Hume and the Contexts of Politics

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HUME'S POLITICAL THOUGHT has been variously characterized as archetypically conservative, as contractarian, as utilitarian, and as an elaborate apology for the eighteenth-century ruling classes.[1] In examining Hume's politics, commentators have—with good reason—focused on Hume's account of justice in the *Treatise,* and they have seen his account of justified rebellion as a mere appendage.[2] But in doing so, they have ignored some crucial elements of Hume's thought: history and context.

The contextual elements of Hume's thought are hidden to those who fail to look at what Hume *does* and not just at what he *says* when he makes judgments in politics. Hume, unlike most philosophers, is sensitive to history and to particular political contexts. He was in fact better known as a historian than as a philosopher until the twentieth century, and his *History of England* is his grandest and, in some ways, his most impressive work.[3] Hume fancies himself

[1] For Hume's alleged conservatism, see Sheldon Wolin, "Hume and Conservatism," *American Political Science Review* 48 (1954): 999–1016; for his alleged contractarianism, see David Gauthier, "David Hume, Contractarian," *Philosophical Review* 88 (1979): 3–38; for his alleged utilitarianism, see with some qualification, Frederick Whelan, *Order and Artifice in Hume's Political Philosophy* (Princeton: Princeton University Press, 1985); and for his alleged elitism, see Alasdair MacIntyre, *After Virtue,* second edition (Notre Dame: University of Notre Dame Press, 1984), chapter 16, and *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988), chapters 15–16.

[2] See David Hume, *Treatise of Human Nature,* second edition, edited by L. A. Selby-Bigge and revised by P. H. Nidditch (Oxford: Clarendon Press, 1978), 477–501 and 534–67, respectively. Future references will be in the text, designated by T, followed by the page number.

[3] Several recent works have put the *History* to good use. See, most notably, Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975); David Miller, *Philosophy and Ideology in Hume's Political Thought* (Oxford: Clarendon Press, 1981); Donald Livingston, *Hume's Philosophy of Common Life* (Chicago: University of Chicago Press, 1984); Nicholas Phillipson, *Hume,* Historians on Historians (London: Weidenfeld and Nicolson, 1989); and Whelan, *Order and Artifice.*

an empirical scientist of sorts, and history provides the "experimental" evidence for a philosophy of politics, much as his observations of his own mental states provides experiments for his philosophy of mind in the *Treatise*.[4] Understanding his historical works is, then, essential to understanding his philosophy. By attending to the historical works, we will see that Hume's political thought is more dependent on his judgments about particular situations than on his general pronouncements about abstract possibilities. In politics, then, Hume is a contextualist.

To say that Hume is a contextualist is to say that context plays a central role in his political theory. Of course, context plays some role in any sensible political theory. No one—not even Plato—thinks that one political system is best in all circumstances.[5] But most theories of political justification place context in a secondary role, either by using the particulars of the circumstances only to rule out certain options as "impractical" or by using them only to fill in the variables of a universal equation. On the first view, capitalism may be ruled out for, say, fourteenth-century England, because trade routes could not have been protected effectively, and so a commercial economy was impossible. The first view is also that, say, of Americans who think that capitalism and liberal democracy are the correct systems for every country unless dire circumstances make them impossible.

On the second view, we find general principles and then apply the particulars of the circumstances just as we fill in the variables of an algebraic equation, but the principles themselves are universal, awaiting only the "numbers" to determine the "correct answer" of the right political system. A utilitarian view fits this second model: even though it allows a significant place for the features of the circumstances that affect the happiness of the people in the society, those features only play a role once we have already invoked the general principle of all politics—namely, the utilitarian rule itself. Even Rawls, on one reading of *A Theory of Justice*, holds a position like this: the parties to

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[4] "History," Hume writes, "the great mistress of wisdom, furnishes examples of all kinds; and every prudential, as well as moral precept, may be authorized by those events, which her enlarged mirror is able to present to us." Hume, *History of England, from the Invasion of Julius Caesar to the Revolution in 1688*, in six volumes (Indianapolis: Liberty Classics, 1983), volume 5, page 545 (in chapter 59). Hume expands on this point in "Of the Study of History," in *Essays: Moral, Political, and Literary*, edited by Eugene Miller (Indianapolis: Liberty Classics, 1985), 563–68.

Future references to the *History* will be in the text, designated by H, followed by chapter, then volume and page. So this reference would be H 59; 5: 545. Since no definitive edition of the *History* exists, I include the chapter for the benefit of those using other editions. Future references to the *Essays* will be in the text, designated by E, followed by the page number. For the benefit of those using other editions, I will indicate the essay in which the reference appears the first time I cite that essay.

[5] Plato thought that there was a "best" political system, but he did not recommend it except in very special circumstances. See *Republic*, Books 4, 5, 8, and 9 and the *Laws*.

the original position agree to the "general conception of justice," and then apply the same reasoning to the circumstances found in modern Western societies to develop the "two principles of justice."[6]

The Humean view, I will argue, stands in sharp contrast to both positions. The context and practices shape the principles that we use as well as the final result. Principles are still vital to the process, because they represent the values that are central to the practice of politics and, more importantly, to the culture as a whole. But the principles we use are as much a part of the cultural context as the economic development of the society or its technological prowess.

I will make the case for Hume's contextualism in three stages. First, I will show that Hume thinks contexts are important to any account of justified rebellion, because he thinks any attempt to systematize such an account will be wrecked on our efforts to account for all the relevant factors. Second, I will argue that underlying his rejection of rules for revolution is a much more flexible view of human nature than is usually recognized, a view that opens the way for a contextualist account of politics. Third—and most important—I will show that when Hume looks at actual political situations, he is more intent on discovering what is possible and what the practices of the situation demand than on applying abstract ideas like liberty and property. Contexts, I will argue, are the lynchpin of his analysis.

1. CONVENTIONS AND INTERESTS

Like his theory of justice, Hume's account of allegiance to government is based ultimately on convention and practice. Governments remain and should remain in existence, he says, because they serve the interest we have in maintaining justice (T 540–49). Indeed, he sometimes declares that "[o]ur interest is always engag'd on the side of obedience to magistracy," and he suggests that nothing but a mistaken idea of our interests could lead us to rebel (T 545). He thereby seems to confirm the traditional reading of him as a conservative.

But Hume overstates his case in these passages; he does not think that our interest is *always* in obeying the magistrate. After all, he rejects the doctrine of passive obedience as an "absurdity" (T 552).[7] Rebellions are sometimes justified, he thinks—and not because the government sometimes breaks some kind of contract with us (T 541–49),[8] but because our interest in maintaining it is sometimes threatened: "[C]ommon sense teaches us, that, as government

[6] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), section 11, for the strongest suggestion of this view. However, Rawls's more recent work suggests a position that is significantly closer to the position I find in Hume. See, most significantly, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985): 223–51.

[7] See also "Of Passive Obedience," E 488–92.

