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The Centrality of Convention in Hume's Moral and Political Philosophy*

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The Humean moral sentiment is a feeling rooted in human nature that, through a reflective process, seeks out truths about human nature. In Thomas Merrill's words, it is "a passion that looks up to objectivity."[1] Similarly, Sharon Krause notes that the moral sentiment is a "reflective feeling [that], when properly arrived at, can support rather than thwart impartiality."[2] And this is what Rachel Cohon's reconstruction of the moral theory of Hume's *Treatise* seeks to show: that the common point of view, which is the standpoint from which genuine moral judgments must be made, is sufficient to correct the errors caused by human partiality and produce an intelligible, shared, and universal standard of judgment of vice and virtue.[3]

According to Hume, we "over-look our own interest in those general [i.e. moral] judgments."[4] Even Hume, however, who dwells on the pervasiveness of human selfishness in book 3 of the *Treatise*, admits that "one may, perhaps, be surpriz'd, that amidst all these interests and pleasures, we shou'd forget our own" (T 3.3.1.30). Given the seeming intractability of human selfishness, which Hume insists cannot be remedied by "any inartificial principle of the

[1] Thomas W. Merrill, "Investigating Morality with David Hume," *Polity* 48, no. 1 (2016): 89.

[2] Sharon R. Krause, *Civil Passions: Moral Sentiment and Democratic Deliberation* (Princeton, NJ: Princeton University Press, 2008), 12.

[3] Rachel Cohon, *Hume's Morality: Feeling and Fabrication* (New York: Oxford University Press, 2008).

[4] David Hume, *A Treatise of Human Nature*, ed. David Fate Norton and Mary J. Norton (New York: Oxford University Press, 2000), 3.3.1.17. References to the *Treatise* are to book, part, section, and paragraph, and will henceforward be given parenthetically in the main text.

human mind," the question must be asked: How are human beings, who are overwhelmed by partial affections, supposed to transcend their peculiar circumstances and attain the common point of view (T 3.2.2.8)? Jacqueline Taylor has argued that we must leave the *Treatise* behind and turn to Hume's more mature moral theory in *An Enquiry concerning the Principles of Morals* if we are to find a satisfying answer to this question.[5] In the second *Enquiry*, Hume presents the natural sentiment of humanity, rather than sympathy, as the foundational element of moral judgment.[6] And the cultivation of the natural sentiment of humanity through conversations in polite society is, as Taylor points out, altogether necessary if one is to transcend one's partial interests and arrive at proper moral judgments.

Taylor emphasizes that, for Hume, moral judgment is a social practice, and for this reason social structure matters. For Hume, "some forms of government and economy" are better than others at promoting the sentiment of humanity, which is the source of sound moral judgment.[7] Other forms of government and economy, meanwhile, have the power to thwart the sentiment of humanity. This seemingly modest insight—that sound moral judgment depends on sound political and economic institutions—contains some alarming implications for Hume's moral theory. It suggests that Humean moral assessment may depend as much on human artifice as it does on the allegedly natural sentiment of humanity.

Taking Hume's moral philosophy as a whole, I argue that conventions are central to Hume's account of moral assessment.[8] It is the refined member of society, after all—the one who is "accustomed" to law and government, who possesses the general "feeling for the happiness of mankind, and a resentment of their misery"—who is required for sound moral judgment.[9] And Hume

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[5]   See, for example, Jacqueline Taylor, *Reflecting Subjects: Passion, Sympathy, and Society in Hume's Philosophy* (Oxford: Oxford University Press, 2015).

[6]   See also Ryan Patrick Hanley, "David Hume and the 'Politics of Humanity,'" *Political Theory* 39, no. 2 (2011): 205–33.

[7]   Taylor is certainly correct that Hume, in his moral and political writings, defends "the kind of modern society of which he was a member." *Reflecting Subjects*, 100–101.

[8]   While there has been a surge in scholarship over the last two decades regarding the coherence of Hume's moral philosophy as it appears, on one hand, in the *Treatise* and, on the other, in the second *Enquiry*, I take Hume at his word that the same "philosophical principles" and "doctrines" appear in each. See David Hume, *The Letters of David Hume*, ed. J. Y. T. Greig (New York: Oxford University Press, 2011), 1:4, 158, 187. For the most recent contribution to this long-running debate, see Tony Pitson, "Hume and Humanity as 'the Foundation of Morals,'" *Journal of Scottish Philosophy* 17 (2019): 39–59.

[9]   David Hume, *An Enquiry concerning the Principles of Morals*, ed. Tom Beauchamp (New York: Oxford University Press, 1998), 9.8 n. 57; App. 1.3. Henceforward EPM.

treats this sentiment as something absent in humanity's ruder condition but present in modern society.

The sentiment of humanity, and with it, our ability to render impartial moral judgments, is largely produced by conventions, or general rules and systems of behavior, created on account of their utility. Social engineering is required to bring about recognition not only of what Hume calls the artificial virtues (e.g., honesty, fidelity to promises, and respect of contracts), but also of what he calls the natural virtues (e.g., courage, prudence, and generosity). This interpretation confirms and elaborates on J. L. Mackie's contention that Humean virtues are all, in a sense, conventional.[10] Furthermore, it builds on depictions of Hume as a thoroughly modern theorist of commercial sociability, who regards utility-advancing conventions as indispensable to the development of human society and moral distinctions.[11] There has been an effort in Hume scholarship to present Hume as an "anti-Hobbesian" political theorist, one who is nearly Hutchesonian in his advocacy of natural sociability.[12] I argue, to the contrary, that Hume's effort to find a middle way between Hobbesian conventionalism and Hutchesonian naturalism falters because of the primacy of human artifice in Hume's account.

