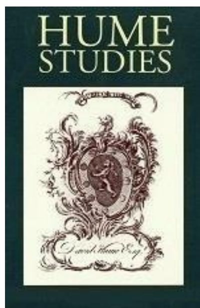

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Hume, Epicureanism, and Contractarianism[1]

AARON ALEXANDER ZUBIA

Abstract: While scholars have begun to illuminate the contribution of modern Epicureanism to developments in political theory during the Enlightenment, scholars remain divided as to whether David Hume should be interpreted as an appropriator of modern Epicurean thought. In this essay, I contend that Hume's political theory contributes not only to the development of the Epicurean idiom, but also to the evolution of contractarian thought, with which Epicureanism is linked. Though Hume is undoubtedly innovative, particularly in regard to his treatment of consent, he does not operate in an entirely new idiom of political theory, one that is "without precedent" (Sagar, *Opinion of Mankind*). Instead, Hume adopts and refines the Epicurean conventionalism that propelled the modern liberal project of turning politics into a science. This interpretation of Hume clarifies what modern Epicurean political theory is, while also showing that the alleged distance between Hume and Lockean liberalism is narrower than often supposed.

David Hume is perhaps best known for his refutation of contract theory and his denial that our obligation to obey government is based upon consent, whether tacit or express. James Harris has even claimed that Hume's "assault" on social contract theory is such "well-trodden ground" that it deserves no further study.[2] Social contract theory, meanwhile, has roots in the Epicurean tradition. Since an Epicurean approach to politics begins with a narrative of the origins of justice and society, in which justice is rooted in utility and consent, it seems obvious that Hume has little affinity with Epicurean political thought.[3]

Paul Sagar, who has recently sought to restore Hume's place in the Western canon of political thought, has argued that Humean political realism, as he calls it, represents a "new idiom" of political thought, one that is "without precedent," one that is "non-Hobbesian," or,

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more specifically, non-contractarian, in nature.[4] Sagar subsequently argues that "the epicurean framework" obscures as much as it illuminates," so that "we are better off not using it to understand Hume's thought" (ibid., 17n). If, as Sagar argues, Hume is engaging in a new idiom of political thought, one that bases political authority on the opinion of mankind rather than the creation of—and consent to—the exercise of sovereignty, then he does seem to depart quite considerably from an Epicurean approach to politics.

But the modern Epicurean idiom was a central element of the modern endeavor to turn politics into a science.[5] And Hume is well-known for trying to reduce politics to a science. It is partly for this reason that scholars have portrayed Hume as an appropriator of the Epicurean idiom.[6] While it is possible to take Hume's criticism of contract theory as an indication of his rejection of modern Epicureanism, as Harris and Sagar do, it is also possible to use the modern Epicurean idiom as a means by which to interpret Hume's positive contributions to contract theory, which is what I aim to do in this essay.

I argue that Hume, as an appropriator of the Epicurean idiom, is a philosopher whose innovations are properly interpreted as contributions to, rather than refutations of, contractarian modes of political thought.[7] Hume's treatment of the social contract, particularly his naturalization of it, represents a crucial development in the history of modern Epicurean political theory, which is renowned for its conventionalist approach to justice and society.[8] Before illustrating how Hume contributed to the development of modern Epicurean conventionalism—of which the social contract is a part—it will be helpful to establish the chief characteristics of Epicurean political theory and its chief rival in ancient and modern Stoicism.

Classical Stoic and Epicurean Political Theory

The Epicurean approach to political theory depends on a particular moral anthropology. This moral anthropology determines how we judge the legitimacy of law and government. The Epicurean approach to nature, human nature, and society might best be expressed by the words that Plutarch attributed to the ancient Epicurean Colotes:

> Those who have established laws and ordinances and instituted monarchies and other governments in towns and cities, have placed human life in great repose and security and delivered it from many troubles; and if any one should go about to take this away, we should lead the life of savage beasts, and should be every one ready to eat up one another as we meet.[9]

Plutarch, an untiring second-century critic of Epicurean philosophy, rebukes Colotes for his assertion that, without law and government, "we should lead the life of savage beasts." To the contrary, Plutarch writes, men would still be equipped with the moral law, which is prescribed by man's essence as a rational being, and which obligates men even in the absence of human law and government. This moral law, according to Plutarch, is ascertainable by reason and

evident in the ideas of the great philosophers, Socrates and Plato, for example. There is no reason to think that men will become beasts without government. Plutarch remarks:

> For if any one, taking away the laws, should leave us nevertheless the doctrines of Parmenides, Socrates, Plato, and Heraclitus, we should be far from mutually devouring one another and leading the life of beasts. For we should fear dishonest things and should for honesty alone venerate justice, the Gods, our superiors, and magistrates. . . . And doing that willingly by reason, as Xenocrates says, which we now do by force and through fear of the law. (Ibid., 5:377)

Aristotle seems to give voice to what would later become the Epicurean position when he indicates that without law and government, human beings are indeed inclined to be ruthless. "For just as man is the best of the animals when completed," Aristotle writes, "when separated from law and adjudication he is the worst of all." "Justice," moreover, according to Aristotle, is "a thing belonging to the city."[10] Based on these remarks it would seem that Aristotle anticipates the Epicurean claim that justice separates the pre-political condition from the political condition. Aristotle contends that human beings in the former are brute savages, while human beings in the latter are civilized. In this case, it would seem altogether proper, from both an Epicurean and Aristotelian standpoint, to judge the legitimacy of social and political institutions *horizontally*, based on whether they properly advance human beings beyond a primitive condition to a more pleasant civilized condition.

This *horizontal* approach to judging the legitimacy of law and government belongs to an Epicurean framework. Epicurus defined justice as "a pledge of reciprocal usefulness, [i.e.,] neither to harm one another nor be harmed."[11] For this reason, Epicurus observed, "Justice was not a thing in its own right, but [exists] in mutual dealings in whatever places there [is] a pact about neither harming one another nor being harmed" (ibid.). As Lucretius explained in his didactic poem *De rerum natura*, these social pacts are constitutive of justice. They form first for the mutual protection of human beings from the dangers of wild animals, and second for the mutual protection of human beings from the dangers posed by each other. And these social pacts make social progress possible. The conventions of justice and government distinguish civilized society from primitive society.

