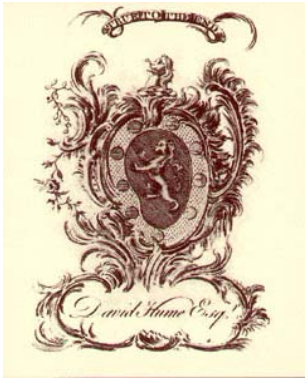

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On Hume's Conservatism

DONALD W. LIVINGSTON

In *Opinion and Reform in Hume's Political Philosophy,*[1] John Stewart seeks to establish two theses. The first is that Hume's philosophical skepticism does not entail political conservatism as many commentators have argued, and the second is that central to all of Hume's writings, but especially to the *History* and the *Essays*, is a program of major reforms. These include an ethic of individualism and cosmopolitanism, protection of private property, representative government under the rule of law, free trade, anti-imperialism, and moderate secularization. Stewart is right, I think, that these reforms are central to Hume's philosophic project, and he explores them with historical depth and subtlety. What is not so convincing, however, at least in the form presented, is the thesis that Hume is a liberal and not a conservative. And it is this thesis that I wish to explore.

The first thing to appreciate is the sense in which Hume is *neither* a liberal nor a conservative. These are early nineteenth century terms framed to characterize a political and intellectual response to the French Revolution and to the Industrial Revolution. Liberalism and conservatism were not and could not have been a part of Hume's own self-understanding. That understanding is revealed clearly enough in Hume's remark that he was a whig in respect to "things" and a tory in respect to "persons" (HL II 237). That is, he admired the moral character of Charles I and leading royalists more than the characters of Cromwell and the Puritan fanatics. But he was happy about the unintended consequences of the Puritan rebellion which led to the constitution of liberty

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of 1689 (the whig order of "things," namely liberty and the rule of law).

But though Hume could not have thought of himself as a liberal or a conservative, it is possible to find intimated in his philosophy a pattern of thought significantly similar to a later structure of thought which may properly be called liberal or conservative as the case may be. Such retrospective judgments are legitimate as long as there is sufficient evidence to support the appropriate historical claim about what Hume did and thought he had done and an adequate philosophical theory of what liberalism and conservatism are. But if Hume is to be recruited as part of a liberal or conservative political tradition, we must be clear about what is meant by the terms 'liberal' or 'conservative'. And this is no easy matter; for these terms have not only changed their meanings over time, they are highly contested terms, being in their very nature partisan expressions the explication of which cannot entirely escape a political commitment. What I find unsatisfactory about Stewart's thesis that Hume should not be thought of as part of the conservative political tradition is not so much what he says about the critical and reforming character of Hume's thought (in that he is essentially correct) as that he does not offer a philosophical theory of conservatism or liberalism. The result is that much of the liberalism he finds in Hume would be embraced by self-professed conservatives, and some of what he characterizes as conservatism would be denied.

One must gather Stewart's meaning for these terms from various contexts. In some places a conservative is thought of as a philosophical skeptic who has nothing to cling to but the raft of custom and is, consequently, incapable of making judgments of truth. Or, a conservative may be one who can indeed make judgments but is uncritical and perhaps even bigoted in doing so. Or finally, a conservative may be one whose character is informed by an ungenerous disposition to defend the status quo regardless of the oppression of others.[2] Stewart argues that Hume is not a conservative in these senses but is a critical political theorist whose philosophical skepticism not only did not prohibit, but positively legitimated the formulation of truths about political things. In his historical and philosophical writings, Hume worked out an empirical political science which helped prepare the British mind for a number of reforms accomplished by nineteenth century politicians who called themselves "liberals." Resisting these reforms were those often called "conservatives" who used arguments and theories to mask what were in reality their own entrenched privileges. The minds of these conservatives were not open to understanding the political world in which they lived; nor their hearts to its suffering.

