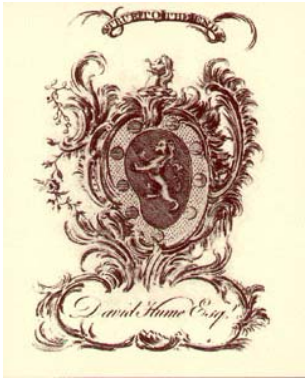

Jacobitism and David Hume: The Ideological Backlash Foiled

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JACOBITISM AND DAVID HUME: THE IDEOLOGICAL BACKLASH FOILED

It has often been said, and with some truth, that one of the weaknesses of the Jacobite movement was its lack of a systematic ideology or of a truly first-rate mind to expound its doctrines. There are of course those who would claim that in an earlier period Charles Leslie or Francis Atterbury easily fulfilled the necessary conditions as expositors, and that this tradition was continued in the years immediately before the '45 by Carte and Chevalier Ramsay. Yet there were weaknesses in Jacobite doctrine, some of which will be noted below. It is less often realised that, qua logical cogency, the arguments of the Whigs and other opponents of Jacobitism were, to say the least, in no better case. In a word, anti-Jacobite ideology completely failed in the task of devastating the Stuarts and their followers. This failure is apparent when we consider the writings of David Hume, who addressed himself on many occasions, either explicitly or implicitly, to the question of Jacobitism. One of Hume's aims was to give the Revolution settlement and the Hanoverian succession the respectable intellectual basis it did not possess from official Whig ideology. In this aim Hume unquestionably failed, his arguments being either internally inconsistent or lacking in the intellectual rigour necessary to topple his targets. Following the method attributed to Karl Popper by Brian Magee,[1] it will be instructive at this point to consider the anti-Jacobite case, not at its weakest, but at its strongest. In a word, it is proposed to consider in detail the political writings on the issue of Jacobitism of a man widely acknowledged to be the greatest British thinker of the eighteenth century and one of the finest philosophers of the ages. If the

most powerful mind in British philosophy was unable to contrive a theory or theories that could unseat Jacobitism as an ideology, this tends to indicate that the intellectual supports of the doctrine were nothing like so feeble as Whig apologists claimed, and that historians have been rather too quick to claim that eighteenth-century Jacobitism depended on a defunct or discredited belief-system.

First, however, two comments are necessary. Neither Jacobitism itself nor Hume's own writings possess the coherence the scholar might ideally wish for. Hume's critique has to be extracted from books and essays written over a thirty-year period, and none of these is a work of political theory per se. Moreover, these works address differing audiences and assume quite different things about the knowledge and philosophical acumen of their readers. This is quite apart from the fact that on some important issues Hume changed his mind over the years. At this level assessing Hume's meaning is often as difficult as the notorious problem of pinning down the 'real' Marx.

As for Jacobitism, its ideology is difficult to articulate, since it was composed of many heterogeneous strands. The ideology of English Jacobites was a 'partial' view of the world. It embraced the pre-1688 Tory notions of hereditary and indefeasible right, passive obedience and non-resistance. It took in the 'Country' critique of corruption and its nostalgia for a lost 'golden age'. The ideology of Scottish Jacobitism came nearer to being a *Weltanschauung*. Apart from its role as an ideology of nationalism, stressing the importance of a unique Scottish culture, it depended on a providential and mystical view of the world.[2]

Basically, there were three types of ideological Jacobitism. The first type, whose major

tenets had been exhaustively debated during the period 1688-1720, concerned the notions of divine, indefeasible right, passive obedience and non-resistance. This doctrine, particularly associated with pro-Stuart polemicists like Charles Leslie and Francis Atterbury, was still very much alive in Jacobite circles by 1745, though the debate between Whig and Tory on its implications had to some extent given way to the debate between exponents of Court and Country positions. The second type was Jacobitism as an ideology of Scottish nationalism. This was particularly associated with the mystics of North-Eastern Scotland like Chevalier Ramsay, and was a powerful influence in the '45 rebellion. The third type was Jacobitism as an offshoot of Country ideology. Perhaps the best representative of this species of Jacobitism was the great historian Thomas Carte.

Hume's thought as it relates to Jacobitism can be considered under a number of headings, in ascending order of importance and abstraction. As the argument deepens it will be found to engender increasing problems: Hume's thought will turn out to be either deficient in internal logic or unsatisfactory for some other reason.

1) The issue of Scotland.

It is well known that Hume was irritated by the narrow English chauvinism he perceived all around him in the mid-eighteenth-century. On many occasions he went out of his way to defend France and French government against its insular critics.[3] He was particularly disgusted with the widely diffused 'Scotophobia' in England and raged against the English for their arrogant disdain of the Scots.[4] Yet by and large nostalgic Scottish nationalism of the type championed by the Jacobites left Hume cold. In particular, like many another Lowland Scot, he had no

time for the idealisation of the Highlands and the encomia on the 'loyal clans'. There is no regret, but only the interest of a dispassionate observer in the famous 1749 letter to Montesquieu in which he explains the implications of the abolition of the heritable jurisdictions in the Highlands.[5] Hume argued that the heritable jurisdictions did not serve the function of a barrier against the power of the crown. They could play this role in an absolute monarchy, but in a limited monarchy their abolition worked in the direction of law and liberty. The same distaste for the glorification of the Highlands emerges clearly in his History when he argues that the balance of power is not necessarily assured when the central government is weak vis-a-vis lesser organs of government: *The Highlands of Scotland have long been entitled by law to every privilege of British subjects; but it was not till very lately that the common people could in fact enjoy these privileges.*[6]

2) The Stuarts.