In the first section of this essay, I make the case for the absolute precedence of justice in Hume's account of the origin of moral distinctions. In the second, I argue that the psychological components that, in Hume's account, contribute to the production of impartial moral distinctions are either imperceptible or feckless in humanity's natural state, in the absence of the convention of justice. In the third, I argue that Hume's general rules of morality, like other conventions, have as their aim the mitigation of human partiality. In the final section I contend that, for Hume, modern commercial society is preferable to all others precisely because of its promotion of humanity. I argue that this dependence of the sentiment of humanity on certain social, political, and economic conventions—specifically those of commercial society—reveals that the sentiment of humanity, together with the impartial moral point of view it generates, is ultimately the product of human artifice.

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[10] J. L. Mackie, *Hume's Moral Theory* (Boston: Routledge & Kegan Paul, 1980), 120–30.

[11] For a standard treatment of Hume as theorist of commercial sociability, see Istvan Hont, "Commercial Society and Political Theory in the Eighteenth Century: The Problem of Authority in David Hume and Adam Smith," in *Main Trends in Cultural History: Ten Essays* (Atlanta, GA: Rodopi, 1994), 54–94.

[12] Paul Sagar, *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith* (Princeton, NJ: Princeton University Press, 2018), 18. Cf. Istvan Hont, *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith* (Cambridge, MA: Harvard University Press, 2015), 57.

The Priority of Justice in Hume's Moral Psychology

The general rules of justice are the indispensable first step on humanity's progression from partial to more "general views of things" (T 3.3.1.23). In his presentation of the origin of justice and society in book 3 of the *Treatise*, Hume shows that society can neither come into existence, nor be sustained, without a remedy for human partiality. That remedy, moreover, which consists in artificial rules of justice, depends on the restraint and redirection of human partiality. Hume does acknowledge that human beings exhibit a limited natural sociability, which he locates in the relation between the sexes that forms the basis of family life. But this kind of limited generosity, which gives human beings a preference for their relations and acquaintances, is nevertheless incapable of sustaining life in society, beyond relatively small familial and tribal units (T 3.2.2.4). This kind of limited generosity also thwarts impartial moral reasoning, since partial affections, according to Hume, are so strong that they influence not only "our behavior and conduct in society," but also "our ideas of vice and virtue." Hume writes, in fact, that "our natural uncultivated ideas of morality, instead of providing a remedy for the partiality of our affections, do rather conform themselves to that partiality, and give it an additional force and influence" (T 3.2.2.8).

Hume thinks it "impossible [for human beings] to live in society without restraining themselves by certain rules" (T 3.2.7.11). Because society is created to resolve problems stemming from the instability and scarcity of goods, the general rules of justice, which bring society into existence, pertain primarily to the protection and peaceful exchange of material goods (T 3.2.2.7). In his conjectural narrative of the origin of justice, Hume argues that "the chief impediment to this project of society and partnership lies in the avidity and selfishness of their natural temper; to remedy which, [individuals] enter into a convention for the stability of possession, and for mutual restraint and forbearance" (T 3.2.3.3). "No one can doubt," Hume writes, "that the convention for the distinction of property, and for the stability of possession, is of all circumstances the most necessary to the establishment of human society" (T 3.2.2.12).

Our aversion to the solitary misery of our natural, presocial condition is what causes us to "govern ourselves by rules" (T 3.2.3.3; T 3.2.4.1). In order to avoid confusion, particularly in relation to property, Hume insists that "we must…proceed by general rules, and regulate ourselves by general interests" (T 3.2.10.3). Shared material interests are the glue that keeps society together. And Hume repeats that the chief advantage of society consists in the secure enjoyment of our possessions and our ability to do what we will with them

(T 3.2.2.9). It is for this reason that the three laws of justice that Hume specifies—property rights, transference of property by consent, and the obligation of promises—are the rules that make commerce possible, rendering trade "more safe and commodious" (T 3.2.2.24).[13]

The general rules of justice inaugurate the practice of corrective reasoning, which allows us, for example, to settle property disputes not according to personal merit or private benevolence, but according to fixed "general rules" that have a tendency to benefit society as a whole (T 3.2.6.9). By reflecting on justice, we, for the first time, take into account the interests of "the whole society alike," rather than simply our own peculiar circumstances (T 3.3.1.13). We thereby begin to approve of actions that accord with "general rules, which are unchangeable by spite and favour, and by particular views of private or public interest" (T 3.2.6.9).

The laws of justice, Hume contends, are "universal and perfectly inflexible." Their universality and inflexibility do not permit of exception, which is one reason, Hume thinks, that justice is a factitious virtue. It partakes of none of the partiality characteristic of daily human decisions, which are often short-sighted, driven by "present motives and inclinations" (T 3.2.6.9). The general rule, for example, "*that possession must be stable*," ought to "extend to the whole society, and be inflexible either by spite or favour" (T 3.2.3.3). Similarly, the rules regarding the distribution of property must be "general in their application, and more free from doubt and uncertainty" than rules derived from relations "of fitness or suitableness," if they are going to rescue human beings from that misery that attends their more natural state (T 3.2.4.1).

Reflection on the general rules of justice moves us from particular to more abstract kinds of reasoning that are absent in humanity's natural state. Hume acknowledges, for example, that the duty of repaying a loan is "unintelligible" to a person in a rude, or more natural, condition, because it depends on a mutually advantageous scheme of cooperation invented by human beings.

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[13] For portrayals of Hume's philosophy as a vindication—though not entirely unqualified—of commercial modernity, see Christopher J. Berry, "Hume and the Customary Causes of Industry, Knowledge, and Humanity," *History of Political Economy* 38, no. 2 (2006): 291–317; Ryu Susato, *Hume's Sceptical Enlightenment* (Edinburgh: Edinburgh University Press, 2015); and Margaret Schabas and Carl Wennerlind, *A Philosopher's Economist: Hume and the Rise of Capitalism* (Chicago: University of Chicago Press, 2020). Baier argues that whereas in the *Treatise* the general rules of justice pertain strictly to commercial justice, Hume expands his conception of justice in the second *Enquiry*. See Annette C. Baier, *The Cautious Jealous Virtue: Hume on Justice* (Cambridge, MA: Harvard University Press, 2010).