This is a whiggish story about Hume as a precursor of triumphant nineteenth century liberalism and where conservatism appears as a wooden and ungenerous anti-liberalism. It embodies familiar uses of 'liberal' and 'conservative' and in an age, such as our own, in which whiggish narratives

of liberation and progress tend to dominate, it has an undeniable appeal. There are, of course, some difficulties with it. Nineteenth century liberals such as Macaulay and Mill did not see Hume as one of themselves. Macaulay considered Hume's *History* to be tory, and Mill viewed Hume as one whose skepticism was nihilistic and led to a self-indulgent conservatism. Mill wrote:

> Hume possessed powers of a very high order; but regard for truth formed no part of his character. He reasoned with surprising acuteness; but the object of his reasonings was, not to obtain truth, but to show that it is unattainable. His mind, too, was completely enslaved by a taste for literature...that literature which without regard for truth or utility, seeks only to excite emotion.[3]

If anyone is a nineteenth century liberal Mill is; yet he has completely misread his man. What if Mill's failure to appreciate Hume were due to blinders imposed by his own liberalism? In that case one would have to reconsider how far, if at all, there is an affinity between Hume's political philosophy and nineteenth century liberalism. But be this as it may, I shall leave open the question of whether Stewart's vision of Hume as a precursor of the great reforms instituted by nineteenth century liberalism is true, while recognizing, as one must, that it has a *prima facie* plausibility.

"Liberalism" and "Conservatism" are narrative concepts that have meaning only within the story of a political tradition. The Liberal Party was in decline by the end of the nineteenth century. But what if we push the narrative standards of retrospective judgment further in time to comprehend a political tradition extending to the late twentieth century and explicate the terms 'liberalism' and 'conservatism' from that perspective? In the light of this broader perspective what new aspects might be uncovered in Hume's writings?

Liberalism, conservatism, and Marxism appearing in a great variety of forms have been the most successful ideologies of the twentieth century. Of these, conservatism is the most perplexing. The other ideologies bear at least their minimal meaning in their labels. The term 'liberalism' suggests a doctrine of liberty, and 'Marxism' points to the political ideology of Marx. But the term 'conservatism' suggests no substantial political doctrine.

There is no suggestion as to what is to be conserved or what the threat is. It is perhaps for this reason that conservatism is often characterized as a *disposition* rather than a doctrine: the disposition to accept the status quo and to look with suspicion on any attempt at fundamental change. But any ideology in power is conservative in this sense. Liberals and Marxists in power look with dark suspicion on any attempt at fundamental reform. It is in this sense that journalists described the hard-liners during the break-up of the Soviet Union as "conservatives." But this is not what self-professed

conservatives such as Michael Oakeshott and Margaret Thatcher would have called them, nor what the hard-liners called themselves. They understood themselves to be communists, not political conservatives. Conservatism then should not be viewed as a disposition, ungenerous or otherwise, to preserve established privileges. Such dispositions are equally distributed among all ideologies in power. 'Conservatism' is a term that picks out an ideology and a political tradition. But what is the philosophical content of that tradition?

The very apparent emptiness of the term 'conservative' provides a clue to its historical meaning. I wish to suggest that the term does not indicate what in *particular* is to be conserved because it supposes that, in some way, the *world* itself is being threatened and that the threat is permanent. What is it that at all times can pose a threat to one's entire world? The answer, in a word, is *philosophy*. Philosophy is a peculiar sort of reflection engaged in the sublime task of creating entire worlds out of thought, or the revolutionary task of destroying entire worlds, or the ironic task of deconstructing and inverting entire worlds. Prior to the late eighteenth century this peculiar sort of reflection had been the province of elites, and its world-inverting errors were of little threat to society because they were confined to the philosopher's closet. But by the time of the French Revolution a new mass philosophical consciousness had become established in Europe. Hume had already identified this new order of what I shall call "vulgar philosophers" in the 1740s. Of the philosophical theorizing informing modern political parties, he observed:

> The people being commonly very rude builders, especially in this speculative way, and more especially still, when actuated by party-zeal; it is natural to imagine, that their workmanship must be a little unshapely, and discover evident marks of that violence and hurry, in which it was raised. (*Essays* 466)

It was the presence of this new vulgar philosophical consciousness ("the people" as philosophers) acting out its world inversions, not in the philosopher's closet but in the conduct of the French Revolution, that prompted the formation in France, Britain, and America in the early nineteenth century of political parties all using the term 'conservative' in the apparently vacuous way mentioned earlier. And that tradition has continued down to today.

