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# David Hume's Political Theory

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## 6 Hume's Precautionary Conservatism

I now wish to take up in more detail the question with which I began: What sort of conservative is Hume? As we have already seen, Hume has often been taken to be a conservative, even 'the first conservative,' philosopher. And he undoubtedly *is* a conservative of some kind. He says, for instance, in a passage I quote in full below (and try to place in context): 'in the general distribution of power among the several members of a constitution, there can seldom be admitted any other question, than *What is established?*' And he says that, except under the rarest of circumstances, 'nothing can be more pernicious and criminal' than 'to resist supreme power.'<sup>1</sup>

While such statements are clearly not those of a revolutionary radical, they are nevertheless compatible with a wide variety of views. In addition, there are many ways in which a suspicion of change can be justified philosophically. As I said in my Introduction, commentators have sometimes tried to unify Hume's political theory with his broader philosophy (in itself a noble goal) by deriving his conservatism from his scepticism. More specifically, it has often been argued that Hume's scepticism rules out any abstract principles of right or justice against which an existing regime could be judged. It therefore implies a kind of status quo conservatism that holds any form of government to be as good as any other, so long as it is established and provides us with basic protections and stability.

According to Francis Snare, for instance, Hume 'holds there is no non-arbitrary criterion whatsoever applicable to [conflicts between alternative schemes of social choice]. All that he offers is something blatantly arbitrary, i.e., mere "association of ideas" or the work of the "imagination."<sup>2</sup> Snare thinks that, according to Hume, we can give no justification for preferring one such 'scheme' over another 'beyond

what frivolous fancy can provide.'<sup>3</sup> This is because, for a sceptic such as Hume, nothing could possibly ground such criteria in a way that he can consider defensible. Snare says: 'Nothing in the Humean theory of justifying reasons, no appeal to public interest, no appeal to the other moral sentiments (we have) could be a reason for preferring [one particular] convention over others. Instead we are just drawn to certain conventions because they stand out, are more striking, stimulate the imagination ... There are no grounds (good or bad) which we have for opting for these particular conventions.'<sup>4</sup>

If Hume were a conservative of this sort, it would be very difficult to explain the many occasions where he asserts explicitly that certain 'schemes of social choice' are preferable to others. It has been the task of this book to show why Hume would think, for instance, that 'the Republican Form of [Government] is by far the best,' and that 'the best civil constitution' is one 'where every man is restrained by the most rigid laws' – and how such statements can be justified in relation to his philosophy as a whole.<sup>5</sup> While it is easy to understand the temptation to apply Hume's sceptical principles to politics, it is a striking fact about Hume's writing that there is not a single passage where he explicitly extends his scepticism to the realm of politics. Considering that Hume wrote hundreds of pages on both epistemological and political topics, it would be truly bizarre if he based his treatment of the latter on the principles developed in the former yet never actually got around to saying so anywhere.

Hume's sceptical philosophy *does* have implications for his political theory, but not in the way that Snare suggests. In my Introduction to this book, I cited the climactic section of the *Treatise* Book I, where the narrator concludes that one of the topics to which he feels he can turn his mind, after he has cast aside 'false philosophy,' is 'the nature and foundation of government.'<sup>6</sup> This passage makes it clear that Hume's sceptical method is intended to turn the mind away from abstruse metaphysical and religious topics, where there can be no admissible evidence to resolve disputes, and *towards* topics such as the nature of government, where the empirical method can guide us towards true principles. Philo says as much in the *Dialogues concerning Natural Religion*: 'So long as we confine our speculations to trade, or morals, or politics, or criticism,' he says, 'we make appeals, every moment, to common sense and experience, which strengthen our philosophical conclusions, and remove, at least in part, the suspicion which we so justly entertain with regard to every reasoning that is very subtle and refined.'<sup>7</sup>

There are, then, two lessons to be learned from the critique of meta-

physics. First of all, we should focus on political rather than epistemological questions, since it is in philosophizing about politics that real progress is possible. Second, we must, as political theorists, be responsible and avoid the sort of abstract, non-empirical speculation that characterizes theology and metaphysics. In his essay 'Of the Original Contract,' Hume criticizes the 'philosophical or speculative system of principles' which each of the parties has 'reared up ... in order to protect and cover that scheme of actions, which it pursues.'<sup>8</sup> If Hume wished to deploy his sceptical method to rule out any sort of positive political ideals, it is here we would expect him to do so. But instead he criticizes these 'speculative systems' on very specific grounds. Hume argues they are carelessly constructed, such that they are in some respects at odds with the facts.<sup>9</sup> He says that Britain's party ideologies reveal 'evident marks of the violence and hurry' with which they were built.<sup>10</sup> But this is an injunction to take more care. Hume does no more in this essay than advocate for the empirical method that he repeatedly urges us to apply to political questions.

