

Treatise of Human Nature

Book III: Morals

David Hume

1740

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis indicates the omission of a brief passage that seems to present more difficulty than it is worth. Longer omissions are described, between brackets, in normal-sized type.

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Contents

Part i: Virtue and vice in general	234
1: Moral distinctions aren't derived from reason	234
2: Moral distinctions are derived from a moral sense	242
Part ii: Justice and injustice	246
1: Justice natural or artificial?	246
2: The origin of justice and property	250
3: The rules that settle who owns what	260
4: The transference of property by consent	266
5: The obligation of promises	267
6: Further thoughts about justice and injustice	272

7: The origin of government	275
8: The source of allegiance	279
9: The measures of allegiance	284
10: The objects of allegiance	286
11: The laws of nations	293
12: Chastity and modesty	295
Part iii: The other virtues and vices	298
1: The origin of the natural virtues and vices	298
2: Greatness of mind	307
3: Goodness and benevolence	312
4: Natural abilities	315
5. Further thoughts about the natural virtues	319
6: Conclusion of this Book	321

Part ii: Justice and injustice

1: Justice natural or artificial?

I have already hinted that •it's not the case that our sense of every kind of virtue is natural, because •there are some virtues that produce pleasure and approval by means of an artifice or contrivance that arises from mankind's needs and circumstances. I contend that justice is of this kind, and I'll try to defend this opinion by a short and (I hope!) convincing argument, before considering *what* the artifice is from which the sense of virtue is derived.

It's obvious that when we praise an action we are attending only to the motive that produced it; we are taking the action as a sign or indication of certain principles_c at work in the person's mind and temperament. The external ·physical· performance has no merit. We must look within the person to find the moral quality; but we can't do this directly; so we attend to the person's action as an external sign of his state of mind. But we're taking it *only* as a sign; the ultimate object of our praise and approval is the motive that produced it.

In the same way, when we require someone to act in a certain way, or blame a person for not acting in a certain way, we always have in mind the proper •motive for such an action, and if the person doesn't have •that, we regard this as an instance of vice. If on further enquiry we find that the virtuous motive *was* still powerful over his breast but was blocked from operating by some circumstances unknown to us, we retract our blame and give the person as much esteem as we would if he had actually performed the action that we required of him.

So it appears that all virtuous actions get their merit

purely from virtuous motives, and are considered merely as signs of those motives. Now what, basically, makes a motive a virtuous one? Here is a clearly *wrong* answer to that question:

•The fundamental virtuous motive is the motive of wanting to perform a virtuous action.

To suppose that the mere concern to act virtuously is the first motive that produced the action, making it virtuous, is to reason in a circle. A concern to act virtuously is possible only if there is something *other than* this concern, this motive, that would make the action virtuous if it were performed. So ·at least· some virtuous motives must be some **natural** motive or principle_c—·natural' in the sense of not involving any such moral notion as that of virtue·.

This isn't a mere metaphysical subtlety; it enters into all our reasonings in common life, though we may not always be able to state it with such philosophical clarity. We blame a father for neglecting his child. Why? because it shows a lack of **natural** affection, which is the duty of every parent. If **natural** affection were not a duty, the care of children couldn't be a duty; and we couldn't be motivated to care for our children by the thought that it is our duty to do so. This, therefore, is one of the cases where everyone supposes that the action comes from a motive other than a sense of duty.

Consider a man who performs many benevolent actions—relieves the distressed, comforts the afflicted, and extends his generosity even to perfect strangers. No character can be more lovable and virtuous ·than his·. We regard these actions as proofs of the greatest •humaneness, and •this

confers merit on the actions. So our thought about the merit of the actions is a secondary consideration; it comes from the ·primary, underived· merit and praiseworthiness of the humaneness that produced the actions.

So we can take this as established and beyond question: For an action to be virtuous or morally good, ·the agent's· human nature must contain some motive to produce it other than the sense of its morality.

You may want to object: ‘But can’t a person’s sense of morality or duty produce an action, without any other motive?’ Yes, it can; but this is no objection to what I am saying. When a virtuous motive or principle_c is common in human nature, a person who feels his heart to be lacking in that motive may hate himself on that account, and may perform the action without the motive, doing this from a certain sense of duty, in order to acquire through practice that virtuous principle_c or at least to hide *from himself*, as much as he can, the fact that he doesn’t have it. A man who really *feels* no gratitude is still pleased to perform grateful actions, and he thinks that in performing them he is fulfilling his duty. Actions are at first considered only as signs of motives; but here as everywhere else we usually fix our attention on •the signs and to some extent neglect •the thing signified. But although it may *sometimes* happen that a person performs an action merely out of a desire to do his moral duty, this presupposes ·that there is such a thing as doing one’s duty, which in turn presupposes that· human nature contains some distinct principles_c whose moral beauty confers merit on the actions that are produced.

Now let us apply all this to the following case: Someone has lent me a sum of money, on condition that I return it in a few days; and at the end of those few days he demands his money back. I ask, What reason or motive have I to return the money to him? You may answer:

‘If you have the least grain of honesty, or sense of duty and obligation, your respect for justice and your hatred for villainy and knavery provide you with enough reasons to return the money.’

And this answer is certainly true and satisfactory for a man in his civilized state, one who has been brought up according to a certain discipline. But as addressed to a man who is in a crude and more natural condition—if you’ll allow that such a condition can be called ‘natural’—this answer would be rejected as perfectly unintelligible and sophistical. Someone in that ‘·natural·’ condition would immediately ask you: ‘What *is* this honesty and justice that you find in repaying a loan and not taking the property of others?’ It surely doesn’t lie in the external action, so it must be in the motive that leads to that action. And the motive can’t be a concern for the honesty of the action; because it is a plain fallacy to say that •an action is honest only if its motive is virtuous, while *also* saying that •the motive in question is a concern to perform an honest action. We can’t be motivated by a concern for the virtue of an action unless the action ·can· be antecedently virtuous, ·i.e. virtuous for some reason that doesn’t involve the virtuous motive· . . .

So we have to find some motive for acts of justice and honesty distinct from our concern for honesty; and there is a great difficulty about this. Suppose we say this:

The legitimate motive for all honest actions is a concern for our **private** self-interest or reputation, it would follow that when that concern ceases, there is no longer any place for honesty. ·That would be a dismal outcome, because· it is certain that when •self-love acts without any restraints, instead of leading us to act honestly •it is the source of all injustice and violence. A man can’t ever correct those vices without correcting and restraining the natural emotional thrusts of the appetite ·of self-love·.

Well, suppose instead that we say this:

The reason or motive for such actions is a concern for the **public** interest, to which nothing is more contrary than acts of injustice and dishonesty.

Anyone who thinks that this might be right should attend to the following three considerations. **(1)** Public interest is not *naturally* attached to the keeping of the rules of justice. It is connected with it only through an *artificial* convention for establishing the rules of justice. I'll defend this in detail later on. **(2)** Sometimes the public interest doesn't come into it. We have been discussing the repayment of a loan. Well, it might be that the loan was secret, and that for some reason the lender's interests require that it be repaid in secret too (perhaps he doesn't want the world to know how rich he is). In this case, the interests of the public aren't involved in how his borrower behaves; but I don't think that any moralist will say that the duty and obligation ceases. **(3)** Experience shows us well enough that when men in the ordinary conduct of their life pay their creditors, keep their promises, and refrain from theft and robbery and injustice of every kind, they aren't thinking about the public interest. Service to the •public interest is too remote—too lofty—to affect most people and to operate with any force in actions of justice and common honesty, contrary as those often are to •private interest.

•A concern for the public interest might be thought to arise from a love of mankind; but that is wrong because in general it can be said that there is no such passion in human minds as

•the love of mankind, merely as mankind,

as distinct from

•love •for one person because• of his personal qualities or his services or his relation to oneself.

It is true that there's no human creature—indeed no sentient

creature—whose happiness or misery doesn't have *some* effect on us when it is brought near to us and represented in lively colours. But this comes merely from *sympathy*, and is no proof of a universal affection towards mankind, because it extends beyond mankind to other species. Consider an affection that obviously *is* an ingrained feature of human nature, namely the affection between the sexes. This shows itself not only in •specifically sexual feelings but also in its effect of intensifying every other principle_c of affection, e.g. the love we have for someone because of his or her beauty, wit, or kindness. •A man would be grateful to •anyone who relieved the pain in his neck by massage, but his gratitude would be stronger if the massage were given by •a woman. If there were a universal love among all human creatures—a love that was also ingrained in human nature—it would show up in the same way, •intensifying our positive reactions to people. That is, if

(1) someone's having a certain degree of a bad quality BQ would cause people in general to hate him with intensity H_{BQ} , and if

(2) someone's having an equal degree of a good quality GQ would cause people in general to love him with intensity L_{GQ} ,

• L_{GQ} would be a greater intensity than H_{BQ} , •because •it would involve the response to GQ in particular *amplified by* input from the universal love for mankind. And that is contrary to what we find by experience. Men's temperaments are different: some have a propensity for the tender affections, others for the rougher ones; but it's safe to say that man in general = human nature is nothing but the •potential• object both of love and hatred. [The word 'potential' is inserted into Hume's 'nothing but. . .' phrase because his point seems to be that from the mere information that x is a human being we can infer that x could be loved or could be hated, depending on further details about him; and that there

is nothing here that tilts the probability towards the 'love' rather than to the 'hate' side.] For either of these passions to be aroused there has to be some other cause—something more than the mere fact that this is a human being—producing love or hate by a double relation of impressions and ideas [see note late in II.1.7]. There's no escape from this conclusion. There are no phenomena that indicate any such *kind* affection towards men simply *as men*, independently of their merit and every other detailed fact about them. We love company in general, but that's like our love for any other way of passing the time. In Italy an Englishman is a friend; in China a European is a friend; and it may be that if we were on the moon and encountered a human being there, we would love him just as a human being. But this comes only from the person's relation to ourselves, . . . and not from a universal love of everyone for everyone.

So •public benevolence—a concern for the interests of mankind—can't be the basic motive for justice; and it's even less possible for the motive to be •private benevolence, i.e. a care for the interests of the person concerned. What if he is my enemy, and has given me good reason to hate him? What if he is a vicious man who deserves the hatred of all mankind? What if he is a miser, and can't make use of what I would deprive him of •by theft or by not repaying a loan? What if he is a profligate debauchee, and would get more harm than benefit from large possessions? What if I am in great need, and have urgent motives to get something for my family? In all these cases, the •supposed• basic motive for justice would fail; and so justice itself would fail, and along with it all property, right, and obligation. •There would be no injustice in stealing from someone you justly hate, or not repaying a loan that you had from a miser•.

[The next extremely difficult paragraph is given just as Hume wrote it.] A rich man lies under a moral obligation to communicate

to those in necessity a share of his superfluities. Were private benevolence the original motive to justice, a man would not be obliged to leave others in the possession of more than he is obliged to give them. At least, the difference would be very inconsiderable. Men generally fix their affections more on what they are possessed of, than on what they never enjoyed; for this reason, it would be greater cruelty to dispossess a man of any thing, than not to give it him. But who will assert that this is the only foundation of justice? The chief reason why men attach themselves so much to their possessions is that they consider them as •their property and as •secured to them inviolably by the laws of society. But this is a secondary consideration, which depends on independent notions of justice and property.

A man's property is supposed to be fenced •by justice• against every mortal, in every possible case. But private benevolence is and ought to be weaker in some persons than in others; and in many persons—indeed in *most* of them—there is absolutely no private benevolence •towards very many other people•. So private benevolence isn't the basic motive for justice.

From all this it follows that our only real and universal motive for conforming to the laws of equity is that it is equitable and meritorious to do so; but no action can be equitable or meritorious unless it can arise from some separate motive. If there weren't a separate motive, the situation would be this:

I am motivated to do A because that would equitable and meritorious; and what makes A equitable and meritorious is its being done from a good motive.

This obviously involves sophistry, reasoning in a circle. Presumably we won't say that nature has established this sophistry, making it necessary and unavoidable •for us to think in this circular manner•; so we have to accept that

the sense of justice and injustice isn't derived from •nature, but arises artificially—though necessarily—from •upbringing and human conventions.

Here is a corollary to this reasoning: Because no action can be praiseworthy or blameworthy unless it comes from some motives or impelling passions distinct from the sense of morals, these distinct passions must have a great influence on the moral sense. It's *their* general force in human nature that determines how and what we blame or praise. In judging the beauty of animal bodies, we always have in mind the economy of a certain species [= 'the way the parts of an animal of that species fit and work together to constitute a functioning animal']; and where the limbs and features are proportioned in the way that is common for the species, we declare them to be 'handsome' and 'beautiful'. Similarly, when we reach a conclusion about vice and virtue we always have in mind the natural and usual force of the passions; and when someone has a passion that is a long way—on one side or the other—from the common degree of intensity of that passion, we disapprove of it and regard it as vicious. Other things being equal, a man *naturally* loves his children better than his nephews, his nephews better than his cousins, his

cousins better than strangers. Those facts are what generate our common measures of duty—e.g. our judgment that a man has a greater duty to his son than to his nephew. Our sense of duty always follows the common and natural course of our passions.

To avoid giving offence, I must here remark that when I deny that justice is a natural virtue, I am using the word 'natural' only as opposed to 'artificial' [i.e. using 'natural' in a sense that rules out *everything that in any way involves deliberate actions of human beings*]. In another sense of the word, no principle_c in the human mind is more 'natural' than a sense of virtue, so no virtue is more 'natural' than justice. Mankind is an inventive species; and when an invention is obvious and absolutely necessary, the word 'natural' applies to it just as well as it does to anything that comes of nature immediately from basic principles_c without the intervention of thought or reflection. Though the rules of justice are artificial, they aren't simply *decided on* by some one or more human beings. And there's nothing wrong with calling them 'laws of nature', if we take 'nature' to include everything that is •common to our species, or even if we take it more narrowly to cover only what is •inseparable from our species.

2: The origin of justice and property

I'm now going to examine two questions: **(1)** In what way are the rules of justice established by the artifice of men [i.e. by men's thoughts and deliberate activities]? **(2)** What are the reasons that make us attribute moral beauty to conformity to these rules, and moral ugliness to departures from them? I shall

begin with **(1)**, and will embark on **(2)** on page 258.

Man seems at first sight to have been treated more cruelly by nature than any of the other species of animal on this planet, because of the countless wants and necessities with which she has loaded him and the slender means she has

given him for getting what he needs. In other creatures, these two particulars—i.e. needs and means to satisfy them—generally match each other. If we think of the lion as a voracious and carnivorous animal—needing a lot of food, and needing it to be meat—we shall easily see that he is very needy [Hume: ‘necessitous’]; but if we attend to his physical structure, his temperament, his agility, his courage, his weapons, and his strength, we’ll find that his advantages match up to his wants. The sheep and the ox don’t have all these advantages; but their appetites are moderate, and their food is easy to get. To observe a total mismatch—an unnatural conjunction of needs and weakness in its most complete form—we must look to the case of *man*. The food he needs for survival either •runs away from him or •requires his labour to be produced, and he has to have clothes and lodging to protect him from being harmed by the weather; and yet if we consider him only in himself—looking at any individual man—we see that he doesn’t have the weapons or the strength or any other natural abilities that match up to his enormous needs.

It is only through *society* that man can make up for his defects and raise himself to the level of his fellow-creatures or even to something higher. Through society all his weaknesses are made up for; and though in the social situation his wants multiply every moment, his abilities multiply even more, leaving him in every respect happier and more satisfied than he could ever become if he remained in his savage and solitary condition. When each individual person works alone and only for himself, **(a)** he hasn’t the power to do anything much; because he has to work at supplying all his different needs, **(b)** he never reaches perfection in any particular skill; and **(c)** his power comes and goes, and sometimes his projects fail because he has run out of power or run out of luck, so that he is constantly at risk of ruin and misery.

Society provides a remedy for these three drawbacks. **(a)** By combining forces we increase our power; **(b)** by dividing up the work we increase our level of ability; and **(c)** by helping one another we are less exposed to bad luck. It’s this addition to our power, ability, and security that makes society advantageous to us. [Hume wrote in **(c)** of ruin and misery being ‘inevitable’ upshots of ‘the least failure’ in power or luck; but that can’t have been his considered view.]

For society to be formed, however, not only must it be advantageous but men must be *aware of* its advantages; and they can’t possibly get this awareness through study and reflection in their wild uncultivated ·non-social· state. So it is very fortunate that along with all the needs whose remedies are •remote and •obscure there’s another need the remedy for which is •present and •obvious, so that it can fairly be regarded as the first—the basic—principle_c of human society. What I am talking about here is the natural appetite between the sexes, which brings them together and keeps them together ·as a two-person society· until their concern for their offspring binds them together in a new way. This new concern becomes also a principle_c uniting the parents with their offspring, and creates a society with more than two members, where the parents govern through their superior strength and wisdom while also being restrained in the exercise of their authority by their natural affection for their children. It doesn’t take long for custom and habit to work on the tender minds of the children, •making them aware of the advantages that they can get from society, as well as gradually •fitting them to be in society by rubbing off the rough corners and inappropriate affections that prevent them from joining in. [In speaking of inappropriate (his word is ‘untoward’) affections, Hume is using ‘affection’ with a broader meaning than we give to it, sprawling across feelings and mental attitudes of all kinds; the same broad meaning is at work •when he speaks of ‘kind

affections', which are pretty much what you and I would call, simply, 'affections', and •when on page 255 he says that the two principal parts of human nature are 'the affections and [the] understanding'.]