Burke argued that the revolution in France should not be viewed as a legitimate demand for reform but as the self-serving work of a corrupt philosophical consciousness whose world inversions had flattened out the landscape of inherited cultures and customs making the very notion of reform unintelligible. As an instance, he quotes the following from a speech given in the National Assembly:

> All the establishments in France crown the unhappiness of the

> people: to make them happy they must be renewed, their ideas, their laws, their customs must be changed...men changed, things changed, words changed...destroy everything; yes, destroy everything; then everything is to be renewed.[4]

And in 1850 Marx could say:

> We are not interested in a change in private property but only in its annihilation, not in conciliation of class antagonisms but in the abolition of classes, not in reforms of present society but in the foundation of a new one.[5]

And one of the new vulgar philosophers, Gloria Steinem, once observed that to talk of reforms for women is one thing; to talk of the total transformation of society is feminism.

After the French Revolution DeMaistre visited Russia hoping, as he said, to find a country not "scribbled on by philosophy." What he found instead was a new Russian intelligentsia busily engaged in exploring the world-inverting reflections of French philosophy. Henceforth, there would no longer be a country not scribbled on by philosophy. The origin of conservatism, then, should be viewed not as a mere reaction to something called "progress" but as an insight into the emergence of a mass philosophical consciousness and its destructive possibilities.

Conservatism so conceived is a uniquely modern phenomenon. But in its criticism of "philosophy," it has appeared to many to be a form of unthinking philistinism. This was what Mill had in mind when he called the conservative party the "stupid party." Although that may have correctly characterized some of his political opponents, it is a shallow way to understand the emergence of the conservative idiom of political thought. Later conservative philosophers as different as Santayana and Oakeshott offered radical criticisms of the nature of philosophical theorizing that were genuinely philosophical. Retrospectively, we may discern in the critiques of such thoughtful men as Burke and DeMaistre something of the structure of these later more sophisticated critiques of philosophical theorizing. But we need not appeal to retrospective perceptions; for Hume, in Book I, Part iv of the *Treatise*, had already worked out a radical philosophical criticism of philosophy that was not philistine. Moreover, both Burke and DeMaistre present their criticisms of corrupt philosophizing with Hume in mind.[6]

Hume's critique of philosophy issues in the ideal distinction between true and false philosophy, a distinction which cannot be adequately discussed here.[7] But its main discovery is that reflection is parasitic upon an unreflective order variously described as habit, custom, convention, prejudice, and common life. Pyrrhonian arguments were used to show that any attempt to form

principles independent of this domain, and which pretend to guide it, will be either empty (yielding total skepticism) or arbitrary. Philosophers who do not recognize this are false philosophers, that is, they are lost in an all-pervasive form of self-deception. True philosophical theorizing is nothing but an attempt to render the inherited and conflicting customs and prejudices of common life as coherent as possible.

Hume's requirement that true philosophy, through dialectical reasoning, must eventually win through to a humble act of deference to the world of inherited custom captures the philosophical core of the conservative intellectual tradition and establishes Hume as the first conservative philosopher. In this view, the reforms which Stewart has found in Hume are attempts to render coherent the inherited customs of common life guided by standards immanent in those very customs, and so should be thought of as conservative reforms. Stewart views them as liberal progressive reforms. Is there a real difference here? There need not be a difference as long as liberal progressivism is purged of its corrupt philosophical content. But Stewart does not treat conservatism as a philosophical position. Indeed, he seems to think that conservatism is not an intellectual tradition at all but rather an unthinking reverence for the status quo. As an example of this uncritical attitude he quotes Burke as endorsing "the happy effect of following nature, which is wisdom without reflection, and above it." But Burke's maxim no more implies uncritical philistinism than does Hume's parallel maxim that reason is and ought only to be the slave of the passions. Both maxims have been the object of much misplaced abuse. But both maxims are embedded in a self-critical philosophic act aimed at extirpating a corrupt philosophical consciousness from common life.[8] Once that is done one can speak of reform, but not before. And Burke was an active an thoughtful reformer as, among other things, his speeches on America, Ireland, and India show.

