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Peace, Authority, and Liberty: David Hume on the Making of Modern Politics

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Peace, Authority, and Liberty:

David Hume on the Making of Modern Politics

Yuchen Sun

A Dissertation Submitted in Fulfilment of the Requirements for the Degree of

Doctor of Philosophy

Department of Political Economy

King's College London

April 2024

Word Count: 83704

Abstract

This thesis provides a comprehensive interpretation of David Hume as a theorist of modern politics. The general claim is that Hume's analysis of modern politics, in contrast to politics in the ancient world or feudal Europe, constitutes a major theme and a unifying thread of his political thought, as it appeared first in the *Treatise of Human Nature*, then in his early essays and *Political Discourses*, and finally in the *History of England*. For nearly five decades, Hume's relation to modern politics and his contributions to early modern political thought have received much scholarly attention, with commentators interpreting him as a Tory, a Whig, a conservative, a liberal, a utilitarian, a theorist of commercial society, or even a prophet of capitalism. This thesis moves beyond these labels by returning to Hume's historical understanding of modern Europe, which was one of the foundations of his political thought. Hume regarded the turn of the sixteenth century as the beginning of the modern age, when historic changes that took place across Western Europe resulted in the decline of the feudal barons and paved the way for the establishment of absolute monarchies, the first distinctively 'modern' states. Hume was greatly interested in understanding how these changes shaped modern politics in both domestic and foreign arenas. This thesis therefore examines Hume's analysis of 1) the international balance of power as 'the aim of modern politics', 2) the modern state and modern government, 3) political legitimacy and political obligation, and 4) modern liberty compared with ancient liberty. Overall, Hume was both an analyst and an advocate of modern politics. He rejected the relevance of the political experience of ancient republics or feudal institutions to guiding modern politics. Instead, he saw the future of Europe residing in large-scale, complex, commercial, and 'civilized' monarchies, which all featured the rule of law and personal liberty. Moreover, by transforming the classical republican ideals of *libertà* and *grandezza* into the modern state's goals of personal liberty and economic prosperity, Hume played a pivotal role in the birth of liberal political thinking. The contribution of this thesis is threefold. First, and most importantly, it contributes to Hume scholarship by supplying the

single-most detailed study to date of Hume's understanding of modern politics. Second, it intervenes in ongoing scholarly debates over the respective roles of republicanism and liberalism in the history of eighteenth-century political thought, emphasising Hume's importance in the transformation from the former to the latter. Third, by showcasing how Hume developed his political thought on the basis of his historical understanding of modern Europe, this thesis also echoes recent calls for attending to the importance of history in political theory.

To Paul Sagar, 'O Captain! My Captain!'

Acknowledgements

Throughout my PhD journey, I received various forms of support from numerous people. I could not have completed this thesis without the unfailing support of my supervisors. Paul Sagar both created a supportive environment where I was encouraged to explore a broad range of interests, and reminded me to focus on the current project, sharpen my ideas, and make a genuine contribution. I cannot tell how much I learned from his vast knowledge of Hume, high standard for work, good taste in scholarship, and unwavering passion for academic (and non-academic) life. Robin Douglass has always been an astute reader, whose sharp, generous, and swift comments never fail to help me make instant and significant improvements. At the final stage of my PhD, when Paul was unable to continue his supervisory role due to a tragic accident, Robin undertook the responsibility and workload of my primary supervisor. I am deeply grateful to him.

At the Department of Political Economy, I owe a general debt to members of the Political Theory research group, and special thanks go to some individuals. Huahui Zhu has remained an exemplary presence—as Paul once told me, 'You should emulate him!'—and a constant source of support. Talking and teaching political theory with Gianni Sarra, my fellow PhD student from the same cohort, was as thought-provoking as it was fun. Dulyaphab Chaturongkul made my final year in London less stressful and more enjoyable; his company proved both intellectually and emotionally important. With Thiago Vargas I had stimulating conversations about eighteenth-century political thought and cross-cultural academic life. Billy Christmas and Steven Klein offered me valuable opportunities to teach political theory at undergraduate level. Arthur Ghins, Otto Lehto, Shuhuai Ren, and Adam Tebble also helped me to improve on my work in various ways.

Beyond King's College London, I am enormously indebted to Jing Xiao, as many ideas presented here originated in our conversations on Hume and early modern political philosophy. Tom Pye generously allowed me to access his PhD thesis, and shared with me his insights into Hume and the Scottish Enlightenment. Xiao Qi read an early version of Chapter 3, and generously

provided many helpful comments. Piao Mao read the Conclusion, and helped me with a more accurate grasp of Machiavelli. Chengxiao Dang and Liang Pang read and commented on works written in preparation for this thesis, and I hope I have now addressed their questions. Demin Duan, my previous mentor at Peking University, offered supportive advice from time to time, and helped me to sharpen my ideas with regard to Hume and republicanism.

During the past years, I was fortunate enough to have meaningful conversations with many established political theorists and intellectual historians, many of whom are experts in Hume or eighteenth-century political thought. James Harris and Tim Stuart-Buttle showed particular interest in my research, generously agreed to examine my thesis, and provided constructive comments and suggestions both on this thesis and for my future work. I am grateful to Jeng-Guo Chen and Ryu Susato for their good example, generous advice, and frank criticism. For warm encouragement and, more often than not, constructive advice on my research project, I am also indebted to Christopher Berry, Antoon Braeckman, Dario Castiglione, Quanxi Gao, Qiang Li, Zixing Kang, Iain McDaniel, Anna Plassart, John Robertson, Max Skjönsberg, Barry Weingast, and Richard Whatmore. I also learned much from the thought-provoking talks I had with many brilliant PhD students or early-career scholars working on eighteenth-century political thought, not least Dan Feng, Ryan Griffiths, Ruoyu Han, Billy Liu, Ke Xia, Shuai Zhang, Xu Zhang, and Yutao Zhao.

Part of this thesis or works written in preparation for it were presented at conferences or workshops held at Peking University, European University Institute, Ca' Foscari University of Venice, King's College London, University of Glasgow, University of St Andrews, and University of Cambridge. The feedback I received from the audiences on each occasion helped me to sharpen my argument. An article written in preparation for this thesis and incorporating some materials used here has been published in Chinese as 'David Hume on the Modus Operandi and Moral Values of Modern Politics', in *Peking University Political Science Review* 14 (Beijing: Commercial Press, 2023), 162-88.

Outside of academia, several individuals provided me with important moral support. I am grateful to Hennadiy Melnyk for making my life easier and more colourful during the sombre lockdowns back in 2020 and 2021. When I was sunk lowest in personal hardships, Yutong Liu and Yi-Chia Wu devoted much time to taking care of my mental wellbeing. Leren Li invited me to talk about Hume's *History of England* to a non-academic audience at her salon, which turned out to be a valuable opportunity for me to think about Hume as an Enlightenment man of letters. Thanks are also due to Zijing Huo, Muchun Liao, Xinyu Meng, Liu Peng, Yuwei Qiu, Zhan Shi, Minju Song, Yanze Song, Hanchao Sun, Jingyi Wang, and Ruiyang Zou, for their company and support at various points. As one of the most amazing human individuals I have ever met, Yuwei Jiang brought to me great pleasures and overwhelming pains, and both helped me to understand what it means to love and to be loved. While in London, Yuwei and I were fortunate enough to meet Xiaohei, Dawang, Meiqiu, Tangyuan, Maidou, and Lingxi, who, although they cannot read any human language, have taught me as much about human nature as I learned from books. Last but not least, I owe a debt of gratitude to my parents, Fang Liu and Yunhui Sun, who sustained me with unbounded understanding and love.

As it appears, this thesis is inspired by, and aims to respond to, Paul Sagar's insights into Hume, Adam Smith, and the nature of political things. Whilst it is a genuine privilege to write this thesis in close conversation with him, I regret that I did not discuss with him frequently enough when I did not know where to go, but do not have the chance to do so when I finally come to know where I am. Yet even though I was not able to work with him during the final phase of my PhD, his words and deeds have remained present and have exercised sustaining power, and receiving updates about his progress towards recovery has been an important part of my life in the past months. As a scholar, a teacher, and a person, Paul has set an example of academic and existential excellence for many people. His work and presence have always been, and will continue to be, a profound inspiration to me and, I believe, to everyone acquainted with him. This thesis is dedicated to him.

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Introduction

In 1819, Benjamin Constant delivered his famous speech 'The Liberty of the Ancients Compared with That of the Moderns' at the Athénée Royal in Paris, as part of a series of lectures on the English constitution.[1] According to Constant, the liberty of the ancients 'consisted in exercising collectively, but directly, several parts of the complete sovereignty', whereas the liberty of the moderns consisted in the individual's 'right to be subjected only to the laws', and not to the 'arbitrary will of one or more individuals'.[2] The ancient individual, 'almost always sovereign in public affairs, was a slave in all his private relations'; the modern individual, by contrast, was not a political animal, but lived under less restrictions in their economic, social, and spiritual life.[3] Criticising the modern admirers of ancient republics—not least Rousseau, the Abbé de Mably, and the Jacobins—Constant insisted that the liberty of the ancients was no longer desirable under modern conditions. The ancient idea of liberty, understood as 'the sharing of social power among the citizens of the same fatherland', was only suitable for the small-scale, slave-holding, and martial republics of the ancient world; it was 'the enjoyment of security in private pleasures' that constituted the kind of liberty that ought to be pursued in the large-scale commercial states of modern Europe.[4] Constant's endorsement of modern individual liberty has earned him a reputation as a major theorist and proponent of liberalism, whilst his speech has become the most

[1] Benjamin Constant, 'The Liberty of the Ancients Compared with That of the Moderns', in Benjamin Constant, *Political Writings*, ed. and trans. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 307-28. Hereafter cited as 'Ancient and Modern Liberty'.

[2] Constant, 'Ancient and Modern Liberty', 310-11.

[3] Constant, 'Ancient and Modern Liberty', 311.

[4] Constant, 'Ancient and Modern Liberty', 317. Much of Constant's distinction between the two kinds of liberty, his endorsement of modern liberty, and his critique of Rousseau, Mably, and the Jacobins appeared in texts dated earlier. In the 1819 lecture, Constant further warned that modern individuals' absorption in economic activities and private enjoyments, which led them to neglect political participation, could be dangerous, and recommended the representative system as the best way to safeguard modern individual liberty. Nevertheless, Constant's critique of the idea of ancient liberty as direct democratic participation remained unaltered. Benjamin Constant, *Principles of Politics Applicable to All Governments* [1810], ed. Etienne Hofmann, trans. Dennis O'Keeffe (Indianapolis: Liberty Fund, 2003), XVII.1-4; *The Spirit of Conquest and Usurpation and Their Relation to European Civilization* [1814], II.6-8, in *Political Writings*, 102-14; *Principles of Politics Applicable to All Representative Governments* [1815], chap.18, in *Political Writings*, 289-95.

famous statement of the differences between ancient and modern liberty in the history of Western political thought.[5]

But Constant was not the first to contrast the liberty of the ancients to that of the moderns. Having spent two formative years studying at the University of Edinburgh (1783-85) at the height of the Scottish Enlightenment, Constant was familiar with the ideas of David Hume and Adam Smith, whose comparative study of the ancient and modern conditions of Europe had already fostered a historical understanding of modern liberty.[6] In this regard, Hume's works, both original and powerful, proved a major influence on Smith, the Scottish Enlightenment, and later Constant. In Book III of the *Wealth of Nations* (1776), Smith singled out Hume's original contribution towards understanding the birth of modern liberty:

> commerce and manufactures gradually introduced order and good government, and with them, the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbours and of servile dependency upon their superiors. This, though it has been the least observed, is by far the most important of all their effects. Mr.

[5] In his 1958 lecture on negative and positive liberty, Isaiah Berlin claimed that that '[n]o one saw the conflict between the two types of liberty better, or expressed it more clearly, than Benjamin Constant'; Berlin later maintained that Constant 'prized negative liberty beyond any modern writer'. Isaiah Berlin, 'Two Concepts of Liberty', in *Liberty: Incorporating* Four Essays on Liberty, ed. Henry Hardy (Oxford: Oxford University Press, 2002), 209; 'Five Essays on Liberty: Introduction', in *Liberty*, 38. For a helpful discussion on Constant's idea of modern liberty, see Jeremy Jennings, 'Constant's Idea of Modern Liberty', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge: Cambridge University Press, 2009), 69-91. On Constant and modern liberalism, see Larry Siedentop, 'Two Liberal Traditions', in *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, ed. Alan Ryan (Oxford: Oxford University Press, 1979), 153-74, reprinted in *French Liberalism from Montesquieu to the Present Day*, ed. Raf Geenens and Helena Rosenblatt (Cambridge: Cambridge University Press, 2012), 15-35; Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven: Yale University Press, 1984); Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (Cambridge: Cambridge University Press, 2008), 146-75. For a detailed review of the contemporary scholarship on Constant's relation to liberalism, see Arthur Ghins, 'Public Opinion in Benjamin Constant's Political Thought' (PhD Diss., University of Cambridge, 2019), 1-9.

[6] Biancamaria Fontana, introduction to *Political Writings*, by Benjamin Constant, 15-16; J. W. Burrow, *Whigs and Liberals: Continuity and Change in English Political Thought* (Oxford: Oxford University Press, 1988), 28-29; Dario Castiglione, '"That Noble Disquiet": Meanings of Liberty in the Discourse of the North', in *Economy, Polity, and Society: British Intellectual History 1750-1950*, ed. Stefan Collini, Richard Whatmore, and Brian Young (Cambridge: Cambridge University Press, 2000), 48-69; Christopher J. Berry, *The Idea of Commercial Society in the Scottish Enlightenment* (Edinburgh: Edinburgh University Press, 2013), 126-29; Henry C. Clark, 'Benjamin Constant: Soulful Theorist of Commercial Society', *Journal des Économistes et des Études Humaines* 28, no. 1 (2022): 91-103. On Constant's education in Edinburgh, see Patrice Courtney, 'An Eighteenth-Century Education: Benjamin Constant at Erlangen and Edinburgh (1782-1785)', in *Rousseau and the Eighteenth Century: Essays in Memory of* R. A. *Leigh*, ed. Marian Hobson, John Leigh, and Robert Wokler (Oxford: Oxford University Press, 1992), 295-324. Anna Plassart reports that Constant was a student of Dugald Stewart, who, as is well known, was a disciple of Hume's close friend Adam Smith. Anna Plassart, *The Scottish Enlightenment and the French Revolution* (Cambridge: Cambridge University Press, 2015), 175. For evidence of Constant's engagement with Hume and Smith, see the index to Constant, *Principles of Politics Applicable to All Governments*, 545, 555.

> Hume is the only writer who, so far as I know, has hitherto taken notice of it.[7]

As Smith recognised, Hume made important inroads into theorising the relationship between commercial development and individual liberty, which especially had resonance for modern European politics. But it is also important to acknowledge that Hume's study of European modernity was not confined to the topic of liberty. In various works published from the 1740s onwards, Hume cultivated a historical understanding of modern European civilisation both in comparison with the ancient world, and with a view of the process of transformation from the feudal age to the modern era.

In this thesis, I analyse Hume's idea of *modern politics*, or the *political* dimension of Hume's historical understanding of modern European civilisation. I show that Hume was both an original theorist and a firm proponent of modern politics. In the history of Western political thought, Hume was one of the first to supply a comprehensive account of modern politics and its historical distinctiveness, not only in contradistinction to politics in the ancient world, but also in terms of its historical birth from, and rupture with, Europe's feudal past. As a theorist of modern politics, Hume expounded an informative and nuanced analysis of its historical origin and modus operandi. As a proponent of modern politics, Hume was aware that modern politics was not without its problems, but he nevertheless embraced it as preferable to ancient or feudal politics. The aim of this thesis is to investigate Hume's analysis and defence of modern politics.

In the remainder of this introduction, I start to set the scene and provide some preliminary evidence supporting my interpretation. First, I review the existing literature on Hume's political thought, with a focus on recent scholarship on Hume's contribution towards how we might think about modern politics. Then, I turn to Hume's usage of the phrase 'modern politics'—not a well-defined technical term—and István Hont's insightful yet problematic account of Hume's notion

[7] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. R. H. Campbell and A. S. Skinner, 2 vols. (Oxford: Oxford University Press, 1976), III.iv.4.

of modern politics, before providing a Humean definition of modern politics that remains in accordance with his texts. In the final section, I address some methodological concerns and provide a summary of the main chapters.

I. David Hume, Political Thinker

David Hume's political thought did not receive the serious study it deserves until the second half of the twentieth century. For a long time, Hume's reputation remained mainly as a Tory historian, a major critic of contract theory, and a founding father of conservatism.[8] Reassessments of the political thought and historiography of Hume and his fellow eighteenth-century Scottish thinkers began in the 1960s,[9] but it was not until 1975 that Duncan Forbes published *Hume's Philosophical Politics*, the seminal monograph that supplied a novel interpretation of Hume as a sophisticated political thinker.[10]

Forbes's contribution was twofold. On the one hand, he rejected the traditional reading of Hume as a Tory or conservative by stating that what 'gives Hume's thought its unity and continuity' is Hume's 'sceptical Whiggism' or 'scientific Whiggism'.[11] Forbes's Hume was a *sceptical* Whig because he 'questioned the holy cows of the Whigs':

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[8] Sheldon Wolin, 'Hume and Conservatism', *American Political Science Review* 48, no. 4 (1954): 999-1016; John Plamenatz, *Man and Society: A Critical Examination of Some Important Social and Political Theories from Machiavelli to Marx*, 2 vols. (London: Longmans, 1963), 1:299-318; Laurence L. Bongie, *David Hume: Prophet of the Counter-Revolution* (Indianapolis: Liberty Fund, 2000). Friedrich Hayek, however, maintained that Hume was one of the earliest liberal thinkers: see F. A. Hayek, 'The Legal and Political Philosophy of David Hume', *Il Politico* 28, no. 4 (1963): 691-721, reprinted in F. A. Hayek, *The Trend of Economic Thinking: Essays on Political Economists and Economic History*, ed. W. W. Bartley III and Stephen Kresge (London: Routledge, 1991), 101-17. For Hume's early reception, see James A. Harris, *Hume: An Intellectual Biography* (Cambridge: Cambridge University Press, 2015), 2-14.

[9] Giuseppe Giarrizzo, *David Hume. Politico e Storico* (Turin: Einaudi, 1962); Duncan Forbes, 'Politics and History in David Hume', review of *David Hume. Politico e Storico*, by Giuseppe Giarrizzo, *The Historical Journal* 6, no. 2 (1963): 280-95; Hugh Trevor-Roper, review of *David Hume. Politico e Storico*, by Giuseppe Giarrizzo, *History and Theory* 3, no. 3 (1964): 381-89, reprinted as 'David Hume, Historian', in *History and the Enlightenment*, ed. John Robertson (New Haven: Yale University Press, 2010), 120-28; Trevor-Roper, 'The Scottish Enlightenment', *Studies on Voltaire and the Eighteenth Century* 58 (1967): 1635-58, reprinted in *History and the Enlightenment*, 17-33; Duncan Forbes, introduction to *The History of Great Britain: The Reigns of James I and Charles I*, by David Hume, ed. Duncan Forbes (Harmondsworth: Penguin Books, 1970), 7-54.

[10] Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975).

[11] Forbes, *Hume's Philosophical Politics*, 139-40; 'Sceptical Whiggism, Commerce, and Liberty', in *Essays on Adam Smith*, ed. Andrew S. Skinner and Thomas Wilson (Oxford: Oxford University Press, 1975), 179-201. In a letter to Henry Home, Hume mentioned that the conclusion of his essay 'Of the Protestant Succession' showed him 'a Whig, but a very sceptical one'. Hume to Henry Home, 9 February 1748, in *The Letters of David Hume*, ed. J. Y. T. Greig, 2 vols. (Oxford: Oxford University Press, 1932), 1:111. On Forbes's invention of the phrase 'scientific Whiggism' as partly a satire imitating the Marxist term 'scientific socialism', see István Hont, 'Commerce and Politics in 18th-Century

> the justification of the Revolution (this early example of sceptical Whiggism has been met already: a political philosophy designed to justify the present establishment in a manner which by-passed and played down the principles which kept the malcontents at arm's length could not justify the Revolution at the time it occurred, or could only do so tortuously and inconsistently); the contrast between English liberty and French 'slavery'; the 'ancient constitution' of the common lawyers and Commons' apologists in the seventeenth century and later modifications; the wickedness of the Stuart kings…[12]

These doubts associated with what Forbes called 'vulgar Whiggism' had historically earned Hume the reputation of being a Tory, but as Forbes pointed out, Hume was fundamentally a *Whig*, because he expounded an 'establishment political philosophy' justifying the Revolution Settlement and the Hanoverian succession.[13] On the other hand, Forbes's detailed and sophisticated research showcased how intellectual historians could appreciate Hume's importance in the history of political thought without subscribing to nineteenth- and twentieth-century ideologies. Henceforth, whilst some readers could still find in Hume's corpus early expressions of conservatism, liberalism, or utilitarianism,[14] other scholars began to move beyond the traditional topic of Hume's critique of contract theory to reconsider his place in the history of modern political thought.[15]

Political Thought', paper presented at 'The Cambridge Moment: Virtue, History and Public Philosophy' International Symposium, Chiba University, Japan, December 2005.

[12] Forbes, *Hume's Philosophical Politics*, 139.

[13] Forbes, *Hume's Philosophical Politics*, 139.

[14] For conservative readings, see David Miller, *Philosophy and Ideology in Hume's Political Thought* (Oxford: Oxford University Press, 1981); Donald W. Livingston, *Hume's Philosophy of Common Life* (Chicago: University of Chicago Press, 1984); Frederick G. Whelan, *Order and Artifice in Hume's Political Philosophy* (Princeton: Princeton University Press, 1985). For liberal readings, see John B. Stewart, *Opinion and Reform in Hume's Political Philosophy*, (Princeton: Princeton University Press, 1992); Neil McArthur, *David Hume's Political Theory: Law, Commerce, and the Constitution of Government* (Toronto: University of Toronto Press, 2007). For the utilitarian reading, see John Rawls, *Lectures on the History of Political Philosophy*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 2007), 159-87.

[15] Hume scholars after Forbes still made meaningful contributions towards a more comprehensive view of Hume's relation to contract theory. For Hume's critique of contract theory, see especially Stephen Buckle and Dario Castiglione, 'Hume's Critique of the Contract Theory', *History of Political Thought* 12, no. 3 (1991): 457-80; Dario Castiglione, 'History, Reason and Experience: Hume's Arguments against Contract Theories', in *The Social Contract from Hobbes to Rawls*, ed. David Boucher and Paul Kelly (London: Routledge, 1994), 97-114; Rachel Cohon, 'The Shackles of Virtue: Hume on Allegiance to Government', *History of Philosophy Quarterly* 18, no. 4 (2001): 393-413. For a hypothetical-contractarian interpretation of Hume's political theory, see David Gauthier, 'David Hume, Contractarian', *The Philosophical Review* 88, no. 1 (1979): 3-38; cf. Frederick G. Whelan, 'Hume and Contractarianism', *Polity* 27, no. 2 (1994): 201-24.

What is Hume's contribution towards how we might think about modern politics, then? In *The Machiavellian Moment*, also published in 1975, John Pocock suggested that the predominant political discourse in early modern Britain, in which Hume ought to be situated, was the language of civic humanism or classical republicanism.[16] On this reading, Hume's political thought, not least his pessimism regarding the problem of public credit, was a mutation of Renaissance republicanism in the age of commercial modernity, when '[c]ommerce had taken the place of fortune; the republic could not control its own history forever or resist its own corruption'.[17] This view differs sharply from Forbes's reading, according to which Hume was a modern reformer of the natural law tradition who expounded 'an exclusively secular because exclusively empirical (or the other way round) version of the fundamental principles of natural law', which served as the intellectual foundation for his sceptical Whiggism.[18] For Forbes, Hume's science of politics was 'constructive, forward-looking, a programme of modernization, an education for backward-looking men'.[19] Both the paradigm of civic humanism and that of natural jurisprudence have inspired much subsequent discussion. John Robertson interprets Hume as a transformative figure who, by exploiting the resource of civic humanism, eventually stood at the limit of this tradition and transformed it towards an individualist, jurisprudential direction.[20] Taking up this interpretative direction, Knud Haakonssen and Stephen Buckle have conducted more detailed examinations of Hume's affinity with natural law theories.[21]

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[16] J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975). For an elaborate interpretation of Hume *contra* the civic humanist tradition, see James Moore, 'Hume's Political Science and the Classical Republican Tradition', *Canadian Journal of Political Science* 10, no. 4 (1977): 809-39.

[17] Pocock, *The Machiavellian Moment*, 493.

[18] Forbes, *Hume's Philosophical Politics*, 68; 'Hume's Science of Politics', in *David Hume: Bicentenary Papers*, ed. G. P. Morice (Edinburgh: Edinburgh University Press, 1977), 39-50. For Forbes's critique of Pocock, see Lasse S. Anderson and Richard Whatmore, 'Liberalism and Republicanism, or Wealth and Virtue Revisited', *Intellectual History Review* 33, no. 1 (2023): 131-60.

[19] Forbes, 'Hume's Science of Politics', 39.

[20] John Robertson, 'The Scottish Enlightenment at the Limit of the Civic Tradition', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. István Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), 137-78.

[21] Knud Haakonssen, *The Science of a Legislator: The Natural Jurisprudence of David Hume and Adam Smith* (Cambridge: Cambridge University Press, 1981); Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1996); Stephen Buckle, *Natural Law and the Theory of Property: Grotius to Hume* (Oxford: Oxford University Press, 1991). See also Stewart, *Opinion and Reform*, chaps.1-2.

At the intersection of these two paradigms, István Hont has cultivated a unique approach to understanding Hume's contribution to modern political thought.[22] As Hont points out,

> Modern histories of political thought are routinely organized around a contrast between Renaissance humanism, the politics of civic virtue, and seventeenth-century natural jurisprudence, the precursor of the modern meta-legal discourse of human rights. The paradigm shift between the two is regarded by most as the beginning of modern liberalism. A very similar contrast between humanism and natural jurisprudence is also deployed to explain the birth of political economy.[23]

According to Hont, by correctly realising that modern politics was inextricably intertwined with the economy, Hume and Smith became the first modern political thinkers. Moreover, although natural jurisprudence was the precursor of political economy, political economy also 'directly benefited from the post-Renaissance republican critique of markets'.[24] Hume's synthesis of these intellectual resources therefore made him a theorist of commercial society.[25] In particular, Hont reads Hume as a theorist of 'commercial sociability', a need-based middle road between Hobbes's honour-based theory of natural unsociability and the Christian vision of natural sociability as founded on benevolence.[26] At the same time, Hont's Hume was a theorist of 'jealousy of trade',

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[22] In an attempt to reconcile his own paradigm of civic humanism with the challenge posed by the co-existing paradigm of jurisprudence, Pocock has coined the term 'commercial humanism' to help understand eighteenth-century political thought. J. G. A. Pocock, *Virtue, Commerce and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge University Press, 1985), 50; Anderson and Whatmore, 'Liberalism and Republicanism'. On Hont's life and work, see Béla Kapossy, Isaac Nakhimovsky, Sophus A. Reinert, and Richard Whatmore, 'Introduction', in *Markets, Morals, Politics: Jealousy of Trade and the History of Political Thought*, ed. Béla Kapossy, Isaac Nakhimovsky, Sophus A. Reinert, and Richard Whatmore (Cambridge, MA: Harvard University Press, 2018), 1-22.

[23] István Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: Harvard University Press, 2005), 10.

[24] Hont, *Jealousy of Trade*, 10.

[25] Hont uses 'commercial society'—a term he borrows from Adam Smith—as an alternative to 'capitalism', which he regards as an anachronistic term when applied to the field of eighteenth-century political and economic thought. Yet as Paul Cheney points out, Hont's understanding of 'commercial society' is 'present-minded and political charged', and Hont's invocation of this term 'obscures the present-minded choices that enter into the intellectual genealogy he proposes'. Paul Cheney, 'István Hont, the Cosmopolitan Theory of Commercial Globalization, and Twenty-First-Century Capitalism', *Modern Intellectual History* 19, no. 3 (2022): 883, 885. For a critical discussion of the meaning of Adam Smith's term 'commercial society' and the problem of applying this term to Smith (and other eighteenth-century thinkers), see Paul Sagar, *Adam Smith Reconsidered: History, Liberty, and the Foundations of Modern Politics* (Princeton: Princeton University Press, 2022), 6-7, 10-53, 212-19. In this thesis, I deliberately refrain from using the term 'commercial society' when describing the economic, social, cultural, and political conditions of modern Europe.

[26] István Hont, 'Commercial Society and Political Theory in the Eighteenth-Century: The Problem of Authority in David Hume and Adam Smith', in *Main Trends in Cultural History: Ten Essays*, ed. Willem Melching and Wyger Velema (Amsterdam: Rodopi, 1994), 54-94; *Jealousy of Trade*, 40-43. Paul Sagar also suggests that Hume's theory of 'utility-

which involves the logic of commerce being captured by that of war in global competition, a phenomenon that remains relevant in the twenty-first century.[27]

Building on Hont's work, Paul Sagar has supplied a fourth way of appreciating Hume's theory of modern politics. Rather than interpreting Hume (and Smith) 'as more or less direct products of established predecessor discourses', Sagar urges that their political thought be read 'as new and relatively independent insights in their own right'.[28] Sagar argues that Hume was an original political thinker who initiated a 'non-Hobbesian' or 'anti-Hobbesian' theory of the modern state, a novel way of thinking about modern politics that operated outside the theory of sovereignty.[29] Furthermore, scholars have also made efforts to explicate Hume's analysis of modern political parties, and to decode the political message in his *History of England*.[30]

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based, or commercial, sociability' was a middle route between Mandeville and Hutcheson. Paul Sagar, *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith* (Princeton: Princeton University Press, 2018), 64. However, in his posthumously published Carlyle lectures, Hont reads Smith's *Theory of Moral Sentiments* as 'a treatise in enhanced Hobbism and Epicureanism' that developed 'the selfish system'—he named Hume as a member of this tradition—to its 'proper conclusion'. István Hont, *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith* (Cambridge, MA: Harvard University Press, 2015), 32. Hont thus sees commercial sociability and Epicureanism as closely related, although some scholars endorse one without endorsing the other. In particular, James Moore is a major predecessor of the Epicurean reading of Hume's theory of sociability: James Moore, 'Hume and Hutcheson', in *Hume and Hume's Connexions*, ed. M. A. Stewart and John P. Wright (University Park, PA: Pennsylvania State University Press, 1995), 23-57; 'The Eclectic Stoic, the Mitigated Skeptic', in *New Essays on David Hume*, ed. Emilio Mazza and Emanuele Ronchetti (Milan: FrancoAngeli, 2007), 133-70; 'Utility and Humanity: The Quest for the *Honestum* in Cicero, Hutcheson and Hume', *Utilitas* 14, no. 3 (2002): 365-86. See also John Robertson, *The Case for the Enlightenment: Scotland and Naples 1680-1760* (Cambridge: Cambridge University Press, 2005), 256-324; Luigi Turco, 'Hutcheson and Hume in a Recent Polemic', in *New Essays*, ed. Mazza and Ronchetti, 171-98. However, James Harris and Paul Sagar suggest that eighteenth-century moral philosophy in general, and Hume's theory of human sociability in particular, may be better understood without using revived Hellenistic categories of Stoicism and Epicureanism. James A. Harris, critical notice on *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith*, by István Hont, *Journal of Scottish Philosophy* 14, no. 2 (2016): 151-63; Sagar, *Opinion of Mankind*, 25-26, 61-62n147. Agreeing that Hume was neither a Stoic nor an Epicurean, Tim Stuart-Buttle has supplied an alternative reading of Hume as a Ciceronian academic sceptic. Tim Stuart-Buttle, *From Moral Theology to Moral Philosophy: Cicero and Visions of Humanity from Locke to Hume* (Oxford: Oxford University Press, 2019), 1-18, 179-222; cf. Harris, *Hume: An Intellectual Biography*, 121-42. For a critical discussion of 'commercial sociability'—a term invented by Hont himself—and the problem with defining 'commercial society' in terms of the former, see Robin Douglass, 'Theorising Commercial Society: Rousseau, Smith and Hont', *European Journal of Political Theory* 17, no. 4 (2018): 501-11.

[27] On the entanglement between 'commercial sociability' and 'jealousy of trade' in Hont's study of eighteenth-century political thought, see Yutao Zhao, 'The Struggle Between Economy and Politics—Reflections on Hont's Study of Eighteenth-Century Political Thought' [In Chinese], *Journal of the History of Political Thought* 12, no. 2 (2021): 167-81, https://kns.cnki.net/kcms2/article/abstract?v=vCcGnC-OR22NG57TcP6ApI6RRlbnyKnNy9k7-8KALVtV4vPH7ibZRdNX-K7nDluVlUsCNVWH5ld8S008392SfhsBiO0WXGacaBp9n0LBoHTD5WXcGXP6RzJKtaIHda7npJ3q8nEBVng=&uniplatform=NZKPT&flag=copy.

[28] Sagar, *Opinion of Mankind*, 11.

[29] Sagar, *Opinion of Mankind*, 12, 18, 103-38.

[30] For Hume's contribution to eighteenth-century debates regarding political party, see Max Skjönsberg, *The Persistence of Party: Ideas of Harmonious Discord in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 2021); Joel E. Landis, 'Whither Parties? Hume on Partisanship and Political Legitimacy', *American Political Science Review* 112,

Advancements in the scholarship of the Scottish Enlightenment have equipped readers with a better knowledge of Hume's intellectual context.[31] Beyond the traditional scope of political thought, Hume has also been read as a moral apologist or prophet of the emerging economic and social system that we now call capitalism.[32]

However, many of these traditions or categories are contemporary classifications rather than Hume's own. What, then, is the intellectual framework that Hume himself used to make sense of modern politics? With this question in mind, I suggest we turn to Hume's historical consciousness of being modern, which in recent years has attracted increasing scholarly interest.[33] In *Hume's Sceptical Enlightenment* (2015), Ryu Susato defines Enlightenment as 'a shared sensitivity among philosophers to the on-going process of civilisation in early modern/modern Europe and the New World, and a series of questions and issues posed by those intellectuals based on this historical awareness'.[34] Susato then suggests that with 'such a sensitive and self-reflective view of the drastic historical changes within the modern world', Hume found a 'distinctive way of supporting what he believes to be the core of modern values (refinement and politeness), while avoiding falling into any kind of dogmatism, including philosophical dogmatism'.[35] Margaret Watkins's *The Philosophical Progress of Hume's* Essays (2019) is a book-length investigation into

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no. 2 (2018): 219-30; Landis, 'David Hume on Parties, Party Spirit, and the Security of Liberty in Constitutional Politics' (PhD Diss., University of California, Davis, 2019). For an elegant exposition of Hume's commitment as a historian, see Nicholas Phillipson, *David Hume: The Philosopher as Historian* (Hew Haven: Yale University Press, 2012). For book-length studies of Hume's *History of England*, see Andrew Sabl, *Hume's Politics: Coordination and Crisis in the* History of England (Princeton: Princeton University Press, 2012); Jia Wei, *Commerce and Politics in Hume's* History of England (Woodbridge: The Boydell Press, 2017). Furthermore, for an account of Hume's political thought that considers his essays as a continuation of his unfinished project in the *Treatise* and a project aiming at educating the modern reader, see Thomas W. Merrill, *Hume and the Politics of Enlightenment* (New York: Cambridge University Press, 2015).

[31] Christopher J. Berry, *The Social Theory of the Scottish Enlightenment* (Edinburgh: Edinburgh University Press, 1997); Berry, *Idea of Commercial Society*; Berry, *Essays on Hume, Smith and the Scottish Enlightenment* (Edinburgh: Edinburgh University Press, 2018); Alexander Broadie, *The Scottish Enlightenment: The Historical Age of the Historical Nation* (Edinburgh: Birlinn Limited, 2001). John Robertson, *The Case for the Enlightenment*, 1-51, defends the idea of *the* Enlightenment across Europe, of which Hume was a prominent figure.

[32] Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton: Princeton University Press, 1977); Margaret Schabas and Carl Wennerlind, *A Philosopher's Economist: Hume and the Rise of Capitalism* (Chicago: University of Chicago Press, 2020).

[33] For early discussions on this topic, especially in the context of the Ancient-Modern Controversy, see Ernest Campbell Mossner, 'Hume and the Ancient-Modern Controversy, 1725-1752: A Study in Creative Scepticism', *University of Texas Studies in English* 28 (1949): 139-53; Peter Jones, *Hume's Sentiments: Their Ciceronian and French Context* (Edinburgh: Edinburgh University Press, 1982), 93-135.

[34] Ryu Susato, *Hume's Sceptical Enlightenment* (Edinburgh: Edinburgh University Press, 2015), 6-7.

[35] Susato, *Hume's Sceptical Enlightenment*, 8, 21.

Hume's idea of progress from ancient to modern times, both on the 'social or political' level and the 'personal or individual' level, as he presented in his *Essays*.[36] According to Watkins, Hume 'often defends modern progress against those with "the humour of blaming the present," but he also reminds modern readers of how precarious that progress is'; he 'encourages us not to let our reverence for the past blind us to modern achievement, nor to let our attachment of the present blind us to what we might learn from the past'.[37] In the very beginning of his 'Introduction' to *Hume: A Very Short Introduction* (2021), James Harris has also sketched a portrait of Hume as both a theorist and a proponent of the modern world. Harris's Hume 'was deeply interested in the ancient world' but observed 'undeniable progress' in science, government, and commerce in the modern world; therefore, 'unusually for his time, Hume believed that it was obvious that the modern world was superior to the ancient, if not always in its art and culture, then certainly in the quality of the lives lived by ordinary human beings'.[38]

In addition to these books, three recent PhD theses have also shed light on Hume's historical understanding of European modernity as opposed to the ancient world and the feudal system. Moritz Baumstark has surveyed Hume's reading of the classics, Hume's comparative analysis of ancient and modern European civilisation in the essay 'Of the Populousness of Ancient Nations', and what he calls Hume's 'fragmentary history of classical civilizations'.[39] Tom Pye has examined Hume's engagement with Scottish debates regarding the origin and nature of modern liberty—especially how it stemmed from and yet formed a rupture with the feudal past—both in England and more generally in Europe.[40] Situating Hume's political and historical writings before the *History of England* in the context of the Quarrel between the Ancients and Moderns, Pedro Faria

[36] Margaret Watkins, *The Philosophical Progress of Hume's* Essays (Cambridge: Cambridge University Press, 2019), 8.
[37] Watkins, *Philosophical Progress*, 7-8, 245.
[38] James A. Harris, *Hume: A Very Short Introduction* (Oxford: Oxford University Press, 2021), 1-2.
[39] Moritz Baumstark, 'David Hume: The Making of a Philosophical Historian. A Reconsideration' (PhD Diss., University of Edinburgh, 2007), 66-103.
[40] Tom Pye, 'Histories of Liberty in Scottish Thought, 1747-1787' (PhD Diss., University of Cambridge, 2018), 112-83; 'The Scottish Enlightenment and the Remaking of Modern History', *The Historical Journal* 66, no. 4 (2023): 746-72.

suggests that Hume emphasised rupture rather than continuity between the ancient and modern world, presenting the contrast between them in terms of rudeness and civility.[41]

Whilst these works have made significant contributions towards uncovering Hume's historical understanding of modern European civilisation, Hume's analysis of modern *politics* remains underexplored. What is modern politics? What is uniquely modern in modern politics? How did modern politics originate, and how does it function? Taking these questions seriously, this thesis provides the first comprehensive study of Hume's account of the making of modern politics, both in historical comparison with ancient politics and with a dynamic vision of the historical birth of modern politics from the feudal system. Whilst it touches upon, where necessary, themes such as Hume's contribution to modern Enlightenment historiography and his comparative account of ancient and modern culture and manners, it is, first and foremost, an enquiry into the *political* dimension of Hume's analysis of modern European civilisation in its historical perspective.[42] The remainder of this introduction will provide some preliminary remarks on Hume's conception of modern politics, before summarising the contents of the chapters that follow.

II. The Two Births of Modern Politics

Hume used the phrase 'modern politics' three times in his published works, all of which are in his *Political Discourses* (1752). The first is in 'Of the Balance of Trade', an essay conveying Hume's version of what is now called the quantity theory of money and the specie-flow mechanism.[43] In this essay, Hume rejected the mercantilist 'jealous fear' that a country might lose 'all their gold and silver', advancing a 'general argument' that the true wealth of a country was not its money but its

[41] Pedro Vianna da Costa e Faria, 'History, Moral Philosophy, and Social Theory in David Hume's Intellectual Development, 1739-1752' (PhD Diss., University of Cambridge, 2021); 'The Structure of Hume's Historical Thought before the *History of England*', *Intellectual History Review* (online first), https://doi.org/10.1080/17496977.2022.2154998.

[42] For Hume's historical awareness of modernity in a European rather than national context, and his contribution towards the shaping of a modern and Enlightened historiography, see Karen O'Brien, *Narratives of Enlightenment: Cosmopolitan History from Voltaire to Gibbon* (Cambridge: Cambridge University Press, 1997), 56-92; J. G. A. Pocock, *Barbarism and Religion*, vol.2, *Narratives of Civil Government* (Cambridge: Cambridge University Press, 1999), 163-257.

[43] Hont, *Jealousy of Trade*, 280-81; Schabas and Wennerlind, *A Philosopher's Economist*, 142-76.

'trade, industry, and people'.[44] Despite the 'numberless bars, obstructions, and imposts, which all nations of EUROPE, and none more than ENGLAND, have put upon trade', Hume insisted that the 'common course of nature' dictates that the amount of money of a country should stay proportionate to its true wealth in the long run.[45] Hume criticised the various 'impolitic contrivances' that had been and were still being used in an attempt to curb 'that free communication and exchange which the Author of the world has intended':

> Our *modern politics* embrace the only method of banishing money, the using of paper-credit; they reject the only method of amassing it, the practice of hoarding; and they adopt a hundred contrivances, which serve to no purpose but to check industry, and rob ourselves and our neighbours of the common benefits of art and nature.[46]

According to Hume, the introduction of paper money to supplement or replace gold and silver—a modern practice unknown to ancient legislators such as Lycurgus—was overall advantageous, though due to its effect of raising 'money beyond its natural level', 'our present politics' must be very careful to ensure that only an appropriate amount of paper money stayed in circulation.[47] By contrast, history has repeatedly shown that the practice of hoarding—'the gathering of large sums into a public treasure, locking them up, and absolutely preventing their circulation'—could bring catastrophic consequences to both 'weak' and 'great' states by putting the former under the threat of poorer yet stronger enemies and seducing the latter to pursue 'dangerous and ill-concerted projects'.[48] As for the 'hundred contrivances' to curb free trade, most notably monopolies and

[44] David Hume, 'Of the Balance of Trade', in *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller, rev. ed. (Indianapolis: Liberty Fund, 1987), E 309, 311, 325. Hereafter, references to Hume's *Essays* are made by giving essay title, 'E', and page number.

[45] Hume, 'Balance of Trade', E 312, 324. Hume's analysis of the relations between industry and the supply of gold and silver is more nuanced. Hume observed that although the increase of gold and silver would eventually cause a proportionate price rise, there is an 'interval or intermediate situation, between the acquisition of money and rise of prices', during which the additional gold and silver would stimulate industry by enlarging demand and then supply. Hume remarked that a 'good effect of this nature may follow too from paper-credit', but he did not account for its mechanism in any detail. Hume, 'Of Money', E 286; 'Balance of Trade', E317n13.

[46] Hume, 'Balance of Trade', E 324 (my emphasis).

[47] Hume, 'Balance of Trade', E 316-18. For a more detailed exposition of Hume's theory of paper money, see Schabas and Wennerlind, *A Philosopher's Economist*, 165-72.

[48] Hume, 'Balance of Trade', E 320-21.

custom tariffs, they would limit the industry and manufacturing of each nation, reducing the general welfare of mankind.[49] Hume did not think 'modern politics' was perfect, and his suggestion for improvement was that a modern government needed to 'preserve with care its people and its manufactures … without fear or jealousy'.[50]

The phrase 'modern politics' appears twice in Hume's essay 'Of the Balance of Power'. In the early part of this essay, Hume set out to examine whether the idea of the balance of power was known only in modern Europe. Hume then supplied a condensed history of the balance of power in the ancient world, from which he concluded that the idea of the balance of power was known to the Greeks and the Macedonians up until the Second Punic War, before being largely neglected by many Mediterranean princes in the next age, who facilitated the extraordinary aggrandisement of Rome.[51] Therefore, it was from Roman history that the moderns drew the mistaken supposition that 'the ancients were entirely ignorant of the *balance of power*'.[52] Hume singled out Hiero II of Syracuse as an exception in Roman history, 'who seems to have understood the balance of power'.[53] Syracuse was an ally of Rome, but during the Mercenary War (241-238/237 BC) after the First Punic War, Hiero decided to support Carthage, which by that time was a weaker power compared with Rome. After quoting Polybius's praise of Hiero's wisdom and prudence to maintain the balance of power, Hume remarked that '[h]ere is the aim of *modern politics* pointed out in express terms'.[54]

In the later part of 'Of the Balance of Power', Hume turned to the state of affairs in eighteenth-century Europe and Britain's foreign policy with regard to France. Whilst the French ambitions for universal empire had been decisively defeated at Utrecht, Hume still observed an excessive jealousy of France in his own country. The British public seemed 'to have been more

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[49] Hume, 'Of the Jealousy of Trade', E 327-31.
[50] Hume, 'Balance of Trade', E 326.
[51] Hume, 'Of the Balance of Power', E 332-338. For a more detailed explication of this historical narrative and Hume's general theory of the balance of power, see Chapter 1 below.
[52] Hume, 'Balance of Power', E 332-33.
[53] Hume, 'Balance of Power', E 337.
[54] Hume, 'Balance of Power', E 337 (my emphasis).

possessed with the ancient GREEK spirit of jealous emulation, than actuated by the prudent views of *modern politics*'.[55] Hume warned that although the balance of power had been maintained in the Grecian world more or less automatically, this was largely due to historical contingencies unavailable to the moderns. Given the large scale of modern states, improvements in military techniques, and the importance of commerce to modern Europe, the balance of power in modern politics needed to be guarded with extra prudence and moderation.

Hume did not use the phrase 'modern politics' as a technical term with a specific meaning, as he did with 'civil liberty' or the 'balance of power'.[56] However, the three invocations of 'modern politics' in his *Political Discourses* do share something in common. Rather than merely explaining how 'our modern politics' or 'our present politics' operated in practice, Hume advocated for a kind of 'modern politics' where commercial reciprocity and free trade could override both economic jealousy (or mercantilism), which he regarded as ungrounded, and political jealousy, which he judged to be imprudent. When thinking about 'modern politics', Hume was thinking, in terms of political economy, about the realities and possibilities in eighteenth-century Europe. The economy was an integral part of his reflections on modern politics, as was the international realm.

It is in this sense that István Hont has claimed that what Hume called the 'jealousy of trade'—to adopt Hont's definition, the 'pathological conjunction between politics and the economy that turned the globe into a theater of perpetual commercial war'—'redefined modern politics'.[57] In doing so, Hont has advanced not one but two claims. The first is about modern politics *per se*. In this regard, Hont treats Hume as an authoritative voice. According to Hont, Hume correctly pointed out that modern politics commenced when trade became an affair of the state, gave birth to the 'jealousy of trade', and changed the domestic politics of European states: by 'the second half of the seventeenth century', the ability of large European monarchies to replicate the trade of republics had transformed their domestic power structure; and by the eighteenth century,

[55] Hume, 'Balance of Power', E 339 (my emphasis).
[56] For Hume's conception of 'civil liberty', see Chapter 4 below.
[57] Hont, *Jealousy of Trade*, 2, 6.

commerce had turned absolute monarchies into law-governed 'civilized' monarchies.[58] Hont's second claim is about how modern political thought ought to be written. Hont regards Hume as a truly modern political thinker, claiming that Hobbes's neglect of the economy and his failure to recognise 'commercial sociability' as a driving force in politics 'signals that he was not the first of the moderns but the last of the post-Renaissance or "new humanist" theorists of politics'.[59] Taking these two claims together, Hont views both modern politics and modern political thought as commencing approximately at the turn of the eighteenth century: trade modernised European politics in the decades before 1700, and keenly aware of this historic change, Hume and Smith, amongst other eighteenth-century thinkers, gave birth to political economy and hence modern political thought.

Hont's approach supplies a powerful framework for understanding modern politics and modern political thought, but it is not without its problems when it comes to interpreting Hume. Central to Hont's argument is the emphasis placed on one passage in Hume's essay 'Of Civil Liberty' (1741):

> Trade was never esteemed an affair of state till the last century; and there scarcely is any ancient writer on politics, who has made mention of it. Even the ITALIANS have kept a profound silence with regard to it, though it has now engaged the chief attention, as well of ministers of state, as of speculative reasoners.[60]

After quoting this passage, Hont immediately concludes that:

> With this observation Hume deliberately drove a wedge between the politics of the ancients and the moderns. He bracketed the Renaissance with classical antiquity as two periods whose politics were pre-economic and hence premodern. Truly modern politics, in his view, commenced when trade became the focus of political attention.[61]

[58] Hont, *Jealousy of Trade*, 23.
[59] Hont, *Jealousy of Trade*, 21.
[60] Hume, 'Of Civil Liberty', E 88-89; Hont, *Jealousy of Trade*, 8.
[61] Hont, *Jealousy of Trade*, 9.

There is nothing wrong, in and of itself, in tracing the beginning of modern politics, for eighteenth-century thinkers as well as for us, back to the point when politics and the economy became inextricably intertwined with each other. The problem, however, is that Hume himself did not understand the modernity of modern politics in this way. As I have suggested, Hume did not define 'modern politics' as a technical term of political economy; rather, he conceived of modern politics as comprising a broader range of subjects and phenomena. Most importantly, although it is true that Hume often contrasted modern politics to ancient politics, he also explicitly suggested that the modern age was a stage of European history succeeding the feudal age. Whilst Hont claims that 'Hume was right in stating that it was the insertion of commerce into politics that was the mark of modernity', Hume's own understanding of modernity was different and older.[62]

Hume associated the beginning of the modern age with the turn of the sixteenth century, not the second half of the seventeenth century, or the turn of the eighteenth. If measured by the reigns of English monarchs, modernity commenced during the reign of Henry VII (r. 1485–1509), the first Tudor monarch and the first English monarch after the Middle Ages. Prior to Hume, both Francis Bacon and James Harrington had singled out the reign of Henry VII as a turning point in English history, not least because his laws permitting the break of entails and prohibiting military retainers weakened the feudal barons, resulting in a change in the balance of power in the constitution.[63] Yet operating with a macro-narrative of European civilisation, Hume criticised Bacon and Harrington for exaggerating the influence of Henry VII's legislation and overlooking the force of the structural transformation of society.[64] Hume's novelty lies in his attempt to comprehend the advent of modernity as a pan-European phenomenon that resulted from a series of systematic changes dating from approximately 1500.[65]

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[62] Hont, *Jealousy of Trade*, 21.

[63] Francis Bacon, *The History of the Reign of King Henry VII*, ed. Brian Vickers (Cambridge: Cambridge University, 1998), 64-68, 182; James Harrington, *The Commonwealth of Oceana*, in *The Commonwealth of Oceana and A System of Politics*, ed. J. G. A. Pocock (Cambridge: Cambridge University Press, 1992), 54-60.

[64] David Hume, *The History of England: from the Invasion of Julius Caesar to the Revolution in 1688*, 6 vols. (Indianapolis: Liberty Fund, 1983), 4:383-85, 3:76-80. Hereafter cited as *History*, giving volume number and page number.

[65] For Hume's macro-narrative and his contribution to Enlightenment historiography, see O'Brien, *Narratives of Enlightenment*, 56-92; Pocock, *Narratives of Civil Government*, 163-257.

In his essays, Hume had already embraced an ancient-modern distinction, but his chronological understanding of modernity was not fixed until the composition of *The History of England under the House of Tudor* (1759), which later became the third and fourth volumes of his six-volume *History of England*.[66] In 1757, Hume told his publisher Andrew Miller:

> I have already begun and am a little advanc'd in a third Volume of History … at present I begin with the Reign of Henry the 7th. It is properly at that Period modern History commences. America was discoverd: [sic.] Commerce extended: The Arts cultivated: Printing invented: Religion reform'd: And all the Governments of Europe almost chang'd.[67]

Two years later, Hume published his Tudor history, in which he supplied a more detailed account of this grand transformation towards modernity. The navigation of Columbus, da Gama, and other adventurers generated 'important consequences to all the nations of Europe, even to such as were not immediately concerned in those naval enterprizes [sic.]', not least because the 'enlargement of commerce and navigation' brought more luxury into Europe, dissipating the fortune of the nobles but increasing the wealth of the common people.[68] Furthermore, the second half of the fifteenth century saw a series of important changes: after the conquest of Constantinople in 1453, many Greek scholars found shelter in Italy, paving the way for the Renaissance; the invention of printing facilitated the communication of culture, whereas that of gunpowder 'changed the whole art of war'; and the Reformation changed not only Christendom but also pagan countries.[69] The consequences of these events were so profound that Hume remarked that 'a general revolution was made in human affairs throughout this part of the world; and men gradually attained that situation, with regard to commerce, arts, science, government, police, and cultivation, in which

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[66] Faria, 'Hume's Intellectual Development', 183-226; 'Hume's Historical Thought' (online first); Pye, 'Histories of Liberty', 137-50; 'Remaking of Modern History', 754-55.

[67] Hume to Andrew Miller, 20 May 1757, in *Letters*, 1:249; see also Hume to William Strahan, 25 May 1757, in *Letters*, 1:251, where Hume writes that 'the Accession of Henry VII … is really the Commencement of modern History'.

[68] Hume, *History*, 3:80.

[69] Hume, *History*, 3:81.

they have ever since persevered'.[70] This was the turning point of European history and the commencement of 'modern annals'.[71]

This macro-narrative in the *History of England* reaffirmed a remark that Hume had made in 'Of Civil Liberty', which is rarely commented upon:[72]

> Since I am upon this head, of the alterations which time has produced, or may produce in politics, I must observe, that all kinds of government, free and absolute, seem to have undergone, in modern times, a great change for the better, with regard both to foreign and domestic management. The *balance of power* is a secret in politics, fully known only to the present age; and I must add, that the internal POLICE of states has also received great improvements within the last century.[73]

In this passage, Hume proclaimed that the European states system was an essential feature of modern politics. The two centuries since the turn of the sixteenth century saw the shaping of the European states system, in which a number of modern sovereign states made progress in both their foreign and domestic capacities. In terms of foreign affairs, modern European states successfully maintained the balance of power through war and negotiation, and avoided the hegemony of a universal monarchy. With regard to domestic governance, the decline of the feudal nobility and the centralisation of power in the hands of absolute monarchs improved the 'internal police' of European states, bringing about a better administration of justice and public order as the foundation for the growth of revenue and state power.[74] Hume was one of the first political

[70] Hume, *History*, 3:81.

[71] Hume, *History*, 3:82.

[72] Margaret Watkins has noticed and quoted part of this passage, but she fails to recognise the theme of the European states system and its importance to Hume's understanding of modern politics. Watkins, *Philosophical Progress*, 34-42.

[73] Hume, 'Of Civil Liberty', E 93. The eighteenth-century notion of 'police' was much broader than our contemporary usage. According to Eugene Miller's explanation in the glossary of his edition of Hume's *Essays*, 'internal police' was 'the regulation and government of a city or country, so far as regards the inhabitants'. Michel Foucault has pointed out that in the eighteenth century, 'internal police' meant 'the set of means by which the state's forces can be increased while preserving the state in good order'. Eugene F. Miller, 'Glossary', in Hume, *Essays*, E 652; Michel Foucault, *Security, Territory, Population*, ed. Michel Senellart, trans. Graham Burchell (New York: Picador, 2007), 312-14, 365-67.

[74] For the idea of 'Europe' or the European states system, combining both a domestic and a foreign dimension, as a discourse or paradigm in eighteenth-century thought, see Pocock, *Narratives of Civil Government*, 'Introduction'. In his study of the history of governmentality, Michel Foucault also noticed the emergence of 'two great assemblages of political knowledge and technology' in the seventeenth and eighteenth centuries: a 'military-diplomatic technology'

thinkers to point out that this was a uniquely modern way of organising and doing politics that was unknown in both ancient and medieval times.