Indeed, Hume makes a concession that no sceptical conservative, of the kind Snare holds him to be, could possibly make. He says that 'both these systems of speculative principles [that is, those of the Whigs and Tories] are just; though not in the sense, intended by the parties.'<sup>11</sup> He makes clear what he means later on in the essay, where he says that they are just when they are accommodated to one another, through an admission that neither provides the necessary or exclusive foundation for government. 'My intention here,' he says, 'is not to exclude the consent of the people from being one just foundation of government where it has place. It is surely the best and most sacred of any. I only pretend, that it has very seldom had place in any degree, and never almost in its full extent. And that therefore some other foundation of government must also be admitted.'<sup>12</sup> If it were correct to say that speculative political principles are never more than false philosophy, it is not clear how any 'system of speculative principles' could be just in *any* sense, let alone provide 'the best and most sacred' (even if not the only) foundation for government. (The other foundation to which Hume refers is what he in the *Treatise* calls 'present possession.' We shall see why, on my reading of Hume, the combination of these two principles makes perfect sense.)<sup>13</sup>

It is clear, then, what sort of conservative Hume is not – which is to say, one who deploys a general philosophical scepticism in order to defend the status quo. If we are to provide an accurate answer to the

question of what sort of conservative he *is*, however, it will help to clarify what the term itself means. We tend now to see conservatism through the lens of Edmund Burke, whose polemic against the French Revolution is often seen as the founding work of modern conservative philosophy. Burke cast himself as a defender of the inherited traditions of a society, in opposition to those who wanted to reform it according to abstract, universal principles known through 'reason' – which he contended the revolutionaries were trying to do.

While the *Reflections* is unquestionably a profound work of philosophy, if we remove it from its context and allow it to define the opposition between conservatism and its alternative, we are liable to fall into misunderstanding. Burke's polemic is pitched at a very specific target: what is now sometimes called 'foundationalist liberalism.' Hume is certainly no foundationalist liberal, if we define such a person as someone whose reformist ideals are based on abstract or metaphysical principles known through reason. His own are, as we have seen, based on what he calls 'common sense and experience.'

The problem with defining conservatism in contrast to foundationalism, however, is that we thereby reduce conservatism to something rather trivial. At most times and in most places, including our own, its supposed opponent is largely a straw man. If the only competitors to conservatism are those who advocate 'reform projects devised by reason alone,' with the implication being that such projects are based on abstract ideals that cannot be falsified by the evidence of experience or history, we are forced to include almost all liberals, and many socialists, among the ranks of conservatives. John Rawls, for instance, who is often cited as a prototypical foundationalist liberal, is in fact at pains to point out that his theory of justice is intended to make sense of the conflicting and competing claims of liberty and equality already deeply embedded in the Western democratic tradition. His veil of ignorance is merely a conceptual tool to help us clarify our intuitions on the subject, a tool that ultimately yields to the technique of reflective equilibrium – a technique Rawls explicitly calls 'nonfoundationalist.'<sup>14</sup>

In order to understand Hume's conservatism, I want to set aside the foundationalist–non-foundationalist divide and attend to a different distinction, between those I will call 'universalists' and 'particularists.' Once we have established this basic dichotomy, we can then understand a further, separate distinction: between the two forms of conservatism I identify as 'traditionalism' and 'precautionary conservatism.' Despite sharing certain principles in common, these two conservatisms

are in fact very different, and at many points they are directly opposed. I propose to argue that Hume is not a traditionalist, as he is often taken to be. He should instead be considered a precautionary conservative, which I define in more detail below.

I propose two lines of argument to defend this assertion. First, I will show that there is an absence of textual evidence to support the traditionalist reading of Hume and strong textual evidence for his adherence to precautionary conservatism. Second, I will argue that only precautionary conservatism is compatible with Hume's views of liberty and universal rights. Traditionalism explicitly disallows such views.

### 1. Particularism and Universalism

I intend to use the terms particularism and universalism to mark out sets of opposing principles for what constitutes the best society. Particularism holds that the best society is one that conforms to the established customs and traditions of that particular society. On this view, a vision of the good society cannot be based on supposedly universal features of human nature or society. A particularist either is sceptical that such features exist or else denies that they tell us anything about what is best.

Particularism does not entail that we must uncritically accept whatever happens to be the status quo in a given society.<sup>15</sup> For one thing, the reflexive person will easily see that tradition is often in conflict with itself. Such conflicts must constantly be examined and resolved.<sup>16</sup> The common law, for instance – a thing dear to the heart of English particularists – is filled with centuries of contradictions between various judicial rulings, and between these and positive laws. Judges and legislators must at every moment sort through the web of precedents and statutes to decide which are best established or cohere with the 'fabric' (to use a favourite metaphor of common lawyers) of the law as a whole. The important thing is that in resolving such contradictions, we appeal always to the traditions and customs of the society itself.

A universalist is someone who believes there are certain fundamental truths about, for instance, human nature or the relation of individual and society, that warrant universal generalizations. Such generalizations in turn allow us to formulate prescriptive principles that apply to all, or a wide variety of, societies. It is not necessary to mis-characterize universalists as 'rationalists' to see that this marks a genuine difference between the two views. A universalist may well be a committed empir-

icist – which is to say, she may believe that our conclusions about politics must be based on the evidence available from history, psychology, and other legitimately scientific sources. However, she further believes that such evidence warrants universal generalizations, generalizations which can then allow us to import into a particular culture values and institutions that are not necessarily rooted in its own indigenous traditions.

Let us consider an example. A petition has come before the king of Statopia to grant equal status to women before the law. What would a traditionalist advise the king to do? He might examine the society's custom of requiring two female witnesses to contradict that of a single male witness. He might compare this with a very different, but equally well-established custom – of allowing women full rights of inheritance, including to the throne. He might then conclude that this latter custom has proven more useful to the community than the former and on this basis advise the king to extend women full legal protections.