To bring out more clearly the philosophically conservative character of Hume's reforms and also to exhibit the sense in which they may be thought of as "liberal," I would like to make a distinction between liberal philosophizing and liberal practice. The latter is a particular way of life, an order of sentiments, customs, and prejudices which we have inherited, and which has largely shaped our identity. It is a way of life that values an ethic of individualism, civil society, private property, representative government, and the rule of law. Insofar as we have reflected on it at all, it is a way of life which, largely because we are skillful participants in it, we find, in Hume's terms, to be "useful and agreeable." The task of liberal philosophizing, however, has been to provide foundationalist arguments to show that the liberal way of life is the only way of life for human beings and that the liberal state is the only legitimate state.

I wish to suggest that intimated in Hume's critique of philosophy is an affirmation of the liberal way of life but a rejection of the foundationalist

tradition of liberal philosophizing. That tradition must be viewed as an exemplification of what Hume called "false philosophy" because it seeks to establish foundationalist principles which do not recognize the primordial authority of the inherited customs of common life.

These foundationalist principles have been discovered in an alleged original contract formed in a state of nature; in self-evident rights with which all humans are endowed by God or by nature or which have been derived from the concept of rational agency; in the principle of universal utility maximization; or through the lens of philosophical fictions such as John Rawls' veil of ignorance, Ackerman's spaceship earth, or Habermas's undistorted communication. Insofar as Hume rejected the ancestors of these views (moral rationalism and the contract theory) we may infer that he would have rejected their posterity. Hume never takes rights, original contract, or utilitarianism as foundational for the simple reason that his critique of philosophy entails that there are no philosophical foundations at all for judging the prejudices of common life independent of those very prejudices. All alleged principles of that sort are either empty or arbitrary. The form of liberalism we have inherited is foundationalist liberalism. In that sense, Hume is not a liberal but one of its most devastating critics.

Hume's defense of the practice of liberty is framed mainly in the *Essays* and in the *History*. Hume begins not with the philosophical fictions of natural rights, or the rationally autonomous agent, or a veil of ignorance, but with the late Middle Ages. He presents not a theory but tells a story of how an ethic of individualism began to appear; touching only a few at first, but over the centuries gradually spreading and appearing throughout Europe in various shapes and forms. It brought with it changes and conflicts in economic relations and in society, many of which were unintended. It eventually led to the formation of a certain kind of character that sought to create a regular protected sphere for the exploration of individualism, requiring private property, the rule of law, and eventually, but of less importance, representative government.

Hume presents the emergence of the practice of liberty as an historical contingency. Unlike Hegel, he does not think its emergence is necessary. The British Constitution is not the unfolding of anything, but is largely a "concurrence of accidents." He rejected Turgot's Panglossian doctrine of inevitable progress, a prejudice deeply rooted in all progressive thought whether liberal or Marxist. And he would have made short work of Fukuyama's recent thesis (more strongly felt as a prejudice than argued by contemporary liberals) that liberal democracy is the end of history (HE V 569; HL II 180).[9]

Hume nowhere argues that the liberal way of life is the only form of human flourishing. He makes clear enough in "A Dialogue" at the end of the second *Enquiry* and in the character studies of the *History* that there are many non-liberal forms of human flourishing. Indeed, most examples of human excellence in history have occurred in non-liberal regimes. And there is no

argument in Hume that the liberal state is the only legitimate state. Most of the legitimate regimes in the world have been non-liberal.