From the perspective of classical Socratic political philosophy, however, which is represented by the Platonic, Aristotelian, and Stoic schools, various regime types are judged not by their *utility* in advancing humanity's social condition, but by their accordance to reason. Aristotle, for example, who declared that "man is by nature a political animal," did not incorporate any kind of movement from a pre-political condition to a political condition into his analysis of which regime is best. Aristotle argued that "it is peculiar to man as compared to the other animals that he alone has a perception of good and bad and just and unjust and the other things of this sort; and community in these things is what makes a household and a city" (*Aristotle's Politics,* 4 [1253a1–20]). Human beings, according to Aristotle, are born under government. Rule is natural, just as political society is natural. Human beings are

born with the tools with which to judge the political institutions under which they live. Their reasoning about what is good and what is bad for human beings, what is noble and ignoble, just and unjust—based on a consideration of universal human nature—enables them to judge between good and bad regimes without reference to any kind of origin story outlining a narrative of progress. In other words, the way we judge good and bad systems of governance is analogous to the way we judge good and bad human actions, not with reference to progress, but by locating the *honestum*, that which is noble, or good, in itself. The *honestum* takes first place and determines what is truly useful and pleasant for human beings.[12]

Classical Socratic political philosophy is unlike Epicurean political theory insofar as it takes as its starting point the idea that human beings are rational animals living in political community.[13] Classical Socratic thought seeks to distinguish between good and bad regime types—such as, for example, monarchy, aristocracy, oligarchy, and democracy—based on their tendency to promote what Cicero, following Aristotle, called "a happy and honorable life."[14]

Cicero presented his Stoic natural law theory in opposition to the utilitarian theory of the state presented by the Epicureans. Cicero challenged the Epicurean narrative of society's origins in Book 5 of Lucretius's *De rerum natura*, dedicating the entire third book of *De re publica* to arguing that justice is not conventional, but universal and eternal. The natural law, which is not of human creation, serves as the bond between human beings in society, constituting a "community of interest" oriented toward the development of natural human capacities, including our inclinations toward knowledge, society, and virtue (ibid., 18 [1.39a]).

In *De legibus*, Cicero defined law as "the highest reason, rooted in nature, which commands things that must be done and prohibits the opposite."[15] Justice, for Cicero, is natural, not artificial. Justice is defined not by utility, but by the highest law, which is representative of right reason and which predates any written human law. In fact, the highest law stands in judgment over human law. "There is only one justice," Cicero writes, "which constitutes the bond among humans, and which was established by the one law, which is right reason in commands and prohibitions" (ibid., 120 [1.42]). "[I]n fact," Cicero continues, "we can divide good laws from bad by no other standard than that of nature" (ibid., 121 [1.44]).

Even before individuals joined political community at some historical moment (whenever that happened to be), they already lived in a community of reasoning animals, a community under a law that, though unwritten, was perceived by all and acted upon by all, as evidenced by each individual's pursuit of good and avoidance of evil. The origin of justice, then, is not to be found at the origin of society, but in the law of reason. According to Cicero, "law is a power of nature, it is the mind and reason of the prudent man, it distinguishes justice and injustice" (ibid., 112 [1.19]). The natural law is made evident every time we judge human actions to be better or worse in the pursuit of good and avoidance of evil. When we give voice to such judgments, we testify to some rule and measure of action that we consider to be sharable by and accessible to all human beings by virtue of our rational nature, which constitutes our shared humanity. Judgments of this sort are expressions of *common human reason*.

The natural law, for Cicero, provides the link between *pronoia* (providence) and *logos* (word, reason).[16] Stoic political philosophy is teleological, as is all Socratic political thought,

in that it directs human beings toward their natural end, that to which they are providentially led, which is life according to reason, or *logos*. According to classical political philosophy, reason perfects human nature because it is what is best in human nature. And virtue, according to Cicero, "is reason brought to completion, which certainly exists in nature" (Cicero, *On Laws*, 121 [1.45]). The *honestum*, then, exists in nature. And virtue "is nothing else than nature perfected and taken to its highest level" (ibid., 114 [1.25]). Classical Socratic political philosophy is, in this sense, oriented upward and outward, toward a divine, or providential, expression of *logos*, or universal reason, that provides an independent standard of judgment not only for human action but also for the structures by which human beings are governed. Epicureanism, on the other hand, defines justice without reference to metaphysical dogmas concerning the providential governance of the universe.

Modern Stoic and Epicurean Varieties

Leo Strauss noted that Epicurus' treatment of religion served as the highest classical expression of the critique of religion.[17] Similarly, he observed that Epicurus' empirical approach to justice served as the highest classical expression of a utility-centered political conventionalism. The Epicurean critique of providential teleology and Epicurean political conventionalism go together.[18] The latter follows from the former. And this is evident in Hume's modern Epicurean critique of Hutcheson's neo-Stoicism. When David Hume announced in the voice of Epicurus in section 11 of *An Enquiry Concerning Human Understanding* that the denial of a divine existence and a divine providence did not threaten the foundations of society, he made clear his opposition to the neo-Stoicism of Francis Hutcheson. Hutcheson based his entire system of morals and politics on the idea that benevolence is the end goal of the providential governance of the universe, and the standard by which to judge human morals.

Hutcheson was a modern moral sense theorist, not a rationalist. Nevertheless, his moral theory is deeply teleological. Hutcheson equated "calm emotion" with rational desire and "violent emotion" with sensual desire.[19] The calm passions, according to Hutcheson, consists of benevolent affections, or "kindly feelings of our hearts," oriented toward "the happiness of all men without distinction" (ibid., 134–35). Hutcheson described these calm passions as divine gifts, or divine powers, in a manner similar to the intellectual faculty in the Aristotelian tradition (ibid., 177). These calm passions are placed in our minds by God for our own happiness, "so that we may discover and learn for ourselves . . . real good and evil . . . the measure of true good and evil," which is to say that which is good by nature, the *honestum* (ibid., 136–37).[20] Hutcheson writes that

> by our reason and reflection, we may see what was the intention of God the Author of our Nature in this whole fabric of our affections; that he plainly intended the universal happiness, and that of each individual, as far as it is consistent with it; and that this intention should be our rule: that we should therefore restrain and

> control, not only all selfish affections, but even all generous particular affections, within such bounds as the universal interest requires.[21]

Hutcheson adopted the view that he ascribed to Socrates and Cicero “that a sense of what is decent (*decorum*) and honorable (*honestum*) is natural to man; it is this sense which prompts us to esteem everything that is kindly, faithful, gentle, friendly; it is also the reason why we love men endowed with these virtues with a particularly intense love and goodwill” (ibid., 206). The highest possible pleasure, according to Hutcheson, is that which accords with the providential orientation toward benevolence, which “consists in kind affections to our fellow-creatures, gratitude and love to the deity, submission to his will, and trust in his providence with a course of suitable actions.”[22]

The Epicurean system, on the other hand, elevates the useful and the agreeable over the noble, or good. David Hume exemplified this position when he theorized that “the distinction of vice and virtue arises from the *four* principles of the *advantage* and of the *pleasure* of the *person himself*, and of *others*.”[23] Hume argued that the virtues of justice and allegiance to government are founded primarily in the determination of *utility*, or mutual advantage.[24] Hume expressed agreement with Mandeville’s assertion, variants of which can be traced all the way back to Epicurus, that the pursuit of the *honestum* (the right) or the *pulchrum* (the beautiful), as a standard of judgment, is a “wild-goose chase.”[25] It was Epicurus who famously declared, in opposition to the Socratic philosophers, “I spit on the beautiful (*to kalon*) and those who pointlessly respect it when it produces no pleasure.”[26] Hume similarly subordinates the *honestum* and *pulchrum*—in all matters of moral and aesthetic judgment—to utility.

