

Hume's Politics in the Wake of Adam Smith's.

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Abstract

Historians of economics are now well aware of the thoroughgoing revision of Adam Smith's politics launched by Donald Winch in the 1980's and subsequently extended to consider nearly every interface between Smith's treatment of economics, politics and the law. A similarly sweeping reconsideration of David Hume's political philosophy has gone less well attended, but has equally powerful and controversial implications for our understanding of Hume's contributions to social thought and political economy.

Keywords

David Hume, Adam Smith, pluralism, liberalism, constitutional economics

Note on citations:

T 3.2§2= Treatise, book 3, section 2, second paragraph

E1.9§2 oll = First Enquiry, section 9, second paragraph, On Line Library of Liberty
(Citations to the Online Library of Liberty's *Treatise* are followed by 'oll' and indicate book, part and section.)

E=Essays Moral Political and Literary, ed. E. Miller Liberty Fund 1985.

CPH= *The Parliamentary history of England from the earliest period to the year 1803, from which last-mentioned epoch it is continued downwards in the work entitled "Hansard's parliamentary debates. AKA Cobbett's parliamentary history of England, from the Norman conquest in 1066 to the year 1803, from which last-mentioned epoch it is continued downwards in the work entitled "Cobbett's parliamentary debates."*

Vols. 1-12. London, 1806. Vols. 1-36. London, 1812-1820.

by volume, page and date.

To balance a large state or society...on general laws, is a work of so great difficulty that no human genius, however comprehensive, is able, by the mere dint of reason and reflection, to effect it. The judgments of many must unite in the work: Experience must guide their labor: Time must bring it to perfection: And the feeling of inconveniences must correct the mistakes which they inevitably fall into in their first trials and experiments.

Alexander Hamilton, as Publius, concluding his case for accepting the Federal Constitution of 1789 in the final *Federalist* (No. 85) with a quote from Hume's *Of the Rise and Progress of the Arts and Sciences*.¹

1: North Britain Divided

Starting with *Adam Smith's Politics* in the 1970's Donald Winch set out to confront and correct the pervasive appropriation of Adam Smith by highly placed disciples who emphasized the invisible hand as the essence of Smithian economics, economics as the essence of Smith, and in consequence Smith as the essence of classical economic liberalism.² Winch sought to recover Smith's reputation as a moral philosopher, in part by emphasizing that his *Science of the Legislator* was a serious exercise in statecraft in which historical, sociological and psychological factors are by no means subordinated to economic forces. Emma Rothschild then identified several important twists and turns by which an eighteenth century moral philosopher became a nineteenth and twentieth century political economist, and finally a figure of considerable attraction to neo-liberal economists of the twentieth century. She reminds us that Smith was an inspiration to the National Assembly and revolutionary Frenchmen, Condorcet most prominently, which is a corrective to his well-known admiration by elements of the

¹ I thank Deirdre McCloskey for extensive help with the manuscript. Joe Persky and Stephen Engelmann provided perceptive criticism and corrections. I claim all the remaining errors as my personal property. See Watson (2006) for a recent discussion of Hume and the founders.

² See Winch (1978, 1992, 1985, 1983), Haakonssen (1981) and Pocock (1971).

Reagan and Thatcher administrations.³ The tepid encomiums upon his death in 1790 signaled doubt as to the wisdom of furthering his teachings. The Gentleman's Magazine expressed concern that invocations of Smith in Parliament and the National Assembly had "contributed to that spirit of liberty which at present so much prevails" (1992, p.75). Recovering contemporary perceptions of Adam Smith's political message has been central to reconsidering the relevance of his Science of the Legislator for the present. Amartya Sen (1999, 1997) has been a powerful advocate for Smith's relevance to the present conceptualization of economic development, and to the 'capability perspective' on development. Rather than seeking to reduce poverty and increase income by themselves, one ought to aim to increase the human capabilities and freedoms that give scope to human agency, particularly in areas that impinge upon people's effectiveness to participate in social decision-making.⁴ Because the development of social institutions—especially those that facilitate discussion and decision making—are seen as complementary to the growth of freedom and capabilities, the invocation of Smith stands nearly orthogonal to the chorus of free market-invisible hand invocations that Winch reacted against. Hence it marks the (re)emergence of a decidedly 'left-liberal' or 'progressive' interpretation of Smith that emphasizes the elaboration and improvement of political/social dimensions rather than their minimization in favor of markets.⁵

³ See for instance the retrospective by Reagan's Secretary of Education (Bell, 1986).