Let us contrast this with universalism. A universalist philosopher, were she consulted, might have advised the king of Statopia to grant women equal status because they inalienably possess equal rights just in virtue of being human. A universalist could offer data to show that in various times and places through history, people of all genders and races, given equal access to education, display equal intellectual and moral capacities. The universalist could then argue that this evidence is adequate to justify a belief in universal human equality, which implies that all people should be extended equal legal rights. This doctrine of universal equality implies that Statopia must extend full equality to its women. It is hardly fair to say that the universalist argument is based either on pure reason or on fantasy. However, it is accurate to say that it rejects an appeal to the customs and traditions of Statopia as an adequate justification for institutionalized inequality. These customs are not ignored – they form part of the greater body of evidence drawn from human societies – but they are granted no special status when weighed against the demands of universal justice.

While the belief in the common rights of human kind is an example of a universalist principle, it is by no means necessary to believe in such universal rights in order to be a universalist. The view that women are naturally inferior is equally a universalist principle – and so, the universalist adviser, were she instead committed to this principle, would have advised against the proposed reform. In this sense, the term universalism has the potential to mislead. Universalist propositions need

not be ones about our single, common human nature. They may equally posit all kinds of essential differences among different sorts of people. It is necessary only that these distinctions hold at different times and at different places, as specified by general principles.

## 2. Traditionalism and Precautionary Conservatism

With this distinction in hand, let us now move on to distinguish between the two forms of conservatism I have identified, and examine how that maps on to the universalist-particularist distinction. Traditionalism and precautionary conservatism are both forms of conservative philosophy. As such, they are philosophical views about the justification for reform – they both ask: when should we pursue social change? – rather than (as with particularism and universalism) principles to determine what *sort* of change is legitimate.

Traditionalism is, in its essence, particularist. But it is more than this: it is a demand that particularist ideals be enforced where this is possible. A traditionalist asks herself: would a change in the status quo represent a return to long-established custom and tradition? Would it, in other words, return us to a way of life that is more authentically customary than the current one? It bears the same relationship to particularism that what we might call 'radicalism' bears to universalism – it privileges questions of justification over ones of prudence and as a result contains within itself a demand for action where action can be justified. Of course, traditionalists are much less likely than radicals to find themselves in situations where change is demanded. However, in a revolutionary age, the traditionalist may find herself called upon to join a counter-revolutionary reaction.

By contrast, a precautionary conservative is someone who, in evaluating the prospect of social change, is guided by a strong precautionary principle. In the twentieth century, the precautionary principle was used as a way of guiding decision making in the absence of complete scientific certainty.<sup>17</sup> This makes its application to political theory a natural one – as Hume well knew, politics is notoriously resistant to any such certainty. Given this absence of certainty, a precautionary conservative, when contemplating the possibility of social change, begins by asking herself a simple question: When does the risk of disorder outweigh the likelihood that change will be beneficial or the good that it may do? Her response is, almost always.

The traditionalist's central question, of whether reform can be legiti-

mated by the customs and traditions of a people, holds no interest to the precautionary conservative. She is entirely preoccupied with the consequences of reform and is reliably pessimistic in predicting these consequences. In our example of Statopia, a precautionary conservative might well accept the universalist doctrine of equal rights, but she would likely advise the king that any change in the legal system could create confusion, resentment, and even rebellion. Thus, things should remain as they are – though we would be perfectly justified in calling the society's legal institutions unjust.

In many cases, the precautionary conservative will prove more cautious about social change than will the traditionalist. The difference between the two becomes apparent, and important, when we imagine ourselves faced with a successful revolutionary regime. A traditionalist will insist that if, as in the case of the Bolsheviks or the Jacobins, the new regime departs radically from the traditions of the people, we should look to a restoration of the old regime by whatever means possible. A precautionary conservative would insist that, on the contrary, once the new regime is itself established and has achieved a measure of stability, it should be accepted. It is only when the tyranny of an established government becomes so intolerable as to threaten the very purpose of civil society that the right to resistance comes into force.

While all traditionalists are particularists, then, precautionary conservatives may be either particularists or universalists. This form of conservatism is a view about when we should implement our ideals; it says nothing about the content of those ideals themselves. There is nothing incoherent in adhering to both universalism and precautionary conservatism. Such a position is quite a common one among modern liberals when it comes, for instance, to international affairs. They often express support for universal human rights and wish that people living under repressive regimes could be liberated, yet ruefully admit that to encourage rebellion would be to risk causing chaos. It is indeed precisely the rejection of such precautionary considerations that is such a striking feature of the so-called 'neoconservative' movement in U.S. foreign policy.<sup>18</sup> Though traditionalists have been known to brand all universalists as revolutionaries, it is a distortion of universalism to say that it contains within it a demand that its dictates be enacted at all costs. As I have said, there are certainly universalists who believe this – I have suggested they may be called radicals – but such people form only a subset of universalism, just as traditionalists form only a subset of particularism.

At the risk of complicating matters further, it may be observed that precautionary conservatism, traditionalism, and radicalism represent extremes of what can in fact be considered a spectrum of views on social change, with various forms of gradualism lying in between. Happily we do not have to provide a full description of this spectrum here. Instead, with this new set of distinctions in hand we should return our attention to Hume to examine why he is in fact best characterized as a precautionary conservative.

### 3. Hume and Reform

I have said that for a precautionary conservative, our actions are determined by prudential concerns about the consequences of change, which often demand that we ignore our own principles about what is ideal or even legitimate. I believe that only this form of conservatism allows us to make sense of Hume's various statements on the question of political reform.