Utility in Epicurean thought is determined not by divine providence, but by each individual’s declaration of what is or is not advantageous, or useful, to herself and her associates based on considerations of what is pleasant, or agreeable. Utility as defined within the Epicurean framework is an extension of an Epicurean approach to morals. Epicurus declared that “pleasure is . . . our starting point for every choice and avoidance and we come to this by judging every good by the criterion of feeling.”[27] It is appropriate, from this standpoint, “to make all these decisions [regarding choice and avoidance] by comparative measurement and an examination of the advantages and disadvantages.”[28] Both on an individual and social level, then, actions are judged primarily with reference to pleasure and utility. This is why Epicurus defined justice as “not a thing in its own right,” but “something useful for mutual associations.”[29]

In a letter to Francis Hutcheson, Hume noted that he was following Horace, “one of the best moralists of antiquity,” when he considered justice to be a factitious virtue founded on utility, rather than on “final causes,” which Hume viewed as “pretty uncertain and unphilosophical.” Quoting Horace, Hume declared that *utilitas justi prope mater et aequi* (that is, utility is the mother of justice and equity).[30] By making utility the standard of justice, Hume associated himself with Epicurus and Horace. John Stuart Mill would later trace a direct line from Epicurus to Horace and from Hume to Bentham, thereby characterizing these thinkers as representatives of one unified tradition of thought, which is distinguishable by its equation of justice with utility.[31]

Each of these thinkers supposed that reason operates instrumentally. "[S]ober calculation," as Epicurus said, is required for the attainment of virtue and happiness, neither of which is chosen for its own sake, but "because of pleasure."[32] Hume, too, declared that virtue's "sole purpose" is to make her votaries "cheerful and happy; nor does she ever willingly part with any pleasure." "The sole trouble, which [virtue] demands," Hume continues, "is that of just calculation, and a steady preference of the greater happiness" (EPM 9.15; SBN 279). Jeremy Bentham would later define utility, quite simply, as "the property of producing pleasure or preventing pain."[33] Hume, who argued that "usefulness is agreeable," and who equated the agreeable with the pleasant, would surely agree that utility is defined in terms of pleasure.[34]

Hume's Appropriation of Modern Epicureanism

Hume never called himself an Epicurean. But he did call himself a mitigated, or Academic skeptic. Hume, as a mitigated skeptic, attempted to hold his opinions without dogmatism and to confine his investigations to what he could discover empirically, by means of experience and observation, in common life.[35] Still, Hume's skeptical resistance to the application of *a priori* principles to empirical investigation is inextricably linked with a modern Epicurean perspective on morals. Skepticism in the seventeenth- and eighteenth-centuries was a negative tool, a tool of deconstruction, which in many cases made way for a positive Epicurean moral philosophy. Skepticism was used as a cudgel with which to beat the Scholastic Aristotelianism prevalent in European universities. Pierre Gassendi, for example, after issuing skeptical attacks on Aristotelianism, mitigated his skepticism, eventually developing what Richard Popkin called a "tentative Epicureanism" that, with its characteristic empirical epistemology, presaged the "scientific outlook" that would receive robust expression in the tradition of British empiricism, especially in the thought of David Hume.[36] Hume's skepticism not only served as a guard against both dogmatism and vulgar superstition, but also set the stage for a thoroughgoing empiricism.[37] And it is in this sense that "the spirit of scepticism" pervades Hume's empirical "science of man," as Ryu Susato has aptly noted.[38]

Hume's science of man, in fact, built upon the Gassendist principle that the difference between human beings and animals is merely a matter of degree. Samuel Sorbiere had called Thomas Hobbes a new Epicurus for affirming "that man differed by next to nothing from brute animals."[39] Pierre Bayle had defended what he described as the Epicurean view that there is "only more or less difference" between "men and beasts."[40] Bernard Mandeville, too, eschewed the Cartesian view and adopted the Gassendist position that human beings, like beasts, are feeling *autonoma*.[41] For Mandeville, human beings are not essentially rational or moral beings. They are, instead, as mortal and material as the beasts. By lowering human beings to the level of beasts and treating them as feeling creatures whose movements are governed by passion, Mandeville expressed what F.B. Kaye called "the core of the modern scientific, empirical attitude."[42] This was a distinctively Epicurean view, as well.

One of the central aims of Hume's *Treatise*, according to Norman Kemp Smith, was to prove precisely this point, that "the determining influence in human, as in other forms of

animal life, is feeling, not reason."[43] Arguing that animals employ their reason just as humans do—that is, instrumentally—and that animals feel the same passions that humans do, Hume concluded that "no truth appears to me more evident, than that beasts are endow'd with thought and reason as well as men" (T 1.3.16.1; SBN 176).[44] Though Hume did not articulate a materialist ontology, he wielded his skepticism to achieve a negative aim, to undercut belief in the immateriality and immortality of the soul, which led him to agree with the materialists that "matter and motion may often be regarded as the causes of thought, as far as we have any notion of that relation" (T 1.4.5.33; SBN 250).

As Paul Russell has pointed out, the human person is, on Hume's account, endowed with no elevated place in the natural world, for the mind of man works mechanically and instinctually, as does the mind of an animal.[45] Hume's skepticism, then, just as Bayle's and Mandeville's before, confirms the modern Epicurean portrayal of the human person "as just one more kind of natural animal, rather than the semi-divine hybrid of the Graeco-Christian metaphysical tradition."[46] This is the basic understanding of the human person at the center of Hume's science of man, from which springs his political conventionalism.

When Hume as a young man was disillusioned by the strict austerity of the Stoic conception of virtue and human nature, he endeavored to find a more certain theory of human nature. He turned first not to common life, but to philosophical texts, including those of Pierre Bayle and Bernard Mandeville, who were at that time giving expression to a modern Epicurean alternative to Stoic and classical republican rigor. Their Epicurean alternative was comprehensive in nature: ateleological in its metaphysics, empirical in its epistemology, and hedonistic in its morals.[47] Hume followed the path charted by Bayle and Mandeville, joining them in reformulating an ancient Epicurean alternative to Socratic, and particularly neo-Stoic, forms of political thought.[48]

In volume two of *The Fable of the Bees*, Bernard Mandeville exemplified the modern Epicurean approach to morals and politics by laying out a conjectural history of the development of society, according to which human beings begin as pre-social savages, driven by passion, not reason.[49] Mandeville, who assented to Epicurus's claim that each person is led by his own pleasure, portrayed humanity's natural state as one of conflict and misery. Since there is no natural "love of man for his species," society itself is the product of each person's "perpetual desire of meliorating his condition," which means that society, which developed by a lengthy process of trial-and-error, is "entirely built upon the variety of our wants."[50]

Pierre Bayle had already affirmed that a peaceful society could result merely from the pursuit of mutual satisfaction. He insisted that Epicurus was right to say that "the happiness of man consists in being at his ease, and in having a sense of pleasure; or, in general, satisfaction of the mind" (Bayle, "Epicurus," 2:780 [Remark H]). And in his *Dictionnaire historique et critique*, Bayle points to the concord of Epicurus's garden to show that a society of virtuous atheists is possible.[51] This Baylean assertion regarding the society of virtuous atheists is, in fact, a fundamentally Epicurean insight. Quoting from Gassendi's *De vita et moribus epicure*, Bayle remarks that the Epicureans bickered little about theoretical matters, while the followers of Socrates split into many different camps, for example, the Old and New Academies,

the Peripatetics, and the Stoics. The "sect of Epicurus," though, "is like a well-modelled state, which secure from all sedition, is governed by one common consent and mutual concurrence" (Bayle, "Epicurus" 2: 776 [Remark D]). Bayle thereby concludes that sociability should not be promoted by means of philosophical or theological dogma, but by means of the mutual pursuit of ease and convenience. This, for Bayle, seemed a viable means by which to promote toleration amid incessant, violent bickering over religious differences. "Now after all this," Bayle declares, having just described the peaceful condition of Epicurean society, "who will dare to affirm, that people that deny providence, and lay their supreme good in their own satisfaction, are no way capable to live in society?" (ibid.).