⁴ Ian McLean's (2005, 2006) interpretation of Smith as a 'radical egalitarian' apparently committed to social democracy looks likely to encounter plenty of heavy weather, and serve as something like a boundary condition (see Montes, 2008, Rasmussen, 2007). See Samuel Fleischacker's (1999, p.139) discussion of Smith's 'egalitarian conception of justice' for a treatment that avoids these difficulties.

⁵ I employ the 'left-liberal' and 'progressive' labels with reluctance. Unfortunately it is simply too confusing to use 'liberal' as it is presently understood in US political discourse.

Has something similar happened to David Hume? The question that I wish to pursue here is whether David Hume should be regarded as the legitimate subject of a revision of equal scope. I wish to consider the extent to which Hume already has been the subject of a similar set of new left-liberal interpretations and some of the fault lines that have emerged as a result.

While a variety of fissures have been perceived in Hume's work (for instance between his *Treatise* and his *Essays*, and indeed among the individual *Essays*) none of them run in the same direction as the so-called Adam Smith problem—a chasm that was thought to separate Smith's two great works, but which really emerged from a single-minded attention to the WN at the expense of the TMS. Winch firmly placed the WN within the wider framework of the Science of the Legislator. This shifted our attention towards the comparatively neglected branches of that Science that deal with justice and morality. In contrast, the literature on Hume's economics has never occupied more than a small corner of Hume studies—though it should be noted that a David Hume Institute vies with the Adam Smith Institute in providing 'market approaches to public policy'. The 'new progressive' wave of Hume reinterpretation—has not entailed a 'new' attention to his moral theory and politics, since they have never fallen out of view. Nor has it contained a dramatic re-conceptualization of the scope of his Science of Man, though part of his work—such as his *History*—have certainly been accorded greater attention. It is the traditional core of Hume's work, the *Treatise* and *Enquiries*, that have been read by different lights. The rereading has emphasized Hume's contribution to 'progressive' rather than 'conservative' social thought.

2: Hume as Conservative and Progressive

Hume has been taken as an important voice within a conservative tradition in at least two rather different, and somewhat confusing, senses. Anthony Quinton (1993, p.244) distinguishes a largely a-theoretical conservative political tradition associated with Burke from (amongst other doctrines) a liberal tradition containing “a right wing version – classical, individualistic liberalism – and a leftish one – the interventionist liberalism” . By the rightist version of liberalism Quinton appears to mean persons such as Hayek whom others (Muller, 1997, p.311-34) have counted among the conservative tradition (despite his essay “Why I am not a Conservative”). Both of the strands can be seen as seeking a foundation in Hume’s skepticism. Prior to Norman Kemp Smith (1941) Hume was widely read as having held that we can have no basis for reliably discussing causation, have no secure sense of ourselves or how society might be better organized. The disposition has more properly been labeled *fallibilism* (Fogelin, 2009, p.91) and is contrasted with Hume’s disposition to forward muscular political generalizations in his *Essays* based upon empirical – usually historical—evidence rather than the Cartesian rationalism that he targets in the *Treatise*.

In the past decade John B. Stewart and Donald Livingston have distilled the contending conservative and progressive interpretations of Hume. Stewart’s interventions in the Hume literature have strongly asserted the progressive intentions of Hume’s political science. For Stewart the purpose of Hume’s writing was to “liberate politicians from merely customary opinions and values” (1992, p.213) and to encourage a dynamic in which political opinion and political institutions would reform each other. The use of Hume’s experimental method in “moral subjects is to be able to predict the

consequences of policies, laws, and institutions, and thus to be able to adopt the best” (2011, p.169). He refutes the notion that Hume’s defense of Walpole constitutes a defense of corruption, that is the use of offices and emoluments to sway votes in Parliament. Hume’s aim was not so much to exculpate Walpole as to show the deficiencies of the British constitution which encouraged division and strife (2011, p.177-9). While he is careful not to suggest that Hume was a democrat because he had no intention of extending the franchise to property less Britons, he notes the radical nature of the two practical reforms Hume advocated in his ‘Idea of a Perfect Commonwealth’. The Commons should no longer be composed of representatives from different corporate bodies, such as the universities and cities, and it should be elected from constituencies of roughly the same size—thus transforming it into a ‘body which represents the people’ (2011, p.177).