Hume enraged public opinion in England on the publication of his History by the sympathetic treatment accorded to the Stuarts. He briskly disposed of the more obviously mendacious propaganda about the Scottish royal house: to begin with, he strongly dissented from Bolingbroke's judgment that the Whig and Tory parties were extrinsic to the British constitution since they had been created by the Stuart kings who chose to govern by faction.[7] Hume is also sceptical about the claims widely made in his time that liberty and the ancient constitution were destroyed by the first two Stuart kings.[8] He accurately pinned the Court writers in a dilemma: either liberty and the constitution are ancient, in which case the intellectual past must be sold to their Country opponents; or they are modern, in which case the first two Stuarts cannot be blamed for destroying something which did not exist.[9] Many of the

Court defenders of the 1688 settlement wanted to rebut the criticisms of the Country, while claiming that the reigns of James I and Charles I had been uniquely tyrannical. Hume demonstrated that such a posture was untenable: either all change before the Revolution (or at the earliest the Restoration of 1660) had simply been swapping one form of tyranny for another, in which case there was no point in singling out the Stuarts for particular excoriation; or liberty truly was ancient, which immediately disposed of all the Court propaganda about the uniqueness of the 1688 Revolution.[10]

3) The Political Parties of Great Britain.

It is simplest to begin by setting out some of Hume's ideas on British political parties. In *Of the Parties of Great Britain* he identifies the ideology of the Tories as consisting of the principles of passive obedience and indefeasible right and links them historically with the Cavaliers of the English Civil War. After explaining why the settlement made by the revolution of 1688 was not to their liking, he sums up:

> *A Tory, therefore, since the revolution, may be defined in a few words, to be a lover of monarchy, though without abandoning liberty; and a partizan of the family of STUART. As a WHIG may be defined to be a lover of liberty though without renouncing monarchy; and a friend to the settlement in the PROTESTANT line.*[11]

Hume adds that in Scotland no true Tory party ever existed and the political division there was between Whigs and Jacobites. There follows this revealing description of Jacobitism: *A JACOBITE seems to be a TORY, who has no regard to the constitution, but is either a zealous partizan of absolute monarchy, or at least willing to sacrifice our liberties to the obtaining the succession in that family to which he is attached.*[12] Hume goes on to correlate religious affiliation with Scottish political faction: the Presbyterians were Whigs and the Episcopalians Jacobites.

In *Of the Coalition of Parties* Hume suggests that the differences between Whigs and Tories were minimal, when considered dispassionately. The Tory objections to the Whig meaning of liberty, on grounds of religious fanaticism, now appear unreasonable. Moreover, the Tories' trump card -- that what is sanctioned by habit and usage is superior to what can be elaborated by rational excogitation -- can now be played against them, for the political system engendered by the Glorious Revolution has now endured for several generations:

> *Above all, they must be sensible, that the very principle, which made the strength of their party, and from which it derived its chief authority, has now deserted them, and gone over to their antagonists. The plan of liberty is settled; its happy effects are proved by experience; a long tract of time has given it stability; and whoever would attempt to overturn it, and to recall the past government or abdicated family, would, besides other more criminal imputations, be exposed, in their turn, to the reproach of faction and innovation.* [13]

Hume's plea is in effect an appeal to the Tory party to abandon its commitment to the House of Stuart. We may remark en passant that if the Tory party was not in fact imbued with Jacobite sentiment, Hume's appeal would have been pointless.

In all of this Hume's target is Bolingbroke, who in the Dissertation on Parties alleged that the Whig and Tory parties never reflected a real division in the nation except in so far as they coincided with the 'true' parties, those of the Court and Country. On this view, the Whig and Tory parties were not an intrinsic part of the British constitution but were a creation of the Stuart kings who chose to govern by faction.[14] Hume argues that Bolingbroke was not sufficiently alive to the nuances of the political situation after 1688. He agrees that au fond there is

no real distinction between Whigs and Tories, and he would be content to follow the typology Bolingbroke proposes of Court versus Country, with respective religious adjuncts of established clergy and dissenters.[15] This 'ideal type' of political party system could be seen in operation with the Cavaliers and Roundheads of the seventeenth century, who are the true ancestors of the Tories and Whigs. But 1688 introduced complications. The Tory principles of passive obedience and indefeasible right, in evidence from 1660 onwards, were not destroyed by the Glorious Revolution (though Hume thinks the 1688 demonstrated them to be absurd and illogical), since the Tories never really accepted the Revolution settlement. Hence the paradox that the Tories embraced monarchical principles but except for four years at the end of Anne's reign they opposed the monarch, showing *their quarrel was not with the throne but with the person who sat on it.*[16] Here Hume uses his favourite hermeneutic device -- the 'association of ideas' -- to explain the Jacobitism of the Tory party. By this process the love of monarchy was connected with the exiled Stuarts: *How easily does the worship of the divinity degenerate into a worship of the idol?*[17]

The debate between Hume and Bolingbroke on the proper analysis of British political parties turns in the end on the much-debated question of whether the Tory party was deeply Jacobite or not. For Hume the adherence of the Tory party to the House of Stuart was an immediate refutation of Bolingbroke's idea that the true differences between Whigs and Tories disappeared in 1688. As a Hume scholar has pointed out:

> What for Bolingbroke is a pathological symptom is for Hume a sign of the normal functioning of the Constitution, and what according to Bolingbroke exists no more is just what is disturbing the proper functioning of the system: the distinction

between Whig and Tory caused by the dynastic issue.[18]

Hume strongly disagreed with Bolingbroke on the Tory party's commitment to Jacobitism and the associated principles of passive obedience and divine, hereditary right. According to Hume, it was the factor of James II's religion alone that had led the Tories to act against their principles in 1688, and thereafter they had returned to these old principles and made a sharp distinction between kings de jure and de facto.[19] In this area of the dissection of political parties Hume is certainly more convincing than Bolingbroke and his theoretical analysis is borne out by empirical data on the Tory party's Jacobitism.