Hume, Epicureanism, and Contractarianism

David Hume built on Pierre Bayle's effort to establish the theoretical foundation for a society of virtuous atheists.[52] Bayle's society of virtuous atheists, modeled upon "the sect of Epicurus," was not based on metaphysical dogma regarding the providential governance of the universe. In Hume's "solid and satisfactory" "apology for Epicurus," in the first *Enquiry*, Hume, through the voice of Epicurus, argues that the philosophical denial of "a divine existence, and consequently a providence and a future state" does not undermine the "foundations of society." "[Q]uestions of public good, and the interest of the commonwealth," according to Hume, are entirely disconnected from "fruitless" speculative inquiries into the divine origin and government of the world (EHU 11.4, 11.9–10; SBN 133, 134–35).

But a society of virtuous atheists, which is freed from metaphysical dogma, still needs grounding in what Bayle termed "one common consent and mutual concurrence." A political society that is not founded on providential teleology or metaphysical dogma requires some other agreed upon standard of legitimation. And the source of legitimation for Bayle, who looked to the sect of Epicurus as a model, is "common consent and mutual concurrence," arrived at by reflective feeling, about what constitutes mutual satisfaction, or mutual advantage, for the individuals in the community.

If government is an artifice instituted to better the human condition, then government maintains its legitimacy insofar as it generates agreement among the people that it does in fact better their condition (T 3.2.9.1; SBN 550). In the *Treatise*, at least, Hume shows how the inventions of justice and government lifted human beings from a savage state to a civilized state. And Hume defends the legitimacy of these institutions by raising the specter of life without them, that is to say, "that wretched and savage condition, which is commonly represented as the *state of nature*" (T 3.2.7.1; SBN 534). The "state of nature" for Hume is a useful fiction illustrating the miseries inherent in a life without justice and society. Hume argues that justice and government, which are the proper remedies for the deficiencies of the primitive condition of humankind, are derived not "from nature, but from *artifice*" (T 3.2.2.9; SBN 489). Hume, in accord with the Epicurean approach to political life, thought that private benevolence (or limited generosity) could sustain ties between acquaintances and relations, but that utility and consent were the tools by which people could be brought into large and

lasting societies. And though Hume is rarely, if ever, cast as a theorist of consent, he too agrees that the inconveniences of humanity's natural state require a remedy. And the "remedy can only come," Hume admits in a telling passage, "from the consent of men" (T 3.2.7.4; SBN 535).

Ryu Susato gives voice to the predominant view that Hume's challenge to the Whig myth of the ancient constitution constituted an attack on social contract theory as a whole.[53] It is true, as Paul Sagar notes, that David Hume and Adam Smith objected to the Lockean theory of political obligation as expressed in the vulgar Whiggism of eighteenth-century Great Britain.[54] Hume sought to prove "that the obligation of submission to government is not derived from any promise of the subjects." Hume argued that there is no historical record of an original contract and that most government is founded upon force rather than consent. Even if "there were no such thing as a promise," Hume declares, "government wou'd be still necessary in all large and civiliz'd societies" (T 3.2.8.7; SBN 546).

Hume does admit that, given the fact of equality, the first government to ever have existed must have required the express consent of the people, who submitted themselves to some governing authority. "Nothing but their own consent, and their sense of the advantages resulting from peace and order," could have "caused them to submit to government."[55] Though there is no record of it, the establishment of the first government must have been produced by individuals, who, knowing that the laws of justice would be better maintained and enforced by civil magistrates, consented to the rule of governing authority. "This conclusion, however, when carry'd so far as to comprehend government in all its ages and situations," Hume remarks, "is entirely erroneous" (T 3.2.8.3; SBN 542). After all, allegiance to a particular government is not a matter of choice. People are born into obedience. It is for this reason, Hume argues, that allegiance in modern political society is not derived from "our consent or promise," but from custom and habit (T 3.2.8.9; SBN 547–49).

Hume's focus on custom and habit, however, does not necessarily render him an anti-Hobbesian or anti-Lockean creator of a new idiom of political thought. John Rawls noted that there are two purposes of the social contract. One purpose is to yield a conception of legitimacy. The other purpose is to explain citizens' political obligations. Hume criticizes the view that the obligation to obey political authority is derived from a promise to do so. But Rawls argues, rightly, I think, that Hume does not critique the contractarian view of legitimacy, according to which consent, or agreement, is required to legitimize social and political order.[56] If this view is correct, then Hume's political theory is aligned with the fundamental insight of the social contract tradition, which, according to John Rawls, is this: "a legitimate political order rests on unanimous consent."[57] In Hume's account, a regime is legitimate insofar as people agree that it is mutually advantageous, or useful, to each person.

Social contract theory, at its most basic level, purports to explain what legitimizes the exercise of political coercion on free individuals. Hume's theory reveals that the promissorial relationship between ruler and subject is not the most essential feature of the contractarian mode of thought.[58] And Jean Hampton argues correctly that it is only "*the promissorial relationship between ruler and subject in Lockean-like social contract theories to which [Hume] objects*."[59] For Rawls, Hume's truncated contractarianism was essentially Lockeanism stripped of its

superfluous—and historically unjustifiable—features. According to Rawls, "Hume maintains . . . that nothing is gained from basing political obligation on an original contract. Locke's doctrine represents, for Hume, an unnecessary shuffle: one might as well appeal directly to utility."[60] And Rawls acknowledged that "[t]he kind of utilitarianism espoused by Hume . . . is not strictly speaking utilitarian," but contractarian.[61]

Hume does not take the Benthamite step of basing the legitimacy on achievement of some collective hedonic calculus. Instead, he considers it imperative that "[t]he whole scheme . . . of law and justice is advantageous to the society and to every individual" (T 3.3.1.12; SBN 579). For Hume, the legitimacy of law and government is based on the agreement or assent of individuals who confirm, through suitable resolution and behavior, that conventional arrangements are mutually advantageous, furthering the interests of each individual and of society. Because of this emphasis on mutual advantage rather than the maximization of happiness, Hume's conventionalism bears more in common with the contractarian tradition than the utilitarian tradition.