Partly in reply to Stewart, Livingston has complained of the vacuousness of the definitions of conservatism that are at work. In general he identifies it as opposition to ‘world inverting’ philosophies and to the destructive possibilities contained in the rise of mass philosophical consciousness of the French revolution (2011, p.154-5). Hume’s conservatism is more particularly found in his distinction between true and false philosophers and philosophy. False philosophy encourages enthusiasm and dangerous social movements, while true philosophy acknowledges the limits to knowledge and the danger of overstepping them (Livingston, 1998, p.25-35). It is natural to consider true and false philosophies as reflecting Hume’s treatment of true and false religion. True religion is in part the recognition of our inability to know anything about the hereafter and the nature of god. Rather than Hume’s contemporaries who saw his skepticism as a

threat to religious belief, Livingston seems to find comfort in the notion that radical (Pyrronian) skepticism might undermine the confidence that would be needed to advocate progressive political reform. This brings Hume close to the later Hayek. As does Muller's (1997, p.63) suggestion that the principal similarity found between Hume and Burke is: "For the young Burke, as for Hume, an awareness of the limits of human reasoning led to a principled respect for custom." Clearly customary, or habitual, mental operations play a role in Hume's notion of how individuals reach causal conclusions, yet custom was as frequently a problem as it was a solution and this twofold attitude towards custom becomes clearer when Hume is viewed in the mirror of Hayek's later writings.

For Hayek *The Errors of Constructivism* lie in assuming that morals, law, and social institutions "must [] have been consciously designed by a human mind" and are justified only when they "correspond to a preconceived design". In contrast to the Cartesian spirits who seek to rewrite law on rational lines 'the great critic of rationalism, David Hume, could only slowly elaborate the foundations of a true theory of the growth of social formations, which was further developed by his fellow Scotsmen, Adam Smith and Adam Ferguson, into a theory of phenomena that are "the result of human action but not of human design"' (in Muller, 1997, p.320). Social theory purporting to predict and shape the future is all too likely to result in social action that will disturb valuable rules and institutions produced by a long process of selection.⁶ Hayek's sympathies here cause some commentators to think that he moved towards conservatism soon after having

⁶ Hayek on the *Errors of Constructivism*: "What then is the origin of those rules that most people follow but few if anyone can state in words? Long before Charles Darwin theorists of society, and particularly those of language, had given the answer that the process of cultural transmission, in which modes of conduct are passed on from generation to generation, a process of selection takes place, in which those modes of conduct prevail which lead to the formation of a more efficient order for the whole group, because such groups will prevail over others." Muller calls this historical utilitarianism—the "survival of an institution [which is] taken as evidence that it has served human needs" (both in Muller, 1997, p.323).

proclaimed himself not to be one (Muller, 1997, p.317, Quinton, 1993, p.246). “This is the true content of much derided idea of the “wisdom of our ancestors”. It was an increasingly pessimistic epistemology according to which local contextualized knowledge is irredeemably dispersed across the multitude of agents in a market economy and can never be effectively aggregated for social decision making.

Livingston reminds us that “nineteenth century liberals such as Macaulay and Mill did not see Hume as one of themselves”(2011, p.153). He considers Hume’s reception among liberals into the 20th century but does not peer back into the 1790’s, a decade in which British politics were soaked in the wash of the French Revolution—for Livingston (2011, p.151) the fountainhead of the ‘liberal’/ ‘conservative’ divide.

3: Hume, Price and Parliament

Along with Stewart, I am uncomfortable seating Hume in a conservative pantheon next to Burke, at least if it is the later, post *Reflections* author, who is to be Hume’s companion. As Rothschild observes, Burke is tempted to defend ‘superstition’ as a sound support for political stability—while for Hume superstition and enthusiasm are equally dangerous character deformations that threaten civil conflict.⁷ Richard Price, the radical and mathematically talented divine, was in the front ranks of the English supporters of the French Revolution. Burke attacked the Society for Commemorating the Revolution in Britain that Price famously addressed on November 4 1789. The

⁷ Burke (1791, p.235). While Burke’s invocation of ‘natural’ society is highly ironic at times-- especially in his earlier work—he is willing to write in his *Reflections* of “a conformity in our artificial institutions” in what we will see is a distinctly un-Humean manner (reproduced in Muller, 1997, p.92). Burke exemplifies the ‘veneration’ for current institutions that Muller (2001, p.2625) identifies as a ‘recurrent conservative assumptions and predispositions’.