Hume criticises Bolingbroke on yet another ground in his treatment of political parties. According to Hume, Bolingbroke reduced all political parties to one type whereas even in the case of 'real' or organic political parties (as opposed to, say, the personalist factions of Renaissance Italy) there are three types, those based on interest, principle and affection.[20] Bolingbroke 'places' the Country party as a party of principle, whereas in Hume's view it is a mixture of two separate types, those of interest and principle. The Jacobites and even the Tory party, by contrast, are parties from 'affection'.[21] To provide a proper account of politics in the first half of the eighteenth century, Hume thinks, all these nuances have to be attended to. Bolingbroke's analysis is too crude; it uses a bludgeon where a rapier will do.

4) Court and Country.

Hume's relationship to the Court and Country parties provides material for an interesting study in itself. At first sight, Hume would appear to be firmly of the Country persuasion: his approval of the Church of England, his opinion that the National Debt would

eventually lead to national disaster, his disapproval of stockholders and stockjobbing, and dislike of standing armies on the continental model, all point to Country allegiances. In 1741 he revealed himself to be in favour of complete liberty of the press -- a cherished item on the Country programme. Moreover, he constantly adhered to the view that the militia was preferable to the standing army. In *Of the Protestant Succession* he explicitly links the issue of the militia with that of Jacobitism when he says that the problem with a disputed succession is that it means a prince dares not arm his subjects; this has the result that the militia principle is inoperable and we are then stuck with the evil of a standing army.[22]

But against this apparent propensity to Country principles, we must set a countervailing and much more powerful tendency to embrace the Court position. In 1742 he opposed the Triennial Bill and argued that there was no need for more frequent parliaments. In *Of the First Principles of Government,* he came out against mandating or 'instructing' members of parliament -- another favourite Country tenet -- on the ground that it would soon reduce Britain to a republic.[23] Moreover, on the key issues of corruption, the ancient constitution, and the aristocratic reaction to the increased powers of monarchy, Hume showed himself to be a full-blooded Court theorist. In *Of the Independency of Parliament* he argued that without the restraining factor that members of the House of Commons could hope for offices, places and pensions in the gift of the crown, the Commons would grow too powerful and usurp all the functions of government.[24] In effect, Hume was maintaining that the so-called 'corruption' of the Country party ideology was necessary for the healthy functioning of Britain's mixed constitution. In *Of the First Principles* he argued that the increase in the power

of monarchy since 1688, resulting from increased crown revenues, was actually the reverse of a threat to liberty. This was because the monarch had less to hope for and more to fear from any excesses he might contemplate, whereas a monarch with lesser power would be more tempted towards unconstituionality, coups d'etat etc. [25] And in the sketch on Walpole he uses Bolingbroke's own arguments to checkmate the classical Country version of the Ancient Constitution. On the one hand, he says, if the Constitution was as good as the Country party says it was, it would simply have been impossible for a weak and wicked minister like Walpole to govern for twenty years, especially when opposed by men of the calibre of Bolingbroke.[26] If, on the other hand, the constitution was faulty enough to allow this to happen, Walpole cannot be accused of undermining a perfect constitution, since it never existed in the first place. Furthermore, Hume spends a considerable amount of time assailing the Country position that power follows property by pointing out that political power cannot be correlated with the possession of property tout court. Property may be dispersed among small owners. It is not property as such but the concentration of property in a few hands that confers political power.[27]

In addition to these particular criticisms of Country ideology, Hume directs some blasts at Bolinbroke and his followers from the standpoint of general principles. It was not surprising, he thought, that in some minds the Country party was associated with the Pretender, since this was the party that constantly preached resistance to governments.[28] In an atmosphere where resistance was constantly being talked of and legitimated by frequent discussion, the only possible consequence was to strengthen the hand of the exiled Stuarts. How much more healthy were the tenets

of the Court, which taught that resistance to established government was a last resort and that in fact people never did resort to it unless they were forced to. Moreover, Hume accused the Country party of dogmatism and flexibility. To some extent this was due to the alliance of the High Church party and Country ideology, and this made the Court a more congenial haven for freethinkers of all kinds. But beyond this, in Hume's view, there was the more serious and profound criticism that the Country party took an unacceptably and explicitly ideological approach to politics. In modern terms we might say that the Country party took a normative approach to politics, while Hume wished to found a science of politics on empiricism. For the Country party notions like public spirit, virtue, corruption, manners and morals, all normative notions, were of the essence of political debate. For Hume the study of political institutions and the regularities of human conduct were the starting point. There is a profound sense, then, in which Hume was temperamentally and intellectually poles apart from the exponents of the Country position. Nevertheless his distance from both Court and Country orthodoxy tends to highlight the considerable weaknesses in the position of each coterie and suggests also that the eclectic approach of the Jacobites to Country ideology was an intellectually respectable posture.