However much the circumstances of human nature may make a union necessary, and however much the passions of lust and natural affection may seem to make it unavoidable, some *other* features of **(a)** our natural temperament and of **(b)** our outward circumstances are *not* conducive to the needed union—indeed they are even *contrary* to it. **(a)** The most considerable of these features of our temperament is our selfishness. I'm aware that what philosophers have written about this has generally been highly exaggerated; the descriptions that certain philosophers love to give of mankind's selfishness are as wide of nature as any accounts of monsters in fables and romances. So far from thinking that men have no affection for anything but themselves, I hold that although we don't often meet up with

•someone who loves some one person better than he loves himself,

it is equally rare to find

•someone whose selfish affection is not outweighed by the totality of his kind affections, taken together.

Consult common experience: the whole expense of a family is generally under the direction of the head of it, and almost always the head of a family spends most of his wealth on the pleasures of his wife and the upbringing of his children, reserving the smallest portion for his own individual use and entertainment. That's what we see concerning those who have those endearing ties; and we can assume that it would be the same with others if they came to be heads of families.

Such •paternal• generosity must be counted as to the credit of human nature; and yet this noble affection, instead of fitting men for large societies, is almost as contrary to them as the most narrow selfishness. As long as each person

loves himself better than any other single person, and has a greater loving affection for his own relations and friends than for anyone else, there are bound to be opposing passions and therefore opposing actions, which must be dangerous to the newly established union •of a just-formed society•.

(b) But it's worth pointing out that this opposition of passions would be relatively harmless if a certain fact about our outward circumstances didn't give it an opportunity to exert itself. The goods that we are possessed of are of three kinds:

- the internal satisfaction of our minds;
- the external advantages of our body; and
- the enjoyment of such possessions as we have acquired by hard work and good luck.

We are perfectly secure in the enjoyment of the first. We can be robbed of the second, but they can't bring any advantage to the robber. It's only the third category of possessions that are both •exposed to the violence of others, and •transferable from one person to another without undergoing any loss or alteration; and—to make things even worse—there's not enough of them to satisfy everyone's desires and needs. So the situation regarding •ownable and transferable goods is this: the chief advantage of society is that it enables us to get more of •them, and the chief impediment to society is the instability of their ownership and their scarcity.

There's no chance of finding in uncultivated nature any remedy for this trouble; or of finding any non-artificial principle_c in the human mind that could control those partial [= 'not impartial'] affections and make us overcome the temptations arising from our circumstances. The *idea of justice* can't possibly serve this purpose; we can't regard it as a natural principle_c that could inspire men to behave fairly towards each other. The virtue of justice, as we now understand it, would never have been dreamed of among

savage uncivilised men. ·Here is why·. The notion of injury [here = ‘wrongful harm’] or injustice involves the notion of an immoral act committed against some other person. Every immorality is derived from some defect or unsoundness of the passions, and any judgment that something is morally defective must be based to a large extent on the *ordinary* course of nature in the constitution of the mind. So we can easily learn whether we are guilty of any immorality with regard to •others, by considering the *natural and usual force* of the various affections ·of ours· that are directed towards •them. Well, it seems that in the basic ·untrained· frame of our mind, our strongest attention is confined to ourselves, our next is extended to our relations and friends, and only the weakest reaches to strangers and persons who don’t mean anything special to us. So this partiality and unequal affection must influence not only our •behaviour and conduct in society but even our •ideas of vice and virtue; making us regard anything that departs much from that usual degree of partiality—by involving too great an enlargement or too great a contraction of the affections—as vicious and immoral. We can see this in the way we judge actions: we blame both the person who centres all his affections in his family and the person who cares so little for his family that whenever there’s a conflict of interests he gives the preference to a stranger or mere chance acquaintance. What all this shows is that our natural uncultivated ideas of morality, far from •providing a remedy for the partiality of our affections, •conform to that partiality and •add to its force and influence.

So the remedy for what is irregular and inappropriate in the affections has to come not from •nature but from •artifice; or, more properly speaking, it comes from nature working through the judgment and the understanding. [Hume’s ‘more properly speaking’ version expresses his view that *everything* that happens is natural, and that although we talk of an art/nature divide,

art—i.e. everything that involves human thought and human skill—is really a part of nature.] ·Here is how it happens·. When

•men’s early upbringing in society makes them aware of the infinite advantages of having society, and also leads them to have a new liking for company and conversation,

and when

•they notice that the principal disturbance in society comes from the goods that we call ‘external’—from their looseness, the ease of transferring them from one person to another,

they must try to remedy the situation by putting those goods as far as possible on the same footing with the fixed and constant advantages of the mind and body. The only possible way to do this is by a convention entered into by all the members of the society to make the possession of those external goods *stable*, leaving everyone in the peaceful enjoyment of whatever he has come to own through luck and hard work. This enables everyone to know what he can safely possess; and the passions are restrained in their partial and contradictory motions. The restraint ·imposed by this convention regarding property· is not contrary to **these passions**—if it were, it couldn’t be maintained, and couldn’t even be entered into in the first place. All that it is contrary to is **the heedless and impetuous movement of the passions**. In keeping our hands off the possessions of others we aren’t departing from our own interests or the interests of our closest friends. In fact, the best way we have of serving both those sets of interests is by adhering to such a convention, because that is how we maintain society, which is so necessary to the well-being and survival of ourselves and of our friends.

This convention ·about property· is not a *promise*; for promises themselves arise from human conventions, as

I'll show in due course. The convention is only a general sense of common interest—a sense that all the members of the society •have and •express to one another, which leads them to regulate their conduct by certain rules. I see that it will be in my interests to leave you in possession of your goods, provided you will act in the same way towards me. And you are aware of its being in your interests to regulate your conduct in the same way, •provided that I do. When this shared sense of where our interests lie is mutually expressed and is known to both of us, it produces a suitable decision and suitable behaviour. This can properly enough be called a 'convention' or 'agreement' between us, though not one that involves a promise; because the actions of each of us are related to actions the other, and are performed on a supposition about how the other is going to act. Two men pulling the oars of a boat do this by an •agreement or •convention, though they haven't made any •promises to each other. The rule concerning the stability of ownership comes into existence gradually, gathering force by a slow progression and by our repeated experience of the drawbacks of transgressing it; but that doesn't detract from its status as a human convention. . . . This is how languages are gradually established by human conventions, without any promise being made; and how gold and silver become the common measures of exchange, and are accepted as sufficient payment for something that has a hundred times their value.

After this convention about keeping one's hands off the possessions of others is entered into, and everyone has his possessions in a stable manner, there immediately arise the ideas of

•justice and •injustice,

as well as the ideas of

•property, •right, and •obligation.

These last three ideas are altogether unintelligible to anyone who doesn't understand the first two. For something to be my *property* is for it to be permanently assigned to me by the laws of society, i.e. the laws of justice. So anyone who uses any of the words 'property', 'right', and 'obligation' before he has explained the origin of justice. . . . is guilty of a very gross fallacy, and can never reason on any solid foundation. A man's property is some object related to him •in a certain way, and the relation is not •natural but •moral—it is based on justice. So it is preposterous to think that we can have any idea of *property* without fully grasping the nature of *justice* and its origin in the artifice and contrivance of men. The origin of justice explains the origin of property. The same artifice gives rise to both. Our first and most natural moral sentiment is based on the nature of our passions, and prefers ourselves and our friends above strangers; so there can't possibly be any such thing as a •fixed right or as •property while the opposing passions of men push them in contrary directions without restraint from any convention or agreement.

No-one can doubt that the convention for marking things out as *property*, and for the stability of ownership of property, is the most necessary single thing for the establishment of human society, and that when men have agreed to establish and obey this rule there remains little or nothing to be done towards establishing perfect harmony. All the *other* passions—other than this one concerning the interests of ourselves and our friends—are either •easily restrained or •not so very harmful when acted on without restraint.

•Vanity should be counted as a social passion, and as a bond of union among men.

•So should pity and love.

•Envy and vengefulness are indeed harmful, but they operate only intermittently, and are directed against

individuals whom we regard as our superiors or enemies.

It's only this avidity [= 'greed'] to acquire goods and possessions for ourselves and our closest friends that is •insatiable, •perpetual, •universal, and •directly destructive of society. Almost everyone is actuated by it, and everyone has reason to fear what will come from it when it acts without any restraint, giving way to its first and most natural emotions. So our view about how hard it is for society to be established should be proportioned to how hard it is to regulate and restrain *this* passion.

It is certain that no affection of the human mind has enough force and the right direction for counterbalancing the love of gain, making men fit for society by making them abstain from taking the possessions of others. Benevolence to strangers is too weak for this purpose; and the other passions all inflame our avidity when we notice that the more possessions we have the more able we are to gratify all our appetites. So the only passion that can control this affection (this ·avidity·) is that very affection itself, by an alteration of its direction. . . . No issue about the •wickedness or •goodness of human nature is raised by the facts about the origin of society. All we have to consider are the degrees of men's •foolishness or •good sense ·in taking care of their long-term interests·. It makes no difference whether we regard the passion of self- interest as vicious or virtuous, because all that restrains it is *itself*. Thus, if it is virtuous then men become social by their virtue; if it is vicious, they become social by their vice.

This passion ·of avidity· restrains itself by establishing the rule for the stability of ownership; so if that rule were very abstruse and hard to discover, we would have to conclude that society is in a way *accidental*—something that came into being through the centuries. But if we find that

- nothing can be simpler or more obvious than this rule; that
- every parent has to establish it in order to preserve peace among his children; and that
- these first rudiments of justice must be constantly improved, as the society enlarges;

if all that seems obvious (and it certainly does), we can conclude that it is utterly impossible for men to remain for long in the savage condition that precedes society, so that we are entitled to think of mankind as *social* from the outset. It is still all right for philosophers to extend their reasoning to the supposed 'state of nature', as long as they accept that this is a mere philosophical fiction, which never had—and never *could* have—any reality. Human nature has two principal parts, the affections and the understanding, which are required in all its actions; the blind motions of the affections without direction from the understanding would certainly incapacitate men for society. Still, there's nothing wrong with our considering separately the effects of the separate operations of these two component parts of the mind. [In the next sentence, 'natural philosophers' refers to natural scientists, and 'moral philosophers' refers to philosophers in our sense; Hume is thinking of them as scientists who study the human condition.] Natural philosophers often treat a single motion as though it were compounded out of two distinct parts, although they accept that the motion is in itself uncompounded and unsplitable; and that same approach is followed by moral philosophers who examine the affections and the understanding separately from one another.

So this •state of nature is to be regarded as a mere fiction, rather like that of •the 'golden age' that poets have invented, except that •the former is described as full of war, violence, and injustice, whereas •the latter is depicted as charming and peaceful. If we're to believe the poets, the seasons in that

first golden age of nature were so temperate that men didn't need clothes or houses to protect them from the violence of heat and cold. The rivers flowed with wine and milk, the oaks yielded honey, and nature spontaneously produced her greatest delicacies. And these weren't even the chief advantages of that happy age! The age was free not only from storms and tempests in the weather but also from the more furious tempests in human breasts that now cause such uproar and create so much confusion. Avarice, ambition, cruelty, selfishness, were never heard of; cordial affection, compassion, sympathy, were the only feelings the human mind had experienced. Even the distinction between *mine* and *thine* was banished from that happy race of mortals, so that the very notions of property, obligation, justice and injustice were banished also.

Although this is no doubt an idle fiction, it deserves our attention, because nothing can more plainly show the origin of the virtues that are the subjects of our present enquiry. I have already remarked that justice comes from human conventions, which are intended as a remedy to some drawbacks that come from a way in which certain qualities of the human mind—

namely, selfishness and limited generosity—
are matched by certain facts about external objects—
namely, that they are easy to move around and that
they are scarce in comparison of the wants and desires
of men.

But however bewildered philosophers may have been in those speculations, poets have been guided more infallibly by a certain taste or common instinct which, in most kinds of reasoning, goes further than any of the art and philosophy that we have so far been acquainted with. The poets easily perceived that if every man had a gentle concern for every other, or if nature abundantly fulfilled all our needs wants

and desires, there would be no place for the conflicts of interests that justice presupposes, and no use for the distinctions and boundaries relating to property and ownership that at present are in use among mankind. Make a big enough increase in the benevolence of men or the bounty of nature and you make justice useless by replacing it with much nobler virtues and more valuable blessings. . . .

We didn't have to go to the fictions of poets to learn this, . . . because we could discover the same truth from common experience and observation. It is easy to see that a cordial affection makes all things common among friends; and that married people, especially, share their property [Hume: 'mutually lose their property'] and aren't acquainted with the *mine* and *thine* that are so necessary and yet so troublesome in human society. The same thing can be brought about by an alteration in the circumstances of mankind—e.g. when there is enough of some commodity to satisfy all the desires of men, so that for that commodity property-distinctions are lost and everything is held in common. We can see this with regard to *air* and *water*, though they are the most valuable of all external objects; and we can easily conclude that if men were supplied with everything as abundantly as they are with air and water, or if everyone had the same affection and tender regard for everyone else as he does for himself, justice and injustice would be unknown among mankind.

I think we can regard this proposition as certain:

J: Justice gets its origin from the selfishness and limited generosity of men, along with the scanty provision nature has made for men's wants.

If we look back we'll find that proposition **J** adds extra force to some of the things I have already said on this subject.

(i) We can conclude from **J** that our first and most basic motive for the conforming to the rules of justice is *not* a concern for the public interest or a strong extensive

benevolence, because proposition **J** implies that if men did have such a benevolence the rules of justice would never have been dreamed of.

(ii) We may conclude from **J** that the sense of justice is *not* based on reason, or on the discovery of certain connections and relations of ideas—connections and relations that are eternal, unchangeable, and universally obligatory. We have just seen that an alteration such as I have described in the temperament or the circumstances of mankind would entirely alter our duties and obligations; so a defender of the common theory that *the sense of virtue is derived from reason* has to show how the relations of ideas would be changed by either of those alterations—i.e. by a great increase in the benevolence of men or by the abundance of nature. But it's obvious that

the only reason why •extensive human generosity and •perfect natural abundance of everything would destroy the very idea of justice is that •they would make that idea useless;

and that

the only reason why •limited human benevolence and human •needs that nature doesn't abundantly meet give rise to that virtue is that they make virtue necessary for the public interest and for each person's private interest.

There's nothing in this that involves changes in relations of ideas! What made us establish the laws of justice was a concern for our own and the public interest; and it's absolutely certain that what gives us this concern is not any relation of ideas, but rather our impressions and sentiments, without which nothing in nature matters to us either way. So the sense of justice is based not on our ideas but on our impressions.

(iii) **J** further confirms my earlier thesis that the impressions giving rise to this sense of justice are not natural to the mind of man, but arise from artifice and human conventions. Any considerable alteration in the human temperament and circumstances destroys justice and injustice equally; and because such an alteration has an effect only by changing our own and the public interest, it follows that the basic establishment of the rules of justice depends on these different interests. But if men pursued the public interest naturally and with a hearty affection, they would never dream of restraining one another by these rules; and if they pursued their own interest without any precaution—i.e. naturally—they would run headlong into every kind of injustice and violence. So these rules are artificial, and seek their end in an oblique and indirect manner; and the interest that gives rise to them is of a kind that couldn't be pursued by the natural and unartificial passions of men.

To make this more obvious, consider the fact that although the rules of justice are established merely by interest, their connection with interest is of a special kind and is different from what may be observed on other occasions [that formulation is Hume's]. It often happens that a single act of justice is contrary to the public interest; if it stood alone, without being followed by other acts, it would be very prejudicial to society. When a good man with a beneficent disposition restores a great fortune to a miser or a seditious bigot, he has acted in a way that is just and praiseworthy by giving to the miser or bigot something that is rightfully his property; but the public is a real sufferer. And it can happen that a single act of justice is not, considered in isolation, conducive to the agent's private interest or to the public interest. It's easy to conceive how a man might impoverish himself by a notable instance of *integrity*, and have reason to wish that the laws

of justice were for a moment suspended in the universe with regard to that single act. But however contrary to public or private interest a single act of justice may be, it's certain that the whole plan or scheme of justice is highly conducive to—indeed absolutely required for—the support of society and the well-being of every individual. It is impossible to separate the good from the ill. Property must be stable, and must be fixed by *general* rules. Even if in one instance the public is a sufferer, this momentary ill is more than made up for by the peace and order that are established in society by steady adherence to the rule. And every individual person must find himself a gainer, on balance, because without justice society would immediately dissolve, driving everyone into the savage and solitary condition that is infinitely worse than the worst situation that can possibly be imagined in society. So, when

men's experience shows them that, whatever may be the upshot of any single act of justice, the whole system of just actions accepted by the whole society is infinitely advantageous to society as a whole and to each individual in it,

it doesn't take long for *justice* and *property* to come into existence. Every member of society is aware of this interest; everyone expresses this awareness to his fellows, along with the decision he has made to act in accordance with it on condition that others will do the same. That is enough to induce any one of them to perform an act of justice if he is the first to have an opportunity to do so. This first just act becomes an example to others; and thus justice establishes itself by a kind of convention or agreement, i.e. by an awareness that everyone is supposed to have of where his interests lie, with every single act being performed in expectation that others will act similarly. Without such a convention, no-one would ever have dreamed that there was

any such virtue as justice, or have been induced to conform his actions to it. . . .