That the practice of liberty is an historical contingency means that, as an evolving convention, it cannot be understood as a whole and that consequently the liberal foundationalist project of discovering philosophical principles to guide it is absurd. Hume is clear that virtues evolve:

> It is not fully known, what degree of refinement, either in virtue or vice, human nature is susceptible of; nor what may be expected of mankind from any great revolution in their education, customs, or principles. (*Essays* 87–88)

Non-liberal virtues may emerge, and the practice of liberty may contain vices which when developed will force its abandonment. To understand this world the true philosopher must become a master of the particular, that is, he must develop the arts of history and eloquence. In a word he must become a connoisseur of the practice of liberty and be able to make good judgments of taste about it. This is not only what Hume does in the *Essays* and in the *History*; it is required by his conception of true philosophy. But it is not what the foundationalist liberal does. He is not a connoisseur of the actual practice of liberty. Being a false philosopher, the very form of his theorizing alienates from and distorts that practice. He does not write history, and he is not eloquent. It is not without significance that Hume, a professed Ciceronian humanist, wrote an essay "Of Eloquence" lamenting the decline of eloquence in modern culture.

Most of Hume's writing on politics is an attempt to make his contemporaries historically aware of what the practice of liberty is; that they are already participating in it, however much false philosophical theories may have alienated them from it, and to explore what this practice intimates for the future. Hume's criticism is comparative and concrete, exploring advantages and disadvantages, pointing out how evils are intermingled with goods, how goods drive out other goods, and in all of this trying to make a balanced judgment convincing to those already engaged in the practice of liberty. In none of this does Hume engage in the foundationalist theorizing of, for example, Mill who in *On Liberty* formulated a "simple" principle with which to distinguish the liberty of the individual from that of the state.

In Bentham and Mill we encounter the foundationalist liberalism in which we are completely at home, and though the theories of Rawls, Nozick, Gewirth, and Dworkin are different, the idiom of their thought is the same. But it is not the humanistic, historical, rhetorical, and virtue-centered liberalism of Hume, Smith and Burke. An echo of this older liberalism can be found perhaps in the thought of de Tocqueville, Constant, Lord Acton, Isaiah Berlin,

and more recently in the work of John Gray.

In none of this do I mean to suggest that Hume is a moral relativist. Virtue is objective, and Hume even framed an ideal of human excellence which may be expressed in the formula: greatness of mind tempered by benevolence.[10] But this principle like other Humean moral and political principles is underdetermined and does not yield a uniquely liberal form of human flourishing. Nor does Hume's theory of justice. One main task of recent liberal foundationalist theories of justice is to establish a unique distribution of goods that will satisfy the demands of something called "social justice." There is no foundationalist principle of distribution in Hume except the conservative principle of the stability of possessions, their transference by consent, and the performance of promises (T III ii 1–6). There are, however, arguments *against* two foundationalist principles of social justice: equality and desert (EPM 193–95). One can, of course, depend upon virtuous Humean characters to insist on distributions that satisfy the demands of greatness of mind and extensive benevolence.

And this leads us to the question of what sort of moral character is required to sustain the practice of liberty. If Humean moral principles are objective but underdetermined, then at some point there must be a commitment to a *particular* way of life in which virtue is embedded. And this will require the defense of certain texts, institutions, and social political arrangements without which virtue so conceived cannot exist. Like all virtue theorists Hume must hold that the goods intrinsic to the practice of liberty can be adequately appreciated only by those who are loyal to and tolerably skilled in the practice. In "The Sceptic" Hume suggests that the moral characters of those engaged in the practice of liberty are to be formed, in part, by reading Plutarch for learning, Cicero for eloquence, Lucian for imagination, Seneca for wit, Montaigne for gaiety, and Shaftesbury for the sublime (*Essays* 179n). Not only is this not the reading list of foundationalist liberalism, but inquiry into the virtues necessary to sustain the practice of liberty seldom appears at all in such theorizing.

