

Common Will or Shared Interests? David Hume on Political Society

Introduction

Rawls and Rawlsians often speak about two contrasting ideas of society: the social contract one and the utilitarian one (Rawls 2001, 95-6). In this paper I argue that there is another contrast that is more important: that between political society as the embodiment of a common will and society as a product of shared interests. If the social contract tradition provides the most articulate defence of the former, I here argue that David Hume offers a compelling defence of the latter.

According to the reading I here propose, Hume's critique of the social contract amounts to a critique of the idea of political society as the expression of a common will. Hume's theory does away with the need for a normative consensus, since it conceives of political society as a conventional reality sustained a set of basic shared interests, such as an interest in cooperation, peace and stability. Hume's theory, I therefore argue, offers a compelling account of a genuinely *political* liberalism.

The paper is composed of three sections. In Section 1, I offer an interpretation of the social contract tradition, arguing that this tradition sees political society as the embodiment of a common will. In Section II, I draw on Hume's *Treatise* to present a Humean alternative, i.e. political society as the product of shared interests. In Section III, I defend the latter against two possible objections. I then conclude with some general remarks concerning the value of taking Hume seriously for the project of political liberalism.

1. The Social Contract as Common Will

John Rawls's *A Theory of Justice* is usually taken to represent the resuscitation of the social contract tradition in political philosophy. Rawls says there that his aim is to “generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant” (Rawls 1999, xviii). Along with this appeal to the social contract tradition comes the recuperation and consolidation of a specific view concerning the nature of political society. We can look at the words of founders of the social contract tradition themselves to get a sense of what his view consists in. Here is what Hobbes, Locke, Rousseau and Kant have to say on the nature of political authority and political society at critical junctures of their reasoning on the logic of the social contract:

“The only way to erect such a common power [...] is to confer all their power and strength upon one Man, or upon one Assembly of men, *that may reduce all their Wills, by plurality of voices, unto one Will*: which is as much as to say, to appoint one Man, or Assembly of men, to bear their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their person, shall Act, or cause to be Acted, in those things which concern the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgments to his Judgment. This is more than Consent, or Concord; it is a real Unitie of them all in one and the same Person, made by Covenant of every man with every man.” (Hobbes, *Leviathan*, XVIII, emphasis added)

“For the Essence and Union of the Society consisting in having *one Will*, the Legislative, when once established by the Majority, has the declaring, and as it were keeping of that Will.” (Locke, *Second Treatise*, XIX, p. 407, emphases added, original emphases removed)

“If, then, one sets aside everything that is not of the essence of the social compact, one finds that it can be reduced to the following terms: *Each of us puts his person and his full power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole.*” (Rousseau, *Social Contract*, Bk. 1, ch. 7, emphasis in original)

“This contract [...] based on *a coalition of wills* of all private individuals in a nation to form a *common public will* [...] is in fact merely an idea of reason, which nonetheless has undoubted practical reality; for it can oblige every legislator to frame his laws in such a way that they could have been produced by *the united will of a*

whole nation, and to regard each subject, in so far as he can claim citizenship, as if he had consented within *the general will*.” (Kant, “Theory and Practice,” p. 79, emphases added, original emphasis removed)

In spite of all that distinguishes each thinker from the others, we can see that these four great contractarian thinkers all understand the kind of political society instituted by the social contract as a union of wills.¹ The parties contracting in the state of nature decide to set up a very specific kind of association, one in which a plurality of wills is reduced to a single will, which a sovereign authority then embodies and represents. There is, of course, a great difference between, say, Hobbes’s “one Will” and Kant’s “common public will.” The nature of these two conceptions of will and what each of them thinks this single will wills differs in these two cases. The logic of the social contract, however, leads to a uniform conclusion in both these undoubtedly very different cases. The inconveniences of the state of nature are overcome by the amalgamation of different conflicting wills into a single, homogenous one. This single sovereign will wills what is just and good for all, thus creating that framework of legal and political norms that makes orderly and productive collective life possible. The principles and the justification of those principles willed by the sovereign come to be willed by all members of the political association. Of course, this does not mean that individual wills are completely obliterated.² Rather, more fundamentally, it means that the basic set of political and legal norms that the sovereign wills are willed by all the members of the political association. All of them collectively *will* the same set of, say, principles of justice instituted by the sovereign.

¹ I think there are good reasons to believe that Hobbes is engaged in a project that is very different from those of Locke, Rousseau and Kant. In my view his thinking is much closer to that of the Hume I portray below. But I won’t pursue the matter further here.

² Each one of these four thinkers (even Hobbes) has been interpreted as a liberal (e.g. Oakeshott 1947).

In resuscitating the social contract tradition John Rawls is resuscitating this specific understanding of political society as the embodiment of a common will. The contract Rawls identifies is not one concerned with individuals entering a particular society or setting up a particular form of government. Rather, he adopts the contract framework to show that the principles of justice for the basic structure of society can be the object of an **original agreement**. The contract framework is a useful way of conveying the idea that **principles of justice may be conceived as principles that would be chosen by rational persons**; as such, it reveals how such principles can be both explained and justified (TJ 14-5).

Theory is devoted to the task of showing why justice as fairness is superior to classical utilitarianism. It is superior, Rawls suggests, because its principles would be chosen by rational individuals from an “original position” of perfect equality. This ‘original position’ that Rawls models is equivalent to the “state of nature” in traditional social contract theory. In Rawls’s ‘state of nature’, individuals choose principles of justice from behind a “veil of ignorance,” which forces them to abstract from morally irrelevant factors. Like its predecessors, Rawls’s social contract is hypothetical: it reveals not what real individuals do agree to, but rather what free, equal and fair individuals would agree to. By rejecting the social contract method, classical utilitarianism ends up rejecting the idea that **principles of political justice should reflect the agreement of free and equal citizens** guided by ideals of fairness and reciprocity.