Meanwhile, the duty of repaying a loan is perfectly understandable to a person in a civilized state, who is "train'd up according to a certain discipline and education" (T 3.2.1.9). By approving of a person's honesty—expressed in her proclivity to repay a loan—we exhibit some "*regard to public interest*" that is simply absent in a rude or natural human state (T 3.2.1.11).

All artificial virtues, like justice, are dependent on schemes of cooperation. Justice, for Hume, is a virtue that comes into being after the general rules of justice have been instituted, mostly as a result of each person's concern for his own interest (T 3.3.1.9). Eventually a "strong sentiment of morals" develops that "concurs with interest" and causes us to approve of acts of justice (T 3.2.5.11). This approval proceeds "from nothing but our sympathy with the interests of society" (T 3.3.1.12). The moral belief that justice is a virtue is grounded in the sympathetic pleasure one feels in response to actions conducive to social peace and the sympathetic pain one feels in response to actions destructive of social peace. This moral belief, instilled by public and private instruction, depends on the awareness that if our partial affections were left unrestrained, as they are in humanity's natural state, then "society must immediately dissolve, and every one must fall into that savage and solitary condition, which is infinitely worse than the worst situation that can possibly be suppos'd in society" (T 3.2.2.22; T 3.2.2.25). For this reason, Hume describes justice as "infinitely advantageous" (T 3.2.2.22).

In spite of Hume's assertion that justice is "infinitely advantageous," however, Jacqueline Taylor contends that "Hume is not committed to giving justice absolute precedence over the natural virtues."[14] This makes sense, given Taylor's argument that it is the natural sentiment of humanity, not the laws of justice, that is principally responsible for helping "us form more general, less partial views about what is most useful and will most contribute to the happiness of society and its members."[15] It is difficult, however, not to give justice absolute precedence in Hume's system when the ability to conceptualize the general interest and to regulate one's affections in accord with the general interest is simply inaccessible to the rude, untaught savage. This ability to regulate one's taste and affections in an abstract manner goes "beyond anything that is supported by instinctive sympathy or immediate

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[14] Taylor, *Reflecting Subjects*, 176.

[15] Ibid., 181.

benevolence" in humanity's ruder and more natural state, in the absence of the artifice of justice.[16]

Hume insists in the *Treatise* that neither the natural sentiment of humanity, nor extensive sympathy, nor private benevolence, is capable on its own of lifting human beings above that limited generosity that proves nearly as destructive of society as "the most narrow selfishness" (T 3.2.2.6). Hume insists that there is no "inartificial principle" that is capable of curtailing the innate partiality that infects both thought and action. This partiality is one of the defining attributes of "rude and savage men," who, without the artifice of justice, would never be inspired to exhibit "an equitable conduct towards each other" (T 3.2.2.8). "If men pursu'd the public interest naturally, and with a hearty affection," Hume remarks, "they wou'd never have dream'd of restraining each other by these rules [of justice]; and if they pursu'd their own interest, without any precaution, they wou'd run head-long into every kind of injustice and violence" (T 3.2.2.21).

Hume argues that humans "are, in a great measure, govern'd by interest" and do not "look farther than their nearest friends and acquaintance" (T 3.2.7.1). Only upon reflection within society do we begin to look farther than our nearest friends and acquaintances, toward the common interest— namely, the survival of society—that we share with those around us. And we share this common interest not only with friends and family, but also with strangers. In this way, our affections, which are naturally constrained by immediate sympathy, are broadened, by an artificial convention "contrary to the common principles of human nature," so that we develop a concern for the well-being of strangers within the same society (T 3.2.6.9). By means of justice, "we maintain society, which is so necessary to…well-being and subsistence" (T 3.2.2.9). And it is for this reason that Hume writes that "no virtue is more esteem'd than justice" (T 3.3.1.9).

Sympathy and Moral Judgment in the *Treatise*

Hume contends that truly moral judgments require that characters and manners be "consider'd in general, without reference to our particular interest" (T 3.1.2.4). Rachel Cohon, in her reconstruction of Hume's moral theory in the *Treatise*, argues that it is by means of extensive sympathy that we arrive at the common point of view. With a view to Hume's account in the *Treatise*, however, it seems as if human beings do not possess the native mental tools

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16 Mackie, *Hume's Moral Theory*, 125.

necessary to arrive at the common point of view, by extensive sympathy, without the artificial reconfiguration of the moral sentiment accomplished by the convention of justice.[17] As Hume insists, there is no "inartificial principle of the human mind" that can "control those partial affections" (T 3.2.2.8). Our partiality is so deeply ingrained in human nature that it cannot be corrected by any "natural and inartificial passions of men" (T 3.2.2.21).

Hume acknowledges that there is a conflict between extensive sympathy and limited generosity, that is, the partiality for which justice serves as a corrective (T 3.3.1.23). In his effort to resolve this difficulty, Hume distinguishes between moral taste—a calm passion—and our partial affections, such as love and hatred, which are more violent passions that tend more readily to influence action (T 2.1.1.3). Moral reflection depends on the imagination, which produces a special kind of moral feeling that does not always control our passions (T 3.3.1.23). Hume states, for example, that an impartial moral judgment, which is dependent on extensive sympathy, does not have the same "influence on our love and hatred" as "when our own interest is concern'd, or that of our particular friends" (T 3.3.1.18). For Hume, then, our confined generosity, which consists of unequal affections, need not preclude the possibility of abstract moral judgments. While the latter influence our taste, the former is more likely to influence our actions and affections (T 3.3.1.23).