5) Legitimacy.

It is crucial to Hume's account of legitimacy that he insists that questions of legitimacy and political obligation should be kept separate from that of the origin of government. This is the stick with which he beats both contract theorists like Locke and the Jacobites. He argues that obeying government is logically prior to the keeping of contracts, and it is only possible to argue for the reverse order by use of

a concealed divine sanction to buttress the promises involved in making the contract. What then are the grounds of political obligation? According to Hume, the process of the 'association of ideas' gives us the following preconditions: long possession, present possession, conquest, succession and positive laws. Full legitimacy may thus be established within a century in the case of a kingdom but by 'partial' legitimacy a ruler may acquire grounds for the usurpation of extra powers within a few generations. As he points out, although the kings of France had not by the early eighteenth century been absolute rulers for more than two reigns *yet nothing will appear more extravagant to Frenchmen than to talk of their liberties.*[29]

But although Hume in his more circumspect moments is careful to lay down the principles that guarantee legitimacy, more often he approaches out and out positivism and states that mere longevity confers legitimacy on a regime. As he says in the Treatise: *No maxim is more conformable, both to prudence and morals, than to submit quietly to the government, which we find establish'd in the country where we happen to live, without enquiring too curiously into its origin and first establishment.*(T558)

Hume's arguments against Jacobitism, derived from his theory of legitimacy, can be assailed from a number of different perspectives. In the first place, it is clear that Hume is basically impatient with the issue. There are, he says, so many different grounds on which claims to legitimacy are laid that it is pointless to adjudicate between them. What matters for him is that there should be some claim which is generally agreed on so that it can stand as the grounds of obedience. Hume is as ruthless as Hobbes in dispensing with the distinction between the de facto and de jure ruler though for precisely opposite reasons, since for him consent and opinion were the

causes of power whereas for Hobbes they were its effects.

Secondly, it is clear that Hume's positivism rescinds the fact/value distinction which ne elsewhere lays down as the cornerstone of an empiricist philosophy.(T469) Thirdly, his arguments do nothing to refute the Jacobite case in principle. Hume is simply concerned to endorse whatever regime is sanctioned by time and custom. If, then, the Stuarts had been restored in the 1715 Jacobite rising and had kept their place for the next thirty years, Hume would presumably have had to accept them as a ruling dynasty hallowed by use and practice.

Fourthly, it is curious, to say the least, that Hume can allow himself to say that anyone denying the present possessor in England (i.e. the Hanoverians) would shock common sense, when his own account of those rights is given in terms of the highly fanciful categories of 'imagination' and the 'association of ideas'. In a word, Hume's account of legitimacy shocks commonsense far more than the Jacobites' denial of it. Fifthly, not only can one argue that questions of legitimacy, i.e. concerning one's allegiance to a particular form of government or a given regime or dynasty, are distinct from those of political obligation, i.e. involving the question of why we ought to submit to government in general, any government, but Hume actually makes this distinction himself. Hume's argument from utility and the general interest of citizens fits the bill in the case of political obligation, that is as a general justification of government, but leaves the Jacobite case intact, since, as he himself has admitted, even absolutist governments satisfy interest in this broad sense.

6) Divine, hereditary and indefeasible right.

Hume's treatment of this element in Jacobite

ideology is a mixture of sleight of hand and rank positivism. There are two characteristic Humean arguments here: one, that events have rendered the theoretical debate otiose; two, that rights of succession are largely determined by the 'association of ideas'. In *Of the First Principles of Government* he says that belief in divine right has collapsed under the impact of a *sudden and sensible change in the opinions of men within these last fifty years, by the progress of learning and liberty.*[30] This is a similar remark to the one in which he attempts to dismiss the Tories:

> *It must, indeed, be confest that the TORY party seem, of late, to have decayed much in their numbers; still more in their zeal; and I may venture to say, still more in their credit and authority. There are few men of knowledge or learning, at least, few philosophers, since Mr. Locke has wrote, who would not be ashamed to be thought of that party.*[31]

Both of these propositions are none too subtly disguised versions of the argument from the 'is' to the 'ought' that Hume in his more theoretical moments expressly condemns.

The second line of attack in Hume is that the psychological basis of general rules of succession, in terms of which the tenet of divine, hereditary and indefeasible right is sustained, is that of the association of ideas, which allows for no such general conclusion. The rules of succession, both in the case of kingship and of property depend on what he calls 'imagination'. In the case of the bequest of property the dead person's children *naturally present themselves to the mind; and being already connected to those possessions by means of their deceas'd parent, we are apt to connect them still farther by the relation of property.*(T512-13) But Hume thinks it is quite clear from the example of primitive societies, where the 'imaginative power and naturalness' of hereditary succession is in full bloom, that

this is not taken to imply an inflexible rule of succession. In such societies monarchies are not in any true sense either elective or hereditary. For this reason alone the appeal to history by divine rightists or their opponents was misconceived. Bolingbroke, for example, had argued that divine, hereditary and indefeasible right had first made its appearance under James I.[32] Thomas Carte had replied that its existence could be observed farther back in history.[33] The truth was, said Hume, that the hereditary principle was sometimes sustained in primitive societies and sometimes not. This was not only because of a failure to recognise the advantages of an inflexible rule but also out of considerations of utility. Often there were 'great leaps' in the succession, as when a person too young, weak or infirm, who yet was owed kingship on the strict hereditary principle, was passed over. The principle of utility, Hume thought, could be used to refute thinkers like Ramsay who argued that the hereditary principle had to be considered a unified doctrine applying either to government and property both or to neither. Not so, argues Hume. Not everyone is qualified to exercise political power as to possess property, and whereas there may be arguments of utility for waiving the hereditary role in government, such considerations cannot apply in the case of property.(T557-59)