Rawls’s theory of public reason expresses the same basic moral insight of his contractarianism more generally. What citizens engaging in public reasoning are acknowledging is the idea that **laws and political institutions have to be justifiable to each and every one of them by reference to some common moral point of view**

(Quong 2011). It is only to the extent that laws and political institutions are supported by reason that all can accept that they can be said to be grounded in the kind of general moral agreement that the social contract doctrine envisages. It is therefore indispensable, Larmore thinks, to keep in mind the contractarian framework Rawls sets out in *Theory* when thinking about his later theory of public reason (Larmore 2002). The real import of the language of social contract in Rawls, he explains, lies in its ability to express the value of persons taking one another into account when devising principles of justice, and in this being a matter of public knowledge. In *Theory*, these ideals were captured by what Rawls calls “publicity.” Rawls conceives of publicity as the demand that the reasons each person has to endorse his principles be reasons for others as well. The theory of public reason is thus a natural development of Rawls’s contractarianism, in the sense that it systematises the contractarian idea that principles of justice be grounded in a “shared point of view” that is publicly recognised and acknowledged (Larmore 2002, 371). As Samuel Freeman puts it, the kind of publicly justified principles Rawls is after are those that “would be willed and agreed to from a shared point of view” (Freeman 1990).

Public reason is the reason of this common will among democratic citizens in a well-ordered society. Rawls discusses the idea’s pedigree in his lectures on Rousseau:

“It is the fundamental interests secured for each citizen – and not the greatest satisfaction of our various interests of all kinds both fundamental and particular – that specify our good from the point of view of the general will. These fundamental interests everyone shares. The appropriate grounds for basic laws is that they secure through social cooperation, on terms all would agree to, the social conditions necessary to realize those interests.

To express this idea from the point of view of the general will, we say that only reasons based on the fundamental interests we share as citizens should count as reasons when we are acting as members of the assembly in enacting constitutional norms or basic laws. From that point of view, those fundamental interests take absolute priority over our particular interests in the order of reasons there appropriate.

When we vote on fundamental laws, we are to give our opinion as to which laws best establish the political and social conditions enabling everyone equally to advance their fundamental interests.

Note that the idea of a point of view, as used in these remarks, is an idea of deliberative reason, and as such has a certain rough structure: that is, it is framed to consider certain kinds of questions – those about which constitutional norms or basic laws best advance the common good – and it admits only certain kinds of reasons as having any weight. Thus, it is clear from this that Rousseau’s view contains an idea of what I have called public reason. So far as I know the idea originates with him.” (Rawls 2007, 230-231)

The idea of public reason, then, essentially rearticulates the logic of Rousseau’s idea of the general will. For Rousseau, the general will is the will of the “body politic,” which in his view can be looked upon as an “organized body, alive, and similar to a man’s.” (Rousseau [1755] 1997, 6). The body politic is not a mere organisation of different elements – with the sovereign power representing the “head” and citizens the “body and the members that make the machine move, live, and work” – but is rather a “moral being that has a will.” “For all the members of the state, in relation to one another and to it,” the general will is the “rule of what is just and what is unjust.” Unlike particular wills, which tend to particular goods, the general will always tends to the “preservation and the well-being of the whole and of each part.” Rousseau’s social contract is about the constitution of this general will, which establishes the common point of view on the basis of which laws are formulated and thereby secures political society from the “seduction by particular wills” (Rousseau [1762] 1997, 66-8).

The idea of public reason is elaborated explicitly upon in Rousseau’s writings. In his *Discourse on Political Economy*, for example, Rousseau examines the differences between the government of the family and the government of political society. Since the family’s chief has a natural interest in the happiness of the private individuals constituting the family, by pursuing his own ‘private’ happiness he

automatically pursues that of the other family members. This is not the case in political society, where the leader's good usually comes at the price of the citizens' misery. "Abuses are inevitable and its consequences fatal in any society," Rousseau writes, "where the public interest and the laws have no natural force whatsoever, and are constantly under attack from the personal interest and the passions of the chief as well as of the members" (Rousseau [1755] 1997, 5). Whilst the chief in a family can follow "his heart" (i.e. his "natural" instincts) when deliberating and making decisions, the magistrate should "follow no other rule than the public reason, which is the law." Laws and institutions that are publicly justified by means of public reasoning are an expression of a general will that unites citizens around a set of shared moral commitments.

By approaching Rawls's theory from this broader angle it is possible to gain a new perspective on the nature of the transition from the comprehensive liberalism of *Theory* to the political liberalism of his later works. From this broader angle, it seems as though there is not much of a transition to account for. With the move to a political liberalism it is not a wholesale rejection of the idea of political society as the embodiment of a common will that we witness; what we witness, rather, is a reformulation of the idea on the basis of the comprehensive-political distinction. Traditional social contract theorists like Rousseau and Kant conceive of political society as a common will that wills a specific comprehensive end. We have seen that Rawls thinks this is no longer possible once the fact of reasonable pluralism is taken seriously into account. Rawls does not reject the idea of the common will but rather redirects the end of that will, from a comprehensive to a strictly political end.

In *Political Liberalism*, then, we see Rawls argue that although they do not share a comprehensive doctrine, "in the well-ordered society of justice as fairness

citizens share a common aim and one that has high priority: namely, the aim of insuring that political and social institutions are just, and of giving justice to persons generally, as what citizens need for themselves and want for one another” (Rawls 2005, 146, fn. 13). In a context of reasonable pluralism, what the common will wills is no longer an ideal of life but rather, more modestly, an ideal of democratic citizenship.