Furthermore, the virtues must be embedded in actual social orders. Stewart is right to stress Hume's eloquent defense of the "middling rank" of mankind as the true voice of reason and virtue; but he goes too far, I think, in suggesting that if confronted by the French Revolution, Hume would not have sided with Burke in defense of the social hierarchy.[11] Hume like Burke thought the French regime needed reform, but the French Revolution was not about reform. Hume's trained philosophic eye, more so than Burke's, would have distinguished between the legitimate demand for reform and the world inversions of the corrupt philosophical consciousness that informed the French Revolution. But we need not speculate about what Hume's response would have been to the French Revolution as the measure of his philosophic conservatism; that measure was fully revealed in his response to the Wilkes and

Liberty affair that occupied Britain throughout the late 1760s and early 1770s. Stewart oddly identifies the issues associated with Wilkes and Liberty as "the forces of conservatism" by which he means anti-Scottish bigotry, English chauvinism, and the bellicose mercantilism and imperialism of Pitt.[12] Against these forces, Stewart is able to show that Hume's cosmopolitanism and free trade policies emerge as liberal and progressive.

But there is another aspect of Wilkes and Liberty which has enabled progressive historians to view the Wilkes affair as a progressive movement, namely, the demand to abolish general warrants (the discretionary authority to arrest unnamed persons), the right of electors to determine their own representatives (however repugnant they might be to Parliament), and freedom of the press. By any measure these are liberal reforms, expanding as they do the sphere of liberty and strengthening the rule of law. Burke supported them; Hume did not; nor did he support other measures which would weaken the discretionary power of government. Writing to Strahan in June of 1771 he observed:

> Only consider how many Powers of Government are lost in this short Reign. The right of displacing the Judges was given up; General Warrants are lost; the right of Expulsion the same; all the coercive Powers of the House of Commons abandon'd; all Laws against Libels annihilated; the Authority of Government impair'd by the Impunity granted to the Insolence of Beckford, Crosby, and the common Council: the revenue of the civil List diminished. For God's sake, is there never to be a stop put to his inundation of the Rabble? (HL II 245)

The Wilkes and Liberty riots were the work of the commercial middling rank, and though Hume had spoken eloquently of this class, he closed ranks with the traditional hierarchy when the virtues necessary to sustain the practice of liberty were threatened. He wrote to Strahan, October 1769, that he hoped to see "the Restoration of the Government to the King, Nobility, and Gentry of this Realm" (HL II 210).

Hume and Smith affirmed the emerging commercial society as part of the practice of liberty, but both thought that stern and substantial moral traditions were required to sustain the internal goods that liberty made possible. Smith more than Hume explored the suggestion that the practice of liberty might contain within itself qualities (for instance the division of labor) which could subvert the virtues necessary to sustain it. But there is one source of subversion to which Hume gave more attention than Smith. Under modern conditions the practice of liberty generates a mass philosophic culture. The paradigm of liberty becomes autonomy. And autonomy, in its most radical form, is the practice of philosophy. The philosophical reflection informing

this culture may be of the true or the false sort. A corrupt philosophical reflection would distract attention away from the practice of liberty and the philosophical connoisseur's understanding of it. World-inverting whiggish theories such as the contract theory were being acted out in society, and so the practice of liberty was, in Hume's view, being subverted by a corrupt philosophical theorizing about liberty. In the second *Enquiry* Hume had described this false philosophical reflection as "philosophical enthusiasm" (EPM 343) and as "philosophical chymistry" (EPM 297), by which he meant a kind of alchemy of which only philosophy is capable. Whatever a corrupt philosophical consciousness touches it endows with the quality of a superstition. Hume thought that the legitimate grievances contained in the Wilkes and Liberty movement had been transformed into philosophic superstitions by a vulgar philosophical consciousness. Philosophical alchemy transforms the meanings of words and dislocates the world. Hume saw this happening in the Wilkes and Liberty movement, and it led him to hope that people would not take

> a Disgust at Liberty; a word, that has been profaned by these polluted Mouths, that men of Sense are sick at the very mention of it. I hope a new term will be invented to express so valuable and good a thing. (NHL 196)

In a letter to Hugh Blair, March 1769, Hume judged Wilkes and Liberty to be worse than Titus Oates and the Popish plot that is presented in the *History* as the nadir of religious absurdity in modern British politics. The latter, however, is more excusable because it proceeded from religion which Hume says "has, from uniform Prescription, acquired a Right to impose Nonsense on all Nations and all Ages..." (HL II 197). Philosophy had not yet acquired that right. But in the Wilkes and Liberty movement (having a duration of several years), Hume could see, for the first time, mass passions informed, not by religious enthusiasm, but by philosophical enthusiasm. As the letters of these years show, he did not think it was a pretty sight.