[8] See also "Of the Original Contract," E 465–87.

binds us to obedience only on account of its tendency to public utility, that duty must always, in extraordinary cases, when public ruin would evidently attend obedience, yield to the primary and original obligation [that is, the obligation to public utility]" (E 489). Revolutions are justified, Hume is saying, when the government no longer serves the public good for which it was formed. This view offers apparent support for a utilitarian reading of Hume, but, as many commentators have argued, such an interpretation is highly misleading.[9]

However, because our interests are *usually* on the side of obedience (T 545), Hume notes, we form a "general rule" that we should always obey government (T 551). Such general rules are important in our everyday lives[10]; indeed, we become "mightily addicted" to them—so much so that we are tempted to think that "men may be bound by *conscience* to submit to a tyrannical government against their own and the public interest. And indeed, to the force of this argument I so far submit, as to acknowledge, that general rules commonly extend beyond the principles, on which they are founded; and that we seldom make any exception to them, unless that exception have the qualities of a general rule, and be founded on very numerous and common instances" (ibid.). In other words, Hume thinks that we form a "general rule" never to resist the government, but we realize that the rule will admit of exceptions if, as Hume thinks, the exception also has the character of a "general rule." One exception to this particular rule is that even if a tyrant performs the minimum functions of government, we need not withstand his "cruel ravages" without resistance (T 552).

But even Hume does not think tyranny is *necessary* to justify a revolution; he clearly approves of the Glorious Revolution of 1688, for example, even

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[9] On Hume's view, we do not need to suppose that the obligation of allegiance is based on overall utility; the redirected self-interest is enough to explain its origin and its force. And besides, Hume never weighs the pluses and minuses of obligation on a scale of overall happiness; he simply does not treat the "public utility" as a function like the utilitarian's "general happiness." In particular, he makes no provisions for the trade-offs between persons that are essential to a utilitarian rule.

For more extensive arguments against a utilitarian reading of Hume, see Aryeh Botwinick, "The Case for Hume's Non-Utilitarianism," *Journal of the History of Philosophy* 15 (1977): 423–35; and Annette Baier, "Learning from Hume Why Not To Be a Contractarian" (unpublished, 1984). See also Gauthier, "Hume, Contractarian," *passim;* Miller, *Philosophy and Ideology,* 74 and 190; Whelan, *Order and Artifice,* 213; and J. L. Mackie, *Hume's Moral Theory* (London: Routledge and Kegan Paul, 1980), 152.

[10] Hume thinks that one of the natural operations of the human mind is to form these general rules, so much of the *Treatise* is an attempt to put this tendency to work for us. See, for example, T 146–55. For a nice discussion of Hume's use of "general rules," see Thomas K. Hearns, " 'General Rules' in Hume's *Treatise,*" *Journal of the History of Philosophy* 8 (1970): 405–22.

though he does not think that James II was a tyrant.[11] And so the account of justified rebellion is still grossly incomplete. But Hume himself would reject any further search for a general rule for revolution as misguided: promulgating such a rule, he thinks, is likely only to encourage rebels who have no real cause.[12] And contrary to his previous suggestions, he even argues that any attempt to solve problems of justification by appeals to rules is doomed: "Whoever considers the history of the several nations in the world; . . . will soon learn to treat very lightly all disputes concerning the rights of princes, and will be convinc'd, that a strict adherence to any general rules, and the rigid loyalty to particular persons and families, on which people set so high a value are virtues that hold less of reason, than of bigotry and superstition" (T 562).

So far, his claim is not too radical: although controversies in politics about the right to rule are not always capable of principled decision, he says, these controversies should be "subordinate to the interests of peace and liberty" (ibid.)—which itself sounds like a general rule of sorts. However, the interests of peace *and* liberty may be equally incapable of decision. Before the beginning of the English Civil War, for example, peace seemed to demand that we side with Charles I, but liberty demanded that we side with Parliament (H 53 n. W; 6: 568–69). Indeed, Hume suggests, no general rule, no matter how complex, can tell us when a particular revolution is justified: "But tho' this *general* principle [that tyrants can be resisted] be authoriz'd by common sense, and the practice of all ages, 'tis certainly impossible for the laws, or even for philosophy, to establish any *particular* rules, by which we may know when resistance is lawful; and decide all controversies, which may arise on that subject" (T 563). Here, Hume rejects the possibility that we could construct a complex rule out of a rule and its exceptions. The particular problems of particular situations and the details of the particular relationship between a government and its people will always affect our judgments. No rule, he thinks, could capture all those subtleties. Even if a general exception to the rule of obedience like "Resist tyrants" covered all the cases, it does not have sufficient content to guide us in particular cases. As Hume points out, when Alfred the Great bound the people of England to their land, his actions were

[11] See section 3A below.

[12] As Hume puts it in the *History:* "Government is instituted, in order to restrain the fury and injustice of the people; and being always founded on opinion, not on force, it is dangerous to weaken, by these speculations, the reverence, which the multitudes owe to authority. . . . [T]he doctrine of obedience ought alone to be *inculcated,* and . . . the exceptions, which are rare, ought seldom or never to be mentioned in popular reasoning and discourses" (H 59; 5: 544). Of course, Hume's worries here may simply be addressed to a rebellious age in which the Jacobite rebellion of 1745 was still a fresh memory—especially to a Scotsman. See Forbes, *Hume's Philosophical Politics,* 93–96.

not tyrannical but necessary (or so Hume argues), but the same actions in the seventeenth century would have been an outrage, worthy of revolution (H 2; 1: 77). So what actions constitute "tyranny" depends on the particularities of the history and circumstances. Thus, Hume suggests, particular features of context, rather than general rules, are the most important features of our judgments in politics.

2. THE UNIFORMITY OF HUMAN NATURE

However, his reluctance to systematize an account of revolution does not, by itself, make Hume a contextualist. Indeed, it does not rule out either the view that contexts are only important for ruling out the impractical or the view that they are only important insofar as they promote certain general goals. And there is at least one consideration that seems to indicate that one of these views *must* account for Hume's use of contexts: Hume's view of human nature.

Many commentators take it as obvious that Hume believes in a very particular form of human nature, one which is ahistorical and acontextual. Thus, R. G. Collingwood castigates Hume for his seeing human nature "substantialistically as something static and permanent, an unvarying substratum underlying the course of historical changes."[13] Likewise, David Fate Norton argues that an assumption of uniformity undergirds Hume's commitment to common sense morality.[14] And for J. L. Mackie, Hume thinks that there must be a "basic psychological theory" that can explain away any differences—though he is less clear about the extent to which that uniformity must hold.[15] Indeed, it is tempting to think that a man who self-consciously writes "a treatise of human nature" has a very substantive view of that nature.[16] And if

[13] Collingwood, *The Idea of History* (New York: Oxford University Press, 1956), 82. In this passage, Collingwood is blasting all the historians of the Enlightenment, but he also condemns Hume by name: "Hume never shows the slightest suspicion that the human nature he is analyzing in his philosophical work is the nature of a western European in the early eighteenth century" (83).

[14] Norton, "Hume's Common-Sense Morality," *Canadian Journal of Philosophy* 5 (1975): 523–43, especially 534–35; and *David Hume: Common-Sense Moralist, Sceptical Metaphysician* (Princeton: Princeton University Press, 1982), 136n.

[15] Mackie, *Hume's Moral Theory*, 67.

[16] For further examples of commentators who think that Hume believes in a substantive uniformity of human nature, see J. B. Black, "Hume," in *The Art of History* (New York: Russell and Russell, 1965; reissue of 1926 edition), 77–116; George Sabine, "Hume and the Historical Method," *Philosophical Review* 15 (1906): 17–38; and James B. Stewart, *The Moral and Political Philosophy of David Hume* (New York: Columbia University Press, 1963), chapter 11. More recently, H. D. Aiken, who is otherwise sympathetic to Hume, argues that Hume fails as a historian because he fails to appreciate the human capacity for change. See Aiken, "An Interpretation of Hume's Theory of the Place of Reason in Ethics," *Ethics* 90 (1979): 80. The most vociferous attack

Hume did have a rigid view of human nature, then the range of possible values would be limited since he bases all values on human sentiments. If so, then all societies would be governed by a narrow set of ends, and contexts would play only a small role in moral and political decisions.