2. David Hume on the Social Contract

What I would like to now suggest is that in the political theory of David Hume one can find a very different account of the nature of political society. In fact, not only is his account different; it is also, I want to argue, more convincing. This has not in my view been appreciated enough by contemporary political theorists. In general, Hume has remained a relatively marginal figure in the contemporary debate on the nature and future of liberalism. The main reason for this should probably be traced back to *Theory's* impact. *Theory* engages primarily with the utilitarian tradition, “the most influential and longest continuing tradition in English speaking moral philosophy,” according to Rawls (Rawls 1999, 162). According to his interpretation, utilitarianism’s “main idea is that society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it” (Rawls 1999, 20). Hume is situated by Rawls at the origins of the utilitarian tradition. For a utilitarian like Hume, we have a reason to support a specific regime when its continued existence and effectiveness promotes the welfare of the people, and not in virtue of any original agreement or contract. By obliterating utilitarianism, it is assumed that Rawls laid Hume’s legacy to rest.

Even among the critics of the Rawlsian project Hume's voice has remained relatively marginal. Critics who have sought to pursue an even more radically 'political' articulation of liberalism – “modus vivendi” liberals – have themselves tended to appeal generally to Hobbes. John Gray (2000) and Patrick Neal (1997) have put forward explicitly Hobbesian defences of a modus vivendi interpretation of political liberalism. The agonistic view of social and political life, the sceptical reluctance to appeal to universally valid moral ideals, the minimalistic emphasis on compromise as the basis of political settlements are basic aspects of Hobbes's political thought that both have found congenial.

There have certainly been Humean critics of the Rawlsian project. John Horton is, arguably, a theorist that has offered a more Humean interpretation of modus vivendi. When he writes that in his view “a modus vivendi emerges through the deployment of whatever moral, intellectual, cultural, rhetorical, emotional, material, motivational and other resources that the parties can mobilise in the political process,” it is obvious in what sense such a pluralistic account of the sources of political order could be interpreted as Humean (Horton unpub., 7-8). However, he does not explicitly present references to Hume, or acknowledge any debt to him. His political theory of modus vivendi is influenced by Bernard Williams, John Gray, Glen Newey, Bonnie Honig, Judith Shklar, Patrick Neal, Michael Oakeshott and Richard Rorty. It is only by a process of extrapolation and interpretation of his own writings as well as of those he claims he has been influenced by that Humean themes can be evinced.

Chandran Kukathas has put forward a modus vivendi interpretation of liberalism that is more explicitly “sceptical, Humean” (Kukathas 2003, 210). Hume enters his argument at various stages. Kukathas's discussion of political obligation,

for example, draws explicitly on Hume's rejection of consent-based theories (162ff). Kukathas's philosophical anthropology is similarly Humean in derivation. However, though Hume's presence is certainly more considerable than in Horton's case, the Humean constituents of Kukathas's *modus vivendi* liberalism remain largely implicit throughout the discussion. Since Hume's account of political society is never directly tackled by Kukathas, it is not obvious in what sense his proposal of a "liberal archipelago" rests on Humean foundations.

Andrew Sabl's recent intervention in the debate between "moralism" and "realism" marks an important shift in the appreciation of Hume's potential contribution to contemporary debates. Sabl intervenes in that debate with a book, *Hume's Politics* (2012), exclusively devoted to Hume's political thought and relating it to contemporary theoretical debates. Drawing primarily on Hume's *History of England*, Sabl's account is centred on the idea that, according to Hume, political society need not be seen to rest on a normative consensus, but should rather be understood as a response to coordination problems between individuals and groups with different interests. Hume responds to the problem of coordinating large-scale and complex social endeavours with a theory of "constitutional conventions." Rather than a normative consensus on principles of political justice, it is peaceful procedures for choosing political officers and the legitimate bounds of political power that, according to Hume, are the best response available to both the threat of civil war and the potential for abuse of political power. According to Sabl's reading, then, Hume is a realist *avant la lettre*, and offers a convincing theory of politics that is antithetical to the prevailing moralism in contemporary political theory.

Sabl's has not merely shown the theoretical relevance of Hume's often-neglected *History*, but also shed new light on Hume's complex, pluralistic view of the

political and the moral domains. Nonetheless, I think his reconstruction only scratches the surface of Hume's actual challenge to the way political society is generally understood and the way political theory is generally undertaken. It is not by focusing on the 'realism' of Hume's theorising that we put ourselves in a position to appreciate this, but rather, I think, by focusing on his potential contribution to liberal theory. It is only, I want to argue, when one brings to light the kind of conception of political society that underpins his critique of the social contract that this can be truly appreciated.

We need to assess carefully, then, what Hume's critique of social contract theorists consists in.³ On the surface of it, Hume's critique amounts to a three-pronged attack. First, he asks us to fathom the absurdity of supposing that government is based on a contract when in reality all governments can be traced back to violence, force, conquest or (in the case of most monarchies) succession. Second, he asks us to simply look around us, and acknowledge how few are the citizens that would trace back their allegiance to government to any form of either explicit or tacit consent. Third, he deconstructs the idea of "promise" to show how logically absurd the contractarian approach to obligation is. The contract can only be valid if a reliable system of promise-making is in place. However, contractarian thinking cannot account for this specific social norm, which it conjures out of thin air. Promise-making must precede the contract, which means that no kind of contract can be origin of government. Hume therefore thinks that contractarian thinkers have got things political the wrong way round. "The exact observance [of civil duties]," he writes, "is to be consider'd as an effect of the institution of government, and not the obedience to government as an effect of the obligation of a promise." After going through the arguments of the essay

³ Unless otherwise stated, page numbers in parentheses refer to Selby-Bigge and Nidditch edition of the *Treatise*.

in which Hume condenses his critical reflections concerning contractarian thinking (“Of the Original Contract”), Russell Hardin concludes that “this astonishingly smart essay, which is short and acute, should have put an end to contractarian thinking” (Hardin 2007, 120).