For Hume, therefore, modern politics was born twice. As Hont has convincingly pointed out, when trade became an affair of the state in the second half of the seventeenth century, modern politics became inextricably intertwined with international competition in global markets, and Hume is unequivocally a theorist of modern politics in this sense. But this is not what Hume regarded as the initial birth of modern politics. According to Hume, the first birth of modern politics occurred at the turn of the sixteenth century, when the concurrence of a series of seminal changes in the arts, sciences, and commerce began to produce remarkable political implications in Western Europe: what followed the decline of great barons, the break of feudal tenure, and the abolition of villenage were the formation of absolute monarchy, the building of the modern state, and the enlargement of personal freedom. The decisively reshaped political landscape, in turn, greatly influenced the arts, sciences, commerce, and manners in the subsequent age. Based on his historical understanding of how modern politics was initially born and how it fundamentally functioned, Hume was convinced that the various ways in which politics had been conducted from classical antiquity to feudal times were no longer suitable under modern conditions—the moderns could not simply imitate the ancients, nor should they be nostalgic about Europe's Gothic past. Instead, they must do politics in a way that fitted the conditions of their own time. Whilst Hume was confident that modern Europe was fundamentally superior to ancient Europe in terms of politics, he also warned his modern readers that failing to follow the logic of modern politics would produce catastrophic consequences. Before turning to investigate these themes in greater depth, however, it will help to offer some remarks on the methodology used throughout the thesis, and provide a summary of what will be included in each chapter.

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which promoted 'the pursuit of a European equilibrium', and 'police', conceived of as 'the set of means for bringing about the internal growth of the state's forces'. Foucault, *Security, Territory, Population*, 365, see also 110, 296-306, 311-28, 333-58, 353-67; *The Birth of Biopolitics*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 1-73.

III. Methodology and Summary of Contents

In my explication of Hume's view of modern politics, I draw on material from his various works, including *A Treatise of Human Nature* (1739–40), numerous essays that Hume published during nearly four decades (posthumously collected as *Essays, Moral, Political, and Literary*, including his 1741–42 *Essays, Moral and Political* and 1752 *Political Discourses*, and several additional essays), *The History of England* (1754–61), and Hume's letters.[75] Yet these texts are of different natures and were written over a long period of time. In what sense and to what extent can these texts be read together as complementing one another, or even as constituting a coherent whole? In his intellectual biography of Hume, James Harris argues that it is counter-productive to identify any unity spanning Hume's literary career, suggesting that Hume's various works should be treated respectively in their own lights as separate projects.[76] We can accept this general point about not searching for *the* unifying theme of Hume's oeuvre, however, without denying that there are several themes in which Hume maintained a life-long interest. For example, Margaret Schabas and Carl Wennerlind have recently attempted to demonstrate that Hume remained interested in economics throughout his literary career.[77] My suggestion is that Hume's study of modern politics in historical perspective was one of the several areas or topics that attracted his attention throughout many of his writings, and it thus constitutes a major theme of his political thought.

Hume's interest in the comparative study of ancient and modern politics dates back to his early years. In Book III of the *Treatise*, which provides the first articulation of his political theory, Hume used examples from both classical antiquity and modern Europe in his analysis of political obligation. Hume's 'Early Memoranda' evidences his early interest in the comparison between the ancient and the modern world.[78] Many entries in these memoranda later contributed to Hume's

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[75] According to James Harris, the final instalment of Hume's *History of England* was published in November 1761, although it was dated 1762 on its title page. Harris, *Hume: An Intellectual Biography*, 404.

[76] Harris, *Hume: An Intellectual Biography*, 'Introduction'.

[77] Schabas and Wennerlind, *A Philosopher's Economist*, chap.1.

[78] Ernest Campbell Mossner, 'Hume's Early Memoranda, 1729-1740: The Complete Text', *Journal of the History of Ideas* 9, no. 4 (1948): 492-518. Mossner reported that Section I of the early memoranda dates from 1729-34, Section II from 1730-34, and Section III from 1734-40. Following M. A. Stewart's investigation, James Harris recently suggests that all the memoranda date from the early 1740s. Harris, *Hume: An Intellectual Biography*, 509n11.

essays, where Hume conducted extensive comparisons between the 'politics', 'government', or 'policy' of modern Europe and those of the ancient world and feudal Europe. The *History of England* provides both a historical narrative and a historiographical account of the metamorphosis of the English constitution from ancient to modern times. The *History*, meanwhile, was composed with a pan-European perspective of the progress of modern civilisation in view.[79] Throughout his literary career, Hume offered plenty of fruitful reflections and writings on the origin, nature, and work of modern politics.

To be sure, some of Hume's thoughts and ideas changed over time. Hume published the *Treatise* anonymously, and subsequently recast his philosophy in the two *Enquiries* and *Dissertation on the Passions*. Throughout his lifetime, Hume was a diligent editor who continuously corrected, edited, and revised his published works for new editions. But despite the numerous revisions he made to his work, Hume's general vindication of modern politics as superior to ancient or feudal politics remained unchanged. During the 1760s, the Seven Years' War and the domestic turbulence associated with John Wilkes made Hume increasingly pessimistic about the future of Britain and Europe.[80] Hume's pessimism is apparent in some of his private letters. In a letter dated 1769, he even wrote that '[o]ur Government has become an absolute Chimera', criticised the 'Frenzy of the people' inflamed by the expulsion of John Wilkes from Parliament, and hoped to see 'a public Bankruptcy' as the solution to Britain's immense public debt incurred from the Seven Years' War.[81] However, Hume neither expressed such feelings publicly, nor, in his published works, changed his general judgment that modern politics, although deeply imperfect, was preferable to earlier modes of politics. Furthermore, despite his increasing pessimism, Hume still refused to seek remedy by turning to the ancient republic, which, as he told his nephew and namesake David Hume in

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[79] Forbes, *Hume's Philosophical Politics*, 140-41, 296-99; O'Brien, *Narratives of Enlightenment*, 56-92; Pocock, *Narratives of Civil Government*, 163-257.

[80] On Hume's increasing pessimism, see especially Lina Weber, 'Doom and Gloom: The Future of the World at the End of the Eighteenth Century', *History* 106 (2021): 409-28; Richard Whatmore, *The End of Enlightenment: Empire, Commerce, Crisis* (London: Allen Lane, 2023).

[81] Hume to William Strahan, 25 Oct 1769, in *Letters*, 2:210. Hume to Sir Gilbert Elliot of Minto, 21 February 1770, in *Letters*, 2:216, also mentions that '[o]ur Government has become a Chimera'.

December 1775, 'is only fitted for a small State', not for large modern states like Britain.[82] His growing pessimism and reservations notwithstanding, Hume remained a proponent of modern politics throughout his life.[83]

It is important, however, to point out that there are notable limits to Hume's reasoning. Based on his understanding of European history, Hume's analysis and approbation of modern (i.e., post-feudal) politics is largely confined to early modern Europe. Yet as a matter of fact, the commercial modernity of Europe progressed in tandem with trans-Atlantic slave trade and the building of colonial empires. The recognition of this fact has led many scholars to reconsider the interaction between colonial or imperial history and the history of political thought.[84] Much scholarly attention, meanwhile, has been drawn to the tension arising from the concurrence of liberal or Enlightenment ideas and colonial or imperial ones in early modern European thought.[85] Seen in this light, although Hume condemned the colonial system of mercantile monopoly, criticised Britain's commercial empire, and supplied apparently anti-slavery arguments, Hume had little to say about the extent to which certain improvements in modern European politics—not least the liberty of the moderns resulting from commerce and luxury bringing down the feudal barons—were made possible by colonial expansion and modern slavery in the extra-European world, nor did he address himself to the problem that the civilising effect that extensive commerce had on the manners in modern Europe did not replicate itself when it came to how early modern Europeans interacted with non-Europeans.[86] Despite the emancipatory implications of his

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[82] Hume to David Hume the Younger, 8 December 1775, in *Letters*, 2:306.

[83] Whilst my focus is Hume's analysis and defence of modern politics, Ryu Susato, Margaret Watkins, and James Harris have supplied comprehensive accounts of Hume's endorsement of other dimensions of modern civilisation. Susato, *Hume's Sceptical Enlightenment*; Watkins, *Philosophical Progress*; Harris, *Hume: A Very Short Introduction*.

[84] Sankar Muthu ed., *Empire and Modern Political Thought* (Cambridge: Cambridge University Press, 2012); David Armitage, *Foundations of Modern International Thought* (Cambridge: Cambridge University Press, 2013).

[85] See especially Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999); Jennifer Pitts, *A Turn to Empire: The Rise of Liberal Imperialism in Britain and France* (Princeton: Princeton University Press, 2005); Alan Ryan, *The Making of Modern Liberalism* (Princeton: Princeton University Press, 2012), chap. 5; Duncan Bell, *Reordering the World: Essays on Liberalism and Empire* (Princeton: Princeton University Press, 2016).

[86] For recent discussions, see Onur Ulas Ince, 'Between Commerce and Empire: David Hume, Colonial Slavery and Commercial Incivility', *History of Political Thought* 39, no.1 (2018): 107-34; Danielle Charette, 'David Hume and the Politics of Slavery', *Political Studies* (online first), https://doi.org/10.1177/00323217231157516.

arguments, and notwithstanding the similarity between the early modern European states system and our own world where sovereign states are the main actors in the international realm, Hume's notion of modern politics pertained predominantly to the political development in Western Europe from the turn of the sixteenth century to mid-eighteenth century. It is in this sense that I use the phrases 'modern politics', 'the moderns', and occasionally 'the modern world' as opposed to 'the ancient world' throughout this thesis.

This thesis unfolds in four main chapters. They focus on three topics that run throughout Hume's view of modern politics: peace, authority, and liberty. The theme of Chapter 1 is peace and the international dimension of modern politics. Beginning with an overview of Hume's pendulum theory of ancient and modern civilisation, Chapter 1 unpacks the message behind Hume's oft-neglected claim that the international balance of power was the 'aim of modern politics'[87] by focusing on Hume's historical narrative of the balance of power from ancient to modern times, as it appeared first in his essay 'Of the Balance of Power' and then in the Tudor and Stuart volumes of the *History of England*. Whilst Hume insisted that the balance of power was automatically maintained in the Grecian world, his narrative of the rise of the Roman Empire and of early modern attempts towards universal monarchy by Charles V and Louis XIV led him to emphasise that the maintenance of the balance of power in modern Europe required extraordinary moderation and prudence. Specifically, Hume suggested that modern princes ought to discern that their true interest lies not in conquest and territorial expansion, but in the wealth and happiness of their subjects. Therefore, the best policy to navigate modern international competition was to develop commerce and manufacturing rather than pursuing greatness through military conquest. Contrary to Machiavelli's republican maxim that 'well-ordered republics have to keep the public rich and their citizens poor', Hume emphasised in 'Of Commerce'—the first essay in *Political Discourses*—that 'the greatness of the state' and 'the happiness of its subjects' were 'inseparable'

[87] Hume, 'Balance of Power', E 337.

under modern conditions.[88] In doing so, Hume redefined the meaning of greatness or grandeur, transforming the classical republican ideal of *grandezza* into the modern (and what would later be regarded as liberal) ideal of economic prosperity in a balanced modern states system.

Chapters 2 and 3 concern the topic of authority. Chapter 2 focuses on Hume's theory of the modern state, the basic unit of the modern states system. According to Book III of the *Treatise*, government owes its origin to the human need of organised power to maintain peace and order in any large or civilised society. Yet keenly aware that not all political organisations had historically fulfilled this aim, Hume supplied a theory to understand the modern state as a historical phenomenon. On the one hand, Hume's typology of the state includes a historical comparison of the ancient city-state, empire, the feudal state, and the modern state. Against the admirers of ancient republics, Hume disapproved of this state form because it was too frugal to suit human nature, oppressive to slaves, susceptible to violent factions, and incapable of a strict administration of justice. On the other hand, Hume was interested in understanding how the modern state was established on the ruins of the feudal system. According to Hume's analysis, the civilising effect of commerce and navigation was the determining factor in the abolition of feudal institutions and the birth of the modern state. Refinement in the arts, especially in technical arts, paved the way for improvements in the art of government, preparing the moderns for better 'police' and affording ordinary people greater security against the injustice of others. Moreover, the decline of the feudal barons created a vacuum of power, duly seized upon by European monarchs, who then established absolute monarchies and therewith the first modern states. Since a monarch with centralised power was less motivated to infringe the property of their subjects than the feudal barons had been, the administration of modern European monarchies became milder, providing subjects with greater security against their rulers. The introduction of general laws further limited the discretionary power of the inferior magistrates who conducted daily administration, thereby transforming

[88] Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), I.37; see also II.18, III.16, III.25. Hume, 'Of Commerce', E 255.

European monarchies to a civilised form of government. Hume viewed the rise of modern 'civilized' monarchies as an important sign of progress in modern politics, and praised 'civilized' monarchies, together with other forms of modern government, as capable of fulfilling the aim of government. Hume's historical perspective allowed him to endorse the modern state as superior to its ancient or feudal counterparts.

Chapter 3 investigates Hume's theory of political legitimacy and political obligation. Whilst the modern state depends on physical force, this is not the basis of its normative authority. Hume explicitly recognised this fact by claiming that all governments are founded on opinion rather than force.[89] This claim explains not only how authority functions, but what makes an authority legitimate. As Hume wrote in the *Treatise*, 'there is a moral obligation to submit to government, *because* every one thinks so'.[90] Put differently, Hume claimed that a government is legitimate and obedience is owed to it as long as those who are subject to it believe that it is legitimate. This chapter builds on Paul Sagar's recent interpretation that Hume offered an 'internalist' theory of political obligation, but it further suggests that Hume's subscription to opinion as the ultimate source of political legitimacy did not disbar him from recognising and criticising illegitimate authority.[91] Although Hume did not fix any standard of legitimacy in the *Treatise*, in his essays and the *History of England* he did give his own judgment regarding three borderline cases: the intimidating power of Oliver Cromwell, the fraudulent authority of the Church of Rome, and the distortion of opinion by partisanship in seventeenth-century England. Hume's critical narrative regarding their intimidation or manipulation of the opinion of the people exemplifies how normative critique can operate from within his internalist approach, even though he lived before the age of mass opinion.

[89] Hume, 'Of the First Principles of Government', E 32.

[90] David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David Fate Norton and Mary J. Norton, vol.1: *Texts* (Oxford: Oxford University Press, 2007), T 3.2.8.8, SBN 547 (my emphasis).

[91] Sagar, *Opinion of Mankind*, 103-38.

For Hume, the problem of political legitimacy and political obligation is particularly relevant to modern politics, not least because it concerns the conditions of modern liberty. According to social contract theory, individuals are free in the state of nature, and only their voluntary consent can rightfully bind themselves to obey a government; if a government operates without the voluntary consent of the people, it encroaches on their liberty and is illegitimate. According to the republican or neo-Roman theory of politics, liberty is the status of not being subject to the will of others; therefore, individual liberty exists only in free states, which are typically small, participatory, self-ruled republics.[92] As a powerful critic of both contract theory and neo-Roman ideas, Hume objected that modern personal liberty was neither dependent on voluntary consent, nor conditional on citizenship or participation in self-governed republics, insisting that personal liberty was perfectly consistent with modern European monarchies, where the power of government was no longer arbitrary due to the establishment of the rule of law. Whilst I analyse Hume's critique of contract theory in Chapter 3, his critique of neo-Roman liberty constitutes an important part of Chapter 4.

Chapter 4 theorises Hume's understanding of ancient and modern liberty. Conceptually, Hume distinguished between two kinds of liberty in political society: personal liberty consists in the security of one's life, person, and property against arbitrary power, as is best achieved under the rule of law; political or civil liberty consists in the popular control of the government or of a considerable part of the government, and is achieved through institutionalised power-sharing in the constitution. Having discerned that it had been almost impossible for the ancients, the Saxons, and the feudal Europeans to enjoy personal liberty without possessing political liberty, Hume maintained that it was in modern Europe that personal liberty, for the first time in history, became available to the majority of the populace even though they were not yet active power holders. Therefore, Hume conceived of modern liberty as, first and foremost, a kind of non-domination

[92] Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998).

or the absence of arbitrary power. However, this does not mean that Hume was a republican, not even a proponent of republican liberty or the neo-Roman idea of liberty. Not only did Hume criticise the slave-holding nature of the neo-Roman ideal, but he pointed out that democratic participation was no guarantee of the personal liberty even of free citizens. It is Hume's suggestion that non-domination or the absence of arbitrary power, as is essential to personal liberty, is better achieved in law-governed modern European monarchies than in ancient republics.

This thesis concludes with reflections on the general implications of my interpretation. Overall, Hume was both a theorist and proponent of modern politics. He regarded authority, liberty, and peace as important values in the modern world. Yet these values could sometimes come into tension with one another. Whilst the authority of modern law-governed monarchy provided a more secure basis for personal liberty than either pre-modern authority or anarchy could afford, the European states system proved a theatre of continuous war and failed to secure any long-term peace. Yet despite the persistence of the dilemma between liberty and peace in modern politics, the moderns, as free and independent individuals who submitted to nobody but the state and enjoyed a more prosperous life, were still better off than their ancestors, many of whom had been slaves, serfs, villeins, and vassals, burdened by various chains of personal dependence and domination, and consigned to generations of misery and poverty. Refusing to look back at a romanticised past for political inspiration in a decisively post-republican and post-feudal world, Hume supplied powerful arguments in support of modern politics, which, though far from being perfect, respected the value of ordinary people to a greater extent than all previous systems of politics had hitherto done.

Chapter 1: 'The Aim of Modern Politics': Reconsidering the Balance of Power

In his essay 'Of the Balance of Power', Hume suggested that the balance of power was 'the aim of modern politics'.[1] This striking claim invites serious attention. What is the balance of power? Why did Hume put such emphasis on it? In what sense did Hume think that it was 'the aim of modern politics'? How did the interactions among European powers in ancient and modern history shape Hume's understanding of the balance of power and modern politics? These are the questions I aim to answer in this chapter.

The balance of power concerns the relationship between different states in the international realm.[2] Hume was greatly interested in international politics, both as a practitioner and as a thinker. As a practitioner, he participated in Britain's foreign affairs on several occasions.[3] In 1746, Hume was offered a position as secretary to Lieut.-General James St Clair in a planned military expedition to Canada, though the final destination became the west coast of France soon after Hume accepted this offer. In 1748, Hume joined St Clair's secret military embassy to Vienna and Turin, working as the General's secretary again. From October 1763 to July 1765, Hume worked in Paris as the personal assistant to Lord Hertford, the first British ambassador to France after the Seven Years' War (1756–63), before briefly taking on the role of chargé d'affaires after the ambassador's departure from Paris. Then, from February 1767 to January 1768, Hume was Undersecretary of State in the Northern Department.[4] Hume's biographer Ernest Campbell

[1] David Hume, 'Of the Balance of Power', in *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller, rev. ed. (Indianapolis: Liberty Fund, 1987), E 337. Hereafter, references to Hume's *Essays* are made by giving essay title, 'E', and page number.

[2] For a general view of the idea of the balance of power in the eighteenth century, understood as the 'international stability achieved through the workings of a system of conflicting or potentially conflicting forces', see M. S. Anderson, 'Eighteenth-Century Theories of the Balance of Power', in *Studies in Diplomatic History: Essays in Memory of David Bayne Horn*, ed. Ragnhild Hatton and M. S. Anderson (Hamden, CT: Archon Books, 1970), 183. Anderson's article is critically supplemented by Jeremy Black, 'The Theory of the Balance of Power in the First Half of the Eighteenth Century: A Note on Sources', *Review of International Studies* 9, no. 1 (1983): 55-61.

[3] Emma Rothschild, 'Hume's Atlantic World', in *Soundings in Atlantic History: Latent Structures and Intellectual Currents, 1500-1830*, ed. Bernard Bailyn and Patricia L. Denault (Cambridge, MA: Harvard University Press, 2009), 412-48.

[4] David Hume, 'My Own Life', in *My Own Life*, ed. Iain Gordon Brown, 2nd ed. (Edinburgh: Royal Society of Edinburgh, 2017), 93-106; Ernest Campbell Mossner, *The Life of David Hume* (Edinburgh: Thomas Nelson and Sons, 1954), 187-220, 423-55, 489-506.

Mossner reports that by the time he began to serve as chargé d'affaires in the British Embassy in France in late 1765, Hume was already 'by no means an untried and inexperienced diplomat'; overall, Hume qualified as an 'able diplomatist'.[5]

As a thinker, Hume's discussion of the balance of power in the *Political Discourses* and the *History of England* has attracted much attention. Hume's essay 'Of the Balance of Power' has led some prominent IR theorists, including Kenneth Waltz and Martin Wight, to read him as a precursor of the realist theory of international relations, whilst Michael Walzer even suggests that Hume's endorsement of the balance of power was typical of eighteenth-century British arguments to justify preventive wars.[6] Edwin van de Haar challenges this strand of realist interpretation by reading Hume as a Grotian 'rationalist' who recognised the force of common rules and norms, i.e., the laws of nations and laws of nature, in what the English School of IR theory calls the 'international society'.[7] Yet Hume lived before the division of IR and political science into two distinct academic fields. As Danielle Charette suggests, '[r]eaders of Hume are better off foregoing twentieth-century typologies'.[8]

Beyond the categories of twentieth-century IR theories, historians of political thought have spilled much ink exploring how Hume's idea of the balance of power stemmed from, and spoke to, its intellectual and political context. Whilst it is well-known that eighteenth-century theories of the balance of power were stimulated by the French ambition towards a universal monarchy, John

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5 Mossner, *Life*, 496-97.

6 Kenneth N. Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley Publishing Company, 1979), 119; Waltz, *Man, the State, and War: A Theoretical Analysis* (New York: Columbia University Press, 2001), 198; Martin Wight, *International Theory: The Three Traditions*, ed. Gabriele Wight and Brian Porter (Leicester: Leicester University Press, 1991), 17, 171, 247; Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. (New York: Basic Books, 2006), 76.

7 Edwin van de Haar, 'David Hume and International Political Theory: A Reappraisal', *Review of International Studies* 34, no. 2 (2008): 225-42.

8 Danielle Charette, 'David Hume's Balancing Act: The *Political Discourses* and the Sinews of War', *American Political Science Review* 115, no. 1 (2020): 74. Renée Jeffrey also criticises the practice of interpreting Hume's international thought through twentieth-century categories stemming from IR theories, especially realism and cosmopolitanism. But Jeffrey suggests that a more fruitful direction is to consider how 'Hume's moral sentiment theory, arguably the most underappreciated and underutilized aspect of his work, provides an alternative approach to international ethics that is incompatible with realism and, despite its universalism, is not served well by classification as cosmopolitan'. Renée Jeffrey, 'Moral Sentiment Theory and the International Thought of David Hume', in *British International Thinkers from Hobbes to Namier*, ed. Ian Hall and Lisa Hill (New York: Palgrave Macmillan, 2009), 52.

Robertson argues that Hume's idea of the balance of power, as a sceptical reconsideration of Britain's role in preventing a universal monarchy and a nuanced critique of Britain's commercial empire, ought to be understood in the intellectual context of a tradition of thought whose main figures were Charles Davenant, Andrew Fletcher, and Montesquieu.[9] This has been usefully supplemented by Frederick Whelan's work juxtaposing Hume and William Robertson, and Danielle Charette's recent examination of how Machiavelli, Fletcher, and Montesquieu 'guided Hume's enquiry into what was different—and eerily similar—about ancient and modern conceptions of the balance of power'.[10] Through a detailed analysis of Hume's Stuart history, Jia Wei has shown how Hume's understanding of Britain as a trading nation shaped his vision of Britain's role in the maintenance of the European balance of power.[11] Furthermore, both John Pocock and István Hont have analysed Hume's critique of Britain's commercial empire, especially with regard to the problem of public debt and Britain's American colonies.[12] These reconstructions of Hume's intellectual and political context have helped to facilitate an accurate understanding of his discussion of the balance of power not as an exposition of an abstract idea, but as an intervention in eighteenth-century policy and theoretical debates.

However, despite the scholarly attention that has been paid to Hume's international thought in general, and to his understanding of the balance of power as opposed to universal monarchy in particular, Hume's claim that the balance of power was 'the aim of modern politics'

[9] John Robertson, 'Universal Monarchy and the Liberties of Europe: David Hume's Critique of an English Whig Doctrine', in *Political Discourse in Early Modern Britain*, ed. Nicholas Phillipson and Quentin Skinner (Cambridge: Cambridge University Press, 1993), 349-73.

[10] Frederick G. Whelan, 'Robertson, Hume, and the Balance of Power', *Hume Studies* 21, no. 2 (1995): 315-32; Charette, 'Balancing Act', 70.

[11] Jia Wei, *Commerce and Politics in Hume's* History of England (Woodbridge: The Boydell Press, 2017), 107-37.

[12] J. G. A. Pocock, 'Hume and the American Revolution: The Dying Thoughts of a North Briton', in *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press, 1985), 125-42; István Hont, 'The Rhapsody of Public Debt: David Hume and Voluntary State Bankruptcy', in *Political Discourse in Early Modern Britain*, 321-48; Hont, 'Commercial Society and Political Theory in the Eighteenth Century: The Problem of Authority in David Hume and Adam Smith', *Main Trends in Cultural History: Ten Essays*, ed. Willem Melching and Wyger Velema (Amsterdam: Rodopi, 1994), 54-94; Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: Harvard University Press, 2005); Hont, 'Hume's Knaves and the Shadow of Machiavellianism', paper presented at the Anti-Machiavellian Machiavellianism Conference, Brighton, UK, 2010.

remains largely neglected.[13] This chapter therefore theorises Hume's view of the balance of power, and explains why it plays such an important role in his vision of modern politics. To do so, it is necessary for us to turn to Hume's understanding of European history. Hume's theory of the balance of power stemmed from three sources: first, his observations on and involvement in eighteenth-century British foreign policy; second, his reading of previous writers' works on international politics; and third, his continued study of ancient and modern European history. Whilst the first and the second have been well studied, my focus will be on the third, which remains underexplored. In my treatment of Hume's claim that the balance of power was 'the aim of modern politics', I do not deny that Hume's writings on international politics 'had a direct bearing on British foreign policy', nor do I pursue a decontextualised interpretation of Hume as 'an early spokesman for a universal and scientific balance-of-power theory'.[14] My point is that whilst it is well-known that Hume both recommended the policy of the balance of power and supplied a theory of the balance of power, the historically grounded nature of this theory deserves closer attention. My aim in this chapter is therefore to explicate how Hume's historical narrative of the interaction of European powers supported his theoretical commitment to the balance of power as 'the aim of modern politics'.

This chapter unfolds in three parts. First, through a close reading of the first half of Hume's essay 'Of the Balance of Power', I decode his condensed history of the balance of power in the ancient world, one that would have been more familiar to many eighteenth-century readers than to many of us today. Second, I reconstruct Hume's historical narrative of the balance of power in modern Europe, as it appears in the Tudor and Stuart volumes of his *History of England*. Finally, I explain why Hume regarded the balance of power as the 'aim of modern politics', and show how

[13] For a brief exception, see Andrew Sabl, *Hume's Politics: Coordination and Crisis in the* History of England (Princeton: Princeton University Press, 2012), 73. Margaret Watkins, *The Philosophical Progress of Hume's* Essays (Cambridge: Cambridge University Press, 2019), 38, mentions this point in passing, without further discussion.

[14] Charette, 'Balancing Act', 69-70.

his historical understanding of the balance of power in ancient of modern Europe supported this theoretical verdict.

I. The Balance of Power in Ancient History

Hume embraced a cyclical or pendulum view of history, spanning from his understanding of the arts and sciences to that of civilisation more generally.[15] When Hume was about to finish the composition of the *History of England*, he wrote that 'there is a point of depression, as well as of exaltation, from which human affairs naturally return in a contrary direction, and beyond which they seldom pass either in their advancement or decline'.[16] This principle is manifest in Hume's historical narrative that European civilisation comprised two cycles of development: ancient and modern history. Ancient history, or the first cycle of European civilisation, originated in the Mediterranean area, flourished in ancient city-states such as Athens, Carthage, and Rome, and culminated in the Roman Empire by the time of Augustus (r. 27 BC–14 AD), when 'almost all improvements of the human mind had reached nearly to their state of perfection'.[17] European civilisation then underwent 'a sensible decline', deteriorating 'gradually into ignorance and barbarism': the vast extent and despotic rule of the Roman Empire was harmful to the refined arts; the subsequent military government 'rendered even the lives and properties of men insecure and precarious', producing destructive effects on agriculture, manufacturing, and commerce; and finally, the conquest of Rome by the northern barbarians 'overwhelmed all human knowledge, which was already far in its decline', throwing Europe 'every age deeper into ignorance, stupidity,

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[15] Ryu Susato, *Hume's Sceptical Enlightenment* (Edinburgh: Edinburgh University Press, 2015), 214-41; cf. John Robertson, *The Case for the Enlightenment: Scotland and Naples 1680-1760* (Cambridge: Cambridge University Press, 2005), 252-55, 321-24, where Robertson contrasts Vico's theory of *corso* and *ricorso*, as a modification of Machiavelli's cyclical theory of history, to Hume's 'principle of melioration'.

[16] David Hume, *The History of England: from the Invasion of Julius Caesar to the Revolution in 1688*, 6 vols. (Indianapolis: Liberty Fund, 1983), 2:519. Hereafter cited as *History*, giving volume number and page number. Hume worked on the *History of England* in reverse order. The Stuart volumes came out before the Tudor volumes, which were followed by the ancient volumes. Volume II of was the final volume Hume wrote and published.

[17] Hume, *History*, 2:519.

and superstition'.[18] By 'the eleventh century, about the age of William the Conqueror', Europe became 'the lowest sunk in ignorance, and consequently in disorders of every kind'.[19]

After this 'point of depression' was a process towards revival. Contrary to the first cycle of European civilisation, the second cycle was of a hybrid origin. The southern nations contributed to the making of modern Europe by preserving the remains of ancient civilisation. The rediscovery of Justinian's Pandect in Italy proved a seminal event, as it facilitated the growth of legal professions and institutions across Europe. Yet it was the northern nations that became the centre of the second cycle. Having learned the art of agriculture, they abandoned their barbarous ways of subsistence and governance, and established the feudal law and government.[20] The medieval kingdoms founded by the northern barbarians became the basis of modern European monarchies, the earliest form of the modern state.

Whilst Hume did not believe in perpetual progress, he did suggest that modern European civilisation was more advanced than the ancient variety. The reason for this is partly explained in 'Of Civil Liberty' (1741), in which Hume claimed that in modern times, all kinds of government had undergone 'a great change for the better, with regard to both foreign and domestic management'.[21] The moderns were administered by better governments, and they were better because of improvements both in their internal and external capacities. As we shall see in the subsequent chapters, Hume maintained that the domestic management of modern European states was preferable to that of ancient and medieval polities, not least because the establishment of centralised monarchical power and the improvement of the 'internal POLICE of states' provided a more solid foundation for justice and personal liberty.[22] In this chapter, though, I focus on the first part of Hume's claim and examine his account of the superiority of modern politics with regard to the international realm.

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[18] Hume, *History*, 2:519.
[19] Hume, *History*, 2:519.
[20] Hume, *History*, 2:520.
[21] Hume, 'Of Civil Liberty', E 93.
[22] Hume, 'Of Civil Liberty', E 93.

'The *balance of power*', Hume remarked in 'Of Civil Liberty', 'is a secret in politics, fully known only to the present age.'[23] To establish this claim, Hume would have to investigate the condition of the balance of power in both ancient and modern Europe, but it was not until more than a decade later that he began to fulfil this task in his *Political Discourses* (1752), and especially in the essay 'Of the Balance of Power'. This essay had an immediate bearing on ongoing debates over British foreign policy, and after the Seven Years' War, Hume deleted his previous judgment that Europe was 'at present' threatened by universal monarchy.[24] But this essay also supplied an informative account of the history of the balance of power, which remains largely overlooked by contemporary commentators, possibly because it takes a highly condensed form.[25] A more detailed explication of this brief history of the balance of power and Hume's message behind it will therefore prove helpful.

Hume launched 'Of the Balance of Power' by asking whether the ancients had cultivated the idea of the balance of power without fixing the phrase. The first half of this essay was designed to address this question, to which his answer was clear-cut: not only was the idea of the balance of power known to the ancients, but it was both a 'prevailing notion' and a common practice in the ancient world, although the exact phrase was coined only in later ages.[26] To find evidence to support his argument, Hume turned to ancient history and especially to ancient historians such as Thucydides, Xenophon, Polybius, and Livy. Based on their works, Hume supplied an account of the balance of power in ancient history that comprised three parts: the Greeks, the Macedonians, and the Romans.

[23] Hume, 'Of Civil Liberty', E 93.

[24] Hume, 'Balance of Power', E 634-35; Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975), 150-51n3; Robertson, 'Universal Monarchy', 354-56.

[25] For example, in her informative article, Danielle Charette simply claims that 'After beginning "Of the Balance of Power" with *a brief survey* of Xenophon, Demosthenes, and Thucydides, Hume concluded that, at the very least, that the *idea* of balancing must have influenced "the wiser and more experienced princes and politicians"'. Charette, 'Balancing Act', 74 (the first emphasis is my own).

[26] Hume, 'Balance of Power', E 332.

'In all the politics of GREECE,' Hume reported, 'the anxiety, with regard to the balance of power, is apparent, and is expressly pointed out to us, even by the ancient historians.'[27] Hume's first example was the Peloponnesian War (431–404 BC). Sparta and its allies, who perfectly understood how to maintain the balance of power, formed the Peloponnesian League and 'produced the PELOPONNESIAN war' as a counterbalance to the formidable and still growing power of Athens.[28] The war resulted in the decisive decline of Athens, but soon after the victory of the Peloponnesian League, the former allies Sparta and Thebes became new competitors in the contest for the hegemony of the Greek world, leading to the Corinthian War (395–387 BC) and then successive conflicts. Athens and many other republics 'always threw themselves into the lighter scale, and endeavoured to preserve the balance'.[29] At first, they supported Thebes against the more powerful Sparta. But after the Theban general Epaminondas destroyed Spartan hegemony at the Battle of Leuctra (371 BC), they 'immediately went over to the conquered, from generosity, as they pretended, but in reality from their jealousy of the conquerors'.[30] Epaminondas encouraged the founding of Megalopolis as the capital of Arcadia to counterbalance the still formidable Spartan power. When the threat of war emerged between Megalopolis and Sparta, both cities turned to Athens for support (353 BC). 'DEMOSTHENES'S oration for the MEGALOPOLITANS', although unsuccessful, was 'the utmost refinements' on the balance-of-power principle.[31] 'And upon the first rise of the MACEDONIAN power', the prudent Demosthenes enlarged his view of the balance of power and devoted himself to preventing the expansion of Macedon; he 'immediately discovered the danger, sounded the alarm throughout all GREECE, and at last assembled that confederacy under the banners of ATHENS, which fought the great and decisive battle of CHAERONEA' (338 BC).

[27] Hume, 'Balance of Power', E 332-333.
[28] Hume, 'Balance of Power', E 333.
[29] Hume, 'Balance of Power', E 333.
[30] Hume, 'Balance of Power', E 333.
[31] Hume, 'Balance of Power', E 333.

Having established their domination in the Greek world following their victory in the Battle of Chaeronea, the Macedonians would subdue Persia in less than a decade's time. Compared to the strength of the Greek republics, the Persian Empire was relatively weak; 'the PERSIAN monarch was really, in his force, a petty prince'.[32] Therefore, for the safety of himself and his empire, it would have been prudent to make an intervention in the conflicts both within the Greek world, and between the Greeks and the Macedonians, 'and to support the weaker side in every contest'.[33] This policy, as the Persians had adopted following Alcibiades's advice to Tissaphernes, 'prolonged near a century the date of the PERSIAN empire'.[34] However, the Persians' neglect of this principle 'for a moment' after the rise of Macedon under Philip II, and their failure to preserve the Greeks from being conquered by Philip, soon resulted in the conquest of their own empire (330 BC) by Philip's successor, Alexander the Great. Of the speed with which 'that lofty and frail edifice' were brought 'to the ground', Hume remarked, 'there are few instances in the history of mankind'.[35] Yet Alexander's empire, the first universal monarchy, collapsed soon after his early death (323 BC). The successors of Alexander, also known as the Diadochi, were zealous in preserving the balance of power between them. During the Wars of the Diadochi (322–281 BC), their jealousy of each other's power was 'founded on true politics and prudence', and 'preserved distinct for several ages the partition made after the death of that famous conqueror'.[36] Antigonus once sought to establish another universal monarchy, but the coalition of other forces formed a counterweight, before finally defeating him at the Battle of Ipsus (301 BC). In subsequent ages, the Eastern princes, especially the Egyptians, who well understood the balance of power, 'kept always a watchful eye' on the Greeks and the Macedonians.[37] Hume mentioned the Ptolemaic Kingdom's intervention in the war between Sparta and the Achaean League. Ptolemy III had

[32] Hume, 'Balance of Power', E 334.
[33] Hume, 'Balance of Power', E 334-35.
[34] Hume, 'Balance of Power', E 334.
[35] Hume, 'Balance of Power', E 335.
[36] Hume, 'Balance of Power', E 335.
[37] Hume, 'Balance of Power', E 335.

supported Aratus of Sicyon and the Achaean League in their rivalry against Macedon. But when Cleomenes III became king of Sparta (235 BC), Ptolemy decided to abandon his former alliance and offer support to Cleomenes, who was now engaged in a war with the Achaeans. This was, Hume wrote, 'from no other view than as a counterbalance to the MACEDONIAN monarchs'; put more precisely, the Egyptian's decision was based on the consideration that compared with the Achaeans, Sparta would form a better counterbalance to Macedon.[38] This, however, did not ensure the victory of Sparta. With the support of Antigonus III of Macedon, the Achaeans defeated Cleomenes in the Battle of Sellasia (222 BC).

Hume commented that the widespread opinion that 'the ancients were entirely ignorant of the *balance of power*' owed more to Roman than Greek history, and contested the truth of this opinion.[39] Overall, the Mediterranean balance of power had been well preserved for more than two centuries since the Peloponnesian War, during which no prince, however ambitious and powerful, was able to establish a universal monarchy, except for the vast but extremely short-lived empire of Alexander the Great, which resulted from Persia's mistaken policy and lasted for only seven years. But Philip V's succession to the Macedonian throne (221 BC) proved a fatal blow to the balance of power in the ancient world. The focus of narrative, now, ought to be switched to Roman history.

The Romans, Hume contended, 'never met with any such general combination or confederacy against them, as might naturally have been expected from the rapid conquests and declared ambitions; but were allowed peaceably to subdue their neighbours, one after another, till they extended their dominion over the whole known world'.[40] Hume did not offer a complete explanation of the unusual rise of Rome, except for blaming several imprudent princes who were actuated by passion or ambition rather than by a prudent consideration of the balance of power. If this explanation appears too casual, one may want to recall Hume's remark at the beginning of

[38] Hume, 'Balance of Power', E 335.
[39] Hume, 'Balance of Power', E 335.
[40] Hume, 'Balance of Power', E 335-36.

the *Political Discourses* that more often than not, 'foreign politics' depended on 'accidents, and chances, and the caprices of a few persons'.[41] Hume particularly blamed Philip V of Macedon for being ignorant of the art of the balance of power. During the Second Punic War, Hannibal's invasion of Rome (218 BC) caused 'a remarkable crisis, which ought to have called up the attention of all civilized nations'; yet although the rivalry between Rome and Carthage was 'a contest for universal empire', 'no prince or state' seemed 'to have been in the least alarmed about the event or issue of the quarrel'.[42] Philip V remained neutral at the beginning. After the victories of Hannibal, Philip, who was ignorant of the importance of uniting with the Greeks, 'most imprudently formed an alliance with the conqueror, upon terms still more imprudent' (215 BC).[43] According to their treaty, Macedon would support Carthage in the latter's cause to conquer Italy, whilst Carthage promised to assist Macedon's campaign to subdue the Greek cities. But Hannibal's ascendancy did not last long, and the Second Punic War was concluded by Rome's decisive victory (201 BC). Rome then turned its forces to Philip's Macedon and Antiochus III's Seleucid Empire, but Rhodes and the Achaean republics failed their part in the maintenance of the balance of power, for they foolishly supported the Roman conquerors. Hume was astonished to find that no ancient author had criticised the extreme imprudence of all these measures, especially the 'absurd treaty' between Macedon and Carthage.[44]

[41] Hume, 'Of Commerce', E 254-55.

[42] Hume, 'Balance of Power', E 336.

[43] Hume, 'Balance of Power', E 336.

[44] Hume, 'Balance of Power', E 336. On this point, Danielle Charette identifies 'an unnoticed reliance' on Montesquieu's *Considerations on the Causes of the Greatness of the Romans and their Decline* (1734), where the Frenchman 'placed a good deal of blame on Philip V of Macedon'. This claim undervalues the difference between Hume and Montesquieu. In the *Considerations*, Montesquieu commented that Philip's treaty with Hannibal during the Second Punic War was unwise, not because of the former's negligence of the balance of power, but because this treaty was an ill-calculated one, by which Philip 'gave the Carthaginians but very inconsiderable succours' but showed to the Romans 'that he bore them a fruitless ill-will'. Montesquieu then remarked that in the Second Macedonian War (200–197 BC), although Philip should have 'unite[d] all the Greeks with himself, in order to prevent the Romans from settling in their country', it turned out that he 'employed his whole power in [the Romans'] service, and became the instrument of their victories'. In 'Of the Balance of Power', Hume accused Philip V of neglecting the balance of power and signing the 'absurd treaty' with Hannibal during the Second Punic War, but he did not remark on Philip's actions during the Second Macedonian War. Charette, 'Balancing Act', 76-77; Montesquieu, *Reflections on the Causes of the Rise and Fall of the Roman Empire*, 3rd ed. (Glasgow: Robert Urie, 1752), 34-35, 38, 42.

Hume's list of imprudent princes was still longer, including Massinissa of Numidia, Attalus I of Pergamum, and Prusias I of Bithynia. By sacrificing prudence to 'their private passions' and taking side with the Roman conquerors, these princes 'forg[ed] their own chains', lost their dominions to Rome, and facilitated Rome's rise to a universal empire.[45] With some rhetorical exaggeration, Hume lamented that had Massinissa formed an alliance, 'so much required by mutual interest', with its neighbour Carthage rather than with Rome, this alliance would have 'barred the ROMANS from all entrance to AFRICA, and preserved liberty to mankind'.[46]

The only prince in Roman history who understood the balance of power, Hume reported, was Hiero II of Syracuse. Syracuse had been an ally of Rome, but during the Mercenary War (241–238/237 BC) that succeeded the First Punic War, Hiero shifted his support to Carthage, which was by that time the weaker power.

> "Esteeming it requisite," says POLYBIUS, "both in order to retain his dominions in SICILY, and to preserve the ROMAN friendship, that CARTHAGE should be safe; lest by its fall the remaining power should be able, without contrast or opposition, to execute every purpose and undertaking. And here he acted with great wisdom and prudence. For that is never, on any account, to be overlooked; nor ought such a force ever to be thrown into one hand, as to incapacitate the neighbouring states from defending their rights against it." *Here is the aim of modern politics pointed out in express terms*.[47]

Having finished this brief but informative narrative of the balance of power in ancient history, Hume concluded that 'the maxim of preserving the balance of power is founded so much on common sense and obvious reasoning, that it is impossible it could altogether have escaped antiquity, where we find, in other particulars, so many marks of deep penetration and discernment'.[48] In the ancient world, the balance of power, although not as well-known as it was in modern times, had nonetheless been acknowledged and practised at least by 'all the wise and

[45] Hume, 'Balance of Power', E 337.
[46] Hume, 'Balance of Power', E 337.
[47] Hume, 'Balance of Power', E 337 (my emphasis); Polybius, *The Histories*, trans. Robin Waterfield (Oxford: Oxford University Press, 2010), I.83.
[48] Hume, 'Balance of Power', E 338.

more experienced princes and politicians'.[49] As for why the balance of power was finally neglected by so many unwise princes who failed to check Rome's rapid aggrandisement, Hume did not supply a comprehensive answer, but his critique of those princes reveals his message that the balance of power was precarious and susceptible to the ambitions or passions of imprudent politicians. Whilst the ancients lost the balance of power to the Roman Empire, modern Europeans needed to guard their balance of power with greater caution. Yet although the balance of power became 'generally known and acknowledged among speculative reasoners' in modern Europe, 'it has not, in practice, an authority much more extensive among those who govern the world'.[50] In the second half of 'Of the Balance of Power' and in the *History of England*, Hume supplied a history of the balance of power in modern Europe, which not only evidenced the fragility and turbulence of the emerging European states system, but undergirded his suggestions for improving modern politics.

II. The Balance of Power in Modern History

When the Romans 'extended their dominion over the whole known world', the balance of power was superseded by the *Pax Romana*.[51] Yet after the decline and fall of the Roman Empire, the anxiety regarding the balance of power did not immediately become urgent, for the barbarian conquerors were not capable of establishing another universal empire. Once those shepherding nations abandoned their previous lifestyle and became fixed on the land by feudal tenures, they also lost their military capacity for extensive conquest. Nor did they unite under several centralised powers competing for hegemony. Therefore, the fragmented feudal institutions 'long maintained each state in its proper boundaries'.[52] This condition was favourable to the preservation of the balance of power. But profound institutional changes began to take place at the turn of the sixteenth century, when the feudal barons weakened themselves by dissipating their wealth to

[49] Hume, 'Balance of Power', E 338.
[50] Hume, 'Balance of Power', E 338.
[51] Hume, 'Balance of Power', E 336.
[52] Hume, 'Balance of Power', E 338.

purchase luxurious goods. The break of feudal vassalage, the rise of absolute monarchs, the abolition of the feudal militia, and the establishment of standing armies bestowed on European states the capacity to launch extensive wars; 'mankind were anew alarmed by the danger of universal monarchy'.[53] According to Hume's brief account in 'Of the Balance of Power', the threat of universal monarchy came, first, from the unparalleled wealth and territory of the Holy Roman Empire under Charles V (r. 1519–56), and then from the even more formidable power of France under Louis XIV (r. 1643–1715), whilst Great Britain had 'stood foremost' in the wars against the ambition of the French monarch.[54] In editions until 1768, Hume even praised Britain as 'the guardian of the general liberties of EUROPE, and patron of mankind'.[55]

Yet even in comparison with his condensed narrative of the ancient history of the balance of power, Hume's sketch of its modern history is still oversimplified, and from there he quickly moves on to offer his position on Britain's foreign policy with France. The missing story of how the balance of power was preserved in modern Europe and how England contributed to its preservation is told in the *History of England*, especially its Tudor and Stuart volumes. As Danielle Charette has correctly pointed out, Hume's Tudor history is a work in which he 'explored England's place in the larger European balance of power and in which he continued his investigation into the prehistory of the eighteenth-century states system'.[56] Charette's analysis, however, is focused on Hume's conversations with previous thinkers, and therefore does not centre on Hume's Tudor history. Based on Hume's and William Robertson's writings, Frederick Whelan has provided a very brief summary of the shifting scenes of the balance of power from

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[53] Hume, 'Balance of Power', E 338; *History*, 3:80. On the strength of the standing army, see Hume's depiction of Charles VIII's Italian War, where the Italians 'were astonished to meet an enemy, that made the field of battle, not a pompous tournament, but a scene of blood, and sought at the hazard of their own lives the death of their enemy'. Hume, *History*, 3:51. Cf. Niccolò Machiavelli, *The Prince*, trans. Harvey C. Mansfield, 2nd ed. (Chicago: University of Chicago Press, 1998), XII: 'Mercenary and auxiliary arms are useless and dangerous … The cause of this is that they have no love nor cause to keep them in the field other than a small stipend, which is not sufficient to make them want to die for you … These arms once made some progress for some, and may have appeared bold among themselves; but when the foreigner came, they showed what they were. Hence Charles, king of France, was allowed to seize Italy with chalk.'

[54] Hume, 'Balance of Power', E 338.

[55] Hume, 'Balance of Power', E 635.

[56] Charette, 'Balancing Act', 78.

the accession of Henry VIII (1509) to the abdication of Charles V (1556). But many narrative details are neglected or lost in Whelan's compressed summary, and his mixture of Hume's and Robertson's narratives of European politics in a limited period does not allow us to understand Hume's complete story about the balance of power in early modern Europe.[57] Jia Wei has shed light on how Hume's understanding of England's Stuart history shaped his vision of Britain's foreign strategy as a maritime power, but her analysis relies little on the Tudor volumes of Hume's *History*, and focuses on Hume's place in policy debates more than on his historical narrative.[58] A more detailed account of Hume's narrative of the balance of power in modern Europe is thus worthwhile, both for its own sake and for a better understanding of Hume's international theory.

Before proceeding, however, there is an interpretative problem to address. Hume published the *History of England* only after he had finished his *Political Discourses* (1752), which includes 'Of the Balance of Power' and the majority of his essays on international political economy. As Charette has noticed, in his Tudor history Hume '*continued* his investigation into the prehistory of the eighteenth-century states system'.[59] If there are continuities between these two works, then Hume's Tudor (and Stuart) history can be read as an extension and even completion of his ideas presented in 'Of the Balance of Power'. But in what sense can we read Hume's study of history also as a source of his theory of the balance of power? To this problem I propose three replies. First, before the publication of *Political Discourses*, Hume was already preparing for the composition of a history of England with a general view of European civilisation, and he recognised the importance of the Tudor era for this purpose. The *Political Discourses* was finished by the summer of 1751 and published in January 1752.[60] In a letter dated January 1748, Hume wrote, 'I have long had an intention, in my riper years, of composing some History'.[61] In September

[57] Whelan, 'Robertson, Hume', 317-18.

[58] Wei, *Commerce and Politics*, 107-37.

[59] Charette, 'Balancing Act', 78 (my emphasis).

[60] James A. Harris, *Hume: An Intellectual Biography* (Cambridge: Cambridge University Press, 2015), 29; Mossner, *Life*, 225.

[61] Hume to James Oswald of Dunnikier, 29 January 1748, in *The Letters of David Hume*, ed. J. Y. T. Greig, 2 vols. (Oxford: Oxford University Press, 1932), 1:109.

1752, several months after the initial publication of the *Political Discourses*, Hume told Adam Smith that he agreed with the latter's opinion that 'the best Period to begin an English History was about Henry the 7th',[62] although Hume decided later to work on the Stuart volumes first. Second, in the early 1740s, Hume's study of history had already led him to pay much attention to the balance of power. Hume's early memoranda comprise historical materials about the balance of power, many of which later contributed to 'Of the Balance of Power'.[63] Moreover, as I mentioned in the Introduction, the importance Hume attributed to the balance of power in 'Of Civil Liberty' (1741) is based on his recognition of the European states system as a crucial feature of modern politics. This recognition could be acquired only through the study of history, and especially modern history. It was from this perspective that Hume wrote his essays in political economy and the *History of England*. Third, Hume was a diligent editor who repeatedly revised his work during his lifetime. Whilst Hume made significant changes, as we have seen, regarding his attitude to France in 'Of the Balance of Power' after the Seven Years' War, he never made any revision either to his substantial views of the ancient history of the balance of power, or to his emphasis on the necessity of the balance-of-power maxim even in post-Utrecht Europe. Therefore, as he went on to compose the *History*, his claim that the balance of power was 'the aim of modern politics' became reaffirmed and consolidated.

Hume identified the age of Henry VII (r. 1485–1509), or approximately 1500, as the beginning of modern history. Shortly after Bolingbroke, Hume was one of the first to discern the world-historical significance of the change that took place in the international realm in Western Europe at the turn of the sixteenth century—the shaping of the modern states system.[64] In

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[62] Hume to Adam Smith, 24 September 1752, in *Letters*, 1:167.

[63] Ernest Campbell Mossner, 'Hume's Early Memoranda, 1729-1740: The Complete Text', *Journal of the History of Ideas* 9, no. 4 (1948): III.164, III.165, III.175, III.232, III.259, III.263.

[64] In his *Letters on the Study and Use of History*, written between 1735 and 1738, Bolingbroke suggested that '[t]he end of the fifteenth century' was an 'epocha [sic.] or era' when great changes happened 'in several states about the same time' to render a 'new situation … in one general system of policy' in 'the western parts of Europe'. Bolingbroke's *Letters* were published posthumously in 1752. Hume read them between 1752 and 1754, but he was unimpressed. Lord Bolingbroke, *Historical Writings*, ed. Isaac Kramnick (Chicago: University of Chicago Press, 1972), 81-83; Hume to Adam Smith, 24 September 1752, in *Letters*, 1:168; Hume to the Abbé le Blanc, 24 October 1754, in *Letters*, 1:208. On Bolingbroke's *Letters* as a provision of 'such knowledge of the European states system as is needed by a politician in

accordance with this chronology, Hume's historical narrative of the emergence of the modern states system started with the accession of Henry VII. By the time Henry VII became the King of England,

> The European states on the continent were then hastening fast to the situation, in which they have remained, without any material alteration, for near three centuries; and began to unite themselves into *one extensive system of policy*, which comprehended the chief powers of Christendom.[65]

Specifically, Spain and France had become two major continental powers, which, together with the Holy Roman Empire and other European states, actively involved themselves in the balance-of-power game. By the union of Aragon and Castile (1479), Spain became 'formidable', whilst Ferdinand II and Isabella I, 'princes of great capacity', 'began to enter into all the transactions of Europe, and make a great figure in every war and negociation [sic.]'.[66] In France, since '[m]ost of the great fiefs … had been united to the crown', the monarchical power became strong enough to 'maintain law and order' and to finance 'a considerable military force'.[67]

The French project to annex Brittany, 'the last and most independent fief of the monarchy', raised alarm amongst the neighbouring states.[68] Not only did Henry VII form leagues with the Holy Roman Empire and Spain, but he raised a troop to support Brittany (1489).[69] Yet the marriage by proxy between Anne, the young Duchess of Brittany and Maximilian I, King of the Romans (1490) caused a great security concern in France that Maximilian, 'possessing Flanders on the one hand, and Britanny [sic.] on the other, might thus, from both quarters, make inroads into the heart

the post-Utrecht world', see J. G. A. Pocock, *Barbarism and Religion*, vol.2, *Narratives of Civil Government* (Cambridge: Cambridge University Press, 1999), 172.

65 Hume, *History*, 3:24 (my emphasis); cf. *History*, 3:144: 'Europe was now in such a situation, and so connected by different alliances and interests, that it was almost impossible for war to be kindled in one part, and not diffuse itself throughout the whole'. Bolingbroke, *Historical Writings*, 82, also mentioned that European states had entered 'one general system of policy' at the turn of the sixteenth century.

66 Hume, *History*, 3:24-25.

67 Hume, *History*, 3:25.

68 Hume, *History*, 3:26.

69 Hume, *History*, 3:32.

of [France]'.[70] Charles VIII of France then 'advanced with a powerful army and invested Rennes, at that time the residence of the dutchess [sic.]', resulting in the marriage between Anne and him, and thereby the annexation of Brittany to France (1491).[71] This, however, alarmed the English monarch, and led to a brief conflict between England and France (1492), terminated by Henry's peace proposal, which was accepted by Charles, who 'was all on fire for his projected expedition into Italy' (1494).[72] Ludovico Sforza, the Duke of Milan, 'invited the French to invade Naples' without anticipating their success, but soon 'the whole continent was thrown into combustion by the French invasion of Italy, and by the rapid success which attended Charles in that rash and ill-concerted enterprize [sic.]'.[73] Having 'felt terror' from the foreseeable loss of the balance of power, Ludovico changed his position and joined the anti-French League of Venice with the pope, Holy Roman Empire, Spain, and Venice.[74] Before the French invasion, Henry VII had regarded the French ambition 'with greater indifference, as Naples lay remote from him, and France had never, in any age, been successful in that quarter'; but now, Henry also joined the league as a counterweight to France.[75] The strength of the league finally prevented Charles from conquering Naples. But soon after Charles's death, his son Louis XII conquered the Duchy of Milan (1499), 'begat[ting] [sic.] jealousy' in the Holy Roman Empire and Spain, and they considered England as 'the chief counterpoise to the greatness of France'.[76]

Thus, at the beginning of his Tudor history, Hume supplied a vivid narrative of how the balance of power functioned at the initial birth of the European states system, when the threat of universal monarchy was still remote. It was this principle that all wise monarchs of early modern Europe understood and practiced. Henry VII, in particular, was 'watchful' over 'the general system of Europe', keeping an eye not only on France, but on the successions of Spain and the

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[70] Hume, *History*, 3:35.
[71] Hume, *History*, 3:36-37.
[72] Hume, *History*, 3:40.
[73] Hume, *History*, 3:51. Niccolò Machiavelli, *Florentine Histories*, trans. Laura F. Banfield and Harvey C. Mansfield (Princeton: Princeton University Press, 1988), VIII.19, accused Ludovico as 'the cause of the ruin of Italy'.
[74] Hume, *History*, 3:51.
[75] Hume, *History*, 3:41, 3:51.
[76] Hume, *History*, 3:64.

