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CHAPTER FOUR

Hume

James A. Harris

In all governments, there is a perpetual intestine struggle, open or secret, between AUTHORITY and LIBERTY; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontrollable. The sultan is master of the life and fortune of any individual; but will not be permitted to impose new taxes on his subject; a French monarch can impose taxes at pleasure; but would find it dangerous to attempt the lives and fortunes of individuals. Religion also, in most countries, is commonly found to be a very intractable principle; and other principles or prejudices frequently resist all the authority of the civil magistrate; whose power, being founded on opinion, can never subvert other opinions, equally rooted with that of his title to dominion. The government, which, in common appellation, receives the appellation of free, is that which admits of a partition of power among several members, whose united authority is no less, or is commonly greater than that of any monarch; but who, in the usual course of administration, must act by general and equal laws, that

are previously known to all the members and to all their subjects. In this sense, it must be owned, that liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence: and in those contests, which so often take place between the one and the other, the latter may, on that account, challenge the preference. Unless perhaps one may say (and it may be said with some reason) that a circumstance, which is essential to the existence of civil society, must always support itself, and needs to be guarded with less jealousy, than one that contributes only to its perfection, which the indolence of men is so apt to neglect, or their ignorance to overlook.¹

This is the final paragraph of David Hume's essay 'Of the Origin of Government'. The essay appears to have been written in early 1774, two and a half years before Hume's death in August 1776. It was Hume's last contribution to political philosophy, indeed (as far as we know) his last new composition on any subject, and it is tempting therefore to read it as an attempt on Hume's part to summarize the principal lessons of his writings on politics. In so far as conservative thought places emphasis on the dangers of unbridled liberty and on the need for stable structures of authority, it is tempting also to read this essay as evidence that, by the end of his life, Hume situated himself in the conservative tradition. There is material for such an interpretation not only in the final paragraph, but in the main body of the essay as well, and especially in the doubt Hume expresses there about accounts of the origins of government and of the virtue of allegiance which are grounded in the rational pursuit of self-interest. 'Government', Hume claims, 'commences more casually and more imperfectly'.² The more psychologically realistic account offered by Hume instead is inspired by scepticism as to the human capacity for self-understanding and reflective foresight. It is implausible, Hume suggests, to imagine that human beings really did knowingly invent the duty of obedience to magistrates as a means of remedying the impossibility of keeping themselves in the paths of justice. More likely is the idea that the authority of one over the rest began in times of war, where courage and intelligence identified a particular individual as deserving obedience, and, as Hume puts it, 'where the pernicious effects of disorder are most sensibly felt'.³ Because war was endemic to early human society, human beings became accustomed to submission, and the military chief's authority was gradually accepted in times of peace as well as times of war. The (sketchy) details of the later stages of the development of institutions of government are less important for present purposes than the general scepticism about the role of reason in history evinced by the account taken as a whole.

It seems likely that Hume wrote 'Of the Origin of Government' in response to contemporary political circumstances. On 16 December 1773, the 'Sons of Liberty' had boarded ships in Boston Harbour and thrown chests of tea into the water in protest against an Act of Parliament intended to force Britain's American colonies to pay duty on tea imported from the West Indies. In response, the British government passed a series of punitive laws, the Coercive Acts, which had the effect of intensifying American opposition to what was regarded as tyranny on the part of the Houses of Parliament. Hume's letters show that he took a keen interest in events in America, and that he was in favour of granting the colonies the independence they were demanding. His letters do not provide evidence, however, that he accepted the case the Americans themselves were making for a *right* to freedom from British domination. In Hume's eyes, the argument for American independence was pragmatic and economic. In essence, it was an argument that Britain would be better off if it let the colonies go than it would be if it tried, hopelessly, to hold on to them. This was, as John Pocock has noted, a Tory argument for a radical Whig conclusion.⁴ Closer to home, and probably closer to the front of Hume's mind as he wrote this essay, there was the still-unresolved problem of John Wilkes. After five years as an outlaw in France following the threat of prosecution for seditious libel, Wilkes had been elected MP for Middlesex in 1768, only to be barred from taking his seat by a House of Commons that refused to have him as a member. Wilkes had then been twice re-elected to the Commons in ensuing by-elections, and expelled again each time afterwards. He was prevented also from running for Lord Mayor of London. The result was very serious unrest in London, and mass protests which on several occasions had to be put down with military force. The watchword of these protests was liberty, especially the liberty of the press to report on parliamentary debates, and also the more general issue of the right of the people to determine the membership of the House of Commons. In 1774, Wilkes finally overcame establishment opposition and was elected to and permitted to take up the position of Lord Mayor. Later in the same year he at last took up a seat in the House of Commons as a member for Middlesex.⁵

While Hume's letters are silent about the moral case for American independence, they are vociferous, in fact splenetic, in their hostility to the cause of 'Wilkes and Liberty'. They show that Hume was quite unable to see Wilkes and his supporters as making a serious and coherent case for political reform. Early on, in May 1768, Hume formed the opinion that 'these mutinies were founded on nothing, and had no connexion with any higher order of the state',⁶ and he did not change his mind in the years that followed. He wrote to the French economist and statesman Turgot:

Here is a People thrown into Disorders (not dangerous ones, I hope) merely from the Abuse of Liberty, chiefly the Liberty of the Press; without any Grievance, I do not only say, real, but even imaginary; and without

any of them being able to tell one Circumstance of Government which they wish to have corrected: They roar Liberty, tho' they have apparently more Liberty than any People in the World; a great deal more than they deserve; and perhaps more Liberty than any men ought to have.⁷

'This madness about Wilkes excited first Indignation, then Apprehension', he wrote to Hugh Blair in March 1769; 'but has gone to such a Height, that all other Sentiments with me are bury'd in Ridicule'. It was all more absurd even than the business of Titus Oates and the supposed 'Popish Plot' of 1678–81 that intended the assassination of Charles II so that he could be replaced by his openly Catholic brother James. Then there had been at least some explanation of popular frenzy, in the form of religion and the horror of Protestants at the idea of a Catholic monarch. But nothing could explain what was happening now. Religion, Hume told Blair, 'has, from uniform Prescription, acquir'd a Right to impose Nonsense on all Nations & all Ages: But the present Extravagance is peculiar to ourselves, and quite risible'.⁸

Hume's letters about Wilkes and Liberty have been read – notably by Giuseppe Giarrizzo⁹ – as evidence of a conservative, authoritarian shift in his political thinking in the last phase of his philosophical career. It is not impossible to read 'Of the Origin of Government' also as the work of a cantankerous old man out of tune with the political ideas of the day. In the paragraph quoted earlier, Hume defines liberty as the division of power among the members of the government, and an obligation on the part of those members of government to 'act by general and equal laws, that are previously known to all the members and to all their subjects'. The Wilkites – and, of course, the Americans too – wanted more than that. They understood liberty to involve also some say on the part of subjects as to who some of the members of the government were, and thus a degree of influence over the character of a nation's laws. Hume, it could be claimed, is implicitly rejecting the liberty of self-government in 'Of the Origin of Government'. If so, however, this was no new departure in his political thought. On the contrary, it was merely a reiteration of a point he had made in his essays first published more than thirty years previously. In the essay 'Of Civil Liberty' (originally titled 'Of Liberty and Despotism'), Hume rejected the usual contrast between republics and monarchies, and claimed that 'in modern times' it could be said of 'civilized monarchies', such as France, '*that they are a government of Laws, not of Men*'. He explained: 'They are susceptible of order, method, and constancy, to a surprizing degree. Property is there secure; industry encouraged; the arts flourish; and the prince lives secure among his subjects, like a father among his children.'¹⁰ This was not to say that in France there was no abuse of power, for example, in the way in which taxes were levied. But whatever imperfections there were in the French form of government were matched by imperfections in 'free governments' such as Britain: for example, the practice of contracting national debt without thought of its consequences for the future. This kind of challenge to received

wisdom – eighteenth-century Britons prided themselves on the contrast between British liberty and French despotism – was from the beginning a key feature of what Duncan Forbes termed Hume's 'scientific', or 'philosophical', Whiggism.¹¹

Another reason not to see 'Of the Origin of Government' as signalling a new turn in Hume's political thought is that the essay's scepticism about the role of reason in political history echoes a theme he had developed in earlier writings, most notably *The History of England* (1754–61). Hume the historian delights in the ironies of unintended consequences and the inability of even the most powerful men and women to determine the long-term effects of their actions. As Hume tells the story of the Reformation in England, nothing was further from Henry VIII's mind in 1529 than the creation of a Protestant church. And it was the religious fanaticism unleashed by the Reformation, not the efforts of Parliamentarians determined to preserve the rights enshrined in Magna Carta, that ultimately brought about the Glorious Revolution. The year 1688 is the *terminus ad quem* of *The History of England*, but in Hume's hands the creation of modern British liberty was, to use the language of 'Of the Origin of Government', both casual and imperfect. In his earliest discussion of political matters, the account of the obligation to allegiance in Book Three of *A Treatise of Human Nature*, Hume insinuated that the accession to the throne of William III was an act of violent usurpation.¹² In the essay 'Of the Original Contract', it was portrayed as a parliamentary coup.¹³ Either way, here a further arguably conservative theme in Hume's political thought comes into view. For the question of to whom allegiance is due cannot, he argues, be settled by appeal to principles of reason. There are a number of rules that we naturally appeal to in order to decide that question, and it is perfectly possible for them to produce conflicting answers. This was the case in the immediate aftermath of 1688, when long possession spoke in favour of the Stuarts, and present possession, as well as positive law, spoke in favour of William. In the essay 'Of the Protestant Succession' Hume presented a scrupulously balanced account of the considerations that were in play as Parliament sought to decide whether or not permanently to exclude the Stuarts by passing the Act of Succession. The implication of the essay is that there was at that point no consideration that clearly settled the matter in favour of the House of Hanover. The key factor in political legitimation, Hume argued, is the passage of time.¹⁴ The claim of the Stuarts was only permanently dismissed once enough time had passed for the Hanoverians to have, in the eyes of their subjects, sufficient authority to be obviously the protectors of the interests of the nation taken as a whole.

