convention, which is the case of rowing. David Gauthier likewise begins his reconstruction of Hume by reflecting on the analogy. Similarly to Barry, Gauthier believes that Hume's analogy of rowing as social order is misleading, because while the former, to use Gauthier's term, is a convention both dominant and stable, neither of these features are to be found in the latter, and therefore the device of contract is necessary in the formation of justice. In spite of the difference between their approaches, both Barry and Gauthier agree that in the situation of the rise of justice, unlike the example of rowing, man's motive to cooperate cannot be created without appealing to certain devices additional to the situation, the device in Barry's account being the state and in Gauthiers' a hypothetical contract.

To put it in slightly different terms, the reason why the analogy drawn by Hume between the convention of rowing and the convention of justice has produced criticism from Gauthier and Barry is because man's compliance with convention in the former case is immediately beneficial, whereas in the latter case a single act of justice does not always have good consequences and can frequently have negative

effects, whether to the individual or to society. In this way, according to the conception of the person as observed by Gauthier and Barry in Hume's theory, they believe that man has the motivation to be just only when political authority has been established to punish the transgressor, or when man judges it as more beneficial to himself compared to not being trusted again and, as a result, excluded from the social cooperation of mutual advantage. So an important question that causes the larger debate introduced in the previous section and also the debate on the feature of Hume's theory of justice is this: what is man's motive, if any, of performing duties such as justice, the immediate consequence of which is neither beneficial or even harmful either to himself and society?

Now in addressing this question, I do not find Gauthier's view convincing. Hume says at the outset of Section 3 of *EPM* 'Of Justice' that 'public utility is the *sole* origin of justice, and that reflections on the beneficial consequences of this virtue are the *sole* foundation of its merit' (*EPM*, 83). Gauthier's account of this sentence is that, although 'the beneficial consequences' of justice, which is the basis of its morality, consists of man's moral approval of its promotion of social welfare, the 'public utility' which is the origin of justice is not social welfare but mutual advantage, that is, the self-interest of the individual. This view of enlightened self-interest or reflective selfishness has typically been attributed to Hume by

contractarians, and Gauthier is one of the most remarkable among others. [54]
According to this view, man's reason for performing acts which are not beneficial or
harmful to his interest, e.g. justice, lies in the fact that he may reasonably expect to
maximise his interest in an indirect manner, namely by upholding the institutions of
property. Yet this is to ascribe to Hume a view which he not only does not hold but
criticises stringently.

It will not escape the reader's attention that Gauthier's interpretation of Hume
is primarily based on *EPM* and *Essays*, and his ambition is evident. Given that the
idea of utility plays a crucial role in *EPM*, many utilitarians consider this work the
source of Hume's utilitarianism and an important text in the tradition of classic
utilitarianism. In this way, by focusing on *EPM* and arguing that Hume's idea of
utility is not of general interest in society but mutual advantage, Gauthier's defeat of
utilitarianism appears decisive. As he says: 'at least in my view, the *Treatise* is at
once more profound and more contractarian' (Gauthier, 1998: 17). This then justifies
my objection to Gauthier's thesis by mainly referring to the *Treatise* and *Essays*, for
if Hume's anti-contractarian position may be revealed in a work regarded by
Gauthier as more contractarian, my challenge to him would seem more effective.

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[54] See also Rawls, 2000: 21-102. Though elaborating a sentimentalist rather than contractarian account
of Hume, Frazer argues that the practices of justice and allegiance in Hume's theory are based
'entirely' on the 'reflective self-correction of self-interest' (Frazer, 2010: chap. 3). However, Frazer
adds that the problem of 'sensible knave' may be solved by Hume's sentimentalism. For Frazer's
criticism of Gauthier's contractarian interpretation of Hume, see Frazer, 2010: 79. Again, though not
endorsing a contractarian account of Hume's political theory, Stroud likewise argues that enlightened
selfishness is the only motive of man to perform justice in Hume's theory, and many criticisms raised
by Stroud against Hume are derived from this misinterpretation of Hume's position. See Stroud, 1977:
chap. 9.

Although I disagree with Gauthier's view that Hume's *Treatise* is more contractarian and, by implication, more Hobbesian, I do not deny that a number of paragraphs in that work seem to reveal a connection between men's motive for forming society and performing justice and their egoistic tendencies, and this is the reason why one must read that work more carefully. For example, a paragraph favourable to Gauthier's contractarian view appears directly after Hume's referring to the situation of rowing in explaining his idea of convention, where Hume writes: 'This avidity alone, of acquiring goods and possessions for ourselves and our nearest friends, is insatiable, perpetual, universal, and directly destructive of society' (*Treatise*, 316). This passion is universal for 'There scarce is any one, who is not actuated by it; and there is no one, who has not reason to fear from it, when it acts without any restraint, and give way to its first and most natural movements' (*Treatise*, 316). In this way, Hume indicates that 'we are to esteem the difficulties in the establishment of society, to be greater or less, according to those we encounter in regulating and restraining this passion' (*Treatise*, 316). So far, Hume's argument appears to fit Gauthier's contractarianism, for he seems to emphasise the predominance of men's egoism in the process of his seeking peace and order with others. Moreover, Gauthier's view would seem to derive even more powerful support from the *Treatise* when Hume writes that 'There is no passion, therefore, capable of controuling the interested affection, but the very affection itself, by an alteration of its direction' (*Treatise*, 316). To judge from these paragraphs alone, it is understandable that Gauthier takes Hume's *Treatise* as more contractarian and believes that his theory of hypothetical contract satisfactorily explains Hume's thought. If this is all Hume had said, I would probably find Gauthier's account of

Hume less questionable. However Hume does not stop here and it is important to note what Hume continues to say:

> But in order to form society, 'tis requisite not only that it be
> advantageous, but also that men be sensible of its advantages; and 'tis
> impossible, in their wild uncultivated state, that by study and reflection
> alone, they shou'd ever be able to attain this knowledge (*Treatise*, 312).

If my reading of this paragraph is correct, it seems that it is designed precisely to reject the contractarian view as held by Gauthier. In this paragraph, Hume criticizes that the theory of hypothetical contract overestimates man's rational faculty and assigns to that faculty so complex a task that man's reason can hardly fulfil in its most primitive form. Thus Hume says:

> Now as 'tis by establishing the rule for the stability of possession, that
> this passion [of avidity] restrains itself; if the rule by very abstruse, and
> of difficult invention; society must be esteem'd, in a manner, accidental,
> and the effect of many ages (*Treatise*, 316).

History has taught us, however, that a primitive form of society appeared at a very early stage of human evolution, and there were no well-designed or complex rules of property within it. On the contrary, the rules that prescribed man's behaviours with respect to other people and their possessions were so crude that one may discern that these rules were not very different from the expediency that was invented to meet man's more immediate and pressing needs. What, then, is the more immediate need of man that the rules of property were meant to serve? And why does Hume say that 'this alteration [of man's avidity] must necessarily take place upon the *least reflection*' (*Treatise*, 316 emphases added)? The answer is to be found in an important paragraph of the *Treatise*:

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Most fortunately, therefore, there is conjoin'd to those necessities [of establishing society and justice prudently], whose remedies are remote and obscure, another necessity, which having a present and more obvious remedy, *may justly be regarded as the first and original principle of human society*. This necessity is no other than that natural appetite betwixt the sexes, which unites them together, and preserves their union, till a new tye 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 (*Treatise*, 312 emphases added).

Accordingly, it clearly shows that Hume does not regard society and justice as originating from man's reflective selfishness, or at least not in the way Gauthier attributes to him. Rather, it is man's sociable nature that explains the rise of society, and human beings in this respect are just like other social animals, both instinctively seeking the company of those resembling themselves. From this it follows: even if Gauthier may separate the question concerning the origin of justice from that concerning its morality, yet Gauthier's theory of hypothetical contract does not help to address the former question, because man does not regard joining society an instrument for maximising his self-interest. Instead, he is carried along by his instinct and love for his offspring to form society and create justice. If justice arises this way may be described as a rational design, the role of reason is no more than instrumental and is motivated by man's sociable nature and by man's tender love for his children. Society is not rationally created as an instrument for maximising man's self-interest, as what Gauthier argues. On the contrary, what Hume teaches us is that given man's biological nature and his love for offspring, man's egoistic tendency must be restrained, otherwise his more fundamental nature would be frustrated. In other words, man's egoism is restrained not because it may more effectively be satisfied in

an indirect manner, but because man's sociable nature could not be fulfilled otherwise. Therefore, instead of taking society and justice as instrumental and being rationally designed to meet man's egoism, the redirection of man's egoism is instrumental in preserving a peaceful social life in which man's desire for company, his love for family and offspring, may avoid being unfulfilled. If reason has a role to play in the formation of society and justice, it is not a servant of selfishness, and is not assigned to artificially create sociability in human nature so that selfishness may be satisfied on a more stable and secure basis. On the contrary, reason is the servant of man's sociability and is assigned to restrain selfishness within its proper limit to prevent it from causing obstacles to man's sociability, which is implanted both in his biological and psychological constitution. A man's selfishness drives him to clash with others, but a man's sociability drives him to seek company of others. A hypothetical contract is effective in the former case because it restrains selfishness and creates sociability, but a hypothetical contract is redundant in the latter case because sociability is natural and selfishness is moderated by it.

Therefore Hume once again affirms that the family rather than solitary individuals has been the basic unit of human society since the beginning, and man's other-regarding feelings rather than selfishness are the origin of justice. In that situation, socialisation takes place both among families and within each family. Regarding the former, Hume says

> that nothing can be more simple and obvious than that rule [of property];
> that every parent, in order to preserve peace among his children, must
> establish it; and that these first rudiments of justice must every day be
> improv'd, as the society enlarges (*Treatise*, 316).

At the same time, in each family

where the parents govern by the advantage of their superior strength and wisdom, and at the same time are restrain'd in the exercise of their authority by that natural affection, which they bear their children. In a little time, custom and habit operating on the tender minds of the children, makes 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 (*Treatise*, 312).

It may be argued that, even if Hume's biological account of the origin of society is admitted, nevertheless the situation in which one joins society out of self-interest is not excluded. For example, it is wholly conceivable that some men who do not have a blood relationship with members of a society might join them due to the shelter and protection they may receive from the society. This seems to be one of the possible ways in which the family became enlarged into the tribe and the tribe into the city. However, even if this is the case, still Gauthier's device of hypothetical contract does not serve to explain why these new members of the society have a duty to observe justice; at least, it does not help to clarify Hume's view in this respect. For Gauthier conflates man's motive of joining society with his duty to observe justice, something which is regarded as distinct by Hume, the latter being meant to restrain the former. Gauthier's view is applicable only at the very beginning when new members first join a group, for given that their purpose is to seek protection and security, they must observe norms which regulate men's interaction in that society, or be expelled. However, given that men are considered naturally sociable by Hume and that the psychological mechanism of sympathy is implanted in human nature, these new members would soon acquire feelings for the society they join and for people who generously accommodate them. Initially they would refrain from interfering with other people's possessions because they would be punished and even

expelled, and this is a consequence that is in conflict with their motive for joining society in the first place. Yet their sympathy with the welfare of society and with the well-being of others is cultivated in their every interaction with other members of the society, and their dependence on the society is also deepened on a daily basis whether through the exchange of goods, friendship, love and marriage, etc. From these social relationships derive their feelings for the place and for the group of people of which they now are a part. As a result, if they suffer from pain caused in their breasts once their possessions are arbitrarily interfered with, and/or at the time when their sympathy has been cultivated to the extent that they may share the pain of others' on their observing the threat to which other people's possessions are exposed, the feelings regarding the morality of justice and immorality of injustice will have been developed in them. Hence the origin of their sense of duty of abstaining from taking other people's possessions, a sense whose origin is independent of what they originally intended to obtain from social life, i.e. their self-interest. Therefore, when the sociability that Hume observes in human nature is taken seriously, Gauthier's device of hypothetical contract is simply redundant in explaining man's motive for observing justice.

Having showed that Gauthier's theory of hypothetical contract does not fit Hume's account of man's duty to be just whether when society was first formed or when new members join a society, now let us consider if the hypothetical contract thesis is applicable to the third situation, that is when a member of society is reflecting on his duty to observe justice. Although it is possible that this situation may occur in a member of society where the political authority has not yet been established, here I would like to consider the situation of the political society,

because this is also a situation Gauthier discusses through analysis of Hume's essay 'Of the Original Contract'. Gauthier makes a distinction between different varieties of contractarianism; they are original contract, explicit contract, tacit contract, and hypothetical contract. Gauthier argues that, while the first three varieties of contractarianism are explicitly rejected by Hume, Hume nevertheless adopts hypothetical contract in his defence of property and government. However, it seems to me that Gauthier mistakes the point of Hume's essay in two respects.

First, it is by no means evident, as what Gauthier argues, that Hume rejects other forms of contractarianism but adopts hypothetical contract, because once we clarify the reason as to why Hume rejects the former, it is clear that the latter is likewise redundant in Hume's account of man's duty. Here let us take original contract as an example, for it is a form of contractarianism that Hume does not wholly reject. As Hume indicates, given men's equality in their body force, in their mental powers and faculties, 'nothing but their own consent could, at first, associate them together, and subject them to any authority', and

> If this, then, be meant by the *original contract*, it cannot be denied, that
> all government is, at first, founded on a contract, and that the most
> ancient rude combinations of mankind were formed chiefly by that
> principle (*Essays*, 468).

Hume's view that the original contract is a possible origin of the state is not overlooked by Gauthier, what Gauthier misses is the reason why Hume regards this origin of the state as having nothing to do with man's duty of allegiance. Indeed, Hume criticises contractarians because they 'are not contented with these concessions' but insist that all political authority is founded on contract alone (*Essays*, 469). For Hume, this is to work in vain because contractarians simply seek

the origin of man's duty in the wrong place. Even if, as Hume is willing to recognise, in primitive society men were motivated by self-interest to choose a governor and promise their allegiance, by this means they may have at first a leader in the time of war and then an arbiter in the time of peace, that motive may *not* be identified with the sense which men feel that they were obliged to be obedient. The former did not give rise to the latter. This is so because egoistic concern and promise may drive men into a stage named political society, but not long after the stage begins, these would be replaced by a sense of duty which is gradually cultivated in men and which will be instilled into the minds of their offspring in the process of socialisation, including family education, political discipline, the cultivation of their natural sympathy and love of reputation. This sense of duty independent of man's original motive for joining political society is derived from his feelings for the governor, for his life and property under governance, and for his fellows in the same political society. These feelings allow him to perceive the pain caused in himself and in other people when turbulence and disorder occur, thus he feels that it is immoral to perform such acts. For their offspring, who were born into a society and did not enjoy the privilege of deciding to join political society prudently, socialisation begins at the very early stage of their life. What is passed to them from their parents is not the idea of the very origin of their obedience, i.e. self-interest and promise, but the sense of duty that it is moral to be obedient and immoral to transgress laws or rules. By this means, parents' intention is not to teach their children that they have duty to respect others' property and to be obedient to the governor only because they may reasonably expect to maximise their self-interest, but to cultivate their humanity and sympathy with other people's feelings, and to educate them to behave properly in social life. This is motivated by the parents' love for their children, by their sense of duty as being a

member of political society, and by their care for the fine reputation of family. This sense of duty, which originated from our ancestors' sympathy with their fellows in ancient society, has been passed from one generation to another down to us, and it has not been lost in the long history of human beings because we are endowed with the same capability as our ancestors of feeling pain for others' suffering. Although we skip the stage in which our earliest ancestors had the privilege of promising their obedience out of prudence, we nevertheless enjoy the utility that the state brings about just as our ancestors did, because we retain the sense of duty to be obedient which has nothing to do with the origin of the state, whether it is contract or not.[55]

This, of course, is not to suggest that people who were born under political society, like most of us, may not reflect on their relationship with the governor and on their duty to be obedient. On the contrary, this is precisely the question addressed by Hume in his essay, and by observing Hume's view in this respect, we are also led to Gauthier's second misunderstanding of Hume. The essay 'Of the Original Contract' is meant by Hume to be read along with another essay following it named 'Of Passive Obedience', thus Hume claims at the outset of the latter that 'In the former essay, we endeavoured to refute the *speculative* systems of politics advanced in this nation…We come now to examine the *practical* consequences' (*Essays*, 488). When we clarify Hume's view by taking both these essays into account, we will find that Gauthier's thesis faces a strict challenge, and this is why he has neglected the

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[55] This is precisely the feature of utilitarian's view on men's obligations to the government and government's duty to men, as Plamenatz remarks that 'Hume's greatest service as a political theorist is his indifference to questions of origin…No matter how governments came into existence, the present duty of obedience is always grounded in utility' (Plamenatz, 1958: 2; 43).

latter essay. For Hume's purpose in these essays is to point out a middle way between the doctrine of resistance and the doctrine of passive obedience, thus he says '*That both these* systems *of speculative principles are just; though not in the sense, intended by the parties*' (*Essays*, 466). Indeed, Hume does not attempt to overthrow any of these doctrines. Instead, his intention is to show a more fundamental principle implanted in human nature by the evaluation of which the applicability of resistance or passive obedience, in other words, the measures of man's submission due to sovereigns, is determined. The principle is public utility. Hume's consequentialist standpoint is clearly expressed as follows:

> As the obligation to justice is founded entirely on the interests of society, which require mutual abstinence from property, in order to preserve peace among mankind; it is evident, that, when the execution of justice would be attended with very pernicious consequences, that virtue must be suspended, and give place to public utility, in such extraordinary and such pressing emergencies. The maxim, *fiat Justitia ruat Caelum*, let justice be performed, though the universe be destroyed, is apparently false, and by sacrificing the end to the means, shews a preposterous idea of the subordination of duties…The case is the same with the duty of allegiance; and common sense teaches us, that, as government binds us to obedience only on account of its tendency to public utility, that duty must always, in extraordinary cases, when public ruin would evidently attend obedience, yield to the primary and original obligation (*Essays*, 489).

After affirming that public utility is the principle underlying justice and allegiance, Hume continues to make an important claim:

> Resistance, therefore, being admitted in extraordinary emergencies, the question can only be among good reasoners, with regard to the degree of necessity, which can justify resistance, and render it lawful or commendable. And here I must confess, that I shall always incline to their side, who draw the bond of allegiance very close, and consider an

infringement of it, as the last refuge in desperate cases, when the public is in the highest danger, from violence and tyranny (*Essays*, 490).

Although Gauthier does not discuss Hume's essay 'Of Passive Obedience', the conservative tendency of Hume's moral and political theory has not escaped his attention, so he remarks that: 'We may admit the value of Hume's prescriptive appeal without fully accepting its accompanying conservatism' (Gauthier, 1998: 41). According to Gauthier, Hume holds that 'the utility of upholding established practice takes precedence over the utility of the practice itself', and Hume's defence of the *status quo* is a result of the limited horizon of his own social position (Gauthier, 1998: 41). I think this account of Hume is problematic, because when Hume claims that resistance should be 'the last refuge in desperate cases', his reasoning is not based on a calculation that everyone may expect to benefit from upholding the established government more than any alternatives, a strategy attributed to Hume by Gauthier which draws a link between man's self-interest and salience. Instead, Hume is cautious with the doctrine of resistance because it is a right that once generally employed by citizens in trivial cases of injustice caused by the state, the cost that the society is due to pay would outweigh its gain. This account of Hume's view is verified by himself, as he says that besides the mischief of a civil war accompanying insurrection, it also forces the governors into very violent measures which they never would have embraced when the governed remain tame and obedient (*Essays*, 490). This shows that Gauthier's conservative interpretation of Hume is inadequate because Hume does not defend the *status quo* for any belief in the intrinsic value of established institutions or practices. Rather, in determining the measure of man's duty of allegiance, Hume clearly employs a calculation of general utility. That is, he gauges the utility of a certain type of act, e.g. resistance or obedience, once generally

performed against its cost, and when the cost is rather high as in the case of altering the political authority, the only possibility for such an act to produce utility outweighing its cost is 'when the public is in the highest danger, from violence and tyranny'.

5.3   Man's Self-Justification and Hume's Utilitarianism

There is a difference between man contemplating his duty to be just when he is by nature other-regarding and bears some genuine feelings for his membership of society, and man considering his duty to be just when he values his participation in a society and his acquirement of its membership only because these are instrumental in his pursuit of self-interest. The former I take as what Hume is saying, the latter is Gauthier's own position but is attributed by him to Hume. If this difference is made clear, we will see why Hume does not deserve the blame for misleading readers by drawing an analogy between two men rowing a boat and the rise of justice. Let me try to put it this way: In the case of rowing, from the view of contractarianism, I have a duty to row if and only if it is beneficial to me. If the boat moves only when both row, and if the other person is not going to row unless I row, then I have a reason to row and so does he, therefore the boat will cross the river and both me and him benefit. The situation whereby only one man rows is excluded, because the boat will move only when we both row and one will row only when the other rows, so both will row; otherwise it is pointless for us to sit in the boat. However, if I may still benefit from not fulfilling my part of the job, then I feel that my duty to row ceases because my self-interest will be maximised by being a free-rider. The situation is different in my understanding of what Hume is saying. I have a reason to row not because another person will row only when I row, but because I want to cross the

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river and I feel that being a free-rider is an improper way to achieve that goal. I feel that it is improper to be a free-rider because I may sympathise with another person's feelings when he is taken advantage of by me, and I may imagine how I would feel if another person attempted to take advantage of me. So I feel I am obliged to row as long as I want to cross the river, and he feels the same way, as a result both of us will cross the river. However, I will not row when I know another person will not row, because the boat will not move when only one rows, and I am not obliged to do things in vain. From this viewpoint, I will row even if I may benefit from not rowing; my duty of rowing does not cease because my feelings that being a free-rider is wrong make me feel that I am obliged to abstain from doing so. If the origin of man's duty is like that which contractarians conceive, then everyone has motivation to take the chance of being a free-rider and to benefit from others' labour. In that case, it is understandable why Hume's comparison of two men rowing a boat with justice is regarded as confusing, since when the number of persons involved is larger than a dyad, when one's act is not directly observed and imitated by others, one would seek to maximise his utility when he is confident that his transgression of justice will not be detected. If everyone holds the same view, it is simply impossible for order to arise or to last for any longer time among a group. In this way, man must be supplied with extra reasons for not escaping his duty, such as hypothetical contract or the political authority. However, if the example of rowing is as I believe Hume is saying, then Hume's comparison of it with the origin of justice is sensible. Because man feels that he is obliged to do his part whether or not the other will do so (unless he can be certain that the other will not do his part for that would render one's labour in vain), then the sense of duty that he is obliged to not do wrong will bind him whether it is in the situation of a dyad or in a much larger group. When this

is the case, order will arise within society just as the boat will cross the river. There is no need to supply extra reasons to create man's motive for acting in accordance with that which his duty requires, for as Hume observes, the motive is already implanted in man's sociability. Presumably, this is an important reason as to why Hume regards his philosophical works as fulfilling the role of anatomist rather than painter.

However, contractarianism is not the only theory taking issue with Hume's comparison of rowing with the convention of justice. If the discussion above has shown that Gauthier's hypothetical contract thesis does not fit Hume's theory of justice, which in fact is founded on the principle of utility, still it is not clear what the feature of Hume's utilitarianism is. For in the situation of two men rowing a boat, it is presumed that the boat will progress only when both oarsmen row. In this case, the actions of either oarsman are necessary if the good which consists in the progress of the boat is to be secured. This is different from the case in which man has a duty to perform an act because the general performance of such an act will produce positive consequences. For the latter, each action does not produce a good consequence itself, and they are neither severally necessary if good consequences are to be secured. By contrast, for the former, since every act is necessary to produce good consequences, then every act does produce good consequences itself, as Jonathan Harrison writes, 'they produce good consequences because they are one of a set of actions the several performance of which is necessary if a certain good is to be produced' (Harrison, 1993 vol.1: 10). In other words, the latter form of utilitarianism does not take into account the fact that man has a duty to perform acts which do not themselves produce good consequences, for such duties simply are not recognised by it. Now if we consider the example of rowing alone, it seems that Hume conceives man's duty

to be just as severally necessary if the good consequences produced by the practices of justice are to be secured. However, if this is what Hume has in mind, it would render Hume's distinction between justice and benevolence in Appendix III to *EPM* pointless. Hume explains the difference between benevolence and justice by comparing the happiness and prosperity they bring about respectively to the building of a wall and a vault. In the case of benevolence, its utility is complete in each act of good-will, such as when each stone substantively increases the height of a wall. Whereas in the case of justice, each act contributes not to secure public utility, just like 'each individual stone would, of itself, fall to the ground' when a vault is built, 'nor is the whole fabric supported but by the mutual assistance and combination of its corresponding parts' (*EPM*, 171). What Hume is saying here seems to be this: on the one hand, each single stone contributes not to the building of the vault without the support of others; on the other, when the vault is built, the falling of any stone would cause the falling of those next to it and eventually the collapse of the whole vault. Considering the first point alone, it seems to suggest that justice is a virtue which produces good consequence only when it is generally performed. Yet the second point implies that every act of justice is necessary if the utility of the whole practice is to be secured; in other words, every act of justice is beneficial. If the latter is the case, then Hume's distinction between justice and benevolence in terms of their utility is insensible, because, not unlike benevolence, each act of justice also contributes to public utility directly, and this is so because any transgression of justice would seriously undermine the stability of the practice.

If Hume's distinction between justice and benevolence is not to lose its significance, then we may take the first view as his underlying position, so his

conception of man's duty to be just is based on the idea that this type of acts brings about good consequences when generally performed. Indeed, this seems to be a more plausible account of Hume's view, for if every act of justice is indispensable for this practice to be beneficial, then man should not escape his duty even in the most extreme cases, because one can hardly imagine an act the utility of which is going to compensate the harm caused by the collapse of justice. However, a view like this is incompatible with man's idea of his duty to be just, the explanation and description of which is the main purpose of Hume's philosophy. Ordinarily we feel we should not transgress justice at will, and we should not transgress justice when the benefit of doing so is very tempting to us, but we also feel that justice is not to be observed in the most urgent and extreme cases. For example, supposing there is a well-kept lawn in the park. I feel I should not walk on the grass at will, and I feel I should not walk on the grass even if it will save time when I am late for an important interview. However, if I am trying to save a victim of a car accident and walking across the lawn is the shortcut to the hospital, I may totally justify my own act of taking the shortcut. Justice is suspended and gives place to benevolence or compassion in this case. In ordinary situations, I have a duty not to walk on the grass not because my act might set a bad example, as a view held by contractarians, for even if no one is around I still feel it is incumbent on me. Rather, my duty is derived from a supposed fact that if everyone does the same, the park lawn would be spoilt. In the extraordinary case, the reason why I feel my walking on the grass is justified lies in a supposed fact that if everyone in the same situation does the same, utility secured would outweigh the harm caused. Now I suggest that Hume's principal view is rather closer to what is stated here than to a rigid view, otherwise he would not enumerate circumstances in which justice is suspended and gives place to other norms which

produce more utility (*EPM*, 83-89). One possible way, therefore, to make sense of Hume's position is to suppose that Hume is not always clear that he actually employs two types of utilitarian reasoning in his theory. As indicated by Jonathan Harrison, although two views are similar, the act prescribed by one may be impermissible according to another. For example, there may well be an act which, to the best of my power, may produce most utility compared with other acts that I am capable of. Meanwhile, however, this act may also be a type of action which if generally performed would produce harmful consequences. When this is the case, according to the original or act utilitarianism, I am obliged to perform it; whereas according to the modified or cumulative-effect utilitarianism, I am obliged to refrain from it.