Hume's essay 'Of the Original Contract' contains one of his most explicitly conservative statements, one often cited by commentators. 'Some innovations must necessarily have place in every human institution,' he says,

and it is happy where the enlightened genius of the age give these a direction to the side of reason, liberty, and justice: but violent innovations no individual is entitled to make: they are even dangerous to be attempted by the legislature: more ill than good is ever to be expected from them.<sup>19</sup>

While these are certainly not the words of a revolutionary, neither do they on their own entail a thoroughgoing scepticism about the value of political ideals. On the contrary, someone might accept Hume's cautionary words while still believing there exist a set of evaluative criteria to distinguish good and bad constitutions. Such a person would not normally advocate attempts to replace a bad (but legitimate) regime with a good one. She could, however, develop her criteria in her capacity as a social scientist; and she might hope to make them available were there ever a risk-free opportunity to found a new regime from scratch. She might also hope they would serve as a guide to reformers who occupy positions of power and who wanted to use existing political structures to change society for the better.

We might consider this issue on an analogy to parenthood. Most peo-

ple would agree that, except in cases of serious abuse, children should remain with their natural parents, or with any family with whom they have established a stable and enduring relationship and which is able to meet their basic needs. Children form a bond with their long-time guardians that is rarely worth severing. This need not prevent us from studying the question of what makes a good or a bad parent or what are the most effective forms of parenting. We may even be able to construct an ideal of what the best parents would look like. Such study may be of great interest to parents who wanted to improve their own practices and could prove very useful, for instance, in evaluating two competing claims to adopt a child from an orphanage.

In his 'Idea of a Perfect Commonwealth,' Hume suggests this is precisely how he conceives of the matter. 'It is not with forms of government,' he says, 'as with other artificial contrivances; where an old engine may be rejected, if we can discover another more accurate and commodious, or where trials may safely be made, even though the success be doubtful. An established government has an infinite advantage, by that very circumstance of its being established.' But he then adds:

As one form of government must be allowed more perfect than another, independent of the manners and humours of particular men; why may we not enquire what is the most perfect of all, though the common botched and inaccurate governments seem to serve the purposes of society, and though it be not so easy to establish a new system of government, as to build a vessel upon a new construction? The subject is surely the most worthy curiosity of any the wit of man can possibly devise. And who knows, if this controversy were fixed by the universal consent of the wise and learned, but, in some future age, an opportunity might be afforded of reducing the theory to practice, either by a dissolution of some old government, or by the combination of men to form a new one, in some distant part of the world?<sup>20</sup>

It is a central feature of precautionary conservatism that it makes it possible to distinguish between the validity of political ideals and the wisdom of actually implementing them – between, we might say, justification and prudence. A precautionary conservative will often reject reform or rebellion on the grounds that it is imprudent, even when such rebellion can be justified by her own philosophical principles. In a chapter in the *Social Contract* on 'How to Check the Usurpations of Government,' for instance, Rousseau distinguishes between 'maxims of

policy' and 'rules of right.' 'It is true,' he says, 'that such changes [i.e., in government] are always dangerous, and that one should never touch an established government unless it becomes incompatible with the public good; but this circumspection is a maxim of policy and not a rule of right.'<sup>21</sup> He put it more succinctly in his book on Poland: 'Never shake the machine too brusquely.'<sup>22</sup> Hume explicitly makes this same distinction between philosophical legitimacy and prudence in the *History*, discussing the upheavals under James II:

And every friend to liberty must allow, that the nation, whose constitution was thus broken in the shock of faction, had a right, by every prudent expedient, to recover that security, of which it was so unhappily bereaved.

While so great a faction adhered to the crown, it is apparent, that resistance, however justifiable, could never be prudent; and all wise men saw no expedient but peaceably to submit to the present grievances.<sup>23</sup>

Hume thus draws a sharp distinction between justification and prudence, with prudence being the salient variable that should determine our actions. This is precisely what he should do, if he is in fact a precautionary conservative.

Further evidence is provided by the passage I cited above, about the 'original contract.' As we have seen, Hume says that 'the consent of the people' is not only 'one just foundation of government' but 'surely the best and most sacred of any.' However, he wants to emphasize that this principle 'very seldom had place in any degree, and never almost in its full extent.' Instead, we must accommodate it to 'some other foundation of government' – to wit, 'present possession.'

We are motivated, Hume says in the *Treatise*, to accept 'present possession' as grounds for public authority, where we do not accept it on its own as a grounds for private property, because of the interest we have in 'the preservation of peace, and the avoiding of all changes, which, however they may be easily produced in private affairs, are unavoidably attended with bloodshed and confusion where the public is interested.'<sup>24</sup> I believe this passage should be read as Hume once again trying to balance, in precautionary fashion, universal ideals (the consent of the people) with prudential considerations (present possession).

