

Promise and the Allegiance to the Government in Hume

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Introduction

The formation of the concept of justice is decisive for the formation of society, because with the belief in justice human beings acquire a new mode of behaviour that is unknown in the state of nature. The first rule of justice, which prescribes the stability of property, accompanies the concept of rights, as well as the general practice of abiding by the rules of justice from moral motivation¹. However, the stability of property is only the first step of Hume's system of justice. In this paper, I will explore how the first law of justice is followed by the second law, the transference of property, then by the third law, the performance of promise. These are derived by necessity from the first law of justice. Among them, Hume's theory of promise is particularly significant. This is because Hobbes and Locke, though in different ways, invoked promise as a means of establishing and legitimising government. Hobbes and Locke resort to covenant or contract for explaining the foundation of government, assuming them to be fundamental laws. Hume's theory of promise inevitably implies a challenge to his two predecessors, especially to Locke whose theory is typically recognised as a social contract theory. This paper, therefore, attempts to clarify the concept of promise with its critical implication for social contract theory, in relation to Hume's epistemology.

I first outline Hume's overall opinion of the social contract in his "Of Original Contract" to assess Hume's general position on the problems regarding promise and government. Then, I explain the second law of justice, the transference of property by consent as a preliminary step for Hume's theory of promise. I argue that the performance of promise is artificial virtue that binds people's behaviour. This paper clarifies that government is also a "composition" (T 3.2.8.8) of human nature in a similar sense as the external body, the belief in which is crucial for stabilising our life. Government is sustained by the virtue of allegiance. I argue that

allegiance to government is founded on the same mechanism as our belief in the existence of the external body, which signifies that government consists in the general point of view.

1. "Of Original Contract"

Modern social contract theories played a significant role in justifying the establishment of government and the obligation of the people to obey the government. Ever since Jeremy Bentham referred to Hume to attack social contract theory together with the natural law tradition as its background, Hume has been known as a critic of social contract theories.² There is no doubt that Hume regards social contract theory as a major target of his criticism. Hume's position on the social contract theory is clearly developed in his "Of the Original Contract". Though he is critical of the social contract theory, he does not simply deny the social contract theory. Hume shows an understanding of what the social contract theory might offer a more general theory of political society. He has a common motif with the social contract thinkers, the wish to explain the origin of government, and also the obligation to submit to a government. Upon the evaluation of the significance of social contract theory, Hume attempts to replace it with his own theory of human nature. Hume specifically evaluates Lockean social contract theory. Hume acknowledges that

When we consider how nearly equal all men are in their bodily force, and even in their mental powers and faculties, till cultivated by education; we must necessarily allow, that nothing but their own consent could, at first, associate them together, and subject them to any authority. The people, if we trace government to its first origin in the woods and deserts, are the source of all power and jurisdiction, and voluntarily, for the sake of peace and order, abandoned their native liberty, and received laws from their equal and companion. The conditions, upon which they were willing to submit, were either expressed, or were so clear and obvious, that it might well be esteemed superfluous to express them. If this, then, be meant by the original contract, it cannot be denied, that all government is, at first, founded on a contract, and that the most ancient rude combinations of mankind were formed chiefly by that principle. (*Essays*, 467-68)³

Hume agrees that given the natural equality of human capacities, consent is the only means to create one authority at least in the initial establishment of any government. No one person can rule many others by his physical power. But Hume denies that consent is the only justification of the rule of government in the more mature stage. If consent is the sole ground for submission, people are allowed to abandon the authority by their will as well. Therefore, the social contract theory justifies a right to resist when the sovereign fails to implement the contract. Hume shows the absurdity of social contract theory by pointing out that such a practice is not widely observed in the world (Cf. *Essays*, 469-70). Many princes regard their subjects as their property and their own sovereignty as independent of their subjects. Most people do not care about the origin of their government. Common people acknowledge the authority of their government only because of the fact that their ancestors had obeyed the government for generations. Even if there was an original contract, it does not bind later generations. Considering past practices of establishing a new government in history, it is obvious that the force to demolish the old government gives birth to almost any government. In those cases people are forced to obey the new government (Cf. *Essays*, 474).

If consent is made by force, it is natural that the consent will be withdrawn once the force is removed. Hume argues that mere formal consent is not enough unless it is supported by some spontaneous principle. Therefore, what really matters is not the consent itself, but that which makes the consent enduring. Hume's enquiry is directed to the conditions under which meaningful consent is made. The Lockean ground for making consent the only and sufficient condition for obedience to government can be found in his individualism. Because people are naturally free, independent, and equal, only their consent can make them subject to an authority other than themselves. And, if they consent freely, there is no other means for the government to control them. Hobbes thinks that a covenant by force or under threat is valid. Locke answers that because human beings are free, they cannot give consent by force.