But Hume’s critique of the social contract points to something deeper. To show what this consists in, I’d like to start by going through Hume’s reasoning on the origin of government (III.ii.7). To understand the origin of government, Hume thinks, one needs to first understand the origins of justice. Justice, for Hume, pertains exclusively to the sphere of property relations. His starting point is the observation that human society is impossible without a system of property relations, which defines what property is, and how it is demarcated and protected. Property does not exist prior to society, in the sense that it does not originate from relations between an individual and external object. Property, rather, is a function of relations between individuals, who agree upon what is property, and how it is to be transferred and secured. Because it derives from relations between individuals, property is vulnerable to all the imperfections and limitations that inhere in the nature of those individuals. Of those features pertaining to the “natural temper” of man, Hume notes the indisputable preference that every individual has for herself and all those things closer to herself. Individuals are partial towards all those things that affect themselves directly, and this has a bearing on property relations. Selfishness and limited generosity are intrinsic to human nature. Certain characteristics of the external objects generally treated as property compound these difficulties and vulnerabilities. The possession of certain external goods is always vulnerable to the appropriative violence of others and can be transferred without loss. Goods whose possession is inherently unstable also tend to be scarce. Selfishness, instability of possessions and scarcity are the three features

that render property vulnerable in the ‘natural’ state of human affairs. They constitute the internal and external “circumstances of justice” that Rawls refers to.

Justice, in Hume’s scheme, is a remedial virtue, “invented” for the purpose of overcoming the vulnerabilities to which property is inherently prone. Realising that the pursuit of anybody’s interest is jeopardised by the instability of property, members of society agree to a “convention” that stabilises property and leaves “every one in the peaceable enjoyment of what he may acquire by his fortune and industry.” It is important to be clear about what Hume means by ‘invented’ and ‘agreed’ in this context. Members of a society ‘invented’ justice and the laws of nature *by* restraining their natural appetites. There was no agreement *prior* to the invention of justice. Just as the source of the inconveniences that give rise to circumstances of justice is internal to human nature, so, Hume thinks, are the sources of the solution to this predicament: “nature provides a remedy in the judgment and understanding, for what is irregular and incommodious in the affections.” The necessity of instituting such a convention that regulates property does not require refined judgment or sophisticated understanding; every member of society, rather, understands “upon the least reflection” that the codification, in the form of conventions, of the requirement to abstain from the property of others (if others reciprocate) is a fundamental prerequisite for peace and order.

All that a convention is grounded upon, according to Hume, is “a general sense of common interest.” This general sense is something that every member of society ‘intuitively’, we might say, has. Justice consists in this convention, or agreement, and it is upon this convention that the notions of “property,” “right” and “obligation” are then superimposed. Because human society is impossible without justice, Hume thinks that the human condition is an intrinsically social one. And since

the stability of property is necessary for the establishment of (any) human society, he thinks he can refer to norms governing property – the stability of possessions, the transfer of property by consent, and the performance of promises – as the fundamental “laws of nature.” Once these laws of nature are met and the conventions for the regulation of property are established, there is very little else that remains to be done “towards settling a perfect harmony and concord” between members of society.

Political society arises because these ‘spontaneous’ conventions for the stability of property do not suffice. The fact that the human condition is intrinsically social and that human societies devise conventions regulating property without much reflection or awareness does not mean that societies can rely purely on such spontaneous means. Some features of human nature continue to militate against any purely spontaneous kind of ordering. Even though members of society realise that the proper pursuit of interests can only be accomplished by “oblique and indirect means” (i.e. by conventions), they cannot consistently overcome their tendency to prefer what is near and contiguous to what is remote and detached. Individuals will very seldom act in contradiction to their known and direct interests in the name of intangible, remote ones. The benefits of the system of justice are remote and indirect, whilst the benefits of (say) that apple that I can easily steal are near and direct. Since the system of justice is based (at this ‘spontaneous’ stage) purely on the stability of expectations, others who will see me steal that apple will do so as well when presented with the opportunity to do so with impunity. Societies become locked in what game theorists would now call a generalised Prisoner’s Dilemma, in which non-compliance becomes the default strategic choice. The difficulties societies face in overcoming this predicament are considerable, Hume observes:

“This quality [...] of human nature, not only is very dangerous to society, but also seems, on a cursory view, to be incapable of any remedy. The remedy can only come from the consent of men; and if men be incapable of themselves to prefer remote to contiguous, they will never consent to any such thing, which wou’d oblige them to such a choice, and contradict, in so sensible a manner, their natural principles and propensities. Whoever chuses the means, chuses also the end; and if it be impossible for us to prefer what is remote, ’tis equally impossible for us to submit to any necessity, which wou’d oblige us to such a method of acting.” (III.ii.7)

There is no feature of human nature “which causes more fatal errors in our conduct, that that which leads us to prefer whatever is present to the distant and remote, and makes us desire objects more according to their situation than their intrinsic values.”