In his *History of England*, Hume makes another distinction that would resonate with a precautionary conservative, though it would make no sense to a traditionalist: between the basic structure of a government and the way its power is exercised. 'In the particular exertions of power,' he says,

the question ought never to be forgotten, *What is best?* But in the general distribution of power among the several members of a constitution, there can seldom be admitted any other question, than *What is established?* Few examples occur of princes, who have willingly resigned their power: None of those who have, without struggle and reluctance, allowed it to be extorted from them. If any other rule than established practice be followed, factions and dissensions must multiply without end: And though many constitutions, and none more than the British, have been improved even by violent innovations, the praise, bestowed on those patriots, to whom the nation has been indebted for its privileges, ought to be given with some reserve, and surely without the least rancour against those who adhered to the ancient constitution.<sup>25</sup>

It is perfectly coherent for a precautionary conservative to hold such a double standard. In its 'particular exertions of power,' we can safely give primacy to our standards for what is best, since we are seeking only to advise or influence an established regime in its specific actions. However, when disputes arise about basic constitutional issues, or between different branches of government, there is, as Hume points out, a real danger of civil war or social chaos. Thus, our ideals must be set aside in favour of prudential considerations – and so the question of 'what is established' comes to the fore. But to a traditionalist, this double standard makes no sense; nor indeed does the very distinction between 'what is established' and 'what is best.' If Hume were a traditionalist, he would *equate* these two. For the traditionalist, what is best *just is* what is established (or what was so before some revolutionary usurpation), whether we are talking about 'particular exertions of power' or more basic constitutional issues.

The precautionary conservative reading also explains (as traditionalism cannot) Hume's belief, expressed in this passage, that even 'violent innovations' can be praised *retrospectively*. Because projects to reform 'the general distribution of power' always risk leading to chaos, which is the worst possible state, the risks nearly always make the gamble one not worth taking. But when we consider events that have already happened, this worry does not apply. We can deploy in our reflections our ideals for what we consider the best society. Hence we may 'praise' Britain's anti-royal 'patriots' – albeit with 'some reserve,' given that their opponents were only adhering to good precautionary conservative principles. A traditionalist, however, can offer such patriots no praise at all.

Hume's clearest statement of his attitude towards political reform

provides further evidence of his adherence to precautionary conservatism rather than traditionalism. In 'Of the Original Contract' he says:

Did one generation of men go off the stage at once, and another succeed, as is the case with silk-worms and butterflies, the new race, if they had sense enough to choose their government, which surely is never the case with men, might voluntarily, and by general consent, establish their own form of civil polity, without any regard to the laws or precedents, which prevailed among their ancestors.<sup>26</sup>

Though this statement is a counterfactual one, it is one a traditionalist could not possibly, even counterfactually, bring herself to make. To say people in this impossible country might choose a government 'without any regard to the laws or precedents of their ancestors' is hardly to pay the respect to custom and tradition that is demanded by traditionalism. In line with the precautionary conservative interpretation, Hume goes on to say that his objection to such innovation is a pragmatic one:

But as human society is in perpetual flux, one man every hour going out of the world, another coming into it, it is necessary, *in order to preserve stability in government*, that the new brood should conform themselves to the established constitution, and nearly follow the path which their fathers, treading in the footsteps of theirs, had marked out to them. Some innovations must necessarily have place in every human institution, and it is happy where the enlightened genius of the age give these a direction to the side of reason, liberty, and justice: but violent innovations no individual is entitled to make: they are even dangerous to be attempted by the legislature: more ill than good is ever to be expected from them.<sup>27</sup>

Hume does not think there are any firm rules to determine when prudential considerations should be set aside. 'It is certainly impossible,' he says, 'for the laws, or even for philosophy, to establish any particular rules by which we may know when resistance is lawful, and decide all controversies which may arise on that subject.'<sup>28</sup> This should not surprise us. Precautionary conservatism is, as I have said, a way of thinking about risk rather than a way of calculating it. It is specifically designed for situations where such calculations cannot be made.

It might be objected here that there is one area in which Hume seems quite willing to set aside precautionary considerations in favour of quite radical reforms: which is to say, in matters of religion. It is true

that he is keen to challenge many of the prevailing religious views of his time. But he is also careful to explain why: it is due to the political disruption they cause. His analysis of England's civil war repeatedly emphasizes the central role of religion in reducing the state to chaos. Religion, he says, 'was the least susceptible of composition or moderation between the contending parties.'<sup>29</sup> Religious division proved sufficient to reduce a hitherto fairly civilized people to utter barbarism:

No people could undergo a change more sudden and entire in their manners than did the English nation during this period. From tranquillity, concord, submission, sobriety, they passed in an instant to a state of faction, fanaticism, rebellion, and almost frenzy. The violence of the English parties exceeded any thing, which we can now imagine: Had they continued but a little longer, there was just reason to dread all the horrors of the ancient massacres and proscriptions ... No social intercourse was maintained between the parties; no marriages or alliances contracted ... The manners of the two factions were as opposite as those of the most distant nations.<sup>30</sup>

Except where the state imposes a single religious establishment, Hume thinks religious factionalism presents a clear and present danger to social stability. 'Factions,' he says, 'subvert government, render laws impotent, and beget the fiercest animosities among men of the same nation, who ought to give mutual assistance and protection to each other.'<sup>31</sup> And he says that religious factions are 'in modern times ... more furious and enraged than the most cruel factions that ever arose from interest and ambition.'<sup>32</sup>

Hume thinks that Christianity's separation of ecclesiastical and civil powers makes it an inherently unstable force. He says that the principle of priestly government that gives all power to the ecclesiasts and none to the magistrate engenders 'a spirit of persecution, which has ever since been the poison of human society, and the source of the most inveterate factions in every government.'<sup>33</sup> I discussed above the passages where Hume argues for 'ecclesiastical establishments,' which, though they might seem costly and unnecessary, ultimately prove 'advantageous to the *political interests* of society.'<sup>34</sup> Such a scheme would, it is true, undoubtedly require considerable disruption to implement. However, as we have seen, precautionary conservatism does not automatically rule out reform, even of a radical kind; it simply demands that the risks of action be evidently less than the risks of inaction. Hume clearly



thinks this is the case in the realm of religion – religious faction and fanaticism will always pose a serious and present risk to public order unless religious institutions can be reformed to make them more amenable to peace and stability.