There are several points to be made at this stage. One is that Hume is overfond of using the notion of 'utlity' to extricate himself from difficult positions. He employs the notion both as if it had a definite content and as if it was synonymous with the 'common good'. It is far from clear how the common good is served by waiving a clearly understood, predictable principle in a context where, as in the case of the Jacobites, Hume's special consideration did

not apply. On a cui bono basis 'utility' meant simply the interests of the Protestant succession. Hume in fact later admits this. In *Of the Protestant Succession* he concedes that the arguments from expediency or utility cancel each other out. Here he attempts a judicious summary of the propositions for and against a Stuart restoration. Significantly (for in his opinion it was no longer an open question by the 1740's) the debate was one supposedly conducted in the mind of a "member of Parliament in the reign of King William or Queen Anne". The advantages of restoring the Stuart family were obvious: a clear and undisputed succession to the title, free from a pretender, would be secured, and history proved how important a matter this was and how valuable an uncontested royal title. On the other hand, the Hanoverian succession (here Hume belies his introductory remarks and switches to current considerations) was a guarantee of increasing liberty, security and privilege, because the members of the House of Hanover were disposed to accept the limited nature of monarchy in England and would not, like the Stuart kings, confuse it with the absolutism of continental Europe. In this way monarchy and the general interest would coalesce: *The people cherish monarchy, because protected by it: The monarch favours liberty, because created by it.*[34]

As for disadvantages, the most palpable one in the case of the house of Hanover was the Electorate itself, which necessarily embroiled England in continental politics and destroyed the natural advantages of its island position. In the case of the Stuarts the doctrine of hereditary indefeasible right and the Roman Catholic religion were the major drawbacks. To provide a further dimension, says Hume, in attempting to decide between these imponderable disadvantages, we should turn to the study of history.

This shows us that in the seventeenth century while *the government ... in a continual fever, by the contention between the privileges of the people and the prerogative of the crown* stultified in England, France rose to its present preponderance in Europe without let or hindrance from Great Britain. On the other hand, ever since 1688 there had been a spectacular increase in liberty, internal peace, trade, manufacture and the arts and sciences.[35]

Even so, concedes Hume, this historical experience may not be taken as conclusive evidence. The Jacobite threat had led to serious rebellions; on the other hand, *A prince, who fills the throne with a disputed title, dares not arm his subjects; the only method of securing a people fully, both against domestic oppression and foreign conquest.*[36] The clinching argument for Hume comes in the matter of Roman Catholicism; it is an expensive, intolerant religion, where loyalty is owed to a foreigner (the Pope) and even if it were not, it would be opposed to the religious customs and habits of the English people (again Hume's favourite argument from habit). The conclusion is that whereas on the other grounds the claims of the Hanoverian and Stuart dynasties fairly evenly balance out, the scales are tipped decisively in favour of the House of Hanover by the Stuarts' adherence to Catholicism. Hume reinforces this later with the statement in the History that it is always dangerous to allow a Catholic near the crown.[37] It is clear, then, that much of Hume's discussion of divine and indefeasible right is irrelevant since it is concerned with the quite separate topic of the religion of the monarch.

The other consideration is that Hume's entire account of the grounds for hereditary right is absurd. To state, as he does, that such rights whether in property or kingship rest on the "power of imagination"

or the "association of ideas" is to go beyond, not just common sense, but his own empirical basis for an understanding of social phenomena. As one student of Hume has pointed out: "There is less frivolity about the rules (sc. of succession) than about his explanations of them." [38]

7) James II and 1688.

Although Hume claims in *Of Passive Obedience* that James II was a tyrant,[39] he elsewhere admits that he cannot be considered one of the 'egregious' variety:

> *It is indeed singular that a prince, whose chief blame consisted in imprudences and misguided principles, should be exposed, from religious antipathy to such treatment as even Nero, Domitian or the most enormous tyrants that have disgraced the records of history, never met with from their friends and family.*[40]

Hume once again concludes that the paramount factor in the ousting of James II was his religion.[41] But even if James II was rightfully excluded from the throne, and we have seen that Hume's argument on this point is rife with contradictions, what would justify excluding his heirs? Hume at this point conflates the two ideas of longevity and association of ideas to provide a 'refutation' of Jacobitism. He has to solve the problem, common to all apologists for the Whig/Hanoverian ascendancy, of how one justifies the 1688 Revolution while condemning all subsequent ones. First of all, Hume postulates that time's sanction has now made the question otiose. He maintains that the Prince of Orange's title might have been disputable in 1688 but custom and usage have now provided sufficient authority: *Time and custom give authority to all forms of government and all successions of princes and that power which at first was founded only on injustice and violence becomes in time legal and obligatory.*(T566)[42] This leaves open the legitimacy of the regime until such time as custom's sanction can apply. To solve this problem

Hume once again introduces the association of ideas. Although prima facie it does not seem reasonable to exclude a son for his father's sins, "when the public good is so great and so evident as to justify the deposition of a father, the mind naturally runs on with any train of actions it has begun."[43]