A distinction should be made clear. In the previous section it has been said that man is driven to observe justice by his natural sociability, that is, his desire for the company of others and sympathy with public interest constituting his sense of duty. Now man's sense of duty, i.e. being just is right and unjust is wrong, drives him to respect others' possessions, perform his promise, and respect social norms. So far, however, man fulfils his duty to be just before another psychological mechanism is employed, i.e. his self-justification.[56] That is to say, instead of man's performance of justice out of a desire for social life, a man must also know that he is being just for a reason. For most of us, the function of desire and self-justification are working in our minds almost every minute. I may have a desire to do something for which I am not able to provide a reason for doing; on the other hand, I may have a reason to do things that I do not desire. For example, after a party night I may have no desire to

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[56] For a psychological affirmation of this mechanism of mankind, see Aronson, 1999: chap. 5.

attend a lecture in the early morning, but I have a reason to do so because it is important for me to pass the exam at the end of term. Conversely, I may have a desire to cheat in an exam because I have not studied hard and I do not want to fail the exam, but I may not give myself a reason to do so because I know in most cases cheating is an improper way to achieve the goal. It is by this psychological process of self-justification that I provide myself with a reason to observe justice if I may impoverish myself by returning a loan and desire that 'with regard to that single act, the laws of justice were for a moment suspended in the universe' (*Treatise*, 319). Of course, self-justification is still related to desire, so the difference between reason and desire as motives is not a categorical distinction. Moreover, it is also by self-justification that I may provide myself with a reason to turn away from justice under some extraordinary circumstances, as Hume writes:

> Is it any crime, after a shipwreck, to seize whatever means or instrument of safety one can lay hold of, without regard to former limitations of property? Or if a city besieged were perishing with hunger; can we imagine, that men will see any means of preservation before them, and lose their lives, from a scrupulous regard to what, in other situations, would be the rules of equity and justice? The USE and TENDENCY of that virtue is to procure happiness and security, by preserving order in society: But where the society is ready to perish from extreme necessity, no greater evil can be dreaded from violence and injustice; and every man may now provide for himself by all the means, which prudence can dictate, or humanity permit (*EPM*, 85).

Therefore a difference between what I understand Hume to be saying and what is attributed to him by contractarians is this: For the former, Hume takes both man's desire to maintain social peace and man's reason for justifying his doing so as implanted in human nature. However, for the latter, contractarians such as Gauthier

and Barry understand Hume to be saying that there is no natural desire in man for a social relationship, but man does have a reason to seek peace and order with one another because he is a natural utility maximiser, so a desire for peaceful social life is created for that reason by appealing to devices such as the state or hypothetical contract.

I hope to stick to the utilitarian account of Hume, so what must be clarified next is the reason for man's self-justification as Hume observes in human nature. To answer this, we find that the principle extracted from our common experience of daily life such as abstaining from walking on a well-kept lawn, namely one having a duty to perform a certain type of act when the general performance of it brings good consequences, is not precise enough. For there are many actions which when generally performed do produce good consequences, but they do not become my duty on that account. For example, running for half hour everyday when performed generally would improve the general health condition of society, but if I have a duty to do so, it is because that act is good for me rather than the positive effects of its general performance. However, this has not changed the fact that in many cases we feel we have a duty to abstain from doing something given that if everyone does the same bad consequences would arise. Therefore, in these cases there must be some extra condition that conjointly gives rise to my duty. It is important to observe this because it is this condition along with another (which I will soon explain) that together constitute the reasonable boundary of man's duty to be just. The condition here I mean is that, to use Harrison's expression, 'actions of the class must be so related to one another that, if they are not performed in the majority of cases, then

they will not produce good consequences' (Harrison, 1993 vol.1: 18). R. F. Harrod characterises the condition thus:

> *There are certain acts which when performed on n similar occasions*
> *have consequences more than n times as great as those resulting from*
> *one performance. And it is in this class of cases that obligations arise*
> (Harrod, 1936: 148, quoted in Harrison, 1993 vol.1: 18).

Accordingly, this condition well explains one's idea of the duty to observe justice. On the one hand, it suggests that, in contrast with act utilitarianism, not every act of justice is necessary to secure the good produced by the practice of justice. Man may omit to perform justice here and there because other norms produce more utility compared with justice. In this way, the difference between cumulative-effect utilitarianism and act utilitarianism is evident. The latter takes every act of justice as indispensable, but the former is less rigid and more realistic in that it explains the fact that not to perform any just act does not undermine the utility of the whole practice, but not to perform every or most of just acts does cause the collapse of it. Therefore we must perform certain act, the consequence of which is no good if not bad, because if everyone escaped from his duty in similar cases, justice would be undermined. However, on the other hand, we do not think the duty binds us when the performance of it brings about disaster. 'Let justice be performed, though the universe be destroyed' is a principle incompatible with our experience and is, as we have seen, the object of Hume's criticism. So when should I suspend my duty to be just? Does cumulative-effect utilitarianism offer a principle to help me judge this matter? Yes, in fact, and it is in this respect that cumulative-effect utilitarianism, according to Harrison, is more advantageous that other theories such as intuitionism of Sir David Ross (Harrison, 1993 vol.1: 20-22). This then brings us to the second

condition which has not yet been explained, namely, to borrow Harrod's expression again:

> A lie is justified when the balance of pain or loss of pleasure is such that, if a lie was told in all circumstances when there was no less a balance of pain or loss of pleasure, the harm due to the total loss of confidence did not exceed the sum of harm due to truthfulness in every case (Harrod, 1936: 149, quoted in Harrison, 1993 vol.1: 20).

In other words, our failure to apply a rule to a case is justified if the harm derived from so doing in cases as hard or harder is less or no more than the harm caused by applying the rule to these cases. It should be noted that, when duty is suspended in not very hard cases, the gain in every case is smaller than the gain derived from the suspension of duty in very hard cases, yet not very hard cases happen much more frequently than very hard cases, so when general utility is considered, not very hard cases have the advantage. Meanwhile, the loss of the utility by the suspension of duty in not very hard cases is also greater than the loss of utility in very hard cases. For example, although man may not justify his walking on a well-kept lawn simply because he wants to, he may regard the rule that one is justified to walk on a lawn only in cases when someone's life is at stake as too rigid, because he may feel that the advantage brought about by everyone's walking on the lawn when one is late for important interviews evidently outweigh its harm. However, if this is the case, one can imagine that the lawn would soon be spoilt, because it may reasonably be supposed that among people who walk in the park, some of them are late for important occasions, and such event may happen frequently every day. When man takes this condition into account, he then feels that being late for an important

interview is not a reason which may justify his walking on a well-kept lawn, thus he abstains from doing so.

Here we have introduced two conditions implied in Hume's theory of justice: one is that we have duty to perform a certain type of action not only because the general performance of this type of action is beneficial, but also because its beneficial consequences depends on its being performed in the majority of cases; another is that we may justify our failure to perform certain type of actions when the general failure to perform these type of actions causes less or no more harm than its general performance. What these two conditions conjointly constitute is the reasonable boundary of man's duty to be just; the one provides a reason for him to do so, and another provides a reason for which his suspension of duty is justified. It should also be noted that between these two conditions is a rigid prescription with respect to man's duty to observe justice and almost no exception is to be justified, which then reveals another important difference between Hume's utilitarianism and the hypothetical contract thesis of Gauthier. According to a contractarian moral theory such as Gauthiers', a theory of moral duty based on the supposed consequence of an action when it is generally performed is not realistic enough. Instead, it is argued that 'We should base our conduct upon what, after the fullest consideration possible in the time at our disposal, it seems most likely will happen' (Harrison, 1993 vol.1: 23). From this viewpoint, if I have reason to suppose that everybody will continue to perform his duty, and if I may relieve a not very hard case by failing to apply a rule of justice, then I should do so even if I realise that the general performance of this type of action would produce negative consequences. Likewise, this view holds that I do not have a duty to perform a certain type of action even if its

general performance would bring good consequences, so long as I have good reason to believe that other people will not do the same. This view, however, is problematic, and what is equally problematic would be to attribute this view to Hume. The contractarian view is problematic because my duty to perform an action is conditioned by what I believe others will do. It might be objected that Hume's utilitarianism likewise bases man's duty on a supposed consequence caused by other people's actions. Indeed, this is true. Yet a difference between Hume's utilitarianism and Gauthier's contractarianism is that, the agent in the former theory has his eye on public interest while the agent in the latter theory cares only about maximising his self-interest. This is a significant difference because agents in either theory are not capable of knowing what other people will do, the best they can do is to make a supposition in this respect, so admittedly both a contractarian and a utilitarian would have to take into account some undecided factors in deciding what action he ought to perform. The difference lies in that since a utilitarian has genuine feelings for his fellows and society, his interpretation of those undecided factors would be based on what he regards as most beneficial for society, so even if he is not capable of knowing what other people will do, he nevertheless performs what his sense of duty instructs and does those actions of which he feels other people would approve. On the contrary, a contractarian cares about social cooperation only because it is the most secure way for him to benefit, so his interpretation of those undecided factors would be based on what he regards as most beneficial to himself. In this way, even if he is not certain about what other people will do, he presumes that his injustice would not be detected in some secret events and others would continue to observe justice, so that he may justify his being a free-rider to maximise his self-interest. To put it in slightly different terms, 'good reasons' to believe that others will not do the

same is sufficient for a contractarian to fail his duty, but not sufficient for a utilitarian to turn away from what he thinks is right. For a utilitarian, he must have 'conclusive reasons' for thinking that others will not apply the rules which he applies, then his duty to apply those rules ceases. This is so because if everyone ceases his duty only when he knows that others will not apply these rules, no bad consequences would follow. However nobody except the omniscient being is capable of having a conclusive reason for knowing what others will do, and since I am not omniscient, my duty binds me all the time, because if everyone fails his duty only because he has good reason to believe others will not do the same, bad consequences will arise, and I have a duty to avoid such consequences according to the first condition. My duty binds me unless it meets the second set of conditions, namely the failure to fulfil my duty in some very hard cases, once generally performed, produces less or no more harm than its fulfilment (Harrison, 1993 vol.1: 25-28). In brief, for Hume's utilitarianism, as Harrison accurately remarks,

> My duty to perform actions of a sort which would have good consequences if they were generally practised will thus depend, in some measure, upon my ignorance of the behaviour of other people (Harrison, 1993 vol.1: 27).

Harrison's essay 'Utilitarianism, Universalisation, and Our Duty to be Just' which I have drawn on in this section provides a detailed account of utilitarian reason for man's duty to be just, and in the previous section I have tried to explain that in Hume's account of the origin of society, man's desire to seek peace and order is already implanted in him by nature and is cultivated in the process of his socialisation. Both the desire and the reason to observe justice is to be found in

Hume's philosophical theory because these, as Hume argues, are both parts of human nature.

5.4 Hume's Egalitarianism in *Essays*

Next I would like to consider another important implication of Gauthier's essay, namely that Gauthier seems to take Hume as agreeing with his own standpoint in defending the *status quo* and not providing a sanction of redistribution of property. In doing so, Gauthier is using Hume to support his own theory of justice as mutual advantage and to challenge the egalitarian implications of justice as impartiality. I hope to show that this is a misunderstanding of Hume's view and also fails to take utilitarianism seriously as a third type of theory of justice. To continue the criticism of hypothetical contract theory and the utilitarian interpretation of Hume's theory of justice above, in this section I concentrate on Hume's economic essays and shall try to show that there is an egalitarian tendency implied in them. Accordingly I suggest that Hume's criticism of distributive justice in his philosophical works is derived from his conception of the task of a moral anatomist, rather than it being an approval of Gauthier's view.

As has been said, Gauthier takes Hume as drawing a link between self-interest and salience. That is to say, every person has strong need for a system of property to secure his life and safety, 'so that each has strong interest in reaching and maintaining agreement with his fellows on some system' (Gauthier, 1998: 31). On the other hand, every person expects to benefit less from two different systems of property in comparison with no system at all, 'so that each is much more concerned with agreement on some system, than with the choice among possible systems'

(Gauthier, 1998: 31).[57] In this way, those rules which seem most obvious to men would catch their imagination and become the objects of their agreement. In Gauthier's terms, these rules provides the salient basis for men's agreement, and the rules of property that share this feature of salience including first possession, present possession, succession, prescription, and accession. According to Gauthier,

> It will be noted that the use of salience to select among possible conventions and rules is highly conservative in its effects. This conservatism, of course, reflects Hume's insistence that, while a system of property is essential, the choice among systems is of much less importance. In critical discussion of Hume's theory we might wish to question this insistence. We might question whether present possession, inheritance, precedence, would command the interested recognition of all concerned (Gauthier, 1998: 32).

I am skeptical of this being an adequate account of Hume's view on the distribution of property, for it seems that Gauthier fails to distinguish clearly what Hume regards as moral and praiseworthy from Hume's psychological explanation of the formation of morality. If there is an conservative tendency as one may perceive from reading Hume's account of justice and property rules whether in the *Treatise* or *EPM*, that tendency along with the desire for a system of property more urgently than a ideal distribution of property are both propensities of human nature, and Hume is describing rather than justifying them. Moreover, before one questions Hume's 'insistence', one must first be clear about that, if salience has a role to play in Hume's account of the origin of property, it is connected with man's sociability and sympathy rather than with self-interest. If the rules enumerated by Hume seem

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[57] For an account of the idea of resilience in Hume's theory of property, see Waldron, 2001: 10-35.

conservative in their effects, they are not chosen for that effect but because they are the most effective way to satisfy man's sociability. Therefore, underlying the seemingly conservative appearance of these property rules is man's sympathy with public utility.

One of Hume's most explicit criticisms of distributive justice is found in Section 11 'Of a Particular Providence and Of a Future State' in *EHU*. In Chapter Three, I discussed Hume's argument and suggested that his criticism of religionists may help to clarify the implication of the 'is' and 'ought' passage. A principal point of Hume's criticism is that religionists' reasoning commits a logical fallacy, namely that although everyone may freely infer cause from effect, a just philosophical reasoning is not allowed to return from cause to effect and attempt to add something on effect which they ascribe to cause on no other ground but conjecture and hypothesis. This is exactly what the religionist is doing, and this is the reason why distributive justice, which religionists advocate, is criticised by Hume. In other words, religionists should not enjoy superiority in instructing how people ought to live. Hume remarks that:

> And if you affirm, that, while a divine providence is allowed, and a
> supreme distributive justice in the universe, I ought to expect some more
> particular reward of the good, and punishment of the bad, beyond the
> ordinary course of events; I here find the same fallacy, which I have
> before endeavoured to detect. You persist in imagining, that, if we grant
> that divine existence, for which you so earnestly contend, you may safely
> infer consequences from it, and add something to the experienced order
> of nature, by arguing from the attributes which you ascribe to your gods.
> You seem not to remember, that your reasonings on this subject can only
> be drawn from effects to causes; and that every argument, deduced from
> causes to effects, must of necessity be a gross sophism; since it is
> impossible for you to know any thing of the cause, but what you have

antecedently, not inferred, but discovered to the full, in the effect (*EHU*, 193).

After one paragraph, Hume continues to say that:

> *Are there any marks of a distributive justice in the world*? If you answer in the affirmative, I conclude, that, since justice here exerts itself, it is satisfied. If you reply in the negative, I conclude, that you have then no reason to ascribe justice, in our sense of it, to the gods. If you hold a medium between affirmation and negation, by saying, that the justice of the gods, at present, exerts itself in part, but not in its full extent; I answer, that you have no reason to give it any particular extent, but only so far as you see it, *at present*, exert itself (*EHU*, 193-194).

Accordingly, it is clear that Hume does not criticise distributive justice because of his disapproval of its egalitarian implication. Instead, Hume's reason is that distributive justice is an issue out of the reach of the philosopher. If the philosopher contributes to enlighten the vulgar, that must be in a scientific rather than a moral sense, because what a philosopher can say about morals is derived from his experience of being a vulgar, so he is in no way superior to others in this respect. Since he is not superior to others, what he says about distributive justice does not then prescribe what other people ought to do, how society ought to be organised or public policy ought to be made. Distributive justice is criticised in *EHU* because religionists simply confuse these two roles which for Hume are distinct:

> Greater good produced by this Being must still prove a greater degree of goodness: A more impartial distribution of rewards and punishments must proceed from a greater regard to justice and equity. Every supposed addition to the works of nature makes an addition to the attributes of the Author of nature; and consequently, being entirely unsupported by any reason or argument, can never be admitted but as mere conjecture and hypothesis (*EHU*, 196).

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Does Hume's criticism of distributive justice, then, justify the *status quo* and defend an unequal distribution of property? Certainly not, otherwise Hume would himself commit the same fallacy as the religionists. In the remainder of this section, I would like to consider a number of Hume's economic essays and reveal Hume's criticism of inequality, which is explicitly normative judgment made by Hume and which is almost nowhere to be found in his philosophical works. In other words, when one focuses on Hume's role of a moral painter as he states in *Essays*, one will find that regarding Hume as a conservative thinker is to misunderstand him. For Hume clearly indicates that he cannot find any reason to justify inequality in ancient times as well as the cruelty and inhumanity which usually accompany it. If the history of human beings may be seen as progressive, and if such progress has any significance, then one of the most important for Hume is cultivating man's humanity and his sympathy with others' feelings, so that man may learn to put others' pain and pleasure on equal footing with his own, which is what Hume means by equality.[58]

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[58] Hume writes: 'A good-natur'd man finds himself in an instant of the same humour with his company; and even the proudest and most surely take a tincture from their countrymen and acquaintance. A chearful countenance infuses a sensible complacency and serenity into my mind; as an angry or sorrowful one throws a sudden damp upon me. Hatred, resentment, esteem, love, courage, mirth and melancholy; all these passions I feel more from communication than from my own natural temper and disposition' (*Treatise*, 206). In this sense, Hume belongs to the tradition of, as Albee terms it, universalistic hedonism, of which Richard Cumberland is the first advocate in England (Albee, 1902: 11-12). For an account of Hume's progressivism in the *Treatise*, see Baier, 1991. The emphasis on sympathy here is also inseparable from our account of the importance of family in the process of man's socialisation, for, as proved by social psychologists, close and secure family relationships are associated with the highly-developed sympathy, see Frazer, 2010: 180.

In the essay 'Of Commerce', Hume affirms the value of foreign trade, for it augments the power of the state and the riches and happiness of the subjects (*Essays*, 263). This is so because foreign trade usually gives rise to refinement in domestic manufactures and luxury. One the one hand, men's natural love of novelty makes them desire foreign commodities rather than improving domestic ones. On the other, it is also profitable to export what is superfluous in a nation to others which have greater need for these commodities. Along with the rise of the spirit of trade in society, men 'become acquainted with the *pleasures* of luxury and the *profits* of commerce'; and once their '*delicacy* and *industry*' are awakened, these spirits carry people to further improvements both in domestic and foreign trade (*Essays*, 264). As a result, 'a commerce with strangers' cultivates man's sociability; it liberates people from indolence, and raises their 'desire of a more splendid way of life' which their ancestors never dreamed of. Meanwhile, the spread of foreign trade give rise to a group of merchants who benefit most from it, and these people with their great opulence not only become rivals in wealth to the ancient nobility, but liberate political powers from being controlled by few hands. Imitations then diffuse the art of trade, and with more people involved in the foreign trade, domestic manufactures are also improved because they must compete with foreign commodities. This then excites people's desire for more utility and encourages them to explore what is unknown to them.

Meanwhile, however, Hume also notices the unequal distribution of resources which may rise along with foreign trade, as he remarks that 'A too great disproportion among the citizens weakens any state' (*Essays*, 265). Contrary to Gauthier's observation, Hume's egalitarian concern is evident in a paragraph which

he writes down right after explaining the advantages of trade. Hume points out that, as the novel skills and techniques are more advantageous when more people are acquainted with them, so the productions of these skills would be more beneficial if they are shared by more people:

> Every person, if possible, ought to enjoy the fruits of his labour, in a full possession of all the necessaries, and many of the conveniences of life. No one can doubt, but such an equality is most suitable to human nature, and diminishes much less from the *happiness* of the rich than it adds to that of the poor (*Essays*, 265).

Here Hume is justifying his concern for social equality by the principle of maximum utility: what seems trivial to a rich man can be valuable in the eyes of a needy person, thus if social resources can be distributed on more equal basis, general welfare will be maximised. Moreover, when the access to wealth and resources is shared by more people, the burden on each citizen will then be lessened. For 'Where the riches are engrossed by a few, these must contribute very largely to the supplying of the public necessities', but when wealth is distributed more equally, 'the burthen feels light on every shoulder, and the taxes make not a very sensible difference on any one's way of living'. In that case, taxes are paid with more cheerfulness and the power of the state is augmented (*Essays*, 265).

This is not the only evidence that Hume holds an egalitarian position and that he justifies this by the principle of public utility. In another essay 'Of Money' Hume opposes mercantilist views that national power and wealth depend on the quantity of money of a nation. Hume disagrees with this view because 'the want of money can never injure any state within itself: For men and commodities are the real strength of any community' (*Essays*, 293). Instead, what harms the public is that money has

been confined to few hands, thus preventing its universal diffusion and circulation (*Essays*, 293-294). This is the defect that arises from the simple life, for along with the development of refined arts and industry of all kinds, money will then be circulated more thoroughly in society. In that case, even the quantity of money is low, 'They digest it into every vein…and make it enter into every transaction and contract. No hand is entirely empty of it' (*Essays*, 294). This will then contribute to strengthen the power of the state, because when wealth is more equally circulated, the governor will more easily levy taxes from every corner of the state, and what he receives from people will again be invested in the market through his consumption of fine commodities (*Essays*, 294).

Again, Hume's egalitarianism and his view that man's sympathy and humanity will develop in the process of civilisation, and that this is the reason man ought to pursue a more refined and civilised life is expressed in another essay 'Of the Populousness of Ancient Nations'. In this essay Hume opposes the argument advanced by some authors in his time that the ancient world was more populous than the modern, and a main reason they hold is the popularity of the practice of slavery in the ancient which was abolished in a large part of Europe in Hume's time. In addition to objecting that the practice of slavery does not have much to do with population, Hume's criticism of this practice and of its upholders, republicans perhaps, is also significant and is revealed in the essay. Hume criticises the fact that some passionate admirers of the ancients and zealous partisans of civil liberty, the two sentiments which Hume describes as almost inseparable, cannot help but regret the loss of slavery in modern times, and while all obedience to a tyrant is denominated by these men as degradation and 'slavery', 'they would gladly reduce

the greater part of mankind to real slavery and subjection' (*Essays*, 383). In this respect, Hume is the son of Enlightenment rather than a disciple of ancient republic, as he writes:

> But to one who considers coolly on the subject it will appear, that human nature, in general, really enjoys more liberty at present, in the most arbitrary government of EUROPE, than it ever did during the most flourishing period of ancient times. As much as submission to a petty prince, whose dominions extend not beyond a single city, is more grievous than obedience to a great monarch; so much is domestic slavery more cruel and oppressive than any civil subjection whatsoever. The more the master is removed from us in place and rank, the greater liberty we enjoy; the less are our actions inspected and controled; and the fainter that cruel comparison becomes our own subjection, and the freedom, and even dominion of another (*Essays*, 383).[59]

The interpreters who regard Hume as a moral skeptic or as a conservative defender of established institutions would have to take Hume's passions for equality and liberty more seriously, and Hume's criticism of slavery does not stop here. When we compare what Hume continues to say with his attitude towards the subjection of Indians and of women in *EPM*, the stark contrast clearly suggests the different perspectives which Hume respectively adopts in composing these works (*EPM*, 88-89). Hume says:

> The remains which are found of domestic slavery, in the AMERICAN colonies, and among some EUROPEAN nations, would never surely create a desire of rendering it more universal. The little humanity, commonly observed in persons, accustomed, from their infancy, to

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[59] See Kelly, 2001 for an elaboration of the idea of liberty of classical utilitarianism, especially that of Bentham and Sidgwick, in response to the criticism of republicanism.

exercise so great authority over their fellow-creatures, and to trample upon human nature, were sufficient alone to disgust us with that unbounded dominion. Nor can a more probable reason be assigned for the severe, I might say, barbarous manners of ancient times, than the practice of domestic slavery; by which every man of rank was rendered a petty tyrant, and educated amidst the flattery, submission, and low debasement of his slaves (*Essays*, 383-384).

If Gauthier's justice as mutual advantage may well express Hume's theory of justice, if Hume is reluctant to criticise the existing practice due to his belief in its intrinsic values, then one wonders why he opposes the practice of slavery so harshly, as it indeed is an ancient institution in the history of human beings, and as slaves according to Gauthier's idea of justice contribute nothing to the system of mutual advantage since they are not eligible to own any property, Hume needs not therefore bother himself with the interests and feelings of this group of people. Furthermore, if Hume's theory of justice is as Gauthier describes, namely that what Hume is concerned with and thus takes as the foundation of morality is the interests of each individual rather than the public utility of society, why would Hume criticise masters' encouragement of the propagation of their slaves as much as that of their cattle (*Essays*, 386)? Why would Hume find it deplorable that the opulent are interested in the 'being' of the poor just like of their cattle while paying not the least attention to their 'well-being' (*Essays*, 387)? Why, if I may be permitted to object to Gauthier's account of Hume by indicating one more mistake of it, would Hume bother to point out that

> We may here observe, that if domestic slavery really encreased populousness, it would be an exception to the general rule, that the happiness of any society and its populousness are necessary attendants. A master, from humour or interest, may make his slaves very unhappy, yet

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be careful, from interest, to encrease their number. Their marriage is not a matter of choice with them, more than any other action of their life (*Essays*, 387 n.17).[60]

I hope these are sufficient to support the argument in this chapter, that is, it is social welfare rather than mutual advantage on which Hume's theory of justice is grounded, and it is sympathy with the feelings of our fellows in the society that is our motivation to observe justice rather than the artificial motive created by our concern for the maximisation of self-interest. The main problem with Gauthier's essay lies in that, the points he takes Hume as making are actually those which Hume is criticising, and what Gauthier is criticising, namely his intention to object that Hume is a proto-utilitarian, is precisely what best stands for Hume's view and his position in the tradition of political thought.

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[60] The egalitarian implication of Hume's philosophy matches one of Plamenatz's definitions of English utilitarianism: 'The equal pleasures of any two or more men are equally good' (Plamenatz, 1958: 2; 28).

Chapter 6   Hobbesian or Lockean?

Reconsidering Hume's Theory of Property

6.1   Hardin and Barry: A Debate in the Same Camp

David Gauthier is not alone in the contemporary philosophical enterprise of marginalising the role of utilitarianism by attributing to Hume a conception of the person that is enlightened egoistic and thus integrating Hume into the tradition of social contract theory. Although defending a different approach in the camp of contractarianism, Brian Barry's account of Hume, founded on his criticism of Russell Hardin, essentially assists in strengthening the position of social contract theory in contemporary debate on justice, while contributing to a serious misunderstanding of Hume's political thought.

In his paper 'David Hume as a Social Theorist' published posthumously in *Utilitas*, Brian Barry offers a review of Russell Hardin's work *David Hume: Moral and Political Theorist*. Along with his criticism of Hardin, Barry's reconstruction of Hume is also found in the same paper and is intended to amend those defects of Hardin's argument which he thinks are misleading. Barry is not persuaded by Hardin's interpretation of Hume's view on an important question in the tradition of political philosophy, i.e. can social order be secured in a community without sanction of government? The different answers to this question held by Barry and Hardin originate from their different views on the origin of the institution of property. A primary object of Hardin's work is to show that, while Hume famously declares that convention is the basis of property, it is important to notice the convention Hume has in mind is a coordination convention, the feature of which is its order growing out

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among its participants spontaneously without relying on any extra force such as the state. For Hardin, a motive of self-interest that he takes as generally shared by human beings along with sufficient times of coordination would not only build up a pattern of interaction among people but stabilise it, until then a convention is formed. Property, among others, is a result of coordination convention.[61] Contrary to this, Barry thinks that Hardin's argument is defective by its over-optimism and by the fact that it misconceives the nature of the institution of property in Hume's theory, which, according to Barry, is a cooperation problem. It should be noticed that, by observing Hardin's interpretation of Hume and Barry's criticism of it, we are led to see two significant things. On the one hand, a debate between Barry and Hardin is a debate within a specific interpretation of Hume's political theory, namely Hume has been taken as disciple of Hobbes. On the other, however, a debate between them is also a debate between two theoretical traditions, that is, unlike Barry's theory which is developed in line with Gauthier, both of which are meant to defend the tradition of social contract theory, Hardin's intention is to challenge them and provide a utilitarian interpretation of Hobbes by pointing out his influence on Hume. In this sense, Hardin is developing a utilitarian genealogy by examining Hobbes's connection with Hume, whereas Barry is defending a contractualist view by showing what Hume owes to Hobbes. This then has an impact on the degree of resemblance that is identified by two interpreters between Hume and Hobbes. For Barry, the degree of similarity is rather higher than Hardin acknowledges, so that he takes Hardin as falsely overstating the originality and fecundity of Hume's ideas,

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[61] See Hardin, 2007: 85 for a table containing all coordination problems discussed by Hume.

especially in relation to the problem of social order (Barry, 2010: 369). Hobbes holds that the nature of such a problem is a prisoner's dilemma, and also suggests that the state is the solution. Barry believes that Hume takes over Hobbes's view in the respect, thus the contribution of Hume lies not in the originality of his theory, but in the fact that he provides a more precise version of Hobbes's position (Barry, 2010: 392). Therefore, for Barry, Hardin's evaluation that 'The pervasiveness and power of coordination is Hume's richest strategic insight…it underlies his extraordinary theory of convention' (Hardin, 2007: 82) cannot be accepted without qualification. Nevertheless, Barry's criticism of Hardin has not changed the fact that their interpretations of Hume's theory of property overlap in a way that I cannot agree with and propose to criticise in this chapter.