However, the problem with Locke's theory is that it does not explain the obligations of later generations who are not involved in the original contract.

To this possible criticism, Locke presents a "tacit consent" theory, which means that living under the rule of the government is itself evidence that the person gives tacit consent to that government. However, tacit consent is a contradictory concept because consent lies in its explicitness. Hume thinks this compromised form of social contract cannot be justified unless the choice is realistically practicable. It is well known that Hume says,

Can we seriously say, that a poor peasant or artisan has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day, by the small wages which he acquires? We may as well assert, that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep. And must leap into the ocean, and perish, the moment he leaves her. (*Essays*, 475)

Hume likens the British Isle to a ship which people boarded "while sleeping". Consent can be a ground for a legitimate government only if people can disobey government whenever they do not like it. As most people do not have a privilege to leave freely, simply living there does not mean they are willing to obey the government. Hume also points out that people are placed under the governance of their prince even if they leave their home country, as the Pilgrim Fathers did, which indicates that the foundation of political legitimacy lies outside of consent, explicit or otherwise. Where, then, does the legitimacy come from? Hume makes it very clear that both the obligation to allegiance and the obligation to fidelity owe to "the general interests or necessities of society".

If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, *because society could not otherwise subsist*. And this answer is clear and intelligent to all man kind. Your answer is, *because we should keep our word*. But besides, that no body, till trained in a philosophical system, can either comprehend or relish this answer: Besides this, I say, you find yourself embarrassed, when it is asked, *why we are bound to keep our word*? Nor can you give any answer, but what would, immediately, without any circuit, have accounted for our obligation to allegiance. (*Essays*, 481)

In this passage Hume reveals the crucial connection between the obedience to government and keeping a promise. Hume sees the defect of the social contract theory not so much as consisting in a fiction of the original contract, but more as an insufficient explanation of the nature of promise. Without understanding promise, we cannot understand obedience. More importantly, Hume's theory is not directly addressing the problems which arise when we should resist a despotic government. These arguments cannot be made sensible unless the nature of government, obedience and promise are clarified. Hume considers that the social contract theory rests on an obscure foundation regarding these significant concepts. Social contract theories regard these concepts as rational, but in fact they only take them for granted, which is the cause of their absurdity.

[I]n all questions with regard to morals, as well as criticism, there is really no other standard, by which any controversy can ever be decided. And nothing is a clearer proof, that a theory of this kind is erroneous, than to find, that it leads to paradoxes, repugnant to the common sentiments of mankind, and to the practice and opinion of all nations and all stages. (*Essays*, 486)

Thus, Hume recognises the importance of clarifying the moral concept and the standard of morality. He distinguishes the moral fact that we should obey government from the problem about which government is more desirable. The latter decision does not annihilate the former fact. Moral norms in the final instance should be clear and accessible to "all mankind". Hume's philosophy is permeated by this attitude. The general interest of society is inseparably connected to the duty of obedience, and produces both the duty of obedience, and promise keeping. Where there is no duty of obedience, there is no duty of promise. Therefore, it is in vain to ascribe the former to the latter.

The general obligation, which binds us to government, is the interests and necessities of society, and this obligation is very strong. The determination of it to this or that particular prince or form of government is frequently more uncertain and dubious. Present possession has considerable authority

in these cases, and greater than in private property; because of the disorders which attend all revolutions and changes of government. (*Essays*, 486)

Hume clearly finds the largest chance of social improvement in safe "commerce". Hume finds it extraordinary to assert "*that the supreme power in a state cannot take from any man, by taxes and impositions, any part of his property, without his own consent or that of his representatives*" (*Essays*, italics Hume, 487). This is anything but the general opinion of mankind. What matters for Hume is how the consistent and moral explanation of social interest and necessity which produces the justice of promise can be possible. In his discussion of promise, Hume clarifies the mistake of the social contract theory together with the mistake of the theory of individualism.