Nevertheless, the tension between limited and extensive sympathy in the *Treatise* remains evident. And this tension renders questionable whether a human being in the ruder, more natural condition is capable of making impartial moral judgments prior to the reconfiguration of the moral sentiments by the artifice of justice. To achieve the common point of view, "on which moral distinctions depend," Hume argues, we must "confine our view to that narrow circle, in which any person moves, in order to form a judgment of his moral character" (T 3.3.1.30). "When the natural tendency of his passions leads him to be serviceable and useful within his sphere," Hume continues, "we approve of his character, and love his person, by a sympathy with the sentiments of those who have a more particular connexion with him" (T 3.3.3.2). When we sympathize with the narrow circles in which people live, we leave our own interests behind and engage in the kind of moral reflection that is facilitated by extensive sympathy. By this process, we correct

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[17]   This position corresponds to previous assertions made by Cohon and Taylor that justice results in "profound psychological changes" and even a "cultural transformation of instinct." See Rachel Cohon, "Hume's Artificial and Natural Virtues," in *The Blackwell Guide to Hume's "Treatise,"* ed. Saul Traiger (Malden, MA: Blackwell, 2006), 261, and Jacqueline Taylor, "Justice and the Foundations of Social Morality in Hume's 'Treatise,'" *Hume Studies* 24, no. 1 (1998): 5–7.

"momentary appearance" and attain the common point of view characteristic of genuine moral judgments (T 3.3.1.5; T 3.3.1.18; T 3.3.1.30).

We are naturally inclined, however, to "sympathize more with persons contiguous to us, than with persons remote from us: With our acquaintance, than with strangers" (T 3.3.1.14). And it is only by the artificial principle of justice that human beings enter society, conceptualize general rules and general interests, and extend their sympathy, which is normally limited to friends and acquaintances, to include strangers, including those strangers who live within any given person's narrow circle. The more general views of things on which moral judgments depend are thereby precluded from human beings in their ruder, more natural condition, who, in the absence of justice, lack extensive sympathy.

Humanity and Moral Judgment in the Second *Enquiry*

The primary shortcoming of the moral theory of the *Treatise*, according to Ryan Hanley, is that sympathy is limited by contiguity, while humanity, which Hume emphasizes in the second *Enquiry*, is rooted in the resemblances that human beings share with one another, making it a more effective impetus for the jump from partiality to impartiality.[18] Jacqueline Taylor has shed light on this and other difficulties in the *Treatise*, including the seemingly devastating insight that those in a person's narrow circle, with whom we sympathize when making judgments from the common point of view, might have unrefined tastes and improperly regulated loves themselves.[19] Sympathizing with the narrow circle does not guarantee sound moral judgment. Taylor, too, has suggested that Hume, in his mature moral theory, amended his theory so that it depends not on sympathy, but on humanity as the natural sentiment that elevates human beings from partial to more general points of view.[20]

The natural sentiment of humanity seems to provide Hume with a means by which, even before the institution of the convention of justice, human beings might counter the influence of their partiality and make impartial moral judgments. According to Hume, humanity, which is a principle present in "all human creatures," is "a feeling for the happiness of mankind, and a resentment of their misery" (EPM 9.7; EPM App. 1.3). And this sentiment of humanity is what Hume in the second *Enquiry* calls "the foundation of

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[18] Hanley, "David Hume and the 'Politics of Humanity,'" 215.

[19] Taylor, *Reflecting Subjects*, 117.

[20] Hanley, "David Hume and the 'Politics of Humanity,'" 219, 223.

morals," which causes us to judge in favor of qualities and actions with "useful and beneficial" tendencies (EPM 9.6; EPM App. 1.3).

In the *Treatise*, however, Hume seems to have denied the existence of the natural sentiment of humanity. According to Hume's science of the passions in the *Treatise*, there is no possibility of a general love for humankind.[21] Love, in the *Treatise*, is inherently partial. Hume explains the origin of the passion of love in this way: "Whoever can find the means either by his services, his beauty, or his flattery, to render himself useful or agreeable to us, is sure of our affections: as on the other hand, whoever harms or displeases us never fails to excite our anger or hatred" (T 2.2.3.2). Love, at least initially, arises from considerations of our own pleasure and interest. As Hume writes, "In general, it may be affirm'd, that there is no such passion in human minds, as the love of mankind, merely as such, independent of personal qualities, of services, or of relation to ourself" (T 3.2.1.12). He acknowledges that human beings do not naturally love or hate a person according to abstract considerations, that is, the degree to which they possess a good or bad quality. If that were the case, there would be far fewer instances of disparate moral judgments. "Were there an universal love among all human creatures," Hume writes, "it wou'd appear after the same manner. Any degree of a good quality wou'd cause a stronger affection than the same degree of a bad quality wou'd cause hatred; contrary to what we find by experience" (T 3.2.1.12).

There is some correspondence that Hume allows between virtue and vice and love and hatred. Hume notes that virtue tends to produce love or pride, just as vice tends to produce humility or hatred (T 3.3.1.3). It is possible, then, in Hume's moral theory, for individuals to love the virtuous and desire their welfare. In fact, Hume considers this to be "the good or ill desert of virtue or vice" (T 3.3.1.31). But the ability to love an individual based on general, rather than partial, considerations, for example, her basic humanity or virtuous character, cannot, according to Hume's moral psychology, be attained by the rude, untaught savage. This skill belongs to the "man of temper and judgment" who can distinguish between morals and interests, who can separate the hatred he feels for his enemy and the virtues his enemy possesses. It is only by custom and habit, education and training, that an individual "who has the command of himself, can separate these feelings, and give praise to what deserves it" (T 3.1.2.4). Love, in other words, is an affection that can be

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[21]   Love, according to Hume, is necessarily followed by benevolence, the desire for the happiness of those we love. See T 2.2.6.3; T 3.3.1.30.

aligned with abstract considerations of justice, virtue, or humanity only by means of training and education in society.