(2) We come now to the second of the two questions I raised on page 250, namely: Why do we attach the idea of virtue to justice and the idea of vice to injustice? Given the results that I have already established, this question needn't detain us for long. All I can say about it now will take only a few words; if you want a fuller answer you must wait until we come to Part iii of this Book. What *naturally* ties us to justice, namely interest, has been fully explained; as for what *morally* ties us to justice—i.e. as for the sentiment of right and wrong—I can't give a full and satisfactory account of that until after I have examined the natural virtues.

[Hume now repeats his account of the basis of a system of justice in men's thoughts about where their interests lie. Then:] But when a society grows large enough to be a tribe or a nation, the interest that each person has in maintaining a system of justice is more remote; and it is harder for men to grasp that disorder and confusion follow every breach of these rules—harder, that is, than in a more narrow and contracted society. But although in our own actions we may often lose sight of the interest that we have in maintaining order and follow a lesser and more present interest, we have no trouble seeing the harm to our interests that comes—either mediately or immediately—from unjust acts by others. . . . And even when the injustice is too distant from us to affect our interests, it still displeases us because we regard it as harmful to human society and damaging to everyone who comes close to the person guilty of it—i.e. everyone who is causally 'close' enough to be directly affected by the unjust act. Through sympathy we share in the uneasiness of such people. Now, the label 'vice' is attached to any action that gives uneasiness when we see or think about it, and 'virtue' is attached to any action that

produces satisfaction when we see or think about it. So this is the reason why the sense of moral good and evil follows from justice and injustice. What I have just said concerns the sense of good and evil as arising from our responses to the actions of *others*, but we do also extend it to cover our own actions. The general rule reaches beyond the instances from which it arose, so that it *could* be applied to our own actions. And there is a clear reason why it *does*, namely the fact that we naturally sympathize with others in the sentiments they have regarding us when they see how we act. Thus the original motive for the establishment of a system of justice is **self-interest**; but what attaches moral approval to justice is **sympathy with the public interest**.

[Hume now describes how politicians *for their own purposes* urge people to behave justly. He says that ‘certain writers on morals’ have inferred from this that moral concepts are just political dodges that we should throw away; but this is wrong, Hume says, because the politicians’ pleas wouldn’t have any effect on us if we didn’t have moral notions independently of them. Winding up:] The most that politicians can do is to *extend* our natural moral sentiments beyond their original bounds; we still need nature to provide the materials, and give us some notion of moral distinctions.

Just as public praise and blame increase our esteem for

justice, so private upbringing and instruction contribute to the same effect. It’s easy for parents to see that the more honesty and honour a man is endowed with, the more useful he is to himself and to others; and that the principles leading towards honest and honourable conduct are more forceful when the work of self-interest and reflection is helped by custom and upbringing; so they have a reason to instill into their children from their earliest infancy the principles of honesty and to teach them to regard obedience to the rules by which society is maintained as worthy and honourable, and disobedience to them as base and infamous. This enables the sentiments of honour to take root in their tender minds, and to acquire so much firmness and solidity that they are almost as strong as the principles that are the most essential to our natures and the most deeply rooted in our internal constitution. . . .

One last remark before I leave this subject: Although I say that in the state of nature—i.e. the imaginary state that preceded society—there is neither justice nor injustice, I do *not* say that in such a state it was allowable to violate the property of others. What I do say is that in that state there was no such thing as property, so that there couldn’t be any such thing as justice or injustice. I’ll say something similar about *promises*, when I discuss them. . . .

3: The rules that settle who owns what

Although the establishment of the rule regarding the stability of ownership is not only useful but outright necessary for human society, it can't achieve anything while it remains in such general terms. We need a method by which to distinguish what particular goods are to be assigned to each particular person to the exclusion of the rest of mankind. That is my next topic: what goes into the detailing of this general rule so as to fit it to the common use and practice of the world. [Hume writes of 'modifying' the general rule, in a now obsolete sense of 'modify'; the word 'detailing' is adopted here as a convenient short-hand for the procedure of moving from the general rule (that people should be allowed to keep what they own) to something more specific that governs what things are owned by which people.]

Obviously the detailing can't tie x's ownership of y to any fact of the type:

If x owns y, that will bring more utility or advantage to x or to the public than would come from y's being owned by anyone else.

No doubt it would be better if everyone owned what is most •suitable for him ·in particular·; but ·the proposed notion of ownership is no good. For one thing·, this relation of •fitness ·or suitability· may relate an object y to several different people, ·so that the proposed rule wouldn't always yield a unique answer·. Also, the proposed ownership rule is liable to so many controversies, in which men would be so partial and passionate that such a loose and uncertain rule would be absolutely incompatible with the peace of human society. The point of having the convention about the stability of ownership is precisely to cut off all occasions of discord and contention; and that would never be achieved if we were allowed to apply this rule differently from case to

case, depending on where the utilities lie in the individual cases. Justice, in her decisions, pays no attention to whether a given object is fit or suitable for this or that person. . . . Whether a man is generous or a miser, he is equally well received by her, and easily gets a decision in his favour, even if the decision gives him the ownership of something that is entirely useless to him.

So the general rule that ownership must be stable is applied not by particular judgments but by other general rules; these must extend to the whole society, and must hold rigidly, not being bent ·in particular cases· by spite or by favour. Starting with the thought of men in their savage and solitary condition, I suppose that their awareness of the misery of that state and their foreseeing the advantages that would result from society will lead them to seek each others' company and offer mutual protection and assistance. I also suppose that they are wise enough to see straight off that the main obstacle to this project of society and partnership lies in the greed and selfishness of their natural temperament; and to remedy that they enter into a convention for the stability of ownership, and for mutual restraint and forbearance. This account of the origin of justice looks unnatural, ·implausible·, but that's because it presents as happening very quickly a train of thoughts that in fact arise imperceptibly and by degrees. Furthermore, it *could* happen that a group of people are somehow cut off from the society they have belonged to, and need to form a new society among themselves; and in *that* case the basic rule of justice might be reached in exactly the way I have described, ·by a fast sequence of thoughts and decisions·.

Clearly their first difficulty after adopting the general convention for •the establishment of society and •the constancy of ownership is to decide how to separate their possessions and assign to each person his particular portion—the items he is to have the use of permanently. This won't hold them up for long, because it must immediately occur to them that the most natural expedient is for everyone to continue to enjoy what he is at present master of, and that •property or •constant ownership should be tied to •immediate possession. [Men would rapidly agree to that rule for ownership, Hume says, because we do in fact—as an effect of custom—like best the things that we are most used to.] . . .⁴ But although the rule according to which x owns y if x is currently in possession of y is natural and thus useful, it is useful only

in the first formation of society. If we went on holding to it after that, the results would be dreadful: there would be no such thing as restitution, .i.e. restoring to someone something that he •owns but doesn't •currently have in his possession, and every injustice would be authorized and rewarded. So we have to look for some other basis or bases for ownership after society has been established. I find four such bases: **(1)** Occupation, **(2)** Prescription, **(3)** Accession, and **(4)** Inheritance. I shall briefly discuss each of these. [Hume calls **(4)** 'Succession', using that word narrowly to stand for the passing on of a dead parent's possessions or governing power to his nearest descendants; but (starting on page 288) he *also* uses it more broadly to stand for •any process in which a dead ruler is replaced. To avoid confusion, every occurrence of 'succession' in the narrower sense

⁴ No questions in philosophy are harder than the ones that arise when a number of causes present themselves for a single phenomenon, and we have to settle which is the principal and predominant one. There's seldom any very precise argument to fix our choice, and men settle for being guided by •a kind of taste or imagination arising from analogy, and by •a comparison of similar cases. In this matter of ownership, no doubt there are reasons of public interest for most of the rules that settle who owns what; but I suspect that these rules are principally fixed by the imagination, .i.e. the more frivolous features of our thought and conception. I'll go on discussing these causes, leaving it to you to choose between •the ones that are derived from public utility and •the ones derived from the imagination. I'll begin with *the right of the present possessor*.

A feature of human nature that I noted back in I.iv.5 is that when two objects appear in a close relation to each other, the mind is apt to regard them as related in other ways as well, so as complete their union; and this inclination is so strong that it often pushes us into errors if we find any •errors• that can serve that purpose •of completing the union•. [Hume cites 'the conjunction of thought and matter'—his exact phrase—as an example of such an error.] Many of our impressions are incapable of being in any *place*, and yet we suppose them—those very impressions—to be *located* along with the impressions of sight and touch, merely because they are causally connected with them and are already united with them in the imagination. [Hume goes on at some length about the powerful force in our thinking—this propensity for taking pairs of items that are connected in some way and imagining them to be connected in other ways as well, especially ways that are *like* the first one, thereby increasing (we think) the orderliness of things. He starts to link this with his present topic by saying:] The same love of order and uniformity that arranges the books in a library, and the chairs in a parlour, contributes to the formation of society and to mankind's well-being by the effect it has on the general rule about the stability of ownership. If y is owned by x, .i.e. is part of x's property, that's one relation between them, and it's natural •for us to try• to base it on some preceding relation. Now, if x owns y then that ownership or property relation between is just

•x's constantly having y among his possessions,

with this being secured by the laws of society; so it is natural to add it to the relation

•x's having y in his possession right now,

because this resembles the ownership relation. . . .

is replaced in this version by 'inheritance'.]

(1) Occupation: The ownership of all external goods is changeable and uncertain; and that is one of the biggest obstacles to the establishment of society, and is the reason why men restrain themselves by explicitly or tacitly agreeing to abide by what we now call the rules of justice and equity. The misery of men's condition before this restraint came into play is the cause of our submitting to that remedy as quickly as possible; and this provides an easy reason why we attach the idea of property or ownership to the *first* possession or occupation. Why 'as quickly as possible'? Because men are unwilling to leave the ownership of anything undecided, even for the shortest time, or to leave the door open—even a crack—to violence and disorder. And there's also this: the *first* possession always engages our attention most; and if we neglected it there would be no basis for assigning property to any succeeding possession.⁵

There is still the question of what exactly it means to say that someone is 'in possession of' something; and this is harder to answer than you might think. We are said to be in

possession of a thing not only when we immediately touch it—e.g. holding it in our hands, or standing on it—but also when we are related to it in such a way that we have it in our power to use it, and can move, alter, or destroy it if we choose to. So this relation of being-in-possession-of is a species of cause and effect; and as *owning* something is nothing but having possession of it in a way that is made stable by the rules of justice (i.e. the conventions of men), ownership should be regarded as a cause-effect relation also. But now notice this: our power of using a thing becomes more or less certain, depending on whether the blockages to our using it are less or more probable; and this probability can increase by insensible degrees; so in many cases it is impossible to determine when ownership begins or ends, there being no certain standard by which to decide such controversies. A wild boar that falls into our trap is considered to be in our possession if it's impossible for him to escape. But what do we mean here by 'impossible'? How do we separate this 'impossibility' from an 'improbability'? And how do we exactly distinguish the latter from a 'probability'? . . .

⁵ Some philosophers [notably Locke] account for the right of occupation by saying that everyone is the owner of his own labour, and that when he joins that labour to something, this gives him ownership of the whole. But: **(i)** There are several kinds of occupation where we can't be said to join our labour to the object we acquire, e.g. when we possess a meadow by grazing our cattle on it. **(ii)** This 'labour theory of ownership' accounts for ownership by means of *accession*; which is taking a needlessly roundabout route. **(iii)** We can't be said to join our labour to *anything* except in a figurative sense. Strictly speaking, all we do is to *alter* something by our labour. This gives us a relation to the thing we have altered, and thence arises the property, according to the preceding principles. [The last ten words are Hume's.]

⁶ [The in-text key to this footnote is high on the next page.] If we try to solve these difficulties in terms of reason and the public interest we'll get nowhere. And if instead we look to the imagination for help, we'll find that it can't help us either, because obviously the qualities that operate on the imagination run into each other so imperceptibly and gradually that we can't assign any precise boundaries to them; which means that the concepts of our imagination are shot through with just the kind of gradualness that we are trying to cure. And there are other difficulties as well, because our judgment alters very noticeably according to the subject, and the same power and proximity that will count as *possession* in one case won't be so counted in another. Someone who has hunted a hare to the last degree of weariness would regard it as an injustice for someone else to push ahead of him and seize his prey. But when that same person is moving towards a tree to pick an apple, he has no reason to complain if someone else, more alert, gets there first and takes possession of the apple. What is the reason for this difference? It must be that the hare's immobility is not natural to it but is a result of the hunter's work, which creates a strong relation between hare and hunter that is absent between apple and man in the other case.

Disputes frequently arise on this subject.⁶

Such disputes can arise not only about whether something is a case of property and possession at all but also about the extent of the property that is possessed; and these disputes often can't be decided, or can be decided only by the imagination. Someone who lands on the shore of a small island that is deserted and uncultivated is regarded as possessing it—possessing *all* of it—from the very first moment. That is because the island is bounded and circumscribed in the imagination, as well as being proportioned to its new possessor—he is only one man, but it is only a small island. If that man lands on a desert island as large as Great Britain, his property doesn't extend beyond his immediate possession; though a large colony are regarded the owners of the whole big island from the instant they set foot on it.

(2) Prescription: [This word is a legal technical term meaning 'uninterrupted possession or use for a very long time'.] It often happens that the title of first possession becomes obscure through time, and that many controversies arise about it

and can't be resolved; in that case, •long ownership or •prescription naturally takes place, and gives a person a sufficient property in any thing he enjoys. [Hume explains this by saying that as something recedes further into the past its effect on our mind lessens, so that x's having the *first possession* of y comes through time to be less impressive as a basis for regarding x as owning y; and in that case the gradually weakening sense of that relation is strengthened by the knowledge that (for example) x wasn't just the first person who landed on the island but he has been farming it ever since, this being *prescription*. Hume winds up this discussion thus:] Possession during a long period of time conveys a title to any object, .i.e. makes one the rightful owner of it. But even if everything is produced *in* time, nothing real is produced *by* time; and from this it follows that the ownership that is produced by •the passage of• time is not anything real in the objects, but is the offspring of the sentiments, which are the only things on which time is found to have any influence.⁷

So it seems from this that x's certain and infallible power of enjoying y, not accompanied by touch or some other sensible relation, is often not enough to put y into the possession of x. [Hume is thinking here of the person who could easily pick the apple, when there is no rival picker in the vicinity. He certainly has power to enjoy the apple; but he doesn't possess it.] And I further observe that a sensible relation between x and y, without any present power •on x's part to make use of y•, is sometimes sufficient to qualify x as owning y. Consider the statement that *x sees y*: that is usually not a considerable relation between them, but it is regarded as considerable when y is hidden or very obscure. When that is the case, we find that x's seeing y is enough to make y x's property, according to the maxim that even a whole continent belongs to the nation that first discovered it. Notice, though, that x's discovering y isn't enough to put y in x's possession unless x *intends* to be y's owner. . . .

All this makes it easy to see how tangled many questions may become concerning the acquisition of property by occupation; and we don't have to think hard to come up with examples for which there is no reasonable decision. If you prefer real examples to invented ones, try this: Two Greek colonies, leaving their native country in search of new places to live, were told that a nearby city had been deserted by its inhabitants. To check on the truth of this, each colony sent a messenger; as they neared the city the messengers found that the information was true, and they began to race towards the city, each intending to take possession of it for his colony. The messenger who was losing the race launched his spear at the gates of the city, and had the good luck to fix it there before the other man's arrival. This created a dispute between the two colonies as to which of them owned the empty city; and this dispute still continues among philosophers. For my part, I find that the dispute can't be settled because the whole question depends on the imagination, which in this case has no precise determinate standard on which to base a decision. . . .

⁷ Present possession is obviously also a relation between a person and an object; but unless the possession is long and interrupted it doesn't have enough force to outweigh the relation of first possession. . . .

(3) Accession: We come to own objects by accession when they are intimately connected with objects that are already our property, and at the same time are inferior to them. Thus the fruits of our garden, the offspring of our cattle, and the work of our slaves are all regarded as our property, even before we take possession of them. When objects are inter-connected in the imagination we are apt to put them on the same footing and to suppose them to have the same qualities. In our imaginations we readily pass from one to another and don't distinguish them in the judgments we make about them, especially if the one we pass *to* is inferior to the one we pass *from*.

·START OF A LONG FOOTNOTE· [It ends on page 266]

This basis for judgments about who owns what can only be explained in terms of the imagination, and the explanation doesn't bring in anything else—the causes here are unmixed. I shall now explain these causes in more detail, and illustrate them by examples from common life and experience.