2. Relation to the Preceding Laws of Justice

We have seen above that Hobbes and Locke arrive at different destinations in accordance with the difference of their initial premises. Hume presents a theory that fosters the ongoing development of commercial society, free both from the Hobbesian fear of anarchy and from the Lockean fear of despotism. Regarding the concept of promise, Hume argues Hobbes and Locke do not explain the concept of promise itself, and why promise has a moral power, without which covenant or compact does not make sense. Hume says,

that a promise wou'd not be intelligible, before human conventions had establish'd it; and that even if it were intelligible, it wou'd not be attended with any moral obligation. (T 3.2.5.1, italics Hume)

Both Hobbes and Locke have a provisional answer to this question. But both answers are insufficient for understanding the whole implications of the concept. The Hobbesian covenant falls short of a promise that regulates personal relationships between individuals without political authority. Hobbes's covenant is an once and for all determination: people surrender their natural rights to their common sovereign. The performance of promise in Hobbes is controlled by the fear of authority. But this is not a Humean

promise that serves to create cooperative behaviour of people. Hobbes does not regard promise as initiating from individual rationality because his methodological individualism cannot explain the common framework based on anything other than individual wills.

Locke understands that the binding force of a promise is morality which derives from no particular cause in reality. He grounds the moral obligation to keep promises in natural law; people must keep promises because it is a moral duty set ultimately by the will of God. Locke resorts to the notion of contract in order to establish a bilateral relationship between government and people. He considers promise to be the requirement of moral beings.⁴ Locke's theory focuses on the relationship between government and people; he does not explain the principle of regulating private relationships among ordinary citizens. This is also reflected in the individualistic picture of human beings who work alone on nature rather than in cooperation with other people.

Hume's innovation is to explain promise from non-moral premises by using an evolutionary approach. He introduces promise as the third law of justice after the first two rules of justice: the stabilisation of property, and the transfer of property through consent. Hume is very aware of the fact that nothing can exist independently except in relation to its proceeding conditions. This also applies to promise. The system of promise does not exist independently but is created in reaction to the situation that necessitates it.

Obviously, promise does not make sense without the situation in which it is serviceable to human beings. Thus, Hume traces the origin of promise to the natural state before justice to understand what situation requires the system of promise. Historical and evolutionary considerations make it all too clear that human beings cannot be independent. First, no one can be born to oneself, nor can one sustain one's own life by oneself into adulthood. This is enough evidence to indicate that the Hobbesian picture of the independent individual is impossible (though Hobbes indeed demonstrates the impossibility). It is also evident that human beings are neither free nor equal by nature other than in moral terms, as Locke asserts. For Hume, however, the concepts of freedom or equality can be produced in a highly sophisticated social stage only by virtue of the system of justice.

It is not arbitrary that the first law of justice is the stability of possessions, because, in the primitive stage of human development, the cause of conflicts can only be concrete objects. The artificial virtue of justice unites society by a new kind of relationship, which is not based on perceptible effects. Paradoxically, this is how human beings can become concerned with society as a whole despite their psychological and physical limitations. Justice creates a new type of mutuality among people. Mutuality develops necessarily because it is essential for sustaining a social life. This necessity is also based on physical limitation. It is a simple fact that human beings cannot bring with themselves everything they need for their survival (though Locke might say the whole earth is given for them). People seek for a solution to this difficulty, which leads to the next development of the law of justice.

3. "Of the Transference of Property by Consent"

The second law of the transference of property by consent links the first law of the stability of possessions and the third law of promise keeping. Although Hume's dealing with this second law is quite terse, a mere three pages, it contains, behind its plain surface, the explanation of a crucial step for preparing the convention of promise. First, property is understood as a mysterious power in that the same object exerts a totally different power depending on whether one is its owner or not. This reflects Hume's understanding of morality as founded on causation. Justice is a particularly human mode of causation. Let us take an example. I can do anything with my watch as its possessor. But this same watch, left on a table, can devastate your entire life if only you put it into your "pocket". A still more surprising mystery can happen. The same act of your putting the same watch into your pocket will not harm you at all, but only add to your property, only if you heard some moments before the action, my voice saying "I give that watch to you". Let us share Hume's surprise that this phenomenon is totally incomprehensible in terms of natural causation. There is something needed to fill the gap.⁵

Hume constantly appeals to the principle that every phenomenon can be explained as a causal reaction. The rule of the transfer of property by consent emerges in continuation to the rule of the stability of possessions.