These commentators do, in fact, find support for their interpretation in two kinds of passages in Hume's writings. In the first, Hume seems to claim baldly that all humans are fundamentally alike in every age and in every context: "It is universally acknowledged that there is a great uniformity among the actions of men, in all nations and ages, and that human nature remains still the same, in its principles and operations. The same motives always produce the same actions: The same events follow from the same causes. . . . You cannot be much mistaken in transferring to [the Greeks and Romans] *most* of the observations which you have made with regard to [the French and English]. Mankind are so much the same, in all times and places, that history informs us of nothing new or strange in this particular."[17] In the second, Hume explicitly links the very idea of morality with universal sentiments that only make sense as a part of human nature: "The notion of morals implies some *sentiment common to all mankind,* which recommends the same object to general approbation, and makes every man, or most men, agree in the same opinion or decision concerning it. It also implies some sentiment, so universal and comprehensive as to extend to all mankind."[18]

The matter is not, however, as simple as these passages suggest. Hume is, after all, well aware of the diverse effects of culture. In "A Dialogue,"[19] he reminds us that the most respected persons in ancient Greece and in eighteenth-century Britain can each view the same set of facts and react very differently. The Greek would look upon the exposure of an infant as a sad necessity and upon a homosexual relationship between a man and a boy with admiring approval, but the Briton would react in horror to both (D 324–30).

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on Hume's account, however, can be found in Christopher Berry, *Hume, Hegel and Human Nature* (The Hague: Martinus Nijhoff Publishers, 1982), chapters 4–7.

Most other commentators do not address this issue directly. Most assume that Hume is presenting some kind of theory about human nature, but they do not discuss the degree to which a uniformity is assumed in Hume's theory. For but one of the many possible examples, see Barry Stroud, *Hume,* The Arguments of the Philosophers (London: Routledge and Kegan Paul, 1977), chapter 1.

[17] Hume, *Enquiry concerning Human Understanding* in *Enquiries,* third edition, edited by L. A. Selby-Bigge and revised by P. H. Nidditch (Oxford: Clarendon Press, 1975), 83. Future references to the first *Enquiry* will be in the text, designated by EU, followed by the page number.

[18] Hume, *Enquiry concerning the Principles of Morals* in *Enquiries,* 272. Emphasis added. See, in fact, 272–76. Future reference to the second *Enquiry* will be in the text, designated by EM, followed by the page number.

[19] Hume, "A Dialogue," in *Enquiries,* 324–43. Future references will be in the text, designated by D, followed by the page number.

The same facts lead to different reactions; something about either the context, the culture, or the people themselves explains that difference. So any interpretation of Hume will need to explain *both* the uniformity and the diversity he recognizes in humans.

The key to interpreting both of the "uniformity" passages, I think, is to place them in their proper contexts. The first passage occurs in the midst of Hume's argument that humans, like other parts of nature, are governed by causal laws. In both the *Treatise* and the first *Enquiry,* Hume argues that we operate every day on the assumption that human behavior is, on the whole, regular and predictable. So we should, as Duncan Forbes points out, take the "most" in this passage seriously.[20] The overwhelming number of ordinary actions in "common life" (to use Hume's favorite phrase) can be predicted on the basis of our observations about our own culture: we can expect most people to refrain from trying to fly off a cliff, and we can expect them to perform some activity that will generate food for themselves. But such a claim should harldy disturb anyone who thinks that humans are profoundly affected by their culture. We could not form the expectations that are necessary for social life at all unless we could rely on the usual effects of certain kinds of behavior (EU 85). Without some kind of predictability, the human sciences—history, politics, and aesthetics—would be impossible (EU 90). Because such predictions are successful within our own culture, we assume that people in other cultures are predictable as well. So, we form a working hypothesis that if we understand them well enough, we will be able to predict their behavior, too.[21]

This hypothesis need not, however, be particularly contentful; it is, as S. K. Wertz points out, *methodological.*[22] We assume that people are enough alike

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[20] Forbes, *Hume's Philosophical Politics,* 117. Indeed, my interpretation of this passage is similar to that found both in Forbes, chapter 4 ("Social Experience and the Uniformity of Human Nature," 102–21) and in Livingston, *Hume's Philosophy,* 214–25.

[21] Hume also has a polemical point in stressing the uniformities in this passage, as Forbes points out. Hume wants his readers to realize that the Greeks and Romans to whom he refers here were *human;* they ate, slept, and performed ordinary tasks not so unlike the French and the English of the eighteenth century. They were not superhumans of some kind. So part of Hume's point is to debunk the idea, popular in the eighteenth century (think of Rousseau's panegyrics to the Spartans, the Athenians, and the Romans in the *Social Contract*), that the ancients had superior moral and physical stature compared to the moderns. See Forbes, *Hume's Philosophical Politics,* 118.

The praise of the ancients was usually tied to a condemnation of the moderns as petty, self-interested, and materialistic. So Hume is defending modern society by asking us to look closely at the behavior of the Greeks and Romans. Indeed, Hume argues in "Of the Populousness of Ancient Nations" that when we consider modern and ancient society as a whole, the ancients do not look so attractive after all. See E 377–464.

[22] S. K. Wertz, "Hume, History, and Human Nature," *Journal of the History of Ideas* 36 (1976): 481–96.

that we can say that their actions are predictable. For example, to see them as *human,* we must assume that they have certain biological needs.[23] And to see them as members of a culture—*any* culture—we must assume that they meet certain minimum requirements of rationality. Indeed, if Donald Davidson and others are right, we need to assume that they are somewhat like us if we are to understand them at all.[24] But such requirements are rather weak; they do presuppose little *content* to their behavior. So even if we must assume that all humans are somewhat alike as a methodological presumption, we are not thereby forced to claim that they will always act in the same ways we do. When we observe the diverse behavior of people in other cultures, Hume suggests, we do not need to discard the assumption that they are like us in some sense; instead, we assume that we have overlooked a cause that would explain their behavior (EU 85–87). In doing so, however, we only assume that their behavior is *explainable,* that we can find a system of desires and beliefs that will make their actions understandable. In other words, we assume that the *structure* of human motivations remains the same, even when the content of those motivations is quite different.[25]

In fact, in a passage that closely follows the one quoted above from the first *Enquiry,* Hume explicitly denies that there is anything more significant in his assumption of uniformity: "We must not, however, expect that this uniformity of human actions should be carried to such a length as that all men, in the same circumstances, will always act precisely in the same manner, without making any allowance for the diversity of characters, prejudices, and opinions" (EU 85). In particular, we must not expect people from different cultures to agree, because custom and education "mould the human mind from its infancy and form it into a fixed and established character" (EU 86). So when we begin to look for the causes that will explain differences in behavior, we must take into account what Hume calls the "moral causes" of behavior; that is, we must look to differences that can only be explained by culture and context.

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[23] See Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986); and T. M. Scanlon, "Preference and Urgency," *Journal of Philosophy* 77 (1975): 655–69.

[24] See Donald Davidson, "On the Very Idea of a Conceptual Scheme," in *Inquiries into Truth and Interpretation* (Oxford: Oxford University Press, 1985), 183–98. See also Richard Rorty, "The World Well Lost," in *Consequences of Pragmatism* (Minneapolis: University of Minnesota Press, 1982), 3–18.