I remarked earlier that the mind has a natural tendency to •combine relations, especially similar ones, and finds a kind of fitness and uniformity in such a •union. This tendency is what gives rise to these two laws of nature:

- In the first formation of society, property always follows the present possession.

- After the first formation of society, property arises from first or from long possession.

Now it's easy to see that there are different *degrees* of relatedness: by being related to some object we acquire a relation to every other object that is related to that one, and then a relation to every object that is related to any of these... and so on until the chain becomes so long that it can't be thought about. However much the relatedness is •weakened at each stage along the chain, it isn't immediately •destroyed; and it often happens that two objects are related

to one another through an intermediate object that is related to both. And this principle_c is of such force as to give rise to the right of accession, giving us ownership not merely of things that we have in our immediate possession but also of things that are closely connected with those.

Suppose a German, a Frenchman, and a Spaniard were quarreling about who was to get which of three bottles of wine—one Rhenish, one Burgundy, and one Port. Any impartial umpire who was asked to resolve this dispute would give each of the three the wine from his own country; and the principle_c that is at work here is also a source of the laws of nature that ascribe property on the basis of occupation, prescription, and accession.

In all these cases, and especially that of accession, there is first •a natural union between the idea of the person and the idea of the object, and afterwards there comes to be •a new and moral union that is produced by that right of ownership that we ascribe to the person. [Hume now devotes a footnote-page to presenting and solving a difficulty. In II.ii.5 he has said that 'the imagination passes more easily from small to large than from large to small', but the phenomenon of ownership-by- accession seems to reverse the direction: owning Great Britain would give one ownership of the Isle of Man, but the converse of this doesn't hold. Thus, we have large to small but not small to large. Hume's solution of this difficulty is not very interesting. After that, the long footnote continues:] Philosophers and legal theorists hold that the sea can't become the property of any nation, because it's impossible to take possession of the sea or to become related to it in any way that would be a basis for ownership. Where this reason ceases, property immediately takes place. [That is Hume's sentence. He means that any part of the sea that *can* be owned *is* owned.] Thus, even the most strenuous advocates for the liberty of the seas—all of them—accept

that inlets and bays naturally belong, as an accession, to the owners of the surrounding land. These inlets and bays aren't any more united with the land than the Pacific ocean is; but they are united in the imagination, and are at the same time inferior in size to the surrounding land, and so as a matter of course they are regarded as an accession.

Ownership of rivers goes to the owners of their banks; that is what the laws of most nations say, and it strikes us as natural. The exception is such vast rivers as the Rhine and the Danube, which seem to the imagination to be too large to be automatically owned by the owners of the neighbouring fields. Yet even these rivers are regarded as the property of the *nation* through whose dominions they run, because the idea of a nation is big enough to match up to such great rivers. . . .

There are ownership issues that somewhat resemble accession but are really quite different; they are worth discussing. One of them concerns the case where something owned by one person and something owned by another are conjoined in such a way that they can't be separated from one another. The question here is 'Who owns the united mass of the two properties taken together?'. . . . An example would be the situation where someone builds a house on someone else's ground, so that the whole house-and-ground-it-stands-on must belong to one of these two. I contend that it's natural to think of it as belonging to the owner of the *most considerable part* of the whole complex. Granted that the compound object is related to two different persons, and carries our view to both of them at once, still what mostly engages our attention is the most considerable part, which then draws the inferior part along it; and so the whole bears a dominant relation to the owner of that part and is regarded as his property. The only remaining difficulty is to decide what part of the thing should we count as the most

considerable part, the part exerting the strongest pull on the imagination.

This quality of considerableness depends on several different factors that have little connection with each other. One part of a compound object may become more considerable than another because it is

- more constant and durable, or
- of greater value, or
- more obvious and remarkable, or
- bigger, or
- more separate and independent in its existence.

It's easy to grasp that with all the different combinations of these and their opposites that there can be, and the further complexities that come from their all being differences of *degree* rather than of *kind*, there are going to be many cases that can't be satisfactorily decided because the reasons on the two sides are balanced. This brings in municipal laws, whose proper business is to fix what the forces of human nature have left undetermined.

what Hume wrote next: The superficies yields to the soil, says the civil law; the writing to the paper; the canvas to the picture.

examples of what he meant: According to the civil law: if I build a house on your ground, it is your house; if I write a poem on your paper, it is your poem; if I paint a picture on your canvas, it is my picture.

Those decisions don't agree well together, and are a proof of the contrariety of the sources from which they are derived.

[The footnote ends with a discussion of a case that the ancients use to worry over: If I make a cup from your metal, is it your cup? If I build a ship using your wood, is it your ship? Hume reports one theorist who answered Yes and Yes, and another who answered

- Yes because the cup can easily be turned back again into shapeless metal, and
- No because the ship can't easily be turned back into a stack of lumber.

Hume likes this Yes-No answer and the reason given for it; and remarks that this 'ingenious' reason gets its force from a fact about the imagination, namely that the difference in ease-of-restoration makes a difference in how closely we *imagine* the cup and the ship to be connected with their original owners.]

·END OF THE LONG FOOTNOTE·

(4) Inheritance: The right of inheritance is a very natural one, given the presumed consent of the parent or near

relative and the general interests of mankind—interests which require that men's possessions should pass to those who are dearest to them, in order to render them more industrious and frugal. Perhaps these causes are backed up by the influence of relation—the association of ideas—by which we are naturally directed to consider the son after the parent's decease, and ascribe to him a title to his father's possessions. Those goods must become the property of somebody—but of whom? Here it is evident the person's children naturally present themselves to the mind; and being already connected to those possessions by means of their deceased parent, we are apt to connect them still further by the relation of property. There are many parallel instances of this.

4: The transference of property by consent

However useful or even necessary the stability of ownership may be to human society, it has considerable drawbacks. The relation of •fitness or •suitableness ought never to play a part in how properties are distributed among mankind; our handling of ownership issues has to be governed by rules that are more general in their application, and more free from doubt and uncertainty, than they could be if *fitness* were the criterion. Rules that have these virtues include the rule of •present possession when society is first established, and after that the rules of •occupation, •prescription, •accession, and •inheritance. But because these depend very much on chance, they must often produce results that are in conflict with men's needs and desires, so that persons and

possessions are often very poorly adjusted to one another. This is a great drawback, which calls for a remedy. To go straight at the problem and allow every man to seize by violence anything that he judges to be *fit* for him would destroy society; so the rules of justice look for something less extreme—something between •rigid stability and •the changeable and uncertain adjustment of the 'take what you think is fit for you' procedure. There is no better unextreme rule than the obvious one saying that what a person owns will never change except when that person consents to give something he owns to someone else. This rule can't have bad effects through causing wars and dissensions, . . . and it may serve many good purposes in improving the fit between

property and persons. Different parts of the earth produce different commodities; and different men are fitted by nature for different employments, and achieve greater perfection in any one employment when they confine themselves to it alone. All this requires a mutual exchange and commerce; so the transfer of property by consent is based on a law of nature, and so is the stability of property when such a consent is not given.

This much is determined by plain utility and self-interest. [Hume then says that more trivial reasons are involved in various procedures for the transfer of property from one person to another—handing over the keys of a granary, or some soil from the grounds of a manor, or the like. These

are mere aids to the imagination, Hume says—needed by some people because their imagination can't get a grip on the sheer fact that the ownership of something has changed. He concludes:] This is a kind of superstitious practice in civil laws and in the laws of nature, resembling the Roman Catholic superstitions in religion. Just as Roman Catholics represent the inconceivable mysteries of the Christian religion, making them more present to the mind by a candle or a gown or a facial expression that is supposed to resemble them, so also lawyers and moralists have come up with similar inventions for the same reason, trying by those means to satisfy themselves concerning the transference of property by consent.

5: The obligation of promises

The rule of morality that commands the keeping of promises is not natural. That will be clear from two propositions that I shall now prove: **(1)** A promise wouldn't be •intelligible before human conventions had established it. **(2)** Even if it were then intelligible, it wouldn't bring with it any moral obligation.

(1) A promise is not intelligible naturally, or antecedent to human conventions; a man who wasn't acquainted with society could never enter into any undertakings with someone else—not even if he and the other could perceive each other's thoughts by intuition! If promises were natural and intelligible, there would have to be some act of the mind that goes with the words 'I promise', and the moral obligation would have to depend on this act of the mind. Well, then,

let us scan the faculties of the soul to see which of them is at work when we make promises. The search, if done competently, will go like this:

The act of the mind expressed by a promise to do A is not a **decision to do A**, for a mere decision never imposes any obligation. Nor is it a **desire to do A**, for we can promise to do something without wanting to do it and even with an openly declared dislike of the prospect of doing it. Neither is it a **willing of A**, for a promise always concerns some •future time, whereas the will has an influence only on •present actions. So it comes down to this: the act of the mind that enters into a promise to do A, and makes it obligatory to do

A, is neither the deciding, the desiring, or the willing to do A, so it must be **the willing of the obligation to do A** that arises from the promise.

And the promising-is-an-act-of-the-mind theorist might congratulate himself on having reached this conclusion because:

This isn't just a conclusion reached by philosophical argument; it is also entirely in line with our common ways of thinking and expressing ourselves, when we say that we are *bound by our own consent* and that *the obligation arises from our mere will and pleasure*.

So we are left with only this question: Isn't this supposed act of the mind a manifest absurdity?—an absurdity that no-one could be guilty of if his ideas weren't confused by prejudices and the fallacious use of language? All morality depends on our sentiments; and when any action or quality of the mind pleases us *in a certain way* we say it is 'virtuous', and when the nonperformance of it displeases us *in that same way* we say that we are under an 'obligation' to perform it. A change of the obligation requires a change of the sentiment, and the creation of a new obligation requires some new sentiment to arise. But we can't naturally change our own sentiments, any more than we can change the motion of the planets; and we can't by a single act of our will—i.e. by a promise—make a change in •which actions are agreeable or disagreeable to us, or in •which actions are moral or immoral. [Hume means that a promise is a single act of the will *according to the theory he is now attacking*.] The notion of *willing a new obligation*—i.e. willing a new sentiment of pain or pleasure—is an absurdity, indeed

an absurdity that is too gross for men to fall into it naturally. So a promise, looked at naturally—i.e. without any thoughts of its being embedded in a society—is entirely unintelligible, and there's no act of the mind belonging to it.⁸

(2) If there *were* any act of the mind belonging to a promise, it couldn't naturally produce any obligation. This follows from what I have just been saying. A promise creates a new obligation. A new obligation involves the arising of new sentiments. The will never creates new sentiments. So no obligation could naturally arise from any promise, even if the mind *could*—absurd as this is—will such an obligation. . . . [Hume's next argument is excessively difficult to follow, but where it comes out is clear enough:] The only motive we have leading us to do what we have promised to do is our sense of duty. If we thought that promises didn't create moral obligations, we wouldn't feel any inclination to keep them. That is not the case with the natural virtues. Even if we had no obligation to relieve the miserable, our humanity would lead us to do this anyway; and when we omit that duty, the immorality of the omission arises from its being a proof that we lack the natural sentiments of humanity. A father knows it to be his duty to take care of his children, but he also has a natural inclination to do this. Without that inclination, no-one could have such an obligation. Well, there's no natural inclination to do what one has promised to do; the only motivation is provided by our sense of our obligation; and this implies that fidelity to one's promises is not a natural virtue, and that promises have no force antecedent to—and therefore independent of—human

⁸ If morality were discoverable by reason and not by sentiment, it would be even clearer that promises (understood as acts of the will) couldn't make any moral difference. Morality on this reason-based theory of it is supposed to consist in *relations*. So every new imposition of morality must arise from some new relation between objects; so the will couldn't produce any change in morals immediately, but only by producing a change in the objects. But the moral obligation of a promise is purely an effect of the will, making not the slightest change to any part of the universe; and it follows that on this based-upon-reason theory promises have no natural obligation. . . .

conventions.

If you disagree with this you must give a regular proof that

- there is a special act of the mind tied to promises; and that
- this act of the mind creates an inclination to perform the promised action, distinct from a sense of duty.

I presume that neither of those can possibly be proved, from which I infer that promises are human inventions, founded on the necessities and interests of society.

To discover what these necessities and interests are, we must consider the same qualities of human nature that we have found to be the source of the laws of society already discussed. The central fact is this:

- Because men are naturally selfish, or very limited in their generosity, they aren't easily induced to do anything in the interests of strangers except when they see this as the only way to get some benefit in return.

Now, it frequently happens that these mutual performances—the giving of benefits in each direction—can't be completed at the same instant; and then one party has to settle for remaining in uncertainty and depending for his benefit on the other person's gratitude. But men are so corrupt that this—depending on someone else's gratitude—gives very little security; and because the benefactor is here supposed to be motivated by self-interest to bring a benefit to the other person, this insecurity undermines the obligation and points the way to selfishness, which is the true mother of ingratitude. If we followed the natural course of our passions and inclinations, therefore, we wouldn't perform many actions in the interests of others—

- few performed in our own interests, because we can't depend on the beneficiaries' gratitude, and
- few per-

formed without self-interest, because we are naturally very limited in our kindness and affection.

What we see here is mankind losing the device of exchange-of-benefits, with everyone being thrown back on his own skill and industry for his well-being and subsistence. The invention of the law of nature regarding the stability of ownership has already made men tolerable to each other [= 'kept men from one another's throats']; and the law regarding the transference by consent of property and ownership has begun to make men advantageous to one another; but these laws of nature, however strictly they are kept to, aren't sufficient to make men as serviceable to each other as they are naturally advantage to someone who owns more than he can use of some kind of goods while needing more than he has of some other kind. The proper remedy for this difficulty is the transference of property, but that's not a complete remedy, because it can only take place with regard to objects that are present and individual, not ones that are absent or general. One can't transfer the property of a particular house sixty miles away, because the consent can't be accompanied by delivery, which is also needed for a transfer. Nor can one transfer the ownership of 'ten bushels of corn' or 'five barrels of wine' merely by agreeing to this in words, because the quoted phrases are only general terms, with no direct relation to any particular heap of corn or barrels of wine.

And there's another point. The commerce of mankind isn't confined to the exchange of *commodities*; it can extend to *services and actions*, which we can also exchange to our mutual interest and advantage. Your corn is ripe today; mine will be ripe tomorrow. It would be profitable for us both if I worked with you today and you helped me tomorrow. I have no kindness for you, and I know that you have as little for me. So I won't take any trouble to further your interests; I

know that if I worked with you in my own interests, expecting a return, I would be disappointed—it would be pointless to depend on your gratitude. So I leave you to labour alone; you leave me to work alone; the weather changes, and we both lose our harvests because of our lack of mutual confidence and security.

All this results from the natural and inherent principles_c and passions of human nature. Because these passions and principles_c are unalterable, you might think that our conduct that depends on them must also be unalterable, in which case it would be pointless for moralists or politicians to interfere with us, trying in the public interest to *change* the usual course of our actions. And, indeed, if the success of their designs depended on their success in correcting the selfishness and ingratitude of men, they would never make any progress unless they were aided by ·God's· Omnipotence, which is the only thing that can re-shape the human mind and change its character in such fundamental respects. All they can claim to do is to give a new direction to our natural passions, and to teach us that we can better satisfy our appetites in an indirect and artificial manner than by giving our passions their heads. In this way I learn to do a service for someone else without having any real kindness towards him, doing this because I foresee that he will do something for me in return. [The next two sentences expand what Hume wrote, in ways that the ·small dots· convention can't easily indicate.] Why will he do that? Because he will expect that on some future occasion I will again be in a position to help him, and will do so if, but only if, I think it will be in my interests to do so; and he will want to maintain this matching-of-services with me or with others. And so it come about that after he has acquired the benefit of my action on his behalf, he is induced to perform his part because he foresees the consequences of refusing.

But although this self-interested commerce of men starts to happen and to predominate in society, it doesn't entirely abolish the more generous and noble intercourse of friendship and friendly help. I may still do something for someone I love. . . .without any prospect of advantage; and that person may return the favour in the same way, not aiming to get anything out of it except recompense for me because of my past services. We need to distinguish those two different sorts of commerce—the ·self·-interested and the disinterested [here and always = 'not *self*-interested']—so a certain form of words was invented for the self-interested case, a form of words by which we bind ourselves to the performance of some action. This form of words constitutes what we call a 'promise', which is the sanction of the ·self·-interested commerce of mankind. [Here and later on Hume uses 'sanction' in the sense of 'consideration which enforces obedience to a rule of conduct'.] When a man says he *promises* to do A, he is in effect expressing a decision to do A, and along with that he is subjecting himself—by using this form of words—to the penalty of never being trusted again if he doesn't do A. Decisions are natural acts of the mind that promises express; but if there were nothing but *that* in a promise it would only declare our former motives, and wouldn't create any new motive or obligation. The new motive is created by the conventions of men, when experience has taught us that human affairs would go much better if certain symbols or signs were instituted by which we could give each other security of our conduct in any particular incident. After these signs are instituted, whoever uses them is immediately bound by his ·self·-interest to do what he has promised to do, and must never expect to be trusted any more if he refuses.

