



The Humean Promise: Whence Comes Its Obligation

William Vitek

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THE HUMEAN PROMISE: WHENCE COMES ITS OBLIGATION?

Introduction

David Hume offers an extended analysis of promising, and his observations and conclusions reflect a remarkable insight into the nature and origins of promising and promissory obligation. Hume argues that promising is naturally unintelligible and could only arise via an artifice; that this artifice arises because each person sees his or her mutual advantage in it; and that afterwards a sentiment of morals concurs with interest and becomes a new obligation upon mankind. How, for Hume, do promises obligate, and how are we to understand this new obligation? I shall argue that for Hume the obligations of promising are two: the natural obligation to accept and participate in the artifice itself -- this obligation arises from a natural inclination to approve of those artifices which we see as necessary for our survival -- and the artificial obligation to faithfully execute a particular service or transaction of property in the future as expressed by the words 'I promise'. I shall begin with some explanatory remarks on Hume's views of human nature and the artifices which this nature produces, some of which bear directly on our understanding of Hume's treatment of promissory obligation.

Background

Hume's view of mankind is that it is a self-corrective species, relying heavily on its penchant for imagination, and that without these traits, particularly imagination, it would be, without doubt, an extinct species. Much of the Treatise is a naturalistic account of human nature: a nature which includes not only instincts and passions, but the

ability to transcend and control them with artificial conventions when they become counterproductive and disadvantageous to society; although even these artificial conventions or artifices must be approved by their users and, to this extent, are a natural outcome. "We readily forget," Hume states, "that the designs, and projects, and views of men are principles as necessary in their operation as heat and cold, moist and dry." (T 474) Hume attaches no necessity to the particular form human nature has taken nor to the environment in which it is placed. His aim is to give a naturalistic account of the way things are, both socially and psychologically.

Hume uses the word 'natural' in one place to mean what is common to any species, or what is inseparable from the species, and this includes for him the artifices of mankind. (T 484)¹ Unlike Hobbes, he optimistically describes human nature as a combination of self-interest and benevolence, and "...tho' it be rare to meet with one, who loves any single person better than himself; yet 'tis as rare to meet with one, in whom all the kind affections, taken together, do not over-balance all the selfish." (T 487) The natural virtues originate from our kind affections and have no dependence on the contrivance or artifice of man (T 574)² nor on the contrivance of a deity. What makes meekness, beneficence, charity, generosity and equity virtuous is simply man's natural approval of them: "virtue is distinguished by the pleasure, and vice by the pain, that any action, sentiment or character gives us by the mere view and contemplation." (T 475) Hume's natural virtues are selected from natural motives which are of the spontaneous instinctive sort.³

Although Hume believes that selfishness is an overemphasized human trait, he does say that each man

(and probably woman) loves himself (herself) better than any other single person. (T 487) This selfishness, however, is not exclusively self-centered, but manifests itself in a "confined generosity" that moves outward concentrically from the interested self to his or her family and friends. Beyond this circle of friends we are generally distrustful of others and will naturally revert to our individual self-interest when interacting with them.

The one trait of which Hume makes great use throughout the Treatise to explain and describe human behavior is imagination. The word 'imagination' has many meanings, three of which are alluded to by Hume. Imagination may take a material or practical shape in the form of an invention, whereby someone imagines some object and then invents it. Examples of imagination qua inventiveness include actual physical inventions and may include the Humean artifices. Imagination can also take the form of a fantasy or a fiction. This form of imagination may take physical form -- as in a novel -- and is real at this level, while remaining fictitious or "fantastic" from an epistemic viewpoint. Finally there is the type of imagination which has one pretending one thing or another, while simultaneously believing it to be the case. Children seem to be best at this type of imagining and can be observed doing it whenever they are at play. Their play and pretending take on a seriousness and reality of its own, so much so that children can forget that they are just pretending and will often need to be shocked or shouted back to reality. Daydreaming is an adult version of this type of imagination, although I want to suggest that pretending takes on a more serious role in the

psychology of adults, and that this role is described by Hume.