Hume admits that it is difficult to love in accord with "universal views and considerations" rather than "private connexions" (EPM 5.42 n. 25). He had already expressed this principle in the *Treatise*: "'Tis seldom men heartily love what lies at a distance from them, and what no way redounds to their particular benefit" (T 3.3.1.18). The wise person, however, can not only overlook his own interest in making general judgments—and thereby "correct those sentiments of blame, which so naturally arise upon any opposition"—but also control his loves so that they match his more general views (T 3.3.1.17). The wise person, accustomed to society, can thereby say that the survey of virtue not only commands my taste, but also "command[s] my love and esteem" (T 3.3.1.25). This kind of abstract love, however, whether of the virtuous person or of humanity in general, is entirely inaccessible to the rude, untaught savage. Neither extensive sympathy, nor the general love of humanity, appears capable of promoting impartial moral viewpoints in the absence of law and government, society and conversation.

THE CENTRALITY OF CONVENTIONS

In the second *Enquiry*, similarly, Hume makes clear that a "rude, untaught savage" does not regulate his affections according to abstract determinations of virtue and vice. A person "accustomed to society," on the other hand, is much more likely to do so. "A rude, untaught savage," Hume writes, "regulates chiefly his love and hatred by the ideas of private utility and injury." The rude, untaught savage is incapable of regulating his love and hatred by more impartial and general measures of character—and even of making impartial and general judgments of character—because the savage has only "faint conceptions of a general rule or system of behavior" (EPM 9.8 n. 57).

In fact, the rude, untaught savage is ignorant of a number of general systems of behavior, or conventions, that must be established before impartial moral distinctions can develop. Moral distinctions, after all, are ever valid only if they are impartial. The conventions of justice and government, which make large society possible, and the convention of good breeding, which makes polite conversation possible, are all required for impartial moral distinctions to take place.[22] These conventions give rise to society and conversation. And

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[22] See, for example, T 3.3.2.10 and David Hume, *Essays, Moral, Political, and Literary* (Indianapolis, IN: Liberty Fund, 1987), 132.

it is in society and conversation, Hume argues, that the person who is "accustomed to society" finally becomes capable of undertaking "more enlarged reflections" on the subject of morals (EPM 9.8 n. 57).[23]

In both the *Treatise* and the second *Enquiry*, Hume contends that the contradictory judgments of characters and manners with which we are confronted in society and conversation are resolved by the creation of a certain kind of linguistic convention.[24] This convention fixes the moral terminology that enables us to distinguish between virtue and vice. A certain moral language must arise to help us separate moral distinctions from interested affections. "Language must soon be moulded upon [these distinctions], and must invent a peculiar set of terms," Hume argues, "in order to express those universal sentiments of censure or approbation, which arise from humanity, or from views of general usefulness and its contrary. Virtue and vice become then known: Morals are recognized: Certain general ideas are framed of human conduct and behavior." Only after this moral language arises, Hume remarks, "are the particular sentiments of self-love [viz., avarice and ambition] frequently controuled and limited" (EPM 9.8).

"The language of self-love," by which "a man denominates another his enemy, his rival, his antagonist, his adversary," is not, Hume insists, the language of morality. The language of morality requires that a person "depart from his private and particular situation" and assume a "common point of view" (EPM 9.6).[25] And it would seem as if this moral language is, as all languages are, according to Hume, "establish'd by human convention" (T 3.2.2.10). And it would also seem as if this convention is yet another, like those of justice, government, and good manners, that has as its end the mitigation of partiality, that is, private interests stemming from avarice and ambition.

Hume expressed the same idea in the *Treatise* when he maintained that the development of the moral sentiment in society depends on adherence to "the general rules of morality." These general rules seem not only to exist on the same plane as other conventions, but also to follow from them, since those other conventions, namely, the conventions of justice, government, and

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[23] While Taylor contends that Hume places greater emphasis on the role of conversation in the creation of moral standards in the second *Enquiry*, Cohon offers the reminder that the import of conversation is also evident in the *Treatise*. See Taylor, *Reflecting Subjects*, 122–23; Cohon, *Hume's Morality*, 151.

[24] See, for example, T 3.3.1.21; T 3.3.3.2; and Hume, *Essays*, 227, 229.

[25] Hume's account of the rise of moral discourse in the second *Enquiry* mirrors Hume's account of the rise of aesthetic discourse in *Essays*, 239.

good breeding, are conventions that sustain the realm of society and conversation (T 3.3.1.18). And Hume professes that it is "in common life and conversation" that moral evaluations take place and that moral language is formed (T 3.3.4.4). He argues that "the intercourse of sentiments…*in society and conversation*…makes us form some general inalterable standard, by which we may approve or disapprove of characters and manners" (T 3.3.3.2). The development of moral language rooted in the sentiment of humanity, then, depends on the support of these prior conventions.

The Superiority of Modern Commercial Society

Social structures matter for moral evaluation. They can help or hinder the process by which we, by means of the sentiment of humanity, make moral distinctions. Jacqueline Taylor argues that Hume, who, in Enlightenment fashion, makes the promotion of humanity central to his moral project, "examines the negative effects of inhumanity…and again looks at the legal, political, and economic contexts that allow inhumanity to take hold, especially in those with power over others."[26] Hume, according to Taylor, "is not a relativist about justice and social arrangements."[27] Hume, in fact, employs his political science to condemn political and economic arrangements insofar as they pervert or diminish our sense of humanity.[28] Taylor, applying a Humean line of reasoning, mentions polygamy and slavery, as well as other social arrangements that exacerbate power inequalities—particularly in regard to race and gender—as "inhumane" from a Humean perspective.[29]

Taylor acknowledges Hume's strong claims on behalf of the virtues of commercial society, which are rooted in Hume's belief that commercial practices are reliable sources of humanity.[30] Nevertheless, Taylor does not think that Hume draws a bright-line distinction between ancient and modern societies.[31] Instead, Taylor suggests that "Hume gives a fairly balanced treatment of ancient and modern societies."[32] According to Taylor's interpretation, Hume offers a moral defense of any society that encourages justice,

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[26] Taylor, *Reflecting Subjects*, 161.

[27] Ibid., 173.

[28] Ibid., 178.

[29] Ibid., 173.

[30] Ibid., 188–89.