There is nothing high-flown or difficult about the knowledge that is needed for people to be aware that it's in their interests to *make* promises and to *keep* them; this knowledge

is the sort of thing that any human being could have—even one who is savage and uncultivated. One doesn't need much experience of being in the world to perceive all those consequences and advantages. A very short experience of society reveals them to every mortal; and when each individual sees the same self-interest at work in all his fellows, he immediately performs his part of any contract because he's sure that they won't fail in theirs. All of them jointly •enter into a scheme of actions that is calculated to benefit them all, and •agree to be true to their word. All that is needed for the formation of this joint action, this convention, is that everyone should •have a sense of its being in his own interests to keep his promises, and should •express that sense to other members of the society. This immediately causes •self-interest to go to work in all of them; and what primarily obliges us to keep our promises is •self-interest.

Later on, a sentiment of *morals* goes along with •self-interest, and becomes a new obligation on mankind. This sentiment of morality about the keeping of promises comes from the same principles, as the sentiment of morality about keeping one's hands off other peoples' property. Public interest, upbringing, and the wiles of politicians all have the same effect in both cases. . . .

I want to make some points about the act of will that is supposed to enter into a promise, and to make keeping it obligatory. Obviously, what is supposed to cause the obligation is never the act of the will alone; it has to be expressed in words or signs if it is to impose a tie—an obligation—on anyone. After the expression has been brought into the story as subservient to the will, it soon becomes the principal part of the promise; and a man won't be less bound by his promise to do A even if he secretly •points his intention in a different direction and •withholds himself both from deciding to do A and from wanting to be obliged to do A. On most

occasions the expression is the whole of the promise, but this isn't always so: someone who says 'I promise to do A' without knowing what this means, and without any intention of binding himself, certainly isn't bound by what the words he has uttered. Even if he knows the meaning of 'I promise to do A', if he says it only as a joke, giving clear indications that he has no serious intention of binding himself, he isn't under any obligation to do A. For an obligation to be created, the words must be a perfect expression of the will, without any contrary signs. [Hume adds that if someone promises to do A intending to deceive us, and we are clever enough to pick up signs of what he is up to, *that* doesn't free him from the obligation to do A. All these details are easy to explain if promising is 'merely a human invention', Hume says, but are inexplicable if the obligation of promises is 'something real and natural, arising from any action of the mind or body'.

[He devotes a further paragraph to comparing promising, in which a moral obligation arises out of a person's will, with the doctrine of transubstantiation, which also supposes that 'a certain form of words, along with a certain intention, changes entirely the nature of an external object'. [Hume refers here to the doctrine that bread and wine are converted, in the ceremony of the Eucharist when it is done properly, into the body and blood of Jesus.] He has shown that promising involves some difficulties that mankind have overcome by adding some complexities (e.g. about jokes, deceits. etc.) to the moral doctrine about promising; equal and even worse difficulties beset the doctrine of transubstantiation, Hume says, but the doctrine goes its simple way, riding roughshod over those problems; the difference being that promising is, while transubstantiation isn't, *important in this life*. As for the after-life, Hume concludes:] Men are always more concerned about the present life than the future; and are apt to think the smallest evil regarding the former is more important than

the greatest regarding the latter.

If someone is *forced* to make a certain promise, the promise isn't binding—we'll agree about that. And that gives further support to the thesis that promises don't *naturally* create obligations, and are mere artificial contrivances for the convenience of society. Think about it! There's no essential difference between •force and •any other motive of hope or fear that might induce us to give our word and lay ourselves

under an obligation. A dangerously wounded man who promises a payment to a surgeon in return for curing him is certainly bound—morally obliged—to pay up, though this case isn't very different from that of a man who promises a sum of money to a robber. Two cases so alike wouldn't arouse such different moral sentiments—no obligation in one, full obligation in the other—if these sentiments weren't based wholly on public interest and convenience.

6: Further thoughts about justice and injustice

We have now gone through the three fundamental laws of nature, the laws of

the stability of ownership,
its transference by consent, and
the keeping of promises.

The peace and security of human society entirely depend on strict obedience to •those three laws; there is no chance of establishing good relations among men when •they are neglected. Society is absolutely necessary for the well-being of men, and these laws are equally necessary for the support of society. Although they restrain the passions of men, they are the real offspring of •those passions—they are just a more artful and more refined way of satisfying •them. Our passions are extremely vigilant and inventive, and the convention for the observance of these rules is obvious. So nature has entrusted this affair entirely to the conduct of men, and hasn't placed in the mind any innate principles_c specially for the purpose of getting us to conform to the three rules; the other •all-purpose• principles_c and features of our

constitution are sufficient for that. To strengthen the case for this even further, I shall pause here and draw from my preceding reasonings three *new* arguments to prove that •those laws, however necessary they may be, are entirely artificial, invented by human beings, and consequently that •justice is an artificial and not a natural virtue.

(1) Consider the common layman's definition of *justice*. Justice is commonly defined as *a constant and perpetual will to give everyone his due*. This definition presupposes •that there are such things as rights and property (•his *due*•), independently of justice and antecedent to it; and •that there would have been rights and property even if men had never dreamed of acting justly. I have already briefly indicated the wrongness of this, and now I shall present my views about it more fully and a little more clearly.

This quality that we call 'property'—the quality of *being owned* or of *being owned by x* for some particular *x*—vanishes before our eyes when we try to have a close look at it without bringing in our moral sentiments. (Its disappearance

under scrutiny is something it shares with many of the imaginary qualities of the Aristotelian philosophy!) Obviously *property* doesn't consist in any of the perceptible qualities of the object, for these can continue unchanged while the property changes—e.g. the snuff-box that changed from being mine to being yours without altering in itself. So *property* must consist in some relation that the object has to something else. But it's not its relation to any other •external and inanimate objects, because •these too can continue invariably the same while the property changes. So this quality must consist in a relation the object has to •one or more• thinking and rational beings. But the essence of *property* can't consist in the object's relation to the external physical aspects of such beings, because it could have such relations to brute creatures or even to inanimate objects, though none of these can *own* it. So *property* must consist in some relation that the object has to—some influence that it has upon—the mind and actions of a thinking being. [The next sentence goes beyond what Hume wrote, in ways that the •small dots• convention can't easily indicate.] It's true that my account of ownership starts with 'occupation' or 'first possession', which is a relation the object has to physical aspects of its owner—he has put a fence around it, he has it in his pocket, he wears it daily, or whatever—but it would be wrong to think that x's having (in this sense) first possession of y is x's owning y; it is merely the cause of his owning y—he owns y *because* he has first possession of it. Well, now, x has this external relation to y, this 'first possession' relation that connects x's body with y, and the question is *How does this bring it about that x owns y?* The external relation doesn't cause any changes in external objects; its only influence is on *the mind*, which it affects by giving us a sense of duty in keeping our hands off the object in question and restoring it to its first possessor. Actions of that sort are strictly what

we call 'justice'; so the nature of property depends on justice, not vice versa.

[Hume now goes on for two more book-pages with further reasons for holding that 'the rules by which *property*, *right*, and *obligation* are determined' are human inventions and not by-products of any natural facts about the world. Then:]

(2) All kinds of vice and virtue gradually shade into each other, and can approach each other by such imperceptible degrees that it is hard if not outright impossible to settle where one ends and the other begins. In contrast with this, rights and obligations and property aren't subject to such insensible gradations: either you fully and perfectly own y or you don't own it at all; either you are entirely obliged to do A or you under no sort of obligation to do A. Civil laws talk of 'perfect dominion' and 'imperfect dominion', but it's easy to see that this arises from a fiction that has no basis in reason, and can't enter into our notions of natural justice and equity. [Hume briefly discusses the relation between a man and something that he *rents*, this apparently being an example of so-called 'imperfect dominion'. Hume says that it is outright ownership that is limited to the period of the rental. There is nothing gradual or imperceptible about what happens to property-rights when, say, a man rents a horse. He continues:] If you accept that justice and injustice are not matters of degree you are accepting that they are not *naturally* virtuous or vicious; because all *natural* qualities run imperceptibly into each other, and often can't be told apart.

Although abstract reasoning and the general maxims of philosophy and law establish that *property*, and *right*, and *obligation* are not matters of degree, we often find it hard to stick to that in our everyday careless way of thinking, where we sometimes *secretly* accept the opposing principle. **(a)** When we consider the origin of property and obligation,

and find that they depend on public utility and sometimes on propensities of the imagination that usually aren't all on one side, we are naturally inclined to imagine that these moral relations *do* admit of an imperceptible gradation. . . .

(b) But when we really *think* about it, we are forced to acknowledge that all property and obligations are entire, with no halfway cases or imperceptible gradations. An object must be in the possession either of one person or of another (we come to realize); an action must be either performed or not performed; when dilemmas arise, one side has to be chosen and it's often impossible to find any just medium. It is because of **(a)** that in cases of disputed ownership where the conflicting parties put the decision in the hands of a referee, the referee often finds so much equity and justice on both sides that he opts for a middling position, dividing the difference between the parties. In the spirit of **(b)**, civil judges are not at liberty to compromise in this way, and have to give a decisive judgment in favour of some one side; but because of **(a)** they are often at a loss about which side to support, and are forced to proceed on the most frivolous reasons in the world. Half-rights and half-obligations, which seem so natural in everyday life, are perfect absurdities in the civil law- courts, which is why judges often have to take half-arguments for whole ones, so as to bring the affair to a close one way or the other!

(3) If we consider the ordinary course of human actions we'll find that the mind doesn't restrain itself by any general and universal rules, but usually acts as it is determined to by its present motives and inclination. Each action is a •particular individual event, so it must come from •particular principles_c, reflecting how we are •at that •particular moment—within ourselves and in relation to the rest of the universe. If •in the ordinary course of our lives• we sometimes extend our motives beyond the

particular circumstances that gave rise to them, and form something like general rules for our conduct, it's easy to see that these rules are not perfectly inflexible and allow of many exceptions. Because that is how things go in the ordinary course of human actions—the everyday unfolding of human •nature—we can conclude that the laws of justice, being universal and perfectly inflexible, can't be derived from •nature, can't be the **immediate** [bear that word in mind] offspring of any •natural motive or inclination. No action can be morally good or evil unless some natural passion or motive impels us to perform it or deters us from performing it; and obviously any variations that are natural to the passion will also be variations that the morality can undergo. Here are two people disputing over an estate:

- a rich man who is a fool, a bachelor, and my enemy:
- a poor man who has good sense and a large family, and is my friend.

Whether I am driven in this affair by a concern for the public interest, or the interests of the involved individuals, or the facts about friendship and enmity, I must be induced to do my best to get the estate awarded to the second man. And no considerations concerning the *right* and *property* of the persons involved could restrain me, if I were driven only by natural motives without any input from facts about how others might behave or about conventions that I am party to. Because

- all property depends on morality, and
- all morality depends on the ordinary course of our passions and actions, and
- these passions and actions are directed solely by particular motives,

it is evident that side-taking conduct •such as my working to get the estate to my friend• must conform to the strictest morality and can't be a violation of *property*. [Hume means that

that would be the situation if general rules and conventions are left out of the story.] So if men took the liberty of acting with regard to the laws of society in the way they do in every other affair—[namely, acting on their particular passions]—they would usually conduct themselves by *particular* judgments, taking into consideration the characters and circumstances of the persons as well as the general nature of the question. So they would, for example, take into account the characters, finances, intellectual levels, and family situations of the two competitors for the estate mentioned above. And it's easy to see that this would produce an infinite confusion in human society, and that men's greed and partiality would quickly bring disorder into the world if they weren't restrained by some general and inflexible principles. That confusion is what men were trying to avoid when they established the laws of society and agreed to restrain themselves by those **general** rules—rules that can't be changed by spite or favour, or by particular views of private or public interest. These rules, then, are artificially invented for a certain purpose, and are contrary to the common principles of human nature, which adapt themselves to **particular** circumstances and have no

stated invariable method of operation. . . .

The upshot of all this is that the distinction between justice and injustice has two different foundations:

- (1) interest, when men observe that they can't live in society without restraining themselves by certain rules; and
- (2) morality, when this interest is being respected by men's behaviour, and they get pleasure from seeing actions that tend to the peace of society, and unpleasure from ones that are contrary to it.

The first interest (1) exists because of the voluntary convention and artifice of men; and to that extent those laws of justice should be regarded as artifacts. Once that interest in social harmony is established and acknowledged, the sense that morality is at stake in the observance of these rules follows naturally and of itself. But it is certainly augmented by new artifacts: public instructions by politicians, and the private upbringing that parents provide, contribute to giving us a sense of honour and duty regarding the strict regulation of our actions relating to the property of others.

7: The origin of government

Nothing is more certain than this: Men are largely governed by self-interest, and when they extend their concern beyond themselves they don't extend it far; in ordinary everyday life they don't usually look further than their nearest friends and acquaintances. It is equally certain that the most effective thing men can do to favour their own interests is to conform

their behaviour, strictly and always, to the rules of justice; that's what is needed to preserve society and keep men from falling into the wretched and savage condition that is commonly called 'the state of nature'. There's a great deal at stake in this upholding of society and obeying the rules of justice, and it is obvious that this is so—obvious

even to the most rough and uncultivated members of the human race—so that it's almost impossible for anyone who has had experience of society to be mistaken about this. Now a question arises. Given that

•men are so sincerely attached to their ·self·-interest, and that •their interest is so greatly at stake in the observance of justice, and that •this interest is so certain and openly acknowledged,

how can any disorder ever arise in society? What principle_c in human nature is powerful enough to overcome such a strong passion, or violent enough to obscure such clear knowledge? In my discussion of the passions I pointed out that men are mightily governed by their imaginations, and that what affection they have towards a given object depends more on the light under which it appears to them than on its real and intrinsic value. [See note on 'affection' on page 252.] What presents itself to them through a strong and lively idea usually prevails above something that lies in a more obscure light; it takes a *great* superiority of value in the latter thing to make up for its disadvantage ·of being less strongly and brightly presented·. Now, anything that is right next to us in space or in time will affect us with a strong and lively idea, so it will have a correspondingly large effect on the will and passions, and will usually operate with more force than any object that lies in a more distant and obscure light. Even if we are fully convinced that the distant object excels the nearby one, we can't get this judgment to govern our actions, and instead yield to the enticements of our passions, which always plead in favour of whatever is nearby.

That's why men so often act in contradiction to their known interests, and in particular why they prefer any trivial *present* advantage to the maintenance of order in society, which so greatly depends on conduct's conformity to justice. The consequences of any unjust act seem to be very

remote, and can't outweigh any immediate advantage that the injustice may bring. But their remoteness doesn't make them any less *real*; and because men all have some degree of this weakness ·of preferring what is near to what is better but further away in space or time·, it inevitably happens that violations of justice often occur in society, making relations between men very dangerous and uncertain. You are as apt as I am to prefer what is nearby to what is distant, so you are naturally as much inclined as I am to commit acts of injustice. Your example ·affects me in two ways, both bad: it •pushes me forward in injustice by imitation, and •it provides me with a new reason for any breach of justice ·that takes my fancy·, by showing me that if I alone restrained myself severely amid the licentious behaviour of others, I would be the innocent dupe of my integrity! So this quality of human nature is very dangerous to society and seems at first glance to be incurable. Any remedy would have to come from the consent of men; and if men can't, unaided, choose remote goods rather than lesser nearby ones, they'll never consent to anything that would oblige them to make such a choice, because that would too obviously contradict their natural principles_c and propensities. Whoever chooses the means, chooses also the end; and if we *can't* prefer what is remote ·to what is near· then we also *can't* submit to anything that would force us to such a method of acting.

[Hume continues with an elegant line of thought presented in extremely compressed form. Its opening thought amounts to this: I have said that our human tendency to prefer a present benefit to a future greater benefit seems *at first sight* to be incurable, and I explained why: If we are so built that we always prefer a present benefit to a greater future one, then you'd think that we are so built that we won't subject ourselves to anything that would force us to choose a future benefit rather than a smaller present benefit. But

when we look deeper, we find that we *do* subject ourselves to just such a choice-compeller; and our willingness to do so, although in one way it •goes against our tendency to give weight to what is far off in time, •is also an example of that very tendency! This fact about ourselves contributes to its own remedy! To see how this happens, consider my frame of mind *now* (at time T_1) when I think about some practical choice that I'll have to make at a time T_2 some distance off into the future. When T_2 comes, I'll be faced with a choice between two options which will *then* present themselves like this:

I have to choose between

- (1) doing X now (= at T_2) and getting some benefit B now; and
- (2) doing Y now, getting no immediate benefit from that now, but getting later (at time T_3) a benefit much bigger than B.