It should be noted that these different uses of imagination may be inferred from Hume, but are not clearly distinguished by him, nor do all his examples fall neatly into one category or another; e.g., are the artifices inventions, fictions, or something in between? The seriousness which humans give to the artifices, however, is a clear example of the serious pretending discussed above. Promising is for Hume an invention or artifice; the willing of a promissory obligation is feigned, a fiction; and we pretend that promising is a serious matter, as are its rules which we have created. Put another way, the artifice of promise, along with its rules and obligations, is taken seriously in spite of its origin, namely ourselves.

Imagination, we must remember, is for Hume a natural outcome of our constitution as human beings. We must also keep separate the two uses of 'we'. Whereas children are simultaneously the pretenders and the believers, Hume refers to the 'we' of the species when describing our natural inclination for imagination, and to the 'we' of the individual members of the species when claiming that promise keeping is real or natural. This dichotomy is seen clearly in his discussion of justice. At T 484 he states that though justice is an artifice, it is quite natural for man to have invented it, for "mankind is an inventive species; and where an invention is obvious and absolutely necessary, it may as properly be said to be natural as any thing that proceeds immediately from original principles." He quickly adds that though the rules of justice are artificial, they are not arbitrary, nor is it improper to call them Laws of Nature. (See also T 501

and E 307-8) The only apparent difference for Hume between our nature and the artifices it produces is that the artifices have a necessity about them which our nature lacks. According to Hume we might not have been an imaginative, self-interested, and sympathetic species, but as this is our nature, the invention of specific institutions and symbols, and the seriousness which we attach to them is necessary for our survival. The artifices are artificial only in the sense that they were not present prior to our having created them. (T 477) To reiterate: we the species, as part of our nature, invent the artifices; and we the individual members of society, again as an outcome of human nature, attend with seriousness to the rules which follow from them -- as if they were the Laws of Nature.

Hume cites many examples of imagination at work in human nature. We could not produce assurance in any single event, upon which we reason, unless the fancy melted together all those images that concur (T 140); the belief in the body is the result of an illegitimate propensity of imagination (T 193); we confound succession with identity, and we avoid the contradiction of supposed identity by the interruption of our perceptions by the fictions of continued existence and matter (T 204-5); we judge from an illusion of fancy (T 314); regarding the artificial virtues, men have invented a symbolical delivery, to satisfy the fancy, where the real one is impracticable (T 515); and finally, as it is impossible for the mind to will a new obligation, humans must feign the act of willing an obligation when making promises (T 523). This last example of human imagination raises the following question: do we really have an obligation to keep our promises if we are first inventing the artifice of promising (qua

species); secondly feigning the willing of an obligation to keep our promise (qua individual) and finally pretending (again qua individual) that we have an obligation, though with the utmost seriousness? As we shall see below, through an interplay of natural and artificial obligations, Hume's answer to this question is Yes.

Though the artifices are primarily a product of human nature, the environment plays some part in shaping them. "In man alone, this unnatural conjunction of infirmity, and of necessity, may be observ'd in its greatest perfection." (T 485) In a land where the necessities of life were plentiful, there would be no need to invent the artifices of property or justice. (T 496) Likewise, in times of famine or drought, the principles governing property and justice are suspended. It is because we are generally somewhere between famine and plenty, and because of our limited generosity, that the artifices arise.

To summarize: the artificial virtues originate from and are dependent on man's peculiar nature (specifically imagination), and the environment in which he finds himself. With the family unit as his guide, man is encouraged to artificially re-create a similar structure in society, beginning with justice. Although he is originally motivated by self-interest to establish justice, it is his sympathy with public interest -- in which he has a share -- that is the source of the moral approbation which attends that virtue (T 499-500); and so too with the other artificial virtues. (T 577)

The artifices are an important and necessary contribution which man makes to his own well-being. It is by these artifices and the society which they

are designed to govern that man "is able to supply his defects, and raise himself up to an equality with his fellow-creatures, and even acquire a superiority above them." (T 485) The artifices are both motivated by and constrain the natural movements of our "interested passion" or self-interest. "They are the real offspring of those passions, and are only a more artful and more refin'd way of satisfying them." (T 526; see also T 480)

In addition to their man-made origins, the artifices are distinguished from the natural sentiments in other important ways. To begin with, there exist no natural rights on Hume's account. Rights are created with the invention of the artifices, and though they exist because of our natural approval of them, they do not originate from nature. Further, the artifices constitute the laws of morality (which Hume believes are equally artificial) and these laws create obligations which are inflexible and without exceptions. The rules governing society must be universal.⁴ This universality requires that duties be pre-determined by custom through the use of symbols and language, and that these duties become public knowledge. Thirdly, the benefit of an artifice is derived from the whole scheme and not from individual instances. Finally, an artifice must provide infinite advantages over anarchy and preserve public liberty. (T 564, 588; and Baier, pp. 2, 4) The artificial virtues may be viewed as constituting a fundamental legal system to which man naturally assents and rigorously adheres. This system balances self-interest with public interest, dispenses justice equitably, and legitimizes and regulates the possession and transfer of private property.