meeting commemorated the 101st anniversary of the Glorious Revolution of 1688, but given the dramatic events of the past few months in France, Burke uses the Society's shorter moniker: the 'Revolution Society'. The Society's view of the revolution of 1688 drew Burke's (1791, p.31) particular ire: "Do they mean to attain and disable backwards all the kings that have reigned before the Revolution, and consequently to stain the throne of England with the blot of a continual usurpation ?" Which is of course exactly the impression one would get from reading Hume's *History* or 'Of The Original Contract' where Hume insists that nothing other than usurpation will be found when tracing the origin of any royal family to its inception (E 482. T Sec X as well). It is Richard Price who pointedly makes complimentary gestures towards Hume, not Edmund Burke. In the very meeting of the Society for Commemorating the Revolution that Burke found so appalling Price (1790, p.42-4) offered a toast along with the proposal: "that the Parliament, consisting of Lords and Commons, might be justly deemed a *National* Assembly ; that is, an assembly truly representing the nation, and speaking its voice"—a proposal which explicitly drew inspiration from the constitutional mechanisms contained in Hume's 'Idea of a Perfect Commonwealth'.⁸

Central to Emma Rothschild's illumination of how Smith became understood as a conservative economist is a demonstration of the very different views that were held about Smith in the early 1790's. A proper examination of the Parliamentary record should be undertaken with regard to how and when Hume's writings were invoked. My

⁸ "This mode of appointing the members of a Legislative Assembly in a great kingdom was first suggested by Mr. HUME, in one of his political essays, entitled, "An Idea of a Perfect Commonwealth". And perhaps a method better fitted to exclude corruption from elections, and to collect into a legislature as much as possible of the ability and wisdom of a kingdom, can scarcely be conceived" Price (1790, p.43). Price also relies on Hume in his work on morals, going so far as to indicate that he is 'mortified' whenever he finds his sentiments at odds with Hume's (1787, p.36, 86, 481-2) as well as some of his work on civil liberty (Price, 1777, p.38, 47, 51, 153)

cursory and very provisional reading of the record indicates that the figures who invoked Hume in Parliament were generally associated with the Whig circle surrounding Charles James Fox and in favor of the following points 1) expanding the franchise 2) peace with France 3) tolerance in religion 4) freedom of the press. Hume's concern for the government debt was usually cited in connection with (as a criticism of) war expenditures, while invocations of Hume's discussion of whether there really was a political division between the landed and the moneyed interest are less easily interpreted.

The first substantive issue on which Hume appears to be invoked in the 1790's was in debate in 1791 over the 'Bank Dividend Bill', or whether the government should make use of funds accumulating in the Bank of England for the payment of interest on the national debt.⁹ Mr. Grey (Charles, later the second Earl) who would usher the first reform bill through Parliament in 1832 speaks against. Grey opposes Pitt (the Prime Minister who has just spoken) suggesting that using the funds might be regarded as a violation of the contract between the government and its creditors. Grey reportedly argues against the temptation to use the money: government should follow Hume's strictures to attend to their long term interest. Grey then invokes Hume's observation that, in Grey's words: "many attempts had been made to separate the monied and the landed interest ; but that they would be ineffectual till taxes raise so high, as to make the public burden altogether intolerable." Grey seems here to be suggesting that invading the funds would be a movement towards splitting the monied and the landed interest, and concludes with a long passage from Hume's Essay 'Of Public Credit'. Pitt,

⁹ There is of course no official source for parliamentary debates for this period. To report the debates was criminal until midcentury. Ironically Wilkes (whom Hume railed against) had much to do with rendering publication legal. At any rate the *Parliamentary History*, used here was published some years after the debates transpired.

unsurprisingly found that while Hume possessed “great ingenuity” he “could by no means allow very great weight to the arguments he had used in his essay on that subject”. The wider context appears to be the use of the funds against France, although the relationship of the exchequer and the Bank of England was also at center stage (PH 29, 10-15).

On May the 25th, 1792 Grey references Hume’s ‘Idea’ in the middle of a debate on the ‘King’s Proclamation against Seditious Writing’, an ‘insidious measure’ which Grey saw as casting a threatening shadow over his proposals for a reform of parliament. While he clearly distances himself from Tom Paine’s work he defends the ‘science of government’ and in particular “Harrington for his Oceana, sir Thomas More for his Eutopia, and Hume for his idea of a perfect Commonwealth” (PH29, 14*-1497) .