One of the many valuable contributions in Stewart's treatment of Hume as a reformer is his argument that the essay "Idea of a Perfect Commonwealth" was intended by Hume as a model for reform, yielding a form of government appropriate "for the new Great Britain, the new France, and so forth."[13] There is some truth in this picture. Hume would have welcomed those reforms in the practice of liberty compatible with the severe restraints on critical reflection imposed by true philosophy and compatible with the substantial moral traditions which make possible the virtues necessary for the practice of liberty. But the new Europe Hume died catching a glimpse of was to be a philosophically reflective culture, quite unlike the Europe he was born into. Hume could have had no sympathy with the mass philosophical enthusiasms about

natural rights,[14] equality, the class struggle, national socialism, international socialism, national self-determination, making the world safe for democracy, and the like which have informed the destructive politics of nineteenth and twentieth century Europe. Nor could he have had much sympathy with the liberalism shaped by this new philosophic culture. Most liberalism after Bentham has been foundationalist. Liberalism so conceived is philosophical fundamentalism and mirrors, in a philosophic idiom, the errors of religious fundamentalism. Hume's radical critique of philosophy entails that foundationalist theories are antinomic. Liberal culture has progressively become the acting out of antinomic foundationalist liberalism, obscuring the practice of liberty and undermining the virtues needed to sustain it.

Whether Hume is a liberal or a conservative is a question that depends largely on what we mean by contemporary liberalism or conservatism. It is and must remain a contested question, touching as it does the deeper question of the meaning of the philosophic culture we have inherited. But I will close with this. When latter day Humeans enter their libraries, they are not likely to find many books of Divinity and School Metaphysics. But they will find many books of foundationalist liberalism. If I read Hume's critique of philosophy correctly, these should be committed to the flames, for they can only alienate us from, distort, and subvert the practice of civil society.

NOTES

Abbreviations for Hume's Work

Essays	*Essays, Moral, Political, and Literary*, edited by Eugene Miller (Indianapolis: Liberty Fund, 1985)
EPM	*An Enquiry Concerning the Principles of Morals* in *Enquiries Concerning Human Understanding and Concerning the Principles of Morals*, edited by L. A. Selby-Bigge, 3rd ed. revised by P. H. Nidditch (Oxford: Clarendon, 1975)
HL	*The Letters of David Hume*, edited by J. Y. T. Greig, 2 vols. (Oxford: Clarendon, 1969)
NHL	*New Letters of David Hume*, edited by R. Klibansky and Ernest C. Mossner (Oxford: Clarendon, 1954)
HE	*The History of England*, edited by William B. Todd, 6 vols. (Indianapolis: Liberty Fund, 1987)

1 John Stewart, *Opinion and Reform in Hume's Political Philosophy* (Princeton: Princeton University Press, 1992).

2 Stewart, 8, 202, 309.

3 John Stuart Mill, review of Brodie, *History of the British Empire*, in *The Westminster Review* 2 (1824): 34.

4 Edmund Burke, *Reflections on the Revolution in France* (Indianapolis: Bobbs Merrill, 1955), 196n.

5 Quoted in Eric Voegelin, "The Formation of the Marxian Revolutionary Idea," *The Review of Politics* (12): 301.

6 Burke, 200; Joseph De Maistre, *Considérations sur la France* (1797).

7 See Donald Livingston, *Hume's Philosophy of Common Life* (Chicago: University of Chicago Press, 1984), especially chaps. 1 and 2; and "The Natural History of Philosophical Consciousness" in *The Science of Man*, edited by Peter Jones (Edinburgh: Edinburgh University Press, 1989), 68–84.

8 Stewart, 219. The insight of Hume and Burke that theoretical, propositional, and explicit knowledge presupposes a background of tacit, practical, and inarticulate knowledge has been developed in various ways by thinkers as diverse as Oakeshott, Michael Polanyi, Ryle, Heidegger, and Gadamer.