When I think *now* (= at T_1) about those two options, their tiny differences [Hume writes 'all their minute distinctions'] vanish; from my present standpoint now (= at T_1) the difference between •benefit at T_2 and •benefit at T_3 is negligible, which frees me to think about the T_2 choice purely in terms of *size of benefit*, which means that my *present* preference is for my choosing Y over X when the time comes. Now let Hume take over:] But as I get nearer to T_2 , the circumstances that I at first overlooked begin to appear and to influence my conduct and affections. A new inclination to •prefer• the present good springs up and makes it hard for me to stick to my first purpose and resolution. I may very much regret this natural infirmity, and I may try everything I can think of to free myself from it: study and reflection within myself, the advice of friends, frequent meditation, and repeated resolution. And after finding that these are all ineffective I may embrace with pleasure any other expedient by which I can guard against

this weakness by imposing a restraint on myself.

So the only remaining problem is to discover this expedient by which men cure their natural weakness, subjecting themselves to the necessity of obeying the laws of justice and fairness despite their violent inclination to prefer what is near to what is far. Obviously, such a remedy can't be effective unless it corrects this inclination, and it's impossible to change or correct anything material in our nature; so our only way of correcting the propensity is by changing our circumstances and situation so that obedience to obeying the laws of justice becomes our nearest interest and disobedience to them becomes our most remote interest. However, there's no practicable way of doing this for all mankind; it can only be done for a few people, by arranging for it be immediately in *their* interest that justice be preserved, •which we bring about by *hiring* them to do that job•. These are the people we call civil magistrates, kings and their ministers, governors and rulers. [Of those labels, 'magistrate' is the one we'll see most of. Hume follows the then-customary usage in which 'the magistrate' refers to whoever it is that makes the civil laws and/or enforces obedience to them. In sections 8 and 10 he will use 'the magistracy' to refer to the power or authority of whoever it is that is being called 'the magistrate'] Their personal interests are not closely connected with the welfare of individual members (with perhaps a few exceptions), so they have nothing to gain from any act of injustice; and they have an immediate interest in every enforcement of justice. . . . because they are satisfied with their present condition and with their part in society. So there you have it—the origin of civil government and of society. Men can't radically cure their own or anyone else's narrowness of soul that makes them prefer the present to the remote. They cannot change their natures. All they can do is to change their situation, putting the maintenance of justice in the immediate interest of certain selected people, and putting

the violation of justice in their more remote interest ·or not in their interest at all·. These people are not only induced to obey those rules in their own conduct but also to constrain others to a similar obedience and to enforce the dictates of fairness throughout the whole society. And they may, if they need to, also interest others more immediately in the preservation of justice, creating a number of civil and military officers to assist them in their government.

This way of bringing about justice is not the only advantage of government. Just as violent passion hinders men from •seeing clearly the interest they have in fair behaviour towards others, so also it hinders them from •seeing what is fair in individual cases, giving them a remarkable partiality in their own favour. This trouble is corrected in the same manner as the one I have been discussing. The same people who enforce the laws of justice will also decide all controversies concerning them; and because their interests aren't tangled up with those of many other members of the society, they will decide these controversies more equitably than anyone would in his own case.

By means of these two advantages in the enforcement of justice and decisions regarding it, men acquire a security against each other's weakness and passion as well as against their own, and under the shelter of their governors they begin to enjoy in comfort the pleasures of society and mutual assistance. But government goes further than that in its beneficial influence: not contented with merely protecting men in the conventions they make for their mutual interest, government often obliges them to make such conventions, forcing them to seek their own advantage by working together

for some common end or purpose. No quality in human nature causes more fatal errors in our conduct than our preference for whatever is •present to whatever is •distant and remote, which makes us desire objects on the basis of how near they are more than on their intrinsic value. **Two** neighbours may agree to drain a meadow that they own jointly, because it's easy for them to know each other's mind, and each of them must see that if he fails in his part the whole project will fail right there and then. But it is very difficult—indeed it's *impossible*—for **a thousand** people to agree in any such action. It will be hard for them to plan it, and even harder for them to carry it out, because each of them will be looking for an excuse to •free himself from ·his share of· the trouble and expense and to •lay the whole burden on others. Political society easily remedies both these troubles. Magistrates have an immediate interest in the interests of any considerable number of their subjects. They needn't consult anyone else to form a scheme for promoting those ·public· interests. And because •the failure of any one part of the project is connected, though not immediately, with the failure of the whole thing, the magistrates prevent •that failure because its occurrence isn't in their interests—whether remotely or immediately. Thus bridges are built, harbours opened, ramparts raised, canals formed, fleets equipped, and armies disciplined—all by the care of government. Although it is composed of men who have all the human infirmities, government becomes—through one of the finest and most subtle inventions imaginable—a structure that is in some measure exempted from all these infirmities.

8: The source of allegiance

Government is a very beneficial invention, and in some circumstances it is absolutely necessary to mankind; but it isn't necessary in all circumstances—men *can* preserve society for some time without the help of government. It is true that men are always much inclined to prefer present advantages to ones that are distant and remote; and they don't find it easy to resist the temptation of an advantage that they can have immediately at the risk of an evil that lies at a ·temporal· distance from them. But this weakness is less conspicuous when the possessions and pleasures of life are few and of little value, as they always are in the infancy of society. An Indian isn't greatly tempted to deprive another of his hut or to steal his bow, because he is already provided with a hut and bow of his own. As for any differences between one Indian and another that might come from one's having had better luck than the other in hunting and fishing: such differences are only casual and temporary, and won't have much tendency to disturb society. Some philosophers hold that men are utterly incapable of society without government, but I don't agree—far from it. I contend that the first rudiments of government arise from quarrels not among men of the same society but members of different societies. ·My case for this goes in two steps·. **(1)** It doesn't take as much difference in wealth to start a quarrel between societies as it takes to start a quarrel among the members of one society. Men fear nothing from public war and violence but the resistance they meet with; and *that* seems less terrible because they share it in common, and it seems less pernicious in its consequences because it comes from strangers rather than from individual members of their own society, people whom they have to

live with and do business with. **(2)** When a society without government gets involved in a ·foreign war, that is bound to lead to ·civil war. Throw any considerable goods among men and they immediately start quarrelling, with each trying to get possession of what pleases him, without regard to the consequences. When a foreign war is going on, the most considerable of all goods—namely, life and limbs—are at stake; and everyone tries to avoid dangerous ports, seizes the best arms, uses the slightest wounds as an excuse ·for not fighting·; with the result that laws that might be obeyed well enough when men were calm can no longer have any effect now that men are in such a commotion.

We find confirmation for this in the American tribes, where men live in peace and friendship among themselves, with no established government, and never submit to any of their fellows except in time of war, when their captain enjoys a shadow of authority. He loses this after the war is over and peace is established with the neighbouring tribes; but this war-time authority instructs them in the advantages of ·government, and teaches them to resort to ·it when war or trade or some kind of luck has made their riches and possessions so considerable as to make them forget, in the heat of this or that moment, that the preservation of peace and justice is in their interests. This gives one plausible reason, among others, why ·all governments are at first purely monarchical, and why ·republics arise only from abuses of monarchy and despotic power. ·Military· camps are the true mothers of cities! A war can't be conducted without some authority in a single person, because in a war things happen suddenly and require quick responses. And it is natural that a civil government taking over from a

military one will have that same kind of one-man authority. I regard this as a more natural explanation than the common one based on patriarchal government—i.e. the authority of a father—which is said to happen first in one family and to accustom its members to being governed by a single person. The state of *society without government* is one of the most natural states of men, and must continue when many families are involved, long after the first generation. The only thing that could force men to quit this state and establish government is an increase of riches and possessions; and all societies on their first formation are so barbarous and uninstructed that many years must elapse before their riches and possessions can increase sufficiently to disturb men in the enjoyment of peace and harmony.

But although men can maintain a small uncultivated society without *government*, they can't possibly maintain a society of any kind without *justice*, i.e. without obeying the three fundamental laws concerning •the stability of ownership, •its transfer by consent, and •the keeping of promises. So these come before government, and are regarded as imposing an obligation before anyone has even *thought of* any duty of allegiance to civil magistrates. Indeed, I'll go even further than that, and say that when •government is *first established* it would be natural to suppose that •its obligation comes from the obligations of those •three laws of nature, especially the one about promise-keeping. Once men saw that they *had to* have government if they were to maintain peace and carry out justice, they would naturally come together and choose magistrates, decide what powers they were to have, and promise to obey them. As a promise is supposed to be a bond or security that is already in use and brings with it a moral obligation, it should be regarded as the basic sanction of government, and as the source of the first obligation to obedience. This reasoning seems so natural

that it has become the basis for our fashionable system of politics, and is in a way the creed of a contemporary party who have reason to pride themselves on the soundness of their philosophy and on their liberty of thought. They say:

All men are born free and equal; government and superiority can be established only by consent; the consent men give to the establishing of a government imposes on them a new obligation, unknown to the laws of nature. So men are obliged to obey their magistrates, only because they have promised to do so; and if they hadn't (explicitly or tacitly) given their word to preserve allegiance, that would never have become a part of their moral duty.

But when this conclusion is taken to apply to government in all its ages and situations, it is entirely erroneous. I maintain that although the duty of allegiance was at first grafted onto the obligation to keep promises, and was for some time supported by that obligation, as soon as the advantages of government are fully known and acknowledged, government immediately puts down its own roots and comes to have a basic obligation and authority, independent of all contracts and promises. This is an important matter, which we must examine with care and attention before going on.

For the philosophers who say that justice is •a natural virtue and •antecedent to human conventions, it is reasonable to treat all civil allegiance as a special case of the obligation of a promise, claiming that our own consent is all that binds us to any submission to civil law or government. All government is plainly an invention of men, and the origin of most governments is known in history; so these philosophers, wanting to find the source of our political duties, have to go higher if they want these duties to have any *natural* obligation of morality. So they are quick to maintain that •society is as ancient as the human species,

and that •those three basic laws of nature are as ancient as society. Then, taking advantage of the antiquity and obscure origin of those laws, they deny them to be artificial and voluntary inventions of men, and then seek to graft onto them other duties that are more obviously artificial. But now that we have been undeceived about the status of those three laws, and have found that natural as well as civil justice grows out of human conventions, we shall quickly perceive how useless it is to resolve the one into the other, trying to make the laws of nature a stronger foundation for our political duties than interest and human conventions are; while these laws themselves are built on the very same foundation. On whichever side we turn this subject, we'll soon shall find that these two kinds of duty are exactly on the same footing, and have the same source both of their first invention and of their moral obligation. **(1)** They are designed to remedy similar troubles, and **(2)** get their moral force in the same way, from their remedying those troubles. These are two points that I'll try to prove as clearly as possible.

(1) I have already shown that men invented the three basic laws of nature when they saw that they couldn't survive without society, and found that they couldn't work together in social ways without some restraint on their natural appetites. So the same self-love that •makes men so harmful to one another •starts to go in a new and more satisfactory direction, producing the rules of justice, and •is the first motive for obeying them. But when men have seen that although the rules of justice are sufficient to maintain any society, they can't unaided obey those rules in large and polished societies; so they establish government as a new invention to achieve their ends—keeping the old advantages or getting new ones—by a more strict carrying out of justice.

Up to that point, therefore, our •civil duties are connected with our •natural duties in that

•the former are invented chiefly for the sake of •the latter; and the principal object of •government is to constrain men to observe •the laws of nature.

But the law of nature about the keeping of promises is just one of the group of laws; and strict conformity to it should be seen as an effect of the institution of government, rather than obedience to government being an effect of the obligation to keep promises. The object of our civil duties is to enforce our natural duties, yet the first⁹ motive for inventing as well as for performing both is nothing but self-interest; and since we have an interest in obedience to government that is separate from our interest in the keeping of promises, we must also allow of a separate obligation. Obeying the civil magistrate is required for preserving order and harmony in society. Keeping promises is required for creating mutual trust and confidence in the business of everyday life. The ends, as well as the means, are perfectly distinct; and neither is subordinate to the other.

This will be more evident if we bear in mind that men will often bind themselves by promises to do things that it would have been in their interests to do quite apart from those promises—for example, when they have undertaken to do something and then try to give others a fuller security that they'll do it •by *promising* to do it, thus• adding to •whatever they have already bound themselves to do •a new self-interested motive. That it is in one's interests to keep one's promises—quite apart from the moral obligation a promise creates—is something that holds for everyone, is known by everyone, and is enormously important in everyday life. Other interests may be less widespread and more

⁹ First in time, I mean, not first in dignity or force.

doubtful; and we're apt to have a greater suspicion that men may give way to their whim or their passion by acting contrary to •them. That is where promises come naturally into play, and are often required to give fuller satisfaction and security to some party to a contract or arrangement. But any •other interests that share the two striking features of the interest in keeping a promise—namely, being applicable to everyone and being openly acknowledged—will be regarded as on a par with the interest in promise-keeping, and men will begin to have the same confidence in •them. That is exactly how things stand with regard to our civil duties, i.e. our obedience to the magistrate: without that obedience no government could survive and no peace or order could be maintained in large societies where some people have so many possessions and others have so many wants, real or imaginary. So it doesn't take long for our civil duties to detach themselves from our promises and acquire a separate force and influence of their own. The •self-interest in both is of the very same kind: it's an interest that everyone has, that everyone proclaims, and that exists at all times and places. There is, then, not the slightest hint of a reason to base one of these on the other, when each has a foundation all of its own. [Hume goes on to say that the very same reasoning shows that •the motivation to keep one's hands off other people's property is not based on •the motivation to keep promises.] [Throughout all of this Hume speaks not of 'motivations' but of 'obligations', but they are 'obligations of interest', which means 'self-interested motivations'. *Moral* obligations have been no part of the topic in this page, but they come into play right now.]

(2) •Promise-keeping and •allegiance to the civil power are distinct not only in the natural obligations of interest but also in the moral obligations of honour and conscience. The •moral merit or demerit of •one doesn't depend in the least on that of •the other. In fact, if we consider how closely

natural obligations are connected with moral obligations, we'll find this conclusion to be entirely unavoidable. It is always in our interests to obey the magistracy; for us to engage in rebellion there would have to be a great •present advantage that made us overlook the •future interest that we have in the preserving of peace and order in society. But though a present interest can in this way blind us with regard to our own actions, it doesn't blind us with regard to the actions of others; nothing prevents us from seeing *them* in their true colours, as highly prejudicial to the public interest and to our interest in particular. This naturally makes us uneasy when we think about such seditious and disloyal actions, and makes us attach to them the idea of vice and moral ugliness. This uneasiness comes from the same principle, as our disapproval of all kinds of private injustice, breach of promises in particular. We blame all treachery and breach of promise because

we think that if promises aren't kept, that will reduce the extent to which people can freely and profitably interact with one another;

and we blame all disloyalty to the magistrates because

we see that if we don't submit to the government, it won't be possible to maintain justice in the stability of ownership, its transfer by consent, and the keeping of promises.

Because there are two entirely distinct interests here, they must give rise to two equally separate and independent moral obligations. If there were no such thing as a promise, government would still be necessary in all large and civilized societies; and if promises had only their own exclusive obligation, without the separate sanction of government, they wouldn't achieve much in such societies. This draws the line between •our public duties and our •private ones, and shows that the private depend more on the public than

vice versa. Education and the devices of politicians work together to bestow a further morality on loyalty, branding all rebellion with a greater degree of guilt and infamy. . . .

In case those arguments don't strike you as entirely conclusive (as I think they are), I shall appeal to authority: I'll prove that the obligation to submit to government is not derived from any promise of the subjects, using as my premise the fact that everyone thinks so! Don't be surprised that after trying to establish my system on the basis of pure reason, and hardly ever bringing in anyone else's judgments, even those of **philosophers or historians**, I now appeal to popular authority, setting up the sentiments of **the rabble** in opposition to philosophical reasoning, .e.g. any reasoning that might be used *against* my position. In this present matter the opinions of men carry with them a special authority and are to a large extent infallible. The distinction of moral good and evil is founded on the pleasure or unpleasure that results from encountering or thinking about the sentiment or character in question; and that pleasure or unpleasure has to be known to the person who feels it; from which it follows that there is just so much virtue or vice in any character as everyone places in it, and that we can't possibly be mistaken about this.¹⁰ Our judgments about the origin of any vice or virtue are not as certain as our judgments concerning whether and to what extent a given item is virtuous or vicious; but that really applies only to •philosophical questions about origins (e.g. 'How did the institution of promising arise in a state of nature?'), whereas our present concern is purely with •plain matter-of-fact questions about origins (e.g. 'Was it I or my father who bound me to pay ten pounds to Smith? was it done out of sheer

good-will or because of money that had been lent to me? what did I expect to get out binding myself like this, and what were the circumstances at the time when I did it?'). It's hard to see how we can fall into error about that sort of thing. Similarly, it is certain that there's a moral obligation to submit to government, because everyone thinks there is; so it must be equally certain that this obligation doesn't arise from a promise, because no-one thinks it does—indeed no-one has ever *dreamed* of ascribing our duty of allegiance to that origin. (When I say 'no-one', I ought to say 'no-one whose judgment hasn't been led astray by sticking too closely to some philosophical theory'!)