In small-scale, simple societies, where the interest of complying with the norms of justice are obvious and ‘near’, and where temptations are few (because what we might call the economic surplus is minimal), this human propensity to shirk or free-ride is contained. As soon as society becomes large and complex, however, and the benefits of the general scheme of justice becomes increasingly remote for any individual (why would me stealing this apple lead to a collapse of the entire system of norms?), it is no longer possible to rely entirely on the ‘spontaneous’ generation of order. The possibility of overcoming this predicament by transforming human nature is one that Hume quickly does away with by simply stating that human nature cannot be changed.⁴ It is upon the *circumstances* within which individuals act rather than upon human nature that one must focus if the aim is that of altering human behaviour.

According to Hume’s analysis, to institute government is precisely, and most fundamentally, about *actuating such a change in the circumstances* of some of society’s members, so that what for the majority of them is remote and detached becomes near and contiguous. Government achieves this by placing some individuals – “civil magistrates, kings and their ministers, our governors and rulers” – in a

⁴ This does not mean that Hume thinks that education is always bound to fail (T 523).

position that induces them to see every injustice as something that affects their interest directly. Since they are generally indifferent to the greatest part of society, these magistrates (i) do not benefit from any specific act of injustice and, since they are generally satisfied with their position, (ii) they do not have any personal pursuit diverting them from the strict enforcement of justice. Since man's "violent passions" have a bearing both on the specification of the norms of justice as well as the enforcement of such norms, the task of the magistrate is not merely that of enforcing justice but also identifying what they norms of justice and equality require. This is not all that government is necessary for, or capable of achieving, however. Because of its ability to alter the incentives people face, it is also able to *make* new conventions by placing members of society in a position to develop new common ends or purposes. Assume an interest arises, among the majority of society's members, in the development of (say) a new bridge connecting the two parts of its country. Both the amalgamation of individuals' interest in the construction of the bridge as well the construction itself, however, are vulnerable to free-riding, which makes it impossible for society to coordinate on the construction of the bridge. It is government that makes it possible for society to overcome this stasis and build the bridge. Magistrates are individuals placed in a particular position such that the only interest they have is the interest of seeing that the interests of a "considerable part" of the population are met. Since they only consult themselves when deciding on the construction of the bridge, they can not only reach a decision rapidly but also implement it without hindrances. "Thus," Hume surmises, "bridges are built; harbours open'd; ramparts rais'd; canals form'd; fleets equip'd; and armies disciplin'd; everywhere, by the care of government, which tho' composed of men subject to all human infirmities,

becomes, by one of the finest and subtle inventions imaginable, a composition, that is, in some measure, exempted from all these infirmities.”

As for the sources of political obligation, Hume initially admits that his portrait of the origins of government seems to mirror the theory of the social contract. Government would seem to originate in the realisation on the part of members of society that by setting up such an institution justice can be executed and peace maintained. These members of society gather together, select their magistrates, and promise them obedience. The moral obligation intrinsic to promise-making thus appears as the first obligation to obedience. The idea of government as being based on an original contract is very similar. According to that theory, the act of contracting gives rise to a new obligation on the part of the contractors, who promise to obey the government. The similarity between the two doctrines, Hume emphatically stresses, is but superficial. It is only in those (surely, very few) cases in which individuals contracted their way into political association that the logic of the social contract is pertinent. Like government and natural duties, political duties too are founded on nothing but interest and human conventions. Both natural and political duties “are contriv’d to remedy like inconveniences, and acquire their moral sanction in the same manner, form their remedying those inconveniences.” In large, complex societies, peace and social intercourse would be impossible without the institution of government. The duty of allegiance *follows* the institution of government, so that government may be erected on more solid foundations. Political duties, in other words, “are invented chiefly for the sake” of natural duties.

Hume turns the social-contract logic upside-down: it is because the effective operation of government (its ability, that is, of protecting the pursuit of interest on the part of individuals) requires more than just a ‘natural’ support that political duties are

‘invented’, rather than the other way round, that is, the emergence of government as the expression of a preceding obligation of morality. Natural duties and political duties can both be traced back to interest, though they refer to two distinct kinds of interests: natural duties and the performance of promises ground the trust and reciprocity that makes collective action possible, whilst allegiance to the magistrate ensures security and protection. Hume’s conclusion is unambiguous: “There evidently is no other principle than interest; and if interest first produces obedience to government, the obligation to obedience must cease, whenever the interest ceases, in any great degree, and in a considerable number of instances” (T 553). All this does not imply, however, that political obligation should be taken lightly. Government is, after all, entirely “useless” without an “exact obedience,” he remarks.

Time is a fundamental variable in Hume’s thought. When thinking about our political duties, we rarely trace them back to our explicit consent to the terms of a social contract, or imagine ourselves as potential contractors. Rather, “we naturally suppose ourselves born to submission.” We are habituated, socialised, since our birth, and over time, into certain practices of obedience. Even assuming that the origins of society were contractual in nature, the fact remains that over “some considerable time” an separate interest in submission develops, with its own distinct sense of duty and morality attached. This interest has nothing to do with original consent, but derives rather “from nothing but the *advantage* reap’t from government, which gives us a repugnance to practice resistance ourselves, and makes us displeas’d with any instance of it in others.”

Hume puts forward these theses in the context of his discussion of different forms of regime types. It is clear that from Hume’s perspective no such categorical distinction between regime types is available. All that matters is that a “government”

which protects property and ensures peace and stability is established. Regardless of the form of government, what is important is that **general rules capable of clearly identifying who the magistrates in charge are come to be enforced**. By effectively subduing the partiality of interests that are necessarily inspired in individuals by so grave a matter, **general rules for the selection and identification of magistrates are able to yield undisputed authority**.