Habsburgs.[77] Henry and Ferdinand, between whom 'no jealousy ever on any occasioned arose', formed a firm alliance through the marriage of Henry's eldest son Arthur with Catherine of Aragon (1501).[78] Following Arthur's premature death, 'the interest of cementing a close alliance with Spain' and 'the necessity of finding some confederate to counterbalance the power of France' motivated Henry VII to determine that Catherine should be married to his second son, who later became Henry VIII.[79] Reflecting on this period of European history, Hume remarked that

> There has scarcely been any period, when the balance of power was better secured in Europe, and seemed more able to maintain itself without any anxious concern or attention of the princes. Several great monarchies were established; and no one so far surpassed the rest as to give any foundation, or even pretence, for jealousy … The great force and secure situation of the considerable monarchies prevented any one from aspiring to any conquest of moment…[80]

The status quo, however, drastically changed upon the death of Maximilian I, Holy Roman Emperor (1519). This incident 'proved a kind of era in the general system of Europe', because Charles V's election as the succeeding Holy Roman Emperor profoundly disturbed the existing balance of power.[81] Charles's empire, comprising Spain, Austria, the Netherlands, Naples, Granada, and the Holy Roman Empire, was 'greater and more extensive than any known in Europe since that of the Romans'.[82] The 'union of so many kingdoms and principalities' in the person of Charles reintroduced the threat of universal monarchy.[83] Accordingly, Francis I's France, 'being close, compact, united, rich, populous', and located between Charles's dominions, formed 'a vigorous opposition' to the ambition of the Holy Roman Emperor.[84] As a result of the 'violent personal emulation and political jealousy' between Francis and Charles, Henry VIII held 'in his hands the

[77] Hume, *History*, 3:69.
[78] Hume, *History*, 3:65.
[79] Hume, *History*, 3:65, 3:87.
[80] Hume, *History*, 3:88-89.
[81] Hume, *History*, 3:126.
[82] Hume, *History*, 3:127.
[83] Hume, 'Balance of Power', E 338.
[84] Hume, *History*, 3:127.

balance of power among the potentates of Europe', and was expected by the King and the Emperor to be 'the umpire between them'.[85] Both national interest and the balance of Europe required that Henry ought to support Francis against Charles, but 'guided by his passions or his favourite', Henry formed an alliance with Charles (1520) against 'the interests of England'.[86] Hume criticised this imprudent policy, which resulted from Henry's 'heedless, inconsiderate, capricious, impolitic' and 'the vanity, the avarice, and the ambition' of his chancellor, cardinal Wolsey to obtain the papacy.[87] Yet injured by Charles's betrayal, Wolsey gave up his pursuit of the Papal throne, and began to 'pave the way for an union' between England and France.[88] The turning point was the captivity of Francis I in the Battle of Pavia (1525), an incident that revealed Charles's pursuit of a universal monarchy: 'it was soon obvious to all the world, that his great dominions, far from gratifying his ambition, were only regarded as the means of acquiring an empire more extensive.'[89] Now 'sensible of his own danger, as well as that of all Europe, from the loss of a proper counterpoise to the power of Charles', Henry took seriously his 'political interests' and cautiously concluded an alliance with France.[90] This proved a historic moment, because

> The terror of the emperor's greatness had extinguished the ancient animosity between the nations; and Spain, during more than a century, became, though a more distant power, the chief object of jealousy to the English.[91]

In his later years, Henry VIII engaged himself predominantly in domestic and Scottish affairs,[92] and Hume did not say much about European politics during the remainder of Henry's reign. Yet it was Henry's decision to conclude an alliance with France as a counterbalance against the Habsburgs that laid the foundation for British foreign policy and the European balance of power

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[85] Hume, *History*, 3:131-32.
[86] Hume, *History*, 3:128-31.
[87] Hume, *History*, 3:128-29, 3:133.
[88] Hume, *History*, 3:149.
[89] Hume, *History*, 3:162.
[90] Hume, *History*, 3:158-59.
[91] Hume, *History*, 3:168.
[92] Hume, *History*, 3:188.

in the following age, despite the brief disruption caused by the marriage between Mary I and Philip, son of Charles V (1554).

After the abdication of Charles V (1556), the House of Habsburg was divided into its Austrian and Spanish branches, and the latter remained a major player of the balance-of-power game in addition to England and France.

> The two great monarchies of the continent, France and Spain, being possessed of nearly equal force, were naturally antagonists; and England, from its power and situation, was intitled [sic.] to support its own dignity, as well as tranquillity, by holding the balance between them.[93]

Yet during the last four decades of the sixteenth century, 'the great rival powers in Europe were Spain and England', as France was weakened by the Wars of Religion (1562–98).[94] The hostility between England and Spain intensified after the succession of Philip II as King of Spain (1556) and Elizabeth I as Queen of England and Ireland (1558). Elizabeth aimed at keeping her foreign policy independent from the outset, and her first major foreign transaction was to reject Philip's proposal of marriage, by which the Spanish King attempted to obtain dominion over England.[95] Moreover, 'convinced that nothing but tranquillity during some years' could restore the wealth and power of England, Elizabeth refused Philip's second proposal for an Anglo-Spanish alliance against France; instead, she managed both to conclude peace with France and Scotland, and to avoid war with Spain.[96] This was followed by her intervention to prevent the threat from the marriage of Mary, Queen of Scots with Francis II of France, and to remove French forces from Scotland, as consolidated by the Treaty of Edinburgh (1560).[97] Although Elizabeth's foreign policy was defensive 'against ruin and extermination', and had 'no object but self-preservation', the oppositions between England's and Spain's religions and commercial interests increasingly

[93] Hume, *History*, 4:55.
[94] Hume, *History*, 4:52.
[95] Hume, *History*, 4:5.
[96] Hume, *History*, 4:15-16.
[97] Hume, *History*, 4:28-30.

intensified, culminating in the naval war of 1588, in which England defeated the Armada, which 'had exhausted the revenue and force of Spain'.[98] Philip II died in 1598, succeeded by Philip III, 'a weak prince' faced with '[r]evolted or depopulated provinces' and 'discontented or indolent inhabitants'.[99] Meanwhile, the French Wars of Religion ended with the Edict of Nantes (1598), signed by Henry IV, 'the most heroic and most amiable prince, that adorns modern history', under whom 'the French empire … was become, of itself, a sufficient counterpoise to the Spanish greatness'.[100]

Throughout the first half of the seventeenth century, the balance of power in Europe was maintained without much English intervention, notwithstanding wars on the continent and the rise of Sweden under Gustavus Adolphus.[101] On the one hand, the first two Stuart monarchs stayed detached from European affairs. James I's 'love of peace' and 'defect of courage' made his foreign policy defensive and pacifist.[102] Charles I's trouble with Parliament and lack of revenue disabled him from being active in European affairs. Satisfied with England's domestic struggles and relative inactivity in foreign affairs, the continental powers were hardly jealous of England in this period.[103] On the other hand,

> Europe was divided between the rival families of Bourbon and Austria, whose opposite interests, and still more their mutual jealousies, secured the tranquillity of [England]. Their forces were so nearly counterpoised, that no apprehensions were entertained of any event, which could suddenly disturb the balance of power between them.[104]

Therefore, when the continental states were intensely engaged in the Thirty Years' War (1618–48), England 'enjoyed the singular advantage (for such it surely was) of fighting out its own quarrels

[98] Hume, *History*, 4:54-55, 4:271.
[99] Hume, *History*, 5:7.
[100] Hume, *History*, 5:7.
[101] Hume, *History*, 5:219.
[102] Hume, *History*, 5:7, 5:84.
[103] Hume, *History*, 5:218.
[104] Hume, *History*, 5:218-19.

without the interposition of foreigners'.[105] Hume even commented that during the reigns of the first two Stuart monarchs, England was 'in a manner, overlooked in the general system of Europe'.[106]

The Treaty of Westphalia (1648) greatly influenced the balance of power, not because '[s]overeign princes and free states were in some degree reduced to obedience under laws',[107] but because of the weakening of the Habsburgs and the relative ascendency of France. National interest required that England ought to have 'supported the declining condition of Spain against the dangerous ambition of France, and preserved that balance of power, on which the greatness and security of England so much depend'—a task that Oliver Cromwell, England's ruler at the time, failed to achieve.[108] Actuated mainly by his ambition for Roman-style expansion, Cromwell's conduct in foreign affairs, especially his war with Spain and his friendship with the French king, was 'imprudent and impolitic', and 'pernicious to national interest'.[109] By 1668, Louis XIV had acquired a military force that 'much exceeded what in any preceding age had ever been employed by any European monarch'.[110] The French monarch's ambition for 'extensive conquests' was inflamed by the 'sudden decline and almost total fall of the Spanish monarchy', whereas England became a key power to check the expansion of France.

> The animosity, which had anciently subsisted between the English and French nations, and which had been suspended for above a century by the jealousy of Spanish greatness, began to revive and to exert itself.[111]

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105 Hume, *History*, 5:82, 5:389.
106 Hume, *History*, 6:74.
107 Hume, *History*, 6:75.
108 Hume, *History*, 6:79.
109 Hume, *History*, 6:79, 6:109; cf. 6:531, where Hume comments that in Stuart England, 'foreign affairs … were either entirely neglected, or managed to pernicious purposes'. Notice also that in 'Of the Protestant Succession', E 507, Hume remarks that during the Stuart period, 'while we were thus occupied in domestic disputes, a foreign power, dangerous to public liberty, erected itself in EUROPE, without any opposition from us, and even sometimes with our assistance'.
110 Hume, *History*, 6:217.
111 Hume, *History*, 6:217.

As a response to the French invasion of the Spanish Netherlands, the Triple Alliance (1668) between England, the Netherlands, and Sweden deserved the 'glory of preserving the balance of Europe'.[112] Yet Charles II's alliance with France in the Franco-Dutch War (1672–78) proved a mistake, for France reaped so much advantage from the Peace of Nijmegen (1678) that Louis XIV obtained 'a real prospect of attaining the monarchy of Europe, and of exceeding the empire of Charlemagne, perhaps equalling that of ancient Rome'.[113] Moreover, Charles II's 'fatal league with France' excited great domestic discontents.[114] The English public's jealousy of France and fear of Catholicism led to a great distrust of Charles II and James II, resulting in a series of political turmoil that culminated in the Revolution of 1688. The same jealousy of France continued to dominate the British mentality, not least in the Nine Years' War (1688–97), the War of the Spanish Succession, (1701–14) and the War of the Austrian Succession (1740–48).

It was this jealousy that Hume was speaking to when he wrote and published 'Of the Balance of Power' in the aftermath of the War of the Austrian Succession. Seeing that France had lost the capacity to build a universal monarchy after the Peace of Utrecht (1713), yet the British public's continued and excessive jealousy was to blame for causing unnecessary wars and debts, Hume warned that this imprudence could produce fatal consequences, and called for 'some moderation'.[115] First, Hume criticised 'the ancient GREEK spirit of jealous emulation' in Britain's bellicose position towards France, and recommended 'the prudent views of modern politics'.[116] Had Britain's foreign policy been more prudent, Hume insisted, the three major wars against France since the Revolution of 1688 would have concluded with the same result whilst costing Britain less time and money. Second, Hume suggested that Britain's high-profile anti-French policy would create high stakes for France and its allies, demotivating them from 'all reasonable terms of

[112] Hume, *History*, 6:216-22, esp. 6:217.
[113] Hume, *History*, 6:320.
[114] Hume, *History*, 6:332.
[115] Hume, 'Balance of Power', E 338-39. However, as John Robertson has suggested, Hume still took seriously the *idea* of 'universal, or at least "enormous" monarchy', even when the absence of a preeminent enemy made the threat of universal monarchy remote. Robertson, 'Universal Monarchy', 355.
[116] Hume, 'Balance of Power', E 339.

accommodation'.[117] Third, Hume pointed out that Britain's all-in inclination in financing warfare through public debt was extremely risky. 'To mortgage our revenues at so deep a rate, in wars, where we were only accessories, was surely the most fatal delusion, that a nation, which had any pretension to politics and prudence, has ever yet been guilty of.'[118] Hume concluded his critique by warning, though in an oblique tone, that all these 'prejudicial' 'excesses' may one day 'become still more prejudicial' by sliding to 'the opposite extreme, and rendering us totally careless and supine with regard to the fate of Europe', much as the Athenians terminated their aggressive foreign policy and 'abandoned all attention to foreign affairs' after their decisive defeat in the Peloponnesian War.[119]

III. The Balance of Power as the Aim of Modern Politics

In what sense did Hume regard the balance of power as 'the aim of modern politics'? Having reconstructed Hume's historical narrative of the balance of power from the Hellenistic world to the eighteenth century, we are now better placed to answer this question. As Andrew Sabl has pointed out, Hume's suggestion was that the balance of power *ought to be* the aim of modern politics, not that *it had been generally accepted* as the aim of modern politics by politicians and political thinkers.[120] The balance of power was not the only way of envisaging a desirable international order, and there were, moreover, different approaches to preserve the balance of power. An important message Hume conveyed through history and theory, then, is that the moderns ought to safeguard the balance of power in a modern and moderate way.

Hume's endorsement of the balance of power implies a rejection of the prospect of perpetual peace as achieved through a confederacy of European states. For Hume and his eighteenth-century contemporaries, the balance of power and perpetual peace were two different

[117] Hume, 'Balance of Power', E 339.
[118] Hume, 'Balance of Power', E 340. On Hume's view of the problem of public debt, see especially Hont, 'Rhapsody of Public Debt'; *Jealousy of Trade*, 84-88, 325-53.
[119] Hume, 'Balance of Power', E 340.
[120] Sabl, *Hume's Politics*, 73.

ideals.[121] Perpetual peace could be achieved, arguably, under a universal empire, but a seemingly more attractive approach to perpetual peace was, as the Abbé de Saint-Pierre projected, to establish a '*permanent Society of Europe*', or a '*European* Union', in which 'there will be no longer two sides in the Equilibrium of Forces'.[122] Conceiving of his plan for perpetual peace through a 'European Union' as an alternative to the Peace of Utrecht as based on the idea of the balance of power, Saint-Pierre referred to the former as the 'system of peace' and the latter as 'the system of war'.[123] Hume did not explicitly reject Saint-Pierre's plan, but his recommendation of the balance of power as the proper way of regulating the European states system is evident.[124] The balance of power requires rational calculation of national interest, frequent 'shifting of sides' whenever necessary, and timely intervention by means of diplomacy *and war*: all these measures aim to make sure that 'every prevailing power [i]s sure to meet with a confederacy against it' and powerful enough to counterbalance it.[125] The balance of power was not a fairy tale, but an arms race (and increasingly in the modern world, a financial one); it did not aim at conquest or war, but war was sometimes necessary for its maintenance.[126]

It was typical of eighteenth-century (and late seventeenth-century) political thinkers to conceive of the balance of power as a strategy to prevent the emergence of a universal monarchy

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[121] Stella Ghervas, 'Balance of Power vs. Perpetual Peace: Paradigms of European Order from Utrecht to Vienna, 1713-1815', *International History Review* 39, no. 3 (2017): 404-25; Ghervas, *Conquering Peace: from the Enlightenment to the European Union* (Cambridge, MA: Harvard University Press, 2021), 29-81; see also Isaac Nakhimovsky, 'The Enlightened Prince and the Future of Europe: Voltaire and Frederick the Great's Anti-Machiavel of 1740', in *Commerce and Peace in the Enlightenment*, ed. Béla Kapossy, Isaac Nakhimovsky, and Richard Whatmore (Cambridge: Cambridge University Press, 2017), 44-77; Doohwan Ahn and Richard Whatmore, 'Peace, Security, and Deterrence', in *A Cultural History of Peace in the Age of Enlightenment*, ed. Stella Ghervas and David Armitage (London: Bloomsbury, 2020), 117-31.

[122] Saint-Pierre, *A Project for Settling an Everlasting Peace in Europe* (London: J. Watts, 1714), 14-15; Hont, *Jealousy of Trade*, 27; cf. Jean-Jacques Rousseau, 'Abstract of Monsieur the Abbé de Saint-Pierre's Plan for Perpetual Peace' and 'Judgment of the Plan for Perpetual Peace', in *The Plan for Perpetual Peace, On the Government of Poland, and Other Writings on History and Politics*, trans. Christopher Kelly and Judith Bush, ed. Christopher Kelly (Hanover, NH: Dartmouth College Press, 2005), 25-49, 53-60.

[123] Ghervas, 'Balance of Power vs. Perpetual Peace'; *Conquering Peace*, 29-81.

[124] Hume read Saint-Pierre's works in the 1730-40s. Mossner, 'Early Memoranda', III.124.

[125] Hume, 'Balance of Power', E 334.

[126] Hume, *History*, 3:89, commented that even at the beginning of the sixteenth century, 'when the balance was better secured in Europe' than most other times, the balance of power still 'could not maintain general peace, or remedy the natural inquietude of men'. However, see Hume to Anne-Robert-Jacques Turgot, 16 June 1768, in *Letters*, 2:181, where he admitted that 'foreign Wars' were 'an incurable Evil, which often springs from the greatest & most unexpected Absurdity, and discourages every Project for serving or improving human Society'.

or universal empire.[127] This received opinion, however, conceals the fact that Hume's recommendation of the balance of power involves moderation in the face of not one but *two* extremes: universal monarchy and excessive jealousy.[128] Hume saw the ambition for the former in Charles V's Holy Roman Empire and Louis XIV's France, and found an example of the latter in post-Utrecht Britain. Yet it was Hume's study of ancient history that helped him to identify these two extremes, which crystalised respectively into a Roman model and a Greek model of international relations. The Greek model is a states system in which 'a number of neighbouring and independent states' connected by commercial, cultural, and geographical ties are engaged in commercial trade, cultural emulation, and geo-political balancing.[129] Such a system encourages the commerce and competition between states, and proves most favourable to the progress of the arts and sciences. Yet in the Greek model, states are always faced with security dilemmas and involved in the endless balance-of-power game, which often leads to conflict and war. The Roman model, by contrast, is a universal empire, where extensive dominions incorporating various nations and provinces are ruled by an absolute monarch. A universal empire can solve security dilemmas and even settle 'almost in a profound peace both foreign and domestic', at the cost of the flourishing of the arts and sciences and more fundamentally, liberty.[130] But a universal monarchy is inherently unstable and unsustainable. Since even the most military nobles would still prefer to live at court than to fight in remote frontiers, the empire has to rely on disloyal mercenary armies for extensive conquests. This forms a natural check on the military capacity and even security of the empire and its ruler. Therefore, '[e]normous monarchies are, probably, destructive to human nature; in their progress, in their continuance, and even in their downfal, [sic.] which never can be very distant from their establishment'.[131]

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[127] Robertson, 'Universal Monarchy', 356-68.

[128] Hume, 'Balance of Power', E 339.

[129] Hume, 'Of the Rise and Progress of the Arts and Sciences', E 119.

[130] Hume, 'Of the Populousness of Ancient Nations', E 458. Hume, 'Populousness', E 462, suggests that although the Greeks used to be a warlike people, it is 'probable, indeed, that military discipline, being entirely useless, was extremely neglected in Greece after the establishment of the Roman Empire'.

[131] Hume, 'Balance of Power', E 340-41.

The relative strengths and weaknesses of the two models indicate that liberty and peace come into tension with each other.[132] Hume preferred the Greek model to the Roman model, and favoured liberty over imperial peace.[133] In this regard, he suggested that modern politicians had much to learn from history. As Frederick Whelan puts it, Hume preferred 'the diversity and competition of a plurality of states to a single, monopolistic state', and Hume's Tudor history shows 'how the balance of power was responsible for ensuring that this preference was historically realized'.[134] Meanwhile, it should also be pointed out that Hume's sketch of the balance of power in both the ancient and the modern world indicates how it can be lost. Imprudent and passionate princes who were negligent of the balance of power, such as Philip V of Macedon, were to blame for the destruction of the ancient states system and the expansion of Rome into a universal empire. In modern Europe, Henry VIII's alliance with Charles V had threatened the balance of Europe, and risked facilitating Charles's ambition to establish a modern universal monarchy.

Crucially, however, Hume's ideal international order for *modern* Europe is different even from the *ancient* Greek model. Aware of the different conditions the ancients and the moderns were faced with, Hume was not at all confident in the applicability of the Greek model to modern

[132] Edmund Burke's remarks in the *Annual Register* of 1760 supplies a fine presentation of this tension in modern Europe: 'The balance of power, the pride of modern policy, and originally invented to preserve the general peace as well as freedom of Europe, has only preserved its liberty. It has been the original of innumerable and fruitless wars. That political torture by which powers are to be enlarged or abridged, according to a standard, perhaps not very accurately imagined, ever has been, and it is to be feared will always continue a cause of infinite contention and bloodshed. The foreign ambassadors constantly residing in all courts, the negotiations incessantly carrying on, spread both confederacies and quarrels so wide, that whenever hostilities commence, the theatre of war is always of a prodigious extent. All parties in those diffusive operations, have of necessity their strong and weak sides. What they gain in one part is lost in another; and in conclusion, their affairs become so balanced, that all the powers concerned are certain to lose a great deal; the most fortunate acquire little; and what they do acquire is never in any reasonable proportion to charge and loss.' 'The History of the Present War', in *The Annual Register, or a View of the History, Politicks, and Literature, for the Year 1760, the Fifth Edition* (London: J. Dodsley, 1775), 2-3. Yet the tension between liberty and peace was not exclusive to modern politics, and my analysis shows that Hume was aware of the existence of this tension in both ancient and modern times. For an elegant exposition of the relationship between liberty and peace in the ancient world, see Arnaldo Momigliano, 'Liberty and Peace in the Ancient World', in *Nono contributo alla storia degli studi classici e del mondo antico* (Rome: Edizioni di Storia e Letteratura, 1992), 483-501; 'Peace and Liberty in the Ancient World', in *Decimo contributo alla storia degli studi classici e del mondo antico* (Rome: Edizioni di Storia e Letteratura, 2012), 3-105.

[133] Whelan, 'Robertson, Hume', 330n17, accurately captures that 'since a single world state would presumably provide peace and stability at least as effectively as the balance of power does, if not more so, the defense of balance must rest on other grounds, such as the value of liberty and the contributions to progress of a diverse plurality of states'.

[134] Whelan, 'Robertson, Hume', 323.

Europe. The wars in ancient Greece were 'wars of emulation rather than of politics', as ancient city-states and politicians were predominantly motivated by 'the honour of leading the rest' rather than considerations of their true interest.[135] Although the Greek practice stemmed from '*jealous emulation*' rather than '*cautious politics*', their 'effects were alike'.[136] This, as Hume explained, resulted from historical contingencies. Each city-state had only a 'small number of inhabitants … compared to the whole'; the small scale of armies and their limited techniques of war caused 'great difficulty of forming sieges'; and 'the extraordinary bravery and discipline of every freeman among that noble people' rendered the Greek city-states typically martial, and made it difficult to conquer them.[137] As a result of all these factors, 'the balance of power was, of itself, sufficiently secured in GREECE, and needed not to have been guarded with that caution which may be requisite in other ages'.[138] The modern European states system was 'a copy at large, of what GREECE was formerly a pattern in miniature';[139] but the moderns, living in large-scale states and possessing advanced war techniques, could not imitate the ancients. Although the 'maxims of ancient war'—not least the common practice of slaughter—were more 'destructive' and 'bloody' than those of modern warfare, the cost and scale of war were far greater in modern Europe than in the ancient world.[140] Modern politicians, therefore, must take greater caution in the preservation of the balance of power, ideally in less violent ways. If 'the ancient GREEK spirit of jealous emulation' and 'the prudent

[135] Hume, 'Balance of Power', E 334.
[136] Hume, 'Balance of Power', E 334.
[137] Hume, 'Balance of Power', E 334.
[138] Hume, 'Balance of Power', E 334.
[139] Hume, 'Rise and Progress', E 121. The *Annual Register* for 1772 begins with a similar account of the similarity between the Greek world and modern Europe: 'The idea of considering Europe as a vast commonwealth, of the several parts being distinct and separate, though politically and commercially united, of keeping them independant, [sic.] though unequal in power, and of preventing any one, by any means, from becoming too powerful for the rest, was great and liberal, and though the result of barbarism, was founded upon the most enlarged principles of the wisest policy. It is owing to this system, that this small part of the western world has acquired so astonishing (and otherwise unaccountable) a superiority over the rest of the globe. The fortune and glory of Greece proceeded from a similar system of policy, though formed upon a smaller scale. Both her fortune and glory expired along with the system. Some of the most desart [sic.] provinces in Asia, have been repeatedly the seats of arts, arms, commerce, and literature. These potent and civilized nations have repeatedly perished, for want of any union, or system of policy of this nature.' 'The History of Europe', in *The Annual Register, or a View of the History, Politics, and Literature, for the Year 1772, the Second Edition* (London: J. Dodsley, 1775), 2.
[140] Hume, 'Populousness', E 404-05.

views of modern politics' were two approaches towards the preservation of the balance of power, then the moderns must tame the former and cultivate the latter.[141]

Table 1.1: Models of International Politics Available to Hume

	Balance of Power	**Perpetual Peace**
Ancient Approaches	Jealous emulation (The Greek model)	Universal monarchy (The Roman model)
Modern Approaches	Prudent politics (Hume's 'modern policy')	European Union (Saint-Pierre's plan)

The cultivation of 'the prudent views of modern politics' required a mature understanding of the relation between modern nations. Historically, the balance of power had been intertwined with war and threatened by passionate politicians pursuing military glory. In modern Europe, however, Hume saw the prospect of change. In 'Of Commerce' (1752), Hume suggested that the best policy to navigate modern international competition was to make the people rich by encouraging the development of manufacturing, commerce, and luxury. In doing so, Hume overturned Machiavelli's republican maxim that 'well-ordered republics have to keep the public rich and their citizens poor'.[142] This maxim entails limits on commerce and luxury, and an egalitarian distribution of property, in order to raise a large army and preserve the martial spirit of the republic.[143] Hume explained that the small scale of ancient republics and the immediate threat of war in a hostile external environment dictated that they must aggrandise 'the public by the poverty of individuals', and apply superfluous labour in military service rather than manufacturing and commerce.[144] This 'ancient policy', however, was 'violent, and contrary to the more natural

[141] Hume, 'Balance of Power', E 339.

[142] Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), I.37; see also II.18, III.16, III.25.

[143] John P. McCormick, *Reading Machiavelli: Scandalous Books, Suspect Engagements, and the Virtue of Populist Politics* (Princeton: Princeton University Press, 2018), 45-68.

[144] Hume, 'Of Commerce', E 257-60.

and usual course of things'.[145] Hume insisted that the ancient republic had had its day, and that the ancient policy could no longer serve as a model for modern politicians. Although there had been 'a kind of opposition between the greatness of the state and the happiness of the subject' in ancient republics, this was no longer the case in modern European states, where individual happiness and national grandeur operated in the same direction.[146] In an advanced modern economy, superfluous resources and labour 'beyond mere necessaries' can 'easily be converted to the public service'.[147] Therefore, *ceteris paribus*, the less labour was employed in agriculture and the more people worked in manufacturing and commerce, the richer and stronger a state would become. Nor need a modern government, despite the views of mercantilists, worry about the loss of gold and silver, as long as it could preserve its 'trade, industry, and people'.[148] The 'indissoluble chain' of 'industry, knowledge, and humanity', Hume argued, would naturally 'render the government as great and flourishing as they make individuals happy and prosperous'.[149] Since the strength of modern European states lied in the wealth of its people and the size of its population, modern princes would labour in vain to pursue military glory at the cost of economic prosperity.[150]

As a keen but critical reader of Machiavelli, Hume redefined the greatness of the modern state in non-republican terms. Having observed that the territory of major European states remained 'nearly the same [as] they were two hundred years ago', Hume explained that the greater 'power and grandeur of those kingdoms … can be ascribed to nothing but the encrease [sic.] of art and industry'.[151] Greatness or grandeur was still a desirable goal in modern politics, but in Hume's political language it was sharply different from what Machiavelli had called *grandezza*.

[145] Hume, 'Of Commerce', E 259.
[146] Hume, 'Of Commerce', E 257.
[147] Hume, 'Of Commerce', E 262.
[148] Hume, 'Of the Balance of Trade', E 309, 325.
[149] Hume, 'Of Refinement in the Arts', E 272.
[150] On Hume's critique of Machiavelli regarding the relationship between military strength and economic prosperity, see also Frederick G. Whelan, *Hume and Machiavelli: Political Realism and Liberal Thought* (Lanham, MD: Lexington Books, 2004), 215: 'Hume insists repeatedly, doubtlessly in response to Machiavellian-republican uneasiness, that there is no contradiction between the sovereign's interest in military strength and the people's interest in economic prosperity, since economic assets are readily convertible into military resources if necessary.'
[151] Hume, 'Refinement', E 273; cf. 'Of Civil Liberty', E 89: 'The great opulence, grandeur, and military achievements of the two maritime powers seem first to have instructed mankind in the importance of an extensive commerce.'

Under modern conditions, the greatness of the state was best achieved not through military conquest or expansion, but by means of material betterment and economic prosperity. Whilst an economy cannot thrive without both effective political authority and robust personal liberty, a stable and peaceful international realm proved equally necessary for long-term economic success. Hume hoped that by redirecting the goal of ambitious politicians, modern international trade would make the balance of power more stable and peace more feasible, even though he was also aware that the entanglement between commerce and reason of state had given rise to what he called the 'jealousy of trade'.[152] Hume envisaged, theoretically at least, the possibility of a shift of the locus of international competition from the zero-sum game of military contest to the mutually beneficial activities of trade and economic emulation. If ambitious princes could redirect their desire for military glory and territorial aggrandisement to the pursuit of economic prosperity, then not only would the threat of universal monarchy be contained, but even the inherently violent nature of the balance of power could be moderated.

Strikingly, Hume's Charles V finally learned this lesson after his abdication. It was surprising that the ruler of the most extensive empire since the decline of Rome, and the first modern prince who sought to establish a universal monarchy, should retire in peaceful reflections, having learned the value of the modern policy. Hume recorded in some detail this Holy Roman Emperor's final thoughts, which deserve to be quoted at length.

> [Charles V] inculcated on [Philip II] the great and only duty of a prince, the study of his people's happiness; and represented how much preferable it was to govern, by affection rather than by fear, the nations subjected to his dominion … he found, that the vain schemes of extending his empire, had been the source of endless opposition and disappointment, and kept himself, his neighbours, and his subjects, in perpetual inquietude, and had frustrated the sole end of government, the felicity of the nations committed to his care; an object which meets with less opposition, and which, if steadily pursued, can alone convey a lasting and solid satisfaction.[153]

[152] Hume, 'Of the Jealousy of Trade', E 327-31; Hont, *Jealousy of Trade*, 1-37; Robert A. Manzer, 'The Promise of Peace? Hume and Smith on the Effects of Commerce on War and Peace', *Hume Studies* 22, no. 2 (1996): 369-82.

[153] Hume, *History*, 3:446.

> Having amused himself with the construction of clocks and watches, [Charles V] thence remarked how impracticable the object was, in which he had so much employed himself during his grandeur; and how impossible, that he, who never would frame two machines that would go exactly alike, could ever be able to make all mankind concur in the same belief and opinion.[154]

It was Hume's message that all modern princes, either weak or strong, ought to aim at preserving the balance of power in a distinctively modern manner. Whilst the weak ones were obliged to counterbalance the force of the strong, the strong ought to recognise the vanity of military glory and prioritise the happiness of the people. This is the lesson that Hume wished to teach modern princes who sought to disturb the balance of power and establish a universal monarchy. This also marks the completion of Hume's theory of the balance of power.

IV. Conclusion

In this chapter, I have supplied the first comprehensive reconstruction and analysis of Hume's historical narrative of the balance of power from ancient to modern times. The contest for hegemony ran throughout ancient history, but the ancients successfully maintained the balance of power until the extraordinary aggrandisement of Rome, an unusual event that Hume largely ascribed to historical contingency. The Roman Empire terminated the balance of power, which was restored only after its decline and fall. The feudal system then suspended the threat of universal monarchy for centuries, until the emergence of the European states system at the turn of the sixteenth century. Charles V's Holy Roman Empire posed a great threat to the existing European order, whilst Henry VIII's support for Charles V intensified that threat. But England's new strategy to conclude an alliance with France counterbalanced the force of the Holy Roman Empire, and restored the European equilibrium. After the abdication of Charles V, Spain remained England's major competitor for nearly a century, until Louis XIV's ambition to establish another universal

[154] Hume, *History*, 3:447. See also Hume's remark that once 'the ROMAN *christian*, or *catholic* church had spread itself over the civilized world', it became 'really one large state within itself, and united under one head', and therefore impeded the progress of the arts and sciences. Hume, 'Rise and Progress', E 121.

monarchy reactivated the traditional rivalry between France and England, which proved a major force to counterbalance French power until the mid-eighteenth century.

Based on his study of European history, Hume developed a modern theory of the balance of power. Having rejected universal monarchy because of its inherent instability and its tendency to undermine liberty, Hume was also uninterested in other projects towards perpetual peace. Hume recommended a moderate balance of power in the European states system as the most effective way to regulate international politics. The fact that the balance of power was historically entangled with jealousy and war did not prevent Hume from envisaging, although with some reservation, a more stable and peaceful European equilibrium in modern politics.

Chapter 2: 'Laws, Order, Police, Discipline': Hume's Theory of the Modern State

In Chapter 1, I examined Hume's understanding of the international dimension of modern politics by reconstructing and analysing his historical narrative of the formation of the modern states system. In this chapter, I turn to Hume's theory of the modern state—the basic unit that constituted this system. As with his theory of the balance of power, Hume approached his theory of the modern state from a historical perspective. Hume's historical analysis of various types of state that had existed from ancient to modern Europe enabled him to discern what was uniquely modern about the state form that came into being at the turn of the sixteenth century. The reason why Hume viewed the modern state as a historical phenomenon distinct from previous state forms was that the rise of modern commerce and the decline of feudal barons made it possible to establish stable and regular 'laws, order, police, discipline',[1] which were essential to what he identified as the aim of government—the maintenance of justice. As a result, the modern state could better answer the needs of political society than all its ancient or medieval counterparts. Hume thus endorsed the modern state as superior to all previous types of state that had been attempted in European history.

Despite the advances in Hume scholarship in the past decades, the nature of Hume's contribution to the theory of the modern state has not yet been fully appreciated, and serious treatments of Hume's theory of the modern state remain rare. Some scholars discuss Hume's theory of the 'modern state', 'modern commercial state', 'large modern state', 'large modern nation-state', 'liberal state', or 'modern liberal state', without explaining what Hume's notion of the state *is*.[2] Neil McArthur has noticed Hume's interest in ancient states, but he does not analyse Hume's

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[1] David Hume, 'Of Refinement in the Arts', in *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller, rev. ed. (Indianapolis: Liberty Fund, 1987), E 273. Hereafter, references to Hume's *Essays* are made by giving essay title, 'E', and page number.

[2] Jeffrey Church, 'Selfish and Moral Politics: David Hume on Stability and Cohesion in the Modern State', *Journal of Politics* 69, no. 1 (2007): 169-81; Kendra H. Asher, 'Moderation and the Liberal State: David Hume's History of England', *Journal of Economic Behavior and Organization* 184 (2021): 850-59.

theory of the modern state, only providing an account of Hume's theory of modern 'civilized' *government*.[3] Another way of approaching Hume's theory of the state is through the lens of political obligation. Pursuing this interpretation, Paul Sagar argues that, based on a theory of utility-based or commercial sociability, Hume (and Smith) ruled out the theoretical need of an almighty, artificial sovereign—combining supreme power with rightful authority—for making peace amongst naturally unsocial individuals, and instead expounded a 'thoroughly anti-Hobbesian theory of politics, culminating in a theory of the state without sovereignty'.[4] Whilst Sagar has supplied a compelling analysis of Hume's theory of political obligation, he has not explained in what sense or to what extent Hume has a theory of the modern state as an institution indispensable to modern politics. Therefore, despite the rising scholarly interest in Hume's theory of the (modern) state, more needs to be said about what Hume's concept of the state is and why his theory of the modern state matters.

Hume has a theory of political obligation *and* a theory of the (modern) state. The former concerns the foundation of and limit to legitimate authority; the latter centres on understanding the nature of various types of state, including its modern variant. Whilst Hume's theory of political obligation is the theme of Chapter 3, the aim of this chapter is to unpack Hume's theory of the state in general and the modern state in particular. This chapter comprises five parts. First, I clarify Hume's conceptions of 'nation', 'state', and 'government', providing working definitions for each. I suggest that Hume has two concepts of government—the *institutions* of the state and the *constitution* of the state—and that both are essential to his theory of the state. Recognising the difference and relation between these two concepts, or between Hume's understanding of the form of state and the form of government—a topic to which Hume scholars to date have not paid enough attention—will allow us to fully appreciate Hume's contribution to how we might think

[3] Neil McArthur, *David Hume's Political Theory: Law, Commerce, and the Constitution of Government* (Toronto: University of Toronto Press, 2007).

[4] Paul Sagar, *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith* (Princeton: Princeton University Press, 2018), 18, 103-38; 'The State without Sovereignty: Authority and Obligation in Hume's Political Philosophy', *History of Political Thought* 37, no. 2 (2016): 271-305.

about the modern state. Second, I reconstruct Hume's theory of the origin and aim of government, i.e., the institutions of the state. Whilst the aim of government is to protect the lives and properties of individuals, Hume acknowledged that not all governments could effectively meet this goal. Building on this, the third section then compares Hume's analysis of four types of state that have been attempted in real history—the ancient city-state, empire, the feudal state, and the modern state—and explains what Hume recognised as the modernity of the modern state. The fourth section focuses on Hume's analysis of the modern state by explicating his comparative study of the different constitutions that governments could take in modern states. Despite their different forms of government, all modern states had one characteristic in common: the exercise of power was regular and civilised, not arbitrary or barbarous. The last section concludes.

I. Hume's Terminology: Nation, State, and Government

By the time Hume started to write his political theory in the late 1730s, several theories of the state were already available to him. As Quentin Skinner outlines, three theories of the state stood out in seventeenth-century English political debates: the theory of absolute authority, the theory of popular sovereignty, and Hobbes's 'fictional theory' of the state.[5] Both the 'absolutist theory' and the 'populist theory' regarded the state as 'a type of civic union, a body or society of people united under government', but they disagreed over the relationship between the people and the supreme power: whilst the former held that the state is 'a passive and obedient community living under a sovereign head', the latter insisted that the term 'state' refers to 'the body of the people viewed as the owners of sovereignty themselves'.[6] During the English Civil War, the 'absolutist theory' was embraced by the royalists, the 'populist theory' by the parliamentarians, but both were challenged by Hobbes's 'fictional theory' of the state. Skinner argues that in *Leviathan*, Hobbes expounded a theory of the state as a fictional person 'distinct from both rulers and ruled'.[7] For Hobbes, the

[5] Quentin Skinner, 'A Genealogy of the Modern State', *Proceedings of the British Academy* 162 (2009): 325-70.
[6] Skinner, 'Genealogy', 332.
[7] Skinner, 'Genealogy', 346.

fictional person of the state is both created by the multitude's covenant authorising the sovereign, and represented by the artificial person of the sovereign.[8]

Hume was familiar with all three theories of the state, but he endorsed none. According to Hume, both the 'absolutist theory' and the 'populist theory' were problematic: although both had been widely held in seventeenth- and even eighteenth-century political debates, both were flawed, biased, and distorted by zealous partisans. In his political essays, Hume refuted both the theory of passive obedience and that of the original contract.[9] In his political essays as well as in the *History of England*, Hume demonstrated his comprehensive knowledge of both Tory and Whig ideologies and their undergirding theories, but he took side with neither.[10] Thus, Hume explicitly rejected the absolutist as well as the populist theory of the state.

Yet Hume did not subscribe to Hobbes's alternative. Although Hume never explicitly engaged with Hobbes's theory of the state, there is compelling textual evidence that he disagreed with the latter's ethical and political theory at large. In Book II of the *Treatise*, Hume mentioned Hobbes in passing, suggesting that both Plato's *Republic* and his *Leviathan* failed to supply an accurate depiction of human nature.[11] In the *History of England*, Hume observed that 'no English author … was more celebrated both abroad and at home than Hobbes' in the mid-seventeenth century, but 'in our time, he is much neglected'. Moreover, Hume denounced Hobbes's political theory with a bitter tone, proclaiming that 'Hobbes's politics are fitted only to promote tyranny, and his ethics to encourage licentiousness'.[12] Evidently, Hume was discontented with Hobbes's theory of human nature and politics, even though he neither explained or justified his critique of Hobbes, nor made any effort to engage seriously with Hobbes at all.

[8] Skinner, 'Genealogy', 346-47.

[9] Hume, 'Of the Original Contract', E 465-87; 'Of Passive Obedience', E 488-92.

[10] Hume, 'Of the Parties of Great Britain', E 64-72; 'Of the Coalition of Parties', E 493-501; *The History of England: from the Invasion of Julius Caesar to the Revolution in 1688*, 6 vols. (Indianapolis: Liberty Fund, 1983), 6:381-91, 6:523-30. Hereafter cited as *History*, giving volume number and page number.

[11] David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David Fate Norton and Mary J. Norton, vol.1: *Texts* (Oxford: Oxford University Press, 2007), T 2.3.1.10, SBN 402-03. Hereafter cited as *Treatise*, giving 'T', book number, part number, section number, paragraph number, and the page number of the SBN edition.

[12] Hume, *History*, 6:153.

Moreover, Hume's lack of response to Hobbes's *theory* of the state suggests that he was uninterested in the Hobbesian *approach* to theorising the state.[13] In Book III of the *Treatise*, Hume accounted for the origin and operation of government and allegiance, before moving on to a new section entitled 'Of the laws of nations', in which he wrote:

> Political writers tell us, that in every kind of intercourse, a body politic is to be consider'd as one person; and indeed this assertion is so far just, that different nations, as well as private persons, require mutual assistance; at the same time that their selfishness and ambition are perpetual sources of war and discord. But tho' nations in this particular resemble individuals, yet as they are very different in other respects, no wonder they regulate themselves by different maxims, and give rise to a new set of rules, which we call *the laws of nations*.[14]

To anyone who is familiar with Hobbes's political theory, this remark would seem interesting enough, as if Hume is apparently referring to, and responding to, Hobbes's theory of the state as a (fictional) person.[15] But far from suggesting Hume's interest in the theory of state personhood, this passage rather demonstrates his lack of interest in it. Without any serious theoretical engagement, Hume simply mentions the idea of state personhood in passing, before making two claims. First, he acknowledges the resemblance between a state and a person only in a superficial and analogical sense: just as human beings cannot subsist without society, states also need 'mutual assistance' in an international society; the 'selfishness and ambition' of states result in 'war and discord', in almost the same way as our self-interest and vanity lead to private conflicts. Second,

[13] There is, however, nothing extraordinary about this fact, since Hobbes's political thought in general met with a hostile reception, and his fictional theory of the state in particular did not receive serious treatment in the English-speaking audience until William Blackstone's *Commentaries on the Laws of England*. Even so, eighteenth-century British debates over the origin of government were still conducted under the shadow of Locke (and Lockeian ideas) and Filmer (and Filmerian ideas), whereas Hume can be productively read as responding to both strands of thought. Jon Parkin, *Taming the Leviathan: The Reception of the Political and Religious Ideas of Thomas Hobbes in England 1640-1700* (Cambridge: Cambridge University Press, 2007), 334-44, 361-77; Skinner, 'Genealogy', 348-54; James A. Harris, 'Of the Origin of Government: The Afterlives of Locke and Filmer in An Eighteenth-Century British Debate', *Intellectual History Review* 33, no. 1 (2023): 33-55.

[14] Hume, *Treatise*, T 3.2.11.1, SBN 567.

[15] On Hobbes's theory of state personhood, see Quentin Skinner, 'Hobbes and the Purely Artificial Person of the State', *Journal of Political Philosophy* 7, no. 1 (1999): 1-29; David Runciman, 'What Kind of Person is Hobbes's State? A Reply to Quentin Skinner', *Journal of Political Philosophy* 8, no. 2 (2000): 268-78; Sean Fleming, 'The Two Faces of Personhood: Hobbes, Corporate Agency and the Personality of the State', *European Journal of Political Theory* 20, no. 1 (2017): 5-26; Paul Sagar, 'What is the Leviathan?', *Hobbes Studies* 31, no. 1 (2018): 75-92.

having offered this limited analogy, Hume immediately moves on to highlight the differences between states and individuals in other aspects, and to outline the differences between the laws of nations and the rules regulating the relations among private persons. Furthermore, Hume did not engage with Hobbes's theory of representation, which is key to the latter's theory of the state.[16] Hume's analysis of political representation concerns not the sovereign as the representative of the multitude-made people, but the parliament as a representative body in democracies, republics, or limited monarchies.[17] Hume simply worked outside the Hobbesian *approach* to theorising the state.[18]

Hume's approach to the theory of the state is historical. Whilst Hobbes is often regarded as one of the earliest and greatest theorists of the modern state, he does not take a historical approach or explain the features that constitute distinctively *modern* states. Hume's historical approach, however, does allow him to show what is modern about the modern state, which can be achieved only through a comparative study of different types of state that existed in history. Yet Hume's theory of the state is also built on a set of conceptual tools. Before analysing Hume's historical study of the state in general and the modern state in particular, it is necessary to examine his understanding and use of three key concepts: *nation*, *state*, and *government*. Unlike Hobbes, Hume does not typically offer clear definitions to key concepts, and the loose way he uses them creates additional obstacles to understanding his thoughts. Therefore, for the purpose of analytical precision, it is useful to clarify the meaning of these terms in Hume's political writings by making two comparisons, first between national and political organisations, and then between the state and the government, both of which are political organisations.

[16] For Hobbes's theory of representation, see especially Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley and Los Angeles: University of California Press, 1967), 14-37; Quentin Skinner, 'Hobbes on Representation', *European Journal of Philosophy* 13, no. 2 (2005): 155-84.

[17] Hume, 'That Politics May Be Reduced to a Science', E 16-18; 'Of the First Principles of Government', E 35-36; 'Coalition of Parties', E 498; 'Idea of a Perfect Commonwealth', E 512-29.

[18] For a similar yet different point, see Paul Sagar's claim that Hume (and Smith) operated 'outside the language and conceptualizations of sovereignty theory'. Sagar, *Opinion of Mankind*, 10-11.

Two clues help us to compare Hume's concepts of the nation and the state, or government. The first concerns Hume's use of 'nation' in Book III, Part II of the *Treatise*, where he explains how the rules of justice are spontaneously established and adhered to by a redirection of our self-interest, so that primitive societies can be formed and preserved without a supreme coercive power. On this account, the interest that society brings about constitutes human beings' original motive to justice, i.e., abstinence from others' property, without which the formation and preservation of society would be impossible. Hume then remarks that 'when society has become numerous, and has encreas'd to a tribe or *nation*, this interest is more remote', but our sympathy with public interest leads us to show moral approbation to just actions and persons, thereby contributing to upholding society without government.[19] Hume thus makes it clear that a nation, as a society of a considerable size, may subsist without a government, and therefore is not necessarily a political society. The second clue, however, suggests that political organisations—the state or government—have a profound influence on the shared characteristics of a nation. In his essay 'Of National Characters', Hume argues that the national character of a nation or people is shaped predominantly by 'moral causes' rather than by 'physical causes'. A nation, Hume contends, is 'nothing but a collection of individuals', whereas a national character is 'a peculiar set of manners habitual to' this collection of individuals. Whilst human nature is general and uniform, habit and custom have great influences on the human mind, for they can change what we 'receive from the hand of nature' and cause different characteristics to typify different nations.[20] Taking a different position than Montesquieu's, Hume insists that the chief cause of a peculiar national character is not its natural or geographical condition, such as 'the air and climate', but artificial or institutional factors, not least 'the nature of the 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 such like

[19] Hume, *Treatise*, T 3.2.2.24, SBN 499 (my emphasis).
[20] Hume, 'Of National Characters', E 198.

circumstances'.[21] Hence Hume's claim: 'Where a number of men are united into *one political body*, the occasions of their intercourse must be so frequent, for defence, commerce, and government, that, together with the same speech or language, they must acquire a resemblance in their manners, and have a common or national character, as well as a personal one, peculiar to each individual.'[22]

Whilst Hume's description that a nation is 'nothing but a collection of individuals' does not constitute a proper definition (not all collections of individuals are nations), a tentative definition of 'nation', based on the foregoing discussion, is readily available. For Hume, a nation is a group of people with shared identity or interest, inhabiting a common space, which may further (but need not) be united in a state—a political body—and governed by its government. The scale of a nation can be as small as an ancient Greek city-state or as large as the Chinese empire. At times, Hume directly uses 'governments' or 'states' as synonyms for nations (as they are often coextensive): in the Grecian world, which was divided into many 'small states', the Athenians and Thebans were governed by 'small governments'; by contrast, the Chinese were governed by 'a very extensive government'.[23] Crucially, a nation is not necessarily a political body, and a society as large as a nation is not necessarily a political society, for a nation of a moderate scale can exist without coercive political organisations.[24] But in recorded history, most nations are political nations, united in a state and administered by its government. Moreover, where organised political power has been

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[21] Hume, 'National Characters', E 198-208; Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989), Books 14-19. Whilst both Hume's essay and Montesquieu's monograph were published in 1748, Hume read *The Spirit of the Laws* only after its publication in autumn 1748. James Harris suggests that 'there is no clear and decisive evidence, internal or external, that Montesquieu's ideas had anything to do with the writing of "Of National Characters"'. However, 'Of National Characters' did receive Montesquieu's attention and praise immediately off the press. James A. Harris, *Hume: An Intellectual Biography* (Cambridge: Cambridge University Press, 2015), 244; Ernest Campbell Mossner, *The Life of David Hume*, 2nd ed. (Oxford: Oxford University Press, 1980), 218, 229; Hume to Montesquieu, 10 April 1749, *The Letters of David Hume*, ed. J. Y. T. Greig, 2 vols. (Oxford: Oxford University Press, 1932), 1:133. For an interpretation of 'Of National Characters' as a response to 'Montesquieu's arguments, if not his text', see Roger B. Oake, 'Montesquieu and Hume', pt. 2, *Modern Language Quarterly* 2, no. 2 (1941): 225-48.

[22] Hume, 'National Characters', E 202-03.

[23] Hume, 'National Characters', E 204; 'Of the Rise and Progress of the Arts and Sciences', E 120.

[24] On this point, Hume's opinion differs sharply with Hobbes's. For Hobbes, there is no such thing as the people prior to political society, for it is exactly the individuals' authorisation of the representative sovereign that transforms a multitude of men into a unified body of people, and supersede the various individual wills of the multitude with one will. By contrast, Hume has no theory of representative sovereignty. Hume insists that society can be enlarged to a tribe or nation even before the invention of government; put differently, a moderate-sized group of people can exist before the establishment of political society. Moreover, Hume's state or government does not, and need not, reduce numberless individual wills to one will. Skinner, 'Hobbes on Representation'; Sagar, *Opinion of Mankind*, 103-38.

established in a nation, the constitution of the state or the form of its government can profoundly shape the shared characteristics of its people, making the manner and character of the nation genuinely different from those of other nations. This in turn reinforces the collective identity of a nation. In this sense, Hume sometimes also refers to a nation as a 'country', speaking of England as 'our own country' among 'other nations'.[25]

For Hume, there is a qualitative difference between the nation or country, which are communities of people, and the state or the government, which are political organisations. Yet within the category of political organisation, the conceptual difference between the state and the government should not be overlooked. The earliest exposition of Hume's political theory exists in Book III, Part II of the *Treatise*, where he frequently speaks of the origin of 'government' and our obligation to obey the 'government' or 'magistrate', but uses the term 'state' rarely and in three specific ways. First and in general, the 'state' is an independent political body. The prince or monarch is denominated 'the sovereign of the state',[26] whereas the 'state' has an interest in the most powerful and popular candidate being chosen in the succession of throne.[27] Second, by the 'state' Hume sometimes means the populace of this political body. The magistrates of government are 'indifferent persons to the greatest part of the state', so that they have no or little interest in committing injustice but a more direct interest in the provision of justice.[28] Third, the term 'state' is also used when discussing the relations between several independent political bodies. The laws of nations, i.e., those deciding the 'duties among the neighbouring states' and regulating 'the intercourse of different states', are less obligatory than the rules governing the conduct of individuals.[29]

In his subsequent political writings, Hume remains committed to the three ways in which he uses the word 'state' in Book III of the *Treatise*. Several examples illustrate this. First, speaking

[25] Hume, 'Of Civil Liberty', E 90; *Treatise*, T Intro.7, SBN vii.
[26] Hume, *Treatise*, T 3.2.8.9, SBN 548.
[27] Hume, *Treatise*, T 3.2.10.9, SBN 559.
[28] Hume, *Treatise*, T 3.2.7.6, SBN 537.
[29] Hume, *Treatise*, T 3.2.11.1, SBN 567; T 3.2.11.4, SBN 569.

of the state as a political body in general, Hume remarks that in the seventeenth century, trade became 'an affair of state', and the 'internal POLICE of states' received great improvement.[30] Second, for the state as the populace, Hume refers to individuals as 'member(s) of the state'.[31] He also insists that although 'the greatness of the state' and 'the happiness of its subjects'—or 'the greatness of the sovereign' and 'the happiness of the state'—had been contradictory in the ancient world, they became mutually beneficial under modern conditions.[32] Third, when discussing the relations between European states, Hume frequently uses the phrase 'neighbouring states' or 'neighbouring nations', although in the latter case the 'neighbouring nations' are not merely cultural communities, but large-scale political societies.[33] Tentatively, then, we may conclude that Hume's notion of the state is a political body that unites the populace of a nation in a certain territory.[34]

As a political body, the state typically exercises its power through government. Hume has two concepts of 'government'. In the first place, 'government' comprises the rulers, magistrates, or the established apparatuses of the state, especially in relation to those subject to their power. This is what Hume usually means by 'government' in the *Treatise*. This is also the notion of government Hume has in mind when he claims that it is 'on opinion only that government is founded'.[35] This is, moreover, the concept of government which Hume adopts in his final political essay, the posthumously published 'Of the Origin of Government', in which he reasserts the crucial point he has made in the *Treatise*, that 'the vast apparatuses of our government' have

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[30] Hume, 'Of Civil Liberty', E 88.

[31] Hume, 'Of Commerce', E 262; 'Of Interest', E 301.

[32] Hume, 'Of Commerce', E 255-57, 262.

[33] For 'neighbouring states', see Hume, 'Rise and Progress', E 119, 120; 'Of Interest', E 305; 'Of the Balance of Trade', E 315n4; 'Of the Jealousy of Trade', E 330, 331; 'Of the Balance of Power', E 337. For 'neighbouring nations', see Hume, 'Of Commerce', E 255; 'Balance of Trade', E 311, 312, 324; 'Jealousy of Trade', E 330, 331; 'Of Taxes', E 344; 'Of the Populousness of Ancient Nations', E 378; 'Coalition of Parties', E 495.

[34] However, Hume uses the word 'union' very loosely, in the sense of social bonds. This is especially the case when compared with Hobbes's concept of 'union'. For Hobbes, the state is modelled on 'union', i.e., a political organisation that offers 'stability and peace' to naturally unsociable individuals 'without any consensus or prepolitical social integration'; it is to be contrasted with 'concord', the community with 'preexisting consensus and hence a grounding in sociability'. In Hume's *Treatise*, however, the word 'union' refers not only to communities with natural bonds, such as the combination between sexes and the family, but even to the first society beyond family and kinship. István Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: Harvard University Press, 2005), 20; Hume, *Treatise*, T 3.2.2.4-5, SBN 486; T 3.2.2.6, SBN 487; T 3.2.12.3, SBN 570.

[35] Hume, 'First Principles', E 32.

'ultimately no other object or purpose but the distribution of justice'.[36] In this sense, government is a general name for the institutions and personnel that conduct the day-to-day administration or management of a state, demand the obedience of subjects or citizens, and punish those who disobey or resist. The existence of these apparatuses is essential to the existence of the state, whereas the dissolution of government marks the death of the state and the beginning of anarchy.