[31] Ibid., 165.

[32] Ibid., 160.

benevolence, and humanity, be that society ancient or modern. It seems, how-ever, that Hume thinks not only that modern society is superior to ancient society in the promotion of humanity, but that modern commercial society in particular, like that in which he lived and which he had seen produce dras-tic improvements in quality of life in Scotland during the eighteenth century, contained precisely the kind of conventions necessary to cultivate the senti-ment of humanity that, according to Hume, is the foundation of morals.

One of Hume's central points, in both the *Treatise* and the second *Enquiry*, is that moral judgment, the propensity to distinguish between traits odious and laudable, is natural, rooted in the moral sentiment. It would thus seem that, whether a person inhabited an ancient, feudal, or commercial society, he or she would be equally capable of distinguishing virtue from vice. And in the *Essays*, Hume concedes quite plainly that all human beings, in all ages, praise certain moral characters. "It is indeed obvious," Hume writes, "that writers of all nations and all ages concur in applauding justice, humanity, magnanimity, prudence, veracity; and in blaming the opposite qualities."[33] And in the second *Enquiry*, too, Hume contends that "an Athenian and a French man of merit [would] certainly resemble each other," exhibiting "good sense, knowledge, wit, eloquence, humanity, fidelity, truth, justice, courage, temperance, constancy, [and] dignity of mind."[34]

Hume makes this last assertion, about the similarities between an Athe-nian and a French man of merit, in order to disprove the relativistic approach to morals defended by Palamedes, in the Dialogue that is appended to Hume's second *Enquiry*. Hume accounts for the different moral standards that arise in different nations and ages by arguing that the same principles of morals are expressed differently in various circumstances. The principles that remain universal, for Hume, are those he defends throughout his philosophical writ-ings, namely, that human beings praise those qualities that are "useful, or agreeable to a man himself, or to others" (D 37). Hume admits that in certain social arrangements there is a tendency to arrive at "erroneous conclusions" about virtue and vice. Nevertheless, he remarks, these erroneous conclusions "can be corrected by sounder reasoning and larger experience" (D 36).

Hume acknowledges that sounder reasoning and larger experience can be facilitated by laws and institutions. After all, different moral judgments arise in different social arrangements. He suggests that "the differences of

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[33] Hume, *Essays*, 228.

[34] Hume, *Principles of Morals*, "A Dialogue," ¶27. Henceforward D, followed by paragraph.

moral sentiment, which naturally arise from a republican or monarchical government, are also very obvious; as well as those which proceed from general riches or poverty, union or faction, ignorance or learning" (D 51). Interestingly, Hume highlights throughout his corpus the poverty, faction, and ignorance that plagued ancient and feudal societies. And in the *History of England*, Hume praises the modern civilized age because of its "close connexion with virtue and humanity," while dismissing the "many barbarous ages" that preceded it, because of their lack of such a connection.[35] In fact, Hume regards the age beginning with the Tudors as "the useful, as well as the more agreeable part of modern annals," in which commercial activity began to alleviate poverty, centralized government began to mitigate faction, and the state church curbed the independent influence of ignorance and superstition on public affairs.[36] In these passages, Hume clearly issues a positive moral judgment of the modern age on account of the virtue and humanity it made possible.

Hume followed Montesquieu in arguing that commercial mores were productive of peace and good morals. In the first edition of *An Enquiry concerning the Principles of Morals*, Hume described Montesquieu's *De l'esprit des lois* as "the best system of political knowledge, that, perhaps, has ever yet been communicated to the world."[37] For both Montesquieu and Hume, commerce between nations gives rise to a cosmopolitan ethos and a spirit of self-improvement.[38] This allowed England, for example, to learn from French *politesse*, and France to learn from England's system of economic liberty.[39] As Montesquieu observed, "Commerce has spread knowledge of the mores of all nations everywhere; they have been compared to each other, and good things have resulted from this."[40]

But Montesquieu was more skeptical than Hume about the sufficiency of a system of morality derived solely from a modern commercial way of life.

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[35] David Hume, *The History of England from the Invasion of Julius Caesar to the Revolution in 1688* (Indianapolis, IN: Liberty Fund, 1983), 2:518–19.

[36] Ibid., 3:81–82.

[37] Quoted in James A. Harris, *Hume: An Intellectual Biography* (New York: Cambridge University Press, 2015), 250.

[38] For evidence of this in Montesquieu's writings, see Ursula Haskins Gonthier, *Montesquieu and England: Enlightened Exchanges, 1689–1755*, Enlightenment World 16 (Brookfield, VT: Pickering & Chatto, 2010).

[39] Hume, *Essays*, 90–93, 122–25.

[40] Charles de Montesquieu, *The Spirit of the Laws*, ed. and trans. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (New York: Cambridge University Press, 1989), 338.

Montesquieu acknowledged that commerce "polishes and softens barbarous mores." But while Montesquieu admitted that "commerce cures destructive prejudices," making mores "less fierce," he also argued that "commerce corrupts pure mores." According to Montesquieu, commerce corrupts pure morals by substituting the motive of interest for the motive of humanity, so that "the smallest things, those required by humanity, are done or given for money."[41] Montesquieu also criticized individuals in commercial societies who valued all things by wealth and who spoke only "of manufacturing, commerce, finance, wealth, and even luxury."[42]

Montesquieu, unlike Hume, perceived that there was some value in barbarous mores. Montesquieu provided a qualified defense of honor-yielding institutions in feudal society, which he described as the only effective counter to a moral and legal system built on the principle of economic expediency alone. Institutions built on the principle of honor, though the product of a more feudal and barbarous era, could, according to Montesquieu, produce a spirit of self-sacrifice and moderation missing from commercial society.[43] For Montesquieu, a premodern conception of honor could serve as a correction for commercial excess.