6.2 Some of Hardin's Misunderstandings

Given the fact that both theorists pay their attention primarily to the theoretical connection between Hume and Hobbes, we should not then be surprised to find that what is largely overlooked by them is Locke's influence on Hume. In Barry's paper, he is so focused on deepening the similarity between Hobbes and Hume that he nowhere considers this, and among his objections to Hardin's view, Barry does not seem to find Hardin's remarks on Locke particularly problematic. At the outset of his work Hardin declares that

> It is now increasingly common to present the British tradition of political
> philosophy as going from Thomas Hobbes (1588-1679) to John Locke
> (1632-1704) to Hume (1711-76) to John Stuart Mill (1806-73). Locke is
> a misfit in many ways and the direct line skips a generation to go from
> Hobbes to Hume (Hardin, 2007: 1-2).

Indeed, it might not be fair to say that Hardin has thoroughly ignored Locke's influence on Hume, but all that he has noticed seems to be negative. For example, in a footnote attached to the passage just quoted, Hardin acknowledges Hume's indebtedness to Locke in the sphere of epistemology, yet Hardin continues to say:

> Because the focus here is on Hume's political philosophy, we can acknowledge the great importance of Hobbes's arguments, which seem to be at play very often in the more important foundational claims of Hume (Hardin, 2007: 2 n.6).

What Hardin is ready to accept without much questioning is the view that, where Hume's political theory is concerned, Locke is one of his 'greatest antagonists' (Hardin, 2007: 198), and Hume 'rejects [Locke's] theory outright, sometimes with seeming contempt. Hence Hume corrects Hobbes but dismisses Locke' (Hardin, 2007: 210). Hardin's view, however, does not seem to be supported by Hume's own judgment on his two forerunners in political philosophy. Although, as Hardin says, philosophers in Hume's time often do not cite the authors with whom they agree or disagree, Hume does, however, explicitly leave some clues in his works. In the Introduction to the *Treatise* where Hume declares his ambition of applying the methods of natural science to moral subjects, Hume clearly shows his awareness that he is integrating himself into a broad intellectual movement. Therefore he enumerates a number of important figures in a footnote and describes them as his forerunners who began to 'put the science of man on a new footing', including Locke, Shaftesbury, Mandeville, Butler, and the misspelled name of 'Hutchinson' (*Treatise*,

5 n.1). [62] Hobbes's absence here is curious; he certainly belongs among those philosophers indebted to Francis Bacon, who Hume picks out in the *Treatise* as the modern originator of the movement in which Hume situates himself (*Treatise*, 5). However, as Buckle suggests, perhaps the absence of Hobbes is a consequence of his being too much the traditional dogmatist and thus inadequately experimental (Buckle, 2001: 81 n.25). Along with this explanation, we can still observe the phenomenon by situating it in a wider theoretical context in which what Hume faces is, to use David Fate Norton's terminology, a *crise morale* (Norton, 1982).

Traditionally, the importance of Hume's philosophy has been viewed from a predominantly epistemological perspective. As Norton notes, the common account of Hume's philosophical efforts presents them as the logical and negative outcome of the empiricism initiated by Bacon and Hobbes and embraced by Locke and Berkeley. Hume's philosophy, in this way, represents a negative and skeptical conclusion of the logical-historical development of empiricism. This is exactly the view that Norton challenges in *David Hume: Common-Sense Moralist, Skeptical Metaphysician* by showing that

> In point of fact, in the hundred years from Hobbes to Hume British philosophers were intensely concerned with moral theory, and highly motivated to refute what they saw as, and called, 'moral skepticism' (Norton, 1982: 12).

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[62] MacIntyre argues that Hume's misspelling of Hutcheson's name is by no means an accident, but rather a proof of Hume's intended break with the dominant Scottish tradition and Anglicisation of himself, for it is likely that readers would suppose the anonymous writer of the *Treatise* was an Englishman who is curiously insensitive to the very existence of Scotland (MacIntyre, 1988: 284). I will consider MacIntyre's interpretation of Hume in more detail in Section 4.

In other words, although the epistemological interpretations of this period are not insignificant, the researchers' preoccupation with the *crise pyrrhonienne* has obscured the fact that the most urgent concern of early modern British philosophers was the reconstruction of a viable moral theory (Norton, 1983: 13, 21; see also Hardin, 2007: 81-83). As Shaftesbury, one of Hume's predecessors in the moral sense school and a close associate of Locke, indicated, one would scarcely expect Hobbes's theory to alleviate a *crise morale*. Hobbes is a careful thinker, but he made the mistake of attempting to trace various human acts to the single principle of self-love (Norton, 1982: 34). According to Shaftesbury, Hobbes's position has made moral judgments meaningless, because all acts or character traits, whether altruistic or the opposite, are reduced by Hobbes to one single principle, thus they all are by nature the same. Therefore, Shaftesbury thinks that Hobbes's theory amounts to 'a general skepticism that was both misguided and genuinely dangerous' (Norton, 1982: 34-35). Shaftesbury's criticism of Hobbes would soon remind us of the similar view held by Hume in Appendix II to *EPM*, that researchers who are considering the relation between Hume's theory and that of Hobbes may expect to learn something significant from this Appendix. Hume's objection to what he calls the 'selfish system of morals' is conclusive and his reason is concise: since such theory is obviously contradictory to the living experience of common people, and even its advocates cannot put it into practice in their own lives,[63] then such theory must be rejected by any true philosophy, or by Hume's own philosophy at least. Thus Hume writes:

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[63] Hume says that 'Hobbes and Locke, who maintained the selfish system of morals, lived irreproachable lives' (*EPM,* 165).

The most obvious objection to the selfish hypothesis, is, that…it is contrary to common feeling and our most unprejudiced notions…To the most careless observer, there appear to be such dispositions as benevolence and generosity; such affections as love, friendship, compassion, gratitude. These sentiments have their causes, effects, objects, and operations, marked by common language and observation, and plainly distinguished from those of the selfish passions (*EPM*, 166).

In this passage, Hume can hardly make it plainer that the philosophical theory based on one single tendency of human beings, Hobbes' for example, is a distortion of human nature. Along with this, one might suspect that in this part of his theory Hume has somehow deviated from his role as an anatomist of human nature, and seems to involve himself in the normative enterprise of condemning what is morally wrong. In fact, Hume has not. For what is criticised by him is the philosophical system which was motivated by the 'love of *simplicity*' and which takes selfishness as the only principle to which the diversity of human tendency may be reduced. In other words, what is condemned by Hume is the blindness of the 'selfish' philosophical system to our common experience as human beings instead of men's selfish tendency *per se*. For an anatomist of human nature as Hume regards himself, so long as the plurality of human psychology is accurately portrayed, which means the predomination of man's selfishness is deprived and hence is put on same footing with various passions and tendencies that men are by nature endowed with, then there is no reason for him to interfere with the working of man's psychological mechanism. In this way, even the fact that man may be motivated to act by his tendency towards selfishness must also be revealed instead of concealed. After all, like benevolence, selfishness is a part of human nature; what motivates Hume to

develop a science of human nature is not to praise the former and blame the latter, but simply to describe them.

Another clue that might also help to clarify Hume's position is his evaluation of Hobbes in *History*:

> Hobbes's politics are fitted only to promote tyranny, and his ethics to encourage licentiousness. Though an enemy to religion, he partakes nothing of the spirit of skepticism; but is as positive and dogmatic as if human reason, and his reason in particular, could attain a thorough conviction in these subjects (*History*, vol.6: 153).

It seems unlikely that Hume would have endorsed a philosophical system, the consequences of which are regarded by himself as to 'promote tyranny' and 'encourage licentiousness'. Although this judgment was not overlooked by Hardin, he does not think it sufficient to alter his conviction that 'Hume's theory of politics seems to have more in common with that of Hobbes than with any other' (Hardin, 2007: 224).

Hardin's interpretation of Hume as a Hobbesian also influences his view on the relation between Hume's two main texts on morals: the *Treatise* and *EPM*. As stated, Hume's positions in these works are consistent, but consistent does not mean identical. They are consistent because from the conception of sympathy in the *Treatise* to the principle of utility in the *EPM*, Hume does not change his role as an anatomist whose purpose is to develop a descriptive theory of human nature. It seems that this is an argument that Hardin would happily endorse. However, when he is addressing the question which exists long in Hume scholarship, namely, given the fact that the idea of benevolence is apparently elevated to a more prominent role in

the later work, whether there is a significant change in views from the *Treatise* to *EPM*, Hardin's reply to this question seems less satisfactory than one may expect. Hardin writes:

> Perhaps this difference between the earlier and later texts is little more than one of emphasis and wording intended to counter the chance of misreading Hume's views. Hence, it is an elaboration of the earlier views (Hardin, 2007: 63).

What, then, are the 'earlier views' in the *Treatise* which were elaborated in *EPM*, and therefore must be most representative of Hume's standpoint as a political theorist? For Hardin, it is certainly a position that Hume inherits from Hobbes, and Hardin even quotes the only one contemporary review of Book III of Hume's *Treatise* to support his view, as he writes

> The reviewer rightly asserts that, in his discussion of the origin of justice and of property rights, Hume presents 'the system of Hobbes dressed up in a new taste' (Hardin, 2007: 224).[64]

This is why I regard Hardin's reply to the important question about the relationship between the *Treatise* and *EPM* as unsatisfactory. For, on the one hand, it is not clear why Hardin should appeal to an unsympathetic review of Hume's work to support his own interpretation, not to mention the reviewer's superficial reading of the *Treatise* leading to a criticism that Hume does not deserve. The reviewer says, Hume 'could have more order in it [i.e. Book III of the *Treatise*], more clarity, more detail; but also he could not have more paradoxes in it, more singular associations of

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[64] This review can be found in more detail in Mossner, 1980: 138-139.

ideas and of words which no one had yet taken it into his head to bring together', and adds that 'Here, as you can see, is the system of Hobbes dressed up in a new taste. If that philosopher had produced it in this fashion I doubt if he would have had such a reception in the world' (quoted in Mossner, 1980: 138-139). We do not see much help for Hardin to derive from a review like this.

On the other hand, more significantly, if the reviewer had disappointingly considered Hume's theory of justice in the *Treatise* as Hobbesian, he is less blameworthy in comparison to Hardin, for it was only eleven years later that Hume's *EPM* was published to address some of the misunderstandings caused by his first work. Among which, given the fact that the ideas of utility and natural sociability play such important roles in the later work, it seems reasonable to infer that a misunderstanding Hume would like to address is too close a connection drawn by researchers between him and Hobbes, which unfortunately is exactly what both Hardin and Barry take pains to do. This also justifies the more serious consideration we have given to the connection between Hume's two major works on morals. For it might have an impact on our identification of Hume's place in the history of political thought.[65] I do not deny Hardin's view that, from the *Treatise* to *EPM*, Hume has tried to make his position more explicit by restructuring and rephrasing the text, but I do not accept Hardin's argument that Hume's intention of rewriting his moral theory is to draw a link more closely between himself and Hobbes. Before the end of this section, let us say something more about Hume's two works, as this is not only a

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[65] Contrary to Hardin, James Noxon begins his study of Hume with a profound analysis of the differences between the *Treatise* and its later replacements. See Noxon, 1973: 1-26.

response to Hardin but also will have bearing on Barry's interpretation of Hume, as we will discuss in the following section.

It should be noted that, in the *Treatise*, Hume discusses various qualities of mind and behaviour that all may equally be regarded as virtues, among which, the virtue of allegiance is but just one. Although the space devoted to the artificial virtues is about twice that of natural virtues, readers need not infer from this that Hume regards the former as morally more significant than the latter. Instead, it is so because, from the perspective of a moral scientist, the formation of artificial virtues involves the function of psychological mechanisms which are more complex than those of the natural virtues, therefore a more detailed explanation of the co-working of various instincts and passions such as 'love of life', sexual appetite, selfishness, limited generosity, 'kindness to children',[66] children's natural dependence on their parents, natural sociability, along with the mechanism of sympathy, is provided. This view on the relation between the artificial and the natural virtues in the *Treatise* is helpful in allowing us to see why Hume has adjusted his structure of discourse in *EPM*. For it is likely that by means of this adjustment, Hume would like to manifest the essence of his thought which does exist in the *Treatise* but tends to be obscured by the structure of that work, the essence here being that it is society rather than the state which is Hume's main concern, so he asserts that 'we not only observe, that

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[66] Both of love of life and kindness to children belong to what Hume calls calm passions and are taken by him as 'instincts originally implanted in our natures'. Other passions of this kind are benevolence, resentment, the general appetite to good, and aversion to evil (*Treatise*, 268). As MacIntyre suggests, these passions are 'directed to certain highly general types of good, of a kind which human beings tend to pursue recurrently throughout their lives' (MacIntyre, 1988: 300).

men *always* seek society, but can also explain the principles, on which this universal propensity is founded' (*Treatise*, 258). It is true that Hume's discussion of justice is still longer than that of benevolence in *EPM*, but to emphasise this point does not contribute significantly to our understanding of Hume. This is so because, in the later work, what is revealed by the removal of the distinction between the natural and artificial virtues, and by Hume's discussion of benevolence which is the most typical of 'social virtues' prior to justice and political society, and, still, by the minimal role of the state which is no apparent difference from a necessary evil as regarded by Hume,[67] is Hume's determination to convey the nature of his theory more clearly, namely it is primarily a social rather than a political theory. To put it another way, it is a theory based on man's sociable nature, and it takes the idea of politics as comprehended under a broader idea of society.

Moreover, there is a phenomenon in *EPM* worth our consideration: the second Section of that work is named 'Of Benevolence', the third Section 'Of Justice', while the fourth Section, curiously, 'Of Political Society' rather than 'Of Allegiance', a conception which was adopted by Hume earlier in the *Treatise*. Can Hume try to inform his readers that the subject of his discussion here is not a 'virtue' like justice and benevolence, but rather a particular status of the human condition named 'political society'? If this is the case, does it imply that Hume regard political society

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[67] The section on justice is the longest one in *EPM*, the section on political society is the shortest, and the discussion of the virtue of allegiance is confined to the very first paragraph of the latter, whereas the remainder of the section is devoted to the discussion of law of nations, chastity, purity of manners, friendship, traffic convention, and rules of games, many of which, strictly speaking, do not directly rely on the existence of a political authority, but are arranged in the same place because they are all conventional.

as a historical stage different from that in which both benevolence and justice exist? Furthermore, does it also imply that the structure of *EPM* is intentionally arranged in accordance with the process of human history? That is, benevolence must be considered first because it is rooted in human nature, however, provided that natural resources are limited and human nature is inevitably partial, a convention to secure the stability of possessions is formed to aid men's social life, thus the idea of justice is created and acquires its meaning. After this, one has to wait until society expands to a certain scale before the state is then established to solve the inconveniences that obstruct men's social life; thence they stepped into political society which, though not its most original and natural form, is nevertheless a form of society. If this historical and sociological dimension of Hume's political theory which used to occupy a lot of space of Book III Part II of the *Treatise* can now be discerned from the structure of *EPM*, and thus makes the latter more concise and readable, one might feel less suspicious of the reason why *EPM* was considered by Hume as 'incomparably the best' (*My Own Life*, *xxxvi*).[68] Moreover, if it is sensible to read Hume this way, then the value of Hume's rewriting his moral theory after eleven years lies in moderating his psychologism which was most prominent in the *Treatise* and, by this means, making the underlying argument of the *Treatise* more explicit in *EPM*. Hume's intention becomes even clearer when we observe that, in *EPM*, after his brief discussion of 'political society' in Section 4, he proceeds to explore the natural connection between men's sociability with his idea of utility in Section 5. In

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[68] From this view, it seems curious to observe J. B. Stewart's comments that *EPM* is only an incomplete abridgement of Book III of the *Treatise*, and is meant to help the readers who tend to get lost in the intricacies of the *Treatise* (Stewart, 1973: 18).

the two following sections Hume discusses those qualities which are immediately agreeable to their possessor or to the observer. None of these sections depends on the presupposition of the political authority, but cannot be understood without a social life in the background. If we further combine this with our earlier observation on the first half part of *EPM*, then the very limited role of the state in that work is evident. Finally, in the conclusion of *EPM*, Hume's position remains consistent and he makes no mention of any external authority as indispensable to social order. Perhaps Hume was worried that his readers might fail to grasp this point, therefore he famously picks up the question of the 'sensible knave' before the end of the work. Against Barry's view that Hume, not unlike Hobbes, as we will see more clearly in the following sections, adopts the state as the only solution to the question of the 'sensible knave' or free-rider, Hume nowhere showing his similarity with Hobbes in his discussion of this question. On the contrary, he highlights the values of reputation, of character, and of inner tranquillity,[69] which, as will be demonstrated in what follows, have been regarded by Hume since the *Treatise* as the most indispensable

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[69] The state of 'inward peace of mind' and 'the peaceful reflection on one's own conduct' Hume proposes in the conclusion of *EPM* (*EPM*, 155-156), along with one's 'peace and inward satisfaction' and the self-survey of one's mind, are taken by some interpreters as supporting that Hume's philosophy is justificatory and normative. See, for example, Baier, 1991; Frazer, 2010. For criticism of this account of Hume, see, for example, Gill, 1996.

norms in maintaining a peaceful social life, and it is Locke instead of Hobbes who has overshadowed this aspect of Hume's thought.[70]

6.3 Barry: No Political Authority, No Social Order

A more significant difference between Hobbes and Hume, nevertheless, is noticed both by Barry and Hardin, as Barry remarks:

> Where Hobbes and Hume do differ, and Hume scores, is in their views of the possibility of peaceful and harmonious social interaction that is not imposed by the government (Barry, 2010: 372).

Hardin coincides with this by asserting that:

> Hume's account of convention denies Hobbes's claims of the necessity of an all-powerful sovereign and of the absolute need of government if we are to have social order (Hardin, 2007: 82).

However, what differentiates Barry's interpretation of Hume from that of Hardin's and therefore causes one's criticism of another is their disagreement on the proper limit of spontaneous social order in Hume's theory. To observe this, as Barry

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[70] Annette Baier's comment on the adjustment of the structure Hume has conducted in *EPM* is inspiring. She writes: 'Possibly it is an afterthought, but the appendices to *EPM*, unlike the appendix to the *Treatise*, are not second thoughts. If *EPM* is seen as a grand villa, then they are its workrooms, its kitchen, scullery, laundry, and cellars, lying behind, or under, the nine grandly furnished reception rooms with their many portraits, while off to one side is a more frivolous independent little building, a summerhouse or gazebo. Some of the materials for the main building, especially for its workrooms, are taken from one of the three wings of an earlier, condemned building' (Baier, 2010: 215). It should be noted that Baier, among others, is not entirely convinced of the regard which *EPM* has received from various scholars and from Hume himself as 'incomparably the best'. For Baier's preoccupation with Hume's *Treatise*, see also Baier, 1991.

says, the stability of property is certainly a notable instance. To put it differently, a central question both Barry and Hardin takes as crucial to the interpretation of Hume's political theory is: is it possible to maintain a stable institution of property without government? Barry's understanding of the scope of spontaneous social order is much more constrained compared with Hardin's. He recognises there are various rules discussed by Hume, especially in *EPM*, that arise without any control or direction by government to make social interactions enjoyable and harmonious, such as politeness, rules of games, and certain traffic rules. But Barry insists that such examples are only limited in Hume's political theory, and Hume's explanation of the origin of property certainly is not one of them, for what underlies property is cooperation rather than a coordination convention. From Barry's view, the fault of Hardin's interpretation is partly caused by Hume, because Hume has moved too quickly from introducing justice as a convention to three examples that are indubitably coordination problems:

> Thus two men pull the oars of a boat by common convention, for
> common interest, without any promise or contract: Thus gold and silver
> are made the measures of exchange; thus speech and words and language
> are fixed, by human convention and agreement (*EPM*, 172; see also
> *Treatise*, 315).

While many readers of Hume, including Hardin, were led to think that Hume intentionally drew parallels between conventions of justice and conventions of language, rowing, and money in order to provide a more vivid account of the origin of property, Barry thinks this is a misunderstanding of Hume, because Hume has 'employed two sharply different accounts of convention without distinguishing between them' (Barry, 2010: 369; 375-376). The one is cooperation convention, and

the other is coordination convention. Although Barry does not deny that the argument of spontaneous social order in Hume's theory is a feature that distinguishes him from Hobbes, one suspects that Barry was prepared to give only very limited credit to such an argument when it is observed that Barry says: 'Hume needs not be taken to mean that such rules could be maintained in a Hobbesian state of nature', and he insists that 'The law still has to be in the background to inhibit the escalation of quarrels about marked cards into shoot-outs, as happened in the Wild West' (Barry, 2010: 373). What is implied in this is Barry's denial of the maintenance of stable possessions without sanction of the state, for if norms less motivated by the selfishness of human nature such as rules of riding and good manners can barely sustain without the state functioning in the background, how could one possibly expect the rules concerning the distribution of resources, which are much more relevant to people's survival, to be observed without enforcement from the state? Barry thinks that the following paragraph quoted from *EPM* clearly shows that Hume treats justice as cooperative convention in an indefinitely iterated prisoner's dilemma:

> if it be allowed…that the particular consequences of a particular act of justice may be hurtful to the public as well as to individuals; it follows, that every man, in embracing that virtue, must have an eye to the whole plan or system, and must expect the concurrence of his fellows in the same conduct and behaviour. Did all his views terminate in the consequences of each act of his own, his benevolence and humanity, as well as his self-love, might often prescribe to him measures of conduct very different from those, which are agreeable to the strict rules of right and justice (*EPM*, 172, quoted in Barry, 2010: 376).

Barry then explains to us the difference between coordination and cooperation conventions as follows. For the former, the mutual advantage is fully contained in a single transaction. For example, the two men in a boat may never expect to meet

again, but if it takes two men to row the boat and they have a common destination, it is a simple matter of agreeing that they will join forces. Similarly, if one would like to communicate with somebody, he had better speak in a language that other people understand, although he may have no wish to strengthen the language the other person speaks and may even wish that it would die out (Barry, 2010: 375-376). But the case is otherwise in a cooperation convention. For two persons who are in a situation of cooperation, if they do not expect to cooperate again, that is, if their cooperation is a one-shot game, then its payoff structure reveals a prisoner's dilemma; none of them will choose to cooperate, so defection is a dominant strategy. However, if what two players face are indefinitely iterated plays, then a cooperative equilibrium is likely to be obtained between them, because what each player does can be made contingent on what the other player did previously (i.e. a tit-for-tat strategy). That is to say, if the first player chooses to cooperate and thereafter chooses cooperation with another cooperation and defection with another defection, each will serve his own interest as well as can be hoped for by playing cooperation every time. Following cooperation with defection (the dominant strategy in a one-shot play) will always reap an immediate gain, but will risk breaking the cooperative equilibrium and will cause a long series of defections from one party followed by defections from the other.

Therefore, Barry argues that when Hume's theory of justice limits its scale to two persons, it is like an indefinitely iterated prisoner's dilemma, a cooperative equilibrium being a likely outcome for two self-interested players. This is what the confusion between justice as a cooperation convention with other coordination convention consists of. However, an equilibrium is unlikely to happen when the scale

of participants expands, as in support of his view Barry quotes from Hume that 'But 'tis very difficult, and indeed impossible, that a thousand persons shou'd agree in any such action' (*Treatise*, 345, quoted in Barry, 2010: 378). This is so because communication among these people would be much more difficult than a dyad, and thus detains the planning and the execution of the work (imagine two neighbours planning to drain a field and one thousand people planning to drain a much larger field). Of course this difficulty could be met if people choose someone who acts as a manager to plan and execute the whole thing, and they just pay instead of taking part in the work. But still, as Barry indicates, this will soon bring us to the other impediment, namely the free-rider problem. So the only solution here is a state, with its power to fund public projects by taxation, arrange for them to be executed, and punish those who seeks to take advantage of others:

> Political society easily remedies both these inconveniences…Thus bridges are built; harbours open'd; ramparts rais'd; canals form'd; fleets equip'd; and armies disciplin'd; every where, by the care of government (*Treatise*, 345, quoted in Barry, 2010: 378).

This is a sketch of Hume's account of the origin of property and government provided by Barry, and what should be noticed is that it contains three conventions, each of which is formed subsequent to another; these are property, government, and public goods. That is to say, in Hume's theory, the origin of government is derived from people's need for an impartial arbiter in the execution and decision of justice, namely that government is to reconcile those conflicts caused by people's failure to obey three natural laws, i.e. the stability of possession, the performance of promises, and the transference of possessions by consent (*Treatise*, 337). However, once a government is established it usually does something more:

government extends farther its beneficial influence; and not contented to protect men in those conventions they make for their mutual interest, it often obliges them to make such conventions, and forces them to seek their own advantage, by a concurrence in some common end or purpose (*Treatise*, 345).

It is this tendency of government that explains its behaviours of taxation and provision of public goods. If we may describe this as the positive function of government, then it seems that its negative function, namely, being an impartial arbiter in the execution and decision of justice, is the true origin of it. After all, what is the point of building a national gallery before public order is secured? If this is the case, then what needs to concern us is the question that since when was government needed to fulfil its role as an impartial arbiter? In considering this question, what is important is the scale of the group. Hume's view is, as is believed, that when society became more numerous, people's original motive for observing justice was getting weaker, as everyone would suppose a single act of injustice would not bring society crashing down. Yet society does collapse if all or most of its members hold the same belief. In this case, although a cooperation equilibrium is likely to be fostered among a number of people who collaborate for self-interest, the same cooperation equilibrium would soon be broken down with the enlargement of the group because of people's selfishness. Therefore, Barry thinks that scale matters critically in a cooperative context, and in answering the question 'how large is large?' Barry objects to Hardin's optimism and argues that the state should be a solution that can be appealed to for maintaining order at very early stage. Thus Barry writes:

If a thousand men could not drain a meadow in the absence of a state, it seems to me highly doubtful that we would need to get to anything like

the size of a 'tribe or nation' before the justice convention failed to bring about stability of possessions (Barry, 2010: 379-380).

Barry regards government as indispensable to a peaceful society, and he criticises that Hume's use of the language of convention under the sanction of government is meaningless. For example, Hume describes government as 'protect[ing] men in those conventions [as those of justice] they make for their mutual interest' (Barry, 2012: 380). It is meaningless because 'once we have a rule that is enforced we have lost whatever traction the concept of convention can give us in the explanation of social order' (Barry, 2010: 380). Moreover, Barry criticises the fact that

> In particular, I can see no reason why every compulsory contribution to the cost of a public good should be described as obliging taxpayers to make conventions when the whole point is that the kind of convention that enables two men to drain a meadow without enforcement has broken down. Why not simply talk about property laws and taxes (Barry, 2010: 380)?

This then verifies the observation above, namely that although Barry realises the difference between Hobbes and Hume lies in the fact that Hume sees the possibility of peaceful and harmonious social interaction before people join political society, but Barry not being prepared to give much credit to Hume's argument because he is doubtful that such reasoning can be extended to groups larger than a dyad. In this way, Barry is clearly more interested in interpreting Hume as a Hobbesian than interpreting Hume as what he genuinely is.