Hume's second concept of 'government' concerns not the institutions of the state, but the *constitution* of the state. In this sense, 'government', or 'form(s) of government', is the distribution of power either among several ranks of men in a state, or within the ruling class of the state. As there are three major ranks in society—the monarch, the nobles, and the people—there are also three prototypes or pure forms of government: monarchy, aristocracy, and democracy.[37] When Hume remarks that 'the English government is a mixture of monarchy, aristocracy, and democracy', by 'English government' he means the English constitution, or the distribution of power among the three major ranks in England.[38] This is the concept of government that appears in Hume's famous claim that 'so great is the force of laws, and of particular forms of government, and so little dependence have they on the humours and tempers of men, that consequences almost as general and certain may sometimes be deduced from them, as any which the mathematical sciences afford us'.[39] This is the notion of government that Hume has in mind when, in many essays, he analyses different forms of government and their influences on the arts, sciences, learning, commerce, manners, and national characters. This dynamic understanding of government can also be found, again, in 'Of the Origin of Government'. When Hume remarks that 'in all governments, there is a perpetual intestine struggle, open or secret, between AUTHORITY and LIBERTY', what he means by 'government' is not the established apparatuses of the state, but the

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[36] Hume, 'Of the Origin of Government', E 37.
[37] Hume, 'That Politics', E 18.
[38] Hume, 'National Characters', E 207.
[39] Hume, 'That Politics', E 16.

constitution or power structure of this political body.[40] It is also in this sense that Hume's *History of England* is a history of the 'continual fluctuation' of the English government or constitution.[41]

It is now time to draw a tentative conclusion regarding Hume's terminology. A *nation* is a society of human beings who share the same identity and inhabit the same space. By establishing *government*—a set of coercive institutions that maintain justice—the populace of a large nation become united in a political body, i.e., the *state*. Thus, the establishment of government is also the birth of the state. Yet the state is different from the government, for whilst the state is the name of the political body, its daily management is conducted by its *government*, i.e., the established apparatuses and personnel of the state. However, in Hume's political thought, 'government' also has a second meaning: the vertical distribution of power among different ranks and the horizontal distribution of power within the ruling class. In this sense, government, or the form of government, embodies the constitution of a state. Hume prefers the term 'state' when discussing the material condition of a political body or its external relationship with other political bodies. When describing and analysing the internal structure of the state—for example, the relationship between individuals and the apparatuses of the state, or that between different ranks or political groupings in a state—Hume's preferred terms are 'government', 'form(s) of government', or 'constitution'.

Hume's conceptual distinction between the state and government has important theoretical implications, for the foregoing concepts of the state and government enabled him, over time, to carry out a comprehensive and in-depth study of the state in general, and the modern state in particular. This enterprise turned out to be a combination of three parts, which will be examined respectively in what follows: an account of the origin and nature of political society, a comparative historical study of different types of state, and a theory of the modern state centring on an analysis of modern government. As my analysis shows, the key to Hume's theory of the state are his two concepts of government: the first concept of government plays a central role in Hume's account

[40] Hume, 'Origin of Government', E 40.
[41] Hume, *History*, 4:355n.

of the origin and nature of political society, whereas his typology of state and analysis of the modern state could not have been accomplished without both concepts of government.

II. The Origin and Nature of Political Society

Sociability, Justice, and the Foundation of Society

Having been interested in 'the nature and foundation of government'[42] since his youth, Hume offered his earliest and most comprehensive treatment of this topic in Book III of the *Treatise*. According to Hume, the necessity of justice or property originates in the tension between our need for society and our limited ability to maintain society. Human individuals are weak by nature, endowed with very limited means even to satisfy their basic needs, so that the only way to secure individual subsistence is to live in society. ''Tis by society alone he is able to supply his defects, and raise himself up to an equality with his fellow-creatures, and even acquire a superiority above them … By the conjunction of forces, our power is augmented: By the partition of employments, our ability encreases: [sic.] And by mutual succour we are less expos'd to fortune and accidents. 'Tis by this additional *force*, *ability*, and *security*, that society becomes advantageous.'[43] The natural desire between the two sexes is a necessity which gives rise to the first rudiment of society, whereas the bond between parents and children contributes to the maintenance of the family society and its expansion to 'a more numerous society'.[44] 'In a little time, custom and habit' make children sociable by teaching them the advantages of living in society and affording them 'a new affection to company and conversation'.[45] As this kind of tribal society is an outgrowth of kinship, its members are sociable almost by birth. The emergence and maintenance of the primary society, therefore, is a natural consequence of both necessity and our kinship-based natural sociability.

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[42] Hume, *Treatise*, T 1.4.7.12, SBN 270-1.
[43] Hume, *Treatise*, T 3.2.2.3, SBN 485.
[44] Hume, *Treatise*, T 3.2.2.4, SBN 486.
[45] Hume, *Treatise*, T 3.2.2.4, SBN 486; T 3.2.2.9, SBN 489.

However, our ability to maintain society is extremely limited. Our natural sociability, if any, is largely restricted to the extent of kinship and friendship. According to Hume's theory of human nature, we are ultimately selfish, although not narrowly egoistic. We cannot help but love ourselves more than other individuals, and love our relatives and friends more than strangers. This partiality of human emotion is so strong that our '*selfishness and confin'd generosity*' must lead to 'an opposition of passions, and a consequent opposition of actions', threatening the peace and order of society.[46] 'Our natural uncultivated ideas of morality', that is, the tribal morality based on the exclusive membership of a small community, 'instead of providing a remedy for the partiality of our affections, do rather conform themselves to that partiality, and give it an additional force and influence', obstructing society from further growth and prosperity.[47] Furthermore, the instability and scarcity of external goods make it more difficult for human beings to live together peacefully without some security of possessions. As a function both of human nature and of external constraints, our narrow self-interest, or the 'avidity…of acquiring goods and possessions for ourselves and our nearest friends, is insatiable, perpetual, universal, and directly destructive of society'.[48]

In order to maintain society, then, it is necessary to protect everyone's possessions, so that, despite their 'looseness and easy transition from one person to another', they can be as secure as 'the fix'd and constant advantages of the mind and body':

> This can be done after no other manner, than by a convention enter'd into by all the members of the society to bestow stability on the possession of those external goods, and leave every one in the peaceable enjoyment of what he may acquire by his fortune and industry. By this means, every one knows what he may safely possess; and the passions are restrain'd in their partial and contradictory motions.[49]

[46] Hume, *Treatise*, T 3.2.2.6, SBN 487; T 3.2.2.18, SBN 495.
[47] Hume, *Treatise*, T 3.2.2.8, SBN 489.
[48] Hume, *Treatise*, T 3.2.2.12, SBN 491-92.
[49] Hume, *Treatise*, T 3.2.2.9, SBN 489.

This convention is not a contract or promise, but 'a general sense of common interest; which sense all the members of society express to one another, and which induces them to regulate their conduct by certain rules'.[50] As with the emergence of language or money, it 'arises gradually, and acquires force by a slow progression, and by our repeated experience of the inconveniences of transgressing it'.[51] But once all members of society enter into the convention of respecting and abstaining from others' possessions, 'there immediately arise the ideas of justice and injustice; as also those of *property*, *right*, and *obligation*'.[52] Afterwards, two additional conventions are established in the same manner: that property should not be transferred without consent, and that promises should be performed.[53] Hume refers to these conventions as 'the three fundamental rules of justice'.[54]

The three fundamental rules of justice are established spontaneously in pre-political societies without government. This is because the experience of living in society and the inconvenience of the absence of justice are sufficient to make us aware, 'upon the least reflection', that our 'interested affection' is 'much better satisfy'd by its restraint, than by its liberty, and that by preserving society, we make much greater advances in the acquiring of possessions, than by running into the solitary and forlorn condition, which must follow upon violence and an universal licence'.[55] This consideration of self-interest is the 'original motive' to the '*establishment* of justice'.[56] However, in establishing justice, our narrow self-interest is enlarged and redirected to long-term considerations, and this new variant of self-interest is no longer 'of a kind that cou'd be pursu'd by the natural and inartificial passions of men'.[57] By establishing the rules of justice, redirecting our natural self-interest, and suppressing our greed for the possession of others, the pursuit of private interest is no longer a zero-sum game, and one's long-term interest will not contradict public

[50] Hume, *Treatise*, T 3.2.2.10, SBN 490.
[51] Hume, *Treatise*, T 3.2.2.10, SBN 490.
[52] Hume, *Treatise*, T 3.2.2.11, SBN 490.
[53] Hume, *Treatise*, T 3.2.4-5, SBN 514-25.
[54] Hume, *Treatise*, T 3.2.11.2, SBN 567.
[55] Hume, *Treatise*, T 3.2.2.13, SBN 492.
[56] Hume, *Treatise*, T 3.2.2.24, SBN 499.
[57] Hume, *Treatise*, T 3.2.2.21, SBN 497.

interest or the common interest of society. Moreover, because of the operation of our sympathy, the uneasiness of those who suffer from injustice causes a corresponding uneasiness in our mind, and evoke our moral disapprobation of injustice. This '*sympathy* with *public* interest' also explains why justice receives moral approbation.[58] This sense of morality is further enhanced by the measures of politicians, by the private education of parents, and by our love of reputation.[59]

Hume was convinced that by spontaneous coordination, human beings are capable of organising and maintaining a pre-political society as large as a 'tribe or nation'.[60] We live in such a society not for the sake of society itself, but for our own subsistence and interest. We are not naturally disposed to living in large societies, but are made sociable by artificially established rules of justice and other artifices, such as public education, private education, and the mechanism of reputation. We remain peaceful and orderly not because of our natural inclinations, but by a set of artificial and reciprocal institutions. To conclude, human sociability beyond kinship is based on utility and reciprocity, not natural affection or spontaneous harmony.[61]

The Origin and Aim of the State

Our utility-based, reciprocal sociability is not always reliable. If society becomes larger or richer than a moderate-sized, frugal 'tribe or nation', redirected self-interest will cease to be a sufficient answer to the coordination problem, and property will become precarious again. Moreover, these 'tribes or nations' are constantly faced with the danger of conflict and war with other societies. In

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[58] Hume, *Treatise*, T 3.2.2.24, SBN 499-500.

[59] Hume, *Treatise*, T 3.2.2.25-27, SBN 500-1.

[60] Hume, *Treatise*, T 3.2.2.24, SBN 499; cf. T 3.2.8.2, SBN 540-41: 'This we find verify'd in the *American* tribes, where men live in concord and amity among themselves without any establish'd government; and never pay submission to any of their fellows, except in times of war…The state 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.'

[61] For the intellectual origin and evolution of this model of utility-based, reciprocal sociability, see Hont, *Jealousy of Trade*, 37-51, 159-84; *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith* (Cambridge, MA: Harvard University Press, 2015), chaps.1-2. For this model of sociability in Hume's political thought, see Sagar, *Opinion of Mankind*, chap.1. However, the term that Hont and Sagar have adopted is 'commercial sociability', which was originally invented by Hont to describe Adam Smith's analysis of human sociability in *The Theory of Moral Sentiments* and later to define Smith's 'commercial society' in *Wealth of Nations*. In order to avoid any possible confusion or connection with Smith's 'commercial society'—this is particularly necessary in a study of Hume's ideas, because it is doubtful that Hume ever had an idea of what Smith took to be a 'commercial society'—I will not use the Hontian term 'commercial sociability'. For a critical discussion of Hont's 'commercial sociability', see Robin Douglass, 'Theorising Commercial Society: Rousseau, Smith and Hont', *European Journal of Political Theory* 17, no. 4 (2018): 501-11.

order to maintain order and peace in large or advanced societies, it is necessary to establish government to settle internal disputes regarding property, and protect society from the threat of external enemies.

Hume supplied two interconnected accounts of the origin and aim of government—or the institutions of the state. The first account is a philosophical one, according to which government is established to preserve justice, and consequently peace and order, in a 'large and polish'd' society.[62] Since what is 'near and contiguous' has a stronger influence on our mind than what was 'distant and obscure', human beings are often inclined to pursue their present interest at the cost of their long-term interest.[63] When the rules of justice are first established, all members of society can feel an obvious and immediate pressure: 'without justice, society must immediately dissolve, and every one must fall into that savage and solitary condition, which is infinitely worse than the worst situation that can possibly be suppos'd in society'.[64] But this pressure becomes weaker as society exists for a longer time and grows to a larger extent. Meanwhile, when individuals realise that the cost of each breach of justice is remote and overtaken by the immediate benefit of that breach, the violations of justice would 'become very frequent in society, and the commerce of men, by that means, be render'd very dangerous and uncertain'.[65] Since human nature is universal and unchanging, the only remedy is to establish another institution which can 'change our circumstances and situation, and render the observance of the laws of justice our nearest interest, and their violation our most remote'.[66] In order to make this feasible, we select some individuals, and make the observance and execution of justice their most immediate interest:

> These are the persons, whom we call civil magistrates, kings and their masters, our governors and rulers, who being indifferent persons to the greatest part of *the state*, have no interest, or but a remote one, in any act of injustice; and being satisfy'd with their present condition, and with their part in society, have an immediate

[62] Hume, *Treatise*, T 3.2.8.5, SBN 543.
[63] Hume, *Treatise*, T 3.2.7.2-3, SBN 534-35.
[64] Hume, *Treatise*, T 3.2.2.22, SBN 497-98.
[65] Hume, *Treatise*, T 3.2.7.3, SBN 535.
[66] Hume, *Treatise*, T 3.2.7.6, SBN 537.

> interest in every execution of justice, which is so necessary to the upholding of society. Here then is the origin of *civil government* and allegiance … These persons, then, are not only induc'd to observe those rules in their own conduct, but also to constrain others to a like regularity, and enforce the dictates of equity thro' the whole society. And if it be necessary, they may also interest others more immediately in the execution of justice, and create a number of officers, civil and military, to assist them in their government.[67]

But in addition to the 'execution of justice', government also has a judicial function to 'decide all controversies' regarding our understanding and interpretation of justice.[68] Moreover, a third function of government is to actively promote public interest by solving the problem of collective action, enhancing social cooperation and providing public goods: '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, which, tho' compos'd of men subject to all human infirmities, becomes, by one of the finest and most subtile [sic.] inventions imaginable, a composition, that is, in some measure, exempted from all these infirmities.'[69]

Whilst this philosophical account sheds light on the aim of government, it cannot explain why and how governments were historically established.[70] To solve this problem, Hume offered a historical account of the origin of government. According to his philosophical account, government is established when society is enlarged to such an extent that it has become very difficult for individuals to discern their interest in adhering to the rules of justice. But according to Hume's historical account, the origin of government was war. By turning to history and experience, Hume restated his point that government is not always necessary for human society, so long as its scale remains relatively small, and the external condition remains peaceful. However, once society is faced with external threats, government becomes absolutely necessary for common defence. 'The first rudiments of government' presumably arose from 'the quarrels, not among men of the

[67] Hume, *Treatise*, T 3.2.7.6, SBN 537 (my emphasis).
[68] Hume, *Treatise*, T 3.2.7.7, SBN 538.
[69] Hume, *Treatise*, T 3.2.7.8, SBN 539. For this philosophical account, see also Hume, 'Origin of Government', E 37-39.
[70] Sagar, *Opinion of Mankind*, 117-19.

same society, but among those of different societies'.[71] A small amount of wealth would be sufficient to provoke a war between different societies, and a foreign war would necessarily produce civil disorders in a society without government. The first government was erected to remedy this inconvenience by uniting the nation under its military leadership. After the war, the military government became a civil government, with the military leader becoming the king or monarch. This, according to Hume, is a 'plausible reason, among others, why all governments are at first monarchical, without any mixture and variety; and why republics arise only from the abuses of monarchy and despotic power'.[72] If society was relatively opulent, civil government would remain as an ordinary institution; otherwise, government would become quite unnecessary in peaceful times. Hume turned to the indigenous American tribes as an example. In normal times, they lived without any established government, because few controversies regarding possessions could occur given their universal poverty and frugality. In times of war, they united under the military leadership of their 'captain', but his authority would be lost soon after the restoration of peace. Although they learned the advantage of government from military leadership, they did not always live under a government. It was only when 'by the pillage of war, by commerce, or by any fortuitous inventions, their riches and possessions ha[d] become so considerable as to make them forget, on every emergence, the interest they ha[d] in the preservation of peace and justice', that they began to keep a regular government.[73]

But even if this historical account helps to explain what the philosophical account alone cannot, there is still a gap between them. The explicit message that they convey is quite clear. First, the aim of government is to preserve justice, i.e., to offer security to property, and to maintain the peace and order of society. Second, although human beings have the ability to maintain a 'small uncultivated society' without government, government is absolutely necessary in 'large and civiliz'd'

[71] Hume, *Treatise*, T 3.2.8.1, SBN 539-40.
[72] Hume, *Treatise*, T 3.2.8.2, SBN 540.
[73] Hume, *Treatise*, T 3.2.8.2, SBN 540.

or 'large and polish'd' societies.[74] Third, in real history, government was very possibly established under the threat of external enemies, whereas a certain level of material abundance was essential for the continued existence of government after the emergency of war. But how could the aim of government be effectively met by the first magistrates and military leaders? Since the first establishment of government was also 'the first ascendant of one man over multitudes', what could guarantee that the 'magistrate', 'chieftain', superior, or ruler, would faithfully serve rather than harm the public interest? If the 'perpetual intestine struggle' between authority and liberty is unavoidable in all governments, what could check the power and authority of the rulers and protect the security and liberty of the ruled?[75]

Behind Hume's explicit message is an implicit story of the natural history of political society, composed of three stages. The first stage is primitive anarchy. At this stage, human beings live in small-scale societies, where government is not necessary at all. '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'.[76] This is also the stage when humans live in 'absolute liberty', 'natural liberty', 'native liberty', or 'native freedom', without subjugation and domination.[77] But external and internal pressures force them to enter the second stage: barbarous government. The threat of war with other societies obliges the weak to submit to their superiors for wartime unanimity and military leadership. Given the growth of possession and property, they also need government to protect them from the greed of their fellow citizens. But according to Hume, it is a maxim in politics that 'every man ought to be supposed a *knave*, and to have no other end, in all his actions, than private interest'; where the 'insatiable avarice and ambition' of rulers

[74] Hume, *Treatise*, T 3.2.8.3, SBN 541; T 3.2.8.5, SBN 543; T 3.2.8.7, SBN 546. Cf. T 2.3.1.9, SBN 402: 'Men cannot live without society, and cannot be associated without government. Government makes a distinction of property, and establishes the different ranks of men. This produces industry, traffic, manufactures, law-suits, war, leagues, alliances, voyages, travels, cities, fleets, ports, and all those other actions and objects, which cause such a diversity, and at the same time maintain such an uniformity in human life.'

[75] Hume, 'Origin of Government', E 39-40.

[76] Hume, *Treatise*, T 3.2.8.2, SBN 540.

[77] Hume, 'Original Contract', E 468-69, 474, 476; *Enquiries Concerning Human Understanding and Concerning the Principles of Morals*, ed. L. A. Selby-Bigge and P. H. Nidditch, 3rd ed. (Oxford: Oxford University Press, 1975), 205; *Treatise*, T 3.2.9.1, SBN 550.

cannot be checked by interest, 'we have no security for our liberties or possessions, except the good-will of our rulers; that is, we shall have no security at all'.[78] At this stage, government itself becomes oppressive, tyrannical, and destructive to justice and security. The third stage is marked by civilised government, whose power, checked by interest, law, or popular control, is moderate and regular. As it becomes difficult for rulers and magistrates to jeopardise the interest of ordinary people, the weak enjoy greater security against their superiors. It is only at this stage that the aim of government is properly fulfilled.

The *real* history of Europe, however, was more complex. As we saw in Chapter 1, Hume suggested that Europe had two cycles of civilisation. The first cycle or the ancient civilisation of Europe culminated in Augustus's Rome, after which the government of the Roman Empire became barbarous, and was unable to provide security to its people. The emperors' rule corresponded to the second stage, but the political decay in the ancient world did not stop at this stage. In the subsequent age, the northern barbarians' 'pretended liberty', which was 'only an incapacity of submitting to government', even amounted to the first and anarchical stage of political society.[79] The feudal law and feudal government was preferable to anarchy, but they were so violent and unjust, that the people were 'oppressed, rather than governed' by the great barons, who were genuinely 'petty tyrants'.[80] It was only in modern times that the common people became protected by just and equitable laws. In the next section, I provide a more detailed analysis of Hume's view of real-world European states from ancient to modern times.

III. Ancient and Modern States

In his political writings, Hume identified at least four types of state that had existed in Europe: the ancient city-state, empire, the feudal state, and the modern state. The form of state is different from the form of government: the former concerns the nature of the political union under

[78] Hume, 'Of the Independency of Parliament', E 42.
[79] Hume, *History*, 2:521.
[80] Hume, *History*, 3:77; see also 'Refinement', E 277.

government, whilst the latter refers to how power is distributed in the state. One form of state may take one of several forms of government. For example, the modern state can function through monarchical, republican, or mixed governments. One form of government may operate in various forms of state. For example, republican government historically existed in both ancient city-states and modern states. Whilst I unpack Hume's typology of government in the next section, the aim of this section is to explicate Hume's understanding of the modernity of the modern state by contrasting his analysis of the modern state to that of previous state forms and examining his explanation of the historical birth of the modern state at the turn of the sixteenth century.

The first type of state is the ancient city-state. They were small, martial, and frugal cities based on chattel slavery and jealously emulating each other. They had various forms of government, but republican government, where citizens shared and collectively exercised political power, was more common, and was enthusiastically admired amongst Hume's contemporaries, so that Hume sometimes referred to ancient city-states as 'ancient republics'. Hume acknowledged that an international system, modelled on ancient Greece, composed of 'a number of neighbouring and independent states, connected together by commerce and policy', by encouraging emulation in taste and learning, is the most favourable to the improvement of the arts and sciences.[81] But Hume insisted that ancient city-states were the product of 'an extraordinary concurrence of circumstances', which neither continued to exist, nor could be reproduced, under the modern conditions of Europe:

> They were free states; they were small ones; and the age being martial, all their neighbours were continually in arms. Freedom naturally begets public spirit, especially in small states; and this public spirit, this *amor patriæ*, must encrease, when the public is almost in continual alarm, and men are obliged, every moment, to expose themselves to the greatest dangers for its defence. A continual succession of wars makes every citizen a soldier: He takes the field in his turn…[82]

[81] Hume, 'Rise and Progress', E 119.
[82] Hume, 'Of Commerce', E 259.

> …the ancient republics were almost in perpetual war, a natural effect of their martial spirit, their love of liberty, their mutual emulation, and that hatred which generally prevails among nations that live in close neighbourhood.[83]

Against those who admired ancient republics, Hume maintained that these historical contingencies contained serious flaws, making them inferior to modern states and unsuitable for modern politics. First, as we have seen in Chapter 1, ancient city-states pursued military grandeur at the cost of the material happiness of citizens. Given the small scale of ancient city-states, the continual threat of war, and the public-spiritedness of their citizens, superfluous labours of agriculture were employed not in manufacturing and commerce, but in military service. Hume remarked that this 'ancient policy was violent, and contrary to the more natural and usual course of things'.[84] Second, ancient republics were destructive to the liberty of ordinary people. Although there was a 'great equality of fortunes among the inhabitants of the ancient republics', this equal distribution of property among citizens was built on domestic slavery, which was 'more cruel and oppressive than any civil subjection whatsoever'.[85] By contrast, in modern times, 'human nature' enjoyed more liberty in the 'most arbitrary government of EUROPE, than it ever did during the most flourishing period of ancient times'.[86] Third, ancient republics suffered from 'violent governments' with 'little humanity and moderation'.[87] Not only were the 'maxims of ancient war … more destructive than those of modern', but ancient republics were plagued by 'inveterate rage between the factions' even during peaceful times.[88] As a result, 'property was rendered very precarious by the maxims of ancient government'.[89] Last but not least, the fragility of property was worsened by the 'loose police' of ancient republics and even of Rome. Ancient city-states lacked

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[83] Hume, 'Populousness', E 404.
[84] Hume, 'Of Commerce', E 259.
[85] Hume, 'Of Commerce', E 259; 'Populousness', E 383, 401.
[86] Hume, 'Populousness', E 383. I explore in more details Hume's comparative analysis of ancient and modern liberty in Chapter 4.
[87] Hume, 'Populousness', E 407, 414.
[88] Hume, 'Populousness', E 404, 406-07.
[89] Hume, 'Populousness', E 411.

the capacity required to enforce laws and administer justice, whereas Hume regarded the progress in 'police' as an essential feature of modern European states.[90]

The second type of state is empire. Most empires in history had monarchical governments, and governed very large territories acquired by conquest. The utmost example for this type of state in Europe was the Roman Empire. China was a notable empire outside of Europe, and was 'one of the most flourishing empires in the world'.[91] By abundant domestic trade within its vast extent, an empire such as China could preserve 'a great and powerful people' with very limited foreign trade.[92] Sometimes Hume referred to empire in Europe as 'universal monarchy'. The Roman Empire was a universal monarchy, which, after its dissolution, none of the feudal states of Europe had the capacity to restore. In modern Europe, universal monarchy had been attempted, consecutively, by the Holy Roman Empire under Charles V (r. 1519–56) and France, especially during the reign of Louis XIV (r. 1643–1715).[93]

Hume was a critic of empire, not only because of the violence of conquest (and in the case of Rome, the insecurity of individuals), but also because the extensive size of empire would obstruct the progress of civilisation. A universal monarchy, by its unparalleled power in politics and enormous authority in taste and learning, checks that emulation and curbs the rise and progress of the arts and sciences. Had China not been 'one vast empire, speaking one language, governed by one law, and sympathizing in the same manners', its 'pretty considerable stock of politeness and science' would have 'ripen[ed] to something more perfect and finished, than what has yet arisen from them'.[94] The history of Rome also shows how a universal monarchy can jeopardise the progress of the arts and sciences. The civilisation of Rome culminated in the age of Augustus, when 'almost all improvements of the human mind had reached nearly to their state of perfection', but '[t]he unlimited extent of the Roman empire, and the consequent despotism of its monarchs,

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[90] Hume, 'Populousness', E 420-21; 'Civil Liberty', E 93-94.
[91] Hume, 'Of Commerce', E 264; see also 'Rise and Progress', E 122; 'National Characters', E 204.
[92] Hume, 'Of Commerce', E 264.
[93] Hume, 'Balance of Power', E 338.
[94] Hume, 'Rise and Progress', E 122.

extinguished all emulation, debased the generous spirits of men, and depressed that noble flame, by which all the refined arts must be cherished and enlivened'.[95] Since the transformation of the Roman Republic into an empire, Europe had 'relapsed gradually into ignorance and barbarism'.[96] Moreover, as we have seen in Chapter 1, Hume maintained that the downfall of 'enormous monarchies … never can be very distant from their establishment', because warfare at the remote frontiers, which could neither interest the majority of the population nor the pleasure-seeking nobility, had to be entrusted to mercenary armies, which was not only unreliable but dangerous.[97]

The third type of state is the feudal state. Established by the northern barbarians after the dissolution of the Roman Empire, the feudal state featured the feudal government and the feudal law. Although the Saxon government resembled the feudal government in many aspects, Hume maintained that the feudal law was not introduced into England until the Norman Conquest.[98] The feudal government lacked the capacity to conduct imperial conquest, and 'long maintained each state in its proper boundaries'.[99] But despite the absence of an empire or universal monarchy, art, science, and commerce did not flourish in feudal Europe. This is because the systems of vassalage and villenage profoundly reduced the state's capacity to offer security to individuals. Without that basic security which is necessary to undergird stable expectations in the long run, it is utterly impossible to live an industrious life, nor is it likely for the arts, sciences, and commerce to flourish.

> If the feudal government was so little favourable to the true liberty even of the military vassal, it was still more destructive of the independance [sic.] and security of the other members of the state, or what in a proper sense we call the people. A great part of them were *serfs*, and lived in a state of absolute slavery or villainage: [sic.] The other inhabitants of the country paid their rent in services, which were in a great measure arbitrary; and they could expect no redress of injuries, in a court of barony, from men, who thought they had a right to oppress and tyrannize over them: The towns were situated either within the demesnes of the king, or the lands

95 Hume, *History*, 2:519.
96 Hume, *History*, 2:519.
97 Hume, 'Balance of Power', E 340-41.
98 Hume, *History*, 1:203; see also 1:181, where Hume remarks that it is 'doubtful' that the feudal law 'had place at all among the Anglo-Saxons'.
99 Hume, 'Balance of Power', E 338.

> of the great barons, and were almost entirely subjected to the absolute will of their master. The languishing state of commerce kept the inhabitants poor and contemptible; and the political institutions were calculated to render that poverty perpetual. The barons and gentry, living in rustic plenty and hospitality, gave no encouragement to the arts, and had no demand for any of the more elaborate manufactures: Every profession was held in contempt but that of arms: And if any merchant or manufacturer rose by industry and frugality to a degree of opulence, he found himself but the more exposed to injuries, from the envy and avidity of the military nobles.[100]

Hume explicitly defines the science of politics as the science that 'considers men as united in society, and dependent on each other'.[101] If the state is a political union, and if politics is all about the interdependence of men, then what distinguishes the modern state from the feudal state, and modern politics from feudal politics, is the different ways individuals were united in the state and the different modes of their interdependence. In feudal states, given the exorbitant wealth and power of the great barons, 'we might rather expect, that the community would every where crumble into so many independant [sic.] baronies, and lose the political union, by which they were cemented'.[102] A real political union in a large territory requires a centralised sovereign authority. To establish such an authority, the modern state had to monopolise the use of physical force, oppress the powerful barons, and break the long chains of feudal vassalage. As a by-product of this process, the common people became better off. 'The former controul [sic.] over the kings was not placed in the commons, but in the barons: The people had no authority, and even little or no liberty; till the crown, by suppressing these factious tyrants, enforced the execution of the laws, and obliged all the subjects equally to respect each others rights, privileges, and properties.'[103]

Hence the fourth type of state, the modern state, which came into being at the turn of the sixteenth century. As I have mentioned in the Introduction, Hume identified the beginning of modern history in Europe with the reign of Henry VII, the first English monarch after the Middle

[100] Hume, *History*, 1:463-64.
[101] Hume, *Treatise*, T Intro.5, SBN xv.
[102] Hume, *History*, 1:464.
[103] Hume, 'Coalition of Parties', E 497.

Ages. At this time, the navigation of Columbus, de Gama, and other adventurers generated 'important consequences to all the nations of Europe, even to such as were not immediately concerned in those naval enterprizes' [sic.]:

> The enlargement of commerce and navigation encreased [sic.] industry and the arts every where: [sic.] The nobles dissipated their fortunes in expensive pleasures: Men of an inferior rank both acquired a share in the landed property, and created to themselves a considerable property of a new kind, in stock, commodities, art, credit, and correspondence. In some nations the privileges of the commons encreased [sic.], by this encrease of property: In most nations, the kings, finding arms to be dropped by the barons, who could no longer endure their former rude manner of life, established standing armies, and subdued the liberties of their kingdoms: But in all places, the condition of the people, from the depression of the petty tyrants, by whom they had formerly been oppressed, rather than governed, received great improvement, and they acquired, if not entire liberty, at least the most considerable advantages of it.[104]

This was the turning point of European history and the beginning of the modern age. The consequences of these events were so profound that Hume remarked that 'a general revolution was made in human affairs throughout this part of the world; and men gradually attained that situation, with regard to commerce, arts, science, government, police, and cultivation, in which they have ever since persevered'.[105]

Operating with this grand narrative, Hume declared that the civilising effect of commerce and navigation was the determining factor in the decline of feudal institutions and the creation of the modern state. Whilst Francis Bacon and James Harrington had attempted to explain the fall of the feudal barons in England by Henry VII's legislation, Hume found this explanation limited and defective.[106] Since the transformation from feudalism to modernity was a general process in Europe, and 'the general course of events thus tended to depress the nobles and exalt the people',

[104] Hume, *History*, 3:80.

[105] Hume, *History*, 3:81.

[106] Francis Bacon, *The History of the Reign of King Henry VII*, ed. Brian Vickers (Cambridge: Cambridge University, 1998), 64-68, 182; James Harrington, *The Commonwealth of Oceana*, in *The Commonwealth of Oceana and A System of Politics*, ed. J. G. A. Pocock (Cambridge: Cambridge University Press, 1992), 54-60; Hume, *History*, 4:383-85.

Hume regarded Henry VII not as an ingenious legislator, but only as a reasonable prince who acted in accordance with the general trend of history.[107] The chief reason why the practice of keeping retainers ended was not Henry's legislation, but 'the encrease of the arts' inducing the nobles to shift the focus of emulation from military strength to material luxury, which was 'a more civilized species of emulation'.[108] The legislation by which the nobles were allowed to break their ancient entails and alienate their estates, though important, resulted in the dissipation of the wealth of the barons and the accumulation of the property of the commons only when 'joined to the beginning luxury and refinement of the age'.[109] Therefore, the development of commerce and the rise of luxury were the key causes of the decline of the barons and the dissolution of the feudal system.

By bringing down the previously formidable barons, commerce and navigation paved the way for the birth of the modern state in two aspects, leading to the provision of two kinds of security for members of the modern state.[110] First, refinement in the arts, especially in the mechanical arts, gradually brought about progress in the knowledge and technique of governance, preparing modern European states for better 'police'.

> Laws, order, police, discipline; these can never be carried to any degree of perfection, before human reason has refined itself by exercise, and by an application to the more vulgar arts, at least, of commerce and manufacture. Can we expect, that a government will be well modelled by a people, who know not how to make a spinning-wheel, or to employ a loom to advantage?[111]

In this regard, not only the feudal age, but even the ancient civilisation was much inferior to modern Europe. Whilst commerce and manufacturing were not exclusive to modern times, Hume maintained that in the ancient world, 'industry and commerce' were 'in their infancy', and 'the police of ancient states was [no] wise comparable to that of modern'.[112] Compared with previous

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[107] Hume, *History*, 3:80.
[108] Hume, *History*, 3:77.
[109] Hume, *History*, 3:77.
[110] For a similar point, see McArthur, *David Hume's Political Theory*, 45.
[111] Hume, 'Refinement', E 273.
[112] Hume, 'Populousness', E 417, 420.

forms of state, modern European states made considerable improvement in the provision of justice to the people against the greed of their neighbours and equals, affording them greater 'security, either at home, or in their journies [sic.] by land or water'.[113]

Second, the decline of the great barons created a vacuum of power, duly seized upon by European monarchs to establish their unified and absolute authority.[114] The first modern states were these absolute monarchies, which typically possessed larger territories, extensive royal prerogatives, and standing armies. Despite his reservation regarding the tension between the standing army and liberty, Hume nevertheless insisted that the condition of the common people 'received great improvement' under absolute monarchs compared with the oppression they had suffered from the tyrannical barons.[115] Absolute monarchs were less interested in tyrannising over their subjects than in competing for survival or prominence in international competition, which in turn required the provision of security to their subjects, who constituted an important foundation for their revenue and military force. Given this 'mutual advantage and security of sovereign and subject', the common people in modern European states were better guarded against their rulers than their ancestors had been.[116]

Furthermore, the people's security against their rulers solidified as European monarchies gradually became 'civilized' monarchies, which, in Hume's analysis, was a major form of modern and civilised government. This invites us to consider Hume's understanding of civilised government, which was an essential feature of the modern state. Since civilised government might take several concrete forms, it is helpful to begin by clarifying Hume's typology of government.

IV. Modern Government and the Rule of Law

As Hume understood it, the form of government, or the constitution of the state, concerns the distribution of power among the several ranks in the state or within the ruling class of the state.

[113] Hume, 'Populousness', E 420.
[114] Hume, *History*, 4:384, 5:40.
[115] Hume, *History*, 3:80.
[116] Hume, 'Rise and Progress', E 125.

As I mentioned earlier, Hume embraced a tripartite classification of ranks: the monarch, the nobles, and the people. Meanwhile, Hume acknowledged that the legislative power is the supreme power in civilised nations: the judicial power is more important than the legislative power only in a people 'who lived in so simple a manner as the Anglo-Saxons', with few laws or statutes enacted, whereas 'the executive power in every government is altogether subordinate to the legislative'.[117] According to the locus of the legislative power, then, there are three prototypes or pure forms of government: monarchy, where the monarch monopolises the legislative power; aristocracy, where the nobles control the legislative power; and democracy, where the legislative power is in the hands of the people.

For Hume, each pure form of government contains a subdivision: monarchy is either hereditary or elective; aristocracy is either collective or feudal; democracy is either representative or direct. In the case of monarchy, although an elective monarchy might 'to a superficial view, appear the most advantageous', Hume warned that it would necessarily 'divide the whole people into factions' once the throne is vacant.[118] By contrast, a hereditary monarchy is more stable because the succession of the throne is less controversial. When it comes to aristocracy, Hume's subdivision was made according to the structure of aristocratic power. 'A Nobility may possess the whole, or any part of the legislative power of a state, in two different ways. Either every nobleman shares the power as part of the whole body, or the whole body enjoys the power as composed of parts, which have each a distant power and authority.'[119] In the first kind of aristocracy, such as the government of Venice, since the power of each nobleman was derived from the power of the legislative body, their personal interest was also largely dependent on that of the latter. As a result, they would be inclined to avoid 'any grievous tyranny, or any breach of private property', because such a tyranny was harmful to 'the interests of the whole body' and consequently to the interests of most of the noblemen. In the second kind of aristocracy, for which

[117] Hume, *History*, 1:173; 'Independency of Parliament', E 44; cf. 'Perfect Commonwealth', E 524.
[118] Hume, 'That Politics', E 18.
[119] Hume, 'That Politics', E 16-17.

Hume's example is the government of Poland, the power each aristocrat had over their vassals would 'spread ruin and desolation every where'.[120] As for democracy, Hume drew on the decline of the Roman Republic to prove that a direct democracy with unbounded legislative power is susceptible of demagoguery, bribery, and faction, to which a representative democracy or a democracy with checks upon the people's legislative power could provide some remedy. Based on these observations, Hume concluded that it is a 'universal axiom' in politics that '*an hereditary prince*, *a nobility without vassals*, *and a people voting by their representatives*, *form the best* MONARCHY, ARISTOCRACY, and DEMOCRACY'.[121]

However, real-world polities in early modern Europe were more complex than this ideal typology. Examples of pure aristocracy and pure democracy were rare. France was 'the most perfect model of pure monarchy', but since the seventeenth century, European monarchies had more or less become 'civilized' monarchies, where, although power was still ultimately in the hands of the monarch, the way the kingly power was delegated and exercised had become regular and moderate.[122] Hume identified three major forms of modern government: 'civilized' monarchy, modern republics, and limited monarchy. Most modern European states, including France and Spain, were 'civilized' monarchies. The Netherlands was the greatest republic in modern Europe. The post-revolutionary English (and later British) government was a limited monarchy, 'a mixed form of government … neither wholly monarchical, nor wholly republican'.[123] All three forms of modern government were civilised governments, as opposed to barbarous governments.[124]

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120 Hume, 'That Politics', E 17.

121 Hume, 'That Politics', E 18.

122 Hume, 'Of Civil Liberty', E 94-95.

123 Hume, 'Of the Liberty of the Press', E 10.

124 But not all civilised governments were modern. For Hume, what makes a government civilised is the rule of law and limits to the power of inferior magistrates. Ancient republics, such as the Roman Republic, had 'general laws and statutes' and 'a free government', which were sufficient to 'secure the lives and properties of the citizens, to exempt one man from the dominion of another; and to protect every one against the violence or tyranny of his fellow-citizens'. Hume, 'Rise and Progress', E 117-18.

The primary distinction in Hume's typology of government is between civilised government and barbarous government.[125] The criterion of this distinction is not the distribution of power, but the manner in which power is delegated and exercised. Civilised governments feature a regular rule of law, which guards the strict execution of justice and the security of private property against magistrates. In barbarous governments, by contrast, because the power of the inferior magistrates is not limited by general laws, the exercise of power is casual and arbitrary. 'A republic without laws can never have any duration', whereas monarchy, 'when absolute', contains even something repugnant to law'.[126] Therefore, a barbarous republic would be conceptually self-contradictory, but the first monarchies were always barbarous. The typical form of barbarous government is barbarous monarchy or despotic government, where the monarch 'delegates his full power to all inferior magistrates', so that these judges or magistrates are not 'restrained by any methods, forms, or laws'.[127]

But modern European monarchies gradually became 'civilized' monarchies by 'borrow[ing]' their 'laws, and methods, and institutions' from republics.[128] They were no longer a barbarous form of government, but 'susceptible of order, method, and constancy, to a surprizing degree'.[129] In a 'civilized' monarchy, although there was no formal or institutional checks on monarchical power, the way the monarch exercised their power was regular and moderate, because the executive power was delegated to the inferior magistrates who were restricted by general laws. 'Every minister or magistrate, however eminent, must submit to the general laws, which govern the whole society, and must exert the authority delegated to him after the manner, which is prescribed.'[130] Whilst such a government may still be called a tyranny 'in a high political rant',

[125] For an interpretation of Hume's political theory that is emphatic on the distinction between civilised and barbarous government, and on 'general laws' as the defining feature of civilised government, see McArthur, *David Hume's Political Theory*.

[126] Hume, 'Rise and Progress', E 118.

[127] Hume, 'Rise and Progress', E 116-17. By definition, the feudal government is also a form of barbarous government, but it does not fit neatly into the distinction between absolute government and free government. I consider Hume's analysis of the feudal government and its influence on the condition of liberty in Chapter 4.

[128] Hume, 'Rise and Progress', E 125.

[129] Hume, 'Of Civil Liberty', E 94.

[130] Hume, 'Rise and Progress', E 125.

Hume's emphasis is on the fact that 'by a just and prudent administration', they 'may afford tolerable security to the people, and may answer most of the ends of political society'.[131] The ascendancy of civilised government and especially civilised monarchy, in Hume's view, is what distinguished the modern state from its feudal and barbarous counterpart.

To be sure, Hume also made a secondary distinction between absolute and free government. There is no institutionalised popular control in absolute governments, whereas in free governments the common people have control over the entire government or a considerable part of the government, not least through 'frequent elections by the people'.[132] On this definition, 'civilized' monarchies are an absolute form of government, whereas modern republics and limited monarchies are free governments. Whilst this dichotomy between absolute and free government—manifest in the antithesis between French slavery and English liberty—was a central doctrine of what Duncan Forbes calls 'vulgar Whiggism', it is less important for Hume's comparative study of modern government.[133]

Table 2.1: Hume's Typology of Government

	Barbarous	**Civilised**
Absolute	Barbarous monarchy or despotic government	'Civilized' monarchy
Free	N/A	Republic or limited monarchy

Hume's key message was that the contrast between barbarous and civilised government was far greater and far more important than the difference between absolute and free government.[134] In so far as all modern governments were civilised ones, the difference between a 'civilized' monarchy and a modern republic was not as significant as that between a 'civilized'

[131] Hume, 'Rise and Progress', E 125.
[132] Hume, 'Origin of Government', E 40-41; 'Rise and Progress', E 117.
[133] Forbes, *Hume's Philosophical Politics*, 139-40.
[134] David Miller, *Philosophy and Ideology in Hume's Political Thought* (Oxford: Oxford University Press, 1981), 154.

monarchy and a barbarous monarchy. In a barbarous monarchy, the monarch's extensive power left 'no distinction of rank among his subjects' by birth, 'the people alone' were 'restrained by the authority of the magistrates', who were 'not restrained by any law or statute'.[135] The Turkish sultan, for example, was 'master of the life and fortune of any individual', and the Russian people, governed by the Czar 'with full authority, as if they were his own; and with negligence or tyranny, as belonging to another', were 'slaves in the full and proper sense of the word'.[136] By contrast, modern European monarchies, though still a kind of absolute government, were 'milder' in that 'birth, titles, possessions, valour, integrity, knowledge, or great and fortunate atchievements [sic.]' were respected as 'sources of honour' in addition to the will of the monarch.[137] Moreover, as we have seen earlier, when this milder monarchy became civilised, it was no less capable than republics in answering 'most of the ends of political society'.[138] In 'Of Civil Liberty', Hume claimed that modern European monarchy 'seems to have made the greatest advances towards perfection', so that

> it may now be affirmed of civilized monarchies, what was formerly said in praise of republics alone, *that they are a government of Laws, not of Men*. They are found susceptible of order, method, and constancy, to a surprising degree. Property is there secure; industry encouraged; the arts flourish; and the prince lives secure among his subjects, like a father among his children.[139]

Whilst James Harrington, amongst other republican thinkers, had referred to the ancient republic as an 'empire of laws and not of men',[140] Hume maintained that modern European monarchies were not inferior to republican governments in terms of security and the rule of law. In other

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[135] Hume, 'That Politics', E 22; 'Rise and Progress', E 118-19, 125.
[136] Hume, 'Origin of Government', E 40; 'Rise and Progress', E 116.
[137] Hume, 'That Politics', E 22.
[138] Hume, 'Rise and Progress', E 125.
[139] Hume, 'Of Civil Liberty', E 94.
[140] Harrington, *Oceana*, 8, 20-21.

words, the aim for which government was first established, was finally achieved in all modern European states, regardless of their forms of government.[141]

Within the category of civilised government, the difference between absolute and free government still mattered, but Hume downplayed the contrast between them. In deciding what constitutes a good government, Hume was less concerned with power-sharing and more with the performance of government. Hume conceded that republican government was the model for modern law-governed monarchies, and was a superior form of government *in principle*.[142] However, this superiority was not because the people there shared political power, but because of the regularity derived from the rule of law. *In practice*, as we have seen, Hume praised 'civilized' monarchy as no less a salutary form of government than modern republics. Moreover, 'civilized' monarchy had its strengths, whereas republican government was not without notable disadvantages. In monarchical governments 'there is a source of improvement, and in popular governments a source of degeneracy, which in time will bring these species of civil policy still nearer an equality'.[143] This 'source of improvement' in absolute monarchies, as we have seen, was the rule of law that guarded the people's property against governmental confiscation. The 'source of degeneracy' in free governments, including modern republics and limited monarchies, was the danger of public debt and the difficulty attending republican government in executing state bankruptcy.[144]

Furthermore, Hume supplied a nuanced analysis of how 'civilized' monarchy and republican government might influence economic and cultural development, drawing attention to their respective strengths and weaknesses. The principal difference between these two forms of government lies in their different origins and structures of power. In 'republican and free

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[141] Forbes, *Hume's Philosophical Politics*, 160, 167.

[142] Sometimes, Hume was sceptical even about the superiority of republican government in principle. Hume conjectured with a sceptical tone: 'Perhaps, a pure monarchy of [the Chinese] kind, were it fitted for defence against foreign enemies, would be the best of all governments, as having both the tranquillity attending kingly power, and the moderation and liberty of popular assemblies.' Hume, 'Rise and Progress', E 122n.

[143] Hume, 'Of Civil Liberty', E 95.

[144] Hume, 'Of Civil Liberty', E 95-96.

governments', the power rose 'upwards from the people to the great', and was constrained by 'particular checks and controuls', so that it became 'the interest, even of bad men, to act for the public good'; but in 'absolute governments', where the power went down from the top to the bottom, the monarch had uncontrolled power and was the source of the political power of all other offices, so that the performance of government was 'very much' dependent on the 'administration' or conduct of specific monarchs.[145] This observation was applicable to 'civilized' monarchies, where, although the direct and obvious dependence of the subjects on their monarch, so typical of barbarous monarchies, was disguised by 'a long train of dependence from the prince to the peasant', the absolute nature of monarchical power still remained unchanged.[146]

Based on this observation, Hume developed two claims. First, compared to 'civilized' monarchies, republics were more advantageous to the prosperity of commerce. In addition to the security of property, the prosperity of commerce also requires a commercial culture, which was more easily found in modern republics than in monarchies. The cause, again, consisted in the origin and structure of political power. Even in 'civilized' monarchies, 'birth, titles, and place' must still be regarded as more honourable than 'industry and riches', so that rich merchants were inclined to exchange their fortune for established 'privileges and honours'.[147] Therefore, even though 'civilized' monarchies could make private property 'almost as secure … as in a republic', commerce was still 'apt to decay in absolute governments, not because it is there less *secure*, but because it is less *honourable*'.[148] Second, whilst republican government had the best condition for the progress of the sciences, 'civilized' monarchies were more favourable to refinement in polite arts.[149] To explain this difference, Hume again turned to the different power structures in the two forms of government: 'in a republic, the candidates for office must look downwards, to gain the suffrages of the people; in a monarchy, they must turn their attention upwards, to court the good

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145 Hume, 'That Politics', E 15-16; 'Rise and Progress', E 126.
146 Hume, 'Rise and Progress', E 126.
147 Hume, 'Of Civil Liberty, E 93.
148 Hume, 'Of Civil Liberty', E 92-93; 'Rise and Progress', E 125.
149 Hume, 'Rise and Progress', E 124.

graces and favour of the great. To be successful in the former way, it is necessary for a man to make himself *useful*, by his industry, capacity, or knowledge: To be prosperous in the latter way, it is requisite for him to render himself *agreeable*, by his wit, complaisance, or civility.'[150] Although it was common to find a contempt for useful sciences such as mathematics and the natural sciences in monarchical governments, they did provide a better environment for the refined arts than did republics. Furthermore, the unavoidable abridgment of 'the liberty of reasoning, with regard to religion, and politics, and consequently metaphysics and morals' notwithstanding, the arts and sciences could still flourish to their finest under the mild administration of a 'civilized' monarchy.[151] 'The most eminent instance of the flourishing of learning in absolute governments, is that of FRANCE, which scarcely ever enjoyed any established liberty, and yet has carried the arts and sciences as near perfection as any other nation.'[152]

The limited monarchy of Britain was a rare and special kind of civilised government. Sometimes Hume called it 'a mixed form of government … neither wholly monarchical, nor wholly republican', sometimes 'a mixture of monarchy, aristocracy, and democracy'.[153] Hume unambiguously classified limited monarchy as a kind of free government, where 'a single person' possessed 'a large share of power' and formed 'a proper balance or counterpoise to the other parts of the legislature'.[154] However, Hume was keenly aware that the mixed nature of a limited monarchy dictates that it continuously swings between an absolute monarchy and a republic.[155] The difficulty in constituting a well-ordered limited monarchy, therefore, lies in how to combine the strengths of monarchy and republic, and avoid their respective flaws. In the case of Britain, Hume was especially worried that its constitution was more susceptible to faction than both absolute monarchies and republics were, not least because there was no constitutional guarantee

[150] Hume, 'Rise and Progress', E 126; see also 'National Characters', E 207.
[151] Hume, 'Rise and Progress', E 126; see also *Treatise*, T Intro. 7, SBN xvii: 'So true it is, that however other nations may rival us in poetry, and excel us in some other agreeable arts, the improvements in reason and philosophy can only be owing to a land of toleration and of liberty.'
[152] Hume, 'Of Civil Liberty', E 91.
[153] Hume, 'Liberty of the Press', E 10; 'National Characters', E 207.
[154] Hume, 'That Politics', E 17-18.
[155] Hume, 'Whether the British Government Inclines More to Absolute Monarchy, or to a Republic', E 47-53.

undergirding the tension between the monarchical and republican elements of the British constitution.[156] Whilst I consider Hume's analysis of the conditions of liberty in the successive English (and later British) constitutions in Chapter 4, it suffices now to emphasise that Hume did not believe that limited monarchies could be stable, nor did he see the future of modern politics as residing in this form of government.

On the whole, despite these important and influential differences between 'civilized' monarchies and modern republics, Hume accepted both as meritorious forms of government, because both were civilised and regular, not barbarous or arbitrary. Human flourishing requires the existence of a large and civilised society, whose preservation and prosperity requires the strict execution of justice, which in a large and civilised society cannot be preserved without the functioning of government. Therefore, we invent government to preserve justice and security. This is the aim of government in theory. In practice, however, because society is always attended with hierarchies and the common people are always the majority of society, only democratic or republican governments could naturally prioritise the interest of the common people in their agenda. However, by borrowing the rule of law from republican government, modern European monarchies civilised themselves, and became more regular in the exercise of power. Although the common people in 'civilized' monarchies still had no institutionalised share in political power, their lives and properties were nevertheless secure 'against the violence and injustice of [their] rulers', and the improvements in 'police' offered them another kind of 'security against mutual violence and injustice'.[157] From the perspective of historical comparison, Hume came to endorse that the modern state, regardless of its particular form of government, was always much superior to its ancient and feudal counterparts.

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[156] Nicholas Phillipson, *David Hume: The Philosopher as Historian* (New Haven: Yale University Press, 2012), 56. For Hume's analysis of the problem of parties and factions in Britain, see Max Skjönsberg, *The Persistence of Party: Ideas of Harmonious Discord in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 2021).

[157] Hume, 'Rise and Progress', E 115.

V. Conclusion

David Hume never crystallised his theory of the state into a systematic and uniform presentation in a single text. Based on Hume's various political writings from the *Treatise* to the *History*, this chapter has supplied a comprehensive outlook of how he conceptualised and theorised the state in general and the modern state in particular. By directly addressing the political experience of ancient, feudal, and early modern Europe, Hume expounded a theory of the state composed of three parts: a theoretical explanation of the origin and aim of government, a historical analysis of four types of state from ancient to modern times, and a comparative study of different forms of modern government and their influences on the progress of civilisation. The central concept throughout Hume's analysis of the state is that of government. To be more precise, Hume has not one but two concepts of government. First and in general, government is the name of the institutions of the state. In this sense, Hume's account of the origin and aim of government is also an account of the origin and aim of the state or political society. Second, the form of government embodies the constitution of the state or the distribution of power in the state, and has a profound influence on the economy and society. After the decline of the feudal barons, European monarchs increased their share in the distribution of power. This resulted in the establishment of absolute monarchy, under which the common people were better off than under the oppression of the barons. When European monarchs realised that their own interests could be maximised by affording security to subjects and encouraging manufacturing and commerce, they restrained their inferior magistrates with general laws, thereby transforming their government into 'civilized' monarchies. Although republican government remained preferable in principle, the fact was that 'civilized' monarchies also successfully fulfilled the aim of government.

Having accounted for Hume's theory of the state, we are better positioned to consider the nature of Hume's contribution and its ongoing relevance. Nowadays, perhaps the most influential theory of the modern state is Max Weber's. Weber defines the state as 'a human community that

(successfully) claims the *monopoly of the legitimate use of physical force* within a given territory'.[158] The undergirding presumption of Weber's definition is that the state cannot be defined by its ends and can only be defined by its means.[159] 'Like the political institutions historically preceding it, the state', Weber writes, 'is a relation of men dominating men, a relation supported by means of legitimate (i.e. considered to be legitimate) violence.'[160] According to this definition, it is the modern state's capacity to claim the monopoly of the legitimate use of physical violence that makes it so unique and different from all previous forms of political organisation. Weber's concept of the modern state has become a cornerstone of much work in contemporary political and social sciences. As a prominent critic of this situation, Quentin Skinner has pointed out that by defining the state merely by its means and conceptualising the state as identical to 'an established apparatus of government', the Weberian, 'reductionist view of the state' has overlooked the normative aspect of the state.[161] Concerned that 'our thinking may have become impoverished as a result of our abandonment of a number of earlier and more explicitly normative theories', Skinner urges that we should return to seventeenth-century England, especially to Hobbes's theory of the state, for inspiration.[162]

It is against this genealogy modelled on a competition between the Weberian and Hobbesian theories of the state that Hume's contribution to the theory of the state stands out. In addition to the Weberian, 'reductionist' view of the state and the Hobbesian, 'normative' view of the state, Hume supplied a third way of conceptualising and theorising the state. On the one hand,

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[158] Max Weber, 'Politics as a Vocation', in *From Max Weber: Essays in Sociology*, trans. and ed. H. H. Gerth and C. Wright Mills (London: Routledge, 1991), 78. In 'Basic Sociological Concepts', the 'manner in which the state lays claim to the monopoly of violent rule' becomes 'as essential a current feature as its character as a rational "institution" and continuing "organization"', but what makes the modern state stand out from its predecessors is still its claim to monopolise the legitimate use of violence: Max Weber, 'Basic Sociological Concepts', in *Economy and Society: A New Translation*, ed. and trans. Keith Tribe (Cambridge, MA: Harvard University Press, 2019), 138.

[159] Weber explicitly states that 'it is not possible to define a political organisation, including the state, in terms of the end to which its organisational action is devoted', because it is impossible to find some end which '*some* political organisation has not at some time pursued', or to discern some end which '*all* have recognised', or to recognise any end which is 'exclusive and peculiar' to political organisations. 'The "political" character of an organisation can therefore **only** be defined in terms of the **means** not necessarily unique to it, and sometimes becoming an end in themselves, but all the same specific to it and indispensable to its nature: violence.' Weber, 'Politics as a Vocation', 77-78 (translation modified); 'Basic Sociological Concepts', 136-37 (boldface original).

[160] Weber, 'Politics as a Vocation', 78.

[161] Skinner, 'Genealogy', 361.

[162] Skinner, 'Genealogy', 326.

whilst the core concept of Hume's theory of the state is that of government, he would not agree that the words 'state' and 'government' can always be used interchangeably. Although Hume used the word 'government' in general as a name of the institutions and apparatuses of the state, he had a second concept of government that is focused on the constitution of the state, or the distribution of power among several ranks or within the ruling class in the state. On the other hand, as we have seen, not only did Hume disagree with both the absolutist theory and the populist theory of the state, but he was furthermore not interested in the Hobbesian approach to theorising the state in terms of representation and personation. But this is not to deny that Hume's theory of the state has a normative aspect, for he unambiguously insisted that the aim of government is to uphold justice and public interest in large and civilised societies.