The Marquise of Lansdown (Prime Minister 1782-3) speaks in favor of his motion for peace with France, and mentions the peaceable gestures that Hume attributes to Louis the 9th during England’s civil wars under Henry the third (PH 30, 1403). This sort of use of Hume is considerably amplified on Jan 22 1795 in a debate on Mr. Grey’s motion for peace with France when William Wilberforce cited Hume’s ‘Of the Balance of Power’ (PH 31, 1237) “Our wars with France have been begun with justice, and even perhaps from necessity, but have always been too far pushed from obstinacy and passion”. Less importantly perhaps, but still reflecting Hume’s insistence that religion should not aspire to civil powers, Mr. Courtenay (PH31, 1429) recited a Hume dialogue while opposing a bill banning Sunday trading. More tellingly Mr. Fox (PH 31,549, 1794) called on Hume while opposing the Suspension of the Habeas Corpus. Fox regarded the

suspension as pushing Britain towards “that despotism of monarchy, which Mr. Hume called “the enthusiasm of the British constitution””.

Fox alludes to Hume’s essay on Public Credit in a long running debate over the Seditions Meetings and Treasonous Practices bill of November of 1795, accusing the government of pursuing war expenditures that might bring on Hume’s euthanasia of the constitution (PH 32, 417). Later in the debate, and arguing with Fox, Mr. Jekyll suggests that the bill in question would have landed Hume in prison for his ‘Idea of the Perfect Commonwealth’ (PH 32, 511). The issue of seditious writing is again under discussion when Hume is invoked in the defense of Mr. Reeves who stood accused by the House of libeling the British Constitution (23-24th November 1795). In this curious instance an ultra Tory pamphleteer and founder of the Association movement in defense of King and Country (John Reeves) stood accused of libel by virtue of having overstated the powers of the King and thereby “calumniated” the House.¹⁰ In this peculiar case Hume’s *History* is invoked not by the Foxite minority, but by the government, by the secretary of war in particular who mentions that Hume and Catherine Macaulay’s histories differ greatly on the nature of the constitution without being libelous (PH 32, 639). Hume is also tangentially referenced by Fox in support of a motion to intercede on behalf of General Lafayette, imprisoned by England’s German allies. (PH 32, 1384).

In the bank restriction bill of 1797 (suspending the convertibility of the pound) it is Fox again who invokes Hume once again to suggest that government action is bordering upon the collapse of credit (PH 33, 336). In 1798 Hume is finally mentioned in the Lords (in the same breath as Robertson and Smith), by Lord Hawsbury and later twice

¹⁰ See (Beedell, 1993, Duffy, 1996, Plucknett, 1961)

by Lord Minton to the effect that a Union with Ireland would work towards its prosperity, and would likely be successful due to a similarity of manners. (PH 33, 304 & 746, 786)

In the House Mr. Sylvester Douglas spoke in favor of Union but in doing so sought to rebut the notion that it was not within the ‘right and competency’ of parliament to decide upon a Union. Hume appears within a pantheon of skeptical and democratic thinkers of whom the speaker thinks little, starting with Locke:

.... his theory of government has served for a basis to the destructive systems of the Condorcets, Priestleys , and Paines, so his metaphysical principles have become the ground-work of the vain wisdom and false philosophy which began by denying the existence of the material world, and proceeded, in the writings of the late Mr. Hume and others, to extend that wild skepticism of an ingenious and well-intentioned prelate (bishop Berkeley) to the disbelief of spirit also, of the immortal nature of man, and the being of God himself. (PH 34, 831)

The bulk of these references to Hume in parliament during the tumultuous 1790’s are from Fox and his allies, who find in Hume’s stance on debt a convenient stick with which to oppose war spending and the government’s deepening reliance upon the Bank of England. His essays on the Jealousy of Trade and Balance of Power are also invoked by the Foxites to seek peace with France. It is unsurprising that Hume should have been cited by the Parliamentarians who were sympathetic to France as Hume wrote strongly against the “narrow and malignant opinion” that regarded French economic advance as contrary England’s.¹¹ He is invoked repeatedly by the Foxites on issues related to freedom of the press and habeas corpus, and indeed once by the government in that curious case in which an ultra-Tory pamphleteer needs rescuing from their libel acts. We saw above that Richard Price invoked Hume’s ‘ideal’ plan in arguing for an extension of the franchise. Though Hume is invoked on both sides of the Irish Union issue the

¹¹ See ‘Of the Jealousy of Trade’.

upshot is only to suggest a more extreme association as Hume's politics and philosophy are inserted into a lineage culminating with Paine and Condorcet.