9 Francis Fukuyama, *End of History* (Washington: United States Institute of Peace, 1990). For a clear eyed critique of foundationalist liberalism in what may be thought of as a latter day Humean voice see John Gray, *Liberalisms: Essays in Political Philosophy* (London: Routledge, 1989) especially the "Postscript"; and *Post-Liberalism: Studies in Political Thought* (New York: Routledge, 1993), especially "What is dead and what is living in liberalism." I owe the insightful expression "philosophical fundamentalism" used at the end of this essay to John Gray.

10 In the second *Enquiry* Hume sketches a character which a "philosopher might select...as a model of perfect virtue" (EPM 270). This character is "a man of honour and humanity," that is, he unites in his person the natural virtues of greatness of mind and benevolence marked out in the *Treatise* (T 592–605). Hume is a moralist in the classical tradition of virtue ethics rather than the modern tradition of utilitarianism or moral rationalism. See Marie Martin, "Hume on Human Excellence," *Hume Studies* 18 (November 1992) and "Hume as Classical Moralist," *International Philosophical Quarterly* 34 (1994). Donald Siebert discusses Hume's classical moralism from a literary point of view in *The Moral Animus of David Hume* (Newark: University of Delaware Press, 1990).

11 Stewart, 302, 302n.

12 Stewart, 309.

13 Stewart, 316.

14 There is only one place where Hume, speaking in his own voice, affirms what appears to be a doctrine of natural rights, and that is in the first volume of the *History*. Magna Carta provided for the "equal distribution of justice" and "free enjoyment of property." These are the goods for which political society was instituted. They are goods "the people have a perpetual and unalienable right to recall, and neither time, nor precedent, not statute, nor positive institution, ought to deter them from keeping [these goods] ever uppermost in their thoughts and attention" (HE I 445). But these are not the natural rights of Locke much less the Rights of Man proclaimed by the French Revolution which all humans possess independent of conventions and which, trumping all conventions, can serve as a metaphysical foundation for a "revolution in

permanence." The "rights" secured by Magna Carta are firmly restrained by the feudal social and political order, and they are "granted" by the King. What Hume is describing here is a new character in the world and the intimations of a new type of political order in which this type of character will be at home, namely what will later be called "civil society." Retrospectively, we, as participants in civil society, can view Magna Carta as establishing "the chief outlines of a legal government." This sort of character is spirited and is nothing more than the development in a modern idiom of the natural virtue of greatness of mind. He will not allow himself to be hoodwinked by "the chicanery of lawyers, supported by the violence of power" who mask their will to power with prattle about precedents, etc. In the second *Enquiry*, there is a Nietzschean-style passage where Hume says that "rights" depend upon the power of people to make us "feel the effects of their resentment" (EPM 190). Rights are what can be negotiated between spirited characters. Those who cannot make their resentment felt are owed obligations of "humanity" but strictly speaking do not have rights. For Hume, then, to speak of inalienable rights is, presumably, to say that the spirited participants of civil society are determined to maintain that way of life (a way of life that experience and reflection shows to be useful and agreeable) and that there are conventions capable of sustaining such a life. Civil society and the rights internal to it disappear either when the background conventions and moral institutions necessary for its existence disappear or when its participants are so weakened in the virtue of greatness of mind that they no longer make their resentment felt.

Foundationalist liberalism is inclined to make "rights" the source of morality; whereas for Hume rights are structures within the artificial system of justice. The original motive to act justly is Hobbesian prudence, but Hume holds also that such a system has no moral merit. It acquires moral merit when, through sympathy, we come to see the system as benefitting others and are motivated to perform just acts out of desire for their good motivated by love. Nor is this utilitarianism, for Hume holds, as Bentham and Mill do not, that the locus of morality is in character and, consequently, in the motive of the act and not merely in its intention or consequences. It is not enough to see that justice produces happiness for others, one must also be motivated out of love. So not only are rights not the source of morality for Hume, rights are artificial virtues entirely subordinate to the natural virtue of benevolence for their moral merit. See the essays by Marie Martin mentioned above.