The unsatisfactory nature of this concatenation of ad hoc arguments is explained by Hume's desire not to give offence to either Jacobite or Whig -- a desire in line with the general Humean position that 'ideological' approaches to politics are misguided. As one student of Hume has stated:

> The plain fact seems to be that although Hume can defend, quite unambiguously and consistently with his general principles, the present establishment, he cannot unambiguously and consistently defend those who brought it about.[44]

But even within Hume's account of the genesis of 1688 itself there is a contradiction. There seems to be a head-on collision between the proposition he enunciates in *Of the Original Contract* and the later version in the History. In the former work Hume attempts to refute contract theory by a process of reductio ad absurdum. The alleged dissolution of the contract between rulers and people would have to involve participation by the whole citizen body, yet 1688 was the work of a tiny minority. According to this version, the majority acquiesced in a minority action that was taken because James II's conduct was extreme. Yet in the History Hume, without realising it, reopens the door to contract theory when he says that although revolutions usually take place in a set of circumstances where the voice of public opinion cannot be heard, in 1689 the case was different, and the public voice was heard.[45] It is clear that Hume's reputation for philosophical rigour does not survive an examination of

his confused and contradictory account of 1688 and its consequences.

8) Passive Obedience and non-resistance.

Hume uses two main arguments in his attempt to refute the notions of passive obedience and non-resistance. The first is that the doctrine of passive obedience offends against the principle of utility and confuses means and ends. The second is that non-resistance presupposes a state of normality, such as is not found, for instance, in the case of tyrannical government.

The first argument is presented in unequivocal form in *Of Passive Obedience:*

> *As the obligation to justice is founded entirely on the interests of society ... it is evident, that, when the execution of justice would be attended with very pernicious consequences, that virtue must be suspended, and give place to public utility. ... The maxim fiat Justitia et ruat Coelum, let justice be performed, though the universe be destroyed, is apparently false, and by sacrificing the end to the means, shews a preposterous idea of the subordination of duties.*[46]

How comes it, then, that society can position itself in a disequilibrium where government and interest do not go together? Hume's explanation is as follows. Although it is true that government is founded on the interest of the governed, and that when the interest ceases the natural obligation ceases also, the power of the 'imagination' intervenes to distort this relationship. Hume contends that the inertia of the imagination leads human beings to extend their principles beyond the context of rationality in which they first arose. This inertia acts in the direction of the acceptance of tyrannical rulers, and incipient despots can make considerable inroads on the public interest. But this general rule of inertia is in turn overridden by the reassertion of the general rule of

interest and utility. From experience we expect tyrants to be transported by their passions into excess of cruelty and ambition, which will even have the effect of making them neglect their own interests. It is then easy to conclude that we may resist the more violent effects of supreme power without any crime or injustice. The doctrine of passive obedience is therefore an unphilosophical absurdity. History, too, bears out this conclusion, since resistance to tyrants has never in fact been condemned by *the general practice and principle of mankind.*(T552)

If Hume's first refutation consists basically in the triumph of 'interest' over 'imagination', how does this relate to the second rebuttal? The second argument quickly leads Hume into some very deep waters. In the Treatise he states that resistance can only be justified in the case of 'egregious tyranny', such as that of Philip II of Spain or the emperors Nero and Domitian.(T550) And although he admits an ultimate right of resistance he insists that it be very strictly and sparingly exercised:

> *And here I must confess, that I shall always incline to their side, who draw the bond of allegiance very close, and consider an infringement of it, as the last refuge in desperate cases, when the public is in the highest danger, from violence and tyranny.*[47]

What, then, are the justifications for those who would espouse resistance? First, they have to insist on the extraordinary nature of the exceptional case in which resistance is justified. Secondly, account has to be taken of the peculiar British political system where, because of the mixed constitution, instances of resistance will be more frequent. This is because a limited prince will be more tempted to abuse power in British politics than with a simpler form of government. On the first point, Hume's statement is concise: *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.(T554) Moreover, history teaches us that we cannot adhere to any general rules concerning the rights of princes. What, then, are the particular cases that justify resistance? Hume suggests a number of possible scenarios: where there is a mad tyrant, where there is encroachment by the king on the prerogatives of parliament (since the notion of obedience relates not to the king in his royal person, but in his role as king-in-parliament), where the aim of the monarch is absolute government.(T564)

It is in his account of the right of resistance that Hume becomes most obviously self-contradictory, particularly in his confusion -- all the more astonishing in that he has himself elsewhere expressly condemned it -- of the issues of legitimacy and political obligation. In other words, all the alleged issues of political obligation, where resistance is justified because the ruler destroys the common interest and utility of the ruled, turn out to be issues of political legitimacy, where what is at stake is the justifiability of particular forms of government. In sum, interest and obligation, turning on the 'associative' issues of present possession, long possession, etc. has nothing to do with the legitimacy question of the best and most acceptable regime. It is utterly implausible to maintain that James II was an egregious tyrant like Domitian or Nero and that as a consequence the entire social order was in danger. And the fact that James II aimed at absolute power, even if it be allowed as a fact, proves nothing to the point. Absolute government, on Hume's own admission, is a perfectly legitimate form of government, which meets the criteria of the ends of government as well as any

other form and was, as Hume points out on more than one occasion, firmly established at that era in France.