However, the nature of Hume's normative doctrine on political obligation remains to be clarified. As a political organisation, the state or government is not only useful, but also coercive. Whilst the government, as an established apparatus of the state, claims a legitimacy to demand obedience and punish the disobedient, can the usefulness of government provide a sufficient foundation for its legitimacy when it comes to the exercise of coercive force? For Hume, what is the foundation and limit of political legitimacy and political obligation, which after all are also important dimensions of modern political authority? In what sense is Hume's account of the state, based on inductive reasoning from empirical evidence, a proper political theory, if political theory is meant to address normative questions which mere sociological and/or historical analysis is incapable of answering?[163] These are the questions that I set out to answer in the next chapter.

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[163] See especially John Dunn's critique that Hume lacks a normative theory of politics but a sociology of authority, and Paul Sagar's response. John Dunn, 'From Applied Theology to Social Analysis: The Break between John Locke and the Scottish Enlightenment', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. István Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), 119-35, esp. 121-22; Sagar, *Opinion of Mankind*, 103-38.

Chapter 3: 'Because Every One Thinks So': Hume on Political Obligation and Political Legitimacy

In Chapter 2, I explicated Hume's theory of the state and its modern variant. Hume never defined the state in precise terms, but he conceived the state as a political body that unites a nation or a people under a government and acts through its government. Hume's theory of government is key to his theory of the state. Not only does the state preserve peace and order through a set of *established apparatuses* called government, but the *distribution of power* in a state is institutionalised by its constitution, i.e., by certain forms of government. Hume endorsed the modern state as a superior form of political organisation because modern government was more competent than pre-modern government in meeting the aim of government: the provision of peace and order, and the preservation of justice. The progress in commerce, the arts, and sciences enabled the moderns to achieve better 'police', providing individuals with a greater level of security against each other. The decline of the feudal barons changed the distribution of power, resulting in a power structure more favourable to the security of the common people against their ambitious superiors. In short, although no modern form of government was exempt from flaws, at least the commoners in modern states were better off than their ancient or medieval ancestors.

As a political organisation, however, government is Janus-faced. Conceived in terms of its ends, government is an order-keeping, peace-upholding, justice-preserving, and utility-providing institution, 'one of the finest and most subtile inventions imaginable'.[1] Yet when one considers the means to achieve its ends, government is a coercive and obedience-demanding organisation, as it is 'entirely useless without an exact obedience'.[2] Since the fragmentary power structure of the feudal institutions was replaced by the subjects' direct political submission to the central authority,

[1] David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David Fate Norton and Mary J. Norton, vol.1: *Texts* (Oxford: Oxford University Press, 2007), T 3.2.7.8, SBN 539. Hereafter cited as *Treatise*, giving 'T', book number, part number, section number, paragraph number, and the page number of the SBN edition.

[2] Hume, *Treatise*, T 3.2.10.1, SBN 554.

the modern state claimed a direct, general, and universal right to rule over each and every individual within its jurisdiction, and to penalise those who disobey it.[3] The flip side of the superior utility provided by the modern state is its all-encompassing demand of obedience. The greater security the moderns enjoyed was unambiguously backed up by the unparalleled authority of the modern state.

Following Chapter 2, this chapter continues focusing on Hume's understanding of modern authority, through the lens of political obligation and political legitimacy. Hume's theory of political obligation has a clear bearing on modern politics, since it seeks to combat one of the prominent ways of theorising legitimacy and liberty in modern states: social contract theory, which holds that individuals are free in the state of nature and that their natural liberty must be transferred by voluntary consent for them to become rightfully subject to a government. According to contract theory, if a government operates without the voluntary consent of the people, then it infringes their liberty and cannot be legitimate. As a prominent critic of contract theorists—not least John Locke and his disciples—Hume contended that political authority is not based on voluntary consent, thereby rejecting their position that absolute monarchies were illegitimate or inconsistent with individual liberty.[4] By explicating Hume's theory of political obligation and political legitimacy, this chapter helps bridge Hume's theory of the modern state, which I discussed in Chapter 2, and his analysis of modern liberty, which is the focus of Chapter 4.

[3] Hume's theory of political obligation displays a sensitivity with regard to this change. As Annette Baier has pointed out, when compared to his predecessors and contemporaries, 'the duty of obedience, in Hume's hands, gets drastically pruned of the luxuriant growth that centuries of slave-owning, patriarchal and feudal forms of life had encouraged to flourish. Hume explains and endorses one and only one form of the traditional duty to obey the powers that be, namely "allegiance to magistrates"'. Annette C. Baier, *A Progress of Sentiments: Reflections on Hume's* Treatise (Cambridge, MA: Harvard University Press, 1991), 256.

[4] This is the standard figure of Hume in textbooks of the history of political philosophy. For representative examples, see George Sabine, *A History of Political Theory* (London: George G. Harrap, 1948), 503-11; John Plamenatz, *Man and Society: A Critical Examination of Some Important Social and Political Theories from Machiavelli to Marx*, 2 vols. (London: Longmans, 1963), 1:299-331; Robert S. Mill, 'David Hume', in *History of Political Philosophy*, ed. Leo Strauss and Joseph Cropsey, 3rd ed. (Chicago: University of Chicago Press, 1987), 535-58; Iain Hampsher-Monk, *A History of Modern Political Thought: Major Political Thinkers from Hobbes to Marx* (Oxford: Blackwell, 1992), 132-41; John Rawls, *Lectures on the History of Political Philosophy*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 2007), 159-87; G. A. Cohen, *Lectures on the History of Moral and Political Philosophy* (Princeton: Princeton University Press, 2014), 120-37; Judith N. Shklar, *On Political Obligation*, ed. Samantha Ashenden and Andreas Hess (New Haven: Yale University Press, 2019), 111-16.

In addition to his destructive critique of contract theory, Hume also has a constructive project on the problem of political obligation and political legitimacy, but the nature of this theory has been, for decades, a constant source of scholarly debate. Many commentators read Hume as a status-quo conservative.[5] John Rawls, by contrast, claims that Hume is a utilitarian.[6] However, advocates of these ideologized readings find themselves at pains to square Hume's famous claim that 'all governments' and 'all authority of the few over the many' are founded 'on opinion only'.[7] If opinions are the 'first principles of government', then, one may question if Hume has any normative theory of political obligation at all. John Dunn has notably argued that Hume failed to supply a normative political theory to establish solid justificatory grounds for political authority, only providing a sociological explanation of authority and obedience.[8] Yet if Hume was only a sociologist of politics who forfeited the quest for normativity, why did he, to use the words of István Hont, so 'doggedly [try] to develop a rounded theory of political allegiance', though 'with a proper emphasis on the importance of authority' rather than its limit, first in the *Treatise of Human Nature*, then in his political essays, and finally in the *History of England*?[9]

[5] Sheldon Wolin, 'Hume and Conservatism', *American Political Science Review* 48, no. 4 (1954): 999-1016; David Miller, *Philosophy and Ideology in Hume's Political Thought* (Oxford: Oxford University Press, 1981); Donald Livingston, *Hume's Philosophy of Common Life* (Chicago: University of Chicago Press, 1984); Frederick G. Whelan, *Order and Artifice in Hume's Political Philosophy* (Princeton: Princeton University Press, 1985).

[6] Rawls, *Lectures*, 159-87.

[7] David Hume, 'Of the First Principles of Government', in *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller, rev. ed. (Indianapolis: Liberty Fund, 1987), E 32, 34. Hereafter, references to Hume's *Essays* are made by giving essay title, 'E', and page number.

[8] John Dunn, 'From Applied Theology to Social Analysis: The Break between John Locke and the Scottish Enlightenment', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. István Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), 119-35. By contrast, Iain Hampsher-Monk suggests that there is no contradiction between Hume' sociology of opinion and his commitment to normativity, although their relationship invites further discussion: 'However, because Hume's theory of politics rested so heavily on the properties of the human mind, and because the interaction of the mind's intrinsic qualities with social and economic circumstance produced a variety of outcomes, Hume could not be indifferent about regimes and their characteristics. Indeed, in the *Essays* Hume exhibits a rich understanding of what today would be called the sociology of political belief. Moreover because beliefs were, in relation to the circumstances that gave rise to them, either more or less stable, there were important points to be made about the emergence and successful management of public opinion in the modern commercial state.' Hampsher-Monk, *Modern Political Thought*, 143.

[9] István Hont, 'Adam Smith's History of Law and Government as Political Theory', in *Political Judgement: Essays for John Dunn*, ed. Richard Bourke and Raymond Guess (Cambridge: Cambridge University Press, 2009), 141.

Responding to Dunn and Hont, Paul Sagar interprets Hume as an 'internalist' theorist of political authority.[10] This theory maintains that 'the conditions by which a political grouping—often but not necessarily the state—can intelligibly be said to be legitimate must be built entirely from materials available within the process of politics that is itself under analysis'.[11] In other words, 'internalist accounts posit that legitimacy is and can only be a function of the beliefs of those subject to power, and insofar as subjects believe that the power exercised over them is legitimate, *it therefore is*'.[12] Sagar suggests that Hume's conclusion, as an alternative to Hobbes's and Locke's justificatory theories of sovereignty, is that 'insofar as the opinion of mankind judges that some power possesses authority and is owed obedience, *it therefore does and is*'.[13] Underpinning Hume's theory, then, is a radical reassessment of the relationship between philosophy and politics, or between theory and practice: the task of theory is not to draw an *a priori* blueprint to guide practice, but to help us make sense of reality.[14] According to this internalist interpretation, Hume *was* a normative political theorist rather than a mere political sociologist of authority, even though his normativity was evaluative rather than prescriptive—although he was unwilling to supply any action-guiding or justificatory theory of resistance, he nevertheless conceded that a government can be illegitimate and that the people may rightfully resist extreme tyranny.[15] But the deeper problem, as Sagar puts it, is that Hume was unable even to effectively form evaluative judgments from his internalist perspective: neither was he aware that the opinions of subjects may be shaped by unacceptable mechanisms and consequently become normatively unacceptable, nor did he fix

[10] Paul Sagar, *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith* (Princeton: Princeton University Press, 2018), chap.3, especially 129-38.

[11] Paul Sagar, 'Legitimacy and Domination', in *Politics Recovered: Realist Thought in Theory and Practice*, ed. Matt Sleat (New York: Columbia University Press, 2018), 114.

[12] Sagar, 'Legitimacy and Domination', 114.

[13] Sagar, *Opinion of Mankind*, 130.

[14] Sagar, *Opinion of Mankind*, 128, 129-38, 217-18. For a recent application of this way of philosophising, see Paul Sagar, *Basic Equality* (Princeton: Princeton University Press, 2024).

[15] Hume, *Treatise*, T 3.2.9.1, SBN 549; T 3.2.9.3, SBN 552. For recent discussions on how evaluative but not prescriptive normativity can be claimed on epistemic grounds without invoking any external moral standard, see Adrian Kreutz and Enzo Rossi, 'How I Learned to Stop Worrying and Love Political Normativity', *Political Studies Review* 21, no. 4 (2023): 857-66; Ugur Aytac and Enzo Rossi, 'Ideology Critique without Morality: A Radical Realist Approach', *American Political Science Review* 117, no. 4 (2023): 1215-27. As my analysis below suggests, there are similarities between their epistemic framework and Hume's approach to offering normative judgment about the (il)legitimacy of power.

any standard by which to judge whether their opinions are malformed, and their government is therefore illegitimate.[16]

In this chapter, I revisit Hume's theory of political obligation and political legitimacy, and offer a different conclusion. I agree with Sagar that Hume worked outside externalist approaches to political authority, taking an opinion-based, internalist approach instead, but ultimately falling short of a *systematic* theory of malformed opinion and illegitimate authority. But I argue that Hume's understanding of political legitimacy is more sophisticated than has hitherto been appreciated. Hume's internalist approach to political authority did not disbar him from making judgments about illegitimate authority. Where the expressed opinion of subjects was insincere due to intimidation, Hume could and did offer such judgments even without evoking any deeper concern about malformed opinion or false consciousness. Furthermore, Hume was aware that the opinion of people could sometimes be malformed or manipulated by some unacceptable mechanisms, not least by religious indoctrination or party propaganda, which led him to propose the liberty of thought and the liberty of the press as effective remedies.

This chapter proceeds in four sections. First, I outline the structure of Hume's philosophical analysis of political obligation. In doing so, I underline the necessity of reading Hume's political theory as based on his sentimentalist moral philosophy. Second, I examine Hume's critique of contract theory, before analysing his verdict that the opinion of those subject to power is the cause and source of political legitimacy. However, Hume's approach invites second thoughts about the problems of political judgment and opinion management, not least when there are conflicting opinions of interest or of right to power. In the third section, I turn to the hitherto neglected nuances of Hume's internalist approach. Drawing on Hume's narrative of the Commonwealth of England and especially of Oliver Cromwell, I uncover Hume's strategy in recognising illegitimate authorities whilst remaining consistent with his internalist, opinion-based

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[16] Sagar, *Opinion of Mankind*, 130n106.

theory of legitimacy. The third section will also shed light on Hume's awareness of the problem of malformed opinion in the cases of religious indoctrination and party propaganda. The fourth section concludes.

I. Hume's Anatomy of Political Obligation

Hume's lifelong interest in the problem of political obligation and political legitimacy was motivated not only by his philosophical curiosity, but by the circumstances of real-world politics. More specifically, it was essentially intertwined with Hume's reflections on partisanship and factionalism in modern British politics. As Hume remarked in the *History of England*, what the Revolution of 1688 established was 'the most entire system of liberty, that ever was known amongst mankind', but not 'the best system of government'.[17] Although the Revolution had established a limited monarchy, Hume did not retain a strong confidence in the stability of this new and mixed constitution, not least because in the decades after the Revolution, a nation-wide consensus on the nature of the new constitution was still wanting, and partisanship and factionalism were still threatening the stability of the British government.[18]

Hume maintained that the power of government and the obedience of subjects are supported by two principles: utility and authority. Put differently, government operates both on its tendency to promote public interest and on the power it has acquired from property and tradition.[19] But as Hume observed, throughout the political struggles of seventeenth-century England, these two principles had been separated and had crystallised into the speculative doctrines of the two political parties: the Whigs, motivated by a spirit of liberty, sought to ground political legitimacy directly on utility and popular consent, without due reverence for authority and stability; the Tories, actuated by their adherence to established authority, justified obedience by

[17] David Hume, *The History of England: from the Invasion of Julius Caesar to the Revolution in 1688*, 6 vols. (Indianapolis: Liberty Fund, 1983), 5:531. Hereafter cited as *History*, giving volume number and page number.

[18] See Paul Sagar, 'On the Liberty of the English: Adam Smith's Reply to Montesquieu and Hume', *Political Theory* 50, no. 3 (2022): 400.

[19] Hume, 'First Principles', E 33.

insisting on the sacred origin of the crown, undermining the importance of utility and liberty.[20] The turmoil of seventeenth-century England and the nature of the mixed constitution produced parties based on abstract principles, bred partisanship and factionalism, and made it difficult for the British public to form a sound judgment regarding the legitimacy of government.[21] This difficulty culminated in two major events in the middle of the eighteenth century: the '45 Jacobite Rebellion, when the Jacobites attempted to overturn the Revolution Settlement and restore absolute monarchy under the House of Stuart, and the crisis of 'Wilkes and Liberty', which Hume regarded as an extreme adventure of the spirit of liberty that tended to erode authority and even undermine liberty altogether.[22] Hume remarked that it was neither 'practicable' nor 'desirable' to abolish parties or factions in a limited monarchy, for they were an inherent feature of this form of government; but he insisted that partisanship and factionalism should be, and could be, managed and moderated to some extent.[23] Hume's theoretical endeavour, then, was to supply a moderate theory of political obligation and political legitimacy conveying balanced views of both authority and utility, a theory which he hoped could improve the opinions of party-men, moderate their radicalised and polarised judgments, and enhance the stability of the mixed constitution.

Of all Hume's theoretical writings on the problem of political obligation and political legitimacy, the most comprehensive and influential is perhaps 'Of the Original Contract', in which he supplied a critique of contract theories from history, from experience, and from philosophy. Yet the philosophical critique in this essay was only an abridgement of a more systematic and

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[20] Hume, 'Of Parties in General', E 54-63; 'Of the Parties of Great Britain', E 64-72; 'Of the Original Contract', E 465-87; 'Of Passive Obedience', E 488-92; 'Of the Coalition of Parties', E 493-501; Hont, 'Adam Smith's History', 139. Smith also draws a connection between the principle of utility and the Whig ideology on the one hand, and between the principle of authority and the Tory doctrine on the other. Adam Smith, *Lectures on Jurisprudence*, ed. R. L. Meek, D. D. Raphael, and P. G. Stein (Oxford: Oxford University Press, 1978), *LJ* (A) v.119-127; *LJ* (B) 12-18.

[21] On this point, see especially Joel E. Landis, 'Whither Parties? Hume on Partisanship and Political Legitimacy', *American Political Science Review* 112, no. 2 (2018): 219-30.

[22] Duncan Forbes acutely remarks that Hume's critique of contract theory, and his theory of resistance in particular, 'bears down not only on Whig theory but on Jacobite practice'. However, Ryu Susato recently argues that although the '45 Rebellion 'brought [Hume] back to the analysis of the political parties of Britain, composing four essays on this topic', he was overall not so much disturbed by Jacobitism as he was by the 'possible advent of a pure republic in Britain'. Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975), 93-95; Ryu Susato, *Hume's Sceptical Enlightenment* (Edinburgh: Edinburgh University Press, 2015), 185-93.

[23] Hume, 'Coalition of Parties', E 493; 'Parties of Great Britain', E 65.

powerful philosophical framework which he had already expounded in the third book of the *Treatise*. It is this philosophical framework that bestows on Hume's argument its great intellectual sophistication and strength. Therefore, I begin with a schematic reconstruction of Hume's theory of political obligation in the third book of the *Treatise*, which will pave the way for my subsequent discussion.

The Natural Obligation to Allegiance

As we have seen in Chapter 2, Hume conceived government as an artificially established coordination-problem-solving institution that is necessary for all large and civilised societies. Human society is faced with two major coordination problems. First, society needs to uphold peace and order among its members, preventing them from encroaching on the possessions of each other. When the scale of society is small, this can be managed through spontaneous coordination among individuals. But in a large society, only government can provide individuals with security and justice, which are necessary conditions of the growth of commerce and industry, and the progress of the arts and sciences. Second, we are faced with the problem of collective self-preservation in conflicts or wars with other societies. When society is large or opulent, the threat of war becomes constant and prominent, calling for political authority to coordinate the society against external threats. According to Hume, the aim of government is to uphold peace and order in large and civilised societies, but the historical origin of government consists in conflicts or wars between different societies. More specifically, when faced with external threats, members of society 'wou'd naturally assemble together, wou'd choose magistrates, determine their power, and *promise* them obedience'.[24]

However, when Hume moves on from the origin and aim of government to the foundation of political obligation, promise or contract—he considers contract as a kind of promise—does not

[24] Hume, *Treatise*, T 3.2.8.3, SBN 541.

play any important role.[25] Indeed, we may infer that when our ancestors established the first government by promise, it was by the same promise that they bound themselves to submit to the newly established government. But Hume underlines that this is not the case with real-world governments. Even if promises could impose a moral obligation to obedience at the beginning, the efficacy of promises necessarily wanes once government is firmly established. 'As soon as the advantages of government are fully known and acknowledg'd', political obligation 'immediately takes root of itself, and has an original obligation and authority, independent of all contracts'.[26] It is this 'original obligation and authority', rather than any promise or contract, that constitutes the foundation of *our* political obligation in real-world politics.

Although political obligation is a moral obligation, Hume claims that it is based on a 'natural obligation' of interest, which, in and of itself, is morally irrelevant. To see why this is so, it is necessary to trace the origin of society.[27] Society is necessary for human subsistence and is advantageous for human wellbeing, but our natural sociability is too weak to support a large and civilised society. Human beings are interest-seeking animals whose ruling passions, by nature, are narrow self-interest and a limited generosity. In a world where external goods are scarce and unstable, we are naturally motivated by an 'avidity … of acquiring goods and possessions for ourselves and our nearest friends', which proves 'insatiable, perpetual, universal, and directly destructive of society'.[28] Without the aid of some human artifice, society cannot expand beyond the natural bonds of kinship and personal affection, and the clash between many small communities will eventually put everyone's interest at stake. Yet 'upon the least reflection', the interested passion controls itself 'by an alteration of its direction', as everyone is aware that the

[25] As James Harris has pointed out, Hume and many of his eighteenth-century contemporaries considered the origin of government and the foundation of political obligation as two distinct questions, refusing to address the latter merely by explaining the former. James A. Harris, 'Of the Origin of Government: The Afterlives of Locke and Filmer in An Eighteenth-Century British Debate', *Intellectual History Review* 33, no. 1 (2023): 33-55.

[26] Hume, *Treatise*, T 3.2.8.3, SBN 542.

[27] In Chapter 2, I touched on Hume's theory of the origin of society, justice, and government, but I intentionally refrained from the topic and language of obligation. My analysis in this chapter is different, as it is focused on our obligation to uphold these institutions.

[28] Hume, *Treatise*, T 3.2.2.12, SBN 492-93.

best way to guard and enhance their interest is to keep everyone's possessions stable and secure—not only is everyone's current interest guaranteed by maintaining a stable society, but greater profit can be expected in the long run.[29] When this message is mutually expressed and known to all, 'there immediately arise the ideas of justice and injustice; as also those of *property*, *right*, and *obligation*'.[30] This is the origin of the society of strangers, as well as the origin of justice and property. Justice—at least at this stage—is a set of rules or laws regulating human conduct regarding the possessions of others, not least 'the general rule, that possession must be stable'.[31] Property is 'nothing but those goods, whose constant possession is establish'd by the laws of society; that is, by the laws of justice'.[32] Interest constitutes the 'original motive to the establishment of justice' and the '*natural* obligation' (i.e., non-moral obligation) to justice.[33]

Whilst society, as Hume understands it, is a product of evolution aided by a long chain of artifices, it is not created by any *pactum societatis*. Hume underlines that the first of those artifices—the one that gives rise to justice and property—is not a promise, but only a 'convention', 'only a general sense of common interest'.[34] Promising is another conventional artifice, invented only after the establishment of justice and property. Even languages, without which promising is impossible, are gradual products of human convention. The general rule that possessions should be stable is essential to social order, but it is not sufficient for the smooth and convenient functioning of society. To facilitate commerce, human beings have established two additional rules: that property should not be transferred without the consent of the owner, and that promises should be performed. To promise something is not only to express a resolution to perform it, but to 'bound oneself by his interest to execute his engagements', and to subject oneself to 'the penalty of not being trusted again in case of failure'.[35] The binding force of promises lies not in the expression of

[29] Hume, *Treatise*, T 3.2.2.13, SBN 493; T 3.2.2.9, SBN 489.
[30] Hume, *Treatise*, T 3.2.2.10, SBN 490.
[31] Hume, *Treatise*, T 3.2.3.3, SBN 502; see also T 3.2.2.10, SBN 490; T 3.2.2.22, SBN 497.
[32] Hume, *Treatise*, T 3.2.2.11, SBN 491.
[33] Hume, *Treatise*, T 3.2.2.23-24, SBN 498-99; see also T 3.2.7.11, SBN 533-34.
[34] Hume, *Treatise*, T 3.2.2.10, SBN 490; see also T 3.2.2.22, SBN 498.
[35] Hume, *Treatise*, T 3.2.5.10, SBN 522.

resolution, but in the potential loss of trust (and trustworthiness) and interest. When this sense of common interest is mutually expressed and known to all members of society, 'all of them, by concert, enter into a scheme of actions, calculated for common benefit, and agree to be true to their word'.[36] Therefore, promises are only 'human inventions, founded on the necessities and interests of society', and 'interest is the *first* obligation to the performance of promises'.[37]

To maintain large and civilised societies, humans have established the rules of the stability of possessions, of the transfer of property by consent, and of the performance of promises. These rules, though artificially '*invented*', are so common and so inseparable from society that Hume calls them 'the three fundamental laws of nature'.[38] Yet with the enlargement of society, our motive to fulfil our obligations becomes weaker. It is the dictate of our mental faculties that we all have a natural inclination of preferring what is 'near and contiguous' to what is 'distant and obscure'.[39] When the consequences of breaking the rules seem remote and cannot override the immediate advantage that we reap from breaking the rules, we are all inclined to break the rules, rendering 'the violations of equity … very frequent in society, and the commerce of men … very dangerous and uncertain'.[40] In a sufficiently large society without public authority, one's self-interest may be immediately satisfied by violating than following the three fundamental laws of nature. As the three fundamental laws of nature become less effective, society, which is supported by them, is on the verge of dissolution. The collective consequence of each individual's rational action proves irrational and destructive to society, and eventually to each individual's wellbeing and even subsistence.

Government is invented to address this inconvenience by enforcing the three fundamental laws of nature. 'When men have observ'd, that tho' the rules of justice be sufficient to maintain

[36] Hume, *Treatise*, T 3.2.5.11, SBN 522.
[37] Hume, *Treatise*, T 3.2.5.7, SBN 519; T 3.2.5.11, SBN 523.
[38] Hume, *Treatise*, T 3.2.6.1, SBN 526; T 3.2.8.4, SBN 542; T 3.2.8.5, SBN 543. On the definition of 'nature' in 'laws of nature', see Hume, *Treatise*, T 3.2.1.19, SBN 484: 'Tho' the rules of justice be artificial, they are not arbitrary. Nor is the expression improper to call them *Laws of Nature*; if by natural we understand what is common to any species, or even if we confine it to mean what is inseparable from the species.'
[39] Hume, *Treatise*, T 3.2.7.2, SBN 535.
[40] Hume, *Treatise*, T 3.2.7.3, SBN 535.

any society, yet 'tis impossible for them, of themselves, to observe those rules, in large and polish'd societies; they establish government, as a new invention to attain their ends, and preserve the old, or produce new advantages, by a more strict execution of justice.'[41] Hume concedes that historically, it was by a *pactum subjectionis* that people established the first government and bound themselves to submit to it. But he insists that once everyone becomes aware of the interest brought about by government, 'the duty of allegiance' immediately acquires the 'original obligation and authority' of interest.[42] By enforcing the rules of justice and penalising rule-breakers, government makes 'the observance of the laws of justice our nearest interest, and their violation our most remote', oblige men to abide by the three fundamental laws of nature—including the performance of promises—and constrain men to act according to their long-term and 'mutual interest'.[43] Yet although 'the principal object of government is to constrain men to observe the laws of nature',[44] political obligation is not derived from any of the three of them; put differently, it is not because we have an obligation to respect property or perform promises that we have an obligation to obey established government. This is for two reasons. First, the first motive of the establishment of government and that of the invention of the three fundamental laws of nature are the same. It is self-interest. Second, the ultimate end of government is the same as that of the three fundamental laws of nature. They all are erected for the interest of society and its members, though the means by which government functions towards this end is the enforcement of the three fundamental laws of nature, which are not coercive by themselves. Therefore, interest, in the same manner as it is the '*natural* obligation' (i.e., non-moral obligation) to justice and 'the *first* obligation to the performance of promises', is the '*natural*' (i.e., non-moral) obligation to allegiance.[45]

[41] Hume, *Treatise*, T 3.2.8.5, SBN 543.
[42] Hume, *Treatise*, T 3.2.8.3, SBN 542.
[43] Hume, *Treatise*, T 3.2.7.6, SBN 537; T 3.2.7.8, SBN 539.
[44] Hume, *Treatise*, T 3.2.8.5, SBN 543.
[45] Hume, *Treatise*, T 3.2.2.23, SBN 498; T 3.2.5.11, SBN 523; T 3.2.8.7, SBN 545.

The Moral Obligation to Allegiance

So far, so good: our subsistence and wellbeing cannot be preserved without society; society cannot be stable without justice and property; in a large and civilised society, justice and property cannot be secure without government, and government cannot be effective without obedience; therefore, we have an obligation to obey established government because our private and public interest would otherwise be jeopardised.

But the good is not the right. It is one thing to say that it is rationally profitable to obey. It is another to say that it is morally wrong to rebel. No matter how essential a role interest plays in the establishment of government and in the formation our political obligation, the 'duty of allegiance to civil magistrates' is still a *moral* duty.[46] Government not only rules but claims a *right* to rule. In large and civilised societies, many ordinary people obey established government not because of self-interested calculation, but because of 'conscience' or a sense of moral duty; not because they think that obedience is more advantageous than resistance, but because they believe that their ruler has a right to hold and exercise political authority.[47] An important task of Hume's moral and political theory is to account for how allegiance becomes a moral requirement and how ordinary people acquire the belief that they are morally bound to obey their government.

Hume's theory of political obligation is rooted in his sentimentalist moral philosophy. The fact that all societies 'take such pains to inculcate' morality is a clear proof that morality can influence 'human passions and actions'.[48] The fact that morality has an influence on human action, then, is a clear proof that the standard of morality cannot be determined merely by reason. Hume insists that 'reason alone can never produce any action'; it is the passions, not reason, that directly motivates action.[49] 'Morals excite passions, and produce or prevent actions. Reason itself is utterly

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[46] Hume, *Treatise*, T 3.2.8.3, SBN 541-42.

[47] In civilised societies, the sense of moral duty is a common motive to justice, fidelity, and allegiance. Hume, *Treatise*, T 3.1.1.5, SBN 457; T 3.2.1.9, SBN 479.

[48] Hume, *Treatise*, T 3.1.1.5, SBN 457.

[49] Hume, *Treatise*, T 2.3.3.4, SBN 414.

impotent in this particular.'[50] The task of the moral philosopher, then, is not to demonstrate the standard of morality according to which men ought to act, but to explain the origin and formation of the standard of morality as it is generally accepted in society. Now that morality is 'more properly felt than judg'd of', it is from the feeling of particular pains or pleasures that we derive the sense of vice or virtue.[51] 'To have the sense of virtue, is nothing but to *feel* a satisfaction of a particular kind from the contemplation of a character', and vice versa.[52] Humean virtues, then, are motives or character traits that cause pleasure and arouse approbation. By contrast, when the observation of a motive or character trait makes us feel a particular pain, we blame it as a moral vice. As a consequence of those moral judgments, we acquire a sense of moral duty—put differently, we acquire the belief that we have a moral obligation—to perform virtuous actions and refrain from vicious ones.

Hume's claim that the sense of moral duty comes into existence as a result of general moral judgment has considerable implications. We know from experience that an action is always motivated by a certain motive. We also know from experience that in a civilised society, the sense of moral duty is a strong and frequent motive to perform virtuous actions. But for such an action to be judged or felt as virtuous and for there to be such a sense of moral duty at all, there must be another 'first virtuous motive' that bestows a merit on this action.[53] Here Hume makes a distinction between natural and moral motives. The moral motive, or the sense of moral duty, can be an effective cause of action—otherwise, it would be futile to 'take such pains to inculcate' morality[54]—but it is only a secondary motive. It is the result, not the object, of moral judgment. The primary

[50] Hume, *Treatise*, T 3.1.1.6, SBN 457. Yet this should not lead to the conclusion that Hume denies the relevance of reason in guiding human action. As John B. Stewart has suggested, Hume believes that 'reason is indispensable in establishing and improving morality', and 'attributes the differences in morality around the world to differences in the advance of reason'. John B. Stewart, *Opinion and Reform in Hume's Political Philosophy* (Princeton: Princeton University Press, 1992), 6, 141.
[51] Hume, *Treatise*, T 3.1.2.1, SBN 470.
[52] Hume, *Treatise*, T 3.1.2.3, SBN 471.
[53] Hume, *Treatise*, T 3.2.1.4, SBN 478.
[54] Hume, *Treatise*, T 3.1.1.5, SBN 457.

motive or the 'first virtuous motive' must be a 'natural motive' (i.e., non-moral motive) that is distinct from, and antecedent to, the sense of moral duty.[55]

Justice, fidelity, and allegiance are Humean virtues, because they are character traits that give rise to pleasure and therefore moral approbation. But they are what Hume calls *artificial* virtues, as opposed to natural virtues, because in human nature there is no regular motive to perform them.[56] The motives to perform artificial virtues are artificial. These virtues acquire a regular motive and regularly give rise to pleasure only after the artificial institutions of property, promise, and government are respectively established. Before the invention of the rules of justice, no one has any regular motive to respect others' possessions, and one's transgression of others' possessions does not regularly cause an uneasy feeling in the mind of spectators. Before the installation of the convention of promise keeping, no one has any regular motive to perform promises, and the observation of the breach of promises would not constantly make people feel unpleasant. Before the establishment of government, allegiance to government is utterly unimaginable, since there is even no such thing as government. It is only after the rules of justice and fidelity are established that humans can be constantly motivated to abstain from others' property and to perform promises, and that the observation of the violation of those rules can regularly cause an uneasiness in the human mind. Similarly, it is only after the establishment of government that we acquire a regular motive to allegiance and regularly disapprove of resistance or rebellion. Once the institutions of property, promise, and government are established, our redirected self-interest becomes the original and non-moral motive behind justice, fidelity, and allegiance. But redirected self-interest is still self-interest. In what sense is it a merit-bestowing,

[55] Hume, *Treatise*, T 3.2.1.4, SBN 478.

[56] Although Hume's discussion of allegiance follows that of justice and fidelity, he neither explicitly claims that allegiance to government is a virtue, nor offers any detailed analysis of the psychological process of those who are subject to governmental power. Yet as Rachel Cohon argues, this does not exclude allegiance from the category of Humean virtues. Rachel Cohon, 'The Shackles of Virtue: Hume on Allegiance to Government', *History of Philosophy Quarterly* 18, no. 4 (2001): 393-413.

'virtuous' motive? How do we acquire another distinct moral motive to justice, fidelity, and above all, allegiance?

The answer lies in our sympathy with public interest. Hume's theory of the artificial virtues—not least his account of how their corresponding rules or institutions are artificially established by the coordination of self-interested individuals through the redirection of self-interest—has a clear Epicurean tenor.[57] Yet this Epicurean tenor may obstruct us from paying due attention to Hume's tenet that they are still moral virtues and recognising the proper role sympathy plays in Hume's moral philosophy.[58] Hume starts the 'conclusion' of the *Treatise* by underlining the central role of sympathy in the formation of moral judgment:

> We are certain, that sympathy is a very powerful principle in human nature. We are also certain, that it has a great influence on our sense of beauty, when we regard external objects, as well as when we judge of morals … sympathy is the chief source of moral distinctions.[59]

Once the rules of justice are established by 'a general sense of common interest', members of society can immediately sympathize with this common interest or public interest.[60] We feel a particular pain not only when we suffer from the injustice of others, but also when we observe others suffering from similar injustices, which we consider as 'prejudicial to human society, and pernicious' to those who are affected by injustice:

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[57] See especially James Moore, 'Hume and Hutcheson', in *Hume and Hume's Connexions*, ed. M. A. Stewart and John P. Wright (Edinburgh: Edinburgh University Press, 1994), 23-57; John Robertson, *The Case for the Enlightenment: Scotland and Naples 1680-1760* (Cambridge: Cambridge University Press, 2005), chap.6. For more balanced views of Hume's moral philosophy as a synthesis of or a middle way between the neo-Stoic and neo-Epicurean doctrines, see James A. Harris, *Hume: An Intellectual Biography*, (Cambridge: Cambridge University Press, 2015), 35-77, 121-42; Tim Stuart-Buttle, *From Moral Theology to Moral Philosophy: Cicero and Visions of Humanity from Locke to Hume* (Oxford: Oxford University Press, 2019), 179-222. James Harris and Paul Sagar warns that the application of the neo-Hellenistic Stoic-versus-Epicurean framework in the study of eighteenth-century thinkers may bring about more obscurity than clarity. James A. Harris, critical notice on *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith*, by István Hont, *Journal of Scottish Philosophy* 14, no. 2 (2016): 151-63; Sagar, *The Opinion of Mankind*, 25-26, 61-62n147.

[58] In the *Enquiry Concerning the Principles of Morals*, Hume modified this Epicurean tone, supplying a more sociable account of human nature. Yet Knud Haakonssen suggests that the differences between Hume's account of morality in the *Treatise* and that in the second *Enquiry* should not be exaggerated. Knud Haakonssen, *The Science of a Legislator: The Natural Jurisprudence of David Hume and Adam Smith* (Cambridge: Cambridge University Press, 1981), 4-7.

[59] Hume, *Treatise*, T 3.3.6.1, SBN 618.

[60] Hume, *Treatise*, T 3.2.2.10, SBN 490.

> We partake of their uneasiness by *sympathy*; and as every thing, which gives uneasiness in human actions, upon the general survey, is call'd *vice*, and whatever produces satisfaction, in the same manner, is denominated *virtue*; this is the reason why the sense of moral good and evil follows upon justice and injustice.[61]

Similarly, once government is established for the sake of our common interest, we can feel a particular pain not only when public order is at stake, but even when we simply conceive the possibility of resistance or a revolution. Even if 'a great present advantage' may induce ourselves to overturn the established government, we still tend to regard others' disobedience as 'highly prejudicial to our own interest, or at least to that of the public, which we partake of by *sympathy*. This naturally gives us an uneasiness, in considering such seditious and disloyal actions, and makes us attach to them the idea of vice and moral deformity'.[62] In this way, allegiance to established government becomes a moral virtue that imposes a moral obligation. Therefore, although the original motive to allegiance is nothing but a consideration of interest, this motive is indeed a merit-bestowing 'first virtuous motive', because the sympathy with public interest is strong enough to lead the first members of society to praise the obedient and blame the disobedient, thus recognising allegiance as a moral virtue.

The moral obligations to justice, fidelity, and allegiance are rooted in our sympathy and moral sentiments, but they are further supported by other artifices. These virtues are intentionally cultivated, inculcated, and enhanced by various mechanisms. Parents 'inculcate on their children' by private education, whereas 'in order to govern men more easily, and preserve peace in human society', politicians propagate by artifice an 'esteem' for justice, fidelity, and allegiance, as well as a sense of 'abhorrence' and 'guilt' for the breach of these virtues.[63] All these measures contribute to strengthen our sense of moral obligation and enhance our moral motives to these artificial virtues.[64]

[61] Hume, *Treatise*, T 3.2.2.24, SBN 499.
[62] Hume, *Treatise*, T 3.2.8.7, SBN 545.
[63] Hume, *Treatise*, T 3.2.2.25-26, SBN 500-501; T 3.2.5.12, SBN 523; T 3.2.6.11, SBN 533-34; T 3.2.8.7, SBN 546.
[64] In the case of justice, Hume also mentions 'the interest of our reputation' as another mechanism that could enhance the moral obligation to justice; see Hume, *Treatise*, T 3.2.2.27, SBN 501.

Born into large and civilised societies, we are educated not to trespass on others' property, not to break our promises, and not to rebel against established governments. As a result, our respect for others' property and our custom of performing promises are very often motivated by the moral motives of 'probity and honour'.[65] In like manner, we are very often motivated by the moral motive of 'conscience' to submit to our present government, even if it is a tyrannical one.[66] We are inculcated with the moral obligation to obey established government.

II. Hume's Destructive and Constructive Aims

Hume's account of political obligation and political legitimacy had two aims: one destructive, the other constructive. As the most famous critic of contract theory in the history of Western political thought, Hume supplied a full-blown critique of the contract theory of political obligation, not least its Lockean variant.[67] Yet Hume's theory of political obligation also has a constructive character, as he sought to establish a coherent theory of political obligation on the ruins of contract theory. As I have mentioned earlier, the nature of Hume's constructive project and how his critique of contract theory contributes to that project remain to be clarified. Rejecting received wisdom that Hume's political philosophy is conservative or utilitarian, and instead following Sagar's lead, I suggest that what Hume took is an internalist approach to the problem of political obligation. What follows is a two-step strategy: I will first explicate Hume's critique of contract theory, before turning to his internalist, opinion-based theory of political authority.

[65] Hume, *Treatise*, T 3.2.2.26, SBN 500.

[66] Hume, *Treatise*, T 3.2.8.7, SBN 545; T 3.2.9.3, SBN 551.

[67] For Hume's general argumentative strategy against contract theory, see Stephen Buckle and Dario Castiglione, 'Hume's Critique of the Contract Theory', *History of Political Thought* 12, no. 3 (1991): 457-80; Dario Castiglione, 'History, Reason and Experience: Hume's Arguments against Contract Theories', in *The Social Contract from Hobbes to Rawls*, ed. David Boucher and Paul Kelly (London: Routledge, 1994), 97-116. For Hume's strategy specifically in his essay 'Of the Original Contract', see Rawls, *Lectures*, 159-87; Cohen, *Lectures*, 120-37. P. F. Brownsey, 'Hume and the Social Contract', *The Philosophical Quarterly* 28, no. 111 (1978): 132-48, also examines Hume's critique of the social contract, but Brownsey argues that Hume's critique fails.

Hume's Critique of Contract Theory

Hume never doubted the importance of contract for society in general and for large-scale commerce in particular. He conceived of contract as a special kind of promise, which is an indispensable mechanism in any civilised society, where exchanges of goods and services are very common not only in daily, face-to-face transactions, but also over large territories and through longer periods of time. Crucially, however, Hume insisted that contract is neither the foundation of society, nor that of government and political obligation.

Historically, Hume's refutation of contract theory stemmed from his concern of practice or his considerations regarding how theory can influence practice. Hume's theory of political obligation was targeted at vulgar Whigs who subscribed to the secularised and popularised version of Lockean political philosophy—'our fashionable system of politics'[68]—and not Locke's theistic political philosophy *per se*.[69] The vulgar Whigs believed, as Hume outlined, that

> *All men … are born free and equal: Government and superiority can only be establish'd by consent: The consent of men, in establishing government, imposes on them a new obligation, unknown to the laws of nature. Men, therefore, are bound to obey their magistrates, only because they promise it; and if they had not given their word, either expressly or tacitly, to preserve allegiance, it wou'd never have become a part of their moral duty.*[70]

This theory of political obligation, as Hume conceded in the opening paragraph of his essay 'Of the Original Contract', tended to generate destabilising consequences in practice. For whilst the

[68] Hume, *Treatise*, T 3.2.8.3, SBN 542.

[69] Martyn P. Thompson, 'Hume's Critique of Locke and the "Original Contract"', *Il pensiero politico* 10, no. 2 (1977): 190-201.

[70] Hume, *Treatise*, T 3.2.8.3, SBN 542. However, in counting consent as a kind of promise, Hume missed some important differences between consent and promise. According to A. John Simmons, political theorists can contrast 'consent in the strict sense' to promise in at least two ways. First, consent in the strict sense is a given agreement to other's actions, and it is possible to give consent without making a promise. Second, 'while both promises and consent generate special rights and obligations, the emphases in the two cases are different. The primary purpose of a promise is to undertake an obligation; the special rights which arise for the promise are in a sense secondary. In giving consent to another's actions, however, our primary purpose is to authorize those actions and, in so doing, create for or accord to another a special right to act'. Consent in the strict sense, then, means a special *act* through which the consenter grants another 'a special right to act within areas where only the consenter is normally free to act'. A. John Simmons, 'Tacit Consent and Political Obligation', *Philosophy & Public Affairs* 5, no. 3 (1976): 275-77; *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979), 75-76.

Tories made government, however tyrannical it might be, too 'sacred and inviolate' to be accountable, the Whigs fell into another extreme:

> The other party, by founding government altogether on the consent of the PEOPLE, suppose that there is a kind of *original contract*, by which the subjects have tacitly reserved the power of resisting their sovereign, whenever they find themselves aggrieved by that authority, with which they have, for certain purposes, voluntarily entrusted him.[71]

By conceiving of consent as the foundation of government and political obligation, the vulgar Whigs claimed that the people have the right to withdraw their consent when they judge that the sovereign has breached the contract by which they previously consented to obey. In doing so, the emphasis of their theory fell on the limit, rather than the foundation, of political obligation. Such a theory, which could easily be used to publicly propagate resistance and revolution—indeed, it *was* used in this way in seventeenth-century England—tended to erode the foundation of political society. It was exactly this destabilising effect of contract theory that Hume felt obliged to combat and correct.

Yet the power of Hume's critique of contract theory lies not in his insight into its potential influence on practice, but in his analysis of its theoretical defects. For Hume, contract theories of political obligation are seriously flawed for four main reasons. First, the idea of the original contract clashes with recorded history, ancient and modern. Whilst Hume concedes that the primordial origin of government was probably an original contract—'all government is, at first, founded on a contract'—he explicitly remarks that this story 'preceded the use of writing and all the other civilized arts of life'.[72] Therefore, when the idea of the original contract is 'carry'd so far as to comprehend government in all its ages and situations', it becomes 'entirely erroneous'.[73] In recorded history, the origin of almost all governments, including modern ones, is not contract or

[71] Hume, 'Original Contract', E 466.
[72] Hume, 'Original Contract', E 468.
[73] Hume, *Treatise*, T 3.2.8.3, SBN 542.

consent, but violence or force. Whilst the earliest governments were presumably established by consent, the record of history is full of blood and iron. 'Almost all the governments, which exist at present, or of which there remains any record in story, have been founded originally, either on usurpation or conquest, or both, without any pretence of a fair consent, or voluntary subjection of the people.'[74] Even the Revolution of 1688 was no instance of popular consent, because 'it was only the succession, and that only in the regal part of the government, which was then changed; And it was only the majority of the seven hundred, who determined that change for near ten millions', who had no choice but to accept the new settlement.[75] Contract theorists make a grand mistake when they insist that consent is not only the origin of 'government in its earliest infancy', but the foundation of government in modern times, 'when it has attained full maturity'.[76]

Second, even if contract theorists allege that the contract that binds us to political obligation need not be an *original* contract, and retreat from explicit consent to *tacit* consent, Hume still rejects their reasoning as invalid, arguing that the notion of tacit consent is an absurdity. Consent, either express or tacit, can only be given consciously and voluntarily, but most people submit to their native government by birth, not by voluntary consent. 'A tacit promise is, where the will is signify'd by other more diffuse signs than those of speech; but a will there must be in the case, and that can never escape the person's notice, who exerted it, however silent or tacit.'[77] Moreover, there can be no consent without free choice, but when it comes to political obligation, people are often left with no choice. 'Should it be said, that, by living under the dominion of a prince, which one might leave, every individual has given a *tacit* consent to his authority, and promised him obedience; it may be answered, that such an implied consent can only have place, where a man imagines, that the matter depends on his choice.'[78] Yet few people consider allegiance as a matter of genuine choice, which they can make, change, or withdraw at will. The fact remains

[74] Hume, 'Original Contract', E 471.
[75] Hume, 'Original Contract', E 472-73.
[76] Hume, 'Original Contract', E 469.
[77] Hume, *Treatise*, T 3.2.8.9, SBN 547-48.
[78] Hume, 'Original Contract', E 475; cf. Hume, *Treatise*, T 3.2.8.9, SBN 548.

that the great majority of people are born under the jurisdiction of a state, and that it is very difficult, if not impossible, for them to relocate to another country whose government they wished to obey. Furthermore, consent must be given beforehand. Even if the '*truest* tacit consent' can take place when a foreigner voluntarily submits to the government of another country which they settle in, they must be 'beforehand acquainted with the prince, and government, and laws, to which he must submit'.[79] Obviously, a cogent theory cannot be based on such rare cases. Hume's finding, then, is that throughout recorded history, the great majority of people never tacitly consented to their government; rather, they silently 'acquiesced' in the authority under which they happened to find themselves.[80]

The argument of contract theory contains a syllogism: we owe no political obligation unless we give consent; we explicitly or tacitly consent to our government; therefore, by consent, we bind ourselves to political obligation.[81] By arguing that the original contract is irrelevant to recorded history, that no existing government derives its authority from explicit consent, and that tacit consent is rarely found in experience, Hume has forcefully attacked the middle item of this syllogism. Yet his refutation of contract theory is so thoroughgoing that he has also demolished its premise that political obligation can only be generated by consent. Hume's point is that even if we do consent to obey a government, our political obligation still must be rooted in something else, because consent or contract cannot impose any political obligation by itself.

The third mistake of contract theory, according to Hume, is that it exaggerates the efficacy of consent or contract. The normative power of consent in John Locke's theory of political obligation is based on his undergirding theistic framework that all men are created free and equal by God, and thus consent is the only conceivable mechanism by which legitimate relations of

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[79] Hume, 'Original Contract', E 476.

[80] Hume, 'Original Contract', E 470, 473, 475, 478.

[81] This is, of course, an oversimplified sketch. Locke's argument, for example, is more sophisticated. By asserting that living under and benefitting from the jurisdiction of a government entails a tacit consent to its power, Locke indeed established political obligation on 'the twin principles of utility and authority', providing an intellectual justification for resistance and revolution when the interest of people was at stake. Locke's theory of tacit consent, thus, 'tied subjects to established government whilst generating the legitimacy of such government's authority in the ordering of political society'. Sagar, *Opinion of Mankind*, 114-115.

hierarchy and subordination can be established amongst them.[82] But Hume's political theory is entirely secular.[83] Hume warns that in a secular world, bare consent or promise, be it explicit or tacit, has no such obligation-generating force.

> If reason be asked of that obedience, which we are bound to pay to government, I readily answer, *because society could not otherwise subsist:* And this answer is clear and intelligible to all mankind. Your answer is, *because we should keep our word*. But besides, that no body, till trained in philosophical system, can either comprehend or relish this answer: Besides this, I say, you find yourself embarrassed, when it is asked, *why are we bound to keep our word?* Nor can you give any answer, but what would, immediately, without any circuit, have accounted for our obligation to allegiance.[84]

The obligation to obey established government cannot be reduced to the obligation to perform promises, because they share the same foundations. On the one hand, both the natural (i.e., non-moral) obligation to allegiance and that to fidelity are established by interest, though the interests they immediately serve are different. The natural obligation to obedience stems from the interest that government brings about, i.e., the interest of 'peace and public order', or of 'order and concord in society'; the natural obligation to fidelity is founded on the interest in preserving 'mutual trust and confidence in the common offices of life'.[85] Since the institutions of government and promise serve different immediate interests, the virtues of allegiance and fidelity also have separate natural obligations. On the other hand, the moral obligation to allegiance and that to fidelity are both rooted in sympathy. Now that the two natural obligations are separate, the two moral obligations, both dependent on their respective natural obligations, are also 'equally separate and independant [sic.]'.[86] Our moral obligation to obey established government is derived from our sympathy with

[82] John Dunn, 'Consent in the Political Theory of John Locke', in *Political Obligation in Its Historical Context: Essays in Political Theory* (Cambridge: Cambridge University Press, 1980), 29-52.
[83] Baier, *Progress of Sentiments*, 256-57.
[84] Hume, 'Original Contract', E 481.
[85] Hume, *Treatise*, T 3.2.8.5, SBN 544; 'Original Contract', E 480.
[86] Hume, *Treatise*, T 3.2.8.7, SBN 546.

public interest, not from the obligation to perform promises. To sum up, as a kind of promise, contract cannot impose any natural or moral obligation to allegiance.

There is, however, a unique connection between allegiance and fidelity that enhances Hume's case against contract theory. It is not that the obligation to allegiance is dependent on that to fidelity; on the contrary, the former is 'invented chiefly for the sake of' the latter and the obligation to justice.[87] 'Tho' there was no such thing as a promise in the world, government wou'd still be necessary in all large and civiliz'd societies; and if promises had only their own proper obligation, without the separate sanction of government, they wou'd have but little efficacy in such societies.'[88] The obligation of promises is not coercive, and cannot support itself in large and civilised societies, where government comes to its rescue. The work of government—to enforce the three fundamental laws of nature, including the performance of promises and contracts—is a clear proof that 'the exact observance' of the rule of promise-keeping 'is to be consider'd as an effect of the institution of government, and not the obedience to government as an effect of the obligation of a promise'.[89] It is not by a promise or contract that we bind ourselves to political obligation; rather, it is because of the proper functioning of government that we tend to strictly perform promises and contracts in our social and commercial life.

The fourth problem of contract theory, according to Hume, is that it contradicts the opinion of ordinary people. Hume draws on 'the opinions of men' or 'the sentiments of the rabble' as a 'popular authority' against 'any philosophical reasoning' underpinning contract theory.[90] According to the high Whig doctrine, an absolute monarchy without popular consent is an illegitimate government, and therefore have no just ground to demand obedience. As Locke famously claimed, '*Absolute Monarchy*, which by some Men is counted the only Government in the

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[87] Hume, *Treatise*, T 3.2.8.5, SBN 543.
[88] Hume, *Treatise*, T 3.2.8.7, SBN 546; cf. 'Original Contract', E 481.
[89] Hume, *Treatise*, T 3.2.8.5, SBN 544.
[90] Hume, *Treatise*, T 3.2.8.8, SBN 546.

World, is indeed *inconsistent with Civil Society*, and so can be no Form of Civil Government at all'.[91] Hume never goes so far as to declare that absolute monarchy is the only justified form of government, but from his point of view, the Whig theory is too contrary to the common opinion and sentiment of mankind to be plausible. The 'far greatest part of the nation' never 'consented to the authority of their rulers, or promis'd to obey them'. Rather, they considered themselves as born to obedience to their 'natural rulers',

> and this merely because they are in that line, which rul'd before, and in that degree of it, which us'd to succeed; tho' perhaps in so distant a period, that scarce any man alive cou'd ever have given any promise of obedience. Has a government, then, no authority over such as these, because they never consented to it, and wou'd esteem the very attempt of such a free choice a piece of arrogance and impiety?[92]

As a matter of fact, most European states in the early modern period were absolute monarchies, even though they gradually became 'civilized' through a regular rule of law. Therefore,

> as that is as *natural* and *common* a government as any, it must certainly occasion some obligation; and 'tis plain from experience, that men, who are subjected to it, do always think so. This is a clear proof, that we do not commonly esteem our allegiance to be deriv'd from our consent or promise.[93]

If a political theory condemns absolute monarchies as illegitimate simply because of their lack of popular consent, then it is this theory, rather than the reality, that is absurd. Even Locke himself could not afford to pay this price. When Locke asked, 'how came so many lawful Monarchies into the World', he was indeed conceding that legitimate monarchies were more than common whilst illegitimate ones were exceptions.[94] By invoking the conceptual device of tacit consent, Locke was

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[91] Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1960), 326, §90; cf. Hume, 'Original Contract', E 486-87.

[92] Hume, *Treatise*, T 3.2.8.9, SBN 548; cf. T 3.2.10.7, SBN 558: ''Twas by the sword, therefore, that every emperor acquir'd, as well as defended his right; and we must either say, that all the known world, for so many ages, had no government, and ow'd no allegiance to any one, or must allow, that the right of the stronger, in public affairs, is to be receiv'd as legitimate, and authoriz'd by morality, when not oppos'd by any other title.'

[93] Hume, *Treatise*, T 3.2.8.9, SBN 549.

[94] Locke, *Two Treatises*, 344, §113; Sagar, *Opinion of Mankind*, 115n50.

able to legitimate monarchical governments. Hume, by contrast, abandoned the philosophical concept of tacit consent, declaring *opinion* as a more powerful tool to make sense of reality. 'The opinions of men, in this case, carry with them a peculiar authority, and are, in a great measure, infallible.'[95]

But why does the opinion of ordinary people matter? Why is 'the sentiments of the rabble' more powerful and authoritative than 'any philosophical reasoning'? Hume's emphasis on the priority of opinion to philosophy is the necessary consequence of his sentimentalist approach to morality, according to which moral distinctions are a function of our moral sentiments rather than of rational speculation. If virtue and vice arise from the pleasure or pain we feel when we contemplate a character, usually signalled by external actions, and if there is a uniformity in the common sentiments of human beings, then our individual moral judgments will inevitably resemble each other, paving the way for a common moral standard. Hume insisted this position not only in the *Treatise*, but also in his mature years, notably remarking in 'Of the Original Contract' that in 'all questions with regard to morals, as well as criticism, there is really no other standard, by which any controversy can ever be decided'.[96] Ultimately, our moral duties are not determined by any philosophical argument, but by our fellow creatures' common view of morality. What *is* commonly approved of eventually becomes a moral obligation, which *ought* to be performed by all members of a society.[97]

<u>*Opinion, Resistance, and Judgment*</u>

We have now arrived at the proper vantage point required to uncover Hume's constructive plan. What Hume seeks to establish is an internalist theory of political obligation centring on the opinion

[95] Hume, *Treatise*, T 3.2.8.8, SBN 546; cf. T 3.2.9.4, SBN 552, where Hume also draws on the opinion of ordinary people to make space for rightful resistance: 'in all our notions of morals we never entertain such an absurdity as that of passive obedience, but make allowances for resistance in the more flagrant instances of tyranny and oppression. The general opinion of mankind has some authority in all cases; but in this of morals 'tis perfectly infallible.'

[96] Hume, 'Original Contract', E 486.

[97] Hume, *Treatise*, T 3.1.1.27, SBN 469-70.

of ordinary people.[98] If the obligation to obey legitimate government is, after all, a moral obligation, and if moral obligation is generated by the moral sentiments of ordinary people, then the conclusion will inevitably be that political obligation and political legitimacy are functions of the opinion or attitude of subjects. As Hume puts it himself, 'there is a moral obligation to submit to government, *because* every one thinks so'.[99]

In 'Of the First Principles of Government', Hume famously points out that the holders of political authority are always overpowered by those who are subject to their power. Given this asymmetry of force, the proper functioning of government is not simply a function of bare force, but must rely on the opinion and compliance of the governed.