Hume thinks that there are **five** possible sources of authority. First, in the form of an **original contract, which stipulates the form of government and yields a promise of obedience to specific individuals**. Second, most importantly, what Hume calls **“long possession,”** which “gives authority to almost all establish’d governments of the world.” When people see specific magistrates rule over a long period of time, they become accustomed to their rule and reconcile themselves with their authority. Time is enough to give rise to the moral obligation to obey a set of magistrates. Third, when time is not a relevant variable, Hume thinks **“present possession” is usually enough**. When uncertainty over who is the rightful bearer of authority reigns, the most natural thing to do is ascribe authority to those who currently possess it. When none of these three options are available, the fourth possible source of authority is **succession**. This is particularly relevant in monarchies, where kings tend to hand over power to their sons.⁵ The fifth and final possible source of authority is the complex of positive laws, which arise from the decisions of a **legislature**. The independence of positive laws as a source of authority is displayed whenever a government tries to radically transform the constitutional order, and meets the opposition of the peoples. With the exception of the first, this account of the sources of authority can scarcely hope to live up to the

⁵ Not merely in monarchies, however. Notice how many ‘dynasties’ arise in democratic politics.

level of precision demanded by philosophers, Hume admits.⁶ Controversies in politics, however, are unfortunately “incapable of any decision in most cases, and [...] entirely subordinate to the interests of peace and liberty.”

We have seen that ‘interest’ is central to Hume’s political thinking. I think it is of critical importance to **distinguish between interest and self-interest.** This is not a distinction that is commonly made in this context. Because of what he interprets as the centrality of the principle of self-interest in Hume, Rawls, for example, subsumes Hume within what he refers to as the “Hobbesian strand of liberalism.” What Rawls wants to thereby identify is a strand of liberalism that emphasises the importance of getting constitutional design right as a way of guiding self-interest towards beneficial collective outcomes (Rawls 1987, 1, n.1).

What I think Rawls fails to see is that the notion of interest articulates, instead, what we might call **a principle of radical individuality.** When an individual is moved by ‘interest’ she takes decisions that are hers and hers alone. These decisions or choices may be of any kind, **self-regarding as much as other-regarding.**

In a perceptive reading of Hume on interest Michel Foucault has suggested the following. The kind of individual choices that a person moved by interest takes, Foucault says, are “irreducible” and “non-transferable” (Foucault 2008, 272ff). By “irreducible” he means that any decision ultimately rests on a subjective assessment on the part of an individual of what she understands to be painful or painless. Foucault illustrates this idea of irreducibility by drawing on Hume’s example in the *Second Enquiry* of a person who exercises (Hume [1777] 1975, 293). If A were to ask B why B exercises, B is likely to reply that she cares about her health. If A were then to ask B why B cares about health, B is likely to respond that it is because she dislikes

⁶ In the real world, governments incorporate a mixture of the sources of authority, which complicates things even further.

sickness. The ultimate point of this regress, according to Hume, would be a statement on the part of B that she hates pain. This sentiment is irreducible in the sense that it doesn't refer to any judgment, reasoning, or calculation. The idea of non-transferability reinforces this subjectivist conception of individual choice. The example Foucault uses to illustrate this idea is Hume's statement that "'tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger" (T 416). At the end of the day, Hume suggests, a choice is non-transferable in the sense that the principle of choice will always be only one's *own* subjective feeling.

The ideas of irreducibility and non-transferability refer to a principle of individuality, then, rather than self-interest or egoism. So by appealing to the idea of interest Hume is drawing attention to something much more important and profound than is commonly thought. The notion of interest, I would argue, *directly* contradicts the contractarian understanding of political society as the embodiment of a common will. The idea of a common will aspires to define a realm of morality that is categorically independent of the particularistic attachments of specific individuals and in which such attachments are dissolved. So the idea of a common will does not simply rely on a categorical distinction between what is particular and what is common; it also supposes that the former will be subsumed by the latter. The values expressed by the common will are "very great values and hence not easily overridden," as Rawls says (Rawls 2005, 139).

To once again put it in Foucault's effective language, what the contractarian methodology implies is the creation of a "subject of right" who conceives of her relation with the political community in a categorically distinct way (Foucault 2008, 274). After the contract has been signed, individuals set their subjectivities aside, and allow themselves to be absorbed by the common will of political society. It is

precisely against such an understanding of an individual's attachment to political community that Hume rebels. For Hume, the "subject of interest" is irreducible to the subject of right. The radically subjective perspective of the individual is never relinquished or watered down by participation in a political project.

It is not as the embodiment of a common will that Hume conceives of political society, but rather as a *product of shared interests*. It is shared interests, not a common will that holds political society together. The theory of the social contract tells a very specific story about the nature of political society, which Hume summarises in this way:

"All men, say they, are born free and equal: Government and superiority can only be established by consent: The consent of men, in establishing government, imposes on them a new obligation, unknown to the laws of nature. Men, therefore, are bound to obey their magistrates, only because they promise it; and if they had not given their word, either expressly or tacitly, to preserve allegiance, it would never have become a part of their moral duty." (T 542; emphases in original)

The underlying idea here is that of free and equal men collectively consenting to be ruled by a certain authority, allegiance to which is grounded in the moral duty of always fulfilling one's promises. Government thus can be interpreted as the representative of a will that expresses a shared understanding of the moral personality of all citizens and the grounds of their moral obligations, both towards one another as well as towards the 'sovereign'.

Hume rejects this view. Allegiance to government does not originate in the kind of abstract moral duty that applies to free and equal persons that social contract theorists theorise, but rather simply from "interest, and human conventions." There are no other, stronger foundations for our political duties.