Hume's arguments about a mixed constitution can be shown to fall foul of the same objections. He contends that where supreme power is shared with the people there must logically be a power of resistance: *Those, therefore, who wou'd seem to respect our free government, and yet deny the right of resistance, have renounc'd all pretensions to common sense.*(T564) This can immediately be shown to conflict with the forthright statement just a few pages earlier in the same Treatise that our allegiance to particular governments as opposed to government as such is not based on considerations of interest at all, so that on his own admission the advantages and disadvantages of a particular form of government, mixed or absolute, are not relevant, provided that the overarching aim of government in general is achieved. At one time Hume appeals to 'common sense' to sustain his conviction that under a mixed form of government there must be a right of resistance. At another, 'common sense' tells us that resistance can only be used as a last resort, when a political regime cannot provide credible government, i.e. when it can no longer guarantee justice, stability and utility ('interest').

In his treatment of resistance under the heading of legitimacy, Hume oscillates between two versions of the circumstances that would vindicate rebellion against a particular form of government. One is when the mixed constitution is in danger; Hume, however, tells us that this was not the case in 1688. The other is in the face of arbitrary government; this is the 1688 situation when, Hume alleges, *all the rights and privileges, which ought to be sacred to a free nation, were at that time threaten'd with danger.*(T564) This links with Hume's use of 'tyranny' in two opposed and

incompatible senses. The 'enormous tyranny' of James II is predicated on the mixed monarchy theory: that the king will, under such constraints, more often burst through the bonds of his authority. But 'tyranny' is more generally defined in Hume as that which places the public *in the highest danger from violence.*[48] This has nothing to do with the 'tyranny' of perverting the mixed constitution.

Now it cannot be stressed too much that both these arguments are, on Hume's own general principles regarding resistance, totally irrelevant. The truth is that Hume's thinking on resistance is a muddle. The only clear sense that can be extracted from his various observations is that resistance is justified in certain extreme cases, but that it is difficult to pin down exactly when and where these extreme cases would manifest themselves. But the problems with Hume's account of resistance do not even end there. Hume's dislike of a priori notions such as might be thought to inhere in a general doctrine of resistance eventually led him to state that what constitutes an exception to the general rule of obedience will always be so obvious as to be beyond dispute.[49] This means that resistance, to be justifiable, would be automatic and spontaneous, so that a general theory of resistance is supererogatory. Quite apart from the fact that this notion of resistance would make even more pointless all talk of the problem of a mixed constitution -- since it would be far-fetched to suggest that the defence of this particular set of institutions was a matter of life and death and that the defence could only be conducted by an armed uprising -- there are other problems. We may leave on one side the issue of how an approach designed to avoid the rigidity of the a priori can itself be self-evident, and even the demonstrable fact that the cases where resistance can be justified are clearly not

self-evident. In terms of Hume's oeuvre there is yet another problem. Hume elsewhere explains relativism psychologically in terms of the respective force or lack of force with which things contiguous and remote strike the imagination. It follows that what will be an extreme case for some people will not be for others. In short, Hume has with his own psychological theories cut the ground from under an automatic or self-evident right of resistance.

The interesting thing about Hume's treatment of Jacobitism is that his critique is at its most convincing and incisive in the areas most marginal to the core of the Jacobite case. Hume provides a more convincing and comprehensive answer to most of the issues raised by Country ideology than does Bolingbroke, but then, as we have seen, Country 'tenets' were an accretion to Jacobitism and not central to the ideology of supporters of the Stuarts. When he comes to deal with issues that would provide a clear refutation of Jacobitism, in the area of divine and indefeasible right, passive obedience and non-resistance, Hume's solutions are either inadequate, self-contradictory or, on occasion, absurd. The truth seems to be that despite his great reputation, Hume was a most inconsistent political thinker and that this aspect of his work comes through most clearly in the discussion of Jacobitism. Relativism and positivism, the normative and the empirical, the descriptive and the evaluative, the a priori and the inductive, all jostle uneasily and bid for Hume's decisive resolution, but he does not provide it.

Nevertheless, Hume's thought is worth studying in detail for the clear and non-partisan light it sheds on many of the issues in the iedological struggle between the Jacobites and their enemies. Hume was an exact contemporary of many of the heroes of the '45 and

had many Jacobites as friends.[50] He has, it is true, little to say about the events of 1745,[51] but his ambivalence towards the Glorious Revolution and his distance from both Whig and Jacobite are surely representative of the wider apathy that greeted both Stuart and Hanoverian in 1745. It is perhaps not surprising that in later years he should have formed a firm friendship with that most ambivalent of Jacobites, Earl Marischal Keith.[52]

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1. Bryan Magee, Popper (London 1973) pp. 91-92.

2. No systematic study of Jacobite ideology has been published. The debate on divine right, passive obedience and non-resistance after 1688 is exhaustively described in John Kenyon, Revolution Principles (Cambridge 1977) and H.T. Dickinson, Liberty and Property (London 1977). Atterbury's thought is expounded in G.V. Bennett, The Tory Crisis in Church and State 1688-1730. The Career of Francis Atterbury (Oxford 1975). The relationship of Jacobitism to 'Country' ideology is sketched in J.G.A. Pocock, The Machiavellian Moment (Princeton 1975). Carte's views can be found scattered throughout his General History of England, 4 vols. (London 1747-55). Scottish Jacobitism can be traced in G.D. Henderson, Mystics of the North-East (Aberdeen 1934).