> Nothing appears more surprizing to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers. When we enquire by what means this wonder is effected, we shall find, that, as FORCE is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular.[100]

Thus, from a 'philosophical eye'—but not essentially from a sociological one, from which resistance or revolution requires not only enough resource but proper mobilisation and strategy—the many submit to the few only because their opinion prevents them from turning their force against their government. Hume then distinguishes between two basic types of opinion: opinion of interest and opinion of right. Opinion of interest includes two notions: 'the sense of the general

[98] Sagar, *Opinion of Mankind*, chap.3.

[99] Hume, *Treatise*, T 3.2.8.8, SBN 547 (my emphasis). There is a visible similarity between Hume's internalist account and Bernard Williams's political realism: see Bernard Williams, 'Realism and Moralism in Political Theory', in *In the Beginning was the Deed: Realism and Moralism in Political Arguments*, ed. Geoffrey Hawthorn (Princeton: Princeton University Press, 2005), 1-17. For further discussions on Hume's relation to political realism, see Frederick G. Whelan, *Hume and Machiavelli: Political Realism and Liberal Thought* (Lanham, MD: Lexington Books, 2004), 242-377; Andrew Sabl, *Hume's Politics: Coordination and Crisis in the* History of England (Princeton: Princeton University Press, 2012), 242-45; Keith Hankins and John Thrasher, 'Hume's Politics and Four Dimensions of Realism', *Journal of Politics* 84, no. 2 (2022): 1007-20.

[100] Hume, 'First Principles', E 32.

advantage which is reaped from government' and 'the persuasion, that the particular government, which is established, is equally advantageous with any other that could easily be settled'.[101] From this point of view, the authority of government is supported by the opinion that political society is more advantageous than anarchy and the belief that resistance or a revolution will not make us significantly better off. Opinion of right has two subtypes: opinion of right to property and opinion of right to power. Opinion of right to power is the opinion about the rightful locus of political power, often evidenced by the common reverence to established government, since it is the dictate of human nature that '[a]ntiquity always begets the opinion of right' and that 'men are commonly much attached to their ancient government'.[102] Opinion of right to property refers to the opinion of a rank of men with a large share of property that they ought to possess a proportionate share of political power. The translation from a new balance of property to a new balance of power, however, can be significantly postponed when the rising rank has no share of power in the original constitution of government, because the established constitution is more reluctant to change from outside than from within. By contrast, where the ascending rank has some share of power in the original constitution—for example, the commoners in England—it would be easier for them to expand their power following their increase of property, resulting in a new balance of power and eventually a new form of government. It is chiefly by the three kinds of opinion above that the few establish and maintain political authority over the many. These opinions are 'the first principles of government'.[103]

Hume has no conceptual distinction between *de facto* authority and *de jure* authority, which is typical to the vulgar Whig's 'fashionable system of politics'. When Hume describes these opinions as 'the first principles of government', he is not only explaining how a government can be established and maintained, but identifying opinion as the source of legitimacy. When a government is supported by favourable opinions, it not only functions well, but has legitimacy.

[101] Hume, 'First Principles', E 33.
[102] Hume, 'First Principles', E 33, 35.
[103] Hume, 'First Principles', E 32, 34.

When a government loses the support of opinion, it is deprived of legitimate authority, and ceases to function well. Hume's verdict, then, is that a government has legitimacy and is owed obedience to the extent that those subject to its power believe that it is legitimate—or to be more precise, to the extent that they do not have a general opinion that it is illegitimate.

Hume's internalist approach is most prominent in his discussion—not theory, for as we will see, he does not have such a theory at all—of resistance and revolution. To be sure, Hume admits that the people have the right of resistance and that it is 'impossible, even in the most despotic governments, to deprive them of it'.[104] He explicitly rejects the idea of passive obedience, writing that 'in all our notions of morals we never entertain such an absurdity as that of passive obedience, but make allowances for resistance in the more flagrant instances of tyranny and oppression'.[105] Despite his critique of contract theory, Hume acknowledges that the conclusions of contract theory, 'that our submission to government admits of exceptions, and that an egregious tyranny in the rulers is sufficient to free the subjects from all ties of allegiance', are 'perfectly just and reasonable'.[106] But having denounced the 'principles' or 'the reasoning, upon which they endeavour'd to establish' that conclusion, Hume sets out to 'establish the same conclusion on more reasonable principles'.[107] The problem with the principles of contract theory, from Hume's perspective, is that it both grounds and limits political obligation ultimately on the basis of public utility. According to contract theory, political obligation and the legitimacy of government are conditional on the consent of the people, but the consent of the people is itself conditional on their benefitting from the government: 'when instead of protection and security, they meet with tyranny and oppression, they are free'd from their promises, (as happens in all conditional contracts) and return to that state of liberty, which preceded the institution of government'.[108]

[104] Hume, *Treatise*, T 3.2.10.16, SBN 563-64.

[105] Hume, *Treatise*, T 3.2.9.4, SBN 552.

[106] Hume, *Treatise*, T 3.2.9.1, SBN 549. See also Hume, *Treatise*, T 3.2.9.3, SBN 552: 'Our general knowledge of human nature, our observation of the past history of mankind, our experience of present times; all these causes must induce us to open the door to exceptions, and must make us conclude, that we may resist the more violent effects of supreme power, without any crime or injustice.'

[107] Hume, *Treatise*, T 3.2.9.1-2, SBN 549-50.

[108] Hume, *Treatise*, T 3.2.9.1, SBN 550.

Therefore, not only does contract theory claim that the people can withdraw their consent when government jeopardises public interest, but it can be easily used to propagate and justify resistance or revolution. Hume, by contrast, seeks to ground the authority of government on the dual foundations of utility and sympathy. Utility, or public interest, or 'the security and protection, which we enjoy in political society, and which we can never attain, when perfectly free and independent',[109] constitutes the natural (i.e., non-moral) obligation to obedience. It is further supplemented by our moral obligation to obedience, which is generated by our sympathy with public interest. Therefore, in normal cases, we have not one but two obligations to allegiance: we have both a natural (i.e., non-moral) obligation because we believe that the functioning of government is salutary to public interest, and a moral obligation because sympathy with public interest leads most people to approve of obedience and blame disobedience. In relation to both obligations, the concept of consent or contract is redundant.

Hume's strategy has very different consequences than that of the vulgar Whigs, partly because the application of his general theory to particular circumstances requires sound political judgment, which is a matter of practical wisdom beyond philosophical speculation.[110] *In theory*, Hume could agree with the vulgar Whigs: political obligation is a result or effect of interest; when '[t]he cause ceases; the effect must cease also'; therefore, 'whenever the civil magistrate carries his oppression so far as to render his authority perfectly intolerable', the natural and moral obligations to obedience are cancelled altogether, and the people can rightfully exercise their right of resistance.[111] The logic is obvious, at least for philosophers:

> Government is a mere human invention for the interest of society. Where the tyranny of the governor removes this interest, it also removes the natural obligation to obedience. The moral obligation is founded on the natural, and therefore must cease where *that* ceases; especially where the subject is such as makes us foresee very

[109] Hume, *Treatise*, T 3.2.9.2, SBN 551.

[110] Here I follow Kant's famous definition of judgment as "the faculty for thinking of the particular as contained under the universal". Immanuel Kant, *Critique of the Power of Judgment*, ed. Paul Guyer, trans. Eric Matthews (Cambridge: Cambridge University Press, 2000), 66.

[111] Hume, *Treatise*, T 3.2.9.2, SBN 551.

> many occasions wherein the natural obligation may cease, and causes us to form a kind of general rule for the regulation of our conduct in such occurrences.[112]

Furthermore, even though this 'train of reasoning' is 'too subtile' for ordinary people, they still have an 'implicit notion' that 'they owe obedience to government merely on account of the public interest'.[113] Therefore, both the reasoning of philosophers and the 'general opinion of mankind' allow rightful resistance against sovereign power in extreme cases such as the tyranny of '*Dionysius* or *Nero*, or *Philip* the Second'.[114]

In practice, however, the applicability of the foregoing principle is very limited. This is for three reasons. First, Hume thinks that the chief aim of political theory is to justify rather than to question established authority in most cases, because 'in the ordinary course of human affairs nothing can be more pernicious and criminal' than resistance or revolution, which not only brings about 'convulsions', but 'tends directly to the subversion of all government, and the causing an universal anarchy and confusion among mankind'.[115] Therefore, legitimacy and obedience must be normal, illegitimacy and resistance exceptional.

> We ought always to weigh the advantages, which we reap from authority, against the disadvantages; and by this means we shall become more scrupulous of putting in practice the doctrine of resistance. The common rule requires submission; and 'tis only in cases of grievous tyranny and oppression, that the exception can take place.[116]

[112] Hume, *Treatise*, T 3.2.9.4, SBN 552-53. In the final sentence of the same paragraph, which is also the very last sentence of the section 'Of the measures of allegiance', Hume reasserts that '[t]here evidently is no other principle than interest; and if interest first produces obedience to government, the obligation to obedience must cease whenever the interest ceases, in any great degree, and in a considerable number of instances'.

[113] Hume, *Treatise*, T 3.2.9.4, SBN 552.

[114] Hume, *Treatise*, T 3.2.9.4, SBN 552. See also Hume, 'Passive Obedience', E 489-90: '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. *Salus populi suprema Lex*, the safety of the people is the supreme law. This maxim is agreeable to the sentiments of mankind in all ages: Nor is any one, when he reads of the insurrections against NERO or PHILIP the Second, so infatuated with party-systems, as not to wish success to the enterprize, [sic.] and praise the undertakers.'

[115] Hume, *Treatise*, T 3.2.10.1, SBN 553.

[116] Hume, *Treatise*, T 3.2.10.1, SBN 554.

Second, it is impossible to tell exactly what count as 'the more flagrant instances of tyranny and oppression', 'cases of grievous tyranny and oppression', or 'extraordinary emergencies'.[117] Even though the '*general* principle' that ''tis lawful to take arms even against supreme power' in extreme emergencies is 'authoriz'd by common sense, and the practice of all ages,' it is still 'certainly impossible for the laws, or even for philosophy, to establish any *particular* rules, by which we may know when resistance is lawful'.[118] If Hume has any theory of resistance at all, it is what Duncan Forbes has called a 'general, "Nero", theory of resistance', in which his examples are 'more useful than the rather vague phraseology'.[119] Hume's discussion of the right of resistance cannot settle any conceptually precise or practically useful standard of justification for resistance; nor is it intended to do so.

Third and most important, the moral obligation, which is a function of opinion, often overrides the natural obligation to obedience. In large and civilised societies, our obedience is so often motivated by our sense of moral duty rather than by the consideration of private or public interest, that 'in the case of allegiance our moral obligation of duty will not cease, even tho' the natural obligation of interest, which is its cause, has ceas'd; and that men may be bound by *conscience* to submit to a tyrannical government against their own and the public interest'.[120] Put differently, even if a government is no longer supported by the opinion of interest, it may still be supported by the opinion of right to power or the opinion of right to property; even if obedience is no longer beneficial, subjects may still believe that the government has a right to rule. In such cases, although the natural obligation to allegiance has ceased from a philosophical point of view, a government can still be legitimate and owed obedience, as long as most subjects still have a sense of moral obligation to obedience, or feel a conscience for submission, or hold the opinion that the incumbent government is legitimate. Even if it is some philosophers' or party-men's unanimous

[117] Hume, *Treatise*, T 3.2.9.2, SBN 552; T 3.2.10.1, SBN 554; 'Passive Obedience', E 490.
[118] Hume, *Treatise*, T 3.2.10.16, SBN 563; 'Passive Obedience', E 490-91.
[119] Forbes, *Hume's Philosophical Politics*, 92, 101.
[120] Hume, *Treatise*, T 3.2.9.3, SBN 551.

and wholehearted judgment that the people are wrong to retain their allegiance to a seemingly or arguably illegitimate government, the legitimacy of that government is still decided by general opinion rather than by the reasoning of any particular individuals or groups.

However, Hume's opinion-based approach to understanding legitimacy invites two serious concerns. First, since it is difficult to know the general opinion of subjects, one may doubt whether Hume's theory can be applied to make judgments about the legitimacy of any particular government. It may seem that Hume has to remain silent on such particular judgments at best, or, at worst, to accept any established government as supported by opinion and thus legitimate, whilst considering resistance, to use Forbes's words, as only justified 'when and because it is automatic'.[121] This could lead to the sombre corollary that might makes right. Second, although opinion is the final arbitrator of legitimacy, no government is merely a passive recipient of the opinion of its subjects. Government seeks to channel and shape the opinion of subjects in order to enhance its authority. Political activists and philosophers, including Hume himself, also attempted to guide public opinion, not least when the general opinion of society clashed with theirs, or when there were conflicting opinions of interest or conflicting claims to supreme power.[122] Having pointed out that Hume's internalist approach 'invites a serious worry about the mechanisms by which belief in political legitimacy is generated', Sagar concludes that 'Hume does not address himself to this concern'.[123] My reading, however, suggests that Hume was aware of these two concerns, even though he did not offer a complete solution.

III. Sincerity and Authenticity

Responding to Sagar, James Harris has suggested that one important consequence of Hume's approach of identifying opinion as the source of legitimacy is that on Hume's view 'the people cannot be wrong in their opinions about legitimacy. There is nothing against which to evaluate

[121] Forbes, *Hume's Philosophical Politics*, 101.

[122] Hume's own political writing can be read as an action seeking to change and moderate the opinions of his compatriots. Stewart, *Opinion and Reform*, chaps. 5-6.

[123] Sagar, Opinion of Mankind, 103n106.

them and show them to be true or false'.[124] However, both Sagar and Harris have neglected some further nuances in Hume's understanding of opinion. It would be too quick to conclude that Hume's opinion-based approach of legitimacy disbars him from making judgments about legitimacy or becoming aware of the problem of malformed opinion. Although Hume did not address the problem of opinion management in the *Treatise*, in his *Essays* and the *History of England* there are relevant discussions that reveal how he equipped his opinion-based approach to be a powerful weapon of reflection and critique. On the one hand, Hume indicated that if the intimidation of a government drives subjects to hide their sincere opinion under the disguise of a public performance, then this government is illegitimate. Such a judgment can be made within Hume's internalist approach and without evoking any deeper concern about malformed opinion or false consciousness. On the other hand, Hume was aware that the opinion of mankind could sometimes be inauthentic because manipulated or malformed by some unacceptable mechanisms, not least religious indoctrination or party propaganda. As a response, he suggested the liberty of thought and the liberty of the press as potential remedy. Even though Hume did not offer a normative *theory* to critique the verdict of opinion, his nuanced analysis of the insincerity and inauthenticity of opinion under circumstances of intimidation or manipulation are still worth serious attention, as an investigation into this underexplored aspect of Hume's political thought will allow us to better appreciate his understanding of the nature of modern political authority.

Intimidation and the Sincerity of Opinion

To see how a government may acquire legitimacy, Hume suggests that we consider the 'period of time, when the people's consent was the least regarded in public transactions': the beginning of a new government.[125] To be sure, Hume does not deny that government can acquire legitimacy from consent. The problem, however, is that real consent is rarely found in real-world situations. Hume

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[124] James A. Harris, 'From Hobbes to Smith and Back Again', review of *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith*, by Paul Sagar, *History of European Ideas* 45, no. 5 (2019): 761.
[125] Hume, 'Original Contract', E 474.

concedes that consent is not only 'one just foundation of government where it has place', but 'surely the most sacred of any'; but he then immediately points out that consent 'has very seldom had place in any degree, and never almost in its full extent'.[126] As almost all governments are established by force or violence, it is necessary to find 'some other foundation of government' or some more regular mechanisms of legitimation.[127]

The establishment of a government does not automatically legitimate it. When a new government—especially a new form of government—is established, its authority operates on a precarious foundation. The people submit to it 'more from fear and necessity, than from any idea of allegiance or of moral obligation', whilst the sovereign, 'watchful and jealous', must take precautions against any potential insurrection and resistance.[128]

> Time, by degrees, removes all these difficulties, and accustoms the nation to regard, as their lawful or native princes, that family, which, at first, they considered as usurpers or foreign conquerors. In order to found this opinion, they have no recourse to any notion of voluntary consent or promise, which, they know, never was, in this case, either expected or demanded. The original establishment was formed by violence, and submitted to from necessity. The subsequent administration is also supported by power, and acquiesced in by the people, not as a matter of choice, but of obligation. They imagine not, that their consent gives their prince a title: But they willingly *consent*, because they think, that, from long possession, he has acquired a title, independent of their choice or inclination.[129]

Hume's critique of the concept of tacit consent immediately follows this passage.[130] It can be inferred from the context that the emphasised word 'consent' means acquiescence rather than consent. Hume thus rejected Locke's invocation of tacit consent as the legitimation mechanism for existing government. For Hume, so-called tacit consent should rather be called acquiescence, which is not consent but a kind of opinion. Moreover, the acquiescence of subjects is not the cause

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[126] Hume, 'Original Contract', E 474.
[127] Hume, 'Original Contract', E 474.
[128] Hume, 'Original Contract', E 474.
[129] Hume, 'Original Contract', E 474-75 (my emphasis).
[130] Hume, 'Original Contract', E 475-78.

but the very effect of their rulers' acquisition of an acceptable title to rule. It is not because it has the consent of the people that a new government acquires legitimacy; rather, it is because it has acquired an acceptable title to rule that the people acquiesce in its authority and accept it as legitimate. Long possession is an acceptable title, whose force consists in the influence time and custom impose on the human mind, but it is not the only acceptable one. In the *Treatise*, Hume enumerated five 'titles' by which the sovereign can legitimately claim supreme power: long possession, present possession, the right of conquest, the right of succession, and positive laws.[131]

Thus, although almost all real-world governments are established by violence at first, as time goes by most of them can claim a legitimate right to rule by one or more of these acceptable titles, which are transformed into functioning legitimacy through the mechanism of opinion. By contrast, if a government cannot ground its authority on any title that is acceptable to its subjects, then it fails to justify itself to them because its authority has no other foundation than force and violence, and is thus rejected by opinion as failing to qualify as legitimate. Even if such a government is not challenged by open dissent or discontent, this is still not a proof of its legitimacy, because it is very likely that the open obedience of subjects is nothing but a public performance that disguises their sincere opinion of dissatisfaction.[132]

Whilst such brute cases of illegitimate authority are typically rare, English history nonetheless presented a very prominent example: the Commonwealth of England (1649–60), especially under the Protectorate of Oliver Cromwell (r. 1653–58). The Commonwealth and the government of Cromwell, according to Hume's account, were not based on any acceptable title, but merely on usurpation and 'illegal violence'.[133] In 1649, the 'republican independent faction', whose 'only solid support' was 'a numerous army of near fifty thousand men', 'though it formed so small a part of the nation, had violently usurped the government of the whole' through 'the

[131] Hume, *Treatise*, T 3.2.10.1-16, SBN 553-64.

[132] James C. Scott has made a similar point by distinguishing what he terms the 'public transcript' and the 'hidden transcript' in a power hierarchy. James C. Scott, *Domination and the Art of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 1-16.

[133] Hume, *History*, 6:54.

murder of Charles I'.[134] Whilst the regicide threw England into great disorder, the parliament, controlled by the 'republican independent faction', 'began to assume more the air of a civil, legal power' by various means, including establishing and bestowing the executive power on the Council of State.[135] By these measures and especially 'by the terror or their arms', a 'seeming tranquillity' was found almost everywhere in England.[136] However, under the illusion of this 'seeming tranquillity', 'symptoms of the greatest discontent every where appeared': on the one hand, the English people, 'long accustomed to a mild administration, and unacquainted with dissimulation, could not conform their speech and countenance to the present necessity', nor pretend loyalty to a violent form of government; on the other hand, once the parliament assumed supreme power and began to restore order, the 'spirit of fanaticism' and the love of liberty, 'by which that assembly had at first been strongly supported', were 'now turned, in a great measure, against them'.[137] The parliament, having suppressed the insurrection of the Levellers and disobedience in the army, still received numerous petitions requesting the restoration of the regular laws and liberties of the nation. Faced with apparent discontents, the parliament enlarged the scope of high treason, even including verbal offences and mere intentions against the state—or, to be precise, against the parliament. 'To affirm the present government to be an usurpation, to assert that the parliament or council of state were tyrannical or illegal, to endeavour subverting their authority or stirring up sedition against them; these offences were declared to be high-treason.'[138] Despite the great force of the new government in maintaining the 'seeming tranquillity' of society, the need for censorship was an obvious signal of its lack of legitimacy.

What further indicated the illegitimacy of this government was the way it applied the law of treason. In John Lilburne's trial for high treason in 1649, the jury had decided that he was not guilty, acquitting him to such 'great joy of the people' that '[n]ever did any established power

[134] Hume, *History*, 6:3, 6:5.
[135] Hume, *History*, 6:5-6.
[136] Hume, *History*, 6:6.
[137] Hume, *History*, 6:11-12; cf. 'Parties in General', E 60.
[138] Hume, *History*, 6:13.

receive so strong a declaration of its usurpation and invalidity'.[139] If this was because of the ongoing battles between the republicans and the royalists, the bent of public opinion remained unfavourable to the republicans even after the decisive Battle of Worcester in 1651, after which Charles II made his escape from England. Although the republicans managed to 'retain every one in implicit subjection to established authority' through the terrorizing force of the army, they were poor legislators preoccupied with '[s]elfish aims and bigotry', making little progress in settling 'a new model of representation, and fixing a plan of government'.[140] Having realised that they even 'intended to establish themselves as a perpetual legislature', the people turned their hostile opinion against the republicans, whose legitimacy is now dubious.

> Not daring to entrust the trials of treason to juries, who, being chosen indifferently from among the people, would have been little favourable to the commonwealth, and would have formed their verdict upon the ancient laws, they eluded that noble institution, by which the government of this island has even been so much distinguished.'[141]

What was established instead of juries was a high court of justice, 'composed of men, devoted to the ruling party, without name or character, determined to sacrifice every thing to their own safety or ambition'.[142] This court received indictments from the Council of State, and sentenced to death some people who sought to overturn the republican government. The use of the high court of justice instead of juries in trials for treason, according to Hume, signalled the government's fear of the genuine opinion of the people.

However, the Commonwealth still retained great power and authority. Men were sometimes inclined, alas, to submit to an illegitimate government by conscience or necessity. 'Such is the influence of established government, that the commonwealth, though founded in usurpation

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139 Hume, *History*, 6:13, 39.

140 Hume, *History*, 6:39, 41.

141 Hume, *History*, 6:39. Hume praises juries, originating in Alfred the Great's reform, as 'an institution, admirable in itself, and the best calculated for the preservation of liberty and the administration of justice, that ever was devised by the wit of man'. Hume, *History*, 1:77.

142 Hume, *History*, 6:40.

the most unjust and unpopular, had authority sufficient to raise every where the militia of the counties' to join its standing army against the king by the time of the Battle of Worcester.[143] After his decisive victory in that battle, Cromwell became the actual supreme ruler of the Commonwealth, because he seized the military power, separate from the civil power of the parliament. In 1653, when Cromwell saw that the republicans 'had entertained a jealousy of his power and ambition, and were resolved to bring him to a subordination under their authority' by taking control of the navy and reducing his land forces, he dissolved the Rump Parliament by violence.[144] Intriguing here are Hume's remarks that this parliament's 'commencement was not more ardently desired by the people than was its final dissolution' and that the independents finally received the 'hatred of the people'.[145] The republicans were not favoured by the genuine opinion of the people, after all.

Yet the opinion of the people was no less unfavourable to the prominent enemy of the republicans, Cromwell, whose 'illegal violence … must inevitably end at last in the arbitrary and despotic government of a single person'.[146] To be sure, the beginning of Cromwell's rule was attended with a warm welcome. Although Cromwell had had the entire nation 'subdued and reduced to slavery', the people's indignation against his usurped authority was not as violent or explicit as 'might naturally be expected', partly because the royalists and the Presbyterians—opponents of the republicans—'composed the bulk of the nation, and kept the people in some tolerable temper', and partly because the general populace, 'harassed with wars and factions', hoped that this capable new ruler could give the nation a new settlement. [147] However, things soon began to take a different turn.

Cromwell's interactions with the three parliaments he summoned evidenced his difficulty in finding an acceptable title for his authority, thereby indicating his lack of legitimacy. As the

[143] Hume, *History*, 6:35; cf. 6:73 (my emphasis): 'so prevalent was the *terror* of the established government'.

[144] Hume, *History*, 6:51-52. The Rump Parliament was originally called the Long Parliament, which existed from 1640 to 1648. After Pride's Purge in 1648, the remaining members were known as the Rump Parliament.

[145] Hume, *History*, 6:53-54.

[146] Hume, *History*, 6:54.

[147] Hume, *History*, 6:58-59.

people and even soldiers had already been accustomed to the existence of a parliament, Cromwell felt obliged to 'establish something which might bear the face of a commonwealth', and 'amus[e] the populace and the army'.[148] Thus he nominated the Barebone's Parliament, which owed its authority entirely to his mercy. But Cromwell soon dissolved this parliament, for it 'began to pretend power from the Lord, and to insist already on their divine commission'.[149] After the dissolution of this parliament, the military became 'in appearance, as well as in reality, the sole power which prevailed in the nation', and Cromwell was declared Protector by the *Instrument of Government* in December 1653.[150]

In September 1654, as required by the *Instrument of Government*, Cromwell summoned the First Protectorate Parliament, with great caution in the design of the method of election. Yet this parliament cast doubt on the form of government as settled by the *Instrument of Government*. Many members were discontented republicans who believed that 'the pretence of liberty and a popular election was but a new artifice of this great deceiver', urged that he should 'take off the mask at once', and demanded that Protector should either submit to the parliament or establish a military rule.[151] Informed of the conspiracy of some members of parliament, Cromwell dissolved this parliament in January 1655, again, by violence. Remarking on this event, Hume wrote that the 'electing of a discontented parliament is a proof of a discontented nation: The angry and abrupt dissolution of that parliament is always sure to encrease the general discontent.'[152] Confronted with insurrections and unable to reach a satisfactory settlement, Cromwell then established a 'military and despotic government', known as the rule of the Major-Generals, who 'acted as if absolute masters of the property and person of every subject'.[153]

[148] Hume, *History*, 6:60, 6:63.
[149] Hume, *History*, 6:63.
[150] Hume, *History*, 6:63-64.
[151] Hume, *History*, 6:69-70.
[152] Hume, *History*, 6:72.
[153] Hume, *History*, 6:74.

In September 1656, with his success in domestic administration and foreign affairs, Cromwell believed that he had acquired a legitimate authority, which 'would enable him to meet the representatives of the nation, and would assure him of their *dutiful* compliance'.[154] He summoned the Second Protectorate Parliament. Once again, 'not trusting altogether to the good will of the people', Cromwell paid great precautions to exclude his opponents from this parliament, but still ended up finding that 'the majority would not be favourable to him'.[155] It was only through his artifice and violence that the majority finally became friendly to him or decided to remain and attempt a graduate reform. This parliament even offered the crown to him, though he finally declined it under the opposition of his family and the risk of assassination. This parliament then proposed the *Humble Petition and Advice*, which, despite being 'a crude and undigested model of government', was 'accepted for the voluntary deed of the whole people in the three united nations', and seemed to ground the power of Cromwell on 'popular consent'.[156] But Cromwell's nomination of his friends and adherents into the House of Lords evoked great discontent in the House of Commons. 'An incontestible [sic.] majority now declared themselves against the protector', refused to acknowledge the jurisdiction of the House of Lords, and even cast doubt on the validity of the *Humble Petition and Advice*.[157] Faced with this constitutional crisis, Cromwell had no choice but to dissolve this parliament. This eventually exhausted his hope to 'establish, with general consent, a legal settlement, or temper the military with any mixture of civil authority'.[158] By his death in 1658, Cromwell, whose 'general behaviour and deportment … was such as might befit the greatest monarch',[159] was never able to legitimate his usurped authority and secure a legal settlement for his military government.

[154] Hume, *History*, 6:92 (my emphasis).
[155] Hume, *History*, 6:92.
[156] Hume, *History*, 6:98.
[157] Hume, *History*, 6:99-100.
[158] Hume, *History*, 6:102-103.
[159] Hume, *History*, 6:89.

Moreover, as was the case with the government of the republicans, the illegitimacy of Cromwell's Protectorate was also signalled by the fact that juries were often replaced by high courts of justice. 'Juries were found altogether unmanageable … If no other method of conviction had been devised during this illegal and unpopular government, all its enemies were assured of entire impunity.'[160] Therefore, Cromwell had to establish high courts of justice in the trial of those who were engaged in assassinations, conspiracies, and insurrections. Such a practice, though a severe infringement of the ancient laws, became common and frequent during his administration. These irregularities, as Hume remarked, were 'inevitable consequences of his illegal authority'.[161] Even though the Second Protectorate Parliament finally recognised his authority, Cromwell still could not trust the trial of conspiring royalists to 'an unbyassed [sic.] jury'.[162] When Miles Sindercombe, who attempted to assassinate Cromwell, was tried by a jury, 'not withstanding the general odium attending that crime, not withstanding the clear and full proof of his guilt, so little conviction prevailed of the protector's right to the supreme government, [that] it was with the utmost difficulty that this conspirator was condemned'.[163]

When concluding his narrative of Cromwell's administration, Hume commented that Cromwell was never able to really 'blind or over-reach' either the royalists or the republicans, because their compliance was only a strategic choice to disguise their dissent and intention. 'As they possessed no means of resisting the force under his command, they were glad to temporize with him, and, by seeming to be deceived, wait for opportunities of freeing themselves from his domination.'[164] The subjects' superficial obedience was only a public performance yielded by the intimidation of the established government, but they tended to disclose their genuine and sincere opinion in elections, parliamentary debates, and jury trials. Hume's critique of the Commonwealth of England and Cromwell's Protectorate indicates that he does not believe that might makes right.

[160] Hume, *History*, 6:68.
[161] Hume, *History*, 6:85.
[162] Hume, *History*, 6:103.
[163] Hume, *History*, 6:104.
[164] Hume, *History*, 6:109.

For Hume, power cannot legitimate itself by brute violence alone, and the opinion that produces the legitimacy of some power cannot be directly produced by that power. If subjects submit to a government or refrain from resistance merely because of the intimidation of that government, which itself requires legitimation, then it is evident that their expressed opinion is insincere and therefore does not legitimate that government.

Manipulation and the Authenticity of Opinion

However, even if Hume could insist that might does not make right and that a judgment about the illegitimacy of an intimidating government can be made without evoking any deeper concern about malformed opinion or false consciousness, real-world politics is still more complicated. Power, in its milder and more nuanced forms, is always present in the formation of opinion. In a power hierarchy, even if those subject to power sincerely believe that the power over them is legitimate, their opinion can still be malformed and therefore inauthentic. Although Hume does not have a critical theory to make sense of this phenomenon, in his essays and *History of England*, he nevertheless displays an awareness, through narrative and rhetoric, that opinion may be malformed by religious indoctrination or party propaganda. He condemned religious establishments and party leaders for their fraud and manipulation of the opinion of the people by concealing and distorting the truth. In so doing, Hume implicitly suggested a truth-oriented approach to the problem of malformed and inauthentic opinion: if a power attempts to justify or enhance itself through fraud or deception, or is reluctant to speak truth to those who are subject to it, then this power cannot be legitimate.[165]

Hume condemned the Church of Rome for being a fraudulent institution taking advantage of the credulity of its vulgar believers. By contrast, he acclaimed the Reformation as 'one of the greatest events in history'.[166] To understand why, it is necessary to explicate how he understood

[165] For a similar approach in contemporary political philosophy, see Bernard Williams, *Truth and Truthfulness: An Essay in Ideology* (Princeton: Princeton University Press, 2002), 206-32.

[166] Hume, *History*, 3:134.

the relationship between civil government and the religious establishment. In the *History of England*, Hume distinguished between two kinds of professions before narrating the Reformation. The first kind not only 'promote[s] the interest of the society', but proves 'useful or agreeable to some individuals'. Most of the useful or polite arts, as well as sciences and technologies, belong to this kind. For this kind of arts and professions, the best policy for the government is to 'leave the profession to itself', so that it can make progress through market exchange or professional emulation. 'But there are also some callings, which, though useful and even necessary in a state, bring no particular advantage or pleasure to any individual; and the supreme power is obliged to alter its conduct with regard to the retainers of those professions.' Their subsistence requires public encouragement 'either by annexing peculiar honours to the profession, by establishing a long subordination of ranks and a strict dependence, or by some other expedient'.[167] This second kind of professions, established entirely for public interest and requiring a public hierarchy, includes finance, military, magistracy, and importantly, religion.

The reason why religion belongs to the second kind of professions is that it easily disturbs the peace and order of society. Not only is it impossible for a human individual to embrace two different religions or even two different sects of the same religion, but we also feel an uneasiness with those who hold a different faith from ours: 'such is the nature of human mind, that it always lays hold on every mind that approaches it; and as it is wonderfully fortified by an unanimity of sentiments, so is it shocked and disturbed by any contrariety.'[168] Therefore, a priest always has a very strong motive to propagate his sect by inspiring his retainers with 'the most violent abhorrence of all other sects' and endeavouring to 'excite the languid devotion of his audience'. In so doing, '[n]o regard will be paid to *truth*, morals or decency in the doctrines inculcated'.[169] Therefore, every 'wise legislator' will prevent this 'interested diligence of the clergy', and put religious establishment under the administration of civil government by 'assigning stated salaries to their profession, and

[167] Hume, *History*, 3:135.
[168] Hume, 'Parties in General', E 60-61.
[169] Hume, *History*, 3:136 (my emphasis).

rendering it superfluous for them to be farther active, than merely to prevent their flock from straying in quest of new pastures'. In this manner, religious establishments can be adjusted to serve 'the political interests of society'.[170] By contrast, a powerful ecclesiastical establishment, independent of civil authority, will inevitably become very pernicious to society, especially when it acquires enormous wealth and power. Such was the case of the Church of Rome, which, of all ecclesiastical establishments, was the most 'hurtful to the peace and happiness of mankind'.[171]

A hierarchy was essential to the Church of Rome as a 'unity of faith, rites, and ceremonies'. To preserve this hierarchical unity, the church conducted 'violent persecutions', but 'what was worse' was 'a stupid and abject credulity' which 'took place every where'. At the bottom of this hierarchy were 'the lowest vulgar', many of whom were 'taken from the useful arts, and maintained in those receptacles of sloth and ignorance'. In the middle was 'an order of priests, trusted entirely to their own art and invention for attaining a subsistence'. Although the church was a unity of *faith*, the 'supreme head of the church', the pope, was 'a foreign potentate, guided by *interests*, always different from those of the community, sometimes contrary to them'.[172] Therefore, for his private interest and for the interest of the church, the pope had a strong motive to reap money from his followers by 'practicing farther on the ignorance of mankind'. The practice of selling indulgences was such an 'expedient which had often served in former times to draw money from the christian [sic.] world, and make devout people willing contributors to the grandeur and riches of the court of Rome'. According to Hume's narrative, it was a common belief that Leo X was 'fully acquainted with the ridicule and falsity of the doctrines, which as supreme pontiff, he was obliged by his interest to promote'. To promote the interest of the church as well as of himself, Leo X employed some 'pious frauds', including selling indulgences to the ignorant, superstitious, and 'lowest vulgar'.[173] The belief of these 'devout people', manipulated and exploited by the church, was

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170 Hume, *History*, 3:135-136. For a detailed analysis of Hume's nuanced view of religious establishments, see Susato, *Hume's Sceptical Enlightenment*, 131-76.
171 Hume, *History*, 3:136.
172 Hume, *History*, 3:136-137 (my emphasis).
173 Hume, *History*, 3:137-138.

therefore inauthentic. No matter how sincerely and willingly they bought indulgences, their opinion nevertheless failed to legitimate the power of the church. Moreover, they came to doubt and abandon their previous opinion once they found out the abuse or deception involved in the church's management of their opinion.[174] When Martin Luther 'began to preach against these abuses in the sale of indulgences', and even 'to question the authority of the pope', former believers began to call into question their previous belief, and to acquire a more authentic opinion.

> All Saxony, all Germany, all Europe, were in a very little time filled with the voice of this daring innovator; and men, roused from that lethargy, in which they had so long sleeped [sic.], began to call in question the most ancient and most received opinions.[175]

Furthermore, as the invention of printing made copies of the Scriptures and other Christian texts increasingly available, many people 'were tempted to look into' the divine origin that the Church or Rome claimed as the foundation of its authority, 'and they could, without much difficulty, perceive its defect in truth and authenticity'.[176] Hence the advent of the Reformation, bringing the church's monopoly of spiritual power to an end.

A similar concern can be found in Hume's analysis of partisanship. The parties of Great Britain, he commented, were not only parties of abstract principle, but 'very much fomented by a difference of INTEREST, without which they could scarcely ever be dangerous or violent'.[177] Parties from interest are 'the most reasonable, and the most excusable', whilst parties from principle are 'known only to modern times, and are, perhaps, the most extraordinary and unaccountable *phænomenon*, that has yet appeared in human affairs'.[178] Yet the real pathology of the 'mixed parties' of Great Britain consisted in the difference of motives between their leaders and inferior members.

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[174] For a relevant investigation into Hume's analysis of deceptions involved in religion, see Jennifer A. Herdt, *Religion and Faction in Hume's Moral Philosophy* (Cambridge: Cambridge University Press, 1997), 168-218. Yet Herdt takes a different approach than mine. Her discussion is focused on Hume's analysis of how *self*-deception (especially of princes, nobles, and powerful priests) could distort our sympathetic understanding of others' views, and the rhetorical strategies Hume used to moderate his readers' religious zeal.

[175] Hume, *History*, 3:139.

[176] Hume, *History*, 3:141.

[177] Hume, 'Parties of Great Britain', E 65.

[178] Hume, 'Parties in General', E 59-60.

In any political party, there is always a power hierarchy dividing the party into leaders and inferior members. Since the leaders are 'commonly most governed' by interest but the inferior members by principle, the former can easily take advantage of the latter's credulity and use abstract principles to influence their opinion for the purpose of private interest, in the same manner as the pope and priests' interested manipulation of the belief of their vulgar believers.[179] Whilst the party leaders could be induced to advocate a rebellion by 'a great present advantage' rather than abstract principles, the abstract principles they used to mobilise the inferior party members would distort the latter's natural sympathy and political judgment.[180] For Hume, this was particularly the case with the seventeenth-century Whig leaders:

> Obliged to court the favour of the populace, they found it necessary to comply with their rage and folly; and have even, on many occasions, by propagating calumnies, and by promoting violence, served to infatuate, as well as corrupt the people, to whom they made a tender of liberty and justice.[181]

Therefore, although the ends of Whig leaders were 'more noble … and highly beneficial to mankind', they were 'less justifiable in the means'.[182] In such cases, however wholeheartedly the party members or ordinary people might accept the informed principles or ends, their opinion would still prove inauthentic because malformed.

Hume lamented that England saw the most terrible examples of the manipulation of public opinion by party-men during the decade before the Revolution of 1688, when rumours of plots, taken advantage of by Whig leaders, brought the nation into a desperate frenzy. Titus Oates, the informer of the Popish Plot, was 'the most infamous of mankind'.[183] Thomas Dangerfield, the informer of the Meal-tub Plot, who had a long record of crime, was 'exposed to all the public

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[179] Hume, 'Parties of Great Britain', E 65.
[180] Hume, *Treatise*, T 3.2.8.7, SBN 545; Landis, 'Whither Parties?', 223-26.
[181] Hume, *History*, 6:533.
[182] Hume, *History*, 6:532.
[183] Hume, *History*, 6:337.

infamy, which the laws could inflict on the basest and most shameful enormities'.[184] However, because of 'the favour and countenance of the parliament', the 'credulity of the people, and the humour of the times', even these sordid individuals were able to prise the process of history by inventing and spreading rumours of plots, which exceeded 'the ordinary bounds of vulgar credulity' and were taken advantage of by the Whig leaders.[185] Hume explicitly condemned this kind of distortion and manipulation of opinion with unusual severity: 'It must be confessed, that the present period, by the prevalence and suspicion of such mean and ignoble arts on all sides, throws a great stain on the British annals'.[186]

Yet from an internalist perspective, how can one tell if an opinion is malformed and inauthentic, and thus initiate some change? Hume did not supply a wholesale answer, but his recommendation of the liberty of the press was indicative of the resources available to him. The liberty of thinking, of expression, and of the press, was 'always fatal to priestly power, and to those pious frauds, on which it is commonly founded'.[187] In secular politics, the liberty of the press also had several salutary effects: it was the most effective tool to check the growth of arbitrary power and 'curb the ambition of the court'; it suited the modern condition, in which it was better to 'guide' the people 'like rational creatures, than to lead or drive them, like brute beasts'; it helped cultivate a moderate political culture and improve the people's judgment through reading and discussion.[188] However, in the aftermath of 'Wilkes and Liberty', Hume became increasingly worried about the abuse of the liberty of the press, especially regarding how it might influence public opinion and political action. Hume deleted his judgment that the liberty of the press, 'however abused, can scarce ever excite popular tumults or rebellion' from the 1770 edition of *Essays and Treatises on Several Subjects*, ending his essay 'Of the Liberty of the Press' by remarking that the 'unbounded liberty of the press' was 'one of the evils, attending those mixt forms of

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[184] Hume, *History*, 6:380.
[185] Hume, *History*, 6:379-80, 6:533.
[186] Hume, *History*, 6:380.
[187] Hume, 'Parties of Great Britain', E 65-66; 'Of the Liberty of the Press', E 604.
[188] Hume, 'Liberty of the Press', E 12, 604-05.

government'.[189] But he never advocated the abolition of the liberty of press, as it was a powerful tool for the public, both to discern fraud and deception, and to communicate and moderate different opinions.

One final remark. For Hume, private and public education were acceptable mechanisms of opinion management. The artifices of 'the public instructions of politicians' and 'the private education of parents' strengthen our motive not only to justice and fidelity, but also to allegiance.[190] '*Education*, and *the artifice of politicians*, concur in bestowing a farther morality on loyalty, and branding all rebellion with a greater degree of guilt and infamy. Nor is it a wonder, that politicians shou'd be very industrious in inculcating such notions, where their interest is so particularly concern'd.'[191] So remarked Hume on political education without blaming it. Moreover, Hume even recommended political education, stating that 'as obedience is our duty in the common course of things, it ought chiefly be inculcated'.[192] Hume's logic is that education or inculcation of political obligation can be justified by its tendency to promote the public interest and by its being the practice of all ages. For their children's sake, parents usually educate their children in the importance of justice, fidelity, and allegiance, nurturing a sense of moral obligation, which is salutary to the public interest. Governments and magistrates also endeavour to establish the same sense of moral obligation, though their aim is 'to govern men more easily, and preserve peace in human society'.[193] Without grappling with the manipulation of opinion by the state itself, Hume's uncritical endorsement of political education clearly has some limitations. Nevertheless, as my analysis so far suggests, he was at least alert to the danger of public opinion being malformed and inauthentic in ages of religious superstition and party frenzy. Given the political experiences and

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[189] Hume, 'Liberty of the Press', E 12-13. On Hume's worry about the abuse of the liberty of the press, see also Hume to Anne-Robert-Jacques Turgot, 16 June 1768, in *The Letters of David Hume*, ed. J. Y. T. Greig, 2 vols. (Oxford: Oxford University Press, 1932), 2:180.

[190] Hume, *Treatise*, T 3.2.6.11, SBN 533-34.

[191] Hume, *Treatise*, T 3.2.8.7, SBN 546.

[192] Hume, 'Passive Obedience', E 490.

[193] Hume, *Treatise*, T 3.2.2.25, SBN 500.

theoretical resources available to him, Hume's nuanced internalist theory of political authority deserves considerable merit.

IV. Conclusion

In this chapter, I have provided a comprehensive account of Hume's theory of political obligation and political legitimacy. Having rejected contract theory, Hume developed from his sentimentalist moral theory an internalist, opinion-based approach to making sense of political authority. Yet Hume was aware that the opinion of subjects may not always be sincere or authentic. On the one hand, under the intimidation of government, subjects may disguise their sincere opinion under a public performance of obedience. Such a public performance cannot legitimate a government, but rather indicates its illegitimacy. On the other hand, religious indoctrination can lead believers to a superstition in the spiritual authority of religious establishments, whilst party propaganda can evoke popular rage against other parties—in both cases, as the truth is concealed, the opinion or beliefs of those subject to power is malformed and therefore inauthentic. Ultimately, Hume's conclusion was that opinion *is* the source and final arbitrator of legitimacy, but *only if* it is sincere and authentic.

In his conclusion to the Stuart volumes of his *History of England*, Hume intriguingly remarked that although the Revolution of 1688 benefitted the nation 'in some particulars', it nevertheless proved 'destructive to the truth of history'.[194] This is a criticism of the prevalence of the Whig interpretation of history throughout the seven decades after the Revolution.[195] Hume was dissatisfied with the situation that until the middle of the eighteenth century, '[n]o man ha[d] yet arisen, who has payed [sic.] an entire regard to truth, and ha[d] dared to expose her, without covering or disguise, to the eyes of the prejudiced public'.[196] On Hume's view, the vulgar Whigs were wrong both in politics and in historiography, not least because they misunderstood the

[194] Hume, *History*, 6:533.
[195] Here Hume mentions five historians in particular: 'Rapin, Thoyras, Locke, Sidney, Hoadley, &c'. Hume, *History*, 6:533 note s.
[196] Hume, *History*, 6:532.

relationship between authority and liberty, pushing their spirit of liberty to an extreme. In the next chapter, I will explore Hume's understanding of the relationship between authority and liberty and his comparison between ancient and modern liberty. Hume's plan would prove too moderate for the vulgar Whigs, '[b]ut extremes of all kinds are to be avoided; and though no one will ever please either faction by moderate opinions, it is there we are most likely to meet with truth and certainty'.[197]

[197] Hume, *History*, 6:533-34.

Chapter 4: 'The Perfection of Civil Society': Hume on Ancient and Modern Liberty

Liberty is a perpetual theme throughout the history of Western political thought. It is also a major concern of Hume's political thinking in general and his understanding of modern politics in particular.[1] Several commentators have pointed out that well before Benjamin Constant, Hume was one of the earliest political thinkers to conceive of modern liberty in its historical perspective.[2] But Hume's nuanced understanding of modern liberty resists easy interpretation. Despite advancements in recent scholarship on Hume's idea of liberty, new problems have been added to existing difficulties. On the one hand, many scholars have commented that Hume's idea of liberty is closely intertwined with his historical narrative on the English constitution, according to which liberty is presented as a late phenomenon brought about by modern commerce and the rule of law, rather than a result of the rejuvenation of the ancient constitution.[3] However, since it was not in the *Treatise* but in the *Essays* and the *History* that Hume conducted frequent and extensive discussions of liberty, one may, as Donald Livingston has done, suspect that Hume failed to theorise liberty fully, only providing a historical narrative of it. Although Livingston correctly

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[1] This is seldom disputed, but for a contrary view, see Frederick G. Whelan, *Order and Artifice in Hume's Political Philosophy* (Princeton: Princeton University Press, 1985), 358-62. Whelan suggests that 'liberty is not an especially prominent theme in Hume's writings, understood either as a protected sphere for individual choice and action or as an attribute of society, or of political institutions, in which a substantial set of individual rights is secured'. Even though Whelan is aware of Hume's acknowledgement of the value of the 'freedom from arbitrary treatment', he still insists that Hume is much more concerned with social rules and legal order rather than with liberty itself.

[2] J. W. Burrow, *Whigs and Liberals: Continuity and Change in English Political Thought* (Oxford: Oxford University Press, 1988), 28-29; Dario Castiglione, '"That Noble Disquiet": Meanings of Liberty in the Discourse of the North', in *Economy, Polity, and Society: British Intellectual History 1750-1950*, ed. Stefan Collini, Richard Whatmore, and Brian Young (Cambridge: Cambridge University Press, 2000), 48-69; Christopher J. Berry, *The Idea of Commercial Society in the Scottish Enlightenment* (Edinburgh: Edinburgh University Press, 2013), 126-29.

[3] Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975), 125-92, 260-307; 'Sceptical Whiggism, Commerce, and Liberty', in *Essays on Adam Smith*, ed. Andrew S. Skinner and Thomas Wilson (Oxford: Oxford University Press, 1975), 179-201; Eugene F. Miller, 'Hume on Liberty in the Successive English Constitutions', in *Liberty in Hume's History of England*, ed. Nicholas Capaldi and Donald W. Livingston (Dordrecht: Kluwer, 1990), 53-103; James A. Harris, *Hume: An Intellectual Biography* (Cambridge: Cambridge University Press, 2015), 325-49, 368-405; Tom Pye, 'Histories of Liberty in Scottish Thought, 1747-1787' (PhD Diss., University of Cambridge, 2018), 112-83; Pye, 'The Scottish Enlightenment and the Remaking of Modern History', *The Historical Journal* 66, no. 4 (2023): 746-72. For a different statement that Hume insisted that modern liberty in England was only as old as 1688, see Paul Sagar, 'On the Liberty of the English: Adam Smith's Reply to Montesquieu and Hume', *Political Theory* 50, no. 3 (2022): 381-404. In a targeted critique of Sagar, Jacob R. Hall argues that Hume traced the origin of English liberty back to common law. Jacob R. Hall, 'From Hume to Smith on the Common Law and English Liberty: A Comment on Paul Sagar', *Econ Journal Watch* 19, no. 1 (2022): 109-23.

remarks that 'there is no speculative theory of liberty in Hume's writings', he nevertheless goes too far in insisting that, for Hume, '[t]here is no timeless object called liberty or freedom about which a philosophical spectator can devise a theory'.[4] As I argue in this chapter, a theory need not be 'speculative', and the fact that Hume's idea of liberty is historically-conditioned does not entail that he does not think about liberty on a theoretical level. By grounding his analysis in observations drawn from European and English history, Hume successfully exemplified how one can reach a balance between history and theory in thinking about liberty.

On the other hand, there have been plenty of attempts to conceptualise or theorise Hume's understanding of liberty in recent scholarship. Duncan Forbes maintains that 'in Hume's political philosophy, "liberty" and "justice" are virtually the same thing: the liberty and security of individuals under the rule of law'.[5] Following Forbes's lead, much scholarly attention has been paid to the close connection or parallel between liberty and justice in Hume's political writings.[6] Some commentators refer to this notion of liberty as what Hume denominated 'civil liberty' in 'Of Civil Liberty', though I will challenge this interpretation in what follows.[7] Liberty in Hume's political thought has multiple meanings, and as some acute readers have pointed out, Hume sometimes spoke of liberty in the sense of power-sharing and representation in government.[8] Furthermore, in Hume's political writings, if what liberty *is* sometimes remains ambiguous, it is at least less

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[4] Donald W. Livingston, 'Hume's Historical Conception of Liberty', in *Liberty in Hume's History of England*, 102, 112; *Philosophical Melancholy and Delirium: Hume's Pathology of Philosophy* (Chicago: University of Chicago Press, 1998), 173-96.

[5] Forbes, *Hume's Philosophical Politics*, 275, see also 96; Forbes, introduction to *The History of Great Britain: The Reigns of James I and Charles I*, by David Hume, ed. Duncan Forbes (Harmondsworth: Penguin Books, 1970), 20. This edition of the first volume of Hume's *History of Great Britain* was first published in 1754, and later, with amendments, became Volume V of the six-volume *History of England*; hereafter referred to as *History of Great Britain.*

[6] Nicholas Capaldi, 'The Preservation of Liberty', in *Liberty in Hume's History of England*, 195-224; Daniel B. Klein and Erik W. Matson, 'Mere-Liberty in David Hume', in *A Companion to David Hume*, ed. Moris Polanco (Guatemala: Universidad Francisco Marroquin, 2020), 125-59; see also Daniel Klein, Nicholas Capaldi, Andrew Sabl, Chandran Kukathas, and Mark E. Yellin, 'The Place of Liberty in David Hume's Project', *Liberty Matters*, Liberty Fund, January 2018, https://oll.libertyfund.org/page/liberty-matters-nicholas-capaldi-david-hume.

[7] István Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: Harvard University Press, 2005), 23; John Vladimir Price, 'Hume's Concept of Liberty and "the History of England"', *Studies in Romanticism* 5, no. 3 (1966): 141; John B. Stewart, *Opinion and Reform in Hume's Political Philosophy* (Princeton: Princeton University Press, 1992), 230-35; David Wootton, 'David Hume: "The Historian"', in *The Cambridge Companion to Hume*, ed. David Fate Norton and Jacqueline Taylor, 2nd ed. (New York: Cambridge University Press, 2009), 462-63; Jia Wei, *Commerce and Politics in Hume's History of England* (Woodbridge: The Boydell Press, 2017), 139.

[8] Livingston, 'Historical Conception', 116-17; *Philosophical Melancholy and Delirium*, 183-84.

controversial to identify what liberty *is not*. In this regard, some scholars emphasise that in Hume's political thought, the antithesis of liberty is slavery.[9] However, despite various and sometimes conflicting attempts to conceptualise or theorise Hume's idea of liberty, some fundamental questions remain unresolved. What are the meanings of liberty in Hume's political thought? How are they connected to or detached from each other? How did Hume understand the origin and nature of liberty in modern politics?

This chapter provides a comprehensive account of the idea of liberty in Hume's political thought. It also aims to correct some previous misunderstandings on this topic. Central to Hume's reflections on liberty, I argue, is the conceptual distinction he drew between two concepts of liberty in political society—personal liberty and political or civil liberty. Combining conceptual analysis with historical sensitivity, Hume not only supplied one of the earliest comparisons between the liberty of the ancients and that of the moderns, but explicitly embraced the latter as superior to the former. This chapter proceeds in four sections. First, I analyse the multiple meanings of liberty in Hume's political thought. Second, I investigate Hume's comparison between ancient and modern liberty. Third, and responding to recent debates, I offer a reconsideration of Hume's evaluation of the nature, age, and robustness of English liberty and its (ir)relevance to the successive ancient constitutions of England. Fourth, I argue that as a critic of both classical republicanism and the neo-Roman idea of liberty, Hume operated outside the tradition of republican political theory, even though his theory of modern liberty centres on the idea of non-domination.

I. Hume's Two Concepts of Liberty

As has often been pointed out, liberty has multiple meanings in Hume's political writings. Nicholas Capaldi finds in Hume's political writings two different concepts of liberty: 'natural liberty' is the state of licentiousness of individuals where government is absent or ineffective, whereas 'civil

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[9] In her recent contribution, Danielle Charette has offered a comprehensive and up-to-date treatment of this topic. Danielle Charette, 'David Hume and the Politics of Slavery', *Political Studies* (online first), https://doi.org/10.1177/00323217231157516; see also Livingston, 'Historical Conception', 112, 115; Livingston, *Philosophical Melancholy and Delirium*, 179, 181-82.

liberty' is the kind of liberty that 'arises from justice' and is supported by authority; therefore, not only is liberty compatible with authority, but 'the purpose of government is to increase the liberty of the individual by replacing "natural liberty" with "*civil liberty*"'.[10] Jia Wei distinguishes between Hume's notion of 'civil liberty'—she interprets it as entailing 'a wide range of personal freedoms under the aegis of law, such as the freedom of individuals to property, life, conscience, and speech'—and that of 'public liberty', which she refers to as the independence and privileges of Parliament as opposed to the prerogatives of the Crown, not least in the constitutional struggles of seventeenth-century England.[11] Furthermore, both David Miller and Donald Livingston find Hume speaking of liberty in three senses: first, liberty, as opposed to slavery, is the absence of arbitrary coercion under the rule of law; second, Hume has a negative conception of liberty, meaning the absence of external constraint; third, Hume also uses the word 'liberty' as a quality of what he calls 'free government'.[12]

Since Hume's use of the word 'liberty' is sometimes vague and ambiguous, attempts to define what he means by this word are welcome for the sake of analytic precision. But these interpretations are not without their own problems, and can even cause more ambiguity than clarity. Capaldi correctly identifies Hume's distinction between liberty within and outside political society, and Wei's claim that Hume has a distinction between private and public notions of liberty is also plausible. However, as I argue in what follows, their interpretations of Hume's concept of 'civil liberty' are mistaken. Although both Miller and Livingston have identified textual evidence for their threefold distinction, this distinction is theirs rather than Hume's own. To approach Hume's

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[10] Capaldi, 'The Preservation of Liberty', 196-98. John B. Stewart holds a similar account, stating that 'civil society abolishes mere natural liberty; it introduces a higher form of liberty'. Yet Stewart mistakenly refers to this 'higher form of liberty … under which the individual can live and act in security behind the protective walls of his rights' as 'civil liberty'. Stewart, *Opinion and Reform*, 231.