[25] As W. H. Walsh puts it, to understand these cases of diversity, we must assume that all people "share the same formal apparatus for thinking and deciding"—but not that we share the same thoughts or feelings. See W. H. Walsh, "The Constancy of Human Nature," in *Contemporary British Philosophy,* fourth series, edited by H. D. Lewis (London: Allen and Unwin, 1976), 283. Walsh himself, however, does not think this view applies to Hume. A similar idea is discussed more fully in Clifford Geertz, "The Impact of the Concept of Culture on the Concept of Man," in *The Interpretation of Cultures* (New York: Basic Books, 1973), 33–54.

This interpretation of the first passage gives us a clue about how to interpret the second. If my interpretation of the first passage is correct, then we should expect the "sentiment common to all mankind" in the second to be a broad, schematic principle that structures moral thought rather than a substantive feeling that influences every human.

In "A Dialogue," Hume confronts the issues of uniformity and diversity directly. Here he explicitly rejects the claim that "fashion, vogue, custom, and law [are] the chief foundations of all moral determinations" (D 333), but his reasons for rejecting a naive form of relativism reveal the crux of his position. Behind differing cultural standards, Hume says, a general principle can be found. He offers this analogy: "The Rhine flows north, the Rhone south; yet both spring from the *same* mountain, and are also actuated, in their opposite directions, by the *same* principle of gravity. The different inclinations of the ground, on which they run, cause all the difference of their courses" (ibid.). This "higher principle" of morality is like the principle of gravity; the particular circumstances in which each society finds itself are the "inclinations of the ground." "All the differences . . . in morals," he says, "may be reduced to his one general foundation, and may be accounted for by the different views, which people take of these circumstances" (D 336). So Hume argues that a uniformity in human nature hides behind the superficial differences, and he *seems* to argue that the higher principle of morality is firmly grounded in a fundamental homogeneity among humans.

But what is this "higher" principle? Hume says it is this: "It appears, that there never was any quality recommended by any one, as a virtue or moral excellence, but on account of its being *useful,* or *agreeable* to a man *himself,* or to *others*" (ibid.).[26] The useful and the agreeable are always virtues, then, because they produce a sentiment of approbation. We have thus found the "sentiment common to all mankind": it is the feeling of approval that people experience when they find something useful or agreeable.[27]

If *this* is the "sentiment common to all mankind," however, it does not have much content. Any quality could, in principle, have one of these features. By

[26] This thesis is central to Hume's account of the virtues and reappears in all of his moral works. Besides "A Dialogue," see T 591 and generally, *Treatise,* Book 3, Part 3; and see EM 268 and, more generally, second *Enquiry,* sections 5–9.

The "useful" are those qualities that make people "perform their part in society" and "render them serviceable to themselves" (T 587). These qualities are means to ends, and we will not approve of them except insofar as the ends are themselves agreeable (T 588). They are, then, good for their consequences. The "agreeable" are those qualities "wherein this immediate taste or sentiment produces our approbation" (T 590). These qualities, then, are good in themselves.

[27] Importantly, the passage in which Hume discusses the "sentiment of all mankind" at EM 272 follows closely on the heels of his conclusion that all moral sentiments can be reduced to the useful or agreeable (EM 268).

itself, the principle only implies that all humans will approve of those things they find useful or agreeable to themselves or others, but it does not dictate what things they will designate as useful and agreeable. Thus, this sentiment itself gives us little evidence that human nature is substantively uniform. The crucial judgments that are based on it can vary substantially with culture. Hume, in fact, argues that *custom* determines which of the "sources of moral sentiment" will predominate in a particular culture: "Different customs have also some influence as well as different utilities; and by giving an early bias to the mind, may produce a superior propensity, either to the useful or the agreeable qualities; to those which regard self, or those which extend to society" (D 337–38). Eighteenth-century France, for example, leaned more towards the sociable pleasures, while England leaned more towards the domestic (D 335). So the English favored qualities useful to a very narrow circle, while the French favored those pleasing to a larger crowd. Cultural factors, then, account for the balance between the different kinds of moral considerations.

But Hume also notes that custom determines more than just the balance between the useful and the agreeable: "Particular customs and manners alter the usefulness of qualities: they also alter their merit" (EM 241). Different customs value different kinds of behavior, and so different qualities will be useful. Hume, then, realizes that there will be some important differences in morality in separate cultures, based on the differences in their manners and customs.

These differences in manners and values between people will, then, be reflected not only in the different qualities that each culture will find "useful," but also in what qualities they will find "agreeable." Custom, he suggests, should determine what we should immediately prefer: "But as culture and practice . . . have settled the just value of every thing; this must . . . guide us, by means of general establish'd maxims, in the proportions we ought to observe in preferring one object to another" (T 294). So, for example, Hume observes that in France people are most concerned to discover whether a stranger is polite and witty, while in England, they are most concerned to learn whether he is a "*good-natured, sensible fellow*" (EM 262), and he notes that the eighteenth-century French nobleman most wanted honor, while his counterpart in England most wanted wealth (E 92–93[28]). The members of each of these cultures thus find very different characters to be "agreeable," and they prescribe different ends for their members.

The differences between cultures are not, then, determined simply by disagreements about the facts or in the physical circumstances, but by what Hume calls "moral causes"—what we would call cultural, psychological, tech-

[28] In "Of Civil Liberty," E 87–96.

nological, and sociological factors. Indeed, "Of National Characters"[29] is devoted entirely to this thesis. The material differences between the people on two sides of a national boundary may not differ significantly, but their manners and their values may diverge considerably. The differences follow the artificial lines of language, national boundaries, and cultural interactions too closely to be explained by anything but these "moral causes" (E 204–207). Culture, then, deeply influences which qualities are found to be both useful and agreeable, and so culture, rather than nature, determines the qualities that a people will find of merit.

These considerations would not be decisive, however, if Hume thought that all cultures must share what he calls "ultimate ends." For Hume, an "ultimate end" is something "desirable on its own account, and because of its immediate accord or agreement with human sentiment and affection" (EM 293). What is an ultimate end, then, is a matter of taste and sentiment; it is a quality that will elicit spontaneous, unreflective approval. If we ask someone of such an end, "Why do you want *that?*" she cannot answer anything except, "Just because." But because "ultimate ends" are those qualities that immediately produce approval, they are closely linked to the qualities that are "agreeable"—which, we have already seen, can vary from culture to culture. Although some such "ultimate ends" may be common to all cultures—biological needs are surely among them[30]—Hume thinks that these common goals are few and that most of them are not very substantive.[31] In matters of taste and morality, he insists, the differences are greater than they appear; we will all agree that "barbarous" actions are bad and then disagree about the *content* of what constitutes barbaric behavior (E 227–28[32]). Culture is still the crucial factor.

Thus, when Hume says that there is a "sentiment common to all mankind," he is only claiming once again that the *structure* of human motivations is sufficiently alike in all humans that we can identify in any person the sentiments that function as *moral* sentiments. This structure is like that which operates in causal reasoning: all humans use certain mental procedures to put together the features of their natural and social world, but these procedures, by themselves, do not determine which features of the world we will use.[33] To

[29] E 197–215.

[30] For a development of this idea, see H. L. A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961), chapter 9; and Raz, *Morality of Freedom,* 290. Note, however, that although all cultures may share biological needs as ends, those needs may not be very important.

[31] Whelan makes a similar point. See *Order and Artifice,* 338.

[32] In "Of the Standard of Taste," E 226–49.