3. Letters of David Hume to William Strahan ed. G. Birkbeck Hill (Oxford 1888) pp. 56-63.

4. Duncan Forbes, Hume's Philosophical Politics (Cambridge 1975) pp. 140-44, 150 et seq.

5. Hume to Montesquieu, 10 April 1749, Letters of David Hume ed. J.Y. Grieg (London 1932) i. p. 134.

6. Hume, History of England, 10 vols. (London 1808-10), i. pp. 282-85.

7. Hume, *Of the Parties of Great Britain*, Philosophical Works, ed. T.H. Green & T.H. Grose (London 1964), iii. pp. 133-44.

8. It was Hume's thesis of continuity between Elizabeth I and the first two Stuarts, with the implication that in the Civil War Charles I paid the price for the mistakes and crimes of Elizabeth, that so enraged his audience on the publication of the History of England (cf. especially vols. vi & vii of the History.)

9. Hume clearly takes the view that it is modern. Cf. Hume to Adam Smith, September 1752, Letters of David Hume, op. cit. pp. 167-68.

10. Hume seems to have taken this thesis over from Hervey's Ancient and Modern Liberty. See Forbes, op. cit. pp. 247-49.

11. Hume, *Of the Parties of Great Britain*, Philosophical Works ed. T.H. Green & T.H. Grose (London 1964), iii. p. 139.

12. Hume, *Of the Parties of Great Britain*, Philosophical Works op. cit., iii. p. 143.

13. Hume, *Of the Coalition of Parties*, Philosophical Works, iii. p. 470.

14. Bolingbroke, A Dissertation on Parties (London 1745) pp. 194 et seq.

15. Hume, *Of the Parties of Great Britain*, Philosophical Works iii. pp. 134-35.

16. Ibid. p. 140n.

17. Pp. 141-42.

18. Forbes, Hume's Philosophical Politics, op. cit. p. 205.

19. Hume, *Of the Parties of Great Britain*, Philosophical Works, iii. pp. 138-44.

20. Hume, *Of Parties in General*, Philosophical Works, iii. p. 130.

21. Hume, *Of the Parties of Great Britain*, Philosphical Works, iii. p. 142.

22. Hume, *Of the Protestant Succession*, Philosophical Works, iii. p. 476.

23. Hume, *Of the First Principles of Government*, Philosophical Works, iii. p. 113.

24. Hume, *Of the Independency of Parliament*, Philosophical Works, iii. pp. 119-22.

25. Hume, *Of the First Principles of Government*, Philosophical Works, iii. pp. 111-13.

26. Hume, *A Character of Sir Robert Walpole*, Philosophical Works, iv. p. 395.

27. Hume, *Whether the British Government inclines more to Absolute Monarchy, or to a Republic*, Philosophical Works, iii. pp. 122-23.

28. For Hume as Court theorist see Pocock, the Machiavellian Moment, op. cit. pp. 493-98.

29. Hume, Treatise of Human Nature ed. L.A. Selby-Bigge p. 557, hereafter T in text.

30. Hume, *Of the First Principles of Government*, Philosophical Works, iii. pp. 109-113.

31. Hume, *Of the Parties of Great Britain*, Philosophical Works, iii. p. 143.

32. For the anti-Jacobite thrust of Bolingbroke's thought see H.T. Dickinson, Bolingbroke (London 1970).

33. Carte, A General History of England, op. cit., iv. pp. 2-3.

34. Hume, *Of the Protestant Succession*, Philosophical Works, iii. p. 471.

35. Works, p. 475. This was a favourite argument of anti-Jacobite propagandists. Cf. Henry Brooks in the first of the Farmer's Letters (1745): "Under James II where then was trade, where was Art, where was industry? Where then was the law, the Liberty ... all was crushed, all was abolished".

36. Works, p. 476.

37. Hume, History of England, op. cit., iv. p. 501.

38. John Plamenatz, Man and Society, 2 vols. (London 1963), i. p. 310. Plamenatz's animadversions on Hume on this point are worth quoting in full:

> When a philosopher gets what he believes is a good idea, he is sometimes tempted to make too much of it. Hume, who had to his own satisfaction used the association of ideas to explain our belief in

> causality, thought he could also use it to explain how we come by our particular rules of property. His explanation is often pure fantasy ... Why should the association of ideas have anything to do with the matter? ... Though Hume, as I have said, did not deny the utility of his five rules, admitting that there are 'motives of public interest' for most rules of property, he did neglect the obvious for the fantastic.

39. *Where the king is an absolute sovereign, he has little temptation to commit such enormous tyranny as may justly provoke rebellion: But where he is limited, his imprudent ambition, without any great vices, may run him into that perilous situation. This is frequently supposed to have been the case with CHARLES the First; and if we may now speak truth, after animosities are ceased, this was also the case with JAMES the Second. Of Passive Obedience,* Philosophical Works, iii. p. 463.

40. Hume, History of England, op. cit., ix. p. 488.

41. Hume, History, ix. p. 500.

42. See Hume's discussion in the Treatise pp. 554-64.

43. Hume, Treatise pp. 565-66.

44. Forbes, Hume's Philosophical Politics, op. cit., p. 100.

45. Hume, History of England, ix. p. 515.

46. Hume, *Of Passive Obedience*, Philosophical Works, iii. p. 461.

47. Ibid.

48. Ibid. pp. 461-62.

49. Hume, History of England, x. pp. 105-06, 144-45.

50. E.C. Mossner, Life of David Hume (London 1954) pp. 180-82.

51. Letters of David Hume ed. J.Y.T. Grieg (Oxford 1932), i. pp. 58-74; see also Hume's autobiographical Short Life.

52. See Edith Cuthell, The Scottish Friend of Frederick the Great. The last Earl Marischal (London 1915).