The Determination of Utility by Opinion of Interest

On Hume's account, law, justice, and government are legitimate only insofar as they achieve the purpose for which they were instituted: the advancement of public utility. But who is to judge whether conventions are mutually convenient and advantageous, improving the condition of each individual and of society? Expediency is surely determined by the opinion, or subjective approval, of each individual who is engaged in the cooperative endeavor on the condition that it furthers both private and public interest. Thomas Merrill has argued that "Hume subordinates legitimacy to utility."[62] But utility is not a stand-alone category. It depends on opinion. Opinion determines what is mutually advantageous, or, in other words, what is in the private and public interest. "[T]hough men be much governed by interest," Hume writes, "yet even interest itself, and all human affairs, are entirely governed by opinion" (*Essays,* 51).

Consent to conventional arrangements is rooted in the opinion that these arrangements are mutually advantageous. Hume claims that, "as force is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded" (*Essays*, 34). Hume adds considerable nuance to this idea that conventions are imbued with authority by means of human opinion.[63] But at its most basic level, Hume advances the argument, espoused during the prior century, that the voluntary convention of government is founded ultimately upon the opinion of the people. Sir William Temple, for example, another critic of the social contract theory of obligation as well as a defender of Epicurean morals, declared that the foundation of legitimate government is "the opinions and interests" of the people.[64] Thomas Hobbes had already expressed a similar idea when he wrote that "the power of the mighty hath no foundation but in the opinion and belief of the people."[65] Locke even anticipated that he would receive criticism for his attempt "to lay the foundation of government" in popular consent, what others might regard as "the unsteady opinion, and uncertain humour of the people."[66] While these thinkers vary in their

interpretation of the source of the obligation to obey political authority, they share an Epicurean moral anthropology and a belief that government is legitimized by the opinion of the people.

Hume, then, innovates from within contractarian thought, treating consent not as a promise to obey rulers but as opinion regarding legitimacy, that is, the right of rulers to rule based on their contribution to public utility. Hume, though skeptical of the modern Hobbesian and Lockean notions of sovereignty and of rights, highlighted what is at the heart of Epicurean and contractarian forms of thought, viz. that the legitimacy of justice and government depends on utility and consent. As Catherine Wilson has argued, the central aspect of Epicurean conventionalism is the idea that law, justice, and government are mechanisms that rest on "social pacts," whether in the form of "explicit agreement" or "passive acquiescence" to useful forms of social cooperation.[67] In Hume's modern Epicurean political theory, even habit, a kind of acquiescence, is indicative of some form of agreement that justice, law, and government are useful, or mutually advantageous. As a result, Hume's innovations are properly interpreted as contributions to, rather than refutations of, Epicurean and contractarian modes of political thought.

The Role of Habit and Reflection

This is not to downplay Hume's singular contributions to conventionalist accounts of social and political order. Hume's theory is singular insofar as he declares that the convention of government, historically, arises from direct agreement by means of deliberate choice, while the present governing authority is obeyed by a kind of indirect agreement, through a kind of acquiescence or habit. But habitual obedience alone, much like antiquity alone, does not make governing authority legitimate. Hume's account of legitimacy is more stringent than it may seem at first glance.

It is unclear, on Hume's account, whether any governing authority that is obeyed out of habit is, by means of this acquiescence, rendered legitimate. Hume does seem to indicate in the essay, "Of the First Principles of Government," that the fundamental principle that government is founded on opinion extends "to the most despotic and most military governments, as well as to the most free and most popular" (*Essays*, 32). It may appear, then, as if Hume, in this case, takes the conservative stance that despotic governments are as legitimate as free governments. But, Hume insists, "Opinion is of two kinds, to wit, opinion of INTEREST, and opinion of RIGHT" (*Essays*, 33). It is the opinion of interest—rather the opinion of the right to power or to property—that serves as the primary determinant of legitimacy, on Hume's account, because it is the end for which justice and government were established. "By opinion of interest," Hume writes, "I chiefly understand the sense of the general advantage which is reaped from government; together with the persuasion, that the particular government, which is established, is equally advantageous with any other that could easily be settled" (*Essays*, 33). In both the *History of England* and the *Treatise of Human Nature*, Hume argues that a regime that does not contribute to public utility, no matter how ancient it is, loses its legitimacy. While Hume argues that original contract, long possession, present possession, conquest, succession,

and positive law give some title of authority, Hume argues that "as government is a mere human invention for mutual advantage and security, it no longer imposes any obligation, either natural or moral, when once it ceases to have that tendency" (T 3.2.10.15–16; SBN 562–64).

Furthermore, Hume also seems to indicate that the mere exercise of authority, like that of feudal lords, for example, even if it upholds some modicum of order, does not make a governing regime legitimate. Feudalism, by breeding domination in masters and servility in peasants, is insufficiently egalitarian and qualifies as inhumane from Hume's perspective (*Essays*, 184). Surely, however, there was habitual obedience to feudal structures in the medieval period. The question of a regime's legitimacy, then, ultimately seems to be resolved not by habit—which is a descriptive account of why government is obeyed—but by reflection.

Habit is not merely instinctual. Habit, on Hume's account, derives from reflection and is subject to change on the basis of reflection. Habit is, at its best, responsive to reflection. According to Hume, justice "tends to promote public utility and to support civil society." The sentiment of justice is "derived from our reflection on that tendency" rather than "a simple original instinct in the human breast" (EPM 3.39; SBN 200–201). No simple, original instinct, Hume thinks, could be responsible for our ideas about justice and government, property, inheritance, contract, kings, senates, chancellors and juries. Both the conventions of justice and of government, according to Hume "arise merely from the necessities of human society" (EPM 3.43; SBN 202). Hume argues:

> The convenience, or rather necessity, which leads to justice, is so universal, and every where points so much to the same rules, that the habit takes place in all societies; and it is not without some scrutiny, that we are able to ascertain its true origin. The matter, however, is not so obscure, but that, even in common life, we have, every moment, recourse to the principle of public utility, and ask, *What must become of the world, if such practices prevail? How could society subsist under such disorders?"* (EPM 3.47; SBN 203)

The Nature and Necessity of Consent in Hume's Account

Consent, properly construed from the Humean perspective, consists in neither a written contract nor verbal affirmations nor the establishment of a sovereign, but in an *agreement* regarding the expediency of the conventions of law and government that finds expression through common behavior. When habitual, this agreement looks like acquiescence. When reflective, this agreement looks like hypothetical consent to the utility of social and political conventions. In either case, it is agreement that "produces a suitable resolution and behavior" among the parties that is "mutually express'd and is known" through action in common life. "And this," Hume writes, "may properly enough be call'd a *convention* or *agreement* betwixt us, tho' without the interposition of a promise" (T 3.2.2.10; SBN 490). In Hume's famous example, "two men, who pull the oars of a boat, do it by an agreement or convention, though

they have never given promises to each other" (T 3.2.2.10; SBN 490). "Every one," Hume says, "expresses this sense to his fellows, along with the resolution he has taken of squaring his actions by it, on condition that others will do the same. . . . [T]his becomes an example to others. And thus, justice establishes itself by a kind of convention or agreement; that is, by a sense of interest, supposed to be common to all, and where every single act is performed in expectation that others are to perform the like" (T 3.2.2.22; SBN 498). The violation of justice performed by one of our peers represents the violation of an agreement between human beings that is rooted in shared beliefs, or common understanding, about the efficacy—and universal scope—of justice. And this shared belief is expressed outwardly through obedience of the laws of justice and the enforcement of these laws by the government, which, Hume emphasizes, is essential in large modern societies (T 3.2.8.5; SBN 543).