[33] This claim is, I take it, consistent with the view articulated by Norman Kemp Smith that Hume believes that humans have certain "natural beliefs" in, for example, causation. To have a natural belief in causation is to have an inclination to see certain kinds of patterns *as* causal

say the structure is the same is just to claim that people find certain patterns to be causal relations and, in the moral case, that they will approve of those qualities that they find useful and agreeable. But to say the structure is the same does not imply that they are more substantially similar; in both cases, the common structure radically underdetermines the content of their mental and moral life. Thus, we can say that humans share a common *foundation* for the moral sentiments, but not that they share the same sentiments.[34]

Hume thus recognizes the importance of custom and culture in shaping human thought. "Human nature," such as it is, is highly adaptive and immensely flexible. Humans are structurally similar, but not substantially similar. If so, then the content of "human nature" does little to determine the judgments we should make in politics. Instead, culture and context play the crucial roles.

3. CASE STUDIES FOR CONTEXTUALISM

However, the best evidence that Hume is a contextualist lies in the considerations he brings to bear when he discusses real politics. The most convincing case I could make would canvass a multitude of examples from the *History* to display the variety of subtle factors Hume employs in his judgments. But my purposes should be served well enough if I examine in some detail Hume's account of two key cases: the Glorious Revolution of 1688 and Bolingbroke's rebellion in 1399.[35]

A. The Glorious Revolution

In 1688, William of Orange, with the blessing of people and Parliament, overthrew the Catholic king James II and thereby established a Protestant succession and reasserted the power of Parliament. It is a central case for Hume, because it shaped the eighteenth-century political landscape in which he wrote and because its meaning was still a potent political issue. The event

relations. See Norman Kemp Smith, *The Philosophy of David Hume* (New York: Garland Press, 1983; reprint of London: Macmillan, 1941).

[34] I owe this way of putting this point to Steve Darwall.

[35] I think the entire *History* demonstrates Hume's contextualism, but some other examples are especially instructive: (1) Alfred the Great and the Danish invasions (H 2; 1: 74–79). Hume praises Alfred for devising a system that bound people to the land, but which provided some defense against the Danes, even though it was considered harsh in his time and would have been tyrannical in another. (2) The Hundred Years' War (H 15; 2: 196–200). Hume rejects Edward III's claim to the throne of France through his mother, because although English tradition allowed inheritance through a female, the French Salian Code did not. Thus, Edward's claim was spurious because it did not fit the practice of the institution in question. (3) The English Civil War (H 51–54; 5: 186–331). Hume's position here is quite subtle. Initially, he praises the efforts of the Puritan members of Parliament, but at a crucial juncture, he thinks that they, carried forward by their religious zeal, went too far (H 54; 5: 330).

itself, he thinks, demolished the traditionally Tory doctrine of passive obedience, and his account of it undermines the Whig's social contract theory. But more importantly, the Glorious Revolution was, for Hume, a paradigm of a justified revolt. As such, Hume's account of it will serve as a model of the manner in which we should approach political events.

Although Hume thinks the revolution was justified, he does not think—as did his Whig contemporaries (and even his Whiggish successors[36])—that James II was a tyrant. James, he argues, could not be compared to the likes of a Nero or a Domitian (H 71; 6: 513). To be sure, James was bigoted and obstinate, but he was "more unfortunate than criminal"—even if he did embrace arbitrary principles (ibid., 520). Hume takes great pains to show that James was acting on principles which were not unreasonable in themselves and which had, in fact, governed England before the Stuarts. Consider, for example, the king's "dispensing power," the power that allowed him to overturn any act of Parliament by decree. The power, Hume tells us, had a long pedigree, dating back before the reign of Henry III in the thirteenth century (H 70; 6: 472). Indeed, the power was affirmed by Parliament even after the Petition of Right was granted by Charles I in 1628 (ibid., 473), so this prerogative could be assumed to stand during the reigns of Charles II and James II. James's use of it, then, was not obviously unjustified, even if it was frequently cited as a grievance against him.

Yet Hume rejects James's use of the dispensing power. But to understand why, he thinks we must first understand its place within the earlier practice of politics in Britain and its place in seventeenth-century practice. Before the modern era, Hume argues, the king did not command a powerful centralized government that could execute his proclamations without relying on the obedience of the nobles and the prominent commoners that constituted Parliament. Indeed, he needed these people to enforce the laws for him and to pay for many of the expenses of government. Since the king needed to stay in the good graces of the nobility, he could not systematically ignore the bodies that represented them, so he had little incentive to abuse the prerogative. But since the central government was so weak, the king possessed few means to ensure that the nobles would themselves obey the law. So when he needed to suppress an uncomfortably defiant lord, he needed the power to ignore regular governmental procedures so he could force the noble back into line. The prerogative was the king's weapon against the enormous power of the nobility, and as such

[36] Particularly Macauley, who wrote his *History of England* as a rebuttal to Hume's. See Thomas Babington Macauley, *The History of England,* edited and abridged by Hugh Trevor-Roper (London: Penguin Books, 1968).

it had been a necessary part of the central government's efforts to fulfill its basic functions (H 50; 5: 179).

For these purposes, however, the power had been necessary only in medieval, but not in modern, times. Two major changes had occurred in the transition. First, the power of the nobility had been broken by the Wars of the Roses and the centralizing policies of the Tudors, and so coercive power had become concentrated in the hands of the central government. The nobles no longer had the power to resist the king's edicts effectively. Second, the manners of the people had changed substantially; they had become more "civilized"—that is, they were more apt to obey the government without coercion. With these two changes, the circumstances that required the use of the dispensing power no longer held, and the power became superfluous.

But even when the dispensing power was no longer needed to insure domestic peace, Hume does not automatically think its use was unjustified.[37] As Hume is well aware, institutions and powers evolve in unpredictable ways, so a power may come to serve new purposes. The dispensing power, however, was not an institution that had evolved usefully: it still increased the government's power, but now it could give that government enough power to pose a threat. With it, James could have gained enough power to rule without the support of Parliament as kings before him could not. He, unlike his predecessors, could have ruled as an absolute monarch.

But even the possibility that the power could be used to turn Britain into an absolute monarchy does not, by itself, make the use of the power unwarranted. For Hume, an absolute monarchy is not inherently unjustified[38]; a modern absolute monarchy, he thinks, could be "susceptible of order, method, and constancy" (E 94)—the most important elements of good government in the eighteenth century, when the development of commerce and the recent history of religious wars made stability a premium.[39] It could even, he

[37] Indeed, Hume thought its use in later times was sometimes beneficial. Such was the case when Charles II used the prerogative to establish a liturgy in England in 1660, thereby halting the politico-religious controversies of the previous twenty years: "And if ever prerogative was justifiably employed, it seemed to be on the present occasion; when all parts of the state were torne with past convulsions, and required the moderating hand of the chief magistrate, to reduce them to their ancient order" (H 63; 6: 166). Significantly, however, the justified use of the prerogative in the seventeenth century occurred in circumstances very much like those of earlier times—when factions were strong and a single direction was needed. Indeed, Hume excuses many of Cromwell's most arbitrary measures because factions had become so furious in the early years of the Commonwealth that only "the extensive authority and the arbitrary power of some first magistrate" could keep the people from "relapsing into blood and confusion" (H 61; 6: 65).

[38] For an excellent discussion of Hume's view on absolute monarchy and other forms of government, see Miller, *Philosophy and Ideology*, chapter 7.