Neither magistrates nor subjects have formed this idea of our civil duties. We find that magistrates are so far from deriving their authority and our obligation to obey them from the foundation of a promise or original contract that they do their best to conceal from their people—especially from the uneducated man in the street—that that's where the duty of allegiance came from originally. . . . 'Have you ever *consented* to the authority of your rulers, or *promised* to obey them?'—put that question to people and the vast majority of them will think you are very strange, and will reply that *consent* doesn't come into it and that they were born to obedience to their rulers. That's how it comes about that we often see people imagining someone to be their natural ruler though at that time he has lost all power and authority and wouldn't be anyone's *choice* as a ruler; this being something they imagine merely because the person in question is descended from those who ruled at earlier times. . . .although that may have been so long ago that hardly any man alive now could ever have given

¹⁰ This proposition is strictly true with regard to every quality that is determined merely by sentiment. In what sense can we talk either of a *right* or a *wrong* taste in morals, eloquence, or beauty? I shall come to that in due course; but I would remark in the meantime that there's so much uniformity in the *general* sentiments of mankind that such questions are of small importance.

any promise of obedience. Think about these people who have never consented to be governed, and who would regard it as arrogant and impious to try to choose a government: does a government have no authority over them? We find by experience that a government punishes them very freely for what it calls 'treason' and 'rebellion'—this being plain injustice, according to this theory that the duty of allegiance rests on the duty to keep one's promises. You may say 'By living in the territory ruled by that government they do in effect consent to be governed by it'; I reply that this can be right only for people who think that allegiance depends on their choice, and hardly anyone does think so—perhaps nobody does apart from the philosophers I am now arguing against. It never was pleaded as an excuse for a rebel that his first act after he came to years of discretion was to wage

war against the sovereign of the state; and that while he was a child he couldn't bind himself by his own consent, and having become a man he showed plainly—by his very first act—that he had no intention of imposing on himself any obligation to obedience! . . . And another point: according to the theory that I am attacking, a man living under an absolute government would owe it no allegiance because this government by its very nature doesn't depend on consent. But as it's as natural and common a form of government as any, it must give rise to some obligation; and we find that men who are subjects of absolute government do always think so. This is a clear proof that we do not commonly think that our duty of allegiance is derived from our consent or promise

9: The measures of allegiance

Those political writers who have had recourse to a promise or original contract as the source of our allegiance to government intended to establish a principle that is perfectly just and reasonable, though the reasoning they used to establish it was fallacious and sophistical. They wanted to prove that there are exceptions to our duty to submit to government, because a dreadful tyranny in the rulers is sufficient to free the subjects from all obligations of allegiance. Their view has been this:

When men enter into society and submit themselves to government by their free and voluntary consent, they must propose to get from this certain advantages that

make it worth their while to give up their native liberty. So the magistrate also engages to offer something in return, namely protection and security; and it is only by the hopes he gives them of these advantages that he can ever persuade men to submit to him. But when they meet with tyranny and oppression instead of protection and security, they are freed from their promises. . . .and return to the state of liberty that preceded the institution of government. Men would never be so foolish as to enter into contracts that would work entirely to the benefit of others, with no view of bettering their own condition. Whoever

plans to get any profit from our submission must undertake—either explicitly or tacitly—to enable us to get some advantage from his authority. He oughtn't to expect that we will continue in obedience if he doesn't do his part.

I repeat: this conclusion is right, though the premises from which it is inferred are erroneous; and I flatter myself that I can reach the same conclusion from more reasonable premises. In my account of our political duties I shan't say anything as sweeping as that

•men see the advantages of government; that •they institute government with a view to getting those advantages; and that •this institution requires a promise of obedience, which creates a moral obligation that is conditional and ceases to be binding if the other contracting party—the government side—doesn't do what it contracted to do.

I see that a promise itself arises entirely from human conventions, and is invented as a way of securing a certain •self-interest. So I look for some such interest that is connected with government more immediately •than through the obligation to keep a promise—an interest that could have been both •the original motive for instituting government and •the source of our obedience to government. And I have found it: it's our interest in the security and protection that we •enjoy in political society and •can't have when perfectly free and independent. So: because the immediate source of support for government is interest, government can't last longer than the interest does; and when the civil magistrate carries his oppression so far as to make his authority perfectly intolerable, we are no longer bound to submit to it. The cause ceases; the effect must cease also. •You'll notice that there is nothing here about keeping promises.

That's a direct and immediate conclusion regarding our *natural* obligation to allegiance. What about *moral* obligation? Well, in this case we can't assert that when the cause ceases the effect must cease also. That's because human nature contains a strong principle_c (I have often mentioned it) that results in men's being mightily addicted to general rules, so that we often carry our maxims beyond the reasons that first induced us to establish them. Where cases are similar in many of their details we are apt to put them on the same footing, ignoring the fact that they differ in the most important respects so that the resemblance is more apparent than real. So it may be thought •that in the case of allegiance our moral obligation to obey won't cease even when its cause—the natural obligation of interest—has ceased, and •that men can be bound by conscience to submit to a tyrannical government, against their own and the public interest. I concede this much to the force of this argument: General rules do commonly extend beyond the principles on which they are based; and we seldom make any exception to them unless it's an exception that has the qualities of a general rule, and is founded on very numerous and common instances. That, I contend, is exactly what is going on here. When men submit to the authority of others it's because they want to get some security against the wickedness and injustice of men who are perpetually carried, by •their unruly passions and •their present and immediate interest, to the violation of all the laws of society. But this imperfection is inherent in human nature, and we know •that men in all their states and conditions must have it, and •that those whom we choose to be rulers don't immediately come to have a superior nature to the rest of mankind because of their superior power and authority! We aren't expecting any change in their •nature; what we expect from them depends on a change in their •situation when they come to have a

more immediate interest in the preservation of order and the carrying-out of justice. . . . But because of the irregularity of human nature we can often expect that the rulers will neglect even this immediate interest, and be swept along by their passions into all the excesses of cruelty and ambition. Our general knowledge of human nature, our observation of the past history of mankind, and our experience of present times—all these causes must induce us to open the door to exceptions, making us conclude that there will be no crime or injustice in our resisting the more violent effects of supreme power.

We can see that this is both the general practice and the principle of mankind, and that no nation that could find any remedy ever yet •endured the cruel ravages of a tyrant or •were blamed for their resistance. Those who took up arms against Dionysius or Nero or Philip II [tyrannical rulers of Syracuse, Rome and Spain respectively] are favoured by everyone who reads their history; it would be a perversion of common sense to condemn them. So it is certain that in all our notions of morals we •never entertain such an absurdity as that of passive obedience [= 'absolute obedience to the government with no possibility of challenging it'] and •always allow for resistance

against the more flagrant cases of tyranny and oppression. On any topic •the general opinion of mankind has some authority; on the topic of morals •it is perfectly infallible. And it's not made less so by men's inability to explain clearly the principles on which it is founded. Not many people can conduct this line of reasoning:

'Government is a mere human invention for the interest of society. Where the tyranny of the governor removes this interest, it also removes the natural obligation to obedience. The moral obligation is founded on the natural one and therefore must cease when the natural obligation ceases; especially if we can foresee many occasions in which the natural obligation may cease, leading us to form a kind of general rule to govern our conduct in such occurrences.'

This argument is too subtle for plain uneducated people; but everyone has an *implicit* notion of it, and is aware •that he owes obedience to government merely on account of the public interest, and •that human nature is so subject to frailties and passions that it can easily pervert this institution and change his governors into tyrants and public enemies. . . .

10: The objects of allegiance

But although it is sometimes politically and morally sound to resist supreme power, in the ordinary course of human affairs such behaviour is utterly pernicious and criminal. Besides the convulsions that revolutions always bring, such a practice tends directly to [= 'raises the probability of'] the

subversion of all government, and the causing of universal anarchy and confusion among mankind. Large civilized societies can't survive without government, and government is entirely useless without exact obedience. In thinking about our situation under the authority of a government we

ought always to weigh the advantages of this against the disadvantages; that will make us more careful about putting into practice the doctrine of resistance. The common •rule requires obedience; •exceptions to it can occur only in cases of grievous tyranny and oppression.

Well, then: given that blind submission is commonly due to magistracy, the next question is: ‘To whom is it due? Whom are we to regard as our lawful magistrates?’ In approaching this question, let us remember what I have already shown regarding the origin of government and political society. When men experience the impossibility of preserving any steady order in a society where everyone is his own master, violating or obeying the laws of society according to his present interest or pleasure, they naturally run into the invention of *government*, and do their best to deprive themselves of any power to transgress the laws of society. So government arises from the voluntary convention of men; and it’s obvious that the same convention that •establishes government will also •settle which persons are to do the governing, and will remove all doubt and ambiguity about that. And promises come into this: the authority of the magistrate does at first stand on the foundation of the subjects’ promise to obey. . . . So the very promise that binds them to obedience also ties them down to a particular person—the person *to whom they have made their promise*—making him the object of their allegiance.

But when government has been established on this basis for some considerable time, and the separate interest that we have in obeying it has produced a separate sentiment of morality, the case is entirely altered: a promise can’t *now* settle who is to be the particular magistrate, because a promise is no longer considered to be the basis of government. We naturally think of ourselves as born to submission, and imagine that such- and-such particular persons have

a *right* to command, as we on our part have an *obligation* to obey. These notions of right and obligation are derived from nothing but the *advantage* we get from government, which makes us •unwilling to practise resistance ourselves and •displeased with anyone else who practises it. [Hume now argues at length for one point: Government

•was first started by a promise
but then over the long haul it

•is maintained by the subjects’ advantages from it.
The question of which particular persons were to be the
governors

•was first settled by a promise,
but over the long haul it

•is *not* settled by facts about the subjects’ advantages.
If we always tried to settle ‘Who is to govern?’ by asking ‘Which governor would be best for us?’, there would be perpetual confusion and conflict. Hume compares this with the situation regarding the stability of ownership. A rule about this was established because there is so much advantage to us in ownership’s being stable; but we would get into a terrible mess if we tried at each moment to redistribute property in such a way as to maximize advantage; we need to act by general rules about property. It’s true that if we do that, we’ll find that ‘Who owns what?’ is often answered in terms of factors that seem pretty trivial; but this won’t make us take ownership less seriously. Hume continues:] It is the same case with government. This invention is enormously advantageous to society, so it serves our interests enough to make us embrace it with ardour and alacrity, even though, later on, we have to regulate and direct our devotion to government by considerations that aren’t *as* important, and to choose our magistrates without having in view any particular advantage from the choice. ·I shall discuss five of these considerations·.

(1) I shall start with the basis for the right of magistracy that gives authority to all—*all*—the most established governments of the world, namely: **long possession** in any one form of government, or succession of monarchs. If we work back to the first origin of every nation, we'll certainly find that almost every race of kings and almost every form of a commonwealth was initially launched through usurpation and rebellion, having an entitlement to govern that was *worse than* doubtful and uncertain! It's only the passage of time that gives solidity to their right; operating gradually on men's minds, time reconciles them to any authority, making it seem just and reasonable. Custom increases the influence that our sentiments have on us. . . . When we have long been accustomed to obeying some set of men, our general •instinct or tendency to suppose that we are morally obliged to be loyal to the government easily takes this •direction, choosing *that* set of men for its objects. It is •self-interest that gives the general •instinct; but it is custom that gives the particular •direction.

A given length of time can affect our minds in one way with regard to one object and in another with regard to another, and such differences can affect our sentiments of morality. We naturally judge everything by comparison; when we are considering the fate of kingdoms and republics we think in terms of a long extent of time, a small duration hasn't as much influence on our sentiments about a government as it has when we consider any other object. Someone may think he acquires a right to a horse or a suit of clothes in a very short time; but a century is hardly long enough to establish any new government and remove all its subjects' scruples about it. And another point: It doesn't take as long for a ruler to become entitled to any *additional* power he may usurp as it does to give him a right to a power that he gained all of by usurpation. The kings of France haven't

had absolute power for more than two reigns; yet talking to Frenchmen of their liberties would strike them as wild. If we consider what I have said about accession [page 264] we'll easily account for this phenomenon.

(2) When no form of government has been established by long possession, **present possession** makes up for that and can be regarded as the second source of all public authority. Right to authority is nothing but the constant possession of authority, maintained by the laws of society and the interests of mankind; and it is utterly natural. . . .

what Hume wrote next: . . . to join this constant possession to the present one, according to the principles above mentioned.

what he may have meant: . . . to think of this present possession as just the latest stage in a long-term possession, and therefore to think of it as legitimate; this being like the way of thinking I mentioned recently, where a long-established king takes some *extra* bit of territory by force or trickery, and is very soon thought of as entitled to it. Private property was

not thought of in this way, but that was because this way of thinking was outweighed by very strong considerations of interest: treat present-actual-possession as giving an entitlement to **private** property (we could see) and there will be no such thing as restitution and every violence will be authorized and protected. That consideration may seem to have force also with regard to **public** authority, but it is opposed by a contrary interest, namely our interest in the preservation of peace and the avoiding of all changes which, though they may be easily produced in private affairs, are unavoidably accompanied by bloodshed and confusion where the public is interested.

We can't account for the right of the present possessor by any accepted system of ethics; but if that leads you to deny that right absolutely because it isn't authorized by morality,

you'll be justly thought to be maintaining a very extravagant paradox that clashes with the common sense and judgment of mankind. No maxim is more fitting to prudence and to morals than to submit quietly to the government that we find established in the country where we happen to live, without enquiring too curiously into its origin. Few governments can stand being examined rigorously on that score. How many kingdoms are there at present in the world, and how many more do we find in history, whose governors have no better foundation for their authority than that of present possession? [Hume elaborates on this point, citing all the governments of Rome down the centuries, most of which were first established by 'the sword'.]

(3) The right of **conquest** may be considered as a third source of the entitlement of sovereigns. This right is very like the right of present possession, but has rather more force than that because it is backed up by •the notions of glory and honour that we ascribe to •conquerors, rather than •the sentiments of hatred and detestation that are directed at •usurpers. Men naturally favour those they love; so they are more apt to regard as legitimate a successful use of violence by one sovereign against another than the successful rebellion of a subject against his sovereign.¹¹

(4) When the sovereign who *founded* a monarchy dies, the right to rule isn't settled by •long possession or •present possession or •conquest; and in cases like this the right of **inheritance** naturally takes over their legitimising role, and men are commonly induced to place the son of their

late monarch on the throne and to regard him as having inherited his father's authority. There are three reasons that lead men to prefer the son of their late monarch to any other person: •the presumed consent of the father, •the imitation of inheritance as it works in the private sphere, and •the state's interest in choosing the person who is most powerful and has the most numerous followers.¹²

Those reasons have some weight; but I'm convinced that to anyone who looks at the matter impartially it will appear that the considerations of interest are reinforced by some principles_c of the imagination. The royal authority seems to be •connected with the young prince even in his father's lifetime, and still more after his death, by a natural transition of the mind, so that men find it utterly natural to complete this •connection by a new relation, putting him actually in possession of what seems so naturally to belong to him.

There is confirmation for this in a strange-seeming phenomenon: in elective monarchies the right of inheritance is not endorsed by the laws or by settled custom, and yet its influence is so natural that the subjects can't •get it out of their minds and •regard the son of their deceased monarch as just one of many possible candidates for the throne. [The Denmark of Shakespeare's *Hamlet* has an elective monarchy. The King dies and Prince Hamlet speaks of his uncle—who has seized the throne—as having come 'between the election and my hopes'.] So it comes about that in some elective monarchies the choice commonly falls on some member of the royal family; and in others they are all excluded, on the grounds that otherwise

¹¹ I'm not saying that present possession or conquest are *sufficient* to entitle someone to govern a territory that has long been held by someone else with a backing of positive law; but only that they have *some* force, and can tip the balance when the other claims are equal, and may even be enough sometimes to sanctify the weaker claim. *How much* force present possession and conquest have is difficult to determine. I believe all moderate men will agree that they have great force in all disputes concerning the rights of monarchs.

¹² I am not talking about succession as it occurs in hereditary monarchies where •custom has fixed the right of succession; what happens there falls under the principle of long possession, which I explained earlier. •What I am discussing is the succession that it is *natural* for men to accept when there isn't any •custom to guide them•.

they would be too likely to be chosen, and might then replace the elective system by a hereditary one. . . .

You might want to claim this:

'The sole source of *all* the right of inheritance is •what men think will be advantageous to them. Men gladly take advantage of *any* rule by which they can fix the successor of their late sovereign, and prevent the anarchy and confusion that comes with all new elections.'

I agree that •this motive may contribute something to what happens. but I contend that this motive couldn't operate at all unless some other principle_c were at work. It's in a nation's interests that the succession to the crown should be fixed one way or other; but as for the question of *how* it should be fixed—the nation's interests aren't involved in that in any way; so that if blood-relatedness didn't have an effect independent of the public interest it would never have been thought of if there weren't a positive law •commanding that a deceased king be succeeded by his eldest son, or the like. And such positive laws *have* been established in many countries, which would be impossible if blood-relatedness didn't naturally exert a pull on the imagination. [A 'positive law' is a law laid down by one or more thinking beings—a human person or government, or God. The contrast is with 'natural laws', which are grounded in the natures of things and aren't ordained by anyone.]

(5) The fifth source of authority is: **positive laws**, where the legislature establishes a certain form of government and succession of monarchs. At first sight you might think this:

'This must be a special case of one of the other sources. The positive law must be laid down by a legislative power, and *that* must have been established by •original contract, •long possession, •present possession, •conquest, or •inheritance; so the positive law must get its force from some of those principles_c.'