One more proof of Barry's intention is, after denying the possibility of obtaining a cooperative equilibrium among a group of selfish people larger than a

dyad, he rushes to bring 'state' into the scene while completely ignoring a central conception of the *Treatise*, i.e. sympathy. This observation is important for the purpose of this chapter, so let us consider it more carefully. In p.379 of Barry's essay, a paragraph from Hume's *Treatise* is cited to support the argument that self-interest may motivate people to respect each other's possessions at the very beginning, but as soon as the group becomes larger, people tend to break the rules of justice for the same motive, hence the origin of the state:

> To the imposition then, and observance of these rules [of justice, men]
> are at first mov'd only by a regard to interest; and this motive, on the first
> formulation of society, is sufficiently strong and forcible. But when
> society has become numerous, and has encreas'd to a tribe or nation, this
> interest is more remote; nor do men so readily perceive, that disorder and
> confusion follow upon every breach of these rules, as in a more narrow
> and contracted society (*Treatise*, 320).

Barry's strategy of taking this paragraph as justification of the state is not entirely convincing. In fact, it is an intentional misconstruction of Hume's argument. The paragraph quoted by Barry is only an extract from a passage near the end of Book III Part II Section 2 of the *Treatise*, and Hume's mission in this section of the text is to address an important question: '*Why we annex the idea of virtue to justice, and of vice to injustice?*' (*Treatise*, 320) In answering this question, Hume indicates men's dual obligations to observe justice: one natural and another moral. A man's natural obligation is the interest that he may reap from a peaceful society, and his moral obligation is that he should not infringe on others' possessions because it is the wrong thing to do. The point here, as Hume aims to make clear, is that in addition to our pursuit of self-interest, we are still obliged to perform justice morally, i.e. an obligation based on a non-egoistic concern. I will elaborate on the connection

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between Hume's idea of sympathy and social order shortly, but before the end of this section what I hope to suggest is that Hume's discussion of sympathy in his theory of justice is by no means trivial, and Barry's argument is undermined by his thorough neglect of this dimension of Hume's thought.[71] I also would like to suggest that the idea that the state must be created to secure social order as soon as our natural obligation weakens with the expansion of group, is imposed on Hume by Barry given his preoccupation with Hobbes. In fact, Hume clearly states that before men step into the stage of political society, they must realise and feel that they are still morally bound to be just even when they no longer perceive the immediate benefit of performing such behaviour. This is a point Hume aims to make clear in his theory, unfortunately, this is also a point Barry avoids in his essay. However, when we realise that the moral obligation Hume mentions here is closely connected with the idea of sympathy, it seems to become more understandable as to why Barry intentionally ignores this part of Hume's argument when the goal of his essay is to show Hume's affinity with Hobbes. For sympathy as elaborated by Hume in Book II of the *Treatise* is so crucial a conception by means of which Hume then successfully moves from the more egocentric perspective he adopts in Book I to a moral and political theory in Book III which cannot be separated from its presupposition of a social life.

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[71] As Hume says that 'the happiness of strangers affects us by sympathy alone' (*Treatise*, 394), Barry's neglect of this tendency of human nature explains the reason why he must appeal to the state to create men's motive to observe justice, which is a strategy of Hobbes's but not of Hume's.

6.4   Sympathy and Hume's Social Order

In Chapter Two where I identified and analysed the differences between Hume's *Treatise* and *EPM*, it was argued that sympathy is an idea crucial for understanding Hume's psychological anatomy. According to Hume's observation, sympathy functions like an invisible channel through which the communication of sentiments and opinions is taking place among individuals, and it is largely by means of this mechanism that a social life originated from men's instincts is peacefully maintained. To refute Barry's interpretation of Hume and to do Hume's theory justice, this section aims to provide a further exploration of the idea of sympathy and of the way in which it contributes to Hume's theory of property. The idea of sympathy is frequently applied to Hume's account of morals; it is not only the basis of moral values of artificial virtues such as justice, fidelity and allegiance, but indispensable in forming a 'more constant and universal' point of view on which our moral judgment of natural virtues depends (*Treatise*, 377). Now it is by no means contingent that Hume introduces the idea of sympathy and explains its function in the middle part of the *Treatise*. For after an egocentric elaboration of human understanding, Hume deliberately provides an empirical account of human emotive reactions in support of the view that men are by their natural constitution socially-oriented, and this tendency of natural sociability will then be assigned an important

part in his account of virtues.[72] In other words, the function of sympathy in Book II of the *Treatise* is to provide an empirical evidence of men's sociability. Now let us start with a reflection on Hume's texts to see what important elements of Hume's theory are missed in Barry's interpretation.[73]

6.4.1 Sympathy and Hume's Difference from Hobbes

In Book III of the *Treatise* the conception of sympathy is indispensable in Hume's account of both categories of virtues, and one may even argue that Hume's moral theory in the *Treatise* would have collapsed had the conception of sympathy been removed from it. As stated, sympathy is regarded by Hume as connected with men's sociability, and when men's sociability is demonstrated in a social life in which various social transactions and exchanges are taking place, the passions that motivate men's interactions are what Hume calls indirect passions, among which the

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[72] See also MacIntyre, 1988: 290. Hume's view that sympathy and sociability are inseparable and both are instinct shared by human beings along with other no-human animals is well demonstrated in the following passage where he shows that sympathy instead of self-interest is the main cause of men's esteem and love for others' power and property: 'The best method of reconciling us to this opinion is to take a general survey of the universe, and observe the force of sympathy thro' the whole animal creation, and the easy communication of sentiments from one thinking being to another. In all creatures, that prey not upon others, and are not agitated with violent passions, there appears a remarkable desire of company, which associates them together, without any advantages they can ever propose to reap from their union. This is still more conspicuous in man, as being the creature of the universe, who has the most ardent desire of society, and is fitted for it by the most advantages. We can form no wish, which has not a reference to society. A perfect solitude is, perhaps, the greatest punishment we can suffer' (*Treatise*, 234).

[73] My interpretation of Hume in this section against that of Barry's will largely draw on Hume's theory of passions as elaborated on in Book II of the *Treatise*. For a systematic analysis of Hume's theory of passions, see also Á rdal, 1966.

most important are pride and humility, love and hatred (MacIntyre, 1988: 292). It is also because of the important roles which indirect passions play in men's social lives that Hume has devoted most of the Book II of the *Treatise* to an account of them. Accordingly, this implies that before Hume moves on to discuss the origin of social order in Book III, an idea of social life has already been presupposed in the background of Book II of the *Treatise*. Moreover, I hope to suggest that Book III can be read as Hume's portrayal of a social landscape, and the principles which determine the constitution of this social landscape were revealed by Hume in the first two Books, that is, the causal law and the limited role of reason on the one hand, and on the other the communication of men's sentiments and opinions, which cannot occur in each subject but must presuppose the existence of others along with their impact on one's psychology and subsequently one's responses to them. In this way, in reading Book III of the *Treatise*, what we are led and expected by Hume to observe is not a description of an accomplished character that as an individual is capable of achieving anything on one's own due to one's fear of punishment in afterlife, nor a peaceful social order created by the state, nor a society in which only contract or promise is esteemed as a reasonable and reliable foundation of social transactions. In contrast, what Hume endeavours to show is a dynamic scene of human society constituted by various virtues and vices discussed by him in the text, along with various socially established norms and institutions he takes pains to explain. In this scene of society, allegiance is in one way no more significant than benevolence and friendship, for the state has not always been a part of the arena whereas benevolence and friendship have. In contrast to allegiance, Hume regards justice more highly because it is a virtue indispensable for fulfilling men's natural sociability, whereas allegiance is not. But justice is significant only when people

need it, that is, when it is useful. If in some 'extreme cases' observing justice does not serve men's purpose or even causes impediment, there is nothing wrong in justice being replaced by other norms since it no longer brings men good. In brief, what Hume would like to convey to his readers through the *Treatise* is primarily an idea of society in which each member naturally cares about others' feelings for him, and it is this nature along with other natural instincts and passions of men that creates a peaceful and enjoyable social life before the state is needed by them. To put it differently, men's care for their own fames or reputation, according to Hume, is the most important norm, based on which the society he is depicting operates. While the state may join the scene at a certain historical stage, only society is as old as human nature. In this sense, there does not seem to be an apparent difference between Hume's science of human nature and a science of society, because human nature, as Hume understands it, is not going to exhibit itself to the philosopher sitting in his armchair, but can only be observed from 'men's behaviour in company, in affairs, and in their pleasure', that is, in men's social life. To further this understanding of Hume's thought, let us pay attention to Book II of the *Treatise*, for it is in there that Hume demonstrates 'the minds of men are mirrors to one another' so that they cannot think, feel and behave without reference to others (*Treatise*, 236). It is also based on his idea of society, in which men's behaviour is restrained by their care for reputation, that Hume's theory of property and justice is developed. To discover more about this, therefore, is to see what is overlooked in Barry's interpretation of Hume as a Hobbesian.

At the outset of Book II of the *Treatise*, Hume first clarifies what he means by passions. He reasserts that 'all perceptions of the mind may be divided into

impressions and ideas', and impressions admit of a further division into original and secondary. Original impressions or impressions of sensation are perceptions that arise directly 'from the constitution of the body, from the animal spirits, or from the application of objects to the external organs' (*Treatise*, 181). All the impressions of the senses and all bodily pains and pleasure are original impressions. On the other hand, secondary or reflective impressions are those derived from the original ones, 'either immediately or by the interposition of its idea'. Passions are of this kind. The difference between original and secondary impressions, that is, the difference between sensational perceptions and passions, according to MacIntyre, lies in the fact that the former are just states and occurrences, while some of the latter are featured by their 'intentionality', i.e. passions have an idea as their essential component and are directed on intentional objects. The passions that are featured by their intentionality are distinguished from those which lack this feature, and they are respectively named indirect and direct passion (MacIntyre, 1988: 292).[74] As Hume explains, 'the impressions, which arise from good and evil most naturally, and with least preparation are the direct passion of desire and aversion, grief and joy, hope and fear, along with volition'. Meanwhile, if the object which gives rise to pains or

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[74] Along with the distinction between direct and indirect passions, Hume provides another division of passions: the calm and the violent. 'Of the first kind is the sense of beauty and deformity in action, composition, and external objects', and the second kind includes 'the passion of love and hatred, grief and joy, pride and humility'. Hume claims that it is the latter that he will explore here (*Treatise,* 181-182). Perhaps it is because Hume knows the division of calm/violent passions is not entirely precise, for a violent passion often decays into a calm one and vice versa, so Hume soon proposes the division of direct and indirect passions. The difference of these divisions of passions, according to Mercer, mainly lies in that the calmness or violence of a passion refers to the intensity with which the passion is felt, while direct or indirect passions refers to the origins of the passion (Mercer, 1972: 22-23).

pleasures is in some way related to us, then the feelings it causes are indirect passions, such as pride and humility, love and hatred.[75] According to Hume, pride and humility are passions directed to self, i.e. self is the object on which these passions are projected. For example, I feel pride when my 'excellency in the character, in bodily accomplishments, in cloaths, equipages or fortune' (*Treatise*, 188) earns approbation; on the contrary, when my vicious act, poverty, deformity, or bad reputation is detested, humility is felt. Although the self my pride is directed at is different from the self another person's pride is directed at, the point is that they must in some way connect with each other, otherwise the strength of our passions of pride and humility would largely be weakened. In this way, pride and love, humility and hatred, are two pairs of passions interconnected, and they deserve more careful consideration because, by demonstrating the fact that an object of my love is always an object of someone's pride, and when an object causes humility in me it almost inevitably causes hatred in someone else, Hume then shows that 'each self conceives itself as part of a community of selves, each with an identity ascribed by others' (MacIntyre, 1988: 292). In what follows, by a further exploration of what Hume calls indirect passions, I hope to make explicit a social structure presupposed in Book II of the *Treatise*, for this may not only support my refutation of Hume as a Hobbesian,

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[75] Although the direct and indirect passions are distinguished based on their different origins, they do connect with and has an influence on each other. As Hume writes 'a suit of fine cloaths produces pleasure from their beauty; and this pleasure produces the direct passions, or the impressions of volition and desire. Again, when these cloaths are consider'd as belonging to ourself, the double relation conveys to us the sentiment of pride, which is an indirect passion; and the pleasure, which attends that passion, returns back to the direct affections, and give new force to our desire or volition, joy or hope' (*Treatise*, 281).

but will help us to reflect on the nature of Hume's philosophy in the latter part of this section.

'Of Pride and Humility', the first Part of Book II of the *Treatise*, is comprised of two parts. In the first, Hume provides a psychological theory about how pride and humility arise in the mind. According to Hume, pride and humility as passions must have a cause and an object, and the object of these passions is self. As to their causes, Hume divides them into the quality and the subject on which the quality is placed. Suppose a man is proud of a beautiful house possessed by him, in this case, the object of his passion of pride is the man himself, and the cause of the passion is the beautiful house. The beautiful house has two components: the beauty and the house in which the beauty inheres. To give rise a passion of pride, the quality and the subject are both indispensable. For although beauty when considered in itself always causes pleasure in us, unless it is placed on something related to us, it does not make us feel proud. On the other hand, if a thing, however closely related to us, is without beauty or other admirable quality, it has no influence on our passion of pride (*Treatise*, 183). This psychological mechanism is called by Hume 'a double relation of impressions and ideas'. In the second part of the text, Hume then provides a systematic account of the causes of pride and humility, these being enumerated by him as virtue and vice, beauty and deformity, external advantages and disadvantages, property and riches, and finally, the love of fame.

Although all of these are comprehended under causes of pride and humility, Hume says that there is something particular in men's love of reputation:

> beside these original causes of pride and humility, there is a secondary
> one in the opinions of others, which has an equal influence on the

affections. Our reputation, our character, our name are considerations of vast weight and importance; and even the other causes of pride; virtue, beauty and riches; have little influence, when not seconded by the opinions and sentiments of others. In order to account for this phenomenon 'twill be necessary to take some compass, and first explain the nature of *sympathy* (*Treatise*, 206).

Hume's point here is that those original causes including virtue, beauty, and wealth may give rise to the passion of pride both because they makes us feel pleasure at first sight and because they are related to us. But this is only the origin, not the end, of the formation of pride, for the passions embraced by others towards us are then taken into account and have great influence on the passion of pride originally formed. In other words, from one cause of pride I feel at least two different sorts of pleasures: the first pleasure is that directly brought about by the cause, and the second pleasure is derived from the satisfaction that the first pleasure I am experiencing is shared by others and subsequently causes them to love me, which in turn is felt by me and contributes to the strengthening of my original pleasure. Accordingly, the generation of pride and humility normally involves *at least* a double sympathy. In the passage quoted above Hume shows that it is primarily the second kind of pleasure that motivates us and regulates our conduct, and in the following passage Hume makes his point even clearer:

> the pleasure, which a rich man receives from his possessions, being thrown upon the beholder, causes a pleasure and esteem [i.e. first sympathy]; which sentiments again, being perceiv'd and sympathis'd with, encrease the pleasure of the possessor [i.e. second sympathy]; and being once more reflected, become a new foundation for pleasure and esteem in the beholder [i.e. third sympathy]. There is certainly an original satisfaction in riches deriv'd from that power, which they bestow, of enjoying all the pleasures of life; and as this is their very nature and

essence, it must be the first source of all the passions, which arise from them. One of the most considerable of these passions is that of love or esteem in others, which therefore proceeds from a sympathy with the pleasure of the possessor. *But* the possessor has also a secondary satisfaction in riches arising from the love and esteem he acquires by them, and this satisfaction is nothing but a second reflection of that original pleasure, which proceeded from himself. This secondary satisfaction or vanity becomes one of the *principal* recommendations of riches, and is the *chief* reason, why we either desire them for ourselves, or esteem them in others (*Treatise*, 236 emphases added).

Hume does not deny that being wealthy *per se* does bring pleasure and cause pride. However, he emphasises that it is because we can feel the opinion which other people hold of us, and through their sharing with our passions that we acquire an even stronger pleasure than the wealth originally produces, so we are motivated to procure wealth. For given the fact that 'all men desire pleasure' (*Treatise*, 204), this stronger pleasure generated through sympathy must be more favourable to us. However, it should be noted that Hume's hedonistic men are by no means reckless. For when men are motivated to pursue a sort of pleasure that can only be derived from other people's opinion and feelings, to offend the latter is the last thing men would do, since that would make their pursuit a vain one. Hence a norm based on sympathy and men's love of reputation is formed in society. It should also be noted that this norm does not suppress men's natural vanity and selfishness by appealing to an external authority, whether it is God or the state. This is so because it sees that men, though being selfish, are also altruistic and have a very strong desire for others' company, and as a consequence men's selfishness will naturally be moderated in

order for their sociability to be fulfilled.[76] This moderate selfishness along with men's natural sociability will then contribute to the prosperity of public welfare and to the fulfilment of the life plans of individuals within society, thus Hume writes in an essay 'Of National Characters' that

> Most men are ambitious; but the ambition of other men may commonly be satisfied, by excelling in their particular profession, and thereby promoting the interests of society (*Essays*, 200 n.3).

When Hume indicates in his discussion of sympathy that 'So remarkable a phenomenon merits our attention', perhaps what he has in mind are some philosophers who attempt to explain the origin of human society while completely leaving behind so conspicuous a propensity of human nature. Hobbes is an example. In fact, men's love of reputations has not been ignored by Hobbes, but Hobbes gives it a very different use in his theory, writing that:

> men have no pleasure, but on the contrary a great deal of grief, in keeping company where there is no power able to over-awe them all. For every man looketh that his companion should value him at the same rate he sets upon himself, and upon all signs of contempt, or undervaluing, naturally endeavours, as far as he dares (which among them that have no common power to keep them in quiet, is far enough to make them destroy each other), to extort a greater value from his contemners, by damage, and from others, by the example (Hobbes, 1994: 75-76).

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[76] In this way, to take a single tendency of men as their only motive is not only naïve, but will miss the essence of human nature, thus Hume says ''Tis difficult for the mind, when actuated by any passion, to confine itself to that passion alone, without any change or variation. Human nature is too inconstant to admit of any such regularity. Changeableness is essential to it' (*Treatise*, 186).

It is in this way that men's love of glory is regarded by Hobbes, along with two other factors, i.e. competition for resources and diffidence generated by their natural equality, as causes of quarrels and lead to a war of 'every man against every man' (Hobbes, 1994: 76). Accordingly, the difference between Hume and Hobbes is plain. For the former, men's love of reputation is based on their sociability; for the latter, men's love of glory is motivated simply by self-love. Both philosophers realise the possibility of conflicts caused by the competition for resources, but in addressing this question, Hobbes sees no options other than appealing to the authority of the sovereign state, for individuals in his theory are atomic and solely egoistic, and there is no way to reconcile conflicts among them unless their violent pursuit of self-interest is to be restrained by the Leviathan. On the contrary, however, whether there be the state or not, Hume believes that man must naturally be born in a social state:

> 'tis utterly impossible for men to remain any considerable time in that savage condition, which precedes society; but that his very first state and situation may justly be esteem'd social (*Treatise*, 316).

This passage is written down by Hume in Book III Part II Section 2 of the *Treatise* when he is discussing '*the manner, in which the rules of justice are establish'd by the artifice of men*' (*Treatise*, 311). However, one has to wait patiently before Hume turns to the subject of 'the origin of government' in Section 7. This suggests two things: one is that Hume thinks a social status framed by justice and natural virtues is not immediately followed by a political society; another is that before the government is established, do we ever see any disastrous chaos like the Hobbesian state of nature mentioned by Hume? No. On the contrary, Hume criticises that 'This *state of nature*…is to be regarded as a mere fiction, not unlike that of the *golden age*, which poets have invented' (*Treatise*, 317) for

The state of society without government is one of the most natural states of men, and may subsist with the conjunction of many *families*, and long after the first generation. Nothing but an encrease of riches and possessions cou'd oblige men to quit it; and so barbarous and uninstructed are all societies on their first formation, that many years must elapse before these cou'd encrease to such a degree, as to disturb men in the enjoyment of *peace* and *concord* (*Treatise*, 346 emphases added).

Although I do not find convincing the Hobbesian interpretation of Hume as Hardin expresses it in his book, with regard to this aspect of Hume's theory, namely the origin of social order, Hardin clearly has a better grasp in comparison with Barry, who is suspicious of the maintenance of social order among a group of men not much larger than a dyad. Perhaps this is partly because Hardin is aware of the significance of sympathy in Hume's theory, while Barry is not. The point here is, if our love of reputation is based on sympathy instead of brutal self-love, we would have to be self-disciplined in order to earn the respect of others rather than 'making' them respect us by doing them any potential harm. We would not try to acquire pleasure from other people's suffering, because when they feel pain, we inevitably share their feelings through sympathy. Furthermore, we naturally imagine ourselves in their positions and condemn those who pose a threat to them, and as a result we refrain from those similar offensive behaviours when an opportunity is open to us. For even though our single offence of justice does not seem to pose any threat to social order, and though it is likely that we could get rid of punishment or hostility, 'we never fail to observe the prejudice we receive, either mediately or immediately, from the injustice of others [and] we fail not to extend it even to our own actions' (*Treatise*, 320). Therefore, Hume thinks that when men's behaviours are regulated by sympathy and love of reputation, their selfishness is moderated and some norms are then

established among a group of people whose selves constitute the selves of each other. In other words, when the natural obligation of men becomes weaker as they do not seem to perceive the immediate disadvantage caused by their transgression of justice, yet the moral obligation still binds. For Hume, disorder is not the inevitable consequence and the state is neither the only solution when society was first formed. This is so because the conception of the person as a rationally egoistic agent is presupposed by Hobbes and Barry, but has never been verified in Hume's science of men. Thus Hume writes: 'I am apt to think a traveller wou'd meet with as little credit, who shou'd inform us of people exactly of the same character with…those in *Hobbes's Leviathan*' (*Treatise*, 259).

6.4.2 Hume's Social Order

It is true that to emphasise the importance of sympathy is to emphasise men's natural social connection, yet one need not infer from this that Hume's theory has been trapped in parochialism, for this is a question Hume is fully aware of in conducting his moral inquiry. The connection between men's passions, instrumental reason, sympathy, and sociability, as MacIntyre comments, are regarded by Hume as

> true of all societies in all times and in all places. Hence on Hume's view
> my regard for ancient Roman virtue expresses the same approbation
> which I also express in respect of modern English virtue; the qualities
> which I approve in past and alien societies are those which in my own
> world serve my interest (MacIntyre, 1988: 306).

Indeed, in Hume's discussion of indirect passions, he thinks that pride and humility, love and hatred are passions with which human nature is generally endowed. Likewise, sympathy is a natural disposition of mankind, and it is only by

appealing to this disposition that men adopt 'some common point of view' when moral judgment is to be made, and thus prevent public discourse from collapsing. Furthermore, it is because sympathy may overcome not only partiality of individuals but parochialism that Hume places so much weight on it. Yet it should be noted that Hume is also aware of the distinction between the universal feature of sympathy, of the indirect passions and their causes – all of which are implanted in human beings by the hand of nature – *and* the different proportion of influence that these causes have on indirect passions and sympathy. It is the latter that gives rise to the diversity of what Hume calls national characters, namely that 'each nation has a peculiar set of manners, and that some particular qualities are more frequently to be met with among one people than among their neighbours' (*Essays*, 197). If one further investigates what gives rise to the different influence that each cause of indirect passions has, that is, why members of a nation take more pride in virtues than in other qualities, while members of another nation admire beauty more than virtue and fortune, to this Hume suggests three possible answers: accidental causes, moral causes, and physical causes. By accidental causes Hume means the historical contingencies occurred in the infancy of a society or nation. For example, if there was a generous leader who embraced an enthusiasm for liberty and public good, at the same time overlooked personal ties and private interest, then his virtue would 'kindle the same passion in every bosom' and 'the next [generation] must imbibe a deeper tincture of the same dye' (*Essays*, 203). On the other hand, by moral causes Hume means 'all circumstances, which are fitted to work on the mind as motives or reasons, and which render a peculiar set of manners habitual to us' (*Essays*, 198). Circumstances of this kind comprehend the political and economic conditions of a nation such as 'the nature of government, the revolutions of public affairs, the plenty

or penury in which the people live, the situation of the nation with regard to its neighbours' and the like. Finally, physical causes are 'those qualities of the air and climate, which are supposed to work insensibly on the temper, by altering the tone and habit of the body' (*Essays*, 198). The purpose of Hume's essay 'Of National Characters', then, is to show that all national characters are primarily influenced by moral causes, and that 'physical causes have no discernible operation on the human mind' (*Essays*, 203).

What can we learn from this? It seems that there are at least two things implied in Hume's argument. First, it shows that, although Hume's purpose of developing a science of human nature is to reveal the universal dispositions and passions of mankind, whereby he may then explain the origin of social order and political authority, Hume is nevertheless conscious that the operation of men's dispositions and passions are conditioned by the social context in which they are placed. Sympathy is taken by Hume as the most important principle when characters of a nation is formed, and he writes that

> The propensity to company and society is strong in all rational creatures; and the same disposition, which gives us this propensity, makes us enter deeply into each other's sentiments, and causes like passions and inclinations to run, as it were, by contagion, through the whole club or knot of companions (*Essays*, 202).

The universal disposition of sympathy, however, does not create universal characters in every nation. On the contrary, it creates diversity and plurality, and not only does every nation have its own characters, within each nation its members still acquire personal characteristics 'peculiar to each individual' (*Essays*, 203).

Related to this, another thing that can be learned for Hume's essay is its bearing on our discussion of indirect passions in the first part of this section. As stated, Hume thinks that it is moral causes that primarily contribute to the shaping of the characters of a nation, and this is possible only when the effects of moral causes are circulated among people 'by contagion', that is, by sympathy. Now, what can be communicated among people through sympathy must be their passions, and where social life is concerned, those which motivate people are what Hume calls indirect passions. Indirect passions, likewise, have their causes, namely virtue, property, beauty, love of fame, and those opposite qualities. In other words, a complete process of forming national characters is like this: the moral causes, such as free or oppressive government, affluent or needy living condition, and peaceful or unstable society, determine the different proportion of influences that virtue, property, beauty, and love of reputation have on men's indirect passions. This then determines what men take pride in and love as well as what causes humility and hatred in them. When these passions circulate within the group by sympathy, the general characters of the community are formed. To put it differently, when we approach Hume's psychological theory of passions by consulting his essay 'Of Nation Characters', we learn that indirect passions and their causes have great importance in shaping the feature of each nation or society. Though these passions and causes are universally valid, different moral causes, i.e. the different political and economic conditions of different nations will make some of the causes of indirect passions more obvious and influential than others. Hume verifies this observation by saying that:

> Now though nature produces all kinds of temper and understanding in
> general abundance, it does not follow, that she always produces them in
> like proportions, and that in every society the ingredients of industry and

indolence, valour and cowardice, humanity and brutality, wisdom and folly, will be mixed after the same manner (*Essays*, 203).

If this is the case, then when Hume in his discussion of pride and humility comments that 'the relation, which is esteem'd the closest, and which of all others produces most commonly the passion of pride, is that of *property*', and again 'Nothing has a greater tendency to give us an esteem for any person, than his power and riches; or a contempt, than his poverty and meanness' (*Treatise*, 231; 202), we may reasonably discern from this that Hume's comments which are regarded by him as generally true are actually derived from a specific society or a certain type of social order in which men's indirect passions have been rendered more closely connected with property than with virtues and beauty by the moral causes of that society. It is on this basis that MacIntyre comments that 'Hume's philosophical psychology does not provide foundations for Hume's political philosophy, independent of that political philosophy', because 'The fundamental theses of the political philosophy are themselves presupposed by the account of the ordered interrelationship of the passions' (MacIntyre, 1988: 298). The way in which the passions are interrelated, then, and thus the social order they represent, has much to do with Hume's intentioned break with the Scottish tradition and Anglicisation of himself.

What can further be drawn from our account above and from MacIntyre's comments on Hume is a question concerning the nature of Hume's theory, namely whether Hume has consistently considered himself an anatomist of human nature or if he has also fulfilled the role as a moral painter? The view I suggest is that Hume has deliberately separated these roles but has played on each of them in composing

his different works. Although this seems to be Hume's intention, one may still question whether Hume has been successful in achieving it. As MacIntyre argues,

> practical judgments on Hume's account presuppose a socially ordered reciprocity of the passions, a reciprocity in which the key moments are to be characterised in terms of pride, humility, love, and hatred and those relationships to property, kinship, and hierarchy which play such a large part in providing the objects and causes of those passions. The characteristics of one very specific type of social order are thereby presupposed by those judgments, and to defend Hume's account it would be necessary to show of every actual social order that either it is of that type or it deviates from that type only in ways which can be explained by Hume's own principles (MacIntyre, 1988: 297-298).