4: Large Numbers, Judgment and Plurality

Hume wrote his *Essays Moral Political and Literary*, as they are now titled, in the 1740's and 50's while publishing the volumes of his *History of England*. That morals, law and government must have a natural history, however unrecoverable the details of their original accretion may be, reappears when necessary. But the scene has essentially changed from the accumulation of many prehistoric actions to the discernable, debatable actions of particular rulers and legislators, who are of sometimes of dubious legitimacy. This opens a wide cleft in method which Hume is aware of, the growth of English government is often contingent upon the good character of who ever happens to be its ruler, with Alfred appearing as the outstanding contributor in the earliest volume of the *History* (which is to say the last written). The *History* struggles to keep the widely dispersed or micro-causal account of social progress in play, while the *Essays* successfully keep the micro-causal account of social change in the foreground.¹²

The scientific method adopted in the *Essays* is well known:

What depends upon a few persons is, in a great measure, to be ascribed to chance, or secret and unknown causes: What arises from a great number, may often be accounted for by determinate and known causes. E 112, orig. emph.

The principle appears as the separation of general causes or maxims from particular cases in 'Of Commerce', which introduced the 'commercial' essays of 1752. Indeed commercial development is said to be particularly suited to the application of "universal

¹² Eriksson (1990) finds the origins of sociology in Hume's 'small-event' or 'micro-causal' account of social change.

propositions, which comprehend under them an infinite number of individuals, and include a whole science in a single theorem” (E 254). Yet politics is infrequently narratable in such a manner. Micro causality is often concentrated in, and sometimes confined to, the appendices of the *History* while the text is devoted to extensive discussions of the individual ‘characters’ of the *dramatis personæ*.

It is my view that one of Hume’s central aims is to make politics at the national level understandable with the same intellectual tools that he uses for the micro level. National politics must be transformed and improved, its learning and decision making must come to parallel the same critical habits of mind that generate, improve and spread new ideas among common people. Annette Baier (2000) has convincingly argued that Hume adopts a cooperative or collective approach to epistemology. Hume urges each individual to question their views on matters such as the proper scope and strength of political authority and obligation. He deliberately confronts the reader with paradoxes and contradictions (Baier, 1991). The snares and traps cause the reader to consider matters from different points of view, and withdraw some of that certainty which, in Hume’s famous passage, caused conflict between different persons and factions of principle:

Two men travelling on the highway, the one east, the other west, can easily pass each other, if the way be broad enough: But two men, reasoning upon opposite principles of religion, cannot so easily pass, without shocking; though one should think, that the way were also, in that case, sufficiently broad, and that each might proceed, without interruption, in his own course. But such is the nature of the human mind, that it always lays hold on every mind that approaches it; and as it is wonderfully fortified by an unanimity of sentiments, so is it shocked and disturbed by any contrariety. Hence the eagerness, which most people discover in a dispute; and hence their impatience of opposition, even in the most speculative and indifferent opinions.(E 60)

As is well known Hume regards the two contending political parties and psychologies of his day as centered on the same polarity that drove religious conflict: religious ‘enthusiasm’ is paired with an excessive zeal for liberty while ‘superstition’ is paired with an excessive attraction to authority. Both experience spectacularly painful mental crises in the *Natural History of Religion*. Samuel Clark (2009) observes that no character in the *Dialogues Concerning Natural Religion* speaks with Hume’s voice. Rather Hume’s staging of this (essentially political) drama is intended to show that differing religious views can get along quite well so long as they agree that religion may not claim authority over civil life, and in particular that it must not lay claim to the magistrate’s police powers. Although Hume’s ‘true religion’ is sometimes said to be no religion at all, it may more properly be viewed as an acceptance of what we cannot know.¹³ Hume also found things that we really cannot speak. In particular it proved impossible, or at least imprudent, to state the boundaries at which the claims to passive obedience dissolved and the right to resistance began. Tolerance and moderation in deeply held political beliefs were of great importance to Hume, and Baier (1991) demonstrates at length how his construction of the *Treatise* sought to create the sort of reflective and doubting readers who would be willing to compromise in the political sphere. It is important to emphasize Hume’s attempt to influence political culture through his readership. His politics do not reside exclusively in his ruminations on what an ideal constitution would look like.