While Hume acknowledges that warlike societies and peaceful societies produce entirely different moral sentiments, he argues the former hold no value in the modern world. Whereas feudal society was bellicose, commercial society is peaceful. "And indeed, we may observe," Hume writes, "that, as the difference between war and peace is the greatest that arises among nations and public societies, it produces also the greatest variations in moral sentiment, and diversifies the most our ideas of virtue and personal merit" (D 39). In civilized societies, Hume suggests, military virtues have neither the same allure nor the same usefulness as they possessed in barbaric and feudal societies, where, for example, manorial, imperial, and ecclesiastical actors constantly needed to defend their territorial and jurisdictional claims. Hume even bemoans "the evils, which this suppos'd virtue has produc'd in human society." Observing the devastation caused by martial heroism, Hume observes that "men of cool reflection are not so sanguine in their praises of

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[41] Ibid., 338–39.

[42] Ibid., 23.

[43] For more on this perspective, see Constantine Vassiliou, "'Le Système de John Law' and the Spectre of Modern Despotism in the Political Thought of Montesquieu," *Lumen: Selected Proceedings from the Canadian Society for Eighteenth-Century Studies*, no. 38 (2019): 161–78.

[heroism, or military glory]." Instead, "we are more inclin'd to hate than admire the ambition of heroes" (T 3.3.2.15).

Here Hume, pointing to the evil tendencies of a bygone conception of heroism, regards that kind of heroism as a vice, rather than a virtue, something to be hated rather than loved. According to Hume, the "uncultivated" and "barbarous" societies that made courage "the predominant excellence," one that was "most celebrated by poets, recommended by parents and instructors, and admired by the public in general," produced a different ethical system from the one that moderns enjoy. Hume credits this difference to the fact that feudal and barbarous societies did not have "full experience of the advantages attending beneficence, justice, and the social virtues" (EPM 7.15). The premodern Anglo-Saxons, for example, did not enjoy the "full experience" of justice. Instead, they were "in general a rude, uncultivated people… untamed to submission under law and government." They were, Hume notes, "very little advanced beyond the rude state of nature."[44] Neither feudal nor ancient societies, on Hume's account, truly fulfill the requirements of justice that Hume laid out in book 3 of the *Treatise*. They consequently gave rise to a nonideal sphere of society and conversation in which to construct moral judgments. It is for this reason, Hume suggests, that "the ethics of Homer, in this particular, [are] very different from those of Fénelon, his elegant imitator" (EPM 7.15).

Hume does, at one point, note the similarities between the moral views present in the works of the poets "from Homer down to Fenelon," who "bestow their applause and blame on the same virtues and vices."[45] Hume nevertheless remarks that Homer's heroes are much less laudable than Fénelon's. In Homer, for example, Achilles's heroism is conjoined with ferocity. Ulysses's prudence is conjoined with cunning and fraud. In the modern writer Fénelon, however, the hero Telemachus is far more virtuous, displaying great honesty and integrity. The modern writer, inhabiting a civilized society, is evidently far more capable of making valid moral judgments and of depicting them in art. The modern writer can separate the wheat of prudence from the chaff of fraud. The ancient writers, on the other hand, including Homer, display a "want of humanity and of decency" in their moral judgment, and this want "diminishes considerably the merit of their noble performances, and gives modern authors an advantage over them." Hume confesses that "we

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[44] Hume, *History of England*, 1:53, 166–67; 2:521.

[45] Hume, *Essays*, 228.

are displeased to find the limits of vice and virtue so much confounded."[46] He attributes this lack of humanity, which produces false moral distinctions, to the inability of ancient social arrangements to produce the level of humanity needed to make proper moral distinctions. There is no avoiding Hume's clear preference for modernity on this point.[47]

Hume condemned not only the martial bravery lauded by ancient and feudal societies, but also the piety that was praised throughout the medieval era. In fact, Hume, differing from every other Scottish Enlightenment writer, did *not* include piety in his catalogue of virtues and even transferred the supposed "monkish virtues" to his catalogue of vices (EPM 9.3).[48] According to Hume's rendering of history, "after Christianity became the established religion," priests "engendered a spirit of persecution, which has ever since been the poison of human society, and the source of the most inveterate factions in every government."[49] Religion, as a source of "bigotry or superstition," served, like the bellicosity of ancient and feudal regimes, to "confound the sentiments of morality, and alter the natural boundaries of vice and virtue."[50]

Modern commercial society, however, reflects a value system that, according to Hume, is different from, and superior to, premodern social arrangements, including the classical republics pursued by philosophers, which prioritized political liberty and martial courage, and the confessional states pursued by religionists, which prioritized piety. The faction, violence, and ignorance promoted by these older social arrangements confound moral

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[46] Ibid., 246.

[47] Taylor, too, recognizes Hume's point that "in societies that prize and privilege martial bravery, we find humanity and general compassion for others extinguished." See Taylor, *Reflecting Subjects*, 162; EPM 7.13–14.

[48] On piety, see Colin Heydt, "Practical Ethics," in *The Oxford Handbook of British Philosophy in the Eighteenth Century*, ed. James A. Harris (Oxford: Oxford University Press, 2013), 369.

[49] Hume, *Essays*, 64. Voltaire, too, had declared that "of all religions, the Christian should of course inspire the most toleration, but till now the Christians have been *the most intolerant* of all men." Quoted in Arthur M. Melzer, *Philosophy between the Lines: The Lost History of Esoteric Writing* (London: University of Chicago Press, 2014), 144–45. Rousseau agreed with Voltaire that Christian monotheism was much less tolerant than pagan polytheism. Hume developed this argument in his *Natural History of Religion*, writing, "The intolerance of almost all religions, which have maintained the unity of God, is as remarkable as the contrary principle of polytheists." See Hume, *Principal Writings on Religion: Including Dialogues concerning Natural Religion and The Natural History of Religion*, ed. J. C. A. Gaskin (New York: Oxford University Press, 1998), 161–64. In his essays, Hume cites Machiavelli's *Discourses on Livy* and elevates pagan virtues over Christian virtues, regarding the former as active and the latter as passive. See Frederick G. Whelan, *Hume and Machiavelli: Political Realism and Liberal Thought* (Lanham, MD: Lexington Books, 2004), 11–14.