We are bound to obey our sovereign, it is said; because we have given a tacit promise to that purpose. But why are we bound to observe our promise? It must here be asserted, that the commerce and intercourse of mankind, which are of such mighty advantage, can have no security where men pay no regard to their engagements. (Hume [1777] 1987, 481).

It is because of **the interest we all have in peace and stability** that only government can guarantee that we feel obligated by its demands. The story Hume tells about the origins of government has nothing to do with the free and equal individuals contracting their ways out of the state of nature, but rather with the emergence of a shared interest in the consolidation of a central institution able to overcome certain practical inconveniences. If we really had to go back to the origins of political society, he points out, and to what made this shared interest obvious in the first place, it is to war that we must turn. A leader makes the task of defending one's our country much more effective. Military "camps," Hume argues, "are the true mothers of cities" (T 540-1). Duties that were not originally there – i.e. civil duties – arose as government made it increasingly clear that it alone was able to provide public goods that all individuals benefitted greatly from.

Hume's reasoning on the sources of allegiance to government follows from his account of the origins of justice. As we saw above, without stable and well-recognised norms concerning the possession and transfer of property, as well as the performance of promises, **society would be impossible**. Justice is 'invented' to make **orderly society possible**. It comes about in the form of a convention, which embodies an agreement between individuals to abstain from the possessions of others if the others reciprocate. The convention of justice is not in the nature of a promise, Hume says, but rather "is only a general sense of common interest" between all members of society (T 490). Once this implicit sense of common interest comes to be expressed by cooperative behaviour that signals a shared understanding the value of reciprocity,

concepts and “ideas” of justice – such as “property,” “right,” and “obligation” – emerge to ‘artificially’ reinforce these conventions of justice. As society prospers and increases in size, the connection between self-interest and justice fades in the mind of individuals. The “public interest” comes to have an independent role in their deliberations. We even come to sympathise with the public interest, and it is that sympathy with the public interest that is the source of our moral approbation of just acts (T 500). But **the original motive** for the establishment of justice is nothing other than interest.

To the extent that Rawlsian liberalism relies on a normative consensus over an ideal of deliberative reason and a selection procedure for good or bad reasons, as well as a specific notion of the common good, Hume’s critique of the social contract loses none of its relevance. With Hume, we might say that in a deeply pluralistic society, first, **such a normative consensus is highly unlikely** to be available or realistically achievable, and, second, that **this should not be a matter of inconsolable regret.** **Shared interests, not a general will or a public reason, lie at the heart of a pluralistic society,** and it is the **agreements and conventions created and consolidated by individuals to fulfil such interests that a polity’s institutions and norms embody.** It is therefore both **unrealistic as well as unnecessary to appeal to the kind of thick moral values political liberals generally appeal to.**

3. Two Potential Worries

There are (at least) two important worries about such a view that I think need to be addressed. First, there is a generally worry about **the atomism implied by what I called Hume’s principle of radical individuality.** The impermeability of the subject of interest to external influences is a proposition that only economists absorbed by the

abstractions of rational choice theory can seriously countenance. Hume's subject doesn't seem particularly different from the kind of a-social *homo oeconomicus* with fixed preferences that neo-classical economists found their theories on. What this first worry might suggest, then, is that the distinction between self-interest and interest as I have defined it above is not particularly significant.

A second potential worry is that it might look as though the radically individualistic stance on human agency that Hume's notion of interest expresses ends up **evacuating the moral and political domains of any meaningful kind of intersubjectively deliberative dimension.** Hume's frequent references to "commerce" and "advantage" seem only to confirm a reductionist and misleading view of what life **in common really means.** The subject of interest is one who looks illiterate when it comes to the language of **moral conversation.**

Let's start with the first worry. This is a worry that is often levelled by contemporary liberals against Hobbesian accounts of human agency. What many find disconcerting about this hyper-reductionist view of human agency is its understanding of all human relation and institutions in **purely instrumental** terms. For Hobbes and Hobbesians like David Gauthier, Freeman notes, nothing social is ever done "for its own sake" but rather always instrumentally (Freeman 1990). I have already noted above that the Rawlsian taxonomy classifies Hume as a "Hobbesian" thinker. Hume's great contribution to the 'Hobbesian' way of thinking is usually taken to be the elaboration of a utility-centered moral and political philosophy. Society is a cooperative venture aimed at the maximisation of public utility, and justice is that set of basic norms regulating property that makes this joint pursuit of utility possible. Utility is valuable because it "pleases" the individual, that is, because it satisfies her

self-interest. Justice is not valuable in itself, but rather its value depends entirely on its ability to bring utility about. Justice is, first and foremost, a *useful* virtue.

I think that this standard way of interpreting Hume as the quintessential theorist of utilitarianism and the *homo oeconomicus* is mistaken. There is, first of all, not much in Hume's writings that supports this view of human agency. Hume is well aware of the fact that individuals and groups are motivated by "affection" and "principle" as much as they are motivated by self-interest (Hume [1742] 1987, 59ff). Furthermore, the mechanism of "sympathy" is one that naturally inspires other-regarding sentiments and commitments in the heart of human beings. Hume's writings offer ample confirmation of his belief that neither does the rational pursuit of one's own self-interest exhaust the motivational resources of human beings, nor can the latter all be reducible to the former.