Accordingly, MacIntyre is not convinced that Hume's intention of separating description from prescription is applicable, and this seems to be a sensible criticism of Hume. The same view is also held by James King. In his comparison between the *Treatise* and *EPM*, King indicates that their difference lies in the shift of focus from sentiment to language, that is, from an explanation of the constitution of morality based on human nature to an explanation of human nature by a public moral language. Given the moral language in use is not abstract but reveal standards implicit in men's moral thinking whereby any sentiment or judgment can be measured, King thinks that Hume, in *EPM*, adopts an 'internal point of view' in order to solve the difficulty caused by his causal-generative model of explanation as advanced in the *Treatise* (King, 1976: 343-361). King's view is convincing to me but I hope to endorse MacIntyre's view and suggest that, even in the *Treatise*, Hume's view is not 'extreme external', something that is particularly evident in the connection drawn by Hume between a number of crucial conceptions including

sympathy, property, and pride. To clarify this, a brief introduction of the difference between internal and external points of view will help.

The distinction between internal and external points of view is proposed by H. L. A. Hart in *The Concept of Law* when he is discussing the relationship between men and rules. According to Hart, while almost every social group has certain rules of conduct, 'this fact affords an opportunity for many closely related yet different kinds of assertion', and the difference is derived from different views held by men on their relationship with those rules. On the one hand, a man may be an observer of rules who does not himself accept them, on the other hand, a man may regard himself as a member of group which accepts and uses them as guides to conduct. Hart respectively calls these 'external' and 'internal points of view' (Hart, 1994: 88-89). The external point of view admits of further division. That is, either the observer may, without himself accepting the rules, imagine how the rules are perceived by people who accept them. Or the observer may hold an extreme external point of view, namely he may stick to a causal understanding of the interaction between rules and the group which accepts them without even imagining being a member of the group. For the extreme externalist, after his observation over some time, may acquire the regularity from it and have a precise knowledge of rule-breaking and punishment as its effect, which then enables him to live among the group without unpleasant consequences. Yet the terms like rules, right, and obligation do not mean much to him, for the only reason for him to observe rules is to avoid the unpleasant consequences that usually follow rule-breaking. He has no regard for others since he does not see any common advantage shared between himself and others through observing rules. As Hart remarks, what will be missed out by the extreme external

point of view is 'a whole dimension of the social life of those whom he is watching' (Hart, 1994: 90). From the view of people who are called by Hart members of a group rather than observers, 'the violation of a rule is not merely a basis for the prediction that a hostile reaction will follow but a *reason* for hostility' (Hart, 1994: 90), as that kind of behaviour is wrong, and it is wrong because it undermines the common interest shared among them which the rule is meant to preserve.

If MacIntyre's account of Hume is correct, and it seems it is, still one can hardly deny Hume's endeavour in this respect, and this can be judged from the limited evaluative judgments to be found in Hume's major philosophical works. In contrast, it is not difficult for the readers of *Essays* and *History* to discern from these works Hume's normative position, such as his critical attitude towards despotism, his egalitarian tendency, his advocate of the rise of middle class as it poses a restrain on tyranny, and his love of the rise of fine art, of free trade, etc. To explore this dimension of Hume's view on property will reveal that, first, there is a connection between the social structure presupposed and described by Hume in Book II of the *Treatise* and the social order which Hume defends in *Essays*; and second, the original model of this social order is to be found in Locke's theory. In this way, it is Locke rather than Hobbes who has an impact on the development of Hume's thought.

6.5   Sociability and Locke's Impact on Hume

Hume has a basic category of virtues which he adopts both in the *Treatise* and *EPM*, namely, he thinks that all virtues are either useful or agreeable to their possessors or to others, and under this category various characters or mental qualities are comprehended. By revealing the plurality of human mental qualities, Hume

attempts to distinguish himself from Hobbes and thereby reject self-interest as the only motive of men. However, there is a property underlying most, if not all, of the qualities termed virtues by Hume, namely that they are socially oriented. Even in his discussion of the qualities which are useful or agreeable to their possessors, Hume's purpose is nevertheless to show that we, being observers and neighbours of the possessors, though not directly benefitting from those qualities, still share the pleasure of them and thus esteem those qualities as virtues. Accordingly, sociability may well be taken as the most prominent feature of human nature manifested by Hume. Sociability is the nature of mankind, but it is comprised of various passions and tendencies, not all of which directly contribute to a harmonious social life. Some of these passions may even be harmful to society, but after they work to strengthen or counterbalance each other, a decent social life would be its result. In this sense Hume is neither a Hobbesian nor a Hutchesonian, for neither selfishness nor benevolence is regarded by him as predominant in human nature. Thus when Hume was explaining the importance of three fundamental social rules, i.e. the stability of possessions, the transference of possessions by consent, and the performance of promise, he says that

> Whatever restraint they may impose on the passions of men, they are the real offspring of those passions, and are only a more artful and more refin'd way of satisfying them. Nothing is more vigilant and inventive than our passions; and nothing is more obvious, than the convention for the observance of these rules. Nature has, therefore, trusted this affair entirely to the conduct of men, and has not plac'd in the mind any peculiar original principles, to determine us to a set of actions, into which the other principles of our frame and constitution were sufficient to lead us (*Treatise*, 337-338).

One point Hume hopes to make clear in his theory of justice is that there is no insolvable conflict between private and public interest, because even those natural tendencies of men that seem incompatible with social life at first glance, men's selfishness for example, could have no way to satisfy themselves other than being a servant of man's sociability. In other words, the moral life of mankind or the fundamental distinction between right and wrong was created in social life when a 'general sense of common interest' is shared by every member of the group due to their natural sociability, and this is exactly what distinguishes Hume from Hobbes, since for the latter morality and society are not natural but artificial, that is, they are created by the state and thus cannot exist before a political authority is established by social contract. If this justifies the view that sociability is the core of Hume's political theory, he is not original in this respect, for the idea of sociability is already expressed in Locke's *Essay* and *STG*. It is my purpose in this section to demonstrate the theoretical connection between Hume and Locke by revealing the fact that they both found theories on the general sociable nature of mankind, therefore a decent pre-political social life is found in both. Their views on the role of the state are also close, for since morality and order exist already in the pre-political society, the state is not established to secure men from a disastrous moral vacuum; rather, its primary task is auxiliary, namely to execute the pre-political moral rules on a more stable and general basis and determine controversies indifferently so that peaceful social life can be maintained. It is on this and on nothing else that the legitimacy of the state is founded.[77] What then is implied in this view is that supposing the governor fails his

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[77] For example, Richard Ashcraft writes that 'if individuals cannot be presumed to be capable of acting for the public good in the state of nature, they cannot, in Locke's view, be presumed to act for

task in this respect or is even corrupt enough to undermine the moral rules from which the legitimacy of his governance has originated, it is not morally wrong to overthrow the governor and replace him with a reliable arbiter, because the common social interest which it is meant to preserve is now threatened by it. Nor is it particularly dreadful to remain for some time in that interval when a new arbiter is yet to be elected, because by describing the state of nature as a social status, and by arguing that various norms and social interactions, especially an institution of property, exist already in it, what both Locke and Hume are attempting to show is that a status without political authority is the most natural condition of human beings and is a lawful status. In brief, for both Locke and Hume, political duties and civil laws are derivatives of moral duties and natural laws in response to the change in men's living conditions, especially the expansion of population and men's accumulation of possessions with the use of money, which is as well regarded by both as a pre-political convention. One difference between two philosophers, however, lies in their account of the origin of men's moral duties. That is, while Locke takes God's will as the ultimate origin of morality and men's reason as the only way to know it along with revelation, in Hume's theory this theological premise is replaced by a secular account of human nature in which reason is rendered instrumental in serving passions which actually motivate us to act. In this way, Hume's philosophy is developed on the basis of Locke's and aims to provide a

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the common good within political society. For, contrary to Hobbes's approach, Locke's definition of political power is framed in such a way as to demonstrate that all of its basic ingredients are constitutive elements of the natural condition of individuals' (Ashcraft, 1987: 100). I think the same view holds true in Hume's theory.

naturalistic foundation in the place of God's authority; hence it might not be absurd to interpret Hume as a more naturalistic Locke.

6.5.1   The State of Nature in Locke's *Second Treatise of Government*

In *Two Treatises of Government*, after providing an alternative reading of the scripture in the *First Treatise* in order to refute Sir Robert Filmer's patriarchal account of political authority, Locke then in the *Second Treatise* develops his own theory of the origin of political society. Locke declares at the end of Chap. I:

> *Political Power* then I take to be *a Right* of making Laws with Penalties
> of Death, and consequently all less Penalties, for the Regulating and
> Preserving of Property, and of employing the force of the Community, in
> the Execution of such Laws, and in the defence of the Common-wealth
> from Foreign Injury, and all this only for the Public Good (§3).

In this passage Locke indicates that political society is not the original condition of mankind, instead political power is set to preserve social norms existing prior to it, i.e. property. Further, the nature of political power is neither absolute nor divine, because it is derived from the force of the community into which men were naturally born and which it is meant to serve. Therefore Locke continues to make an important statement at the beginning of Chap. II:

> To understand Political Power right, and derive it from its Original, we
> must consider what State all Men are naturally in, and that is, a *State of
> perfect Freedom* to order their Actions, and dispose of their Possessions,
> and Persons as they think fit, within the bounds of the Law of Nature,
> without asking leave, or depending upon the Will of any other
> Man…[and] A State also of *Equality*, wherein all the Power and
> Jurisdiction is reciprocal, no one having more than another: there being
> nothing more evident, than that Creatures of the same species and rank
> promiscuously born to all the same advantages of Nature, and the use of

same faculties, should also be equal one amongst another without Subordination or Subjection (§4).

After affirming that there is a state of nature prior to political society and within that all men are free and equal, Locke's political theory is launched. These statements made at the beginning of *STG* are significant, because it is largely against these original conditions of mankind that the legitimacy of the political authority is measured. To put it differently, Locke thinks that men join political society for an impartial umpire to avoid and 'remedy those inconveniences of the State of Nature, which necessarily follow from every Man's being Judge in his own Case' (§90). However, if the governor fails his role as an indifferent arbiter by holding an absolute power in hands, namely by holding both legislative and executive power in himself alone, in that case, no indifferent appeal lies open to men, so they are still in the state of nature. To defend an absolute governor is 'to think that Men are so foolish that they take care to avoid what Mischiefs may be done them by *Pole-Cats*, or *Foxes*, but are content, nay think it Safety, to be devoured by *Lions*' (§93). This is also the reason why Locke postpones his discussion of political society to §87, and before that he has discussed various topics including 'the state of nature', 'the state of war', 'slavery', 'property', 'parental power', and different forms of society which exist prior to and independent of political society. By so doing, Locke develops normative criteria regarding what men ought and ought not to be, the task of political authority being then to preserve the former without violating the latter, and for our purpose here, it is precisely this normative standard and its impact on Hume that concerns us.

Saying that the pre-political normative standard as depicted by Locke is our concern is not much different from saying that we are focusing on, in a broad sense,

Locke's theory of property. Indeed, Locke has a twofold definition of property. First, in Chap. V 'Of Property' his discussion is confined to a narrow sense of the term, so he elaborates on a labour theory to explain the distribution of natural resources, the invention of money based on tacit consent or convention, and how men's behaviour in this regard is restrained by natural law. Second, an extensive definition of property is also to be found in *STG*. For example, Locke says that man 'hath by Nature a Power, not only to preserve his Property, that is, his Life, Liberty and Estate, against the Injuries and Attempts of other Men' (§87; §123). According to this extensive definition, it seems reasonable to view all of Locke's argument before §87 as his theory of property, because his purpose there is to show that men's life, liberty and possessions can be preserved in a pre-political social condition, which then reminds us of Hume's view on men's natural sociability as explained above. However this is not to suggest that Locke's theory of property terminates at §87, for men's purpose in establishing political society is to seek better protection of their property against arbitrary interference. Also, when Locke indicates that the chief end of civil society is the preservation of property, his position again is inherited by Hume and revealed in the latter's view on the relationship between social order and the state. Before more affinity between Locke and Hume can be revealed, more about Locke's state of nature needs to be said.

Right after affirming that men in the state of nature are free and equal in §4 and §5, Locke adds in §6 that 'yet it is *not a State of Licence*' and this is because 'The *State of Nature* has a Law of Nature to govern it'. It is likely that Locke is responding to Hobbes here, so he proceeds to explain the only origin of order in the state of nature, i.e. God's will. Locke writes, 'Man, not having the Power of his own

life' (§23) as they 'being all the Workmanship of one Omnipotent, and infinitely wise Maker' (§6) that they are obliged to preserve themselves and have not liberty to destroy either themselves or others. Men do not own themselves and others, but all are the property of God. Along with this, when one's self-preservation comes not in competition, he is still obliged 'as much as he can, *to preserve the rest of Mankind*' (§6). The view that men in their natural condition are obliged to preserve each other reveals the moral characteristics of Locke's state of nature, as Richard Ashcraft indicates. Indeed, this means that certain social relations are presumed to exist among individuals living in that state, which then make us reflect on the received interpretation of Locke as an advocate of atomistic individualism, a view 'has been thoroughly and convincingly discredited by the scholarly work on Locke produced in the last thirty years' (Ashcraft, 1987: 99-100). It is important to recognise that, for Locke, the state of nature is a social state or, in his terminology, 'one Community of Nature' (§6), because this will help us to solve the tension which seemingly exist between his views on everyone's right to punish the transgressors of natural law, on the state of war and slavery, and, on the other, his description of the state of nature as 'a State of Peace, Good Will, Mutual Assistance, and Preservation' (§19).

The state of nature is a lawful condition, but it does not have an umpire for men to appeal to. Since a law must be in vain were there no sanctions to ensure men's compliance, and since men are by nature equal, thus '*every Man hath a Right to punish the Offender, and be Executioner of the Law of Nature*' (§8). It is men's obligation to preserve not only themselves but their fellows, so when someone has renounced reason, which is the common measure of mankind given by God, and attempted by unjust violence to encroach another's property, the social connection

between him and others is ceased and he 'may be destroyed as a *Lyon* or a *Tyger*, one of those wild Savage Beasts, with whom Men can have no Society nor Security' (§11).[78] By committing such violence, one has 'declared War against all Mankind', and the state of nature which he and others were originally in is now replaced by what Locke calls the state of war. Locke's account of the state of war is twofold. On the one hand, when someone threatens my life and safety by doing me harm, the state between me and the criminal reveals a state of war, and I have the right to kill him for the same reason I may kill a wolf in order to preserve myself (§16). On the other hand, supposing someone does not threaten my life immediately but intends to restrain my freedom and subject me to his absolute power, then he makes 'an *attempt to enslave* me' in Locke's terms (§17). When this is the case, his behaviour may still be viewed as a design on my life, and I am obliged to and rightfully may 'kill him if I can' (§18). This is so because by his attempt to enslave me, he has subjected me to his arbitrary will and taken away my freedom which is 'the Foundation of all the rest'. In this way, I have no reason to suppose he will not take away everything else, so I may destroy him before 'the mischief may be irreparable' (§19). In Locke's view, slavery is not an option available to oneself, because '*Freedom* from Absolute, Arbitrary Power, is so necessary to, and closely joyned with a Man's Preservation' (§23) that we are not allowed to part with it given that we are obliged to preserve ourselves. Thus Locke says that no one can become slave voluntarily because 'No

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[78] The same view is held by Hume as he argues that justice is suspended when a virtuous man falls into the society of ruffians, when a man transgresses laws in political society, and when the relationship between human beings and other animals is concerned (*EPM*, 86; 88).

body can give more Power than he has himself; and he that cannot take away his own Life, cannot give another power over it' (§23).

After his account of slavery Locke moves on to elaborate on his theory of property in Chap. V, which, according to Locke, is an institution, along with the use of money, based on convention without political sanction of the state. Now we can imagine that a state in which personal possessions are stabilised and currency is circulated must be a state with order and peace, along with this a general sense of common interest is shared among most of the members, otherwise they would have no motive for coordinating. In other words, it is not likely to be a state of constant war and conflict as Hobbes describes, for in that case it would be senseless to speak of norms such as property and money for which both a certain degree of mutual trust and the general participation of most members of the community are requisite. This then brings us back to the tension mentioned above, that is, that Locke's tone is rather harsh when he was speaking of the state of war and of slavery, especially with his view that the transgressor of natural law may be killed by anyone like noxious creatures; on the other hand, he nevertheless describes the state of nature as 'a State of Peace, Good Will, Mutual Assistance, and Preservation' (§19). Certainly Locke draws a distinction by calling each of them the state of war and the state of nature, but the point is that so long as these two states exist in one society in the meantime, and this seems to be Locke's view, then the occurrence of the former would inevitably threaten the latter. That is, the disorder and turbulence caused by every transgression of natural law and the potential threat men are exposed to would undermine the peace of the society in general and the mutual trust among its members.

A possible solution is implied in Locke's account of the state of nature. As has been said, it is not only the situation in which one's life is exposed to immediate danger but when men's souls are eroded by their subordination to other's arbitrary will that are regarded by Locke as a state of war, and it seems it is the latter that is Locke's primary concern for it has a bearing on his account of the legitimacy of political authority. Locke writes that

> *Want of a common Judge with Authority, puts all Men in a State of*
> *Nature: Force without Right, upon a Man's Person, makes a State of*
> *War*, both where there is, and is not, a common Judge (§19).

This shows that when an indifferent umpire is set, the state of nature ends and the political society begins; wherever such an indifferent umpire is unavailable, men are still in the state of nature. In this way, people who are governed by an absolute monarchy are still in the state of nature, since no indifferent judge is available under such regime, thus it is '*inconsistent with Civil Society*, and so can be no Form of Civil Government at all' (§90). Not only are men still in the state of nature when their government is absolute, since their property is constantly under threat due to 'a manifest perverting of Justice, and a barefaced wresting of the Laws,' so '*there* it *is* hard to imagine any thing but *a State of War*' (§20). Locke's preoccupation with the state of war between governor and the governed is made explicit in the following passage:

> wherever violence is used, and injury done, though by hands appointed to
> administer Justice, it is still violence and injury, however colour'd with
> the Name, Pretences, or Forms of Law, the end whereof being to protect
> and redress the innocent, by an unbiased application of it, to all who are
> under it; wherever that is not *bona fide* done, *War is made* upon the

Sufferers, who having no appeal on Earth to right them, they are left to the only remedy in such Cases, an appeal to Heaven (§20).

From this we may infer that when Locke twice refers to the example of thief, and emphasises that it is still a state of war even if a thief restrains a man's freedom without taking away his life (§18; §19), presumably what Locke has in mind was a thief who tramples on men's individuality and dignity by restraining them through absolute political power but who has skilfully conducted his evil enterprise without yet doing much immediately perceivable harm to men's life and property. Locke's cautious attitude towards political power then motivates him to discuss social mechanism in more detail in Chap. VI 'Of Parental Power' before he turns to political society in the following chapter. It is evident that one of Locke's purposes in Chap. VI is to refute Filmer's idea of taking parental power as the origin of political authority, as Locke writes: 'these two *Powers*, *Political* and *Paternal*, *are so perfectly distinct* and separate; are built upon so different Foundations, and given to so different Ends' (§71). However, by demonstrating that they are two separate and distinct powers, Locke also attempts to ensure the autonomy of society independent of the state. From this perspective one can appreciate the importance of Locke's elaboration of familial relationships, as family is the origin of various norms on which social order depends. Men acquire social experience primarily from their interaction with members of the family. Locke's influence on Hume's then is demonstrated in the structure of Hume's political theory, that is, justice and the institution of property are likewise distinguished by Hume from allegiance and the institution of government. Moreover, Hume's view that the combination of males and females and family thus derived are important because they are the occasions on which men's socialisation first takes place is also overshadowed by Locke's account

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of 'conjugal society' and 'the society betwixt parents and children'. Let us compare the following passages of two philosophers. Locke writes that

> God hath made it their [i.e. parents'] business to imploy this Care on their Off-spring, and hath placed in them suitable Inclinations of Tenderness and Concern to temper this power, to apply it as his Wisdom designed it, to the Childrens good, as long as they should need to be under it (§63).

> GOD having made Man such a Creature, that, in his own Judgment, it was not good for him to be alone, put him under strong Obligations of Necessity, Convenience, and Inclination to drive him into *Society*, as well as fitted him with Understanding and Language to continue and enjoy it. The *first Society* was between Man and Wife, which gave beginning to that between Parents and Children; to which, in time, that between Master and Servant came to be added: And though all these might, and commonly did meet together, and make up but one Family, wherein the Master or Mistress of it had some sort of Rule proper to a Family; each of these, or all together came short of *Political Society*, as we shall see, if we consider the different Ends, Tyes, and Bounds of each of these (§77).

Locke's influence on Hume is discernible from the following passage which appears in the *Treatise*:

> 'Tis by society alone he is able to supply his defects…and leave him in every respect more satisfy'd and happy, than 'tis possible for him, in his savage and solitary condition, ever to become…that natural appetite betwixt the sexes, which unites them together, and preserves their union, till a new tye 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 restrain'd in the exercise of their authority by that natural affection, which they bear their children (*Treatise*, 312).

What is revealed by the passages quoted above is that both Locke and Hume regard mankind as social animals, therefore they take pains to explain the process through which order grows spontaneously out of society, and family is important because it is the starting point of social relations. Indeed Locke's view that the power a father has to command and tutor his offspring before his years of discretion come is, to speak properly, more the duty of parents and privilege of children than any prerogative of parental power. The natural affection of parents for their children makes the duty of nourishment and education 'a Charge so incumbent on Parents for their Childrens good, that nothing can absolve them from taking care of it' (§67). Although children are dominated by their parents, 'yet God hath woven into the Principles of Humane Nature such a tenderness for their Off-spring' that the excess is seldom on the rigour side than on the other way (§67). Under such care and tenderness, when children come to the years of discretion, the '*Father's Empire* then ceases' (§65), and he can no longer dispose of the liberty of his son; but the affectionate tie between parents and children does not thereby cease, for now by the law of God a son is under a duty to honour his parents. Although in Locke's theory God is the only origin of morality and commands what men ought to perform, being Locke's readers, we may perceive a tension between Locke's conventionalism and the theological premises of his political philosophy. For it seems conceivable that even if God were removed at some point, Locke's theory would largely remain the same. Locke's elaboration of familial and other social relations is an example of this, and what Hume achieved later on was to further that conventionalist dimension of Locke's theory. Hume demonstrates that a pre-political social order can be derived from men's sociable tendencies and from the natural social ties that bind them not only before the state is established but also without God commanding in the

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background. In Locke's account of family as the origin of social ties, it is also made clear that, as has been said, it is an misunderstanding of Locke to take him as defending atomistic individualism, for his true intention is to provide an account of social order based on various social relations which originate from family and which 'are Names as old as History' (§85). For Locke, as for Hume, society has never been a moral vacuum in which man pays no regard to others, for they both think that, whether there is a state or not, when men were first born, they must be born in a social network in which their various roles are given to them by the existing order: first as a son, and later also as a husband, a father, and a master or servant. These social relations constitute the essence of social order and are as old as human history; therefore Hobbes's state of nature can only be a philosophical fiction which never has any reality in human experience. The following passage challenge scholars who views Locke as a Hobbesian:

> God having made the Parents Instruments in his great design of continuing the Race of Mankind, and the occasions of Life to their Children, as he hath laid on them an obligation to nourish, preserve, and bring up their Off-spring; So he has laid on the Children a perpetual Obligation of *honouring their Parents*, which containing in it an inward esteem and reverence to be shewn by all outward Expressions, ties up the Child from any thing that may ever injure or affront, disturb, or endanger the Happiness or Life of those, from whom he received his; and engages him in all actions of defence, relief, assistance and comfort of those, by whose means he entred into being, and has been made capable of any enjoyments of life (§66).[79]

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[79] For the interpretation of Locke that draws a link between him and Hobbes, see, for example, Strauss, 1965: 202-251; Cox, 1960; Zuckert, 2002.

One may recognise that the familial relationship did contribute to the formation of social order at the very early stage of human history, for presumably the original model of society was based on the expansion of family, therefore most members in the society are of the same blood. However, with the further expansion of society, the ties among people would become loose, especially for men from different families. When a man is facing those to whom he does not seem to owe any duty, their interactions are restrained by no norms and disorder is likely to happen. However, this poses no challenge to Locke as his idea of social ties is not confined to family. In fact he has a much broader idea of social norms that apply to the whole society or to human beings *per se*. This reminds us of Locke's natural law theory, that everyone is bound to preserve himself and to preserve the rest of mankind as much as he can when his own preservation is not in competition (§6). Yet Locke's argument does not stop at this abstract level. He is aware that men's reason, though universal, when put into practice must be provided with an empirical basis so that natural law is to have its specific content. To explore this important dimension of Locke's thought and its inspiration to Hume, it is helpful to consider Locke's division of moral rules into three kinds by which morally good and evil are determined.

6.5.2 The Law of Reputation in Locke's *Essay Concerning Human Understanding*

In Book II Chap. XXVIII of Locke's *Essay* where he was discussing 'Moral Relations', he points out three sorts of moral rules according to which morally good and evil are distinguished. First, the divine law is derived from 'That God has given a Rule whereby Men should govern themselves…and he has Power to enforce it by Rewards and Punishments, of infinite weight and duration, in another life'. Men's

sins or duties are determined by this law (*Essay*, 352). Second, civil law is 'the Rule set by the Commonwealth…to protect the Lives, Liberties, and Possessions, of those who live according to its Laws', and take away lives, liberty, or goods of those who disobey. In other words, civil law judges men to be criminal or innocent (*Essay*, 352-353). Finally, the third is the law of opinion or reputation by which virtues and vices are judged.[80] As Locke says, most men seldom seriously reflect on the penalties that attend the breach of God's laws; and among those that do, many of them, while breaking the law, 'entertain Thoughts of future reconciliation, and making their Peace for such Breaches' (*Essay*, 357). As to the punishment due from the breach of civil laws, men 'frequently flatter themselves with the hopes of Impunity' (*Essay*, 357). However, by contrast, 'no Man scapes the Punishment of their Censure and Dislike, who offends against the Fashion and Opinion of the Company he keeps, and would recommend himself to' (*Essay*, 357). Therefore, compared with the other two sanctions, the law of reputation has most immediate and inescapable influence on men's conduct, and it is also the law to which Locke pays most attention. Presumably Locke's emphasis on reputation and on the influence of custom and fashion in shaping the moral standard of a community inspired by Hume and was represented in Hume's idea of sympathy and moral conventionalism.

In the second part of the previous section, when I discussed Hume's idea of sympathy, it was said that Hume takes men's propensity for sympathy and indirect passions as universal, but these universal propensities and passions do not create

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[80] According to Brogan, Locke's account of sanctions has influenced the development of later utilitarian philosophers such as John Gay and Jeremy Bentham. See Brogan, 1991: 690-710, and Berry, 1982: 17.

universal moral characters in different societies. Instead, they give rise to diversity because of the influence of moral causes of each nation. Here I hope to suggest that the origin of Hume's view can be traced to Locke's theory, yet their difference lies in the fact that Hume has completed Locke's theoretical scheme, in a good way or otherwise, by providing it with a thoroughly naturalistic basis. That is, Hume eliminates the role of divine law as the ultimate origin of morality and transfers its universal normativity to human nature itself. In other words, both Hume and Locke endorse the view of moral conventionalism, but they also hold that there are some features generally shared by the diverse social norms of different societies, whether this is what Hume terms 'utility' or what Locke describes as 'every one finds his Advantage' (*Essay*, 356). They also grant that this universal feature of morality is derived from their inductive reasoning. However, the difference between the two philosophers is that while Locke attributes the origin of this feature to the law of God, Hume attempts to discard this theological premise and to prove that Locke's theory would largely remain the same even if the origin of morality were to be transferred from God's will to a secular account of human nature. Accordingly, Hume is one of the most faithful and ingenious among Locke's readers, and Hume's theory need not be taken as a rigid criticism of that of Locke's. Instead it may be seen as a sympathetic revision driven by the change of social atmosphere from religious to secular.[81]

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[81] The alteration of atmosphere of English society in Hume's time is fully perceived by him as he writes in the essay 'Whether the British Government Inclines More to Absolute Monarchy, or to a Republic' (1741) that 'Now, 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,

This account of the relation between two philosophers is supported by the observation that Locke is fully aware of the possible tension between a universal theological premise and the diverse social norms that characterise different societies, and one purpose of Hume's philosophy is to address Locke's question by providing a secular basis of morality. As Locke writes, it is pretended that virtue and vice are names 'to stand for actions in their own nature right and wrong', and when they are so applied, they are coincident with the divine law (*Essay*, 353). However, Locke continues, that 'whatever is pretended', experience teaches that this is not the way that people apply the terms like virtue and vice. Instead what is 'visible' is that these terms 'are constantly attributed *only* to such actions, as in each Country and Society are in reputation or discredit' (*Essay*, 353 emphasis added). Therefore, virtue and vice are terms applied to those behaviours which are already praised and blamed by men in a society. In other words, instead of being understood as representing values intrinsically right and wrong and hence prescribing men's behaviours, virtue and vice convey men's

> approbation or dislike, praise or blame, which by a secret and tacit
> consent establishes it self in the several Societies, Tribes, and Clubs of
> Men in the World: whereby several actions come to find Credit or
> Disgrace amongst them, according to the Judgment, Maxims, or Fashions
> of that place (*Essay*, 353).