Hume's attempts to reform people's actual beliefs have the same purpose. He thinks that it is not just the division of church and secular power that makes Christianity 'the scene of religious wars and divisions.' It is also the speculative nature of its theological principles:

As philosophy was widely spread over the world, at the time when Christianity arose, the teachers of the new sect were obliged to form a system of speculative opinions; to divide, with some accuracy, their articles of faith; and to explain, comment, confute, and defend with all the subtilty of argument and science. Hence naturally arose keenness in dispute, when the Christian religion came to be split into new divisions and heresies: And this keenness assisted the priests in their policy, of begetting a mutual hatred and antipathy among their deluded followers. Sects of philosophy, in the ancient world, were more zealous than parties of religion; but in modern times, parties of religion are more furious and enraged than the most cruel factions that ever arose from interest and ambition.<sup>35</sup>

Hume wants to move people towards a more quietistic faith, one that accepts abstract theological questions as irresolvable and therefore not worth fighting over. His attacks on religion, aimed as they are at eliminating people's dangerous speculative tendencies, can therefore be seen as part of his larger precautionary conservative project.<sup>36</sup>

#### 4. Hume's Universalism

I suggested above that precautionary conservatism is, unlike traditionalism, compatible with universalism. It has been the main argument of this book to show that Hume thinks there are standards for evaluating different societies that transcend the specific customs and traditions of that society – the very definition of a political universalist. Among the evidence I have marshalled, perhaps the most dramatic is his praise of those English kings and queens who, in conquering and asserting their control over the 'barbarous' territory of Ireland, realized that it was 'necessary to abolish the Irish customs, which supplied the place of laws, and which were calculated to keep that people for ever in a state of barbarism and disorder.'<sup>37</sup> There is, it seems to me, no possible par-

ticularist or traditionalist doctrine that can endorse the forcible and whole-scale abolition of a nation's customs; there is therefore no particularist or traditionalist reading of Hume that can make sense of such statements. Precautionary conservatism has given us a conceptual tool to make sense both of Hume's universalism as well as of his further view, that the universal standards he endorses do not license us to attempt to reform existing societies radically in order to bring these societies into line with these standards.

The key to Hume's universalism, as I have explained it, lies in his notion of liberty. Liberty of the right sort – that is, liberty under the law – is a universal good, which all people are justified in desiring. The 'civilizing' of Ireland, for instance, was justified because it brought the people liberty under the law. It is worth examining Hume's doctrine of liberty in more detail, both because of its importance for my reading of his work and because one of the most powerful challenges to universalist readings of Hume, that of Donald Livingston, is based on a particularist interpretation of his concept of liberty.

Livingston readily acknowledges Hume's commitment to liberty as an ideal. 'No whig panegyrist,' he says, 'ever surpassed Hume (except in excess) in praise either of liberty or of the British constitution.'<sup>38</sup> Livingston also provides a subtle and detailed analysis of Hume's use of the term liberty in various contexts. He points out that Hume uses the word in three main senses. He uses it to refer to the free exercise of the will, in his discussion of the philosophical problem of free will and determinism. He also uses it to refer to that form of government which divides power among its various branches. But what Livingston calls the primary and most important use of the term is to refer to a person's freedom to 'determine his own thought and decisions uncoerced by the arbitrary will of another.'<sup>39</sup> Such freedom implies the existence of a government to protect people from one another, but equally the existence of constraints on the arbitrary will of the governors themselves. As Livingston observes, this amounts in practice to the traditional notion of 'the rule of law,' where what Hume calls 'general and equal laws' are applied impartially and according to established procedures. According to Livingston, Hume breaks with Whig writers, who employ a similar definition of the rule of law, by 'the historical, dialectical, and evolutionary context in which he places the concept.'<sup>40</sup> To use the terms introduced above, Livingston thinks Hume provides a particularist definition of liberty, whereas Whig writers provide universalist ones. As Livingston puts it (in an essay co-written with Stuart D. Warner):

For Hume, there is no timeless object called liberty that can be discovered by autonomous reason. Rather, liberty refers to a complex set of conventions or practices that have been hammered out over time ... He presents his understanding of liberty through a narrative of the evolution of the experience of liberty.<sup>41</sup>

Livingston is right to identify the rule of law as central to Hume's primary definition of liberty. And his analysis of Hume's conception of liberty is an enormously valuable one. He demonstrates that Hume regards liberty in modern society as the product of a long, slow process of evolution in its institutions. He is also right to point out that what Hume calls 'true liberty' is achieved only in stages, and through a slow process of trial and error. Hume says that 'any true or regular liberty ... requires such improvement in knowledge and morals, as can only be the result of reflection and experience, and must grow to perfection during several ages of settled and established government.'<sup>42</sup>

Livingston is mistaken, however, in his belief that Hume's primary definition of liberty, as freedom from coercion under the protection of the rule of law, is a particularist one. Livingston argues that this evolutionary account of liberty puts Hume at odds with what he calls 'speculative' theories of liberty. Such theories construct abstract principles of liberty which they then apply 'as stern measuring rods to any actual society.'<sup>43</sup> However, it is possible to read Hume's texts very differently, as proposing a definition of liberty that is undeniably universalist and (in Livingston's sense) 'speculative,' of just the sort Livingston thinks his philosophy rules out. This definition can be made perfectly consistent with his comments about a society's slow evolution towards 'true liberty.'