There is a stark contrast between Hume's theory of natural morality -- since it does not depend on the dictates of God, nor the dictates of human reason, but rather on our sentiments of approbation and disapprobation -- and his description of the artifices and their attendant approbation. His account is consistent with his naturalistic bias, but he ends up with a system of morality -- though of artificial construction -- which is as stringent and obligation-laden as any traditional naturalistic account, theistic or otherwise. There is little substantive difference between the natural law theories which Hume attacks and the artificial-though-necessary law theory that he posits in their place. This is not to pass judgment on Hume's account. It merely emphasizes again his theory's strong reliance on imagination, which keeps us alive by inventing, feigning and pretending, and always with a serious face. The artifice of promise is particularly serious, as we shall see below.

Humean Obligation and the Obligation of Promises

Keeping clear what Hume says about human nature and the artifices it creates proves no simple task. The same holds true of Hume on obligation and the obligation of promises. In a footnote he argues that property, right, and obligation are unintelligible without an antecedent morality. (T 462) This may lead one to conclude that obligation is the product of an artifice as is property and right,⁵ but this conclusion would be only partially correct. Hume does distinguish between natural obligation and artificial obligation, though he often uses the word 'obligation' without specifying whether he means by it natural obligation or artificial obligation. There is a further problem since he sometimes calls

the artificial obligations natural (T 526); but here he is referring to our natural inclination to create the artifices, and is claiming that the artificial obligations are a natural outcome of our imagination and are not themselves natural obligations.

For Hume, we have an obligation to perform an action or have a quality of mind when the neglect of this action or our not having this quality of mind causes us displeasure. (T 517) There is only a natural obligation to act when the action is required by a natural passion.⁶ It is this notion of a natural obligation that Hume argues is absent from promising. He goes so far as to say that even if a promise were intelligible prior to human conventions it would not be attended with any moral obligation.⁷

Hume begins his argument with the premise that if promises are to be naturally intelligible there must be some act of mind attending the words 'I promise', "and on this act of mind must the obligation depend." (T 516) After some cursory arguments against this act of mind being: one, a resolution (a resolution alone never produces any obligation); two, a desire (we may bind ourselves without such a desire); or three, the willing of an action (a promise always regards some future action, and the will only has an influence on present actions), Hume concludes that it must "necessarily be the willing of that obligation which arises from the promise." (T 516)

As expected, he proceeds to show the manifest absurdity involved in willing an obligation. We should note here that Hume finds the feigning of this act of mind -- the willing of an obligation -- less absurd. It is no more (or less) mysterious, he believes, than the Christian concept of transubstantiation. (T 524) Because all of morality,

including our obligations, depends upon our natural sentiments, any new obligation would suppose the creation of a new sentiment. Hume claims that our sentiments are part of our nature and changing human nature would be as difficult as changing the motions of the heavens. "A promise, therefore, is naturally something altogether unintelligible, nor is there any act of the mind belonging to it." (T 517)

His next argument is a potential source of confusion because in trying to argue that there is no natural inclination to keep our promises, he makes it sound as if we nevertheless have a duty to keep them prior to the artifice.⁸ He does this by separating natural obligation from the natural inclination or sentiment that naturally produces it: "Tho' there was no obligation to relieve the miserable, our humanity wou'd lead us to it; and when we omit that duty, the immorality of the omission arises from its being a proof, that we want the natural sentiments of humanity." (T 518) However, in claiming that even if there were no obligation to relieve the miserable our humanity would lead us to it, Hume is contradicting what he said a few lines above. There he says "no action can be requir'd of us as our duty, unless there be implanted in human nature some actuating passion or motive, capable of producing the action." (T 518; my emphasis) Having a duty requires an antecedent natural obligation, which can only come about from a natural inclination. Presumably then, one cannot have a natural inclination toward an activity without a natural obligation to perform the activity, or the obligation to perform the activity without the natural inclination. Hume cannot say that we would help the miserable even if we had no obligation to do so. If there were no obligation to help the miserable, there would be nothing in our

humanity to lead us to it; and hence, nothing in our humanity could lead us to it. Likewise, a father has a duty to take care of his children because he has a natural inclination to it. (T 518) The natural inclination produces the obligation on which the duty rests. The inclination is not something additional to our duty; rather, it is the cause of our duty.⁹ Because of his earlier claims whereby he connects natural obligation and natural inclination, Hume is now prevented from separating them.