But although a positive law can get its force only from these principles_c, it doesn't get from them all the force that they had in the first place; rather, it loses considerably in the transition, as one might naturally expect. Suppose that a government is established for many centuries on a certain system of laws, forms, and methods of succession, and that the legislative power established by this long succession suddenly changes the whole system of government and introduces a new constitution in place of it. I don't think that many of the subjects will think themselves bound to accept this alteration; rather, they'll think they are still at liberty to return to the time-honoured form of government (unless the new form looks very likely to be for the public good). That is what generates the notion of *fundamental* laws, which are supposed to be unchangeable by the will of the sovereign. . . . How far these fundamental laws extend is not—and couldn't possibly be—settled in any government. There is such a gradual slope from the most important laws to the most trivial, and from the most ancient laws to the most modern, that there's no way of setting bounds to the legislative power, fixing how far it may innovate in the basic workings of government. *That* is the work of imagination and passion more than of reason.

Whoever considers the history of the various nations of the world—their revolutions, conquests, growth and shrinkage, the way their particular governments are established and the successive right •to govern• transmitted from one person to another—will soon learn to treat very lightly all disputes about the rights of rulers. He'll soon be convinced that a strict adherence to any general rules about this, and any rigid loyalty to particular persons and families—loyalty on which some people set such a high value—are 'virtues' not of reason but of bigotry and superstition. The study of history confirms the reasonings of true philosophy on this topic.

Philosophy shows us the basic qualities of human nature, which teaches us to regard the controversies in politics as undecidable in most cases and as entirely subordinate to the interests of peace and liberty. Where the public good does not clearly demand a change, it is certain that a combination of all those entitlements—•original contract, •long possession, •present possession, •inheritance, and •positive laws—forms the strongest entitlement to sovereignty, and is rightly regarded as sacred and inviolable. But when these entitlements are mingled and to some extent opposed, they often create problems that are less capable of solution by the arguments of lawyers and philosophers than by the swords of the soldiery! [Hume illustrates this with a concrete example drawn from Roman history: the tangle of considerations concerning who would have been the most legitimate successor to the emperor Tiberius. He sums up:] Whatever principles we may claim to use in answering such questions, I'm afraid we shall never be able to satisfy an impartial enquirer who doesn't take sides in political controversies, and will be satisfied with nothing but sound reason and philosophy.

At this point an English reader may want to ask about the famous revolution that has had such mighty consequences and had such a happy influence on our constitution. [This refers to the 'bloodless revolution' of 1688, in which James II was driven out and replaced by William of Orange, not the earlier bloody revolution that cost Charles I his life.] I have already remarked that when there is enormous tyranny and oppression it is lawful to take arms even against the supreme power: government is merely something that people invented for mutual advantage and security, so when it stops having that tendency there is no longer any natural or moral obligation to obey it. But although this •general principle is authorized by common sense and by the practice of all ages, neither laws nor (even)

philosophy can establish any •particular rules that would tell us when resistance is lawful, and decide all controversies that may arise about that. [Hume goes on to say that the general right to rebel that he has defended applies not only to absolute monarchies and the like but also to 'mixed governments' such as 'limited monarchies' where the power is legally divided between the king and the parliament. He adds that forceful resistance to a chief magistrate may be legitimised not only by his •doing things that are extremely harmful to the people in general but also by his •trying to 'encroach on the other parts of the constitution, and extend his power beyond the legal bounds'. [The 'parts of the •constitution' referred to here are the parts of the •mixed government. Hume is thinking of a king's attempt to encroach on the powers of parliament.] He expresses this last point in terms of the right of any part of the mixed government to defend itself against the other parts, and he expresses this through a charming metaphor. There would have been no point in creating *matter*, Hume says, unless it were given a power of resistance: without that, the different portions of matter could run together, and the whole material world could be crammed into a single point. Well, it is equally absurd to suppose that a government has distinct parts that haven't the power to resist 'invaders', including other parts of the same government.] . . .

It's no part of my present purpose to show that these general principles are applicable to the late revolution, and that all the rights and privileges that ought to be sacred to a free nation were at that time threatened with the utmost danger. I prefer to leave this controverted subject—if it really does admit of controversy—and instead to indulge myself in some philosophical reflections that naturally arise from that important event. There are two main points that I want to make.

(1) If the lords and commons—i.e. the two houses of parliament—in our constitution were to •depose the reigning king or •exclude from the succession to him the prince who by laws and settled custom ought to succeed, doing this without any reason from public interest, no-one would think their proceedings were legal or think himself bound to accept them. But if a king forfeits his legal right to rule by his unjust practices or his attempts to get a tyrannical and despotic power, then not only does it become morally lawful and suitable to the nature of political society to dethrone him, but also we are inclined to think that the remaining members of the constitution have a right to exclude his next heir—e.g. his oldest son—and to choose whom they please for his successor. This comes from a very special quality of our thought and imagination. When a king forfeits his authority, his heir ought naturally to be in the same situation as he would have been in if the king had died (unless he has been involved in the king's tyranny, in which case he forfeits his right to the throne also). But though this may seem reasonable, it's easy for us to go along with the contrary opinion. In a governmental system like ours, deposing a king is an act that goes beyond all common authority—a taking on, for public good, of a power that ordinarily doesn't belong to any member of the constitution. When so much public good is so obviously at stake that the act is justified, it is a license—a going beyond the normal boundaries of authority—that we approve of; and this naturally leads us to attribute to the parliament a right to use further licences. Once •the old boundaries of the laws have been crossed with our approval, we're not apt to be so strict in confining ourselves precisely within •their limits. The mind *naturally* continues with any course of •mental• action that it has begun; after the first act of any kind that we perform, we're usually ready to go on in the same way without worrying

much about our duty. Thus at the revolution, no-one who thought the deposition of the father to be justifiable thought they had to let him be succeeded by his infant son; and yet if that unhappy monarch had died innocent at that time, and had his son happened to be overseas somewhere, it's certain that a regency would have been appointed until he came of age and could be restored to his dominions. •This readiness to *carry on* with a line of thought once we have begun it is a minor property of the imagination that has an effect on peoples' judgments; and the laws and the parliament show wisdom in taking advantage of such properties and choosing the magistrates in a hereditary line or not, depending on what the common people will most naturally regard as having rightful authority.

(2) Though the accession of the Prince of Orange to the throne •in 1688• might at first give rise to many disputes about whether he had a right to be there, his right ought not to appear doubtful *now*, having acquired sufficient authority from the three monarchs who have followed with the same entitlement to the throne. This way of thinking seems at first sight to be utterly unreasonable, but in fact it is utterly usual! Monarchs often seem to acquire a right from their successors, as well as from their ancestors; and a king who could rightly be regarded as an usurper during his lifetime will be regarded by posterity as a lawful monarch, just because he has had the good fortune to settle his family on the throne, entirely changing the previous form of government. Julius Caesar is regarded as the first Roman emperor; whereas Sylla and Marius, whose entitlement to rule was really the same as his, are treated as tyrants and usurpers. Time and custom give authority to all forms of government, and all successions of monarchs; and the power that was initially based on injustice and violence comes in time to be legal and obligatory. And the mind doesn't leave it at that. Rather, it retraces its

footsteps and transfers to their predecessors and ancestors the right that it naturally ascribes to the posterity, because they are all inter-related and are united in the imagination. The present king of France makes Hugh Capet [from whom he is directly descended, and whose 10th-century occupation of the French

throne was a result of political manoeuvring] a more lawful monarch than Cromwell. And the established liberty of the Dutch *now* makes a strong case for their stubborn resistance to Spain's Philip II nearly two hundred years ago.

11: The laws of nations

When civil government has been established over the greatest part of mankind, and different societies have been formed next door to one another, a new set of duties arises among the neighbouring states, suitable to the nature of the dealings that they have with one another. Writers on politics tell us that in every kind of inter-relations between states, a state [Hume: 'a body politic'] is to be considered as a single person; and there is some truth in that: different nations are like private persons in that they need one another's help, and their selfishness and ambition are perpetual sources of war and discord. But nations are very different from individual persons in other respects, and it's not surprising that they regulate themselves by different maxims, giving rise to a new set of rules that we call 'the laws of nations'. These include rules about the sacredness of the persons of ambassadors, the declaration of war, abstaining from poisoned arms, and other such duties that are clearly fitted to the kinds of dealings that different societies—but not different individuals—have with one another.

These laws of nations are *added* to the laws of nature; they don't *abolish* them! It's safe to say that the three fundamental rules of personal justice—the stability of ownership,

its transference by consent, and the keeping of promises—are duties of monarchs as well as of their subjects. The same interests produce the same effect in both cases. Where ownership has no stability, there must be perpetual war. Where property is not transferred by consent, there can be no commerce. Where promises are not kept, there can be no leagues or alliances. So the advantages of peace, commerce, and mutual help make us extend to different kingdoms the same notions of justice that hold for individuals.

A widely accepted **maxim** says that there's a system of morals for monarchs that is much less constraining than the system that ought to govern private persons. Few politicians are willing to *say* this, but it has been authorized by what they have *done* down through the centuries. This isn't meant to imply that the duties and obligations of monarchs have a lesser *extent* than those of private persons—e.g. no-one will say that the most solemn treaties ought to have no force among monarchs! Monarchs *do* form treaties among themselves, so they must expect some advantage from their being carried out; and the prospect of such an advantage for the future must motivate them to perform their part of the treaty, and must establish that law of nature. So the

political **maxim** must mean that although the morality of monarchs has the same •extent as that of private persons it doesn't have the same •force, and can be transgressed from more trivial motives ·than would be needed to excuse such transgressions by private persons·. Some philosophers will be shocked by this proposition; but it can easily be defended on the principles I have used to explain the origin of justice and equity.

When men have learned from experience that they can't survive without society, and that society can't be maintained while they give free rein to their appetites, their own urgent ·self·-interest quickly restrains their actions and gives them an obligation to observe the rules that we call the 'laws of justice'. This obligation of interest isn't the end of the matter. [Re 'obligation of interest': see the note on page 282.] We approve of actions that tend to the peace of society, and disapprove of ones that tend to its disturbance; and so the obligation of •interest gives rise—by the necessary course of the passions and sentiments—to the moral obligation of •duty. The same natural obligation of interest occurs among independent kingdoms, and gives rise to the same morality; so that no-one, however morally corrupt he is, will approve of a monarch who voluntarily and of his own accord breaks a promise or violates a treaty. But ·there's a difference·: although peaceful inter-relations among states

are advantageous, and even sometimes necessary, they are not as necessary or as advantageous as they are among individuals, who simply can't survive without them. Thus the natural obligation to justice is not as strong among states as it is among individuals, so the moral obligation that arises from it must also be weaker; and when a monarch or minister deceives another, we have to judge him less fiercely than we would judge a private gentleman who breaks his word of honour.

You may want to ask: '*How much* stronger is individual morality than state morality?' This can't be answered precisely; we can't say in numerical terms how the strengths of the two moralities compare with one another. It is safe to say that people *get* the relative strengths without any art or study—just as happens with many other matters. The practice of the world teaches us more about the strengths of our obligations than does the subtlest philosophy ever invented. And this is convincing evidence that all men have an implicit notion of the basis for the moral rules concerning natural and civil justice, and are aware that they arise merely from human conventions and from the interest we have in the preservation of peace and order. If the basis were anything else, the lessening of the interest would never produce a relaxation of the morality. . . .

12: Chastity and modesty

[This section contains Book III's first (and almost its only) occurrences of the word 'women'. Throughout most of the work Hume uses 'men' as equivalent to 'people' or 'human beings'; but here 'men' are contrasted with 'women'.]

If you are not yet fully convinced of this theory about the laws of nature and nations, it will be because you think this:

The general interests of society don't provide a sufficient explanation of the universal approval (or blame) that follows the observance (or transgression) of those laws.

To remove such worries as thoroughly as I can, I shall now consider another set of duties, namely the modesty and chastity that belong to the fair sex. I am sure that these virtues will be found to be still more conspicuous instances of the operation of the principles_c that I have been emphasizing.

Some philosophers attack the 'female virtues' with great vigour, and think they have gone very far in detecting popular errors when they show •that there is no basis in nature for all the exterior modesty that we require in how the fair sex speak, dress, and behave. I think I can spare myself the trouble of arguing for something as obvious as •that, and proceed immediately to examine how such notions *do* arise—from upbringing, from the voluntary conventions of men, and from the interests of society.

Whoever considers •the length and feebleness of human infancy and •the concern that both sexes naturally have for their offspring will easily see that there must be a union of male and female for bringing up the young, and that this union must be of considerable duration. But men won't impose this restraint on themselves, cheerfully undergoing all the fatigues and expenses to which it subjects them,

unless they believe that •the children are their own, and that •in lavishing love and tenderness on them they aren't giving it to a wrong object. Now, if we examine the structure of the human body we shall find that it's very difficult to be entirely sure about this. In the copulation of the sexes the principle_c of generation goes from the man to the woman; so there can easily be an error about which man it was, while it's impossible to have any question about which woman. This trivial anatomical fact creates the vast difference between the upbringing and duties of the two sexes.

If a philosopher examined this matter *a priori* he would reason like this:

'Men are induced to work to maintain and bring up their children by the conviction that they really *are* their own; so they must have some assurance about this. They can't get it solely by imposing on their wives severe punishments for any lapse in conjugal fidelity; because such public punishments can't be inflicted without legal proof, which is hard to find in these cases. What restraint, then, shall we impose on women in order to outweigh their strong temptation to be unfaithful? The only possible restraint, it seems, is the punishment of a bad reputation. This has a mighty influence on the human mind, and we inflict it on the basis of surmises and conjectures and bits of evidence that would never be accepted in a criminal court. Therefore, in order to restrain the female sex appropriately we must attach a special intensity of shame to their infidelity, above what arises merely from its wrongness, and we must correspondingly praise their chastity.'

But although this is a very strong motive to fidelity, our philosopher would quickly discover that it on its own wouldn't be sufficient for that purpose. His thought would continue as follows:

'All human creatures, especially of the female sex, are apt to overlook distant motives in favour of present temptations; the temptation is here the strongest imaginable; it creeps up on a woman without her realising that it is doing so; and she easily finds—or optimistically thinks she *will* find—certain means for securing her reputation and preventing all the pernicious consequences of her pleasures. So there has to be something more than the risk of infamy resulting from such licentious behaviour. Specifically, there has to be some prior resistance or dread that can prevent the temptations from getting started, giving the female sex a dislike for all expressions and postures and liberties that have an immediate relation to sexual enjoyment.'

That is how our theorizing philosopher would reason; but I'm convinced that if he didn't have a perfect knowledge of human nature he would be apt to regard his reasonings as merely fanciful theory-spinning, and would regard the infamy that comes with infidelity and resistance to all its approaches as principles that are to be *wished for* rather than *hoped for* in the world. He would think

'What means are there for persuading mankind that marital infidelity is worse than any other kind of wrong conduct, when it is obviously more excusable than the others because the temptation is so great? And what could create a resistance to the approaches of a pleasure to which nature has given such a strong propensity, and a propensity that *must* eventually have its way if the species is to survive?'

But theoretical reasonings that philosophers take so much trouble to create are often formed by the world naturally and without reflection; and difficulties that seem insurmountable in theory are easily overcome in practice. Those who have an interest in the fidelity of women *naturally* disapprove of their infidelity and of everything that might lead to it. Those whose interests are not bound up with this are carried along with the stream. Education takes possession of the malleable minds of the fair sex in their infancy. And once a general rule of this kind is established, men are apt to extend it beyond the matters that first gave rise to it. Thus bachelors, however debauched, can't help being shocked by any instance of lewdness or impudence in women. And although all these maxims clearly arise from concerns about generation, women who are past child-bearing have no more privilege in this respect than those who are in the flower of their youth and beauty. Men must have an unconscious notion that all those ideas of modesty and decency are concerned with generation; because they don't impose the same laws with the same force on the male sex, to which the concern about generation doesn't apply. The general attitude to female chastity doesn't *slide across* and generate a similar attitude to chastity among males, because males constitute a very large class who are obviously different from females, so that there's a clear line to be drawn here. It's not like that with the different ages of women, where none of the lines are clear, and drift is therefore possible. So although we know that these notions are based on the public interest, the general rule carries us beyond the original reason for insisting on female chastity and makes us extend the notions of modesty over the whole female sex, from their earliest infancy to their most extreme old age and infirmity.

We shall see later that the valuing of courage in men is like the valuing of chastity of women in having a foundation in

nature while also deriving much of its merit from artifice.

As for the obligations that the male sex have regarding chastity, we may observe that according to the general notions of the world they are less strong than the obligations of women, by about the same amount as the obligations of the law of nations are less strong than those of the law of

nature. It is contrary to the interests of civil society that men should be entirely free to indulge their sexual appetites; this interest is weaker than in the case of the female sex, so the moral obligation arising from it must be proportionately weaker. For evidence of this, look at how men of all nations have acted and felt down through the ages.