At the very end of 'Of the Origin of Government', Hume asserts that, while liberty may be the perfection of civil society, 'still authority must be acknowledged essential to its very existence'. The authority which Hume meant here, and about which he was always most concerned, was the authority of executive power. What was most important with respect to British politics was that the House of Commons did not acquire so much

power at the expense of the Crown and its ministers that the executive was left unable to carry out the task of enforcing law and maintaining order. Only if a shift in the balance of power in favour of the Commons was prevented would the government taken as a whole be capable of performing its most essential role, which was to contain the intrinsically dangerous and destabilizing force that was 'the people'. Hume's letters of the late 1760s and early 1770s are dominated just as much by contempt at the inability of the Grafton and North ministries to master the situation as by revulsion at the actions of Wilkes and his supporters. 'Our Government has become an absolute Chimera,' Hume told William Strahan in October 1769: 'So much Liberty is incompatible with human Society.'¹⁵ In a letter written in the summer of 1771 Hume listed the powers of government that had been lost since the accession of George III:

The right of displacing the Judges was given up; General Warrants are lost; the right of Expulsion the same; all the co-ercive Powers of the House of Commons abandon'd; all Laws against Libels annihilated; the Authority of the Government impair'd by the Impunity granted to the Insolence of Beckford, Crosby, and the common Council: the revenue of the civil List diminishd. For God's sake, is there never to be a stop put to this inundation of the Rabble?¹⁶

An 'inundation of the rabble' was a permanent possibility in politics as Hume understood it. Government's first responsibility, a responsibility in respect of which it was currently failing, was to maintain the dykes that protected the country from flood. Hume's worry was that Britain was about to relive the nightmare of the 1640s and 1650s. He worried, in other words, that the granting of the liberties demanded by Wilkes and his followers would lead to anarchy, and that anarchy would be followed by what it was always followed by, tyranny.

Hume, it would seem, was unable to conceive of the people – those 'out of doors', who played no role in the business of government – as able to perform a positive, constructive function in British politics. The primary task of government was to protect the political community, and its property, from the rabble. Of course, opposition was by now an accepted feature of British politics. It was no longer another word for treason. But, as Hume saw it, opposition to a ministry's policies was legitimate only *inside* the Houses of Parliament. To Strahan in January 1770, Hume expressed the hope that the King's resolution to support the North ministry would henceforth be sufficiently obvious that 'men will either acquiesce or return to the ordinary, parliamentary Arts of Opposition'.¹⁷ Extra-parliamentary opposition was by definition illegitimate and needed to be suppressed, by violent force if necessary.

‘[T]he Audaciousness, Impudence, and Wickedness’ of the City of London deserved punishment, Hume wrote in March 1770. Such punishment ‘woud certainly produce a Fray; but what signifies a Fray, in comparison of losing all Authority to Government? There must necessarily be a Struggle between the Mob and the Constitution; and it cannot come at a more favourable time nor in a more favourable Cause’.¹⁸

There was nothing unusual in such sentiments in Britain at this time. It would be easy to find passages in Johnson, Walpole, Burke and many others, in which the sovereignty and inherent legitimacy of decisions of Parliament are affirmed in the same terms, and in which the growing weakness of the government is lamented just as bitterly. Here Hume’s politics were not ‘scientific’ or ‘philosophical’, in Forbes’s senses of the words, but instead very ordinary indeed.

Hume’s response to the Wilkite movement reveals the essentially aristocratic character of his political thought. As David Miller (1981: 183) puts it, ‘[Hume]’s beliefs about government were formed on the underlying assumption that politics was an activity properly confined to a fairly select social group’.¹⁹ This assumption – characteristic of conservatives, then and later – was always latent in his writings, but only in face of a movement of popular protest did Hume express it openly. It was an assumption that prevented him from being able, or even trying, to make sense of what was beginning to happen in England in the 1760s. For the new political movement headed by Wilkes could not, in truth, properly be described as the 1640s and 1650s come again. H. T. Dickinson and John Brewer have shown that the extra-parliamentary tactics adopted by Wilkes and his followers constituted a new departure in British politics.²⁰ The furore that followed the exercise by the House of Commons of its right to exclude a duly elected representative of the people – as we have seen, a right the eventual surrender of which Hume lamented – marked a significant shift in the country’s political consciousness. According to Brewer, the controversy ‘questioned the very basis on which a system of political stability had been built’, because ‘it questioned the grounds on which exclusion was justified, and because Wilkes and his supporters were adamant in their insistence that political power emanated from the *people*, and not from the oligarchical House of Commons’.²¹ The Wilkes and Liberty affair thus brought into sharp relief the extent to which Hume accepted the common sense of his time about the people and their place, or rather their lack thereof, in the business of politics. Even so, and despite the other affinities noted here between Hume’s political thinking and conservatism, Hume was not a conservative in the proper sense of the word, for there was, from his point of view, no serious and coherent radical ideology and no developed political philosophy advocating the comprehensive reform of existing political practices, from which the body politic needed to be protected.