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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 vicegerent on earth, or to give him any of those magnificent titles, which formerly dazzled mankind, would but excite laughter in every one' (*Essays*, 51).

Locke clearly takes 'this power of approving or disapproving of the actions of those whom they live amongst' (*Essay*, 353) as a part of human nature, for even men resign to the public of all their force of executing natural law when they are uniting into political society, they nevertheless retain this power. It is interesting to observe this point, because in the state of nature, that is before civil law comes into existence, Locke's peaceful and well-ordered society has only divine law and the law of reputation to rule it. Also, as stated, Locke believes the latter to be more influential than the former. In other words, the law of reputation and opinion is the principal law that regulates men's conduct in the state of nature, and Locke believes that only by this law are men able to conduct social transactions peacefully. Of course, men may also punish the offender of natural law with force, but, as explained above, this is more like to be remedy of men against an absolute governor than against their fellows, otherwise it seems not sensible to speak of conventions like property and the use of money before the state is established.

Locke shows his conviction of the authority of reputation in rejecting his critics as 'little skill'd in the Nature, or History of Mankind', the greatest part of which, according to Locke, 'govern themselves chiefly, if not solely, by this Law of Fashion…[but] little regard the Laws of God, or the Magistrate' (*Essay*, 357). This shows that for Locke, as for Hume, men are by nature social animals that care about other's feelings for themselves, thus the connection between sympathy, love of reputation, and sociability is evident for both philosophers. In the previous section when I refuted Barry's account of Hume, I showed that sociability is an important idea which distinguishes Hume from Hobbes. Now, in illustrating the affinity between Hume and Locke, it is again helpful to observe Locke's account of human

nature as socially-oriented which is similar to Hume's view, both of which being

apparently different from Hobbes. As Locke writes:

> Nor is there one of ten thousand, who is stiff and insensible enough, to
> bear up under the constant Dislike, and Condemnation of his own Club.
> He must be of a strange, and unusual Constitution, who can content
> himself, to live in constant Disgrace and Disrepute with his own
> particular Society. Solitude many Men have sought, and been reconciled
> to: But no Body, that has the least Thought, or Sense of a Man about him,
> can live in Society, under the constant Dislike, and ill Opinion of his
> Familiars, and those he converses with. This is a Burthen too heavy for
> human Sufferance: And he must be made up of irreconcilable
> Contradictions, who can take Pleasure in Company, and yet be insensible
> of Contempt and Disgrace from his Companions (*Essay*, 357).

A perceivable tension implied in Locke's account of moral relations, and

presumably a difficulty Hume later sought to sort out for Locke, as stated, is that

between divine law as the only valid origin of morality and the phenomenon that 'in

different Societies, *Vertues* and *Vices* were changed' (*Essay*, 356). Facing the

criticism that by advocating the law of reputation Locke has attributed the origin of

morality to those who have neither authority to make it nor power to enforce it, and

thus 'make *Vertue Vice* and *Vice Vertue*', Locke, amidst his discussion of the actual

effect of reputation on human psychology and act, emphasises that this law, though

contributing to diverse social norms, is everywhere correspondent 'with the

unchangeable Rule of Right and Wrong, which the Law of God hath established'

(*Essay*, 356). Locke defends himself by pointing out that his purpose is not to prove

that the general measure of virtue and vice is men's love of reputation and fashion of

each particular society, but to prove that the Law of Nature, being that standing and

unalterable rule, is the law 'by which they *ought* to judge of the moral rectitude and

pravity of their actions' (*Essay*, 355n emphasis added). In this way, when Hume later remarks that 'I am surpris'd to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*', presumably one thing Hume has in mind is the tension between Locke's account of divine law and philosophical law, so he removed the former as a solution. However Hume does not thereby fall into the criticism of rendering '*Vertue Vice* and *Vice Vertue*', because he transfers the universal feature of both divine law and reason to human nature. On this account, the important task of avoiding moral skepticism is now fulfilled by men's sympathy, and the universal moral principle which men everywhere observe is, as Hume later indicates in *EPM*, utility.

In short, Hume's position does in some significant respects differ from Locke's, and what I am trying to suggest is that it is precisely in these differences that Hume's importance lies. However I also hope to suggest that in many other ways Hume takes over Locke's view without much alteration. For example, although reason in Hume's theory is well-known for its subordinate role, it is nevertheless indispensable when a general and constant moral standard is to be formed. That is to say, without reason to clarify relevant facts and relations, we can hardly make moral distinctions impartially. Thus Hume says

> *reason* and *sentiment* concur in almost all moral determinations and conclusions…There are just grounds to conclude, that moral beauty…demands the assistance of our intellectual faculties, in order to give it a suitable influence on the human mind (*EPM*, 75-76).

Perhaps one fundamental difference between Hume and Locke, then, is that Hume recovers the nature of moral distinctions from ideas to impressions, and thus

replaces reason with passions as the final judge of morality. Along with this, when we observe Locke's account of divine law that the 'Law which God has set to the actions of Men, whether promulgated to them by the light of Nature, or the voice of Revelation' (*Essay*, 352), the difference between Locke and Hume is again not so decisive. Locke takes revelation as a source of divine law, an important source of revelation being the Bible. Now it should be noted that the Bible for Locke and his 17th century readers was the primary source for any endeavour to supply a 'historical' account of man's existence (Ashcraft, 1987: 147n).[82] Therefore, for Locke, the divine law is not without anthropological and historical basis. Hume does not take over the divine law from Locke as a sanction of morality, but he inherits the historical and empirical feature of Locke's thought by replacing the mixture of divine and secular history as to be found in Locke's thought with a thoroughly secular account of human history, i.e. his *History of England* in six volumes. If the connection between Hume and Locke is made evident by a comparison between their theories of property, in next chapter, I will further the argument by showing that, in his theory of government, Hume's project of the naturalisation of Locke's philosophy continues.

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[82] For an account of the historical and empirical implications of Locke's state of nature, see Ashcraft, 1987: chap. 6.

Chapter 7   Conservative Utilitarianism and Hume's Political Philosophy

7.1   The Tradition of Conservative Utilitarianism

Having examined Hume's theory of justice and his theory of property, we are now in a position to focus on the third main component of Hume's political thought, i.e. his theory of government. As has been indicated by many researchers, Hume's theory of government implies a conservative tendency in his defence of existing government. I do not deny this view, but I hope to point out that the conservative feature of Hume's political theory is mainly a result of his ethical naturalism. In other words, the purpose of this chapter is to show that it might not be adequate to treat Hume as a genuine conservative thinker, for, instead of valuing the tradition and the *status quo* for their own sake and instructing that man can always be inspired by reflecting on the history of the community, Hume values them on a naturalistic and consequentialist basis, that is, because they reflect a tendency of human nature and because they meet the principle of utility when this principle is interpreted in a moderate manner. An important implication of this is that Hume would be much less reluctant than a conservative when social and political institutions are in need of reform. As will be suggested, Hume could be much more active in this respect. On this account, while trying to show that conservative utilitarianism is an idea that represents Hume's position, I hope to make explicit that, first, Hume is in essence a utilitarian rather than a conservative, and, second, his conservative tendency is conditioned by the principle of utility.

The idea of conservative utilitarianism once appeared in Henry Sidgwick's essays. In a review of John Grote's posthumous *Examination of the Utilitarian Philosophy*, the first book length study of John Stuart Mill's *Utilitarianism* (West, 2007: 126), Sidgwick agrees with Grote's view on the difference between John Stuart Mill and Jeremy Bentham in the sense that Mill's theory 'takes *en bloc* the current rules of morality', as 'belief obtained from experience as to the effect of actions on happiness, to be accepted provisionally even by the philosopher', and this position is described by Sidgwick, following Grote (Grote, 1870: 230-232), as 'conservative utilitarianism' in contrast with Bentham's 'innovating utilitarianism', which 'professed to reconstruct morality from (utilitarian) first principles' (Sidgwick, 2000: 174). Yet Sidgwick also says that the difference between Bentham and Mill is one that may fairly exist within one school, for both Bentham and Mill would agree that 'the question of accepting provisionally or throwing aside traditional rules of morality must be settled entirely on utilitarian grounds' (Sidgwick, 2000: 174). It is on these ground that Sidgwick defends the continuity between Bentham and Mill, and thus rejects Grote's view that Mill's 'neo-utilitarianism' has introduced alien elements from other sources and is thus a deviation not really reconcilable with the fundamental principles of the utilitarian system. For Sidgwick, Grote failed to appreciate that utilitarianism is method of ethical thought which is 'not exactly coincident with the opinions of any individual, but having an organic growth and development as it passes through the minds of different thinkers' (Sidgwick, 2000: 174; Kelly, 1990: 3). The idea of conservative utilitarianism is borrowed for the purpose of this thesis, and its content, where it is applied to Hume's political theory, will be considered in what follows.

This view on Hume's political theory has certainly been noted by Hume scholars and has thus inspired my argument. For example, in *Order and Artifice in Hume's Political Philosophy*, Frederick Whelan describes Hume's position as conservative utilitarianism and provides a comprehensive elaboration of the idea (Whelan, 1985: 365). Moreover, in his essay 'Hume and Conservatism' Sheldon Wolin likewise clarifies the peculiar connection between Hume's political theory and the historical development of conservatism in England. Despite the fact that in Wolin's essay he takes Hume's principle of utility as subordinate to history and tradition, this does not prevent us from considering his interpretation of Hume as in line with that of Whelan's. For, as will be argued in Section 2, although Whelan endorses the idea of conservative utilitarianism, it seems that what he is most interested in is the conservative tendency which he regards as pervading Hume's works and the mitigated skepticism which underlies it.[83] So for Whelan, as for Wolin, the principle of utility is not fundamental to Hume's political theory. It is the view defended by both scholars in favour of the conservative interpretation of Hume's political theory that will be reflected on here. By clarifying the meaning of Hume's conservative utilitarianism along with observing the internal development of Hume's philosophy, which started with the *Treatise* and ended up with *History* through various *Essays* and two *Enquiries*, I wish to show that the conservative tendency of Hume's works is inseparable from the approach that Hume adopts in conducting his philosophical inquiry. That is to say, I wish to show that Hume's conservatism is a

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[83] For example, Whelan writes that 'I argue, Hume is brought in the end to a distinctive, conservative approach to the practical matters of moral and political life' (Whelan, 1985: 13).

theoretical consequence not primarily intended by Hume, but derived from his fundamental position as descriptive naturalism.

7.2 Hume's Conservatism: Wolin and Whelan

Wolin begins his essay by repudiating the view which focuses on Hume's theoretical impact on the growth of Benthamite utilitarianism. Wolin does not deny that Hume's inquiries into causation, the role of reason, and the nature of moral judgments helped eventually to undermine the natural-law structure of eighteenth century liberalism, and that Hume's emphasis on utility as the test of institutions contributed an important ingredient to Benthamite liberalism. Yet Wolin's intention is to reject this view as rootless in Hume's political doctrine and tending only to obscure its implication (Wolin, 1976: 239). What tends to be obscured by the utilitarian interpretation of Hume, and what 'warrant[s] some attention' for their being supported by Hume's personal inclination as well as by his doctrine, is Hume's impact on eighteenth century conservatism (Wolin, 1976: 239-240).

Some fundamental differences between Hume's thought and the conservative tradition which developed after 1789 are noticed by Wolin, and these differences are mainly derived from two different attitudes toward the Enlightenment.[84] As Hume died in 1776, he lived in a placid era which preceded the French Revolution, and while later conservatives tended to lump together the Enlightenment with the revolution and to damn the former because of its presumed relation to the latter, Hume's thought was constructed from the materials of the Enlightenment (Wolin,

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[84] For an Oakeshottian account and criticism of the Enlightenment position, see Roy Tseng, 2003.

1976: 240-241). According to Wolin, the first fundamental respect in which Hume's position is distinguished from later conservatives is its secularity. Later conservatives draw on some form of political supernaturalism to confront the rationalism of the Enlightenment position, examples of this being Coleridge's disposition to revive Scripture as a 'statesman's manual', and Burke's phrase that history is an expression of the 'divine tactic' which men could only faintly understand, whereas Hume's conclusions were rooted in a strictly secular analysis, with experience as the final court of appeal (Wolin, 1976: 240-241). Secondly, the methods of Hume's science of human nature reveals the spirit of the Enlightenment, such as 'its quest for objective analysis, its distrust of obscurantism, its faith in empirical data, its disdain for the *a priori*, and its strong emphasis on the criterion of utility'. Hume has carried the methods out with the sort of dispassion which, as Wolin believes, would have been taken by later conservatives as 'cold-blooded' (Wolin, 1976: 241). Thirdly, Wolin thinks that Hume was a philosopher who owed no inspiration to catastrophe, so he exhibited none of the heightened sensitivity of later conservatives to the necessity for strong authority as the main guarantor of unity. For Hume, Wolin writes, 'society was a product of human interests whose satisfaction provided the requisite amount of social cohesion' (Wolin, 1976: 241). However, Wolin believes it is against the conventional understanding of conservatism that the earlier conservatism of Hume assumes some significance. Therefore, despite these differences, Wolin's conservative interpretation continues.

'Analytical conservatism' is the term that Wolin thinks best represents Hume's position (Wolin, 1976: 252), for it accommodates both the scientific spirit that Hume inherited from the Enlightenment, and the traditionalism by which later conservative

thinkers like Burke was inspired. Wolin writes that 'Hume was something more than the Enlightenment incarnate, his significance is that he turned against the Enlightenment its own weapons' (Wolin, 1976: 241). The first Book of the *Treatise*, for example, whittles down the claims of reason by the use of rational analysis. Moreover, Wolin thinks that the 'concept of time' has long been ignored by the students of political theory, and some misunderstanding of Hume's thought is inseparable with this phenomenon. According to Wolin, Hume regards historical time as imparting to social arrangements a 'qualitative element' (Wolin, 1976: 247). Since institutions were developed over a period of time, and their purpose and nature cannot be correctly understood without a sense of time, so the idea of utility in Hume's thought is subordinate to the idea of tradition or history, or, to put it differently, to the duration of institutions and practices. In other words, tradition or the duration of institutions *per se* is considered as a kind of value or utility, and if their contribution to the welfare of human beings, apart from the stability or order which was derived from their long existence, is to be estimated, we can only appeal to a principle, utility for example, which must be regarded as morally inferior to the value of the existence of institutions *per se*. In this way, either reform can hardly be justified or must be conducted very reluctantly; 'gradual adjustment' no doubt is preferred to any drastic change. Therefore Wolin writes that 'utility, in political matters, was inseparable from time and experience' (Wolin, 1976: 247).

Wolin thinks that this traditionalist dimension of Hume's political theory is one of his legacies which prepares the way for conservative thinkers like Burke. By manifesting the affinity between Hume and later conservative thinkers, Wolin aims to convince his reader of his perspective on the tradition of political thought, that

Hume is seen as a paradigm which puts an end to the legalism and individualism prominent in earlier thinkers like Hobbes and Locke, and replaces them instead with psychologism and the idea of the organic community or 'sense of community' which contributed to the development of conservatism (Wolin, 1976: 253-255). In any case, Locke is regarded by Wolin as a target of Hume's criticism. For, on the one hand, Wolin argues that Hume's attack on the state-of-nature hypothesis present in some social contract theorising reveals his position against theorists who seek to justify rebellion against authority on the basis of a 'mere philosophical fiction' (Wolin, 1976: 245). On the other, according to Wolin, while Locke takes the political categories of allegiance, obligation, and justice as logical derivatives from the basic sovereignty established by the contract, Hume turned the procedure around by showing that justice, obligation, and authority were consequences of human attitudes and expectations; therefore they were to be explained on psychological, not judicial, grounds (Wolin, 1976: 253). Moreover, Wolin argues that Locke's system is founded on abstractions which cut through the communal bonds of class, status, and hierarchy, leaving only 'unattached and undifferentiated individuals' (Wolin, 1976: 254). 'The sense of community' or the idea of organic community which, in Wolin's observation, grows out the placid society of the 18th century England and has influenced Hume's political theory, was indiscernible in Locke's system. Indeed, one purpose of Wolin's essay is to settle the dispute among liberalism and conservatism with respect to the feature of Hume's political theory, and his strategy is to indicate that the gap between two camps was not so wide because since 17th century 'liberalism was becoming conservatised' (Wolin, 1976: 254). This is observable from the moderate fashion of the Glorious Revolution and the political landscape of England at the beginning of 18th century into which essential liberal elements have

been incorporated, including 'the idea of government under law, the superiority of Parliament, and the rights of Englishmen'. Liberalism, then, was converted from a challenge to the established order to the order itself (Wolin, 1976: 254). Given his attention to the continuity of the historical development of political ideology in England between 17th and 18th century, however, it seems surprising to find that Wolin excludes the possibility of the continuity which might exist between two philosophers who are respectively most representative of these two periods, namely Locke and Hume. In Section 4 I shall clarify Hume's connection with Locke by considering Hume's idea of political duty; for now let us consider more thoroughly the conservative interpretation of Hume.

Hume's conservatism is of a distinct kind, according to Wolin, partly because his thought, although contributing to altering the course of conservatism, cannot be turned into a justification for various forms that later conservatism takes. For example, as Wolin rightly indicates, imagination, habit, and emotion are important conceptions in Hume's philosophy, but this is because they are a 'catalog of descriptive facts concerning human behaviour…they were not values in themselves' (Wolin, 1976: 243-244). Frederick Whelan echoes this observation and rejects Hume as a romantic traditionalist, for although Hume's psychological theory offers materials for explaining 'sentimental traditionalism', such as reverence for the past or the ancestral being explained by the natural tendency of men's imagination, he does not develop this theme (Whelan, 1985: 321 n.34). The reason lies in the fact that, unlike later conservatism which 'began to turn into transcendental norms in order to combat the revolutionary appeal to reason', thus diverse elements of irrationalism, romanticism, religion, and history were brought in to weave a new

vision of an older order, Hume's acceptance of established practice is connected with his philosophical empiricism and skepticism that forms the background of his entire enterprise (Wolin, 1976: 253; Whelan, 1985: 322). This view brings us to the premise of Whelan's interpretation, namely 'An adequate interpretation and a fair assessment of Hume's political philosophy must thus consider its grounding in his work, with its continuities, as a whole' (Whelan, 1985: 9). Whelan is entirely convinced of the continuities of Hume's thought that he warns that any 'Departmentalisation of interest in Hume has been detrimental to the interpretation of all aspects of his works, since all its parts can be fully understood only in relation to the whole' (Whelan, 1985: 5). In this way, each book of the *Treatise* cannot be fully understood without referring to the other two. Moreover, since the *Treatise* has in itself been seen as a complete philosophical system and as 'the work on which Hume's reputation as a philosopher chiefly depends', Whelan thus 'concentrates on the *Treatise*', and the importance of *Enquiries* is inevitably underestimated in his work. Whelan has not ignored Hume's turn to the writing of *Essays* and *History*; instead he refers to them 'mainly for concrete illustrations of points made [in the *Treatise*]', for there was no such disjuncture in Hume's own view on his project, and the study of history is meant to confirm the account of human nature put forward in the *Treatise* (Whelan, 1985: 4-5; 21). Given his preoccupation with the continuity of Hume's thought, Whelan therefore treats the connection among Hume's various works as an extension and application of the thesis accomplished as early as 1739 and 1740: according to Whelan, not only is the conservative disposition of the third

Book of the *Treatise* derived from Hume's skepticism, but Hume's view on *History* and on other issues as elaborated in *Essays* can only be understood when we trace their origin back to the skepticism and empiricism in the first Book of the *Treatise*.[85]

In his moral inquiry as well as in his epistemology, as Whelan indicates, Hume starts with a skeptical attack on any rational foundation, but this has not made Hume a moral skeptic or a Pyrrhonist in epistemology. The lack of rational grounding does not normally prevent us from making moral judgments and drawing causal inferences with conviction. Genuine and total suspension of belief in morals, just as with respect to causation, is impossible in life. Here Hume turns to psychology for remedy, and he finds that moral judgments arise from the distinctive feeling of approval or disapproval that normal people experience when considering certain objects or circumstances (Whelan, 1985: 20-21; 198).[86] This naturalistic turn in Hume's philosophy is considered by Whelan the most significant; it not only salvages Hume from the crisis of extreme skepticism, but also forms the foundation of Hume's normative doctrine which justifies social order through the mediation of mental and social artifices. As Whelan says: 'Hume's normative ethical

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[85] For example, Whelan argues that 'Hume's conservative inclination arises indeed from his skepticism—not, however, from a perverse spirit of paradox but from a cogent philosophical position, together with the diffidence in reasoning that it prescribes and the naturalism that he adopts as his practical guide and as the apparent condition of any reasoning and morality at all' (Whelan, 1985: 315). J. B. Stewart likewise thinks that the later development of Hume's thought is all derived from the extension of the *Treatise*, see Stewart, 1973: chap. 1 and passim.

[86] Thus the first two sections of the third Book of the *Treatise* aim to prove both that, as their titles show, '*Moral distinctions not deriv'd from reason*' and '*Moral distinctions deriv'd from a moral sense*'.

doctrine…offers only comparatively small refinements on what he takes to be the usual conclusions of the ordinary moral sentiments' (Whelan, 1985: 22). The refinement, though small, is taken by Whelan as the core of Hume's political theory, because it is by that means that the artificial institutions such as property and government are established, and people's constant adherence to the rules then being promulgated by the institution of government creating order in society, hence the heading of Whelan's work. For Whelan, therefore, moral sense is pivotal to deriving the values of moral judgments from the facts of human nature.[87] Although moral sense is a faculty working in each person, there are certain propensities, as Hume observes, which are not only shared by people who belong to the same society, but by human beings in general, and this helps to ensure that some moral standards can be held steadily and some virtues/vices are generally accepted. The naturalistic turn of Hume's philosophy, though rejecting the rational foundation of morality, does not eliminate reason thoroughly. Reason instead is assigned an instrumental role, and this is made clear in Hume's psychological explanation of the origin of social order. The 'reflective moral sense' or 'enlargement of the moral sentiments' as Whelan calls it (1985: 22; 316), along with other moral sentiments without redirection, are the foundation of morality which Whelan thinks has been reconstructed by Hume's naturalism after his skeptical attack on ethical rationalism.

We are now approaching the heart of Whelan's argument; namely, given his view that Hume does provide a normative doctrine, Whelan is then obliged to

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[87] Thus Whelan writes that 'normative standards are generated by, or adopted from, the features of human nature; "is" yields "ought," although without any claim of rational demonstration' (Whelan, 1985: 334).

indicate what the conceptions are by which Hume thinks our behaviour and judgment ought to be evaluated. In making this interpretative choice, Whelan is fully aware that, so far as Hume's political theory is concerned, two options before him are habit (or custom) and utility, and Whelan's tells us that it is the former which Hume adopts as a practical guide:

> On the question of…the criteria of legitimacy of particular governments, Hume's theory is less precise; indeed it is quite conservative in its import, in the common sense of tending to support existing, or traditional, institutions…Given the difficulties, on strict Humean scientific grounds, of estimating the potential performance of untried alternatives, and of calculating the costs of implementing a new system of government, this orientation has evidently conservative practical implications, indicating the desirability of preserving whatever seems to be of value in what exists and otherwise of cautious and incremental reformism (Whelan, 1985: 316).

Whelan's conservative interpretation is related to his convictions that Hume's thought must be seen as a continuous whole, and that Hume's philosophical system is accomplished in the *Treatise*. On the one hand, since each dimension of Hume's thought can be properly understood only by being related to others, then Hume's skeptical attack launched in the first Book of the *Treatise* must overshadow every development of Hume's thought thereafter (Whelan, 1985: 81). On the other hand, as Whelan believes that Hume's philosophical system in the *Treatise* is complete, *Enquiries* which are conventionally regarded as polished versions of the first and third Books of the earlier work tend to be overlooked. Moreover, since Hume's *Essays* and *History* are seen as applications of the philosophical principles developed in the *Treatise* to a variety of practical issues, a more accurate observation of the transformation of Hume's position which occurs among his various works is thus

sacrificed for the sake of strict continuity. It is in this way that I think Whelan takes Hume's later thought as an extension of his earliest work. For, as Whelan argues, Hume has never ceased to be a skeptic; this tendency then prevents Hume from developing a more concrete moral principle as practical guide. Meanwhile, however, Whelan affirms that there is a normative doctrine parallel with a causal psychological explanation in the *Treatise*. In order to reconcile these seemingly incompatible aspects of Hume's thought, Whelan thus attributes a normative feature to Hume's naturalism. In this way, Hume's naturalism not only provides a psychological explanation of the causal connections between phenomenon and human nature, but also has a normative dimension, that is, human nature is considered a foundation of values which guides us in our practical reasoning and judgment. Thus Whelan writes

> Human nature is indeed the object of Hume's scientific study, pursued
> through the methods that properly govern all reasoning regarding matters
> of fact. But there remains the other sense in which nature provides the
> skeptic with guidance in choosing standards of right reasoning and of
> moral value from among the actual tendencies of the human imagination
> and judgment (Whelan, 1985: 74-75).

Therefore, ideas like habit and custom, which in fact play important roles in men's daily life and are observed and highlighted by Hume as a psychologist, are subsequently endowed with moral values by Hume as a moralist. Both theories, one psychological and another moral, are developed by Hume in the *Treatise*, they exist simultaneously in Hume's account of understanding, of passions, and of morals (Whelan, 1985: 123, 142, 144, 195-196). Hume is comfortable, as Whelan believes, with this approach, because the psychological facts elucidated by Hume's science of human nature is the groundwork of his normative naturalism and moral theory, and it is just 'a short step' from the former to the latter (Whelan, 1985: 21-22, 76). Hume's

description and explanation of the *status quo*, then, is transformed by Whelan into a defence of the *status quo*, hence the conservatism he draws from Hume.

The difference between the *Treatise* and *EPM* has not been overlooked by Whelan. He does provide an analysis of this topic and of Hume's theoretical connection with the development of Benthamite utilitarianism. However, his analysis is not without weakness. For in order to defend his continuity thesis, *EPM* is treated as subordinate to the *Treatise*, hence the subordination of utility to moral sense, the one is principal in *EPM* and the other in the *Treatise*. Whelan recognises that Hume makes a move from description to prescription in *EPM*, for Hume's explicit intention in that work is to discover an objective moral standard, and 'if empirical study reveals certain universal standards of value, the step is short from their clarification to their acceptance' (Whelan, 1985: 207). Furthermore, Whelan also notices that the dichotomy between natural and artificial virtues, the implications of which he takes as crucial for one to interpret Hume's political philosophy properly given his preoccupation with the *Treatise*,[88] is 'skirted in the Enquiry', where benevolence and justice are seen to exemplify the same general characteristic of 'being useful to others' and thus to manifest a family resemblance (Whelan, 1985: 210). However, despite the fact that utility is the moral standard advocated by Hume in *EPM* and the structure of Hume's argument is altered as a consequence, Whelan nevertheless emphasises the differences between Hume and classic utilitarians like Bentham. First, Whelan indicates that the maximisation element is proposed by Bentham as a

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[88] This distinction, as described by Whelan, is 'one that marks the whole of Hume's moral and political philosophy' (Whelan, 1985: 219).

prescriptive criterion for a moral agent to choose among a number of available courses of action, all of them likely to be beneficial. Yet this element is not advanced in Hume's theory. The absence of the maximisation imperative results in the modest demands of the prescriptive aspect of Hume's thought which takes human nature as its standard, and is then allied with Hume's fundamental skepticism that 'generally rules out claims of knowledge of the sort that would be required for definitive solutions to many moral or political disagreements' (Whelan, 1985: 214). Hence the conservative outlook of Hume's political theory. Second, against the consequentialist feature of later utilitarianism, Whelan thinks that Hume adheres more closely to the ordinary moral sense school in acknowledging 'good intensions' and 'benevolent affections' as virtuous in themselves. Therefore the appropriate objects of moral approbation are motives instead of the actual consequences. Accordingly, Whelan reasserts that

> Here as elsewhere Hume is prepared to accept the natural propensities of
> the mind as appropriate, and to this extent he adheres to naturalistic
> standards that are looser than those of later utilitarianism and therefore
> less likely to issue in negative criticisms and programmatic prescriptions
> (Whelan, 1985: 215).