Frederick Whelan has made the point that Hume differs from other contractarians by claiming that people consent to government because it is legitimate, not that government is legitimate because people consent to it.[68] This formula, however, overlooks the import of a central element of Hume's argument, viz. that it is universal agreement to abide by the laws of justice and government that renders those laws advantageous. Hume writes that "every single act [of justice] is perform'd in expectation that others are to perform the like. . . . ['T]is only upon the supposition, that others are to imitate my example, that I can be induc'd to embrace that virtue; since nothing but this combination can render justice advantageous, or afford me any motives to conform my self to its rules" (T 3.2.2.22; SBN 498). Unless everyone expresses their common understanding of the advantages of justice through cooperative behavior, justice is not useful. Justice is only useful when people agree that it is and act accordingly. Neither justice nor government would have a place if they were useless. And it is the agreement of the people to adhere to these conventions that *makes* them useful.

The Right of Rebellion

The modern Epicurean idiom is egalitarian and undergirds a right of rebellion.[69] And the right of rebellion is an element of the contractarian perspective that Hume scholars have located throughout Hume's writings.[70] Hume, no friend of the Tory theory of passive obedience, sought to place the Whig right of rebellion on stronger empirical ground, or "more reasonable principles" (T 3.2.9.2; SBN 550). Hume, the empiricist, did not ground the right of rebellion in universal, *a priori* principles (see T 3.2.10.16; SBN 563–64).[71] Instead, Hume argued that rebellion can be justified in exceptional cases when it is evident that government, "a mere invention for mutual advantage and security," is widely acknowledged to have ceased contributing to these ends (T 3.2.10.16; SBN 563). When burdensome and oppressive governing authorities exist, it will be "so obvious and undisputed, as to remove all doubt, and overpower the restraint, however great, imposed by teaching the general doctrine of obedience" (HE 5: 544). These calculations depend on "no other principle than interest," which is the reason government was created in the first place (T 3.2.9.4; SBN 553).

Even though it "is certainly impossible for the laws, or even for philosophy, to establish any particular rules, by which we may know when resistance is lawful," Hume writes, "it is certain that the people still retain the right of resistance" (T 3.2.10.16; SBN 563; see also *Essays*, 492). It is a "general principle . . . authorized by common sense, and the practice of all ages." The people retain the right of rebellion when they judge that government, a mere invention for mutual advantage, does not redound to the benefit of each and every individual.

Utility and the Promotion of Happiness

Hume does sometimes present public utility in a minimalist manner as the maintenance of what Bernard Williams called the first questions of political society, that is to say, peace, order, and security. Hume writes, for example, "It is evident, that, if government were totally useless, it never could have place, and that the sole foundation of the duty of allegiance is the *advantage*, which it procures to society, by preserving peace and order among mankind" (EPM 4.1; SBN 205). Elsewhere in the second *Enquiry*, though, Hume argues that it is not only the threat of disorder that causes us to praise the virtues of justice and allegiance, but also the promise of human happiness and perfection. "For what stronger foundation can be desired or conceived for any duty, than to observe, that human society, or even human nature could not subsist, without the establishment of it; and will still arrive at greater degrees of happiness and perfection, the more inviolable the regard is, which is paid to that duty" (EPM 3.39; SBN 201).

The legitimacy of social and political institutions, for Hume, is judged not only by the preservation of order, but by the promotion of the kind of virtues supportive of human happiness and perfection. Happiness, on Hume's account, depends in large part on the peace of mind that virtue helps promote. Margaret Schabas and Carl Wennerlind note that Hume's political science is utilitarian to the extent that it is intended to promote human happiness.[72] But only "prejudiced reasoners" would try to impose one best way of life—one conception of virtue and happiness—upon others in political society. "[T]he vast variety of inclinations and pursuits among our species," according to Hume, means that "each man seems fully satisfied with his own course of life, and would esteem it the greatest unhappiness to be confined to that of his neighbor" (*Essays*, 160). If the conventions of justice and government are intended to promote a safe framework for the pursuit of happiness, then, they must not impose one view of the good life on others. One reason that Hume defends modern commercial society is that, in his mind, it demands neither the Roman civic virtue of the classical republic, nor the Christian humility of the medieval world, but the industry of trade and manufactures, which sustains a kind of civil pluralism that allows each person to engage in the "just calculation" of pleasures and endeavors productive of peace of mind.[73] This provides grounds for the unanimous endorsement of such a regime.

Social rules are "useful and laudable," according to Hume, when they promote "ease" (EPM 4.13; SBN 209). And Hume declares that social rules, like social institutions, "are chiefly founded on mutual ease and convenience" (EPM 4.19; SBN 210). Mutual ease and convenience, moreover, are determined by reflective feeling, "a sympathetic movement of pleasure

or uneasiness" which is excited by a "view of human happiness or misery" (EPM 5.23; SBN 221). Reflective, sympathetic feeling of this sort, which is grounded in the moral sentiment, results in common consent and mutual concurrence regarding the ends of public life and the efficacy of governing arrangements in attaining those ends. A mutually advantageous governing arrangement must in this case provide the solution to the two most significant ailments of pre-political life, viz. economic scarcity and the moral evils stemming from human partiality. It is the presence of these two ailments that caused human beings in the more natural, or primitive condition—represented by the useful fiction of the state of nature—to consent to the conventions of justice and government on the basis of their utility. And it is reflective feeling, rooted in the *dulce* and the *utile*, that sustains these conventions. The Epicurean conceptual tools of pleasure and pain, utility and consent prove sufficient, for Hume, to explain the origin and development of an egalitarian social, political, and moral order that is absent in humanity's more primitive condition.

Conclusion

The ancient Epicurean Colotes remarked that, without the conventions of justice and government, there is neither order, nor morality, only levels of ruthlessness and licentiousness reminiscent of the primitive condition of humankind. That is because human beings, as Epicurus, Hobbes, and Gassendi agreed, are wolves to one another without the creation of suitable social and political conventions. Hume would certainly agree with this principle (EPM 4.3; SBN 206). The evils of the state of nature, or, as Hume calls it, the primitive condition of humankind, are not only economic, but also moral. The original condition that Hume describes is characterized not only by moderate scarcity, but also by partiality (or limited generosity), a moral-shortsightedness that, Hume says, is nearly as devastating to society as the most extreme selfishness. The institutions of justice and government prove mutually advantageous because they create space for a level of social and moral development impossible in humanity's primitive condition. That is why human beings agreed to these conventions in the first place, and why they still abide by them.