[39] These characteristics are, not coincidentally, like those Hume associates with the favored epistemic principles. In Book 1 of the *Treatise*, Hume argues that the operations of the mind that

thinks, be praised as "*a government of Laws, not of Men*" (ibid.). Hume never condemns the absolute monarchy in France as a government *for France,* and when he contemplates the future of government in Britain, he says he would prefer an absolute monarchy to a republic.[40]

Yet even if absolute governments were not necessarily a menace, the people in 1688 certainly felt that the dispensing power in James's hands was a threat. "[T]he nation," Hume says, "thought it dangerous, if not fatal, to liberty," and the people viewed his use of it as equivalent to the "most flagrant usurpation" (H 70; 6: 476). The people, then, thought that because it threatened their liberties, the dispensing power—and James with it—had to be abandoned. But Hume does not think that liberty is essential to good government; it must, he says, be subordinated to authority (E 40[41]). So the fact that their liberties were threatened is not sufficient to justify rebellion either.

Significantly, however, Hume does not condemn the people's reasoning. And he *does* think that the resistance to James's attempts at aggrandizement was justified. At the time, he notes, the dispute centered on whether the power was sanctioned in the past and, if it was, whether that fact gave it current authority. But, Hume says, "[i]t was not considered, that the present difficulty or seeming absurdity had proceeded from late innovations introduced into the government" (H 70; 6: 475). Recent history, Hume says, provided the justification for the rebellion: the resistance to James was not justified because absolute monarchies are tyrannical in and of themselves, but because such a monarchy was at odds with the practice of politics in *late seventeenth-century Britain.*

To understand the practice in 1688, then, we must look at the whole history of the seventeenth century. A hundred years before James—during the glory days of Elizabeth I—the sort of arbitrary actions James took were commonplace in Britain as well as in countries like France.[42] But by the time

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we should trust are those that are "permanent, irresistible, and universal" (T 225). I owe this reference to Louis Loeb.

[40] A republic, Hume thinks, is likely to be fractious and violent, while modern monarchies—even those of the absolute kind—could have all the traditional virtues of the ancient republics without most of the disadvantages. Like the ancient republics, the new monarchies could be governed by laws rather than by whims, and they could be more unified because they were held together by a strong central authority. See E 52, in "Whether the British Government Inclines More to Absolute Monarchy or to a Republic," E 47–53.

[41] In "Of the Origins of Government," E 37–41.

[42] According to Hume, Elizabeth I ignored Parliament, strong-armed the nobility, and systematically destroyed what liberties the people had—crippling industry in the process (H 40; 4: 145). Elizabeth's reign was magnificent, but not because she respected the rights of the people while her successors did not, but because her government was well suited to the times. Her rule was justified in the context of late-medieval politics by the practices of feudal deference and allegiance and by the ideologies of natural hierarchy and of national glory (ibid.).

the Stuarts came to the English throne, the context had changed considerably. The revenues of the Crown were no longer sufficient for the king to ignore Parliament as Elizabeth had, and the Commons had become knowledgeable enough to be able to use what power it had (H 48 n.J; 5: 558). The "new plan of liberty, founded on the privileges of the commons" had been a result of the rise of the "middle rank of men," who were becoming rich and powerful at the expense of the nobility, who had been weakened by their "habits of luxury" (H app. 3; 4: 384).[43] In addition, the new Puritanism taught that each person was, in his own eyes, sacred (H 53; 5: 260), and so many people no longer looked to the Crown, but to themselves, for spiritual guidance. They then became as bold in their politics as in their religion, and they began to support the cause of civil liberty (H 40; 4: 123–24).[44] In the hundred years between the Spanish Armada and the Glorious Revolution, Parliament had asserted its power against the Crown and the country had fought a civil war over the issues of liberty and religion and, particularly, over the power of the king to dictate his demands to an increasingly independent Parliament. After the Civil War, the practice of politics made any action that could be seen as a threat to that liberty politically salient. The economic/power structure had changed, and the practice of politics was evolving to reflect this transformation.[45]

The Stuarts, however, failed to recognize the importance of these changes. "[I]t must be confessed," Hume notes, "that their [the Stuarts'] skill in government was not proportioned to the extreme delicacy of their situation" (H 53 n.W; 5: 570). But this pronouncement is Hume at his most generous[46]; generally, he finds their rule inept—even if he thinks that their actions were understandable. They bumbled along, each antagonizing the people and Parliament even more than his predecessor.[47] In the meantime, Hume says, Parliament

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[43] Hume notes that for a while, during the reign of the Tudors, the rise of the middle classes and the fall of the nobility helped consolidate the sovereign's power, since there was an interval in which the middle classes were not strong, but the nobility was weak, so the Crown was able to fill in the vacuum and "assumed a power almost absolute" (H app. 3; 4: 384).

[44] See also H 51; 5: 212. One of many the delicious ironies of Hume's *History* is that the liberty he cherished so dearly was won by the Puritans he despised so much. For Hume, it demonstrates, once again, how often the important effects of human actions are unintended.

[45] Thus Hume recognizes, with the Marxists, the importance of the rise of the middle classes and the new economics for the political structures that arose in this period. But he also recognizes, with Weber, the importance of religion. See Marx, *Capital,* Volume I, Part 8; Christopher Hill, *Society and Puritanism in Pre-Revolutionary England* (New York: Schocken Books, 1964); and C. B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962). Also see Weber, *The Protestant Ethic and the Spirit of Capitalism.*

[46] Hume pulls his punch here precisely because his point in this note is to demonstrate that the Stuarts had been caught in an awkward period in history and to shift some of the blame for the bloodshed of the seventeenth century onto the supporters of Parliament.

[47] Charles I sought to remedy the problems he encountered with extra-constitutional measures which he thought he was entitled to use to procure the public good, but which, unfortu-

had, "with laudable zeal," pursued reforms "favourable to law and liberty" as a result of the changes occurring around it—reforms that included clear limitations on the king's power (H 70; 6: 475). The people had enthusiastically imbibed the liberties that had evolved in the new practices, and by the end of the century they assumed that an absolute monarchy would violate the basic function of government to protect people and property. Since the practices had changed and since the dispensing power was incompatible with "those accurate and regular limitations, which had of late been established, and which the people were determined to maintain" (ibid.), the dispensing power, rather than the liberties, had to be discarded. Because James was so out of touch with the practice of politics in Britain, Hume concludes that the revolution against him was justified.

To reach this judgment, Hume looks to the changes in the political culture of seventeenth-century Britain—changes that, in his view, ultimately centered on the development of individual liberty and Parliamentary power (whatever the people at the time believed). Both resonated in important ways with the economic developments and the religious ideals of the era, and so both had become central values within the practice of politics. The practice that had evolved by James II's time, then, required a very different kind of politics and a very different method of rule than it did in James I's. The fact that the alternative that James II sought—an absolute monarchy—was a stable and successful form of government elsewhere and might likewise have been successful in Britain is not particularly germane. In France, a similar series of acts would not have—and should not have—fomented a revolution in 1688; indeed, the same holds for Britain in 1588. But in 1688 in Britain, James's actions provoked a revolution—as they should have, in Hume's estimate—because the practice of politics there had transformed those acts from mere exertions of power into arbitrary and illegitimate encroachments upon the liberty of the people.