If this interpretation is correct, Hume is blocked from concluding: "But as there is naturally no inclination to observe promises, distinct from a sense of their obligation; it follows, that fidelity is no natural virtue, and that promises have no force, antecedent to human conventions." (T 519, my emphasis). Because Hume is so adamant in his contention that there exists no inclination to keep our promises, he must likewise conclude that there exists no natural obligation to keep them, since natural inclination and natural obligation are causally linked. It is because we have no natural inclination to keep our promises that we have no natural obligation to keep them. Because of his prior claims, Hume is limited to saying that we have neither a natural inclination nor a natural obligation to keep our promises, and that this holds true even after the artifice of promise is put into place.

One possible objection to this interpretation is that Hume calls the rules of artifice "moral rules" (T 569), implying by his use of 'moral' that we have a natural obligation to follow each individual rule, e.g., to keep a promise after we make it. But I am claiming that Hume's previous arguments limit him to saying only that we naturally

approve of the overall creation of the artifices and their attendant rules, and that any obligation which follows from a particular rule must originate artificially. (See also, T 490-1) Put another way: we do not naturally assent to every rule of a particular artifice, but rather, to the creation of the artifices, whatever their rules are or come to be. We are bound by a natural obligation to accept the artifice of promising. The obligation to keep our promises, however, is an artificial obligation.

Promising is the third artifice to arise in Hume's scenario, following justice, property and its transference, and preceding the origins of government. Humans not related by blood nor close in friendship are not inclined to trust one another, and though the rules governing property and its transference have made men tolerable of each other, this toleration does not extend to intentions regarding the rendering of services or the transfer of property in the future. Not trusting one another's word while at the same time needing some mechanism to regulate the transfer of property that is absent or general (i.e., fifty bushels of wheat, though no particular fifty bushels), we adopt the convention of promise, the rules of which state that when we attach the words "I promise" to any resolution for the future, we subject ourselves "to the penalty of never being trusted again in case of failure." (T 522) Though a promise expresses a resolution to perform a future action, it is the form of words and their utterance which creates the obligation.

A promise for Hume is a language-dependent convention inspired by self-interest turned mutual-advantage whereby men and women are made to understand that in saying the words 'I promise', they

incur a new obligation for which there are no exceptions¹⁰ or exclusions and a substantial penalty for non-performance; namely, never being trusted again. While we may feel naturally inclined to punish people who do not keep their promises, the specific punishment of never being trusted again is the artificial counterpart to the artificially-induced obligation of keeping your promise.

G.E.M. Anscombe, in her article "Rules, Rights and Promise,"¹¹ gives, I think, a clear explanation of the sort of artificial obligation that Hume is discussing. She defines a promise as a future-tense description which the giver then makes come true, or otherwise breaks his promise. "The obligation is a kind of necessity to make the description come true. But what sort of necessity is that?" (p. 320) Her answer is that this necessity resembles a kind of stopping modal. The example she gives of a stopping modal is the phrase "You can't wear that!", when the reason is not, for example, that you are too fat, but rather, some rule of etiquette. "'You have to', and 'you can't' are at first, words used by one who is making you do something (or preventing you), and they quickly become themselves instruments of getting and preventing action." (p. 321)

After all, once this transformation has taken place, the following is true: in such a case you are told you "can't" do something you plainly can, as comes out in the fact that you sometimes do. At the beginning, the adults will physically stop the child from doing what they say he "can't" do. But gradually the child learns. With one set of circumstances this business is part of the build-up of the concept of a rule; with another, of a piece of etiquette; with another of a promise; in another, of an act of sacrilege or

impiety; with another of a right. It is part of human intelligence to be able to learn the response of stopping modals without which they wouldn't exist as linguistic instruments and without which these things: rules, etiquette, rights, infringements, promises, pieties and impieties would not exist either. (p. 321)

On this interpretation the feigning of an act of mind (needed in one's willing of a promissory obligation), and which Hume claims is integral in the obligation of promises is, for all of its mystery, an integral part of human intelligence; it is the product of a rationally inspired imagination and its ability to invent rules, and our seemingly infinite capacity to learn them. If this is the case, Hume will have been the first philosopher to notice the central roles which imagination and rule learning occupy in the organization of the human mind, and to explain how our ability to make promises depends on them.