Hume stipulates five rules for deciding property. The central principle, a criticism of the Aristotelian principle, is that property should not be decided based on any desert or merit of the person. Though this brings stability, it is accompanied by an inconvenience that the resulting *de facto* distribution of goods is too much dependent on chances, which must cause gross inconveniences. It is not until man confronts this inconvenience that man finds some way of modifying the initial allocation of property. It is wrong to suppose that people demand the proper distribution of things before finding some inconveniences in their present possession of property. Properties cannot be kept fixed in any form; the needs of property reflect the ever-changing situation of human beings. A "Remedy" to this inconvenience is sought after. Violence is the worst option. The next strategy, however, commends itself. It reads:

possession and property shou'd always be stable, except when the proprietor agrees to bestow them on some other person. This rule can have no ill consequence, in occasioning wars and dissensions; since the proprietor's consent, who alone is concern'd, is taken alone in the alienation: And it may serve to many good purposes in adjusting property to persons. Different parts of earth produce different commodities; and not only so, but different men both are by nature fitted for different employments, and attain to greater perfection in any one, when they confine themselves to it alone. All this requires a mutual exchange and commerce; for which reason the translation of property by consent is founded on a law of nature, as well as its stability without such a consent. (T 3.2.4.1)

This is the second law of justice in Hume. In this way, the redistribution of property at once explains the origin of commerce and the division of labour. Through these, property can most effectively be redistributed in accordance with present needs. Hume describes the natural emergence of the relevant concept regarding the redistribution of property. Consent is established, suited to its size, as a means for redistributing goods based on individual requirments. It serves as a cause for people's property to circulate in society. Consent is the only way of changing once fixed property relationship and, therefore, the most convenient way of redistribution.

Most significant of all, consent "can have no ill consequence" (T 3.2.4.1), because consent guarantees the peaceful redistribution of property among people. However, unlike Locke, Humean consent is not the primary ground of justice; its function is confined to the distribution of property based on the needs and desires of individuals. Moreover, Humean consent differs from Lockean consent because it does not represent the natural right prescribed in natural law. In other words, consent is valid not because of the absolute rights of individuals, but because of convention. As with the rule for the stability of property, consent is based on convention, which represents its validity and its binding force.

Hume clearly aims to replace the Lockean term of "consent" that represents the right of individuals.⁶ The consent of the individuals is a social means for adjusting property ownership, and there is no Lockean inalienable right involved in consent. Consent is based on the convention of society regarding the transference of property. However, consent is conferred with a strong moral power because of the absolute necessity for avoiding conflict and sustaining individual life, when it is established as the law of justice. This rule is absolute because the redistribution of goods is impossible without this rule, and without redistribution, society would not function at all.

There is another sense in which the second law of justice serves to produce another significant concept for the formation of society, which is "mutuality". In the first law of the stability of property, property emerges as the result of each person concentrating on his own possessions. At this stage, the rule of justice works without active human relationship. First in this second law of justice individuals enter into mutuality through the exchange of their possessions, as distributors of their property. This is the initial sense of mutuality. Thus, individuals are involved in mutual relationships with other people by exchanging their property, and by strengthening mutual dependency and social order. Consent is a vehicle for producing mutuality. In this way, Hume has radically transformed the concept of consent from the Lockean means for legitimatization to the means for developing human relations.⁷ This further prepares the way for positing the last law of justice, promise-keeping.

4. Promise as the Completion of the Laws of Justice

The third law of justice, the performance of promise, is founded upon the second law, transference by consent. In order to demonstrate its artificiality, Hume resorts an argument similar to that in his discussion of the stability of possessions. If promise is shown to be based on convention, it no longer can be the ultimate justification of government. Hume points out why keeping promises is an artificial virtue. He asserts

that a promise is not intelligible naturally, nor antecedent to human conventions; and that a man, unacquainted with society, could never enter into any engagements with another, even tho' they could perceive each other's thoughts by intuition. (T 3.2.5.2)

Hume confirms the above passage by asserting that there is no "faculty of soul" that produces promise. Though promise is issued by the agent to commit himself to a future action, neither "resolution", nor "desire", nor "willing" assigns him any obligation. This is the fundamental point of Hume's theory of promise. Supporting this argument lies his theory of causation: no present perception guarantees a future event. Likewise, no one can produce a moral relation as promise by himself. Thus it is arguable that Hume's theory of promise is elucidated by the same argument that he used to explain causation. The core argument of Hume's theory of promise is to explain how it is that the present contract is causally connected with future action. Hume recognizes the defect of the social contract theory in this respect. Thus it is now clear that the real purport of Hume's theory of causation is a criticism of the social contract theory. This is related to the basic tenet of his moral perception. According to Hume,

All morality depends upon our sentiments; and when any action, or quality of the mind, pleases us *after a certain manner*, we say it is virtuous; and when the neglect, or non-performance of it, displeases us *after a like manner*, we say that we lie under an obligation to perform it. ... [We cannot] render any action agreeable or disagreeable, moral or immoral; which, without that act, wou'd have produced contrary impressions, or have been endow'd with different qualities. (T 3.2.5.4)