B. Bolingbroke's Rebellion

Now consider an example that Hume regards as a perfect foil to the Glorious Revolution: Henry Bolingbroke's rebellion in 1399, in which he deposed Richard II and claimed the throne as Henry IV. Bolingbroke's rebellion is often

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nately for his crown and his head, only exacerbated the problems. For example, it led him to impose unilaterally a duty of ship money in 1634 that was later one of the prime grievances against him (H 52; 5: 235–36). (Another one of the wonderful ironies of the *History* is that the ships Charles built with this money were responsible for the international success of Britain during the Commonwealth. See H 60; 6: 50.) Similarly, James II, because he did not comprehend the extent to which Protestantism had infused the entire culture of Britain, failed to understand the fears he would raise by favoring Catholicism (H 71; 6: 520–21) and by insisting on the use of the dispensing power. And even Charles II, generally the most competent of the Stuarts, nearly provoked a civil war in 1680 with his heavy-handed policies (H 68; 6: 399).

thought to be justified by Richard's tyranny, but Hume insists that Richard was not the monster that Henry painted him to be. Richard was, Hume admits, "unfit for government, less for want of natural parts and capacity, than of solid judgment and a good education" (H 17; 2: 324). But, like James II, he was no tyrant. The laws that Henry found to be irregular were all authorized by Parliament. And indeed, for the whole of his reign, Hume thinks, Richard observed the national privileges more closely than any of his predecessors, precisely because he did not have enough personal power to challenge them (ibid.).[48] Nevertheless, the revolt Henry led was tremendously popular. The *coup d'etat* was relatively bloodless, because Richard could not even garner enough popular support to raise an army to oppose him.[49]

Yet Hume regards Bolingbroke's rebellion as a folly and a usurpation. Henry, he says, gained the throne "by such unjustifiable means, and held it by such an exceptionable title" (H 18; 2: 344), and he clearly views the whole event with considerable distaste. Indeed, he declares, "[a]ll the circumstances of this event, compared to those which attended the late revolution in 1688, show the difference between a great and civilized nation, deliberately vindicating its established privileges, and a turbulent and barbarous aristocracy, plunging headlong from the extremes of one faction into those of another" (H 18; 2: 320–21).

What "all the circumstances" are that differentiate them is not, however, so clear. In both cases, an unpopular king, widely—but, according to Hume, wrongly—regarded as a tyrant, was replaced by a popular and strong-willed leader. Neither Henry IV nor William III had much of a claim to the Crown on his own, but each was regarded as a savior of the nation for dethroning his inept predecessor. Both had a more or less equal prospect for a happy rule, though both could expect some violent claims against them; in fact, the new lines of succession each experienced serious rebellions in the hundred years following their accession.[50] So the traditional marks of justification are the same in both cases.

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[48] The popular accounts often view Richard as unjust because he tried to prevent Henry from claiming his estates in Lancaster at the death of his father. (For an example, see Shakespeare's version in *Richard II*.) But Hume argues that Richard was perfectly within his rights to do so. Henry had been exiled for his conduct in a feud, and Richard had graciously granted him a patent to claim his estate if his father died. But since the patent was an act of grace, Hume argues, Richard was free to revoke it (H 17; 2: 317).

[49] Richard's lack of support is particularly noteworthy since even Richard III, a tyrant on any measure, was able to raise a considerable army and put up a respectable fight against Henry Tudor in 1485 (H 23; 2: 506–18).

[50] After a number of early rebellions (the most significant of which is chronicled by Shakespeare in *Henry IV, Part One*), Henry's Lancastrian successors ruled in relative calm until questions about the succession led to the Wars of the Roses in the middle of the fifteenth century (H xxi; II 426–29). William and his Hanoverian successors were challenged most notably by the Jacobite rebellions of 1715 and 1745. See "Of the Protestant Succession," E 502–11.

The critical difference, then, lies in the contrast between the "civilized nation . . . vindicating its established privileges" and a "barbarous aristocracy." By rebelling, the Parliament and the people of 1688 were acting in accord with an established practice, but the practices of the fourteenth century offered no such rationale for Henry. Those practices were, at best, confused and disordered: "[O]n the whole it appears, that the government, at best, was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain undisputed rights, which in practice were regularly observed. The king conducted himself by one set of principles; the barons by another; the commons by a third; the clergy by a fourth. All these systems were opposite and incompatible" (H 16; 2: 284). Which set of principles prevailed at any given moment was dependent on which faction was the most powerful. In the fourteenth century, politics was simply a matter of power factions. The king, as such, had no power of his own; what power he had was the result of the prestige he had as a large landowner, as a charismatic and forceful leader, or as a member of an armed faction willing to support his sovereignty (H 14; 2: 179–80[51]). Richard's real problem, then, was that he was not a strong and ambitious leader and that he did not command an impressive following.

Yet the power of personal factions was not the whole of the practice: it was the reality, but not the ideology, of medieval politics. That ideology was based on the natural hierarchy, surmounted by the authority of the king, who was selected by the right of succession. Factions tried to manipulate the Crown, but the succession itself was considered, quite literally, sacred. It alone determined who should rule. Here, the everyday reality and the aspirations of the practice were in tension. Yet even Henry acknowledged the superior appeal of the right of succession: he refused to claim the throne by right of conquest, and he even tried to claim that he was in fact the rightful heir to the throne (H 17; 2: 321–22).[52]

We might expect Hume, who so often praises regular government, to point to the antecedents of the rule of law in fourteenth-century England as important elements in his analysis. But while Hume notes these changes[53], he

[51] The passage cited explicitly refers to the early fourteenth century, during the reign of Edward II, but it is fair to say that he thinks it applies equally well to the entire medieval period.

[52] Henry claimed to be the descendent of a son of Henry III, who, though older than Edward I, was passed over because he was an idiot. But, Hume says, even Henry recognized this claim to be an "absurdity" (H 17; 2: 321).

[53] In particular, Hume notes that by the end of Edward I's reign in 1307, Parliament was an accepted institution, even if it frequently reversed itself as one set of barons gained or lost power (H 17; 2: 311) and even if did not regularly exercise much power (H 13; 2: 141–45). And he even points to the salutary effects of these antecedents to the rule of law. When, for example, Edward III set his mind to it and enforced the laws, he brought order to the kingdom and generated

resists the temptation to read the history teleologically. In his view, even "regular" government was a matter of personality: during these times, laws could only be strictly enforced by kings who were themselves strong and who had the inclination to follow a rule of law. But Hume thinks the prospect of "regular" government was not yet of enough importance within the practice to justify a revolution.

So Henry could not have found the support he needed in "regular" government, and since he had no legitimate claim to inherit the throne, no other principle in the practice could legitimize his rebellion; his revolt was, in fact, merely a conquest.[54] William's claim, on the other hand, was based on rights and principles that had become established in the previous hundred years. While William's accession to the throne was deeply disturbing to many of the people, it was also seen as necessary to preserve the principles that had become as deeply embedded in the culture as the right of hereditary succession: the rights of people, Parliament, and Protestantism. Thus, while both Henry and William violated the strict rules of succession, William could justify that breach in the politics of the day, but Henry could not. Henry's claim to the throne was based solely on the power of his faction, but that was a claim that had no legitimacy, even within the turbulent practice of fourteenth-century politics.

4. THE ASSESSMENT OF PRACTICES

The contrast between 1399 and 1688 does not, then, lie in the structure of the situations, but in the detailed differences in the political practices. Hume's defense of Richard II and his condemnation of James II depend crucially on the nature of the practice of politics at the time: on the particular facts about the complexion of the current English government, the state of the nation, and the legitimacy of grievances against them. Hume suggests that these details

popular support for his rule that proved crucial to his wars of conquest (H 15; 2: 189–90). Indeed, one of the benefits of the rise of the Commons during Edward's reign was that it regularly pressed for the laws to be strictly enforced (H 16; 2: 276–79). And Hume observes that "[i]f subjects would enjoy liberty, and kings security, the laws must be executed" (H 17 n.J; 2: 533).