So while Hume was willing to suppose that everyone was a ‘knave’ when examining the workings of various political institutions, I take that to be a convenient

¹³ This is an inadequate statement of the matter. For a starting point to Hume’s ‘true religion’ see the exchanges in Phillips and Tessin (1991).

simplification, and one of the purposeful contradictions that Baier writes of, rather than a serious negation of the importance of political culture. As Baier (1991, p.288) observes, ideas and beliefs must be able to survive the ‘test of reflection’ in the *Treatise*: they must be able to ‘bear their own survey,’ that is to be exposed to the mind’s various powers of reasoning and imagination, and to withstand examination under different mental circumstances. I think Hume aims for political mechanisms that might enable a socialized or scaled up version of reflection in his ‘Idea of a Perfect Commonwealth’.¹⁴

Hume opens cautiously. He notes that “an established government has an infinite advantage, by that very circumstance of its being established” so that a wise legislator avoid large experiments with the structure of government and “adjust his innovations, as much as possible, to the ancient fabric” (E 512-13). The articulation of the various parts of government has considerably more in common with the ‘consociational’ democracies than with the ‘majoritarian’ ones found in Arend Lijpart’s (1977, 1999) comparison of polities. In majoritarian or Westminster democracies the winner takes all, and parties alternate in power. In contrast ‘consociational’ or ‘consensus’ democracies are marked by power sharing arrangements such as cabinets drawn from several political parties. Hume divides the polity into 100 counties with local legislatures (each with 100 members) in order to disperse factions and allow many separate, and cooler, collective appraisals of legislative issues. Hume changed his property qualification to vote several times across the editions of the *Essays*, ending with “freeholders of twenty pounds a

¹⁴ It met with some degree of attention and application by the frames of the US constitution (Adair, 1957, Manzer, 1996, 2001, Werner, 1972). As Jeffery Church (2007, p.178) notes there is considerable disagreement over the seriousness with which Hume forwards this plan. Some readings take it to be a flight of fancy (Miller, 1981, Whelan, 1985) while others (Church, 2007, Robertson, 1986, Stewart, 1992), including this paper, take it as an important statement of Hume’s views on constitutional design.

year”.¹⁵ John B. Stewart (1992, p.285) suggests that Hume’s £20 qualification would have significantly increased the franchise, particularly in Scotland, although the extension of the franchise effected in 1832 was broader. A senate is elected from the county representatives, and holds “all the prerogatives of a British King, except his negative.” The spatial separation of the 100 county representative bodies renders them independent judges of matters since they collectively constitute the legislature, and each discusses and votes on legislation separately, a majority of counties deciding the issue. All legislation is to be debated first in the Senate which will communicate its view to the counties when sending the law down to them for consideration, but absent a veto power the Senate’s vote (supposing that at least 10 Senators vote for the law) is merely informative. The 10,000 county representatives decide the issue. Consensus is encouraged by giving minority views and runners up in elections special attention and particular powers, but not blocking (filibuster) capacities. Ten senators may send legislation to the counties for a vote. Conversely five counties may band together to force the senate to consider a law. So the system appears to be created to move legislation rather than block it. And it certainly is difficult to see in it the ‘aristocratic preference’ that Hume has occasionally been supposed to harbor (Beitzinger, 1966). Indeed it is not only the absence of a theory

¹⁵ While he began with ten pounds a year, he makes his preference for a relatively expansive franchise, and his disagreement with past contractions of the franchise, quite clear in a passage of the History that has gone little noticed:

20 pounds a year would have been good had they stuck with it. The most remarkable law, which passed in this reign, was that for the due election of members of parliament in counties. After the fall of the feudal system, the distinction of tenures was in some measure lost; and every freeholder, as well those who held of mesne lords, as the immediate tenants of the crown, were by degrees admitted to give their votes at elections. This innovation (for such it may probably be esteemed) was indirectly confirmed by a law of Henry IV.; which gave right to such a multitude of electors, as was the occasion of great disorder. In the eighth and tenth of this king, therefore, laws were enacted, limiting the electors to such as possessed forty shillings a-year in land, free from all burdens within the county. This sum was equivalent to near twenty pounds a-year of our present money; and it were to be wished, that the spirit, as well as letter of this law, had been maintained. [History V2,Ch 21]

of rent in Hume that makes it very difficult to find any parallel to Adam Smith's discussion of the commonality of interest between the land and the nation: "When the publick deliberates concerning any regulation of commerce or police, the proprietors of land never can mislead it, with a view to promote the interest of their own particular order; at least, if they have any tolerable knowledge of that interest" (WN I.xi.conc.8).