Conclusion

I have argued that for Hume the attendant obligation of a particular promise is strictly artificial. Promising is an artifice invented by our species, a product of our natural inclination toward imagination. We are obligated to keep our promises because the rules say we are. The rules are not necessary; they change as our needs change. What is necessary though is the artifice itself, and it is our participation in the artifice of promise to which Hume believes we are naturally obligated. He says that the artifice of promise is calculated for common benefit, and that there arises a sense of interest "in the faithful fulfilling of engagements," and that this interest "is the first obligation to the

performance of promises." (T 522-3) Afterwards, he says, a sentiment of morals concurs with interest "and becomes a new obligation upon mankind." (T 523) These natural obligations are not the obligations we have to particular promises. They are, rather, the obligations we have to the artifice of promising, to its artificial rules and regulations, one of which is the obligation to keep our promises.

This is my answer to the question "whence comes the obligation?". The obligation to keep a promise is really two obligations: the obligation to accept the artifice of promise and to honor its rules (the natural obligation to which we are naturally inclined); and the obligation to faithfully execute a service or transaction of property in the future for which we expressed our resolution to do so by using the words "I promise" (an artificially induced obligation, complete with an equally contrived punishment for non-compliance).

One may still pose a question to Hume similar to the one that Socrates posed to Euthyphro: are the artificial virtues virtuous because we naturally approve of them, or do we naturally approve of them because they are virtuous? Further, we may question Hume's moral psychology in general, and whether or not his conclusions successfully escape the criticisms he levels against the natural law theorists. Regardless of how Hume fares against these questions, his insights constitute one of the most important contributions to the study of promise and its attendant obligations.¹²

William Vitek
Graduate Center of the City
University of New York

1. See T 473-6 for Hume's other uses of 'natural'.
2. Mackie claims that the natural virtues depend on a slightly contrived point of view. See his Hume's Moral Theory, p. 123.
3. Annette Baier "Supplementary Notes on Hume's Contribution to Ethics," unpublished, p. 2.
4. This again points up the seriousness and deference to which Hume believes we treat our artifices.
5. I am interpreting the word 'right' as in the right to property or the right to recourse.
6. I am inferring that Hume means to say "natural" obligation at this point since he concludes from this statement that willing an obligation to keep a promise is unnatural and altogether unintelligible.
7. There is a further complication regarding Hume's use of the term 'moral obligation'. At T 547 he says that there is a moral obligation to government because everyone thinks so, implying that moral obligation is an artificial obligation. At T 569 and T 573, however, he says that the strength of the moral obligation varies with that of the natural. In the section on promises he fails to delineate the exact meaning of 'moral obligation', or to distinguish it from natural or artificial obligation. This is an important issue, although I have here chosen not to address it.
8. The confusion comes about when Hume is read as using 'obligation' and 'duty' interchangeably, which is how I read him. Others, notably Annette Baier, read Hume as using these words for separate purposes. Unfortunately, there is textual support for both readings.
9. It is true that there could be no fatherly duties to sons and daughters prior to the artifice of marriage and the family, but Hume does claim that there could be no artifice without the attendant natural inclinations and obligations. The artifice of marriage and our obligations to children arise only because we are naturally inclined to such obligations.

10. The only exception to a promise which Hume allows is the case of not knowing what the words 'I promise' mean.
11. In Midwest Studies in Philosophy, Volume 3, ed. Peter French, et al. Minneapolis: University of Minnesota Press, 1980.
12. Special thanks to Annette Baier, who read an earlier draft of this paper and provided many helpful comments. This paper was read at the meeting of the Hume Society at the University of Edinburgh, August 1986. I was helped there by A.E. Pitson, Vincent Hope and David Fate Norton.