[54] In addition, Henry could expect bad results from his rebellion that William could ignore. Because he had no claim to the throne, Henry's rebellion undermined the entire foundation for the succession. Henry thus set up a plausible pretext for future rebellions: any malcontent could generate some support for his cause simply by arguing that he only sought to restore the throne to its rightful heir. Given the practice of politics of the time, such an argument was as easy to make as it was powerful. The parallel case against William, while still somewhat effective, was weakened by the other principles that were crucial to William's case. And, in fact, Henry's actions were not forgotten and so, in Hume's view, they led to the pointless conflicts of rival factions that eventually became the furious, yet fruitless, Wars of the Roses. See Hume's comment at H 21; 2: 427.

matter, and they matter because the details themselves are significant to the judgments we should make. If, however, the subtleties of practices are important, then no account of political justification that ignores them is plausible.

To reach these differing judgments about these revolutions, Hume looks to the history, the institutions, and the practices of England in the fourteenth and the seventeenth centuries. In both cases, Hume's assessment is guided by his attention to what he calls the "established practice": "In each of these successive alterations, the only rule of government, which is intelligible or carries any authority with it, is the established practice of the age, and the maxims of administration, which are at that time prevalent, and universally assented to" (H 23; 2: 525).[55] Once again, Hume overstates his case—there are few maxims that are "universally assented to"—but the thrust of his remark is clear: we should rely on the "established practice" as a guide in politics. But the "established practice" is not just what people think it is, as the example of 1399 demonstrates, nor is it what has always been done, as 1688 demonstrates. It encompasses all the institutions and expectations that surround politics, including the economic, technological, psychological, sociological, and cultural factors that are always in play and which may be changing faster than the actual institutions of government can accommodate.

Because Hume relies on the "established practice" as a guide to politics, his view is "conservative" in the sense that it seeks to "conserve" the values and practices that have become established in a community. But it need not be conservative in the more traditional sense. Circumstances and practices change for reasons that have little to do with politics narrowly construed. And when they do, a new politics is required, and the Jameses can be toppled in favor of the Williams.

Thus, Hume's "method"—such as it is—is to develop an understanding of the established practice of politics at the time and to place the particular situation in the cultural context in which the actors found themselves. Then, he judges their actions according to his understanding of what is best, given those practices. But even what is "best" is defined by the values of the practices: "In the particular exertions of power, the question ought never to be forgotten, *What is best?* But in the general distribution of power among the several members of a constitution, there can seldom be admitted any other question, than *What is established?*" (H app. 3; 4: 354). Here, Hume subordi-

[55] The reference in this passage is to the alterations in government that occurred in the thousand years between the fall of the Roman rule in Britain and the death of Richard III, but his point is, I think, perfectly general. In "Of the Coalition of Parties" (E 493–501), Hume puts a similar argument in the mouths of the Tory opponents to the changes of the mid-seventeenth century. However, I think that he endorses that argument, since the point of the essay is to vindicate partially the Tories' position. See especially E 495–99.

nates questions of what is best to questions of what is established; what is best, he suggests, must be decided against a background of what is fixed at that moment in the culture. In 1688, what was "best" was defined in terms of civil liberty, while in 1399, it was defined by political stability.

In a sense, "order" is preserved in both cases, and indeed Hume argues that we must respect the "established practice" or else "factions and dissentions must multiply without end" (H app. 3; 4: 355)—in other words, we should use it to help us avoid bloodshed. But his own judgments suggest that "order" is itself defined by the practice of politics. The "order" preserved by William III, with its free press, commercial confusion, and religious toleration, would have been considered anarchy at the beginning of the seventeenth century and worse in the fourteenth, while the "order" of Richard's England seems a brutal factionalism to Hume's age and to ours. Like the "sentiment common to all mankind," "order" has little content independent of its manifestation in particular social practices.

Nevertheless, Hume thinks we can only begin to understand a political practice by realizing that the broad goals of any practice of politics are large-scale social coordination, basic security, and basic justice. But these goals, too, are given much of their meaning in the particular conventions that surround them in a particular society, and so they are of little help to us until we understand those conventions. So, for example, despite the impression he gives in the *Treatise,* Hume does not think that basic justice requires the eighteenth-century conception of property rights.[56] He recognizes, for instance, that feudal property was a reasonable solution for the fragmented society that emerged after the fall of the Western Roman Empire (H app. 2; 1: 456–61).

So, by themselves, the broad goals that underlie any practice that we could recognize as politics offer us only limited assistance; what content they have drastically underdetermines any decision we need to make. To reach a judgment in any actual situation, then, we are forced to rely on other, more substantive values—like civil liberty—that are peculiar to particular social settings. We must understand, for example, that even though religious toleration is the "true secret for managing religious factions" (H 44; 2: 352), it was not "possible" during the reign of Charles I—even though it became not only possible, but desirable, in the reign of William III. Before the Civil War, such an act would have been seen as a sure way to undermine the unity of the society; in 1637, toleration meant anarchy (H 53; 5: 240). But after the Glorious Revolution, the Act of Toleration was passed and the very meaning—and thereby the

[56] MacIntyre, especially, thinks that the account Hume gives of justice universalizes his parochial experiences. See *After Virtue,* 231.

implications—of toleration had changed completely. The country had seen religious schisms and civil war and now found a way to secure social unity without religious unity.[57] Thus, the meaning of political terms can change depending on the peculiar practices of a culture and on the perspective that is defined by its politics.[58] Justification, then, ultimately lies in contexts.

A contextualist view like Hume's has wide implications for political theory. It can, for example, help us to rethink the foundations of liberalism and lead us away from the individualistic accounts of traditional liberals towards a more historically-minded and contextually-conscious defense. Indeed, such a view of liberalism has been suggested in the recent works of Rawls and Rorty.[59] But while Rawls and Rorty only gesture towards history, Hume gives substance to a contextualist defense of liberalism in his account of the Glorious Revolution, which firmly established important liberal institutions in Britain, and he presents a model of contextualist justifications throughout the *History*.

The Humean view, by placing the established practicle at its center, makes the cultural and political context the most important elements of any judgment about political change. In a way, it makes political theory more determinedly empirical: sociology and history—and the sociology and history of science, technology, economics, sports, and the arts—are much more important to our thinking about politics than abstract speculations about the "best regime." But coming from the man who attempted to "introduce the experimental Method of Reasoning into Moral Subjects,"[60] such a thoroughgoing empiricism should not be surprising.[61]

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[57] For an account of how the meaning of toleration and social unity changed in the seventeenth century, see Don Herzog, *Happy Slaves* (Chicago: University of Chicago Press, 1989), especially chapter 2.

[58] For discussions of such conceptual shifts, see the essays in *Political Innovation and Conceptual Change*, edited by Terence Ball, James Farr, and Russell Hanson (Cambridge: Cambridge University Press, 1989).

[59] See Rawls, "The Idea of an Overlapping Consensus," *Oxford Journal of Legal Studies* 7 (1987): 1–25, and "Justice as Fairness: Political not Metaphysical"; and Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), especially chapter 3.

[60] From the subtitle to the *Treatise*. The title page reads, "A TREATISE of Human Nature: Being An Attempt to introduce the experimental Method of Reasoning into MORAL SUBJECTS."

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