Hume recognizes advantages and disadvantages to each type of polity, and he briefly notes the best and worst forms of monarchy, oligarchy, and democracy. His preference is clearly for a 'mixed' government that sustains the greatest liberty, among which liberty of the press is not unimportant. 'Civilized' monarchies certainly have their advantages, since they are monarchies in which the crown has learned to respect and allowed itself to be bound by laws. In what is arguably his most sweeping generalization he confidently asserts that:

*That nothing is more favourable to the rise of politeness and learning, than a number of neighbouring and independent states, connected together by commerce and policy. The emulation, which naturally arises among those neighbouring states, is an obvious source of improvement: But what I would chiefly insist on is the stop, which such limited territories give both to power and to authority.*E 119

The authority that most concerns Hume here is that of ideas, which is

...destructive to the freedom of thought and examination. But where a number of neighbouring states have a great intercourse of arts and commerce, their mutual jealousy keeps them from receiving too lightly the law from each other, in matters of taste and of reasoning, and makes them examine every work of art with the greatest care and accuracy. The contagion of popular opinion spreads not so easily from one place to another. It readily receives a check in some state or other, where it concurs not with the prevailing prejudices.(E 120)

The interplay between freer government, trade and emulation is subtle. There is a clear parallel between the dispersion of Hume's legislature in an ideal commonwealth and the

dispersal of power across neighboring states. The countries linked by ‘commerce and policy’ learn better governance from each other, and methods and ideas of governance must ‘bear the reflection’ to invoke Baier’s phrase, of different communities. The real heroes in Hume’s view of history are those very few politicians who seized the opportunity presented by traumatic crises to found new and solid legal and political systems.¹⁶ A critical aim of Hume’s ideal polity is to finally relegate these heroics to history. In past times the formation of a functioning state was the work of powerful statesmen who had vision and luck. In Hume’s ideal constitution many local legislatures, each with many representatives discussing the issue, replace one large legislature. Similarly a senate becomes the executive, replacing the crown, with only the minimally necessary functions delegated to the protector and his ministers. There are strong parallels between Hume’s account of the progress of the arts and sciences and his constitutional ideal: the internal government of a commonwealth is to benefit from the independent experimentation and judgment that characterized independent European states. Government is to become pluralist and scientific rather than hinging upon the inspired judgment of isolated heroic legislators. It is to become scientific in its judgments by becoming more pluralistic. It is scientific in that many informed judgments replace that of an individual. In becoming more pluralistic and less the product of the King’s wisdom or whimsy, the political system simultaneously becomes more amenable to

¹⁶ “Of all men, that distinguish themselves by memorable achievements, the first place of honour seems due to Legislators and founders of states, who transmit a system of laws and institutions to secure the peace, happiness, and liberty of future generations.” (E, ‘Of Parties in General’ §181) Alfred is clearly the hero of the early volume of Hume’s *History*.

scientific explanation, since for Hume the actions and decisions of the many can be explained but not those of the few.¹⁷

5: Collective Conclusions

Our point of departure seems rather distant: the revisionist move within Smith studies advanced in large part by Winch and the subsequent use of Smith's works by Sen within a capacity approach to developing human freedoms. It is the interplay between individual capacities and freedoms on the one hand, and collective decision making on the other that I wish to recall. Since freedoms and capacities are not free, difficult valuations must be made of them, and the abilities and means for individuals to participate in the decisions often moves towards center stage. Smith is more easily associated with such moves, as he emphasized education across the population, and for its salutary effect on political stability as much as for the material benefits it brought to common people.¹⁸ Hume does not quite do this. He is focused on improving the political ideas of educators (and their employers) rather than rapidly increasing their deployment in enlarged numbers. His essays are self consciously targeted at a polite reading public of the middling sort, but consistently urge a widening of society's decision making so as to encompass a greater number and diversity of views and assessors. More pointedly Hume has no sympathy for the proposition that our social arrangements are best left unexamined, or shrouded in an (un)historical haze of mythical origins. Similarly he has no aversion to effective legislatures and legislation. His constitutional engineering is not,

¹⁷ As he puts it in 'Of the Rise and Progress of the Arts and Sciences': "*What depends upon a few persons is, in a great measure, to be ascribed to chance, or secret and unknown causes: What arises from a great number, may often be accounted for by determinate and known causes*" (E, p.111)

¹⁸ See particularly Fleischacker's (1999) discussion of Smith on judgemet.

as is so often thought, intended to bind, constrain or defeat legislators, so much as it is to make them more effective.

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