I believe that, for Hume, there are three degrees of liberty: what we might call total liberty (what he calls 'natural liberty'), imperfect private liberty, and perfect private liberty (what he calls 'true' or 'regular liberty'). People in a state of nature possess total liberty – complete freedom without restraint of any kind. Hume calls it 'native liberty.'<sup>44</sup> Private liberty is the liberty that comes from personal security and what Hume calls 'the free enjoyment of property' – it is the negative liberty to pursue one's ends without being subject to violence or coercion. Such liberty requires institutions to guarantee it. Hume says that authority is 'requisite to the support of liberty itself, by maintaining the laws, which can alone regulate and protect it.'<sup>45</sup>

As I read Hume, people on entering society give up their total liberty but not their private liberty. In fact, they enter society precisely to pre-

serve their private liberty through the rules of justice. Hume says that government justifies its existence by its ability to execute justice.<sup>46</sup> As I interpret this doctrine, this makes people's allegiance to it conditional on its ability to 'regulate and protect' their private liberty. And since (as Hume reminds us) it is absurd to have a right without a remedy, the right carries with it the right to resist any ruler who fails completely in his basic task by causing people to lose their private liberty entirely.<sup>47</sup> The right to private liberty is therefore natural, universal, and inalienable – we are born with it, we all possess it, and we do not and cannot give it up.

Society may grant us private liberty perfectly or imperfectly because the institutions of justice may be more or less equitable, and the ruler himself may be more or less tyrannical. Hume says that people owe allegiance to an established government so long as this government delivers to them a 'tolerable degree' of liberty – in other words, so long as they possess at least imperfect private liberty. As he puts it in the *History*, discussing Charles I, irregular acts of power may be exercised 'casually, and at intervals ... and yet liberty still subsist, in some tolerable degree.'<sup>48</sup> Most people will in fact possess only imperfect private liberty – they will be subject to such casual and intermittent encroachments on their freedom. Such imperfect liberty is sufficient to compel their allegiance to government. It is only when such irregular power is 'exerted without interruption' and begins to 'supply the place of laws' that it becomes 'necessary to find some speedy remedy.'<sup>49</sup> People living under a tolerable, but imperfect, regime will naturally hope for an evolution towards more perfect private liberty, which is achieved when the rulers institute equitable laws and themselves respect these laws – they will hope for it, that is, so long as such an evolution is possible without causing social upheaval. It is such perfect private liberty that Hume calls 'true and regular liberty' and which he says is the result of society's gradual progress towards civilization.

I believe this universalist reading of Hume's concept of liberty sets liberty up as a universal standard that may indeed serve as a 'stern measuring rod' for governments in all times and at all places, than does Livingston's particularist interpretation. First of all is the passage in the *History*, which I have already cited, where Hume describes the adoption of Magna Carta. He says that the provisions of the Charter, extending legal protection to everyone in the kingdom,

involve all the chief outlines of a legal government, and provide for the equal distribution of justice, and free enjoyment of property; the great

objects for which political society was at first founded by men, which the people have a perpetual and unalienable right to recal, and which no time, nor precedent, nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention.<sup>50</sup>

Livingston concedes that the passage in the *History* where Hume discusses Magna Carta is the 'one place where Hume, speaking in his own voice, affirms what appears to be a doctrine of natural rights.' But he insists this appearance is illusory. He says: 'the "rights" secured by Magna Carta are firmly restrained by the feudal social and political order, and they are "granted" by the king.'<sup>51</sup> This is certainly true *de facto*, but it is far from clear these facts have the significance he wants to attribute to them. It is accurate to say that the Charter's rights had to be granted by the king to have any effect, since he was in control of the legal system that would enact them. Any defender of natural rights would concede as much. But this does not entail that this grant lies at their foundation or is the source of their legitimacy. Hume seems to say just the opposite – that people's awareness of their rights is not to be deterred by the acts of positive institutions, be it the courts ('precedent') or the legislative power ('statute'). And he elsewhere denies explicitly that our fundamental rights are 'granted' by a ruler. He says that James II lost any claim to the allegiance of his subjects precisely because he acknowledged only those rights he had himself granted. 'Though by a stretch of candour we should admit of his sincerity in [his] professions [that he did not intend to subvert the laws or reinstate Catholicism],' Hume says, 'the people were equally justifiable in their resistance of him. So lofty was the idea, which he had entertained of his *legal* authority, that it left his subjects little or no right to liberty, but what was dependent on his sovereign will and pleasure.'<sup>52</sup>

Contrary to Livingston's assertion, the passage on the Great Charter is not the only place Hume seems to refer to a doctrine of natural rights. There are numerous other references to 'the common rights of mankind.'<sup>53</sup> And he more than once refers to the right of resistance as inalienable and universal.<sup>54</sup> Livingston insists that, for Hume, inalienable rights must, like all rights, be 'internal' to civil society. 'To speak of inalienable rights,' he says, 'is, presumably, to say that the spirited participants of civil society are determined to maintain that way of life (a way of life that experience and reflection shows to be useful and agreeable) and that there are conventions capable of sustaining such a life.'<sup>55</sup> On Livingston's view, inalienable rights are contingent – they depend on the members of a particular society affirming and working to

preserve them. But Hume makes clear that our inalienable rights, beginning with our basic right to the use of our property and the corresponding right to resist any government that cannot guarantee it, are common to all humans, regardless of the nature of their society. They are internal to society in the sense that if we find ourselves 'without the tie of laws or civil jurisdiction,' such as in a shipwreck, our obligations to one another are dissolved.<sup>56</sup> But they are not therefore internal to some *particular* society or 'way of life,' nor are they dependent on any set of conventions beyond the most basic ones that establish any society. They are, as it were, synthetic *a priori* truths – they state the conditions required for any form of society whatsoever. As such, they are universal.