[50] Hume, *Essays*, 247.

judgments. The partiality of precommercial social arrangements, moreover, reinforced partial judgments of characters and manners, which were reflective of the friend-enemy language of self-love rather than the language of morality. Partial judgments of this kind are invalid moral judgments, insofar as they fail to attain that impartiality which Hume considers characteristic of true moral distinctions.

According to Hume's moral theory, actions and affections that correspond with calm, impartial judgments rather than violent, partial judgments advance the interests of society and the long-term interests of the individual. Naturally, however, "the temptation of present ease or pleasure" disrupts the pursuit of "more distant profit and enjoyment." The prospect of "small enjoyment" at the present moment obstructs "all distant views to fame, health, or fortune" (EPM 6.15). It is more natural for human beings to act for the benefit of friends rather than enemies, or strangers, just as it is more natural for human beings to act for the sake of nearer, rather than more distant pleasures. For this reason, they must develop the virtue of strength of mind to order their actions toward long-term profit and enjoyment rather than the quick satisfaction that comes from vengeance or fraud, for example (T 2.3.3.9–10). Still, Hume argues in the *Treatise* "that when we wou'd govern a man, and push him to any action, 'twill commonly be better policy to work upon the violent rather than the calm passions, and rather take him by his inclination, than what is vulgarly call'd his *reason*" (T 2.3.4.1). A civilized government that enforces the rules of justice makes the threat of punishment greater than the prospect of illicit gain. It opens people's minds to the good of society, as a whole, which stretches beyond the confines of smaller familial, manorial, or religious units. This innovation transforms human instinct, forcing the normally myopic individual to be more attentive to long-term individual and collective interest in a way that individuals in premodern social arrangement simply could not be.

According to Hume, uncultivated, noncommercial nations, by creating entire social arrangements based on partiality, failed to bring about the universal reign of humanity. Although "theories of abstract philosophy, systems of profound theology, have prevailed during one age," Hume argues, "in a successive period," namely, that of modern commercial and polite society, "these have been universally exploded: Their absurdity has been detected."[51] The values of modernity, moreover, are universally attainable, unlike the values

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[51] Hume, *Essays*, 242.

of warlike or superstitious peoples, who require enemies to vanquish and heretics to banish. Hume remarks, for example, that "courage, of all national qualities, is the most precarious; because it is exerted only at intervals, and by a few in every nation; whereas industry, knowledge, and civility, may be of constant and universal use, and for several ages, may become habitual to the whole people."[52]

By cultivating the sentiment of humanity, a society can, according to Hume, finally banish those false moral judgments that conform to, rather than correct, humanity's innate partiality. Martial courage and piety, after all, grow not out of a universal love of humankind, but out of an excessive concern for one's own group—whether tribe, religion, or nation. And these supposed virtues justify violence, exclusion, and withdrawal from society in ways that, in Hume's terms, are pernicious, rather than useful or beneficial.

Advanced societies, on the other hand, generate the kinds of conversations that direct human beings toward general views, common interests, and beneficial tendencies. In advanced societies, Hume remarks, human beings no longer live in "solitude, or live with their fellow-citizens in that distant manner, which is peculiar to ignorant and barbarous nations." Instead, they "flock into cities" and after greater communication and commerce find "an increase of humanity, from the very habit of conversing together, and contributing to each other's pleasure and entertainment."[53] For this reason, Hume insists, "humanity…is the chief characteristic which distinguishes a civilized age from times of barbarity and ignorance."[54]

Conclusion

Hume, a social scientist concerned with the institutional origins of civilization, finds in modern commercial practices the most effective "artificial socialization devices" available to humanity.[55] And without these artificial socialization devices, there is no way to breathe life into the sentiment of humanity, the foundation of morals, that is missing from the savage but present in the breast of the civilized person, who is accustomed to society.

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[52] Ibid., 212.

[53] Ibid., 269–70.

[54] Ibid., 284.

[55] Sagar uses this term to describe the respective aims of both Hobbes's and Mandeville's political science. See Sagar, *Opinion of Mankind*, 33–34, 45.

Though Hume, in both the *Treatise* and the second *Enquiry*, tried to establish a *via media* between the natural sociability theorists—Shaftesbury and Hutcheson—and the selfish theorists of morals—Hobbes and Mandeville—he seems ultimately to have sanctioned the central insight of the latter, namely, that morality is conventional all the way down. Hume's narrative of the progress of human society shows how the general rules of justice, of government, of good manners, and morals, all of which are the product of artifice, succeed one another and are justified by their usefulness. Hume asserts, after all, that the "general standard of vice and virtue" is, in the end, "founded chiefly," like the rest of these conventions, "on general usefulness" (EPM 5.42 n. 25).

J. L. Mackie had claimed that Hume's moral theory would be more convincing—and more consistent—if Hume plainly asserted what is implied in his texts, namely, that the use of moral language, by which we praise the so-called artificial virtues (e.g., honesty and fidelity) and the so-called natural virtues (e.g., prudence and industry) are "similarly supported by what we can understand as conventions."[56] And Annette Baier, too, concluded, "I can agree with Mackie that some 'artifice' is needed for the recognition of all the Humean virtues, since some artifice is essential in adopting the viewpoint needed for 'seeing' them."[57] The conventions of justice, government, and polite manners are instituted to further the interests of society. And moral language, which is developed within society and conversation and which underlies all appellations of virtue and vice, is similarly used to further "the interests of society" (EPM 2.17) and along with it, the long-term interest of the individual.[58]

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[56] Mackie, *Hume's Moral Theory*, 129.

[57] Annette Baier, *A Progress of Sentiments: Reflections on Hume's "Treatise"* (Cambridge, MA: Harvard University Press, 1991), 179.

[58] See also Taylor, *Reflecting Subjects*, 123, 127.