The only remedy to the economic and moral ills of humanity's primitive condition consists in universal consent to the useful artifices of justice and government. The obligation to obey law and government ultimately flows from reflection on, and consent to, the utility of these conventions, even though daily acts of allegiance take the form of mere habitual conformity. There is a common consent and mutual concurrence—one might even say a moral consensus—that determines when the exercise of political authority is legitimate. Unlike Hobbes, who asked what kind of contract people should establish in a state of nature, Hume asked how the existing social contract, which underlies all interaction in large and lasting societies, has evolved and how it is expressed through habit. Though Hume's naturalistic form of contractarian theory, with its focus on habit and custom, marks a transition in modern political thought from social contract theory to "social convention theory," it nevertheless constitutes

a development of—not a departure from—that oldest form of utility-centric political thought, Epicureanism, the spring from which Hume's brand of contractarian conventionalism flows.[74]

NOTES

1 The author wishes to thank Carl Wennerlind, Pierre Force, and the anonymous referees for their helpful recommendations, which improved this essay.

2 James A. Harris, "David Hume's Political Theory." Harris is similarly dismissive of Epicureanism in Hume. See James A. Harris, "The Epicurean in Hume." Hume's rejection of contractarianism is emphasized in both Donald W. Livingston, *Hume's Philosophy of Common Life*, 282, and Annette Baier, *Progress of Sentiments*, 252–53.

3 For insight into the fundamentals of Epicurean political thought, see Pierre Force, "Helvétius as an Epicurean Political Theorist," and Catherine Wilson, "Political Philosophy in a Lucretian Mode."

4 Paul Sagar, *Opinion of Mankind*, 12.

5 See Pierre Force, *Self-Interest before Adam Smith*; John Robertson, *The Case for the Enlightenment*; Istvan Hont, *Politics in Commercial Society*.

6 James Moore and David Fate Norton first engaged in the debate over Hume's Epicureanism. See James Moore, "Hume and Hutcheson," and David Fate Norton, "Hume and Hutcheson: The Question of Influence." Ryu Susato has presented Hume as a skeptical Epicurean in Susato, *Hume's Sceptical Enlightenment*.

7 Epicureanism has been acknowledged as one of the earliest versions of social contract theory. See John Rawls, "Justice as Fairness"; John J. Thrasher, "Reconciling Justice and Pleasure in Epicurean Contractarianism."

8 This interpretation provides confirmation that the idea of a modern Epicurean revival does indeed have traction. Cf. Richard Bourke, "Revising the Cambridge School," 475. In addition, it makes sense of literature that places Hume among the giants of social contract theory. See David Gauthier, "David Hume, Contractarian"; Robert Sugden, *Economics of Rights*; Peter Vanderschraaf, "The Informal Game Theory"; Brian Skyrms, *Evolution of the Social Contract* 88.1 (1979). Indeed, Hume scholars have begun to question the hasty conclusion that Hume's political theory is a renunciation of contractarian thought *tout court*. See Frederick G. Whelan, "Hume and Contractarianism," 201; Thomas W. Merrill, "The Rhetoric of Rebellion."

9 Plutarch, "Against Colotes," 5: 377.

10 Aristotle, *Aristotle's Politics*, 5 (1253a30–39).

11 Epicurus, *Principal Doctrines* 31, in *The Epicurus Reader*, 35.

12 Aristotle first specified the three classical categories of the good (the honorable, the useful, and the pleasurable) in the *Nicomachean Ethics*. Cicero subsequently argued that the *honestum* is good in itself. *Honestum*, for Cicero, is the highest of these three categories. Whatever is *honestum* is useful. See Aristotle, *Nicomachean Ethics*, 30 (1104b29–35), and Marcus Tullius Cicero, *On Duties*,

Book 3. For an investigation of how these three categories of the good played a role in eighteenth-century political economy, see Pierre Force, "Skepticism and Political Economy."

13 James H. Nichols, *Epicurean Political Philosophy*, 20, 120, 181; Wilson, "Political Philosophy in a Lucretian Mode," 280.

14 Marcus Tullius Cicero, *On the Commonwealth*, 80 (4.3a).

15 Cicero, *On Laws*, in *On the Commonwealth; and, On Laws,* 111 (1.18).

16 Cicero writes, "What is there, not just in humans, but in heaven and earth, more divine than reason?" Ibid., 113 (1.22). See also, Aristotle, *Nicomachean Ethics*, 225 (1177b26–33).

17 Leo Strauss, *Hobbes's Critique of Religion*, 65.

18 Leo Strauss found in Epicureanism not only the oldest form of political conventionalism, but also "the most developed form of classical hedonism." See Leo Strauss, *Natural Right and History*, 109–13. Eric Brown rightly introduces the Epicurean view of politics and society by contrasting it to the Socratic view, in "Politics and Society."

19 Francis Hutcheson, *Logic, Metaphysics, and the Natural Sociability of Mankind*, 127, 132. Hume makes the same distinction, though without reference to providential teleology.

20 See also Francis Hutcheson, *Philosophiae Moralis Institutio Compendiaria*, 53.

21 Francis Hutcheson, *System of Moral Philosophy*, 52 (I.iii.vi).

22 Francis Hutcheson, *Reflections upon Laughter*, 45–46.

23 T 3.3.2.16 (SBN 601). References to the *Treatise* are to Hume, *A Treatise of Human Nature*, ed. Norton and Norton, and will henceforward be given parenthetically in the main text as "T" followed by Book, part, section, and paragraph, and to Hume, *A Treatise of Human Nature*, ed. Selby-Bigge, rev. by Nidditch, cited in the text as "SBN" followed by the page number.

24 Hume, *An Enquiry concerning the Principles of Morals,* ed. Beauchamp, hereafter cited in the text as "EPM" followed by section and paragraph number, and Hume, *Enquiries Concerning the Principles of Human Understanding and Concerning the Principles of Morals*, ed. Selby-Bigge, rev. by Nidditch, hereafter cited in the text as "SBN" followed by page numbers.

25 Bernard Mandeville, "A Search into the Nature of Society," 131. For an investigation of Epicurus' antipathy toward Socrates, see Knut Kleve, "Scurra Atticus: The Epicurean View of Socrates."

26 Quoted in John M. Rist, *Epicurus; an Introduction*, 123.

27 Diskin Clay, "The Athenian Garden," 18–20.

28 Epicurus, *Letter to Menoeceus*, 28 (DL 10:128–30). For the connection between Epicurean moral psychology and the broader Epicurean philosophical framework, see Christopher Gill, "Psychology," 126, 139.

29 Epicurus, *Principal Doctrines* 33, 36, in *The Epicurus Reader*, 34–35. For an interpretation of Epicurean justice as not just artificial, but also natural, insofar as it is necessary for the attainment of *ataraxia*, which is our natural end, see John M. Armstrong, "Epicurean Justice."