Finally, Whelan argues that the two currents in British ethical thought: utilitarianism and moral sense school, 'have often been interpreted as contrary positions' (Whelan, 1985: 215). He takes Bentham as an example: 'Bentham, in defending utility as the sole standard of morality, explicitly rejects theories of "moral sense"' (Whelan, 1985: 215). Although these two moral principles do not appear incompatible in Hume's moral philosophy, Whelan emphasises the importance of deciding the 'ultimate source of moral value: which principle – feeling or utility – is

prior?' Whelan claims that the moral sense is the fundamental category, whereas Hume's utilitarianism is 'derived from and depends on an affective basis' of his theory of moral sense (Whelan, 1985: 215-216).

In one sense, Wolin's interpretation seems to be more convincing than Whelan's. Wolin argues that Hume's psychologism, 'a legacy of empiricism in which the useful and the factual were made to cohere in subtle fashion', was part of his general legacy to later conservatism. Yet Wolin also notices that this empirical and naturalistic approach was, due to revolutionary events arising since the year of Hume's death, replaced by a metaphysical conservatism. What Wolin considers to have prepared the way for Burke was Hume's emphasis on traditionalism. As mentioned earlier, Wolin draws from Hume's approach a 'sense of time' which he thinks plays a principal role in later conservative thinking of England: 'Time implied experience, and experience in turn provided the motive for gradual adjustment' (Wolin, 1976: 247). Although Wolin is fairly clear that habit, imagination, and emotion are adopted by Hume as descriptivist ideas, he nonetheless believes that Hume cherishes long-existing practices and institutions for their own sake, because what Hume has indicated to later conservatives was that 'utility could be located as an immanent value dwelling within the interstices of actual social arrangements, not as a grim measuring rod contrived to reveal the shortcomings of institutions' (Wolin, 1976: 246). In comparison, Whelan develops his conservative interpretation on the basis of Hume's skeptical attitude about any rational foundation of morality, and also on his reservation about Hume's attempt at developing a thoroughly descriptive moral science, thus he comments: 'Hume…is ostensibly engaged in the descriptive study of morals' (Whelan, 1985: 211). In this way, in his analysis of the difference

between the *Treatise* and *EPM*, Whelan does not concern himself with the tension that might arise between the principle of utility and Hume's scientific research of human nature as elaborated in the earlier work. He does not perceive the tension because he believes that Hume's normative doctrine is already parallel with a psychological scheme in the *Treatise*. Whelan's concern, instead, is to prove the priority of moral sense over utility in Hume's political theory. For, after all, as he is persuaded, Hume's naturalistic turn in the *Treatise* was proved to be effective not only in saving him from the 'abyss of Pyrrhonism' but also to provide prescriptive principles as drawn from the facts of human nature.

7.3 Negative Prescriptivism: Response to Whelan

On the basis of the delineation of Whelan's interpretation of Hume and the content of conservative utilitarianism that he proposes, now let us reflect on it and see if an alternative understanding of Hume's conservative utilitarianism is available.

First, as has been said, Whelan regards the *Treatise* as comprising of both the descriptive and normative naturalism of Hume, but it seems to be a misinterpretation of Hume's position. I hope to insist that Hume is fully aware of two different methods of conducting moral enquiries, and that he also consciously picks up different roles in his various works and endeavours not to confound them. Hume's *Essays* and *History* reveal explicit normative tendencies, and this is derived from Hume's particular views on the implications of the study of history and the writing of essays. On the other hand, in the *Treatise* Hume never doubts that his mission is to provide a 'cold and unentertaining' dissection of human nature, and his intention remains identical in the composition of *EPM*; thus he is silent about the equal

distribution of property in his theory of justice and about the ideal form of government in his political theory, just as he does in the deliberate ambiguity shown in his discussion of the measure of political obligation in the *Treatise*. It is mainly on these grounds that Hume's political theory could be considered conservative.[89] However, Hume's persistent ambition of being a moral scientist is somehow undermined by the principal role of utility in *EPM*. Although for Hume utility is a principle derived from his inductive reasoning of empirical human affairs and conducts, still when compared with sympathy, its quasi-objectified and nearly universal feature forces Hume to deviate slightly from his role as a moral scientist, and to argue for a thin but general moral criterion. This view defended here, as I believe it is doing justice to Hume's philosophy, is founded on a belief that Hume's thought developed throughout his life, thus each of his works should be considered on the equal footing. To compress a long and complex process of thought development into a single, earliest work of Hume is to ignore some of his important teachings.

MacIntyre is one of the interpreters who pays attention to the dual roles of anatomist and painter in Hume's thought. He notices that Hume concludes the *Treatise* with a reassertion of his role as an anatomist of human nature, and indicates that the relationship of the anatomist to the painter resembles that of the philosopher

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[89] Compare this with Hume's depiction of an ideal governmental constitution in his essay 'Idea of a Perfect Commonwealth' and his approval of modest reformism: 'In all cases, it must be advantageous to know what is most perfect in the kind, that we may be able to bring any real constitution or form of government as near it as possible, by such gentle alterations and innovations as may not give too great disturbance to society' (*Essays*, 513-514).

to the practical person (MacIntyre, 1988: 313-314).[90] MacIntyre's observation is supported by Hume's letters in response to Francis Hutcheson's criticism of the third Book of the *Treatise*, where Hume writes:

> There are different ways of examining the Mind as well as the Body. One may consider it either as an Anatomist or as a Painter; either to discover its most secret Springs & Principles or to describe the Grace & Beauty of its Actions. I imagine it impossible to conjoin these two Views. Where you pull of the Skin, & display all the minute Parts, there appears something trivial, even in the noblest Attitudes & most vigorous Actions: Nor can you ever render the Object graceful or engaging but by clothing the Parts again with Skin & Flesh, & presenting only their bare Outside. An anatomist, however, can give very good Advice to a Painter or Statuary: And in like manner, I am perswaded, that a Metaphysician may be very helpful to a Moralist; tho' I cannot conceive these two Characters united in the same Work. Any warm Sentiment of Morals, I am afraid, wou'd have the Air of Declamation amidst abstract Reasonings, & wou'd be esteem'd contrary to good Taste. And tho' I am much more ambitious of being esteem'd a Friend to Virtue, than a Writer of Taste; yet I must always carry the latter in my Eye, otherwise I must despair of ever being servicable to Virtue. I hope these Reasons will satisfy you; tho at the same time, I intend to make a new Tryal, if it be possible to make the Moralist & Metaphysician agree a little better (*Letters* vol.1: 32-33).

It is clear from this letter that Hume's mission in the *Treatise* is to provide a dissection of the human mind just like an anatomist does to the human body, hence the calm and indifferent tendency of that work which Hutcheson takes as a defect. We have no direct evidence to prove that Hume's advocate of utility instead of

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[90] Before concluding the first book of the *Treatise*, Hume first mentions this metaphor. He says: ''Tis now time to return to a more close examination of our subject, and to proceed in the accurate anatomy of human nature, having fully explain'd the nature of our judgment and understanding' (*Treatise*, 171). See also *Treatise*, 211.

sympathy in *EPM* corresponds to the 'new Tryal' he mentioned, but by implication this might not be an absurd presumption. Perhaps what is the more immediate consequence of Hume's 'new Tryal' is his *Essays, Moral and Political* (1741-42) published right after the unwelcome *Treatise*. In 'Of the Study of History', Hume recommends this activity to his readers by showing its advantages as amusing the fancy, improving the understanding, and strengthening virtue (*Essays*, 565). In discussing the last, Hume indicates the differences between several characters and their weaknesses in promoting virtues, whereas historians, by contrast, have been, 'almost without exception, the true friend of virtue, and have always represented it in its proper *colours*' (*Essays*, 567 emphasis added). Poets, as Hume comments, are able to '*paint* virtue' in the most charming colours (*Essays*, 567 emphasis added); but, as they address themselves entirely to the passions, they often become advocates for vice. When a philosopher contemplates characters and manners in his closet, his abstract theory derives from a mind so cold and unmoved, that 'he scarce feels the difference between vice and virtue'. Moreover, the vulgar, Hume observes, tends to evaluate the characters of men in relation to his interest, and 'has his judgment warped on every occasion by the violence of his passion' (*Essays*, 567-568). Only the historian treads a middle ground between these extremes:

> The writers of history, as well as the readers, are sufficiently interested in
> the characters and events, to have a lively sentiment of blame or praise;
> and, at the same time, have no particular interest or concern to pervert
> their judgment (*Essays*, 568).

This is relevant for our argument here, as Hume clearly indicated that his role in composing *History* is distinct from a philosopher, the former being evaluative while the latter being descriptive. A similar contrast again appears in another essay

published in 1742 named 'Of Essay-Writing'. There Hume distinguishes the 'elegant part' of mankind into two: the one devoting themselves to the study which requires 'higher and more difficult Operations of the mind' with leisure and solitude, the other being featured by their sociable disposition and taste of pleasure, and having an inclination to the 'easier and more gentle Exercises of the Understanding' (*Essays*, 533). Hume calls them the learned and the conversible respectively. The gulf that long existed between them had not only rendered 'Time spent in Company the most unentertaining, as well as the most unprofitable', but also gave rise to abstruse philosophy cultivated by men 'without any Taste of Life or Manners, and without that Liberty and Facility of Thought and Expression, which can only be acquir'd by Conversation' (*Essays*, 534). In this way, Hume shows his approval for the increasing communication between the two in his time, 'this League betwixt the learned and conversible Worlds, which is so happily begun, will be still farther improv'd to their mutual Advantage'. It is for this purpose that Hume thinks his writing of essays is justified:

> I cannot but consider myself as a Kind of Resident or Ambassador from the Dominions of Learning to those of Conversation; and shall think it my constant Duty to promote a good Correspondence betwixt these two States, which have so great a Dependence on each other (*Essays*, 535).

In this way, like a historian, Hume also regards the essayist as occupying a place between the philosopher and vulgar, and we need not suppose that the learned and the conversable Hume mentions represents distinct groups of people, it is likely that Hume is also recommending his own philosophical approach, in contrast with philosophers, Pascal for example, whose life and theory are founded on 'ridiculous superstitions' and 'an extreme contempt of this life' (*EPM*, 198-199). This may

clarify that, whether by drawing the distinction between anatomist and painter, or the differences between the philosopher, the vulgar, and historians or essayists, different writings of Hume's represent his different intentions of describing and explaining on the one hand, persuading and evaluating on the other. Whelan's preoccupation with the *Treatise* and with the continuity of Hume's thought leads him to overlook these differences.

One reason that prevents Hume from being a classic utilitarian, Whelan thinks, is that later utilitarian explicitly rejected theories of moral sense in the defence of utility as the sole standard of morality. While Whelan sees that these two principles in Hume's theory have for the most part been portrayed as complementary and coincidental, he nevertheless attributes the foundation of Hume's political theory to moral sense, and in this way utility is a subordinate principle. By implication, Hume's theory would have been the target of Bentham's criticism. Yet this need not be the case. It is true that Bentham emphasises the difference between the motive or cause of any act and the ground or reason which warrant that act with approbation, and he also argues that our antipathy or sympathy with the motive of an act 'can never be a right ground of action', primarily because of the capricious feature of our sentiments:

> There is no incident imaginable, be it ever so trivial, and so remote from mischief, from which this principle may not extract a ground of punishment. Any difference in taste: any difference in opinion: upon one subject as well as upon another. No disagreement so trifling which perseverance and altercation will not render serious. Each becomes in the other's eyes an enemy, and, if laws permit, a criminal (Bentham, 1948: 143-144).

So Bentham argues that the communication of sentiments only reveals to us the cause or motive of the act observed, while our moral approbation must be founded on stable and objective grounds, that is, the effect or the utility produced, 'which if it is a right principle of action, and of approbation, in any one case, is so in every other' (Bentham, 1948: 146). However, Bentham also writes:

> the dictates of this principle (i.e. sympathy or antipathy) will frequently coincide with those of utility, though perhaps without intending any such thing. Probably more frequently than not: and hence it is that the business of penal justice is carried on upon that tolerable sort of footing upon which we see it carried on in common at this day (Bentham, 1948: 141-142).

Accordingly, Bentham's utilitarianism, instead of explicitly rejecting the moral sense as Whelan claims, aims rather to draw a stable moral standard from human sentiments, which then in turn is applied to regulate human nature (Rosen, 2003: 221-223). In this way, if more attention is devoted to the development of Hume's thought that took place between the *Treatise* and *EPM*, one may find that Bentham is walking on a path which existed already, though more implicitly, in Hume. Utility in *EPM* represents a general moral principle which less interests Hume in the *Treatise*, and Hume's emphasis on the effect instead of the motive of virtues, along with the transformation of the nature of sympathy from a neutral psychological mechanism to a kind of social feeling which has no remarkable difference with benevolence and humanity, all suggest Hume's deviation from a purely descriptive position to negative prescriptivism. It is prescriptive because Hume explicitly indicates that it is

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utility instead of self-interest that should be considered the foundation of morality.[91] It is negative because utility remains a principle corresponding to men's natural sociability, and Hume has not combined utility with the maximisation principle for the purpose of developing a normative moral doctrine.

This then refers us to the third point which Whelan believes has prevented Hume from being a classic utilitarian, namely Hume's non-consequentialism. Hume's exploration of men's psychological motives for being virtuous in the *Treatise* does not render him as adhering more closely to the ordinary moral sense in acknowledging 'good intentions' and 'benevolent affections' as virtuous in themselves. For it is likely that the reason we regard certain motives and tendencies as virtuous is based on our supposition that they have been bringing about beneficial consequences all the time, as experience instructs us.[92] This is particularly true in the case of artificial virtues, and still holds partly true in the case of natural virtues. The examples Hume examined in *EPM* verify this. If motives are the only thing that matter in our moral judgment, then practices like giving alms and tyrannicide would have 'naturally' been regarded as virtues, since the motives behind them are to

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[91] For example, as the title of Section Five of *EPM* shows, Hume has made a normative judgment in highlighting the reason 'Why Utility Pleases' instead of 'Why Selfishness Pleases', since both propositions are empirically verified (*EPM*, 104-118). See also the following paragraph from *EPM*: 'no qualities are more entitled to the general good-will and approbation of mankind, than beneficence and humanity, friendship and gratitude, natural affection and public spirit, or whatever proceeds from a tender sympathy with others, and a generous concern for our kind and species' (*EPM*, 79).

[92] Michael Frazer holds the same view. As he suggests, although what are approved by us are the qualities or characters of persons, nonetheless we are led by our sympathy with the effects of the characters to approve or disapprove their causes. The objects of our sympathy are thus different from the objects of our moral evaluation (Frazer, 2010: 44).

relieve the indigent and to free people from oppressive rulers. On the contrary, however, Hume writes that when 'history and experience having since convinced us' that the former increases idleness and the latter leads to the jealousy and cruelty of princes, 'we regard that species of charity rather as a weakness than a virtue' and 'as very improper models for imitation' (*EPM*, 81-82). Hume then says in a consequentialist tone:

> We carry our view into the salutary consequences of such a character and disposition; and whatever has so benign an influence, and forwards so desirable an end, is beheld with complacency and pleasure (*EPM*, 82).

What is also worth noting is, in demonstrating his consequentialist position, Hume further clarifies the relationship between moral sense and utility, and again contrary to Whelan's observation, Hume clearly shows that, although it is our moral sense that first gives rise to our moral judgment, utility always guides and reshapes it according to experience. For example, luxury or refinement in the pleasures and conveniences of life were universally regarded as vices, for they had long been supposed the source of corruption in government, as well as the immediate cause of faction, sedition, civil war, and the total loss of liberty. But those who prove the contrary, such as Hume himself, show that such refinements rather tend to the increase of industry, civility, the arts, and as a consequence further cultivate men's sociability and sympathy, then 'regulat[ing] anew our *moral* as well as *political* sentiments, and represent [luxury] as laudable and innocent, what had formerly been regarded as pernicious or blameable' (*EPM*, 82). Moreover, it is still worth noting that Hume discusses these cases in the section named 'Of Benevolence', and for

Hume, benevolence is a natural feeling with which men are naturally endowed and is the source of most natural virtues such as lenity, tenderness, and friendship.[93] In this way, Whelan's view that 'Here as elsewhere Hume is prepared to accept the natural propensities of mind as appropriate' seems problematic, for, according to Hume, men's natural propensities, not only the narrowness of soul (*Treatise*, 344) but even benign benevolence, are all subject to the direction of utility as a universal moral principle.[94]

7.4 Natural and Civil Moralities: Response to Wolin

Having reflected on Whelan's views, now let us turn to Wolin's conservative account of Hume, particularly that Hume represents a paradigm which poses a challenge to Locke's theory and clears the way for later conservatism. Contrary to Wolin's view, by exploring the idea of politics in two philosophers, I hope to show that there is a theoretical affinity between Hume and Locke, that is, Hume has inherited the main theme of Locke's political theory, and further supplies it with an empirical, psychological foundation, while their difference is mainly a result of the change of social context in which their theories were developed. When we approach Hume's theory of allegiance and government by means of its most ample and detailed form, namely that elaborated in the *Treatise*, the primary feature which catches our attention is: Hume intends to express his theory of government as parallel

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[93] Other tendencies of the same kind are love of children, gratitude to benefactors, and pity to the unfortunate (*Essays*, 479).

[94] For an alternative defence of Hume's consequentialism, see Hardin, 2007: 159-160. For Hume's view on the adjustability of moral sentiments as subject to the guide of moral reasoning, see also C. Taylor, 2009: 326-328.

with his theory of justice, both of which are comprehended in his account of morals. This is an observation not only supported by the structure of the text, but also by the fact that, in Hume's discussion of the origin and object of allegiance and government, he is never tired of comparing them with justice and property. To understand Hume's intention properly, we must go back to Locke's *STG*, for it is by that work Hume's political thought was mainly inspired, and the evidence lies in the same parallel of the state of nature and civil society that underlies Locke's political theory.

While Wolin says that Hume's 'analytic conservatism' aims to challenge the state-of-nature hypothesis present in some social contract theorising, he does not specify which social contract theorist Hume has in mind. But when Wolin continues to argue that Hume has pointed out the slippery logic which sought to justify rebellion against authority on the basis of a mere philosophical fiction like the state of nature, Locke seems to be the likely candidate who is taken by Wolin as the object of Hume's criticism. A few pages later, Wolin makes his argument more explicit by claiming that:

> Locke and Hobbes, while emphasising the importance of human nature
> for the understanding of politics, had nevertheless approached this
> element as preliminary to the central juridical concept of contract. In this
> way, the political categories of allegiance, obligation, and justice
> assumed the status of logical derivatives from the basic concept of
> sovereignty (or as Locke preferred to call it, "supreme power")
> established by the contract. Hume, on the other hand, turned the
> procedure around: justice, obligation, and authority were consequences
> of human attitudes and expectations. These concepts were to be
> explained on psychological, not juridical, grounds (Wolin, 1976: 253).

In both respects, Wolin takes Locke as a philosopher criticised by Hume, but this is an inaccurate account of Hume's position, and I would like to suggest that it is

Hobbes instead of Locke that is the main target of Hume. On the one hand, although Hume does describe the state of nature as a mere fiction, it must be noticed that Hume also says it is a state 'describ'd as full of war, violence and injustice' (*Treatise*, 317). From this it is evident that it is the theory of Hobbes rather than that of Locke which Hume is considering. Hobbes famously depicts the natural condition of mankind as a war of 'every man against every man' where there is no place for industry and society (Hobbes, 1994: 76). By contrast, Locke believes that, due to men's duty of self-preservation and their natural sociability, the institution of property must have been established in the state of nature, that is, before the necessity of civil government was perceived by men. Accordingly, the state of nature is not a state of violence, which Hume criticises as mere fiction, but a state of order and commerce, and this is why Locke distinguishes the state of nature from the state of war.

We are then led to Wolin's second misunderstanding, namely that since the stability of possessions is secured before the establishment of government, and, at the same time the transactions among people are taking place along with the invention of

money, which also occurs in Locke's state of nature,[95] then it would be a mistake to attribute all moral concepts like justice and obligation to political categories, and to assume they are 'logical derivatives from the basic concept of sovereignty'. Here, again, Wolin fails to make a distinction between Hobbes and Locke. For the former, morality is artificially created by the sovereign state, thus moral concepts such as justice and obligation are intelligible only in political society. However, for the latter, the state is created to serve the morality that already exists in the pre-political state of nature. Promise, contract, obligation, and right, in other words, the fundamental distinctions between right and wrong, are not beneficial consequences that the state brings about. Rather, the creation of state is meant to prevent the occasional transgression of natural laws and thus only to cure some inconveniences in the state of nature.[96] Locke says

> The great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under Government, *is the Preservation of their*

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[95] Along with the use of money, speech and words are also invented, as Hume added. Further, Hume's three laws of nature: the performance of promise, the stability of possessions, and the transference of possessions by consent, are all most fundamental rules indispensable to a peaceful social intercourse, which, it seems reasonable to infer, were extracted by Hume from Locke's idea of the state of nature. What is unique of these conceptions in Hume's theory is that he provided a secular and psychological explanation of their origin, i.e. utility, whereas in Locke's theory they were derived from a theological premise that men are God's workmanship and thus are obligated to preserve themselves. See *Treatise*, 315; 322-337; *EPM*, 172. Hume's thorough secularisation of the origin of virtues, fidelity no exception, leads to a political theory which detaches men's civil duties from their natural duties. In this way, Hume secures government a foundation more solid and more independent of society which exists prior to it, hence places on government higher expectation than just the preservation of private property as we find in Locke's theory. See below.

[96] See also Hume's *Treatise*, 344-345; 348.

Property. To which in the state of Nature there are many things wanting
(§124, see also §3, §13, §91, §94, §123, §127).

What is wanting in the state of nature are established laws, an indifferent judge, and the power to execute laws; with these man's property is better secured and thus justifies the authority of sovereign. At the beginning of a Section called 'Of the Source of Allegiance' in Hume's *Treatise*, before launching his criticism of social contract theory on the basis of naturalism, Hume clearly expresses his endorsement of Locke's view as well as his objection to that of Hobbes's:

> Tho' government be an invention very advantageous, and even in some
> circumstances absolutely necessary to mankind; it is not necessary in all
> circumstances, nor is it impossible for men to preserve society for some
> time, without having recourse to such an invention…And so far am I
> from thinking with some philosophers, that men are utterly incapable of
> society without government, that I assert the first rudiments of
> government to arise from quarrels, not among men of the same society,
> but among those of different societies (*Treatise*, 345-346).

Hume then suggests that his observation is verified in some part of America, where men live in the form of tribes without government, but only choose a leader in the time of war with other tribes, and that authority lasts no longer when war ceases and peace resumes. A similar example is cited by Locke from Josephus Acosta to support his argument of the state of nature (§103). It is not insignificant that Hume shows his approval of Locke's view before he proceeds to elaborate the difference between his political theory and that of Locke's in the remainder of that section. For, as Hume emphasises twice at the beginning of the following section named 'Of the Measures of Allegiance' that he is ready to accept Locke's theory of resistance as 'just and reasonable', he also aims to show that the same conclusion can be reached

through more reasonable principles (*Treatise*, 352). The principle which Hume regards as more reasonable is convention or the general utility of society that convention represents, and it is exactly this principle that Hume adopts as substitution for promise or consent in his discussion of the source of allegiance. Hume endeavours to show that allegiance is a virtue derived from its utility, and so is justice. Although utility of justice and utility of allegiance are distinct, it is important to note that, they are both 'general and avow'd'. In this way, so long as men have motives to observe the one, they must also have motives to observe the other. To found the duty of allegiance on the duty of justice is not only redundant, but serves to obscure the true utilitarian origins of both:

> To obey the civil magistrate is requisite to preserve order and concord in society. To perform promises is requisite to beget mutual trust and confidence in the common offices of life. The ends, as well as the means, are perfectly distinct; nor is the one subordinate to the other (*Treatise*, 348).

Hume has long been regarded as the most devastating critic of contractarianism. However, given Locke's conclusion that men have the right to resist an oppressive governor is not questionable to Hume, and that Hume endeavours to show the same conclusion can be derived from a more fundamental principle, then in a sense Hume's criticism of Locke's theory of contract turns out to be a powerful defence of Locke's conclusion, which, as John Dunn describes, is 'a theoretical proclamation of the ultimate right of revolution' (Dunn, 1969: 48; see also Kelly, 2007: 9-11, 138-139). To clarify this, we must realise Hume's purpose of putting utility in the place of consent as the foundation of men's political obligation.

According to Hume, in primitive society, a ruler is needed only when war among tribes occurs, but when society becomes rich and populous 'either by the pillage of war, by commerce, or by any fortuitous inventions', men tend to neglect their own interest in the preservation of peace and justice. People who find arguments and conflicts inconvenient then recall the advantage of a ruler in the time of war, and recourse to it as an arbiter even in the time of peace. Thus Hume says that 'Camps are the true mothers of cities' (*Treatise*, 346). However, Hume emphasises that 'many years must elapse' before the population and riches of a society become so numerous where a standing governor becomes indispensable. Now we can imagine that when the government was first formed, that is, at a time when this institution was established on a fragile basis, it is natural that people appealed to the morality that already existed as its foundation, the morality that pre-dates the state being what Hume calls justice or natural duties. It is on this basis that Hume writes

> When men have once perceiv'd the necessity of government to maintain peace, and execute justice, they wou'd naturally assemble together, wou'd choose magistrates, determine their power, and *promise* them obedience. As a promise is suppos'd to be a bond or security already in use, and attended with a moral obligation, 'tis to be consider'd as the original sanction of government, and as the source of the first obligation to obedience (*Treatise*, 347).

For Hume, the social contract theory goes wrong when consent is 'carry'd so far to comprehend government in *all* its ages and situations' (*Treatise*, 347 emphasis added), because as soon as the advantage of the state is generally realised, it no longer needs to rely on natural morality but acquires its own foundation and morality. In other words, when government is first formed, its utility has not yet been generally

recognised, so the governed are bound to obey when they promised to do so, for fidelity is a virtue which has already regulated their conduct at that point. However, after the advantages of government are gradually perceived, after that it is recognised by most people that 'political society' is more convenient and secure than 'natural society', the virtue of allegiance then acquires its natural (i.e. based on men's self-interest and sociability) and moral (i.e. based on men's sympathy or conscience) foundation, and binds people without relying on the virtue of fidelity. Accordingly, it is evident that both Locke and Hume take natural duty as existing prior to and independent of civil duty. Moreover, they both agree that it is on the basis of natural duty that civil duty was formed. However, a difference between them lies in that while Locke takes men's natural duty as indispensable to their civil duty, Hume regards the connection between them as functional, so he subsequently detaches the one from the other and somehow reverses their relationship by arguing that it is our natural duty which depends more on civil duty, for only the state can secure peace and order of society by executing justice on a strict and regular basis, and this is exactly why we created it (*Treatise*, 348).