In a more recent work, Livingston offers an entirely different explanation of Hume's belief in our basic right to resistance. No longer is this right possessed by spirited Nietzschean individuals fighting for their place in society. Instead, the right of resistance is a right possessed by social groups – 'the people as incorporated into great social orders and ways of life' – rather than by individuals. It is supposedly exercised to preserve 'the established prescriptive social orders in which individuals are incorporated.'<sup>57</sup> Livingston points out, correctly, that, discussing the right to resistance in the *Treatise*, Hume refers to parts of a mixed constitution defending themselves against other parts. But Hume never suggests this right is limited to such cases. In fact, he explicitly says the right of self-preservation is held both by individuals and by communities. 'The right of self-preservation is unalienable in every individual,' he says, 'much more in every community.'<sup>58</sup> And elsewhere he speaks of the 'right of resistance in the *subject*,' singular.<sup>59</sup>

Hume even provides an example of a case where a single individual is justified in asserting his right to resistance. He tells us how Strafford, at his trial for treason against the crown, is accused of using 'some such expression, as that *Of being absolved from rules of government*.' Strafford was at that time entirely isolated, representing no larger group and certainly nothing so grand as a social order or way of life. Yet Hume says: 'in such desperate extremities as those into which the king and kingdom were then fallen, a maxim of that nature, allowing it to be delivered by Strafford, may be defended, upon principles the most favourable to law and liberty.'<sup>60</sup>

It has been the task of this book to explain the standards Hume uses for judging certain governments to be better or worse than others, and how these standards are grounded in his philosophy as a whole. It has been

the aim of this chapter to provide a conceptual framework that allows us to make sense of his explicitly conservative statements, given his political theory as I have laid it out. The essence of my interpretation of Hume's political thought is not new. Sheldon Wolin may be given credit for an early reading of Hume's political theory that I take to be in line with my precautionary conservative interpretation. According to Wolin, Hume belongs to a tradition of liberalism that, having 'lost its status as a challenge to the established order and [having] become the order itself,' had become 'conservatized.'<sup>61</sup> And I have already said that the case for Hume's affinity for liberal reformism has been presented in great detail by John B. Stewart; I have tried to make my debt to Stewart clear throughout. However, an explicit articulation of Hume's theory in terms of what I have called precautionary conservatism allows us to understand certain crucial elements of this theory that we might otherwise overlook. First of all, it allows us to see that his conservatism about change does not automatically imply what I have called particularism. Second, it allows us to understand the pragmatic nature of Hume's conservatism by clarifying the distinction he draws between the justification of our actions and their prudence.

We may find Hume's theory unsatisfying in one crucial respect: he does not seem to give us a fully realized account of how we may reform existing societies within the confines of precautionary conservatism. We must apparently be content to do our part towards increasing the wealth of our society, fighting superstition and mistaken views on matters such as the moral value of commerce, and, where we have the opportunity, enlightening rulers and legislators on the best sorts of laws and forms of government. For those of us with the misfortune to have been born in a barbarous age or under a barbarous government, this may seem like cold comfort. Hume certainly never exaggerates his own optimism about social change. It is a slow, gradual task, and we must content ourselves with the possibilities available to us. The risks that always inhere in large-scale change mean that it cannot be otherwise.

## Conclusion

'The differences of moral sentiment ... are very obvious,' Hume says in the second *Enquiry*, 'which proceed from general riches or poverty, union or faction, ignorance or learning.'<sup>1</sup> I have tried to explain why he thinks this is so and why this view plays a central role in his political philosophy as a whole. I have argued that, for Hume, differences in morals are not merely a matter of individual sentiment or judgment. Rather, the spread of humanity and good taste depends on the manners of the age and nation in which we live. We now see that these in turn depend on favourable economic and social conditions, which are linked in their turn to our nation's political and legal system. Seen in this light, the wide range of topics Hume addresses in the *Essays* and the *History of England* need not appear so baffling, or so capricious. They may be seen as forming, as it were, an indissoluble chain linking them to questions Hume first addresses in the *Treatise* on the nature and foundation of government.

We have seen that, for Hume, we can take concrete steps towards improving what we might call the moral health of our society. If we are citizens, we are called on to be industrious and to follow our natural desire for luxury, though he points out we must not let our industrious activities actually crowd out the practice of virtue. We should also do what we can to promote knowledge and the arts. If we are a legislator, we must establish general and equitable laws that will ensure industry is fairly rewarded. Hume is not a perfectionist. He never suggests we will achieve a perfectly moral, perfectly consensual, perfectly civilized society. But he is an optimist. He thinks modern societies have made great strides over their predecessors, and, so long as we do not allow the process of economic development to be impeded by misplaced moral concerns, there is reason to hope this process will continue.