Hume also says that over time justice comes to possess an independent moral force in the eyes of individuals. We are "displeased" with instance of injustice, Hume acknowledges, even when these can in "no way affect our interest" (T 499). This is due to the fact that, as I mentioned above, we come to sympathise with the public interest. Clearly, for Hume, interest is still the basic principle behind our concern with the public interest (i.e. it is derivative of our interest in the order and peace of society). But whenever we attribute injustice to any act that is "so distant from us" that it could not possibly affect our self-interest, it is clear that we are adopting another standpoint in our evaluation. It is not the *homo oeconomicus* that Hume is here describing, but rather an agent who has internalised a set of norms that induce certain patterns of behaviour and inspire certain patterns of moral approbation and disapprobation. "For there is a principle of human nature," he writes, "that men are mightily addicted to *general rules*, and that we often carry our maxims beyond those

reasons, which first induc'd us to establish them” (T 551, emphasis in original). Hume's agent, then, is first and foremost a social, norm-governed creature, rather than a purely rational, solipsistic one.

Similarly mistaken is to think of Hume as a rational-choice theorist. To see why this is so, it is useful to go back to the point I made above about Hume's understanding of individual choice as irreducible. What this irreducibility principle means is precisely that **no choice can be reduced to a rational principle or simple preference.** It is purely the “passions,” rather, that determine individual choice. Now, for Hume “reason is the discovery of truth or falsehood” (458). And since, in his view, passions do not represent anything in the external world, no choice can be thought as either rational or irrational. A choice for Hume is irreducible in the sense that it simply *is*. Hume does not see the human mind as being constituted by a set of preferences ordered in a specific way; mental items, rather, are in his view “transitory states of subjective experience which come into and go out of experience as the result of psychologically-explicable operations of the mind” (Sugden 2008, 155). Far from being fixed, a person's thoughts are in a constant state of flux. It is a radically dynamic rather than static theory of the human mind that Hume advances. As the economist Robert Sugden concludes, nothing could in fact be farther from the rational-choice model of the human mind than Hume's theory.

Completing the response to the first worry requires address the second one. As far as the latter is concerned, notice that nothing in the idea of interest precludes meaningful moral deliberation and moral learning. A subject of interest need not be a perpetually utility maximising agent. Other-regarding considerations may be weightier than self-interested ones in her own internal deliberations. The idea of interest does not raise a question about the extent to which an agent can engage in

genuine moral deliberation with others; rather, I submit, it raises a question about *authority* in moral (and political) deliberation. This deliberation occurs on the basis of terms set by the subjects of interest, and not (to revert back to Foucault's distinction) some principle of 'right'. Authority is not concentrated in a principle of right or principle of reason, but is rather permanently diffused amongst such subjects. We might say that what a Humean prizes is not reason but rather *reasoning*, that is, the constant renegotiation of differing interests. Humean moral deliberation is not the affirmation of what 'right reason' requires but an intrinsically open-ended process.

Acquiescence, then, is the critical idea from such a Humean perspective.⁷ Norms of justice are complied with and the laws of government observed because, ultimately, they satisfy people's interests. From the Humean perspective I have outlined, then, a publicly justified political society of the kind Rawlsians aspire to, for example, is not one that establishes new forms of obligation or duty on its subject. Rather, it is more like a kind of story politicians, educators, and intellectuals speaking in the name of political society tell themselves about its nature and purpose. One wouldn't want to dispute the fact that these kind of stories certainly do have an effect on how political society is understood. But the important point is that from the perspective of a subject of interest it doesn't go any deeper than that.

Concluding Remarks

Far from being alien to the project of *political* liberalism, it seems to me as though such a Humean rendering of the nature of a pluralistic polity goes at the heart of such project. If anything can be said to characterise a deeply pluralistic society it is

⁷ Cf. Hayek on Hume's "opinion." Since it lacks purposiveness and unity, the power of opinion can only be a "negative power," Hayek says. It does not possess the positive, justificatory power of the common will of the social contract, but only the negative "power of *withholding* allegiance" (Hayek 1982, 89; emphasis added).

precisely the fact that the kind of “common point of view” or “common aim” contemporary political liberals aspire to is simply not available. Reinterpreting the idea of a common will by means of the notions of fairness and reasonableness, embedding it in an ideal of citizenship rather than an ideal of life, and shifting the site of this common will from the ‘comprehensive’ to the ‘political’ are all ways of concealing the basic fact that such a common will is precisely what a pluralistic society lacks.

Hume’s political theory shows that we should not receive such news with anguish. For that is not what political society is in the first place. The extraordinary diversity that characterises the human condition finds in the plurality of conventional systems of norms its great accomplishment. Political society is but one such conventional system. But there is no reason to see it as the supremely regulative system, as the system, that is, to which all other norms and system are categorically subordinated. Political society is a domain saturated with theories of justice and legitimation stories that often aspire to speak in the name of a common will. But the strength and validity of these stories is only as great as how convincing the audience of the subjects of interest finds them. For Hume, human plurality is irreducible, and the individual’s own experience is what matters ultimately. The categorical distinction between ‘right’ and ‘interest’ on which the contractarian view relies fits uncomfortably within such a scheme.

Relying on a sociologically realistic depiction of political society and a psychologically realistic depiction of human agency, Hume points the way to a convincing alternative. If by interest Hume means what I ventured to call a principle of radical individuality, then I would argue that it is precisely to liberal ears that such a Humean alternative should sound convincing. After all, such a principle of

individuality seems to me to precisely the one that liberals defend against their communitarian critics. Rawlsian political liberalism replaces communitarianism's cultural membership with a form of political membership. The Humean perspective I have here presented eschews appeals to ideals of membership and shifts the focus back to where liberalism thinks it ought to belong: the individual. The 'political' should be understood not as a community but rather a sphere in which interests are worked out and negotiated.