Although the same conclusion is to be reached by means of different principles, the alteration of principles, almost inevitably in the case of Hume and Locke, influences the applicability of the conclusion. As John Dunn comments, promises in Locke's scheme are 'the elementary human moral bonds and, once they have been made, their obligatoriness is almost a logical truth' (Dunn, 1969: 162). According to Dunn, Locke shared in the growing 17th century sense that an excessive multiplication of oaths was eroding the moral significance which men attached to the most powerful of contemporary taboos and he felt profoundly the rationale of this

uneasiness. 'Language was the symbolic distinguishing characteristic of the human race and it was the actual bond which made specifically human existence possible' (Dunn, 1969: 141). Promises and oaths being linguistic performances were of the most formal and most important kind where men's social life was concerned. 'They formed the primary tissue of human mutual obligation and their binding force was sustained directly by the will of God' (Dunn, 1969: 141-142). They even bind the Almighty (*First Treatise of Government*, §6). However, this theological premise of Locke's political theory does not contribute to Hume's theory at all, as it is indeed Hume's object to challenge the validity of the theological and deontological propositions by examining their connection with human psychology. Promises should be kept, but why? A reply like 'because God wills it' is not satisfactory for an atheist like Hume, and nor is a reply like 'because it is intrinsically a good thing to do' an acceptable answer to a theory which explores the naturalistic origin of moral values. Hence the difference between the political theory of Locke and Hume, hence Hume's comment on Locke's theory of resistance that 'I repeat it: This conclusion is just, tho' the principles be erroneous' (*Treatise*, 352). Of course, this does not suggest that Hume has accepted Locke's conclusion beforehand and then tries to reconcile it with his naturalistic scheme. If this is the case, we would not have argued that the change of principles influences the applicability of conclusion. Indeed, men's right to resist is an idea not incompatible with Hume's naturalistic account of government, whereas his highly cautious attitude towards the exercise of such right is derived from his descriptivism. That is to say, for most people who lived in a relatively peaceful time, as Hume's English contemporaries did, it was by no means evident that the utility of a drastic political reform outweighed the utility of maintaining the *status quo* and the stability of their property. People's right of

resistance must be secured, for a limited monarchy is only historically contingent, yet 'nor can any thing be more preposterous than an anxious care and solicitude in stating all the cases, in which resistance may be allowed' (*Essays*, 490), for that decision is so difficult that it should be left to statesmen who are capable of weighing its utility against its cost.

Chapter 8   Conclusion: Conservative Utilitarianism from Hume to Burke

Each of the six main chapters presented here may potentially be seen as freestanding chapters, each of which engages with discrete debates in Hume scholarship, but my argument has been that they are connected with each other by a core idea and constitute a complete study of Hume's political philosophy. The core idea is utility. In the Introductory Chapter, it was shown that there are three ways in which utility may be fulfilled, including the principle of the fusion of interest, the natural identity of interest, and the artificial identification of interest. Since these principles are all comprehended in Hume's philosophy, different interpretations of Hume impact on one's account of how Hume is connected with other philosophers and thus would result in different interpretations of English utilitarianism. Based on this knowledge of the different meanings of utility, I tried to make explicit in Chapter Two that one tends to misunderstand Hume's position if he takes either of these principles as predominant in Hume's philosophy and thus interprets him as a Hobbesian or Hutchesonian. This is a misunderstanding of Hume because his method is inductive rather than deductive. That is to say, his interest is not to construct a moral system on the principle of self-interest or benevolence, but to observe how these tendencies blend with one another and constitute man's sociability. An approach like this, as I have suggested, is to be found neither in Hobbes nor in Hutcheson, but in Locke. Before I elaborated on the resemblance between the two philosophers, more needed to be said about Hume's conception of utility, therefore in Chapter Three I focused on Hume's idea of sympathy and explained how it contributes to Hume's moral psychology. Hume used the idea of sympathy in a

different way to Hutcheson; it is not a specific feeling but the communication of feelings among people. Sympathy is crucial for one's interpretation of Hume because it reveals the psychological tendency which is the basis for the development of Hume's utilitarianism. In other words, sympathy is the foundation of Hume's naturalistic moral psychology, and it is based on the psychological scheme which he had already accomplished in the *Treatise*, Hume then moves on to *EPM* and focuses on the practical consequences rather than the psychological origin of virtues. In this way, it is evident that Hume's utilitarianism has a naturalistic basis, and what is controversial are its features. Therefore in Chapter Four I introduced the debate on this issue, and, inspired by Peter Railton, suggested that the division between methodological and substantive naturalism is useful. It is useful because although Hume's naturalism is featured by both, it owes its allegiance primarily to the development of a theory effective in explaining moral concepts, which has much to do with the moral conventionalism that Hume owes to Locke. In this way, despite the fact that Hume points out a substantive foundation of morals by his definition of virtues in terms of utility, he is nevertheless free from the attack of intuitionists such as G. E. Moore because the specific content of utility varies in different communities. If these have been sufficient to prove that utility is indeed the core idea of Hume's political philosophy, then the second part of this dissertation is a further clarification of Hume's utilitarianism as well as a defence of it against its unsympathetic critics. In Chapter Five I tried to save Hume's utilitarianism from Gauthier's contractarian assimilation by distinguishing Hume's idea of utility as public interest from Gauthier's definition of utility as self-interest. I have shown that two different views on utility can lead to two different views on social transactions and thus to two distinct explanations of the origin of social order. In this way, no matter how hard

Gauthier has attempted to interpret Hume's idea of utility as a form of social contract, he is unsuccessful, and this may be observed in Gauthier's viewing the example of the boat rowers and the situation of social interaction as incompatible. The same question concerns another social contract theorist, Brian Barry, who has blamed Hume for drawing this misleading analogy between rowing and the origin of the conventions of social order. But the analogy is misleading only when one fails to appreciate what Hume means by convention. Hume has compared social interaction with rowing because in both cases we are other-regarding and capable of sympathising with others' feelings, and we make moral distinctions according to this sympathetic feeling rather than purely egoistic concerns. Therefore, in either case we resist the temptation to be a free-rider and make due effort for what we desire, whether this is crossing the river or living peacefully. If the objection to the contractarian interpretation of Hume has been useful for showing that utility is originated from the sociability implanted in human nature rather than artificially created, then it still applied in my discussion of Hume's conservative utilitarianism in Chapter Seven. That is to say, Hume may not be seen as a genuine conservative, because although Hume indicates that tradition and custom may fulfil man's sociability stably and securely, he nevertheless recognises the use of innovation in this respect. The connection between tradition and man's sociability is not intrinsic but functional, and it is utility rather than the *status quo* which is the standard of morals. Hume's conservative utilitarianism represents a view on human nature and, as a consequence, a view of how utility could be interpreted. Hume has ascribed value to tradition and customs because he observes that expectation and security are the psychological mechanism on which man's happiness is largely founded. Thus it follows that when custom or existing social order has lost its use in this respect, that

is to say, when general disobedience brings less or no more harm than general obedience, men are justified in reforming or overthrowing it. Since Hume's moral psychology and moral conventionalism are derived from introspection and observation, his conservative utilitarianism may be seen as representing how a class of English people in Hume's time evaluate the benefit of political reform against its cost.

The idea of utility is not only crucial to the account of Hume's political philosophy; it is also Hume's legacy to later generations. As stated, Bentham's philosophical radicalism is in contrast with conservative utilitarianism of Burke, however, according to Elie Halévy, they are both inspired by Hume. The principle of utility first formulated in Hume, 'while it resulted in Adam Smith and Bentham in a doctrine of reform in economic and juristic matters…at the same time took, with Burke, another direction' (Halévy, 1972: 164). From this viewpoint, it is no less important to observe Hume's influence on Burke than to observe Locke's impact on Hume, and by so doing, what is revealed is, first, the development of English empiricism originated from Locke, and, second, a genealogy of utilitarianism contrasted with Benthamite utilitarianism. According to Halévy and Plamenatz, the utilitarian bias is exhibited in Burke in three ways, all of which were overshadowed by Hume (Plamenatz, 1958: 56-57). First, Burke inherited the view from Hume and ascribed utility to an existing institution rather than to radical reforms. For Burke, it is an undeniable fact that there are forces that tend to disrupt every institution, and lead to their disintegration and decay. So an institution existing for generations is a proof both of its use and utility in resisting destructive force and of its conduciveness to human happiness. Second, Burke's emphasis on prescription is another evidence

of his utilitarian bias. For Burke, as for Hume, man's daily practice is shaped by his sentiment of expectation; in other words, habit is the second nature of man (Burke, 1999: 185). To deprive man of habit and to deprive society of custom is to take away what guides man in his daily life, and thus undermines his happiness and security:

> When antient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us; nor can we know distinctly to what port we steer (Burke, 1999: 78).

From this it follows the important role of prescription as a title to property and to government in both philosophers.

Third, as in Hume's observation that man's life is based on many natural beliefs formed by instincts and sentiments that we follow before verifying their truth, for Burke, prejudice is important for maintaining social order. Burke writes:

> Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue, and does not leave the man hesitating in the moment of decision, skeptical, puzzled, and unresolved. Prejudice renders a man's virtue his habit; and not a series of unconnected acts. Through just prejudice, his duty becomes a part of his nature (Burke, 1999: 87).

What is common among Locke, Hume, and Burke is their theories of empiricism and their criticism of rationalism. The idea of convention that is the most controversial in the interpretation of Hume's political philosophy, it seems to me, is an idea that features this tradition of empiricism. That is to say, convention for these philosophers stands not only for the model of how men interact and transact with one another in the sphere of society, but for the wisdom of ancestors and man's feelings for social life. Political philosophers like Brian Barry and Russell Hardin who apply

the game theoretic model to their account of Hume are criticised here because although they seem to provide a concise expression of the former, the latter have comprehended so many passions and instincts of man that can barely be expressed in their models. To miss Hume's description of these passions and instincts is to miss not only the most remarkable contribution of Hume to the theory of social order, but also what he inherited from his ancestors and subsequently left to his successors. In other words, it leads to the neglect of Hume's links with Locke and with Burke, and falsely takes him as a successor of Hobbes.

For the purpose of this research, what is most interesting to note is that, in comparing Hume's theory of property with that of Locke's, the latter argues that a system of property already existed in society before the state was established. For Locke, a system of property existing in the pre-political society can have no other basis than men's tacit consent or conventional agreement. From this it follows that Locke, in contradiction to the interpretations of those scholars who take him as a disciple of Hobbes such as Leo Strauss (1965: 202-251), Richard Fox (1960), and Michael Zuckert (2002), believes that men are by nature capable of social life. Locke's view of human nature, along with his argument that man's love of reputation is most influential in shaping the moral standards of a community, both influenced Hume. The first is to be found in the structure of Hume's political philosophy, that society and the institution of property are parallel with and not always dependent on political society and the institution of government. The second is represented in Hume's ideas of sympathy and utility. Hume's removal of the Christian premise of Locke's political philosophy and his developing a moral psychology which was largely taken over from Locke reveal Hume's ambition for the naturalisation of

moral philosophy; whereas Hume's move from sympathy to utility suggests the deficiency he sees in his naturalistic scheme and his intention to develop a moral principle which may, like Locke's religious premise, somewhat fulfil the normative function. Between the two philosophers, what has not changed is the idea that men are capable of leading a peaceful social life based on convention, and that the state is necessary only when society is enlarged to a certain scale. What has not been changed, to put it differently, are the priorities of social morality over political morality and the limited role of political authority in securing social order. The idea of convention which represents the wisdom of ancestors and the natural love of community was then inherited by Burke, and his use of it, if not identical with his two forerunners, is a consequence of the change of social atmosphere.

During the period between Locke's time and the publication of Burke's *Reflections on the Revolution in France* in 1790, the most drastic political event happened in England was the Glorious Revolution of 1688. Both Hume and Burke commented on the event. In contrast to them, Locke was directly involved in the event because of his personal connection with the Earl of Shaftesbury, who was then the leader of the Whig faction in Parliament. Locke fled to the Netherlands following Shaftesbury's fall and returned to England in 1689. The connection between Locke's *STG* and the Revolution of 1688 throws up a complex issue. The conventional view which takes Locke's *STG* as defending and restating the principles of Revolution is now challenged. On the one hand, although *STG* was published in 1689, Locke composed it in the early 1680s, in a time when it was unlikely for someone to foresee the Revolution. On the other, *STG* was published anonymously, and the fact that Locke was the author was strictly concealed until after his death in 1704 (Kelly, 2007:

139). As Professor Kelly indicates, if Locke's work was a defence of the Revolution, a strategy like this would not have been necessary. Therefore, according to Kelly, one likely explanation of this is that, instead of being an endorsement of the Revolution, Locke's argument in *STG* is a radical challenge to it. The conservatives take the event as nothing more than 'inheritance', that is, there was neither revolution nor resistance, but a throne left vacant by James II and which was accepted by William of Orange through marriage. Locke challenges the conservative defenders of the new regime and advocates the idea that the authority of the governor is derived from the consent of the governed, and that the governed have a right to resist when the governor pursuit his own interest at the cost of the general welfare of society. Being the author of a doctrine which appeared to the new regime radical and dangerous, Locke had good reason to conceal the truth until his death (Kelly, 2007: 10-11, 138-139).

As stated, Hume claims in the *Treatise* and *Essays* that he accepts Locke's theory of resistance but purports to place it on a more reasonable principle of utility. What this shows again is Hume's endeavour to naturalise Locke's theory of natural right. Moreover, when we turn to the last two Chapters in Volume 6 of Hume's *History*, we find Hume's detailed records of the Revolution along with his comments on it. Hume remarks:

> Never king mounted the throne of England with greater advantages than James; nay, possessed greater facility, if that were any advantage, of rendering himself and his posterity absolute: But all these fortunate circumstances tended only, by his own misconduct, to bring more sudden ruin upon him (*History*, vol.6: 470).

Regarding the misconduct of James II, Hume provides a comprehensive analysis, some of which can be enumerated as follows: the dispensing and suspending power; the court of ecclesiastical commission; the filling of all offices with Catholics; the open encouragement given to popery; the displacing of judges if they refused to give sentences according to orders received from court; the annulling of the charters of all the corporations, and the subjecting of elections to arbitrary will and pleasure; the treating of petitions, even the most modest, and from persons of the highest rank, as criminal and seditious (*History*, vol.6: 509-510). All of these, to sum up, offend the laws that a good governor should observe and thus result in his own ruin: James has at once invaded the constitution, threatened people's religion, established a standing army, and has challenged the patience of Parliament by requiring them to contribute to these measures (*History*, vol.6: 468; 520). Facing the grievances prevalent in the whole country, along with people's desire to preserve their laws and constitution, Hume remarks:

> The revolution alone, which soon succeeded, happily put an end to all these disputes: By means of it, a more uniform edifice was at last erected: The monstrous inconsistence, so visible between the ancient Gothic parts of the fabric and the recent plans of liberty, was fully corrected: And to their mutual felicity, king and people were finally taught to know their proper boundaries (*History*, vol.6: 475-476).

In this explicit approval of the Glorious Revolution, Hume says nothing about man's natural right, his reasoning instead being utilitarian. That is, the principle of utility which Hume advances in his philosophical works is now applied to his evaluation of the political institution. Therefore Hume cites the example of Charles I and shows that king's prerogative is approved or disapproved on the basis of its utility:

> In general, we may remark, that, where the exercise of the suspending power was agreeable and useful, the power itself was little questioned: Where the exercise was thought liable to exceptions, men not only opposed it, but proceeded to deny altogether the legality of the prerogative, on which it was founded (*History*, vol.6: 482).

Utility is a principle underlying every political institution, as it originates from man's sociability. A good institution is one which facilitates man's social life, yet on the other hand, an institution is considered bad because it undermines social morality by invading people's property. Its effects upon society determine people's opinions of it, which then justifies either the legitimacy of an institution or people's right to resist it:

> in such a government as that of England, it was not sufficient that a prerogative be approved of by some lawyers and antiquaries: If it was condemned by the general voice of the nation, and yet was still exerted, the victory over national liberty was no less signal than if obtained by the most flagrant injustice and usurpation (*History*, vol.6: 482).

This passage verifies the account of Hume's conservative utilitarianism in Chapter Seven, namely that although Hume appreciates the utility of ancient institutions, he nevertheless insists that they should be subjected to the test of utility, for he is ultimately a utilitarian rather than conservative. Alongside this, Hume also verifies what has been argued in Chapter Four, that utility is a principle underlying not only social virtues but almost every personal character, as he describes the Prince of Orange thus: 'in history, it will be difficult to find any person, whose actions and conduct have contributed more eminently to the general interests of society and of mankind' (*History*, vol.6: 504). With these happy coincidences, the dreadful consequence which is likely to follow the social contract theory is not seen in the

events of 1688: disorder, tumult, and violence are nowhere to be found. On the contrary, in this 'singular exception' the troops are ordered and new election is carried on in tranquillity. Thus Hume praises: 'This conduct was highly meritorious, and discovered great moderation and magnanimity' (*History*, vol.6: 529) As a consequence, the disputes between the king and people was finally settled, and the royal powers were more exactly defined and more narrowly circumscribed than in any period of English history. What follows is 'a new epoch in the constitution' which

> attended with consequences more advantageous to the people, than barely freeing them from an exceptionable administration. By deciding many important questions in favour of liberty, and still more, by that great precedent of deposing one king, and establishing a new family, it gave such an ascendant to popular principles, as has put the nature of the English constitution beyond all controversy. And it may justly be affirmed, without any danger of exaggeration, that we, in this island, have ever since enjoyed, if not the best system of government, at least the most entire system of liberty, that ever was known amongst mankind (*History*, vol.6: 531).

By describing the nature of the Glorious Revolution as 'deposing one king' and 'establishing a new family', and by evaluating its consequence as 'put[ting] the nature of the English constitution beyond all controversy', Hume not only transfers the foundation of Locke's theory of resistance from the theory of natural right to the principle of utility, but says what Locke can only say anonymously. That is, it is from people and from the society that people constitute that political authority derives its right to govern, therefore people's right to resist and rebel, although its exercise is subject to the test of utility and thus should be exercised prudently and cautiously, is nevertheless a right that people retain and with full title to employ.

If from Hume's moral psychology one learns the important role of the sentiments of expectation and of security in man's daily life, and from Hume's evaluative judgment on historical and practical events one learns the value of prudence and practical wisdom, then in Burke's political thought one finds these two dimensions are perfectly combined. On the one hand, Burke, like Hume, criticises rationalism and what he terms 'theoretic science' (Burke, 1999: 32) by manifesting the tendencies and values implied in human nature:

> Through the same plan of a conformity to nature in our artificial institutions, and by calling in the aid of her unerring and powerful instincts, to fortify the fallible and feeble contrivances of our reason, we have derived several other, and those no small benefits, from considering our liberties in the light of an inheritance (Burke, 1999: 34).

On the other hand, having realised the fallibility of reason, we then see the danger of what Burke calls 'political metaphysics' or 'barbarous philosophy' (Burke, 1999: 58; 77). As Burke criticises, the 'empire of reason' rudely tears off 'all the decent drapery of life', and removes all the ideas 'furnished from the wardrobe of a moral imagination, which the heart owns, and the understanding ratifies' (Burke, 1999: 77). This 'Barbarism with regard to science and literature', being 'unskillful with regard to arts and manufactures', only fancies to guide people and practice with abstract principles, the consequence of which is that 'the commonwealth itself would, in a few generations, crumble away, be disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven' (Burke, 1999: 96). What is fatal to rationalism is the fact it despises the utility of tradition and thus overlooks the fact that, in the sphere of politics, change and conservation must be conducted at the same time: 'A state without the means of some change is without

the means of its conservation' (Burke, 1999: 21). In this way, when Burke observes the Revolution of 1688, he remarks that although 'The crown was carried somewhat out of the line in which it had before moved; but the new line was derived from the same stock', that is, from a line of hereditary descent in the same blood (Burke, 1999: 22).

Burke is critical of the French Revolution and is concerned that the turbulence might extend to England: 'Whenever our neighbour's house is on fire, it cannot be amiss for the engines to play a little on our own' (Burke, 1999: 9). However, it is helpful to see that Burke's criticism of the Revolution in France starts with a contrast between that event and the Glorious Revolution, and like Hume's approval of the latter, Burke is positive about its contribution to the development of the English constitution. For Burke, Richard Price has confused the two political events and mistaken the nature of the Glorious Revolution in three respects. First, contrary to what Price claims, English people do not acquire a right 'to choose their own governors' (Burke, 1999: 16). What the Declaration of Right confirms, according to Burke, is not man's right to choose their governor, but the indissoluble bound between the rights and liberties of the subject and the succession of the crown. In this way, Burke describes the Declaration of Right as 'the cornerstone of our constitution'. It might be argued that at the Revolution there was, in the person of King William, a small and temporary deviation from the strict order of regular hereditary succession. However, one should not translate an individual's right into a general rule, not to mention that the matter is not a *choice* proper, that is, it is essentially not an exercise of the right which Price claims people have, but a prudent political decision based on the calculation of utility. In other words, for those who do

not wish to recall King James and leave their liberty and laws in peril, and for those who hope to save their country from disorder, their accepting of King William is an act of *necessity*, 'in the strictest moral sense in which necessity can be taken' (Burke, 1999: 18), i.e. an act which produces most utility or least harm in the situation. Burke's point here is, Price and the Society of Revolution see nothing in the Revolution of 1688 but the deviation from the constitution, 'they take the deviation from the principle for the principle', but they can be proved wrong when deviation and exception is a part internal rather than external to the political institution:

> It is far from impossible to reconcile, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, the use both of a fixed rule and an occasional deviation; the sacredness of an hereditary principle of succession in our government, with a power of change in its application in cases of extreme emergency. Even in that extremity…the change is to be confined to the peccant part only; to the part which produced the necessary deviation (Burke, 1999: 21).

In reading this passage, it is likely that one recalls Hume's discussions of justice and allegiance and the utilitarian reasoning implied in it. Hume's moral conventionalism based on the principle of utility remains true in Burke's thought, and this became more explicit in Burke's objections to two more rights which Price mistook as the fruits of the Glorious Revolution, i.e. a right for English people to cashier their governor for misconduct, and a right to frame a government. For the former, Burke criticises the use of the term 'misconduct' as ambiguous and thus dangerous: 'No government could stand a moment, if it could be blown down with anything so loose and indefinite as an opinion of "*misconduct*"' (Burke, 1999: 27). In fact, the leader in the Glorious Revolution charged King James with something much more substantive, as enumerated above, and 'more than misconduct'. From this one

may discern that these men were obliged by 'A grave and overruling necessity…to take the step they took, and took with infinite reluctance, as under that most rigorous of all laws' (Burke, 1999: 27). As a result, their amendment of the constitution was not based on the thought that the liberty and prosperity of posterity depend on future revolution, but rather on the thought that future governor should be confined to the extent that they can in no way be despotic, so that violent remedies will no longer be appealed to. This explains the political reforms after the revolution, such as the constant inspection of Parliament and the practical claim of impeachment, all of which were more effective and less mischievous in maintaining a liberal constitution than 'cashiering their governors' (Burke, 1999: 28). Hume's intentional ambiguity towards the measure of people's right to resist, and his idea that resistance is the last resort because the catastrophe it brings about will only be compensated by the enormous benefits it produces in the most extreme circumstances, both appear in Burke's thought:

> The speculative line of demarcation, where obedience ought to end, and resistance must begin, is faint, obscure, and not easily definable. It is not a single act, or a single event, which determines it. Government must be abused and deranged indeed, before it can be thought of; and the prospect of the future must be as bad as the experience of the past...Times and occasions, and provocations, will teach their own lessons…but, with or without right, a revolution will be the very last resource of the thinking and the good (Burke, 1999: 30-31).

The inadequacy of Price's view lies in the fact that he treats the sovereign as no more than a servant of the people. In a sense Burke thinks this is not incorrect, since 'their power has no other rational end than that of the general advantage' (Burke, 1999: 29). However, it is absolutely dangerous to argue that the essence of the

sovereign is to obey the commands of some other and is removable at pleasure. A performance almost inevitably followed by violence was discussed so easily by Price, the consequence of which was to render an issue of constitution an issue of war. This surely is not the spirit of the Revolution of 1688, for, as Burke says, the Revolution was obtained by a just war, and the only case in which any war can be just is 'Justa bella quibus *necessaria*', a war is just to those to whom it is necessary (Burke, 1999: 30). Burke's utilitarian reasoning is again evident.

The third point which Price has falsely ascribed to the Revolution of 1688 is that it gives English people a right to frame a government for themselves. In this regard, as in his first two claims, Burke thinks Price misunderstood the nature of the Revolution, and mistook what it meant to preserve as something created by it:

> The revolution was made to preserve our *antient* indisputable laws and liberties, and that *antient* constitution of government which is our only security for law and liberty. If you are desirous of knowing the spirit of our constitution, and the policy which predominated in that great period which has secured it to this hour, pray look for both in our histories, in our records, in our acts of parliament, and journals of parliaments, and not in the sermons of the Old Jewry, and the after-dinner toasts of the Revolutionary Society (Burke, 1999: 31).

Liberty is an inheritance of English people throughout their history rather than a creation of the disciples of revolution: it is a value embedded in the tradition of England rather than a vague speculative right. To judge from the works of a number of great men in the history of England, such as those of Sir Edward Coke and Blackstone, and to observe the evolution of English constitution, one sees that liberty is an entailed inheritance derived to the English people from their forefathers, and is to be transmitted to their posterity. A spirit of innovation is, according to Burke,

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'generally the result of a selfish temper and confined views', because people who never cherish the values of their ancestors would have very little concern for their posterity. Here, again, Burke's conservatism is conventionalist rather than traditionalist, as he says: 'the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission; without at all excluding a principle of improvement' (Burke, 1999: 33). The traditional practices are not valued for their own sake but for the beneficial consequences they bring about, and it is according to this consequentialist view that they are improved and renewed in the history, thus the idea of inheritance 'leaves acquisition free; but it secures what it acquires' (Burke, 1999: 33). This would remind us of Hume's conventionalist account of the principle of utility: the principle is general and passed from one generation to the next, but the content of the principle is flexible and open to different interpretations with the change of circumstances. One would have to dig deeper to show that Burke, as with Hume, may be treated as conservative utilitarian, and to reveal the complex connection between two great philosophers. This will be my work for next stage. For now, it is sufficient here to point out that Hume's naturalism and prescriptive utilitarianism are both to be found in Burke's conservative thought and, unlike Hume, he seems to see no difficulty at all in these two dimensions being perfectly combined, thus Burke says: 'We procure *reverence* to our civil institutions on the principle upon which *nature* teaches us to *revere* individual men; on account of their age; and on account of those from whom they are descended' (Burke, 1999: 34-35 emphases added).

Although it is likely that Locke's *STG* is a challenge to the Revolution of 1688, it is more likely to be a challenge to the conservative interpretation of the event than

to the event *per se*. It is unlikely that Locke would have endorsed Hume's naturalisation of his philosophy; however, Locke would presumably be consoled if he had a chance to read Hume's account of the Revolution in which society plays a more active part than passive obedience in deciding its governor. Furthermore, Hume died before the French Revolution and before Burke's criticism of the event became the bestseller both in England and France, so we can nowhere discover Hume's comments on a work which essentially combines the descriptive and prescriptive dimensions of his philosophy. However, given the hostility towards rationalism and the skeptical attitude towards radical reformations shared by the two thinkers, Hume would presumably approve of Burke's criticism of that violent revolution and would take Burke's work as aptly demonstrating a cautious and prudent estimation of utility when facing a crisis that was one of the most astonishing and drastic in the history of mankind.

The dissertation started with reflecting on Hume's responses to his philosophical predecessors such as Hobbes and Hutcheson, and its ends with illustrating Hume's legacy to later great thinkers such as Burke. It examined the affinity between Hume and Locke, and it also showed the differences and contrasts between Hume and Hobbes. What the dissertation has tried to capture is the continuity of thought that exists within a British tradition of liberal thought from Locke to Hume which was then succeeded by Burke. The purpose of the dissertation in criticizing the contemporary contractarian interpretation of Hume is to recover Hume's important contribution to the tradition of conservative utilitarianism that continues into 19th and early 20th century in such thinkers as Sidgwick. The argument has been to situate Hume's political theory within that conservative utilitarian

tradition within British liberal political theory. The point is not to reject alternative interpretive traditions such as the perspective of Scottish political economy, but it is to reassert that there is still much to be gained by interpreting Hume as a contributor to the conservative utilitarian tradition.

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