[11] Wei, *Commerce and Politics*, 139-40.

[12] David Miller, *Philosophy and Ideology in Hume's Political Thought* (Oxford: Oxford University Press, 1981), 148-49; Livingston, 'Historical Conception', 115-17; Livingston, *Philosophical Melancholy and Delirium*, 182-83.

idea of liberty, my suggestion is that we start from his own distinction between what he calls '*personal* liberty' (or '*personal* freedom') and '*political* or civil liberty'.[13]

Before unpacking Hume's two concepts of liberty, it is necessary to emphasise that Hume understood both as based on political society. The existence of an effective authority is a necessary condition of both personal liberty and political or civil liberty. Yet sometimes Hume also mentioned a third concept of liberty—the 'native liberty' or 'natural liberty' of men—which is either a pre-political condition, or a state of anarchy and licentiousness due to the lack of effective authority.[14] Since the lack of public authority does not eliminate the human need for security, the vacuum of power must be filled with various forms of private domination. This is exactly the case with the Saxon constitution. Therefore, from Hume's perspective, it was a grand mistake of the advocates of ancient constitutionalism to take the reported liberty of the Saxons as true liberty. In the 'Appendix I' of the *History*, which is a systematic remark on 'the Anglo-Saxon Government and Manners', Hume denounced the Anglo-Saxon government as failing to secure the true liberty even of freemen, not to mention slaves or villeins:

> On the whole, notwithstanding the seeming liberty or rather licentiousness of the Anglo-Saxons, the great body even of the free citizens, in those ages, really enjoyed much less *true liberty*, than where the execution of the laws is the most severe, and where

[13] David Hume, *The History of England: from the Invasion of Julius Caesar to the Revolution in 1688*, 6 vols. (Indianapolis: Liberty Fund, 1983), 2:522-25. Hereafter cited as *History*, giving volume number and page number. Duncan Forbes was one of the earliest scholars to notice this distinction, although he did not emphasise it consistently. John Robertson draws a similar distinction between Hume's ideas of 'freedom from neighbours and government' and of 'freedom to participate in government'. Forbes, *Hume's Philosophical Politics*, 153-54, 160-61, cf. 96, 275; John Robertson, 'The Scottish Enlightenment at the Limit of the Civic Tradition', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. István Hont and Michael Ignatieff (Cambridge: Cambridge University Press, 1983), 140, 175-76. For recent discussions that mention Hume's own distinction between personal liberty and political or civil liberty, see Pye, 'Liberty in Scottish Thought', 169-72; Pedro Vianna da Costa e Faria, 'History, Moral Philosophy, and Social Theory in David Hume's Intellectual Development, 1738-1752' (PhD Diss., University of Cambridge, 2021), 167-226; Charette, 'Politics of Slavery'.

[14] David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David Fate Norton and Mary J. Norton, vol.1: *Texts* (Oxford: Oxford University Press, 2007), T 3.2.9.1, SBN 550. Hereafter cited as *Treatise*, giving 'T', book number, part number, section number, paragraph number, and the page number of the SBN edition. David Hume, 'Of the Original Contract', in *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller, rev. ed. (Indianapolis: Liberty Fund, 1987), E 468-69. Hereafter, references to Hume's *Essays* are made by giving essay title, 'E', and page number. David Hume, *Enquiries Concerning Human Understanding and Concerning the Principles of Morals*, ed. L. A. Selby-Bigge and P. H. Nidditch, 3rd ed. (Oxford: Oxford University Press, 1975), 205.

> subjects are reduced to the strictest subordination and dependance [sic.] on the civil magistrate.[15]

Later, in the concluding remarks in Volume II of the *History*, Hume commented again on the Saxon constitution with a negative tone:

> Such a state of society was very little advanced beyond the rude state of nature: Violence universally prevailed, instead of general and equitable maxims: The pretended liberty of the times, was only an incapacity of submitting to government: And men, not protected by law in their lives and properties, sought shelter, by their personal servitude and attachments under some powerful chieftain, or by voluntary combinations.[16]

For Hume, true liberty cannot exist outside political society, and the 'seeming liberty' or 'pretended liberty' of the Saxons was anything but true liberty.[17] True liberty is not the antithesis of authority; anarchy is. Hume's distinction between personal liberty and political or civil liberty, then, is a distinction between two concepts of true liberty, or between two concepts of liberty in political society.

Given the form and style of his political writings, Hume's distinction between personal liberty and political or civil liberty is usually implicit. However, in the concluding remarks of Volume II of the *History*, Hume spelled out this distinction rather explicitly. As is well-known, Hume wrote the six-volume *History* in reverse order, working on the Stuart volumes before writing the Tudor volumes, and finalising this project with the first two volumes, which cover English history from the invasion of Julius Caesar (55BC) to the death of Richard III (1485). The concluding remarks of Volume II—by the sequence of composition and publication, these are not only the final paragraphs of the entire *History of England*, but in a sense the conclusion of Hume's

[15] Hume, *History*, 1:168-69 (my emphasis).

[16] Hume, *History*, 2:521-22.

[17] Therefore, Nicholas Capaldi is correct in pointing out that Hume repudiates 'natural liberty' and cares about the preservation of liberty in political society. Capaldi's mistake, however, is to refer to the latter as 'civil liberty'. As I suggest in what follows, Hume's idea of civil liberty is equivalent to political liberty. Capaldi, 'The Preservation of Liberty', 195-99.

political writings that were published in his lifetime—is therefore potentially one of the most important political texts in Hume's corpus. It was in this text that Hume claimed that the ancient and medieval history of England before the House of Tudor was nothing but 'a series of many barbarous ages', whereas the end of the War of Roses and the accession of Henry VII marked 'the dawn of civility and sciences'.[18] Looking back at the early history of England in comparison with its modern condition since the reign of Henry VII (r. 1485–1509), Hume lamented that the 'ancient state of Europe', which in this context means the feudal villenage, was so miserable that 'the far greater part of the society were every where bereaved of their *personal* liberty, and lived entirely at the will of their masters'.[19] It was 'the introduction and progress of the arts' that brought about 'the introduction and progress of freedom', which in turn had salutary effects on men 'both in their *personal* and *civil* capacities'.[20] By the end of the reign of Elizabeth (r. 1558–1603), 'the distinction of villain [sic.] and freeman was totally, though insensibly abolished' not only in England, but in a great part of Europe.[21]

> Thus *personal* freedom became almost general in Europe; an advantage which paved the way for the encrease [sic.] of *political* or *civil* liberty, and which, even where it was not attended with this salutary effect, served to give the members of the community some of the most considerable advantages of it.[22]

To further illuminate the meaning of Hume's two concepts of liberty, we turn to Hume's last essay 'Of the Origin of Government' (1777), which was published posthumously and conveys his final thoughts on politics. It was in the last paragraph of his last essay—a paragraph devoted to the relation between authority and liberty, and perhaps one of the best-known passages of all

[18] Hume, *History*, 2:518.

[19] Hume, *History*, 2:522.

[20] Hume, *History*, 2:522.

[21] Hume, *History*, 2:522, 2:524; cf. 4:385. Adam Smith, however, countered that by the middle of the eighteenth century, slavery was abolished only in a small part of Europe. Adam Smith, *Lectures on Jurisprudence*, ed. R. L. Meek, D. D. Raphael, and P. G. Stein (Oxford: Oxford University Press, 1978), *LJ* (A) iii.101-02. For Smith's analysis of slavery and its relation to liberty, see Huahui Zhu, 'Wealth, Domination, and the State: Adam Smith on the Abolition of Slavery and the Foundations of Modern Liberty' [in Chinese], *Chinese Journal of Sociology* 42, no. 5 (2022): 124-51, https://doi.org/10.15992/j.cnki.31-1123/c.2022.05.005.

[22] Hume, *History*, 2:524.

Hume's political writings—that Hume once again distinguished between his two concepts of liberty. This paragraph begins with Hume's comment that

> In all governments, there is a perpetual intestine struggle, open or secret, between AUTHORITY and LIBERTY; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontroulable. The sultan is master of the life and fortune of any individual; but will not be permitted to impose new taxes on his subjects: a French monarch can impose taxes at pleasure; but would find it dangerous to attempt the lives and fortunes of individuals.[23]

As we have seen in Chapter 2, Hume's typology of government includes a double dichotomy. A government is either absolute or free, and either barbarous or civilised. Hume insisted that the Turkish government was a despotic regime, which was not only absolute but barbarous; the French monarchy, by contrast, was an absolute yet 'civilized' monarchy. Both were absolute governments, not free governments. But even in these governments, 'authority' still must make some space for 'liberty'. 'Liberty' in despotic governments like Turkey was not personal liberty *per se*, but simply the natural limit to the continuous rule of the sultan over his subjects—no authority can be 'entire', and no ruler can do whatever they wish, after all. By contrast, the French monarch was not a master, and his subjects were not slaves. The lives and properties of the French people were quite secure under their 'civilized' monarchy. Here, in Hume's depiction of the French monarchy, we see what he denominated 'personal liberty' when he was finishing the composition of his *History*.

Hume's notion of 'personal liberty' refers to the security of one's life, person, and property against arbitrary interference by others or by government. In modern Europe, personal liberty originated in commerce and luxury, and was guarded by the rule of law. Security of private property is essential to personal liberty, but equally important are security of life and person, and immunity

[23] Hume, 'Of the Origin of Government', E 40.

from arbitrary power.[24] In general, personal liberty is a synonym of justice in Hume's corpus. Although 'justice'—or 'public interest', or 'the interest of society', or 'mutual advantage and security'[25]—in the *Treatise* merely means property rights and promise-keeping, in his later works Hume adopted an enlarged conception of justice, including security of life and person, equality before the law, fairness in legal procedures, as well as the protection of individual property rights and contractual rights.[26] Although Hume's conception of justice is thus enlarged, what remains unchanged is his insistence that justice—to which we may now add, personal liberty—is the end for which government is established. Justice had been, in general, poorly administered in the Middle Ages, but modern European states saw a favourable turn. As Hume famously remarked in 'Of Civil Liberty' (1741), personal liberty was already secure in the 'civilized' monarchies of modern Europe, which were a kind of '*government of Laws, not of Men*'.[27]

A few lines later, however, the final paragraph of 'Of the Origin of Government' turns to Hume's second concept of liberty, i.e., political or civil liberty:

> The government, which, in common appellation, receives the appellation of free, is that which admits of a partition of power among several members, whose united authority is no less, or is commonly greater than that of any monarch; but who, in the usual course of administration, must act by general and equal laws, that are previously known to all the members and to all their subjects. *In this sense*, it must be owned, that liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence: and in those contests, which so often take place

[24] Therefore, Danielle Charette's recent claim that 'Hume treated the security of personal property as the primary criterion for modern liberty' is incomplete. According to Hume, under the first Norman princes before the Great Charter, the king's prerogatives were neither clearly distinguished from legislative power, nor effectively checked by general laws, so that '*the lives, the personal liberty, and the properties* of all his subjects were less secured by law against the exertion of his arbitrary authority, than by the independant [sic.] power and the private connecxion [sic.] of each individual'. Moreover, to support his claim that Elizabeth I encroached the liberty of her subjects, Hume singled out the fact that she and her magistrates imprisoned and even executed displeasing individuals at will. Charette, 'Politics of Slavery'; Hume, *History*, 1:484 (my emphasis), 4:358-59, 4:363-68.

[25] Hume, *Treatise*, T 3.2.7.6-8, SBN 537-39; T 3.2.9.4, SBN 552-53; T 3.2.10.16, SBN 563; 'Origin of Government', E 37-41. As Annette Baier points out, by the time Hume writes 'Of the Origin of Government', 'what governments exist for is not simply to protect property rights and contractual rights, but to maintain twelve judges, and so protect all the rights the courts protect'; put differently, justice in Hume's last essay includes 'any matter, from treason and sedition, through theft and copyright infringement, to kidnap, rape, and murder, that the twelve judges of the high court may have to rule on'. Annette C. Baier, *The Cautious Jealous Virtue: Hume on Justice* (Cambridge, MA: Harvard University Press, 2010), 86, 98.

[26] Baier, *Cautious Jealous Virtue*, 83-99.

[27] Hume, 'Of Civil Liberty', E 94.

> between the one and the other, the latter may, on that account, challenge the preference.[28]

Hume's verdict that 'liberty is the perfection of civil society' is already well-known, but the restrictions he applied to this maxim deserve rigorous attention. When Hume said that 'in this sense … liberty is the perfection of civil society' yet implied that it can be at odds with the very existence of civil society, the sense in which liberty is both the perfection of civil society and the competitor of authority is not personal liberty, but political or civil liberty, the kind of liberty enjoyed only by citizens of what he called free governments. As the quotation above suggests, Hume's definition of free government is constituted by two necessary elements: first, a general and regular rule of law, which also existed in 'civilized' monarchies; second, the popular control of the government, or of a considerable part of the government, as achieved through an institutionalised separation of powers in the constitution.[29] This second element of the definition of free government is what Hume called political or civil liberty at the end of Volume II of the *History*. It is conceptually incompatible with all kinds of absolute government, including 'civilized' monarchy. The kind of liberty that is compatible with 'civilized' monarchy is personal liberty, not political or civil liberty. It is therefore a mistake to interpret Hume's concept of civil liberty as a kind of private liberty or to read Hume as insisting that it was available in modern European civilised monarchies.[30] During Hume's time, only two kinds of European states offered political or civil liberty to the general populace. They were either republics, such as the Netherlands, or limited monarchies with a functioning separation of powers, such as Britain since 1688.

On the whole, Hume was convinced that true liberty only exists in political society, and that there are two senses in which we can talk about liberty meaningfully: personal liberty is the

[28] Hume, 'Origin of Government', E 40-41 (my emphasis).

[29] See also Hume, 'That Politics May Be Reduced to a Science', E 17-18: 'It is possible so to constitute a free government, as that a single person, call him doge, prince, or king, shall possess a large share of power, and shall form a proper balance or counterpoise to the other parts of the legislature.'

[30] Hont, *Jealousy of Trade*, 23; Price, 'Hume's Concept of Liberty', 141; Stewart, *Opinion and Reform*, 230-35; Wootton, 'David Hume: "The Historian"', 462-63; Wei, *Commerce and Politics*, 139.

security of one's life, person, and property against arbitrary power, whereas political or civil liberty means power-sharing in the constitution. Of his two concepts of liberty, Hume regarded personal liberty as more important. Although he frequently used the word 'liberty' without adjectives that would specify its meaning more closely, and this can mean various things in different texts or contexts, 'liberty' nonetheless has a general and more fundamental meaning in his political writings: the absence of domination, or independence from the arbitrary will of others (I take the two to be equivalent). In this sense, liberty is the antithesis of slavery—either domestic or political—and was enjoyed by different orders of men to varying degrees in different times and places. In his political essays, Hume explicitly spoke of liberty and slavery as 'the two extremes in government',[31] and drew frequent contrasts between them, using one as the antonym of the other.[32] Hume also argued that 'in order to preserve liberty', or 'to secure the lives and properties of the citizens, to exempt one man from the dominion of another and to protect every one against the violence or tyranny of his fellow-citizens', it is necessary to restrain the authority of magistrates by 'general laws and statutes', such as the Twelve Tables or the English Acts of Parliament.[33] The *History of England* also abounds with parallels between liberty and independence, and contrasts between liberty or independence and slavery or arbitrary power. It suffices to quote from two notable examples. Hume contrasted the freedom of the Germans to the 'base servitude to arbitrary will and authority' that Europe had paid to the Roman emperors.[34] The feudal government, Hume maintained, was not only unfavourable to the 'true liberty even of the military vassal', but 'still more destructive of the independance [sic.] and security' of the common people, a great part of whom 'lived in a state of absolute slavery or villainage [sic.]'.[35] It follows, then, that the great emphasis Hume laid on personal liberty, understood as the security of the individual and the absence of domination or

[31] Hume, 'Of the Liberty of the Press', E 10.
[32] Hume, 'Liberty of the Press', E 10-12; 'Whether the British Government Inclines More to Absolute Monarchy, or to a Republic', E 52; 'Of the Parties of Great Britain', E 64-65; 'Of Superstition and Enthusiasm', E 78; 'Of the Rise and Progress of the Arts and Sciences', E 117-118; 'Of Refinement in the Arts', E 277-78; 'Of the Populousness of Ancient Nations', E 383-84, 396-97.
[33] Hume, 'Rise and Progress', E 117-18.
[34] Hume, *History*, 1:160.
[35] Hume, *History*, 1:463.

subjection to an arbitrary will, is based not only on his conceptual work, but on a detailed historical analysis. Hume not only formulated these two concepts of liberty, but supplied a nuanced account of the relation between them in ancient and modern Europe, to which we turn in the next section.

II. Ancient and Modern Liberty

How did Hume understand the relation of personal liberty to political or civil liberty? We can draw two immediate corollaries from the foregoing discussion. First, Hume regarded the advent of personal liberty as a modern achievement, but he denied that political liberty was uniquely modern. Political or civil liberty was exclusive to free governments, but free government was not exclusive to modern Europe—for example, ancient democracies or republics were free governments, and most of their citizens enjoyed political or civil liberty. However, it was only in modern Europe that personal liberty, for the first time in history, became available to the majority of the populace. Second and consequently, for Hume, modern personal liberty did not rely on political or civil liberty. Personal liberty in modern European states originated in the expansion of commerce and luxury, and was guaranteed by the rule of law; both conditions were indispensable for personal liberty, but neither was the result of political or civil liberty. Hume took the emergence of modern 'civilized' monarchy as a clear proof that the moderns could have personal liberty without political or civil liberty, not least because '[p]roperty is there secure; industry encouraged; the arts flourish'.[36] The reason why commerce was still inclined to decay in modern 'civilized' monarchies was 'not because it is there less *secure*, but because it is less *honourable*'.[37] The arts and sciences could also flourish in 'civilized' monarchies: although the French people had 'scarcely ever enjoyed any established liberty', they were 'the only people, except the GREEKS, who have been at once philosophers, poets, orators, historians, painters, architects, sculptors, and musicians. With regard to the stage, they have excelled even the GREEKS, who far excelled the ENGLISH'.[38]

[36] Hume, 'Of Civil Liberty', E 94.
[37] Hume, 'Of Civil Liberty', E 93.
[38] Hume, 'Of Civil Liberty', E 91.

But Hume's account of liberty is even more sophisticated than this. Hume's historical awareness led him to root his view of liberty in his historical analysis of the difference between ancient and modern politics. Beneath the surface of his recognition of personal liberty as the primary feature of modern liberty and his view that political or civil liberty was irrelevant to the emergence and preservation of personal liberty in modern Europe, then, was a comparison between the liberty of the ancients and that of the moderns. Hume suggested, with compelling reasons, that the modern disconnection of political or civil liberty from personal liberty did not obtain in pre-modern politics: that very personal liberty and security, which modern European states offered to their subjects by the rule of law, had historically been a privilege exclusive to those who actively held political power in the long ages before the dawn of modernity, when those who were unable to secure their share of power lived under various forms of domination, and were thereby denied the security of their lives and persons, not to mention their properties.

It is necessary, here, to remark briefly on Hume's concept of politics. Although Hume never fixed a definition of politics, his vision of a science of politics in effect crystalises into a concept of politics that centres on power and rulership. As is widely acknowledged, Hume insisted that the locus of the science of politics should be 'laws and forms of government', which he believed are independent from 'the humous and tempers of men', and have 'a uniform influence on society', as he famously wrote in the essay 'That Politics May Be Reduced to a Science' and the first *Enquiry*.[39] Yet the importance of laws and forms of government reaches far beyond this. The science of politics, according to Hume's definition in the *Treatise*, is the science of 'men as united in society, and dependent on each other'.[40] As long as humans are united in society and dependent on each other, there will be some distribution of power that divides them into rulers—the holders of institutionalised power—and the ruled, who are subject to established power structures. Laws and forms of government are the central objects of the science of politics, not only because their

[39] Hume, 'That Politics', E 16; *Enquiries*, 90.
[40] Hume, *Treatise*, T Intro.5, SBN xv.

regular influence on the arts, sciences, commerce and trade can be *scientifically* studied, but because they reveal something that is of a truly *political* nature—because laws and forms of government institutionalise the distributions of power, and manifest the undergirding structures of rulership. Seen in this light, the difference between modern politics and pre-modern politics lies in the unique power structure in modern European states, especially the extinction of domestic slavery, which had previously prevailed in both ancient and medieval Europe. Hume's modern politics, in this sense, pertained to the interdependence and political union of free and politically equal individuals.

Hume's theory of the origin of government suggests that domination is the default setting of human society, whereas the prevalence of personal liberty in modern Europe is a notable exception. As we have seen in Chapter 2, in the *Treatise* Hume supplied two accounts of the origin of government: theoretically, government is erected to enforce the rules of justice, and to maintain the peace and order in society; but historically, almost all government originated in conflict or war, and the first magistrates were military leaders.[41] In his final essay, 'Of the Origin of Government', Hume reiterated this theory with the aforementioned enlargement of his conception of justice: government has 'ultimately no other object or purpose but the distribution of justice, or, in other words, the support of the twelve judges' by appointing magistrates, 'whose peculiar office it is, to point out the decrees of equity, to punish the transgressors, to correct fraud and violence, and to oblige men, however reluctant, to consult their own real and permanent interests'; but as a historical fact, government 'commences more casually and more imperfectly', possibly 'during a state of war'.[42] There is, then, a considerable gap between the alleged aim and the historical origin of government. Government is invented for justice and personal liberty, but it is difficult to make the powerful remain loyal to this interest of the powerless. When Hume observed in the *Treatise* that the origin of government in war could explain 'why all governments are at first monarchical, without any mixture and variety; and why republics arise only from the abuses of monarchy and

[41] Hume, *Treatise*, T 3.2.7.1-8, SBN 534-39; T 3.2.8.1-2, SBN 539-41.
[42] Hume, 'Origin of Government', E 37-39.

despotic power', an implication was that princes or rulers may have a strong motive to abuse their power.[43] Hume also explicitly remarked that even though magistrates have 'a more immediate interest in the preservation of order and the execution of justice', this interest becomes much weaker when the dispute is between themselves and their subjects; moreover, 'we may *often* expect, from the irregularity of human nature, that they will neglect even this immediate interest, and be transported by their passions into all the excesses of cruelty and ambition'.[44]

One may object that in 'Of the Origin of Government', Hume finally came to concede that magistrates, 'though often led astray by private passions, find, in ordinary cases, a visible interest in the impartial administration of justice'.[45] But the problem cuts deeper. Since the first erection of government was also 'the first ascendant of one man over multitudes', since the authority of civil government was at first established 'by a mixture of force and consent', since political obligation is later inculcated, customised, and 'rigorously exacted', and since the 'love of dominion is so strong in the breast of man, that many, not only submit to, but court all the dangers, and fatigues, and cares of government', it is unclear why the rulers would stick to the interest of the ruled instead of oppressing and tyrannising over them, and how primitive governments could automatically strike a balance between authority and liberty, between which there is a 'perpetual struggle' in all governments.[46] In short, government is invented for justice and personal liberty, but it frequently turns against the very aim for which it is established.

The record of history also proves that in human society, domination is normal, personal liberty exceptional. 'All history', as Hume remarked in the *History*, 'abounds with examples, where the great tyrannize over the meaner sort'.[47] This is not a random exclamation, but a bold

[43] Hume, *Treatise*, T 3.2.8.2, SBN 540.
[44] Hume, *Treatise*, T 3.2.9.2, SBN 552 (my emphasis).
[45] Hume, 'Origin of Government', E 39.
[46] Hume, 'Origin of Government', E 39-40. See also Hume, 'Rise and Progress', E 117-18; 'Populousness', E 383-84; 'Original Contract', E 471, 475-80.
[47] Hume, *History*, 2:289.

observation well supported by Hume's detailed analysis of several pre-modern polities: ancient city-states, the Roman Empire, the Saxon constitution, and feudal government.

The most comprehensive exposition of Hume's analysis of ancient city-states is in his essay 'Of the Populousness of Ancient Nations', where he explicitly criticised the prevalence of domestic slavery in ancient city-states. Although Hume regarded domestic slavery as a device for '*domestic œconomy*' rather than a political institution, he nonetheless suggested that the fundamental power structure in ancient city-states was the systematic oppression of free citizens over slaves, who took on 'almost all their labour … and even manufactures'.[48] Hume insisted that domestic slavery is an 'unbounded dominion' and that it is 'more cruel and oppressive than any civil subjection whatsoever'.[49] Because of the abolition of domestic slavery in modern Europe, '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'.[50] Moreover, even the free citizens of ancient republics lacked a secure basis for their liberty. On the one hand, the martial ancient city-states were engaged 'almost in perpetual war' with each other, and 'the maxims of ancient war were much more destructive than those of the modern'.[51] Not only were the battles more bloody, but losing a war could lead to slavery, slaughter, or suicide.[52] On the other hand, when there were no foreign wars, ancient city-states were still constantly plagued by domestic turbulence. The struggles between factions who aspired to dominate each other—not least between the nobles and the people—in ancient city-states were violent, and it was extremely difficult for them to achieve a balance between 'a severe, jealous Aristocracy, ruling over discontented subjects' and 'a turbulent, factious, tyrannical Democracy'.[53] Hume observed that it was a common practice that the winning party 'immediately butchered all of the opposite party who fell into their hands … No form of

[48] Hume, 'Populousness', E 383, 393.
[49] Hume, 'Populousness', E 383-84.
[50] Hume, 'Populousness', E 383.
[51] Hume, 'Populousness', E 404.
[52] Hume, 'Populousness', E 404-06.
[53] Hume, 'Populousness', E 416.

process, no law, no trial, no pardon'.[54] Therefore, not only was the personal liberty of the ancients conditional on their political liberty or share of power, but it was extremely unstable even for free citizens.

The Roman Empire, according to Hume, relegated almost all its subjects to the status of slaves. Following Machiavelli's explanation of the loss of Roman liberty, Hume commented that Rome's 'military despotism' compelled the people to a 'base servitude to arbitrary will and authority'.[55] Although the Roman Empire brought about the *Pax Romana* and improved civility, it also 'diffused slavery and oppression … over so considerable a part of the globe'.[56] The military government of the Roman Empire 'rendered even the lives and properties of men insecure and precarious'.[57] As a result, not only domestic slaves, but even freemen, who were self-owning individuals rather than the property of others, were deprived of their personal liberty, because their lack of security and dependence on the arbitrary power of their rulers enslaved them politically. Many of the Roman emperors were 'the most frightful tyrants that ever disgraced human nature' by imposing great 'slavery and tyranny' over their subjects.[58] Among the Roman tyrants, Hume particularly mentioned the names of Tiberius, Caligula, Nero, and Domitian, contrasting their 'bad' administration to the 'order, method, and constancy' of modern 'civilized' monarchies.[59]

Hume viewed the Saxon constitution as a kind of 'anarchy' where 'justice was commonly very ill administered, and great oppression and violence seem to have prevailed'.[60] Montesquieu had remarked that the 'Germanic nations who conquered the Roman Empire were very free'.[61] Hume agreed with Montesquieu, describing 'the government of Germans, and that of all the

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[54] Hume, 'Populousness', E 407.
[55] Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), III.24; Hume, *History*, 1:160.
[56] Hume, *History*, 1:11. See also Hume, 'Of the Balance of Power', E 341: 'If the ROMAN empire was of advantage, it could only proceed from this, that mankind were generally in a very disorderly, uncivilized condition, before its establishment.'
[57] Hume, *History*, 2:519.
[58] Hume, 'Liberty of the Press', E 12.
[59] Hume, 'Of Civil Liberty', E 94.
[60] Hume, *History*, 1:166, 1:169.
[61] Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989), XI.8.

northern nations, who established themselves on the ruins of Rome' as 'extremely free'.[62] But Hume doubted the quality of the liberty of the Germanic nations, insisting that under the Saxon constitution, even free citizens enjoyed far less 'true liberty' than those living under rigorous executions of the laws and even 'the strictest subordination and dependance [sic.] on the civil magistrate'.[63] The reason, Hume conceded, lay in 'the excess itself of that liberty'.[64] Because of the limited scope of the royal authority and the 'exorbitant power of the aristocracy', the Saxon constitution failed to provide the common people with effective 'guardianship of the laws', leaving them in 'perpetual danger from enemies, robbers, and oppressors'.[65] The weakness of the 'civil union' compelled the Saxons to seek safety and security 'by submission to superiors, and by herding in some private confederacy, which acts under the direction of a powerful leader'.[66] On the one hand, 'almost all the inhabitants even of towns' were engaged in some clientship with some noblemen, from whom they 'purchased by annual payments' patronage and protection, and to whom they belonged like slaves to masters; on the other hand, those of a higher rank but still not powerful enough to secure their lives, persons, and properties had to enter into private confederacies of defence.[67] Moreover, 'the most numerous rank' of the Saxons were 'the slaves or villains [sic.], who were the property of their lords, and were consequently incapable, themselves, of possessing any property'.[68] On the whole, in the Anglo-Saxon government, which was 'extremely aristocratical',[69] only the formidable nobles could enjoy some degree of personal liberty and security, backed up by their wealth and military capacity.

In his analysis of the feudal system of Europe, Hume underlined that the formidable barons were the chief obstacle to personal liberty. Not only was villenage a common practice

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[62] Hume, *History*, 1:160.
[63] Hume, *History*, 1:168.
[64] Hume, *History*, 1:169.
[65] Hume, *History*, 1:165-68.
[66] Hume, *History*, 1:168-69. On the weakness of civil or political union in the Germanic nations, see also Hume, *History*, 1:174, 1:456, 1:464, 2:522-23.
[67] Hume, *History*, 1:167.
[68] Hume, *History*, 1:171-72.
[69] Hume, *History*, 1:174.

depriving the villeins of their liberty, but even the landowners had no access to unconditional ownership of their properties, and were to a large extent dependent on the arbitrary will of their superiors. The landed property of vassals was 'a kind of military pay' that 'might be resumed at the will of the king or general', and therefore 'in some degree, conditional' on their service and obligation to their superiors.[70] Since the union and interdependence of men during this age was conducted through long chains of vassalage rather than by direct submission to the authority of the sovereign, it was almost impossible for individuals to achieve independence.

> A great part of [the people] were *serfs*, and lived in a state of absolute slavery or villainage [sic.]: The other inhabitants of the country paid their rent in services, which were in a great measure arbitrary; and they could expect no redress of injuries, in a court of barony, from men, who thought they had a right to oppress and tyrannize over them: The towns were situated either within the demesnes of the king, or the lands of the great barons, and were almost entirely subjected to the absolute will of their master.[71]

Hume even claimed that in the feudal system, '[e]very one, that was not a noble, was a slave'.[72] The nobles or great barons thus became a kind of 'petty tyrants'.[73] However, even though the great barons were to a great extent independent and exempt from domination, their safety and security were still threatened with the possibility of being jeopardised. This is because those great barons lived almost in a state of anarchy: 'having but a slender protection from law', they were 'exposed to every tempest of the state, and by the precarious condition in which they lived, paid dearly for the power of oppressing and tyrannizing over their inferiors'.[74] Therefore, although only the great barons—a tiny proportion of the whole population—achieved a status of non-domination by their military strength and political power, the quality and stability of their personal liberty remained feeble.

[70] Hume, *History*, 1:457, 1:461; Baier, *Cautious Jealous Virtue*, 95.
[71] Hume, *History*, 1:463.
[72] Hume, *History*, 2:522.
[73] Hume, *History*, 1:485, 3:80.
[74] Hume, *History*, 2:522.

We have arrived at a proper vantage point to conclude Hume's understanding of the relation between personal liberty and political or civil liberty in pre-modern Europe and how it differed from the condition of liberty in modern Europe. For the Greeks, the Romans, and the Germanic nations, the scope of liberty was extremely limited, its quality defective. First, the prevalence of slavery, villenage, or serfdom was a distinctive feature of ancient or pre-modern politics. Those institutions made personal attachments of the inferiors to their superiors very common. Many common people were slaves, villeins, and serfs, and were disqualified from enjoying personal liberty. Second, in ancient or pre-modern politics, personal liberty was largely dependent on political or civil liberty. Those who did not share power by constitutional arrangements or military strength could scarcely put their lives, persons, and properties on a secure basis. Third and consequently, political or civil liberty became extremely important in pre-modern politics, giving rise to turbulent and violent struggles between different classes or factions in order to seize power and thereby security.[75] In ancient republics, the liberty of citizens was martial and collective, understood as not being subject to potential tyrants from outside or opposing factions from within. In the Roman Empire, Saxon government, and the feudal system, one's personal liberty was largely conditional and dependent on the will of their superiors, and could easily be jeopardised by various forms of conflict. In both cases, liberty was achieved through active power-sharing. Furthermore, the loose 'police' of pre-modern governments meant that justice was poorly administered and that the personal liberty even of those who had it was feeble. Drawing on Cicero, Hume suggested that the 'police' of the Roman Republic was loose, robbery and murders frequent, and life and property insecure.[76] Overall, the liberty of the ancients was, first and foremost, political or civil liberty, and this was a privilege exclusive to a small part of the populace.

By contrast, modern politics both enlarged the scope of liberty and redefined the relationship between personal liberty and political or civil liberty. First, because of the abolition of

[75] Hume, 'Populousness', E 406-16.
[76] Hume, 'Of Civil Liberty', E 93-94.

domestic slavery and the dissolution of the feudal chains, the vast population of the common people, who had formerly lived under various forms of systematic and institutionalised domination by their superiors, became independent and free. Second, the equal protection offered by the state and its laws made personal liberty universal and unconditional. Security of life, person, and property was provided to everyone as equals before the law, not just to the wealthy and powerful. Therefore, modern individuals did not need to possess military force or share political power in order to enjoy personal liberty. Third and consequently, the liberty of the moderns was individual and non-martial, and had non-domination rather than power-sharing as its primary feature. Moreover, the progress of police also improved the quality of personal liberty, rendering the lives, persons, and properties of modern citizens more secure even than that of pre-modern slave masters. Finally, the relationship between the two kinds of liberty was overturned under modern conditions. Despite modern personal liberty being unconditional and independent from political or civil liberty, the diffusion of the former nonetheless 'paved the way' for the increase of the latter, which, as we have seen, Hume praised as 'the perfection of civil society'.[77]

Hume not only compared ancient and modern liberty, but attempted to explain the historical birth of modern liberty. Hume's pivotal claim that the growth of commerce, luxury, and manufacturing brought down the oppressive feudal barons and gave rise to modern liberty is already well-known,[78] but commerce, luxury, and manufacturing were not exclusive to modern Europe. Why, as Hume himself asked, did 'the progress of the arts, which seems, among the Greeks and Romans, to have daily encreased [sic.] the number of slaves', become 'so general a source of liberty' in modern Europe?[79] To elaborate on this, a clarification of what Hume meant by 'the progress of the arts' is needed. Hume's conception of 'the arts' is wide-ranging, including

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[77] Hume, *History*, 2:524.

[78] See Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. R. H. Campbell and A. S. Skinner, 2 vols. (Oxford: Oxford University Press, 1976), III.iv.4.

[79] Hume, *History*, 2:523; cf. 2:201: 'As the Flemings were the first people in the northern parts of Europe, that cultivated arts and manufactures, the lower ranks of men among them had risen to a degree of opulence unknown elsewhere to those of their station in that barbarous age; had acquired privileges and independance [sic.]; and began to emerge from that state of vassalage, or rather of slavery, into which the common people had been universally thrown by the feudal institutions.'

at least three kinds of arts. In the first place, there are the 'liberal arts'.[80] The second kind comprises the 'manual arts', 'mechanic arts', 'mechanical arts', or the 'more vulgar arts', including manufacturing and even commerce.[81] The third kind he called 'the finer arts', or 'the arts of luxury'.[82] In a looser sense, Hume also used phrases such as 'the arts of (civil) government',[83] 'the arts of peace',[84] or 'the art(s) of war'[85]. When Hume wrote that it was 'the progress of the arts' that both increased the number of slaves in the ancient world and became a source of liberty in modern Europe, he used the concept of 'the arts' in a very general sense as referring to not only liberal arts and manufacturing, but also commerce and luxury.

Regarding the mechanism behind the birth of modern liberty, Hume supplied two main explanatory threads. The first one is focused on the changes of the status of various ranks of free-men. What first challenged the 'violent system of government' of feudal Europe was the establishment of self-governing communes and corporations, 'which gave them protection against the tyranny of the barons, and which the prince himself deemed it prudent to respect'.[86] The practice of self-governance relaxed the feudal tenures and 'bestowed an independence of vassals' from the great barons.[87] Meanwhile, 'the encrease [sic.] of arts' made available to the great barons 'a more civilized species of emulation' through the purchase of luxury.[88] Since the barons 'dissipated their fortunes in expensive pleasures' and 'men of inferior ranks' both increased their landed property and created new forms of movable property, 'in all places, the condition of the people, from the depression of the petty tyrants, by whom they had formerly been oppressed,

[80] Hume, 'Of the Delicacy of Taste and Passion', E 6; 'Of Eloquence', E 107; 'Rise and Progress', E 124, 127; 'The Sceptic', E 170; 'Of National Characters', E 198, 210; 'Of Commerce', E 261; 'Refinement', E 270-71.
[81] Hume, 'Rise and Progress', E 124; 'Of Commerce', E 260-61, 265; 'Refinement', E 270, 273; 'Of the Balance of Trade', E 313; 'Populousness', E 419, 458n270; *History*, 1:81, 1:185, 2:230, 3:369. Hume sometimes spoke of the arts and commerce together, see 'Rise and Progress', E 120; *History*, 1:166, 1:238, 2:109, 4:155, 5:18, 6:217.
[82] Hume, 'Rise and Progress', E 124; 'Of Commerce', E 256. Moreover, note the fact that the original title of 'Of Refinement in the Arts' was 'Of Luxury'.
[83] Hume, 'Rise and Progress', E 125; 'Refinement', E 273; *History*, 3:82, 6:299.
[84] Hume, 'Refinement', E 276; 'Of the Protestant Succession', E 508; *History*, 1:5, 1:10, 2:99, 3:349, 4:34, 4:305, 5:313, 5:437.
[85] Hume, 'Refinement', E 276; *History*, 1:386, 2:60, 2:226, 2:230, 2:247, 3:81, 3:101, 3:105, 4:34, 4:281.
[86] Hume, *History*, 2:522-23.
[87] Hume, *History*, 2:523.
[88] Hume, *History*, 3:76.

rather than governed, received great improvement, and they acquired, if not entire liberty, at least the most considerable advantages of it'.[89] Hume maintained that this new and rule-of-law-pursuing 'middling rank of men' neither wished to be enslaved nor to dominate or tyrannize others, praising them as 'the best and firmest basis of public liberty' against monarchical or aristocratical tyranny.[90] Yet the decline of the feudal barons and the rise of this 'middling rank of men' would not have been possible without a flourishing state of commerce and luxury. Therefore, Hume suggested that commerce, luxury, and more generally, 'a progress in the arts' were favourable to personal liberty, and even tended to 'preserve, if not produce a free government'.[91]

But why did liberal arts, manufacturing, commerce, and luxury become a source of liberty in modern Europe *alone*? Here we need to turn to Hume's second explanatory thread, which focuses on the difference between ancient slavery and feudal villenage. In ancient Greece or Rome, slaves worked either as domestic servants or as manufacturers.[92] It would be against the interests of ancient citizens if they no longer had slaves to take on almost all the burdens of domestic work and economic production. But under the feudal system, a baron's retinue was chiefly filled with military retainers who were free-men, whilst the villeins were 'entirely occupied in the cultivation of their master's land', paying rent either by agricultural produce or by 'servile offices, which they performed about the baron's family, and upon the farms which he retained in his own possession'.[93] With the progress in agriculture and the increase of money, the barons realised that they could reap very little advantage from these services but have much more convenience by permitting the peasants to dispose of the produce of the large estate by themselves. Therefore, they replaced services by rents, and rents in produce by money rents. Later, when the barons learned that their farms were better cultivated by farmers who had security in their own possessions, 'the practice of granting leases to the peasant began to prevail, which entirely broke the bonds of

[89] Hume, *History*, 3:80.
[90] Hume, 'Refinement', E 277-78.
[91] Hume, 'Refinement', E 277.
[92] Hume, 'Populousness', E 393; cf. *History*, 2:523.
[93] Hume, *History*, 2:523.

servitude, already much relaxed from the former practices'.[94] Hence the fading out of villenage in 'the more civilized parts of Europe' at the concurrence of the interest of the master and that of the slave.[95]

There are, however, necessary qualifications to Hume's analysis of the rise of modern liberty. As mentioned in the Introduction to this thesis, Hume had little to say about the extent to which the liberty of modern Europeans was itself based on modern slavery in the extra-European world—after all, the extensive commerce and luxury that contributed to the decline of the feudal barons were historically intertwined with European nations' colonial expansion. As Onur Ulas Ince puts it, the 'known, actual history of global commerce that separated the moderns from the ancients had been inaugurated by European overseas expansion, replete with territorial conquest, native American and African enslavement, and resource extraction'.[96] Hume's critique of ancient slavery and feudal villenage notwithstanding, Ince contends that he failed to supply an explicit argument against *modern* slavery (especially when compared with Adam Smith) and that his anti-slavery arguments 'remained a distinctly moral and political criticism that revolved around despotism and the corruption of character, and avoided the socioeconomic register of commerce, capital and public economy'.[97] More recently, Danielle Charette has supplied a different reading by showing that Hume's critique of ancient slavery was part of his debate with Andrew Fletcher and Robert Wallace over economic policy in modern Scotland, that Hume did insist that slavery was economically inefficient, and that some of his readers assumed his anti-slavery arguments applied to the colonies.[98] Yet even if we accept Charette's supplement to Ince's argument, we still must admit that Hume was not an abolitionist, and there are evident limits to his understanding of who was capable of freedom and equality. Even though his condemnation of subordination and

[94] Hume, *History*, 2:524.

[95] Hume, *History*, 2:524.

[96] Onur Ulas Ince, 'Between Commerce and Empire: David Hume, Colonial Slavery and Commercial Incivility', *History of Political Thought* 39, no.1 (2018): 122.

[97] Ince, 'Between Commerce and Empire', 125.

[98] Charette, 'Politics of Slavery'.

domination admits of emancipatory implications, the story Hume explicitly told of the rise of modern liberty is unapologetically confined to modern Europe.

In accounting for the genesis of modern liberty, Hume operated with a macro-narrative of history, treating the advent of modern personal liberty as a pan-European achievement and a systematic change, despite the existing practice of comparing ancient and modern liberty in accounting for the nature of the English constitution.[99] This approach entails a disapproval of the eighteenth-century enshrinement of England's post-Revolutionary system of liberty, as well as the practice of contrasting English liberty to French slavery.[100] Yet Hume was no less interested and involved in debates regarding the English constitution, and however prominent a theme the progress of European civilisation might be in his *History of England*, this work is fundamentally a history of *England*. As Duncan Forbes first argued, and many have subsequently agreed, Hume repudiated the political cant of the vulgar Whigs, and denounced the myth of ancient constitutionalism.[101] Still, more remains to be said about Hume's analysis of the nature, age, and robustness of English liberty, which comprises the theme of the next section.

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[99] For the ancient-modern distinction with regard to the English constitution, see especially Lord John Hervey, *Ancient and Modern Liberty Stated and Compar'd* (London: J. Roberts, 1734). For the pan-European perspective of Hume's science of politics and his historiography, see Forbes, *Hume's Philosophical Politics*, 296-98; Forbes, 'Hume's Science of Politics', in *David Hume: Bicentenary Papers*, ed. G. P. Morice (Edinburgh: Edinburgh University Press, 1977), 39-50; Karen O'Brien, *Narratives of Enlightenment: Cosmopolitan History from Voltaire to Gibbon*, (Cambridge: Cambridge University Press, 1997), 56-92; J. G. A. Pocock, *Barbarism and Religion*, vol.2, *Narratives of Civil Government* (Cambridge: Cambridge University Press, 1999), 163-257.

[100] Mark Goldie, 'The English System of Liberty', in *The Cambridge History of Eighteenth-Century Political Thought*, ed. Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press, 2006), 40-78.

[101] Forbes, *Hume's Philosophical Politics*, 125-92, 233-307; 'Sceptical Whiggism, Commerce, and Liberty'; introduction to *The History of Great Britain*. For the notion of the ancient constitution and the role ancient constitutionalism played in early modern (and especially seventeenth-century) English political debates, see J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1987 [1957]). In the long retrospect added to the 1987 edition of this magisterial work, Pocock briefly discussed Hume's critique of the vulgar Whigs; see Pocock, *The Ancient Constitution and the Feudal Law*, 375-79. For a recent review of the rich literature on the theme of ancient constitutionalism, see Mark Goldie, 'The Ancient Constitution and the Languages of Political Thought', *The Historical Journal* 62, no. 1 (2019): 3-34. For the works of previous Tory and Whig historians as the context for Hume's *History of England*, see Harris, *Hume: An Intellectual Biography*, 308-25. For Hume's interpretation of England's constitutional history and his critique of ancient constitutionalism, see Constant Noble Stockton, 'Hume—Historian of the English Constitution', *Eighteenth-Century Studies* 4, no. 3 (1971): 277-93; Eugene F. Miller, 'Hume on Liberty in the Successive English Constitutions'; Phillipson, *David Hume*, 50-124; Harris, *Hume: An Intellectual Biography*, 325-407.

III. Ancient Constitutions and English Liberty

What was Hume's view of the liberty of the English, and how does England fit into Hume's story of the rise of modern liberty in Europe? To supply a detailed survey of Hume's position regarding the constitutional history of England would require a book-length study. But for the purpose of this chapter, it is necessary to briefly illuminate Hume's view of England's post-Revolutionary plan of liberty. This also represents a timely engagement into an ongoing scholarly debate. Paul Sagar has recently suggested that Hume viewed the liberty of the English as new but robust: it was new because it was created by the Revolution Settlement, yet it could remain robust as long as the danger of party strife could be managed.[102] In a counter-argument, Jacob Hall insists that Hume traced the origin of English liberty to the legal reforms under Henry II and the improvement of the common law under Edward I.[103] Both accounts, however, invite careful reconsiderations given my explication of Hume's conceptual and historical framework for making sense of liberty.

Conceptually, Hume conceived of the liberty of the English people after the Revolution of 1688 as a combination of personal liberty and political or civil liberty. It was only in this sense that it deserves to be praised as 'the most entire system of liberty, that ever was known amongst mankind', and 'the most perfect and most accurate system of liberty that was ever found compatible with government'.[104] Historically, Hume unambiguously wrote that *this* system of liberty had been enjoyed by the English people 'ever since' the Revolution of 1688.[105] Hume was also explicit in rejecting any plan to find ancient origins for England's modern liberty. His mockery of the admirers of the ancient constitutions was forceful:

> If we must return to the ancient barbarous and feudal constitution; let those gentlemen, who now behave themselves with so much insolence to their sovereign, set the first example. Let them make court to be admitted as retainers to a neighbouring baron; and by submitting to slavery under him, acquire some protection to

[102] Sagar, 'Liberty of the English'.
[103] Hall, 'From Hume to Smith'.
[104] Hume, *History*, 2:525, 6:531.
[105] Hume, *History*, 6:531.

> themselves; together with the power of exercising rapine and oppression over their inferior slaves and villains [sic.].[106]

Yet, as England's successive ancient constitutions were in 'a state of continual fluctuation',[107] England also had several different but related plans of liberty throughout its constitutional history. Even though Hume understood English liberty as the most comprehensive form of modern liberty by his time, he nevertheless admitted that there were significant continuities in the history of England's constitution and liberty. What primarily concerned Hume was not the question of the age of English liberty, but the task of unpacking its layered structure.

Out of the numerous important events in English constitutional history, only three received Hume's praise as 'epochs', and each contributed to a remarkable progress of liberty. Regrettably, previous scholarship has not paid enough attention to this narrative, without an examination of which it is difficult to appreciate fully Hume's overall position regarding the nature, age, and robustness of the liberty of England. What follows, then, is a survey of Hume's account of the three 'epochs' of the English constitution and the layered structure of English liberty.

For Hume, the English constitution did not have its first 'epoch' until the issuance of the *Magna Carta* in 1215.[108] As we have seen, Hume judged that the authority of Anglo-Saxon princes was extremely limited, making the constitution 'extremely aristocratical' and unfavourable to the true liberty of the people.[109] English liberty, therefore, could not properly be traced, as Montesquieu did, to the Germanic forests.[110] The Norman Conquest of 1066 destroyed the power of the Saxon nobles, conferred power into the hands of the Norman barons, introduced the feudal law into England, 'much infringed the liberties, however imperfect, enjoyed by the Anglo-Saxons in their ancient government', and 'reduced the whole people to a state of vassalage under the king

[106] Hume, 'Of the Coalition of Parties', E 497-98.
[107] Hume, *History*, 4:355n, 2:524-25.
[108] Hume, *History*, 1:488.
[109] Hume, *History*, 1:168-169, 174; 2:521-22.
[110] Montesquieu, *Spirit of the Laws*, XI.6.

or barons, and even the greater part of them to a state of real slavery'.[111] Moreover, in order to 'maintain limitary dominion over a vanquished nation', the Anglo-Norman princes established 'a more severe and absolute prerogative' over the barons than was commonly found on the continent.[112] This led to discontents and insurrections of the barons, finally culminating in the issuance of the *Magna Carta* in 1215, which 'gave rise, by degrees, to a new species of government, and introduced some order and justice into the administration'.[113] Hume was careful not to exaggerate the significance of the *Magna Carta*, conceding that neither had it changed the constitution or the distribution of power, nor did it establish new laws or institutions. 'It only guarded, and that merely by verbal clauses, against such tyrannical practices as are incompatible with civilized government, and, if they become very frequent, are incompatible with all government.'[114] Nevertheless, Hume admitted that the *Magna Carta* 'either granted or secured very important liberties and privileges to every order of men in the kingdom', though it were the barons who reaped the greatest advantage from it.[115] Hume concluded Volume I of the *History* by remarking that 'the establishment of the Great Charter, without seeming anywise to innovate in the distribution of political power, became a kind of epoch in the constitution'.[116]

Hume considered the reign of Henry VII (r. 1485–1509) as the second 'epoch' of the English constitution, because this reign was the beginning of absolute monarchy in England.[117] Yet two points must be emphasised. First, some significant events happened during the 270 years between the issuance of the *Magna Carta* and the accession of Henry VII. Of particular importance was Edward I's (r. 1272–1307) confirmation of the *Magna Carta* in 1297, because of which 'the Great Charter was finally established', its validity 'was never afterwards formally disputed', and it

[111] Hume, *History*, 1:190-204, 1:437; see also 1:181-82, where Hume maintains that the existence of the feudal law in Anglo-Saxon England was 'doubtful'.
[112] Hume, *History*, 1:437.
[113] Hume, *History*, 1:487.
[114] Hume, *History*, 1:487.
[115] Hume, *History*, 1:442-44.
[116] Hume, *History*, 1:488.
[117] Hume, *History*, 3:73-74.

'was still regarded as the basis of English government' after hundreds of years.[118] Hume praised Edward I, 'the English Justinian', as 'a wise legislator', because of the efforts he paid to 'the correction, extension, amendment, and establishment of the laws', the 'more constant, standing, and durable laws than any made since' that were passed in his reign, and the opportunity his regular order gave to the common law to 'refine itself'.[119] Second, according to Hume, the reign of Henry VII became an epoch in the English constitution because of the systematic changes in Europe much more than because of his legislations. Following the lead of Francis Bacon and James Harrington, Hume also suggested that Henry VII's legislation contributed to the decline of the power of feudal barons.[120] But Hume's historical narrative downgraded the significance of Henry VII's laws, and attributed much more significance to macro-level, structural changes in deciding the orientation of history.[121] Hume insisted that 'the encrease [sic.] of the arts', rather than Henry VII's legislations against retainers, was the main cause that led the 'pernicious practice' of keeping military retainers to come to an end.[122] Henry VII's legislation that permitted the break of ancient entails and the alienation of feudal estates has to be 'joined to the beginning luxury and refinement of the age' to result in the dissipation of the vast fortunes of the barons.[123] On the whole, '[w]hatever may be commonly imagined, from the authority of lord Bacon, and from that of Harrington, and later authors, the laws of Henry VII. contributed very little towards the great revolution, which happened about this period in the English constitution … the change of manners was the chief cause of the secret revolution of government, and subverted the power of the barons'.[124]

[118] Hume, *History*, 2:122-23.
[119] Hume, *History*, 2:141.
[120] Francis Bacon, *The History of the Reign of King Henry VII*, ed. Brian Vickers (Cambridge: Cambridge University, 1998), 64-68, 182; James Harrington, *The Commonwealth of Oceana*, in *The Commonwealth of Oceana and A System of Politics*, ed. J. G. A. Pocock (Cambridge: Cambridge University Press, 1992), 54-60; Hume, *History*, 3:75-77.
[121] O'Brien, *Narratives of Enlightenment*, 56-92; Pocock, *Narratives of Civil Government*, 163-257.
[122] Hume, *History*, 3:76,
[123] Hume, *History*, 3:77.
[124] Hume, *History*, 4:384-85.

The third 'epoch' in Hume's constitutional history of England was the Revolution of 1688, which turned the English government into a constitutional monarchy. Much less noticed, however, is Hume's verdict that Elizabeth was 'the last of that arbitrary line' and that English monarchy had been civilised during the reigns of James I (r. 1603–25) and Charles I (r. 1625–49).[125] Hume reassured his readers that the government of Tudor England was an absolute monarchy, and the reign of Elizabeth even amounted to despotism.[126] Although the Tudor monarchs managed to 'pull down those disorderly and licentious [feudal] tyrants, who were equally averse from peace and from freedom, and to establish that regular execution of the laws', it was not until 'a following age', i.e., the Stuart Dynasty, that 'a regular and equitable plan of liberty' was established.[127] This change under the House of Stuart, however, was an unintended consequence rather than the Stuart monarchs' intended action. When Elizabeth's extensive prerogatives and absolute authority were transferred to James I in 1603, he expected to rule in the same manner as Elizabeth had done. Yet the authority of the crown, under Elizabeth and James I alike, 'was founded merely on the opinion of the people' and 'not supported either by money or by force of arms'.[128] Because of the concurrence of several circumstances—his 'narrow revenues and little frugality', the lack of a standing army, his poor popularity, and the 'spirit of liberty' resulting from the increase of the wealth of the commons[129]—James I soon found himself 'dependent on his people, even in the ordinary course of administration'.[130] In the first long footnote of his Stuart history, Hume observed that absolute monarchy existed in England only during the Tudor era.

> An absolute monarchy in Charles I.'s answer to the nineteen propositions is opposed to a limited; and the king of England is acknowledged not to be absolute. *So much had matters changed even before the civil war* … They were the princes of the house of Tudor chiefly, who introduced that administration, which had the appearance of absolute government. The princes before them were

[125] Hume, *History*, 5:558.
[126] Hume, *History*, 4:354-86, especially 4:360, 4:367, 4:370; 5:40, 5:557; cf. *History of Great Britain*, 170-71.
[127] Hume, *History*, 2:525.
[128] Hume, *History*, 4:128.
[129] Hume, *History*, 5:18-19, 5:39-40, 5:136, 5:140, 5:558.
[130] Hume, *History*, 5:558; cf. *History of Great Britain*, 171-72.

> restrained by the barons; as those after them by the house of commons. The people had, properly speaking, little liberty in either of these ancient governments, but least, in the more ancient.[131]

Thus, Hume was ready to confess that the people were far better off under the Stuarts than under the Tudors or in the feudal age. Then, in his remark on the state of affairs in 1637—shortly before the Civil War—Hume suggested that the people of England under Charles I had already secured their personal liberty, though not political liberty.

> Peace too, industry, commerce, opulence; nay, even justice and lenity of administration, notwithstanding some very few exceptions: All these were enjoyed by the people; and every other blessing of government, except *liberty, or rather the present exercise of liberty*, and its proper security. It seemed probable, therefore, that affairs might long have continued on the same footing in England, had it not been for the neighbourhood of Scotland…[132]

Although the Stuart monarchy did not qualify as a free government, the royal authority was already checked by the House of Commons, which strived for the enlargement of liberty. Yet since this check was not institutionalised, the struggle between the prerogative of the crown and the privilege of the people was intensified by Charles I's desperate attempt to increase his revenue to cover the military costs to suppress the Scottish Covenanters rebellion, culminating in the outbreak of the Civil War, followed by domestic turbulence for several decades. It was the Revolution of 1688 which eventually, and to some extent institutionally, 'put the nature of the English constitution beyond all controversy'.[133] The Revolution therefore 'forms a new epoch in the constitution'.[134]

How robust was the liberty of the English, then? Hume thought that the liberty of Georgian England or Britain was fragile for multiple reasons. When concluding his Stuart history, Hume explicitly pointed out that the post-Revolutionary government of England was 'not the best

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[131] Hume, *History*, 5:550 (my emphasis); cf. *History of Great Britain*, 80.