30 Hume, *Letters*, 1:32–33.

31 John Stuart Mill, "Bentham," 86. See also Frederick Rosen, *Classical Utilitarianism from Hume to Mill*.

32 Epicurus, *Letter to Menoecus*, in *The Epicurus Reader*, 31 (DL 10:132); 44 (DL 10:138).

33 Jeremy Bentham, *Deontology*, 188.

34 See Hume, EPM 5.15 (SBN 218).

35 See 12.24–25 (SBN 161–62). Hume, *An Enquiry concerning Human Understanding,* ed. Beauchamp, hereafter cited in the text as "EHU" followed by section and paragraph number, and Hume, *An Enquiry Concerning Human Understanding*, ed. Selby-Bigge, rev. by Nidditch, hereafter cited in the text as "SBN" followed by page numbers. See also Hume, T. Abs. 27 (SBN 657).

36 Richard H. Popkin, *The History of Scepticism*, 91–92; Antonia LoLordo, *Pierre Gassendi and the Birth of Early Modern Philosophy*, 60; David Fate Norton, "The Myth of 'British Empiricism,'" 331; Thomas M. Lennon, "The Epicurean New Way of Ideas," 260.

37 This explains Hume's aversion to the dogmatism of Thomas Hobbes as well as the dogmatic servility of the ancients. See, for example, David Hume, *The History of England*, 6:153 (Henceforward HE), and Hume, *Letters*, 1:16.

38 This is compatible with Susato's claim that Epicureanism is "vital" to Hume's philosophy. Susato, *Hume's Sceptical Enlightenment*, 16–17.

39 Thomas Hobbes, *The Correspondence*, 1:122–23.

40 Pierre Bayle, "Rorarius," in *Dictionary*, 901–902, 907 (Remark C).

41 Bernard Mandeville, *The Fable of the Bees*, 1:45, 1:181, 2:139–40, 2:166; E. J. Hundert, *The Enlightenment's Fable*, 37–39.

42 F.B. Kaye, "Introduction," in *The Fable of the Bees*, cxxx.

43 Norman Kemp Smith, *The Philosophy of David Hume*, 11.

44 See also T 2.2.12 (SBN 397–98).

45 Paul Russell, *The Riddle of Hume's* Treatise, 200.

46 Stephen Buckle, *Hume's Enlightenment Tract*, 176.

47 It is important to note here, that Bayle embraced Epicurean social theory, but not Epicurean metaphysics. Nonetheless, Bayle used the Epicurean argument from evil to show how natural reason is incapable of leading individuals to faith in God or any kind of rational belief in a benevolent providential Deity. Bayle's skepticism led to the same conclusion as Epicurean metaphysics, viz. that there is no teleology in nature. See Ibid., 68–69. Don Garrett notes that in the *Dialogues Concerning Natural Religion*, Hume seems to accept that there are final causes in nature. See Don Garrett, "What's True about Hume's 'True Religion'?" But regarding the alleged first cause, Thomas Holden argues that we cannot provide a moral judgment of the character of this first cause. See Thomas Anand Holden, *Spectres of False Divinity*. For Hume, then, the world might be teleological in that there are final causes evident in nature and perhaps even a first cause, but the universe is not teleological in the sense supposed by Christian Stoics like Francis Hutcheson, who thought the world was created by a benevolent deity for the good of humankind. This is the neo-Stoic idea that modern Epicureans, like Mandeville and Hume, rejected.

48 While the conditions of commercial society made Epicurean moral anthropology seem most appropriate for the modern age, the moderns did, of course, make amendments to the ancient view. The most consequential difference between the ancient and modern Epicurean idiom lay in the modern belief that one need not submit oneself to an impersonal natural world hostile to human

interests, but can instead exert control over nature for the sake of improving humanity's lot. Whereas the ancients emphasized conformity to nature, the moderns saw social and political conventions as means by which to overcome what are, in Hume's words, "the curious artifices of nature" that tend "to embitter the life of every living being." See Hume, *Principal Writings on Religion*, DNR 10.9; 96.

49 For Mandeville's use of this narrative, see Hundert, *The Enlightenment's Fable*, 17–18; Robertson, *The Case for the Enlightenment*, 272–80.

50 Mandeville, *The Fable of the Bees*, 2:259, 180, 349. For the similarities between Epicurean and Augustinian moral psychology, see Pierre Force, *Self-Interest before Adam Smith*, 57.

51 See Pierre Bayle, *Various Thoughts on the Occasion of a Comet*, trans. Robert C. Bartlett (Albany: State University of New York Press, 2000).

52 See David Fate Norton, "Hume, Atheism, and the Autonomy of Morals," and James Harris, "Answering Bayle's Question."

53 Susato, *Hume's Sceptical Enlightenment*, 22, 58–91.

54 Sagar, *The Opinion of Mankind*, 123.

55 Hume, *Essays, Moral, Political, and Literary*, 468. Henceforward *Essays*.

56 John Rawls, *Lectures on the History of Political Philosophy*, 15.

57 Ibid., 13. See also Fred D'Agostino, *Free Public Reason*, 23.

58 Hampton's form of contractarianism, for example, does not rely on a "promissorial interpretation of consent." Jean Hampton, *Hobbes and the Social Contract Tradition*, 274.

59 Ibid., 231.

60 John Rawls, *A Theory of Justice*, 29.

61 Ibid., 28.

62 Merrill, "The Rhetoric of Rebellion in Hume's Constitutional Thought," 275.

63 Hume distinguishes, for example, between opinion of interest and opinion of right to power and to property. See *Essays* 32–35.

64 Sir William Temple, "An Essay upon the Original and Nature of Government," 105.

65 Thomas Hobbes, *Behemoth*, 16.

66 John Locke, *Two Treatises of Government*, 414 (II.xix.223).

67 Wilson, "Political Philosophy in a Lucretian Mode," 280.

68 Whelan, "Hume and Contractarianism," 214.

69 Only modern appropriations of Epicurean thought include a right of rebellion. Epicurus supposed that, for the good of one's country, one ought to defend the commonwealth when necessary and to comply with magistrates good or evil in order to uphold the constitution. See Bayle, "Epicurus," in *Dictionary*, 2:785 (Remark O).

70 Whelan, "Hume and Contractarianism," 201; Merrill, "The Rhetoric of Rebellion in Hume's Constitutional Thought," 263; Sagar, *The Opinion of Mankind*, 125.

71 See the discussion in Forbes, *Hume's Philosophical Politics*, 96–101.

72 Margaret Schabas and Carl Wennerlind, *A Philosopher's Economist*, xiv, 7–8.

73 On the role of civil pluralism in Hume's thought, see Andrew Sabl, *Hume's Politics*, 53; Thomas W. Merrill, *Hume and the Politics of Enlightenment,* 150–53; and Margaret Watkins, *The Philosophical Progress of Hume's Essays*, 85–108.

74 For a portrayal of Hume's theory as "social convention theory," see Hampton, *Hobbes and the Social Contract Tradition*, 279; Robert Sugden, "Contractarianism as a Broad Church."

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