[132] Hume, *History*, 5:250 (my emphasis). Cf. Sagar, 'Liberty of the English', 387: 'There existed no general liberty under Charles I, even if some were agitating for it, and on Hume's view things would likely have stayed that way were it not for the crisis precipitated by the Scottish Covenanter rebellion in 1639…'

[133] Hume, *History*, 6:531.

[134] Hume, *History*, 6:531.

system of government'.[135] Hume was concerned that 'the most entire system of liberty' of post-Revolutionary England could be eroded by its not-so-perfect government. Many scholars have noticed Hume's obvious anxiety about the dangers of party strife and public debt.[136] What remains less noticed is Hume's *increasing* worry about the crown's large revenue and standing army, and Britain's lack of a middle power between the crown and the commons—not to be confused with 'the middling rank of men'.[137]

In his 1741 essays, Hume had already remarked that the British government was inclined to an absolute monarchy, rather than a republic, not least because 'the power of the crown, by means of its large revenue, [wa]s rather upon the encrease [sic.]'.[138] In the *History*, Hume suggested that following the changes since the reign of James I—especially the consolidation of the mixed constitution following England's constitutional struggles and the establishment of Whig supremacy in the Hanoverian era—personal liberty became very secure in England, but political or civil liberty became fragile; 'the liberty and independence of individuals has been rendered much more full, intire [sic.], and secure; that of the public more uncertain and precarious'.[139] Yet Hume regarded this as a necessary evil, as he commented that 'it seems a necessary, though perhaps a melancholy truth, that, in every government, the magistrate must either possess a large revenue and a military force, or enjoy some discretionary powers, in order to execute the laws, and support his own authority'.[140] Now that the Crown had lost its discretionary power after the Revolution, the government would be dysfunctional if the Crown was further deprived of its 'large revenue and military force'. But for Hume, the king's large revenue and standing army could also threaten

[135] Hume, *History*, 6:531.

[136] István Hont, 'Commercial Society and Political Theory in the Eighteenth Century: The Problem of Authority in David Hume and Adam Smith', in *Main Trends in Cultural History: Ten Essays*, ed. Willem Melching and Wyger Velema (Amsterdam: Rodopi, 1994), 54-94; *Jealousy of Trade*, 84-88, 325-53; Joel E. Landis, 'Whither Parties? Hume on Partisanship and Political Legitimacy', *American Political Science Review* 112, no. 2 (2018): 219-30; Max Skjönsberg, *The Persistence of Party: Ideas of Harmonious Discord in Eighteenth-Century Britain* (Cambridge: Cambridge University Press, 2021), 151-213; Sagar, 'Liberty of the English'.

[137] The best analysis on this topic remains Forbes, *Hume's Philosophical Politics*, 170-86.

[138] Hume, 'Whether the British Government', E 51.

[139] Hume, *History*, 5:129.

[140] Hume, *History*, 5:129; see also 3:476. Cf. Hume, *History*, 5:569; 'Refinement', E 277.

liberty. Following the growth of the arts, commerce and luxury, in 'most nations, the kings, finding arms to be dropped by the barons, who could no longer endure their former rude manner of life, established standing armies, and subdued the liberties of their kingdoms'.[141] Whilst English people under James I were 'entirely free from the danger and expence [sic.] of a standing army', in continental countries, 'where the necessity of discipline had begotten standing armies, the princes commonly established an unlimited authority, and overpowered, by force or intrigue, the liberties of the people'.[142] When concluding his account of the reign of Elizabeth I, Hume even remarked that 'though seemingly it [i.e. the English constitution] approached nearer, was in reality more remote from a despotic and eastern monarchy, than the present government of that kingdom, where the people, though guarded by multiplied laws, are totally naked, defenceless, and disarmed'.[143] Therefore, if the inclination of the British government towards an absolute monarchy was favourable for Hume in 1741—not least because the lesson of Cromwell made Hume sceptical about the possibility of establishing a successful republic in Britain—in the *History* Hume became more sceptical about the robustness of the liberty of the English.[144]

This anxiety was strengthened by Hume's increasing concern about the lack of nobility as an intermediate power in British politics, a concern that the mature Hume came to share with Montesquieu. In *The Spirit of the Laws*, Montesquieu praised the English constitution as the only one in the world which had 'political liberty for its direct purpose'—Montesquieu's security-based conception of 'political liberty' (as opposed to 'philosophical liberty') is largely equivalent to Hume's notion of 'personal liberty'.[145] Montesquieu praised the complex checks and balances between the three powers in the English government, but he also remarked that the removal of

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141 Hume, *History*, 3:80.

142 Hume, *History*, 5:18, 5:140.

143 Hume, *History*, 4:370.

144 Hume, 'Whether the British Government', E 51-52.

145 Montesquieu, *Spirit of the Laws*, XI.6. Montesquieu defined 'political liberty in a citizen' as 'that tranquillity of spirit which comes from the opinion each one has of his security'; he added that 'in order for him to have this liberty the government must be such that one citizen cannot fear another citizen'. For Montesquieu's security-based concept of liberty, see also Annelien de Dijn, *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* (Cambridge: Cambridge University Press, 2008), 28; '*On Political Liberty*: Montesquieu's Missing Manuscript', *Political Theory* 39, no. 2 (2011): 181-204.

'all the intermediate powers' had made English liberty very precarious.[146] No sooner had Montesquieu's *magnum opus* been published than Hume read it.[147] In a letter to Montesquieu, Hume both raised his reservation about the Frenchman's praise of the English constitution, and echoed Montesquieu's concern, suggesting that a simple government was easily plagued by its lack of balancing powers, whilst a complicated government could be disturbed by the opposition of its parts.[148] Therefore, as early as in 1749, Hume was already concerned about the fragility of English liberty: on the one hand, the lack of a middle power between the crown and the people had made the constitution too simple to be robust; on the other hand, the checks and balances between different powers within the government might be too complex to function well. Moreover, as Duncan Forbes noticed, Hume later made two Montesquieuean additions to his own work.[149] First, Hume added six paragraphs to the 1764 edition of 'Of Public Credit', where he commented that 'the middle power between king and people being totally removed, a grievous despotism must infallibly prevail'.[150] Second, at some point between 1773 and his death in 1776, Hume added a sentence to his remark in Appendix III of the *History* that the British public in the mid- to late-eighteenth century was 'totally naked, defenceless, and disarmed'. To which Hume added: 'and besides, are not secured by any middle power, or independant [sic.] powerful nobility, interposed between them and the monarch'.[151]

Therefore, we may say the following of Hume's view of the nature, age, and robustness of English liberty: English liberty had a layered structure, just as the successive English constitutions did; the liberty of post-Revolutionary England was a combination of personal liberty and political or civil liberty, and was as old as the Revolution of 1688; under the Stuart monarchy before 1688,

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[146] Montesquieu, *Spirit of the Laws*, XI.6, II.4. For Montesquieu's idea of the nobility as an intermediary power indispensable to the preservation of liberty in modern monarchical governments, see de Dijn, *French Political Thought*, 20-32; Robin Douglass, 'Montesquieu and Modern Republicanism', *Political Studies* 60, vol.3 (2012): 705-11.

[147] Hume to Montesquieu, 10 April 1749, in *The Letters of David Hume*, ed. J. Y. T. Greig, 2 vols. (Oxford: Oxford University Press, 1932), 1:133.

[148] Hume to Montesquieu, 10 April 1749, in *Letters*, 1:138.

[149] Forbes, *Hume's Philosophical Politics*, 172-80.

[150] Hume, 'Of Public Credit', E 358.

[151] Hume, *History*, 4:370.

the English people had largely secured their personal liberty, albeit not political or civil liberty; however, the English people enjoyed very limited liberty during the feudal age and even less under the Anglo-Saxon constitution. Whilst Hall has noticed Hume's praise of common law and its contribution to liberty, he has overestimated the weight of common law in Hume's version of the constitutional history of England. Sagar's interpretation of Hume's view of English liberty is oversimplified, but his claim that Adam Smith is more original in theorising the link between common law and English liberty is sound and robust. Overall, in accounting for the rise of modern liberty both in England and in Europe, Hume laid great emphasis on the progress of commerce, luxury, and manufacturing, which both brought about an 'epoch' not only in the history of England, but in that of Europe more generally. Yet both Hume's conception of liberty and his explanation of the rise of modern liberty sharply contradict the political theory of republicanism, and it is against this strand of political ideas that we can better appreciate the theoretical implication of Hume's understanding of modern liberty and modern politics.

IV. Hume and Republicanism

In this section, I evaluate Hume's relation to republicanism, a question invited by my characterization of Hume as understanding liberty in terms of not being subject to the arbitrary will of others or not being dominated. The republican tradition in the history of Western political thought is a much-discussed topic in contemporary scholarship. In *The Machiavellian Moment* (1975), J. G. A. Pocock articulates a virtue-centred tradition of classical republicanism or civic humanism, spanning from its origin in ancient Greece, through its revival by Renaissance Florentine thinkers and seventeenth-century English commonwealthmen, to its final triumph in the American Revolution.[152] Classical republicanism, or civic humanism, values civic virtue and resists corruption.

[152] J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975); 'Cambridge Paradigms and Scotch Philosophers: A Study of the Relations between the Civic Humanist and the Civil Jurisprudential Interpretation of Eighteenth-Century Social Thought', in *Wealth and Virtue*, 235-52; *Virtue, Commerce and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press, 1985). For earlier expositions of republican political thought, see Zera Fink, *The Classical Republicans: An Essay in the Recovery of a Pattern of Thought in Seventeenth-Century England* (Evanston:

In the political discourses of eighteen-century Britain, it found expression in the ideal of the Country party, which advocated agriculture against commerce and trade, landed property against movable property, frugality against luxury, a civic militia against a standing army, and love of country against corruption by royal prerogatives.

Much has been said about Hume's repudiation of classical republicanism. Duncan Forbes claims that 'Hume at any rate was wholly untouched by that Machiavellian moralism, or the political pathology concerned with the degree of corruption and lack of public spirit in a state', and that the form of government, rather than civic virtue, is the major independent variable in Hume's science of politics.[153] James Moore argues that 'Hume's political science can best be understood as an elaborate response to the political science of the classical republicans', and that 'the classical republican tradition comes to an end with the political science of Hume'.[154] According to John Robertson, although Hume drew 'extensively on the conceptual resources of the civic tradition both to analyse and to resolve the problem' of political institutions and economic development, he 'did so by exploiting the tradition's openness', recognising 'that commercial society entailed a definitive break with the classical ideal of political community'.[155] Presenting Hume as a leading figure in destigmatizing money-making and clearing the moral ground for the advent of capitalism, Albert O. Hirschman has also provided compelling reasons for reading Hume as a critic of classical republicanism.[156]

These assessments are convincing. Despite his familiarity with the discourse of civic humanism or classical republicanism, Hume held a critical view of this tradition. Although Hume praised 'public spirit, or a regard to community' as 'so noble a passion', civic virtue is not to be

Northwestern University Press, 1945); Hans Baron, *The Crisis of the Early Italian Renaissance: Civic Humanism and Republican Liberty in an Age of Classicism and Tyranny* (Princeton: Princeton University Press, 1955); Caroline Robbins, *The Eighteenth-Century Commonwealthman: Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies* (Cambridge, MA: Harvard University Press, 1956).

[153] Forbes, *Hume's Philosophical Politics*, 224-230.

[154] James Moore, 'Hume's Political Science and the Classical Republican Tradition', *Canadian Journal of Political Science* 10, no. 4 (1977): 810.

[155] John Robertson, 'The Scottish Enlightenment at the Limit of the Civic Tradition', in *Wealth and Virtue*, 140-41.

[156] Albert O. Hirschman, *The Passions and The Interests: Political Arguments for Capitalism before its Triumph* (Princeton: Princeton University Press, 1977).

relied upon in his science of politics, where 'every man', including the members of the House of Commons, 'ought to be supposed a *knave*, and to have no other end, in all his actions, than private interest'.[157] His observations on the issues of public debt, standing armies, and the war with America notwithstanding, Hume proved a forward-looking thinker, a firm advocate of free trade, movable property, and Britain's maritime enterprise: the future would not belong to the old, small republican city-states, but instead laid with the large, law-governed, commercial, and typically monarchical states of modern Europe, which would eventually evolve into what István Hont calls 'the modern representative republic, our current state form'.[158] In Hume's view, refinement in the arts and the increase of knowledge in modern Europe softened the tempers of men, brought more humanity and moderation to politics, and contributed so much to the progress of civilisation that he proclaimed that 'the ages of refinement are both the happiest and most virtuous'.[159] Although it is 'a propensity almost inherent in human nature' to 'declaim against present times, and magnify the virtue of remote ancestors', the nostalgia of the past could not undermine the progress of the arts, sciences, commerce, and government in the modern age.[160] These matters mark Hume's express disagreements with the backward-looking admirers of ancient republics.[161]

But things become trickier when it comes to Hume's relation to republican *liberty*, understood specifically in terms of non-domination. As an alternative to Pocock's paradigm of classical republicanism, Quentin Skinner's *Liberty before Liberalism* (1997) initiates a different account of republican political thought, shifting the emphasis from civic virtue to what he terms the 'neo-Roman' idea of liberty.[162] Skinner alternately calls it republican liberty, and periodically articulates it as 'a third concept of liberty' in addition to Isaiah Berlin's seminal 'Two Concepts of

[157] Hume, 'That Politics', E 26-27; 'Of the Independency of Parliament', E 42.

[158] Hont, *Jealousy of Trade*, 21; Paul Sagar, 'Istvan Hont and Political Theory', *European Journal of Political Theory* 17, no. 4 (2018): 484-91; Richard Whatmore, *Against War and Empire: Geneva, Britain, and France in the Eighteenth Century* (New Haven: Yale University Press, 2012), 235.

[159] Hume, 'Refinement', E 269.

[160] Hume, 'Refinement', E 278.

[161] The word 'backward-looking' is borrowed from Duncan Forbes, 'Hume's Science of Politics', 59.

[162] Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998). For recent reflections on the nature, history, and scope of neo-Roman liberty, see Hannah Dawson and Annelien de Dijn eds., *Rethinking Liberty before Liberalism* (Cambridge: Cambridge University Press, 2022).

Liberty' (1958), in which Berlin drew a dichotomy between negative liberty and positive liberty.[163] Berlin defined negative liberty as the absence of external interference, and positive liberty as self-mastery. Writing in the aftermath of World War II and in the midst of the Cold War, Berlin warned his audience of the dangerous and tyrannical potential of the idea of positive liberty, and instead advocated negative liberty and pluralism as essential to a liberal society. Yet Berlin suggested that negative liberty is regime insensitive and, in principle at least, is compatible with any form of government. But according to Skinner's exposition of the neo-Roman theory of liberty, anyone who is dependent on the will of others lives in a status of slavery or servitude, and is therefore unfree. The neo-Roman thinkers insisted that one can have individual liberty only when one is a citizen of a 'free state', which typically features a republican form of government where the rule of law operates and there is direct democratic participation and self-governance.[164] Skinner's invocation of the neo-Roman idea of liberty coincides with the philosophical work of Philip Pettit, who articulates and advocates a republican idea of liberty as non-domination, which Skinner has largely gone on to endorse.[165]

Hume understood modern personal liberty as a kind of non-domination, but he was a critic of the neo-Roman theory of liberty. For Hume, personal liberty or absence of arbitrary power requires the rule of law, but under modern conditions this need not be, and ought not to be, achieved via direct democratic participation.[166] As I have argued earlier, a major finding of Hume's comparison between ancient and modern liberty is that in modern politics, personal liberty was no longer conditional on political or civil liberty, security no longer conditional on power-sharing. For

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[163] Quentin Skinner, 'A Third Concept of Liberty', *Proceedings of the British Academy* 117 (2002): 237-69; *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008); Isaiah Berlin, 'Two Concepts of Liberty', in *Liberty: Incorporating* Four Essays on Liberty, ed. Henry Hardy (Oxford: Oxford University Press, 2002), 166-217. For earlier critics of Berlin's two concepts of liberty, see Gerald C. MacCallum, 'Negative and Positive Freedom', *The Philosophical Review* 76, no. 3 (1967): 312-34; Charles Taylor, 'What's Wrong with Negative Liberty?', in *Philosophy and the Human Sciences: Philosophical Papers* (Cambridge: Cambridge University Press, 1985), 211-29.

[164] Skinner, *Liberty before Liberalism*, passim.

[165] Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

[166] Hume's understanding of modern liberty might have influenced Adam Smith, but my exposition of Hume's relation to liberty as non-domination is indebted to Paul Sagar's interpretation of Smith's theory of modern liberty. See Paul Sagar, *Adam Smith Reconsidered: History, Liberty, and the Foundations of Modern Politics* (Princeton: Princeton University Press, 2022), 54-112.

Hume, although 'free states' were superior to absolute governments in classical antiquity, this was no longer the case in modern Europe, where monarchies became 'civilized' and law-governed by learning the rule of law from republican governments. Although in 'civilized' monarchies the people 'depend[ed] on none but their sovereign, for the security of their property', this dependence was rarely felt; therefore, 'by a just and prudent administration', 'civilized' monarchies 'may afford tolerable security to the people, and may answer most of the ends of political society', i.e., the preservation of justice and the provision of personal liberty.[167] Hume maintained that it was only 'in a high political rant' that 'civilized' monarchy might still be called tyranny, and that the commonwealthmen were wrong when 'they brand[ed] all submission to the government of a single person with the harsh denomination of slavery'.[168] Whilst neo-Roman thinkers, most notably James Harrington, had praised the ancient republic as an 'empire of laws and not of men', Hume explicitly objected that it 'may now be affirmed of civilized monarchies, what was formerly said in praise of republics alone, *that they are a government of Laws, not of Men*'.[169]

Not only did Hume reckon with the security of personal liberty in modern law-governed monarchies, but he further suggested that small republican governments featuring direct democratic rule need not protect personal security, and had better be avoided in modern Europe.[170] With regard to the conditions of liberty, Hume viewed ancient republics or 'free states' as defective for three main reasons. First, ancient republics were enormously oppressive to the people they conquered. Hume established it as a maxim that 'though free governments have been commonly the most happy for those who partake of their freedom; yet are they the most ruinous and oppressive to their provinces'.[171] He observed that the Romans were 'cruel tyrants … over the world during the time of their commonwealth', but the yoke 'became easier upon the provinces'

[167] Hume, 'Rise and Progress', E 125.
[168] Hume, 'Rise and Progress', E 125. 'Populousness', E 383.
[169] Harrington, *Oceana*, 8, 20-21; Hume, 'Of Civil Liberty', E 94.
[170] I am grateful to Robin Douglass for pointing this out.
[171] Hume, 'That Politics', E 18-19.

even under the Roman Empire.[172] Hume believed that this maxim remained valid even in modern times, for the 'provinces of absolute monarchies [were] always better treated than those of free states' in modern Europe.[173] Second, Hume was among the first to criticise ancient republics for being based on slavery.[174] Slaves were excluded from 'those who partake of their freedom', but early-modern admirers of ancient republics rarely included this fact in their political language. As Skinner himself acknowledged, neo-Roman theorists 'have little to say about the dimensions of freedom and oppression inherent in such institutions as the family or the labour market'.[175] Hume exposed and criticised the hypocrisy of the commonwealthmen, because those 'passionate admirers of the ancients, and zealous partizans [sic.] of civil liberty … cannot forbear regretting the loss of this institution', and 'would gladly reduce the greater part of mankind to real slavery and subjection'.[176] Third, the politics of ancient republics were violent and turbulent. Liberty as Hume understood it requires stability and moderation, which was absent in ancient republics. It is 'very difficult, if not altogether impracticable', to exclude factions from free governments; but Hume found the frequent and violent conflicts between factions in ancient republics—not least between the nobles and the people—very inhumane and immoderate.[177] The ancient people, Hume remarked, 'were extremely fond of liberty; but seem not to have understood it very well'.[178] Furthermore, Hume was concerned that the zealous pursuit of political liberty or rushed attempts to establish a republic could lead to tyranny and the loss of even personal liberty—after all, it was the commonwealthmen's and parliamentarian leaders' spirit of liberty, and even ambition to transform England into a republic, that culminated in 'the murder of Charles I' and the military despotism of Cromwell.[179]

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172 Hume, 'That Politics', E 19-20.
173 Hume, 'That Politics', E 21.
174 Charette, 'Politics of Slavery'.
175 Skinner, *Liberty before Liberalism*, 17.
176 Hume, 'Populousness', E 383.
177 Hume, 'Populousness', E 407.
178 Hume, 'Populousness', E 408.
179 Hume, *History*, 6:3.

Hume was not the first to criticise neo-Roman theorists; Hobbes did it earlier. Yet despite the similarity between their critiques of neo-Roman ideas, Hume would not have agreed with Hobbes's understanding of liberty.[180] Writing before Hume, Hobbes contended that neo-Roman theorists had confused 'the Libertie of Particular men' with 'the Libertie of the Commonwealth', and mistakenly supposed that individual freedom was dependent on the existence of a free state understood in specifically republican (i.e., participatory) terms.[181] Hume would have agreed with Hobbes on this point, but he would have rejected Hobbes's approach to theorising liberty and Hobbes's conception of liberty. As Danielle Charette has suggested, a critical difference between Hume's and Hobbes's concepts of liberty is that Hume's 'entails an *historical* claim about the collapse of feudal slavery'.[182] Moreover, in cutting off the necessary connection between personal liberty and 'free state' as Hobbes had done, Hume did not retreat to Hobbes's minimal conception of liberty as the mere absence of physical constraint. Nor did Hume agree with Hobbes that liberty is consistent with a potentially unlimited degree of fear.[183] Hume was not a spokesman for negative liberty, which (in theory) can be achieved under any form of government; he even famously condemned that 'Hobbes's politics are fitted only to promote tyranny'.[184] The key to Hume's idea of modern liberty is the security of the life, person, and property of the individual against arbitrary power; this idea of liberty is incompatible with fear and domination.

Therefore, Hume stands as an example reminding us that republicans have no monopoly on theorising liberty as non-domination. Hume valued the independence of individuals from arbitrary will or arbitrary power, but he neither endorsed the relevance of republican government

[180] I am indebted to Dulyaphab Chaturongkul for pressing me to consider this point.

[181] Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), 148-49. As Robin Douglass has pointed out, Hobbes's criticism was later taken up by 'what may be loosely described as a liberal tradition of thinkers who argued against what they took to be a version of republicanism that equated liberty with the authority of the people, or democratic rule'. Whilst Douglass has mentioned Montesquieu, Constant, and Berlin as notable members of this tradition, Hume, too, ought to be added to the list. Robin Douglass, 'Thomas Hobbes's Changing Account of Liberty and Challenge to Republicanism', *History of Political Thought* 36, no. 2 (2015): 305-6.

[182] Charette, 'Politics of Slavery'.

[183] Hobbes, *Leviathan*, 146.

[184] Hume, *History*, 6:153. Hume would agree with Montesquieu, who also insisted on the incompatibility between liberty and arbitrary government. See de Dijn, *French Political Thought*, 29.

to modern personal liberty, nor regarded civic virtue or direct democratic participation as necessary for eliminating domination under the conditions of European modernity. Rather, it is a 'maxim' of Hume's science of politics that '*a people voting by their representatives*' forms the best democracy.[185] The lesson from which Hume learned this conclusion is the constitution of the Roman Republic, which he insisted was poorly designed. By conferring all legislative power on the people collectively and directly—neither with a representative assembly, nor checked by the nobility or consuls—the Roman Republic was seized, first by the corrupted city tribes, then by anarchy, and finally by 'the despotic power of the CÆSARS'.[186] Hume saw the foundation of modern liberty in the rule of law, which he observed had become the new norm in large-scale law-governed modern European monarchies. By recognising the disentanglement of the rule of law from 'free states' under modern conditions, Hume—together with Montesquieu and Smith—showcased how one can make non-domination the central criterion of liberty without subscribing to republicanism.[187]

Writing shortly before the height of the Scottish Enlightenment, Hume's monumental understanding of ancient and modern liberty would prove, to borrow from his own vocabulary, an 'epoch' in the history of Western political thought. Shortly after the publication of the final volume (i.e., Volume II) of the *History of England* in 1761,[188] Adam Smith, who was certainly familiar with Hume's *Essays* and *History*, delivered his 1762-63 *Lectures on Jurisprudence*, which now serve as an important source for reconstructing Smith's own theory of liberty. Following Hume, but expressing himself in a more elaborate and systematic manner, Smith also conceived of modern liberty as the security of individual life, person, and property in post-feudal Europe as driven by luxury and achieved through the rule of law—in doing so, Smith also distanced himself from

[185] Hume, 'That Politics', E 18.

[186] Hume, 'That Politics', E 16; see also Hume, 'Refinement', E 276, where he argues that the disorders in Roman Republic were not caused by 'luxury and the arts', but by their 'ill modelled government, and the unlimited extent of conquests'.

[187] Sagar, *Adam Smith Reconsidered*, 96-104. Douglass, 'Montesquieu and Modern Republicanism', 716, also reminds us that 'stressing the importance of liberty against arbitrary power was by no means the preserve of republicans'.

[188] Volume II of Hume's *History of England*, although dated 1762 on its title page, was published in November 1761. Harris, *Hume: An Intellectual Biography*, 404.

republicanism.[189] In 1783, the University of Edinburgh welcomed the young Benjamin Constant, who in 1819 delivered his seminal speech 'The Liberty of the Ancients Compared with that of the Moderns'.[190] Conceiving of ancient liberty as the collective self-rule of citizens and modern liberty as individuals' enjoyment in their personal or private sphere, Constant criticised the ideal, which he associated with Jean-Jacques Rousseau and the Abbé de Mably, of seeking to restore ancient political liberty in modern Europe.[191] Much of Constant's idea had been anticipated in the political writings of Hume, whose inspection of modern liberty was not only half a century earlier than Constant's, but involved a comprehensive comparison between the liberty of the Greeks, Romans, Saxons, Goths, and that of the modern Europeans.[192]

Building on my analysis of Hume's critique of the republican or neo-Roman idea of liberty, we are better placed to understand his relationship to republicanism. If there was once an opposition between the republican and liberal traditions in the history of modern political thought, then Hume unambiguously leaned to the liberal side much more than the republican side.[193] But the existence of such an opposition is dubious. As Knud Haakonssen has pointed out, 'the opposition between liberalism and republicanism, while a source of inspiration for the recent

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[189] In the *Wealth of Nations*, Smith remarked that 'commerce and manufactures gradually introduced order and good government, and with them, the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbours, and of servile dependency upon their superiors. This, though it had been the least observed, is by far the most important of all their effects. Mr. Hume is the only writer who, so far as I know, has hitherto taken notice of it.' Smith, *Wealth of Nations*, III.iv.4. On Smith's concept of modern liberty, see Sagar, *Adam Smith Reconsidered*, 54-112.

[190] Patrice Courtney, 'An Eighteenth-Century Education: Benjamin Constant at Erlangen and Edinburgh (1782-1785)', in *Rousseau and the Eighteenth Century: Essays in Memory of* R. *A. Leigh*, ed. Marian Hobson, John Leigh, and Robert Wokler (Oxford: Oxford University Press, 1992), 295-324.

[191] Benjamin Constant, 'The Liberty of the Ancients Compared with That of the Moderns', in Benjamin Constant, *Political Writings*, trans. and ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 307-28. For a helpful discussion, see Jeremy Jennings, 'Constant's Idea of Modern Liberty', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge: Cambridge University Press, 2009), 69-91.

[192] Burrow, *Whigs and Liberals*, 28-29; Castiglione, '"That Noble Disquiet"', 48-69; Berry, *Idea of Commercial Society*, 126-29; Biancamaria Fontana, introduction to *Political Writings*, by Benjamin Constant, 15-16; Henry C. Clark, 'Benjamin Constant: Soulful Theorist of Commercial Society', *Journal des Économistes et des Études Humaines* 28, no. 1 (2022): 91-103.

[193] For both Skinner and Pettit, the history of modern political thought features both an opposition between republicanism and liberalism, and the triumph of the latter over the former; it is against this background that they call for a revival of republican political theory. Following Berlin's canonisation of Constant, both Skinner and Pettit acknowledge Constant as a major liberal thinker. Friedrich Hayek also contributed to the canonisation of Constant by aligning him and Montesquieu with English rather than French liberalism. Skinner, *Liberty before Liberalism*, x; Pettit, *Republicanism*, 18, 27, 50; F. A. Hayek, *The Constitution of Liberty: The Definitive Edition*, ed. R. Hamowy (Chicago: University of Chicago Press, 2011), 110-11.

revival of the latter, is more an invention of this revival than ascertainable historical fact'.[194] Hume's idea of modern liberty proves a powerful case against the invocation of such an opposition. By insisting on the importance of the rule of law and the absence of arbitrary will without subscribing to the necessity of democratic participation or republican forms of government, Hume may best be read as one of a group of insightful political thinkers who critically adapted the legacy of republicanism to help initiate a liberal tradition of political thought that could better meet the needs of modern politics.[195]

V. Conclusion

In this chapter, I have examined Hume's idea of liberty and especially modern liberty. Equipped with the conceptual distinction between personal liberty and political or civil liberty, Hume not only supplied a fruitful comparison between the liberty of the moderns and that of the ancients, but pioneered a new approach to thinking about modern liberty in terms of non-domination whilst distancing this from either classical or neo-Roman republicanism. Key to Hume's theory of liberty are his recognition of the dignity and moral worth of the common people, who had historically been excluded from the political language of the republicans, and his recognition that the politics of small participatory ancient republics was no longer suitable for modern European states. As a result, Hume was not only a theorist but a proponent of modern liberty. For Hume, ancient liberty was the power of free citizens, kings, nobles, lords, and barons to rule, dominate, and even tyrannize over slaves, villeins, vassals, and even commoners, whilst modern liberty, understood as the unconditional security of the life, person, and property enjoyed by all individual members of society against arbitrary power, reflected genuine progress in modern politics.

[194] Knud Haakonssen, 'Republicanism', in *A Companion to Contemporary Political Philosophy*, ed. Robert E. Goodin, Philip Pettit, and Thomas Pogge, 2 vols., 2nd ed. (Oxford: Blackwell, 2017), 2:732. For a relevant discussion, see Steve Pincus, 'Neither Machiavellian Moment nor Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth', *American Historical Review* 103, no. 3 (1998): 705-36.

[195] Hont, *Jealousy of Trade*, 21; Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (Cambridge: Cambridge University Press, 2008); de Dijn, *French Political Thought*, 20-32; de Dijn, '*On Political Liberty*'; Douglass, 'Montesquieu and Modern Republicanism'; Henry C. Clark, 'Is Political Liberty Necessary for Economic Prosperity? The Long Eighteenth Century', *Journal of Policy History* 29, no. 2 (2017): 211-37; Sagar, *Adam Smith Reconsidered*, 54-112.

Conclusion

Throughout this thesis, I have provided a comprehensive exposition of Hume's historical understanding of modern politics by thematically investigating his theories of the balance of power, the modern state, political obligation and legitimacy, and ancient and modern liberty. Hume is both a theorist and a proponent of modern politics. Modern politics, as Hume understands it, concerns the mode of human interdependence that had been operating in Western Europe since the turn of the sixteenth century, when the fragmentary power structure of the feudal age began to morph into the unified authority of sovereign states, to whom subjects submitted directly. This historical process, now known as the building of the modern state, changed the political landscape both domestically and externally. On the one hand, the end of the feudal system proved a favourable turn for the liberty and security of the common people, who formerly lived under the oppression of the great barons. On the other hand, it created an international system composed of various bordering and competing states, between which the balance of power was historically entangled with conflict and war. As a theorist of modern politics, Hume was one of the first political thinkers to supply a comprehensive analysis of its historical distinctiveness, in contradistinction to both ancient politics and Europe's feudal past. As a proponent of modern politics, Hume proclaimed that the modern world was superior to the ancient world in politics, the economy, and human happiness, if not unequivocally in art and culture.[1]

In this conclusion I discuss the general implications that can be derived from reading Hume as both a theorist and a proponent of modern politics. I suggest that this thesis makes three contributions to Hume scholarship and the study of the history of political thought. First, by focusing on Hume's historical consciousness and historical understanding of modern politics, it offers a new way of understanding Hume's political thought that departs from and corrects several

[1] For a similar point, see James A. Harris, *Hume: A Very Short Introduction* (Oxford: Oxford University Press, 2021), 1-2.

previous approaches. Second, using Hume as a case study and evaluating his relation to the republican tradition, this thesis sheds light on the ongoing debate over the relationship between liberalism and republicanism in early modern political thought. Third, by paying attention to the use of history in Hume's analysis and defence of modern politics, this thesis also echoes recent calls for the importance of history in political theory.[2] Correspondingly, this conclusion proceeds in three sections. Summarising the findings of the foregoing chapters, I first reflect on Hume's case for the superiority of modern politics. Then, I consider the way in which Hume both distanced himself from various forms of republicanism, and contributed towards the transformation of republican ideas into the goals of what may be called a liberal tradition. Finally, I briefly remark on the role of history in Hume's political thinking.

I. The Values of Modern Politics

Why did Hume maintain that the politics of the modern world were preferable to those of the ancient (and the medieval) world? As I suggested in the Introduction, there are three primary goods or values in Hume's political thought: peace, authority, and liberty. Peace is the absence of external war. Authority is the opposite of anarchy and the absence of civil disorder. Liberty—more precisely, personal liberty—is the absence of arbitrary power. Based on his historical investigation into ancient and modern politics, Hume saw significant improvements, or the possibility of improvements, in the conditions of peace, authority, and liberty in Europe after approximately 1500, as compared to the historical situation of Europe in all previous ages.

Hume believed that peace was more feasible in modern Europe than in the ancient world, even though he did not embrace peace as the highest value in politics. As we have seen in Chapter 1, Hume recognised the tension between the European states system and the elimination of war,

[2] See especially István Hont, 'Adam Smith's History of Law and Government as Political Theory', in *Political Judgement: Essays for John Dunn*, ed. Richard Bourke and Raymond Guess (Cambridge: Cambridge University Press, 2009), 131-71; Richard Bourke, 'History and Normativity in Political Theory: The Case of Rawls', in *History in the Humanities and Social Sciences*, ed. Richard Bourke and Quentin Skinner (Cambridge: Cambridge University Press, 2023), 165-93; Quentin Skinner, 'Political Philosophy and the Use of History', in *History in the Humanities and Social Sciences*, 194-210.

but he did not endorse any plan for perpetual peace. Durable peace could arguably be attained under a universal monarchy or a confederacy of states—both were potential ways of managing European affairs that were distinct from the existing states system—but Hume insisted that the balance of power in a disunited Europe was the best that we could hope to achieve in modern politics. Hume regarded Saint-Pierre's proposal for a European Union as too utopian to be feasible, whereas he rejected the potential future of Europe under a universal monarchy as destructive to liberty. Still, Hume saw reason to hope for a more stable balance of power in modern Europe. Advancements in the arts, sciences, and commerce allowed European states to pursue grandeur in a more peaceful manner, by promoting civilisation and raising the people's standard of living. Moreover, even though it would be impossible to completely remove the root of war from human nature, the scope and manners of war could nevertheless be contained. In this regard, Hume pointed out that the civilising effect of the arts, sciences, commerce, luxury, and learning had made the principle of modern war less violent and destructive than that of ancient war. Whilst ancient republics were involved in 'bloody', 'destructive', and 'perpetual' wars more or less by necessity, the moderns were capable, to say the least, of avoiding such an inhumane mode of political life.[3]

For Hume, authority is another value that was better secured in modern than in pre-modern Europe. As my explication of Hume's view of political authority in Chapters 2 and 3 suggests, Hume preferred the modern state to all previous forms of political organisation. Since the interdependence of humans in any large or lasting society would give rise to some form of organised power amongst themselves, Hume was not interested in the concept of the state of nature, which in the hands of contract theorists typically referred to the pre- or non-political state where no common power existed.[4] Historically, there had been various ways in which authority

[3] David Hume, 'Of the Populousness of Ancient Nations', in *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller, rev. ed. (Indianapolis: Liberty Fund, 1987), E 404-05; see also 'Of Commerce', E 259n. Hereafter, references to Hume's *Essays* are made by giving essay title, 'E', and page number.

[4] In Book III of the *Treatise*, Hume famously commented that the state of nature is 'a mere philosophical fiction', 'a mere fiction', and an 'imaginary state'. David Hume, *A Treatise of Human Nature: A Critical Edition*, ed. David Fate Norton and Mary J. Norton, vol.1: *Texts* (Oxford: Oxford University Press, 2007), T 3.2.2.14, SBN 493; T 3.2.2.15, SBN 493; T 3.2.2.28, SBN 501. Hereafter cited as *Treatise*, giving 'T', book number, part number, section number, paragraph number, and the page number of the SBN edition. See also David Hume, *Enquiries Concerning Human*

was organised and exercised. Hume preferred a strong and unified authority, which proved favourable to the common people but destructive to lords, barons, and aristocrats, who longed for power and domination over their inferiors. Hume valued a law-governed polity because the regular exercise of authority afforded the common people greater security against their rulers and magistrates. Hume also praised modern governments for their capacity to achieve better 'police' and provide individuals with enhanced protection against the injustice of their equals. In contradistinction to ancient republics, the Roman Empire, and the feudal system, Hume regarded modern European states as the loci of more effective political authority.

Liberty, understood as the security of life, person, and property, is the flip side of authority in Hume's political theory. As explored in Chapter 4, Hume saw the authority of the modern state as the best precondition of personal liberty. In various forms of pre-modern polities, one's personal liberty and security had been conditional on their share of political power, and the powerless had been either real slaves or reduced to the status of slaves, subject to the arbitrary power of their masters or superiors. Modern politics, by contrast, witnessed the enlargement of personal liberty, first as a result of the decline of the feudal system and the rise of centralised monarchical power, and then by the establishment of the rule of law. Modern liberty, as Hume understood it, was a kind of political equality or equality before the law enjoyed by all individuals, including those from the lowest ranks. Whilst those had historically been subject to various forms of oppression or domination by their masters or lords, in modern Europe they secured formal equality to the wealthy or the powerful. Crucially, the legal or political liberty of the moderns was not economic equality or equality of property: the latter had existed amongst the citizens of ancient republics, and was advocated by its modern admirers. Compared with the 'equality of fortune among the citizens' in republics based on slavery, Hume preferred the combination of enlarged personal liberty and some degree of economic inequality—the modern combination that both

Understanding and Concerning the Principles of Morals, ed. L. A. Selby-Bigge and P. H. Nidditch, 3rd ed. (Oxford: Oxford University Press, 1975), 189.

offered basic dignity and security to all, and allowed the 'the gayer and more opulent part of the nation' to desire 'a more splendid way of life than what their ancestors enjoyed'.[5]

Ultimately, Hume was a political theorist of ordinary people. Throughout his political writings, Hume showed great respect for the moral values of the common people, many of whose pre-modern counterparts had been slaves, serfs, villeins, and vassals burdened by various chains of personal dependence or domination. This is not to say that Hume was a political theorist of radical egalitarianism or democratic rule, because in the name of modern liberty he championed the value of legal and political equality, which arose in modern Europe in conjunction with increasing economic inequality. Yet on a fundamental level, not only did Hume judge that ordinary people benefitted enormously from this historical process, but by proclaiming that government has 'no other object or purpose but the distribution of justice, or, in other words, the support of the twelve judges',[6] Hume's political theory sought to defend the interest not of the rich exclusively, but of everyone in a hierarchical society. Therefore, his celebration of Europe's post-feudal commercial modernity notwithstanding, Hume is properly thought of not as a spokesperson of the bourgeoisie or a theorist of 'possessive individualism',[7] but, as I have argued in Chapter 4, as

[5] Hume, 'Populousness', E 401; 'Of Commerce', E 264. My reading of Hume therefore reaffirms István Hont's insightful remark on the 'paradox of commercial society', i.e., that political and economic equality failed to progress hand in hand under the conditions of commercial modernity. István Hont, *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* (Cambridge, MA: Harvard University Press, 2005), 92, 439-40, 443; Paul Sagar, 'Istvan Hont and Political Theory', *European Journal of Political Theory* 17, no. 4 (2018): 486-87.

[6] Hume, 'Of the Origin of Government', E 37.

[7] In *The Political Theory of Possessive Individualism*, C. B. Macpherson suggested that Hume followed Hobbes, Harrington, the Levellers, and Locke, whose political theories were the product of what he called a 'possessive market society'—a society where market relations 'shape or permeate all social relations'—and shared the implicit assumption of what he called 'possessive individualism', according to which society 'can only be a series of relations between sole proprietors, i.e. a series of market relations'. Macpherson claimed that Hume (and Bentham) operated in this tradition but removed the façade of natural law from the outlook of Locke's political philosophy. Isaiah Berlin commented in an ironical tone that on Macpherson's reading, the possessive individualists were 'the spokesm[e]n of the bourgeoisie' and 'the voice of a liberal-capitalist society'. However, my exposition of Hume's view of modern politics shows that as a historical political thinker, Hume did not rely on the assumption of possessive individualism, but supplied a historical explanation of the birth of what he called 'the middling rank of men', including merchants, manufacturers, professional workers, yeoman farmers, and even part of the gentry. In his historical enquiry, Hume neither reduced his conception of the individual to abstract, selfish, and possessive proprietors, nor viewed the society simply as a series of market relations exempt from various forms of power relation and domination. C. B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1962), 48, 264, 270; Isaiah Berlin, 'Hobbes, Locke and Professor Macpherson', *The Philosophical Quarterly* 35, no. 4 (1964): 445, 453. For Macpherson's view of Hume, see also C. B. Macpherson, 'The Economic Penetration of Political Theory: Some Hypotheses', *Journal of the History of Ideas* 39, no. 1 (1978): 101-18. For a comprehensive challenge of the possessive individualist reading of Hume, see David Miller, 'Hume and Possessive Individualism', *History of Political Thought* 1, no. 2 (1980): 261-78. For

one of a group of what may be called liberal political thinkers including Montesquieu, Adam Smith, and Benjamin Constant.[8]

II. Further Reflections on Hume and Republicanism

Reading Hume as part of a liberal tradition invites further reflections on how to understand his place in the history of political thought, especially with regard to the ongoing debate over the relationship between liberalism and republicanism in the early modern period. Having discussed Hume's critique of virtue-based classical republicanism and the neo-Roman or republican theory of liberty in Chapter 4, I turn to explicate some crucial ways in which Hume could respond to two prominent political thinkers who are often associated with republicanism: Machiavelli and Rousseau.

Both Machiavelli and Hume regarded liberty and greatness as important goals in politics, but their conceptions of liberty and greatness differ sharply. In his *Discourses on Livy*, one of the canons of classical republicanism, Machiavelli supplied a nuanced analysis of the relationship between liberty or freedom (*libertà*) and greatness or grandeur (*grandezza*). On the one hand, liberty and greatness are connected. *Libertà* entails independence from external forces, which is best secured by *grandezza* through expansion and conquest. But *grandezza* requires *libertà*, which in turn requires a (typically republican) government that works for the common good. The liberty and greatness of Rome, therefore, commenced from the expulsion of the Tarquins.[9] Machiavelli famously remarked that 'cities have never expanded either in dominion or in riches if they have

further interpretations of Hume's social theory as comprising more than mere economic or market relations, see Christopher J. Finlay, 'Hume's Theory of Civil Society', *European Journal of Political Theory* 3, no. 4 (2004): 369-91; *Hume's Social Philosophy: Human Nature and Commercial Sociability in* A Treatise of Human Nature (London: Continuum, 2007), 124-43. For a recent interpretation associating Hume with capitalism, see Margaret Schabas and Carl Wennerlind, *A Philosopher's Economist: Hume and the Rise of Capitalism* (Chicago: University of Chicago Press, 2020).

[8] Steve Pincus has helpfully suggested that this commerce-driven strand of liberalism, which later found its most sophisticated exposition in Adam Smith's works, was 'neither Machiavellian moment nor possessive individualism', despite his main argument being that liberalism, thus understood, can be traced to the arguments of some seventeenth-century English commonwealthmen. Steve Pincus, 'Neither Machiavellian Moment nor Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth', *American Historical Review* 103, no. 3 (1998): 705-36.

[9] Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), I.9, I.16, II.2.

not been in freedom', and that 'it is very marvelous to consider how much greatness Rome arrived at after it was freed from its kings'.[10] Machiavelli further suggested that 'keeping the public rich and the private poor, and maintaining military exercises with the highest seriousness is the true way to make a republic great and to acquire empire'.[11] On the other hand, Machiavelli was aware of the tension between liberty and greatness.[12] Rome could not have conducted extensive conquest and obtained its greatness without the extension or prolongation of military command, but this practice 'in time made Rome servile' and proved destructive to liberty: the liberty that the Roman people obtained by the expulsion of the Tarquins was lost when Sulla and Marius 'could find soldiers who would follow them against the public good' and when Caesar 'could seize the fatherland'.[13] The pursuit of greatness, which had supported Rome's liberty, eventually brought the same liberty to its end.

In Hume's vision of modern politics, 'liberty' (or 'freedom') and 'greatness' (or 'grandeur') acquired new meanings and a new relationship. In Chapter 4, I argued that whilst Hume conceived modern liberty as non-domination or independence from arbitrary will as achieved through the rule of law, he nonetheless maintained that in modern Europe, the rule of law was not exclusive to republican government. Hume further suggested that self-governed republics or direct democratic rule need not guarantee personal liberty, but may operate against it. In doing so, Hume both distanced himself from neo-Roman theorists, who drew inspiration from Machiavelli's understanding of liberty, and bestowed on the word 'liberty' a (proto-)liberal meaning different

[10] Machiavelli, *Discourses*, II.2. As Quentin Skinner puts it, for Machiavelli 'no city can ever attain greatness unless it upholds a free way of life', and 'no city can ever uphold a free way of life unless it maintains a republican constitution'. Quentin Skinner, 'Machiavelli's *Discoursi* and the Pre-Humanist Origins of Republican Ideas', in *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner and Maurizio Viroli (Cambridge: Cambridge University Press, 1990), 141.

[11] Machiavelli, *Discourses*, II.18; see also I.37, III.16, III.25. According to John McCormick, Machiavelli's repeated suggestion to make the public rich and the citizens poor implies his endorsement of an egalitarian distribution of property in republics. John P. McCormick, *Reading Machiavelli: Scandalous Books, Suspect Engagements, and the Virtue of Populist Politics* (Princeton: Princeton University Press, 2018), 45-68.

[12] On this point, see especially David Armitage, 'Empire and Liberty: A Republican Dilemma', in *Republicanism: A Shared European Heritage, Volume II: The Values of Republicanism in Early Modern Europe*, ed. Martin van Gelderen and Quentin Skinner (Cambridge: Cambridge University Press, 2002), 29-46.

[13] Machiavelli, *Discourses*, III.24.

from its republican connotation. In Chapter 1, I mentioned that Hume suggested that the greatness of modern European states was due to their economic and civilisational achievements, rather than their territorial conquest or expansion. To show how Hume bestowed on 'grandeur' a different meaning than Machiavelli's usage, it is worth quoting again from 'Of Refinement in the Arts':

> The bounds of all the EUROPEAN kingdoms are, at present, nearly the same they were two hundred years ago: But what a difference is there in the *power and grandeur* of those kingdoms? Which can be ascribed to nothing but the encrease of art and industry.[14]

Finally, as we have also seen in Chapter 1, in 'Of Commerce', the first essay in his *Political Discourses*, Hume rejected the 'ancient policy' of pursuing the grandeur of the state at the cost of the happiness of the people. Whilst Hume contended that there had been a contradiction between the greatness of the state and the happiness of its subjects that led ancient princes to adopt the 'ancient policy', he unequivocally insisted that this tension did not obtain under modern conditions: by employing the superfluous labour of agricultural workers in manufacturing and commerce in peaceful times, and in public or military service during wartime, the modern state was both more prosperous and more powerful than the ancient republic. As a result, Hume replaced Machiavelli's classical republican ideals of *libertà* and *grandezza* with modern, liberal goals of personal liberty and economic prosperity; whilst there had been a tension between republican liberty and greatness in the ancient republic, personal liberty and economic prosperity were perfectly compatible in modern Europe.[15]

Rousseau, however, would reject Hume's endorsement of the modern policy, not least on the ground that it jeopardised liberty. Combining republicanism with contract theory, Rousseau renewed the republican idea of liberty as democratic rule on an elaborate philosophical foundation.

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[14] Hume, 'Of Refinement in the Arts', E 273 (my emphasis); cf. 'Of Civil Liberty', E 89: 'The great opulence, grandeur, and military achievements of the two maritime powers seem first to have instructed mankind in the importance of an extensive commerce.'

[15] Therefore, Armitage both goes too far when he refers to Hume (and Smith) as 'Scottish Republicans' who 'remained firmly within the confines of the republican tradition', and goes not far enough when he correctly claims that Hume 'shared Machiavelli's interest in the pathology of territorial expansion' but nonetheless fails to put enough emphasis on the fact that what Hume recommended was the modern policy, not, as Machiavelli had done, the path of Rome, where Armitage illustrates that 'at least the bitter pill of servitude would be sweetened by the brief taste of glory that came with *grandezza*'. Armitage, 'Empire and Liberty', 35, 44-46.

Rousseau claimed that political society ought to be 'a form of association that will defend and protect the person and the goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before'.[16] The only solution to this problem, according to Rousseau, is the social contract by which '*[e]ach of us puts his person and his full power in common under the supreme direction of the general will; and as a body we receive each member as an indivisible part of the whole*'.[17] It is only through the General Will—the 'steady will of all the members of the State'—that men become citizens and come to enjoy civil and moral freedom.[18] Therefore, Rousseau's verdict is that liberty in political society must be achieved by the people ruling themselves and being the author of their own fundamental laws, whereas all governments that operate without the General Will necessarily make the people (or at least part of them) subject to the will of others, and are therefore illegitimate.[19]

Hume did not engage with Rousseau's political thought explicitly, but his analysis of modern politics constitutes a potential response to Rousseau. As I have discussed in Chapter 3, Hume's critique of contract theory was targeted at Locke and his disciples. Yet even if Hume did not intend to oppose Rousseau directly, his critique of the consent-based theory of political obligation and his appeal to history and opinion nevertheless allow us to see how he might respond to Rousseau's challenge. Hume would agree with Rousseau—indeed, with almost all major political thinkers—on the fundamental level that might does not make right, and that political obligation is a moral duty. But according to Hume, the moral obligation to obey government is not based on any philosophical argument, but determined by 'every one think[ing] so'.[20] Therefore, Hume did not think that the lack of voluntary consent or the General Will makes a government illegitimate. Nor did Hume think that submitting to the will of others necessarily jeopardises one's personal

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[16] Jean-Jacques Rousseau, *The Social Contract*, in The Social Contract *and Other Later Political Writings*, ed. and trans. Victor Gourevitch, 2nd ed. (Cambridge: Cambridge University Press, 2019), I.vi.4.

[17] Rousseau, *Social Contract*, I.vi.9.

[18] Rousseau, *Social Contract*, IV.ii.8.

[19] Rousseau, *Social Contract*, II.vi.9-10, III.xviii.9.

[20] Hume, *Treatise*, T 3.2.8.8, SBN 547.

liberty. For Hume, the obstacle to personal liberty was not others' will, but their *arbitrary* will, which he insisted was sufficiently removed by the rule of law, even though the people did not make the laws by themselves, as was the case in law-governed European monarchies. As a critic of both republican liberty and contract theory, Hume supplied an alternative way of making sense of modern politics that is less dependent on *a priori* philosophical premises but deeply grounded in historical enquiries.

III. Towards a Historically Grounded Political Theory

I finish this conclusion with a brief remark on Hume's historical approach to political theory. In this thesis, I have shown that Hume's historical consciousness of being modern led him to study modern politics in comparison with politics in previous ages, and to pay considerable attention to explaining how the modern state, the modern state system, and modern liberty emerged out of Europe's feudal past. This allowed Hume to cultivate a historically grounded political theory. Hume's historical approach to political theory was also an outgrowth of his early attempt to apply the experimental method of reasoning to moral sciences.[21] In the 'Introduction' to the *Treatise*, Hume wrote that moral science, including the science of politics, ought to be built on the foundation of 'experience and observation'.[22] Although Hume never finished the *Treatise* with a book dedicated to politics, as he had initially intended, his conviction that the science of politics ought to be based on experience remained unchanged. As his post-*Treatise* writings indicate, Hume regarded history as a major source of experience when studying politics. In 'Of Civil Liberty', Hume suggested that history provided us with experience or 'materials upon which we can reason',

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[21] The subtitle of the *Treatise* is 'Being an Attempt to Introduce the Experimental Method of Reasoning into Moral Subjects'. Many commentators have commented that Hume's aspiration was to be the Newton of the moral sciences: see especially J. A. Passmore, *Hume's Intentions* (Cambridge: Cambridge University Press, 1952), 42-64; Barry Stroud, *Hume* (London: Routledge & Kegan Paul, 1977), 1-16; Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975), 17. Against the Newtonian interpretation, Donald Livingston argues that Hume takes history, not natural science, as the paradigm of knowledge, and that 'Hume's science of man is primarily a historical science'; Thomas Merrill insists that Hume's intellectual model is not Newton but Socrates. Donald W. Livingston, *Hume's Philosophy of Common Life* (Chicago: University of Chicago Press, 1984), ix; Thomas W. Merrill, *Hume and the Politics of Enlightenment* (New York: Cambridge University Press, 2015), 1-33.

[22] Hume, *Treatise*, T Intro.7, SBN xvi.

and that the lack of historical experience constituted a great inconvenience for the study of politics.[23] In the first *Enquiry*, Hume claimed that the 'records of wars, intrigues, factions, and revolutions, are so many collections of experiments, by which the politician or moral philosopher fixes the principles of his science'.[24] Finally, in his various political essays and the *History of England*, Hume combined historical enquiry with theoretical reasoning, supplying both an analysis and a defence of modern politics, as I have explicated throughout this thesis.[25]

In taking a historical approach to political theory, Hume was less preoccupied with abstract ideas or values than he was with political institutions, their conditions, and their consequences. Whilst Hume acknowledged the importance of certain values such as peace, authority, and liberty, he was most interested in understanding what kind of political institutions had historically given rise to them or could best safeguard them—such as the common law, the rule of law, and 'civilized' government—and his endorsement of these values and their undergirding institutions was based on a careful comparison between the different modes of human life under ancient and modern conditions. This echoes Jeremy Waldron's recent call for a '*political* political theory', i.e., the kind of political theory that speaks to 'the way our political institutions house and frame our disagreements about social ideals and orchestrate what is done about whatever aims we can settle on'.[26] Yet at least for Hume—and for the group of political thinkers who, together with Hume,

[23] Hume, 'Of Civil Liberty', E 87.

[24] Hume, *Enquiries*, 83-84.

[25] There is, however, a crucial difference between Hume's understanding of history in his philosophical works and in his political writings: whilst the former have a Newtonian tenor, trying to find the general causes or principles of human nature, the latter accord more weight to historical contingencies. In the *Treatise*, Hume writes that the science of politics, as with other branches of moral sciences, ought to be based on the 'science of man', which concerns 'the principles of human nature'. Ideally, Hume's moral scientist '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'. In the first *Enquiry*, Hume claims that the 'chief use' of history is 'only to discover the constant and universal principles of human nature'. By contrast, in 'Of Commerce', Hume notes that although domestic politics usually 'depends on the concurrence of a multitude of causes', foreign politics is more susceptible of 'accidents and chances, and the caprices of a few persons'. In 'Of Original Contract', Hume comments that 'the science of politics affords few rules, which will not admit of some exception, and which may not sometimes be controuled by fortune and accident'. Hume, *Treatise*, T Intro.6-8, SBN xvi-xvii; *Enquiries*, 83; 'Of Commerce', E 254-55; 'Of the Original Contract', E 477; see also 'Of the Rise and Progress of the Arts and Sciences', E 111-14.

[26] Jeremy Waldron, '*Political* Political Theory', in *Political Political Theory: Essays on Institutions* (Cambridge, MA: Harvard University Press, 2016), 6. Jeremy Waldron introduces the idea of a '*political* political theory' with an invocation of Hume's essays, not least 'That Politics May Be Reduced to a Science', where Hume underlines the importance of political institutions in generating certain consequences.

embraced modern liberty and constituted what may be called a liberal tradition of political thought, including Montesquieu, Smith, and Constant—such a theory must be a historically grounded one, as it is from history that we learn what options are realistically available and to what mistakes we are repeatedly susceptible. If political theory aims to be 'useful' and if it concerns 'acquiring knowledge of public affairs, or the arts of civil government',[27] then history ought to be regarded as an indispensable part of this noble subject.

[27] David Hume, *The History of England: from the Invasion of Julius Caesar to the Revolution in 1688*, 6 vols. (Indianapolis: Liberty Fund, 1983), 3:82.

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