Hume clarifies the mysterious character of promise. Promise is like a magical formula that changes people's behaviour. Hume emphasises that as it cannot possibly be created by any working of the mind of a single person, it must be derived from something beyond the individual will. Shown in his explanation of the stability of property, there must be a natural motivation for an action to become a moral obligation; in the case of natural virtues, moral norms are derived from pleasant or useful tendencies of human action that are established as a custom. Hume takes the examples of relieving the miserable, and of a father taking care of his children (Cf. T 3.2.1.5). For those moral obligations, there are corresponding natural inclinations that urge us to take some action whose negligence means a deficit of natural sentiments of humanity.⁸ Unlike these natural virtues that are accompanied by a natural inclination, however,

there is naturally no inclination to observe promises, distinct from a sense of their obligation; it follows, that fidelity is no natural virtue, and that promises have no force, antecedent to human conventions. (T 3.2.5.6)

This is the evidence for the artificiality of the third law of justice; "promises are human inventions, founded on the necessities and interests of society" (T 3.2.5.7). As a promise cannot exist without other laws of justice, it cannot be the original foundation of society. Independent individuals cannot resort to the system of promise in order to form a society. In this way, Hume denies the function of promise in establishing a political society. But this negative argument is followed by a positive theory about promise. Hume fully acknowledges the essential function of promise in society. It is important to understand how promise follows the first two rules of justice. By the first law of justice, Hume explained the stability of society and the creation of property. This is a foundation for creating independent individuals who work on their own with a favourable indifference to others. But this is not enough for their survival, and they establish the second law of nature to transfer each other's property by consent, which is the first step toward the mutual commitment of the individuals. The transference of property, however, turns out not to be enough for implementing mutual

cooperation.

The *transference* of property, which is the proper remedy for this inconvenience, cannot remedy it entirely; because it can only take place with regard to such objects as are *present* and *individual*, but not to such as are absent or general. (T 3.2.5.8)

Though transference of property by consent is known to be to mutual advantage, it is not always easy to practice, mostly because of physical limitations. Distant property, like "a particular house, twenty leagues distant", or a general thing, like "ten bushels of corn", cannot be transferred. More serious cases, however, apply to "services and actions, which we may exchange to our mutual interest and advantage" (T 3.2.5.8). Hume describes the quandary in a superbly succinct manner:

Now as it frequently happens, that these mutual performances cannot be finish'd at the same instance, 'tis necessary, that one party be contented to remain in uncertainty, and depend upon the gratitude of the other for a return of kindness. But so much corruption is there among men, that, generally speaking, this becomes but a slender security; and as the benefactor is here suppos'd to bestow his favours with a view to self-interest, this both takes off from the obligation, and sets an example of selfishness, which is the true mother of ingratitude. Were we, therefore, to follow the natural course of our passions and inclinations, we shou'd perform but few actions for the advantage of others, from disinterested views; because we are naturally very limited in our kindness and affection: And we shou'd perform as few of that kind, out of a regard to interest; because we cannot depend upon their gratitude. Here then is the mutual commerce of good offices in a manner lost among mankind, and every one reduc'd to his own skill and industry for his well-being and subsistence. (T 3.2.5.8)

Hume is aware that people will not often consent to sacrifice their personal interest for the sake of others or the public at large. It is easy to see that Hume has in mind the Hobbesian quandary of being unable to rely on others' gratitude or voluntary kindness for mutual interest.⁹ As everyone

loves himself more than others, kindness to others is naturally overwhelmed by self-interest. Thus, it is contradictory to human nature to rely on the voluntary kindness of others to attain one's own self-interest, though mutual cooperation is necessary for self-interest. The latter is desired from the general point of view. The solution to the problem is to secure cooperation by the sanction of self-interest: by using a certain form of words, a man "subjects himself to the penalty of never being trusted again in case of failure" (T 3.2.5.10). This is the initiation of the moral system of promise. In this way, people make use of promise, which allows us to act relying on the will of others, sanctioned by the whole spectrum of morality from legal systems to a mere dislike.

Unlike the Hobbesian quandary of complete isolation, people have already attained the crucial first two steps of justice. The last problem is how to extend the positive act of mutuality that brings such a huge benefit to each by their non-simultaneous cooperation, or by cooperation that is not based on present perceptions. Promise is an artificial assurance to bind the future action of a person, which is by definition beyond the reach of any other person. As in the first and the second law of justice, the rule of keeping promise is founded on convention. At this stage, it is not difficult for people to perform the promise, because they have already acquired the first and the second laws of justice of attaining self-interest through mutuality. Performing promises assumes a stronger moral force in accordance with its utility for the interest of society. The rule of keeping promises develops from the second rule of the transference of property; it is a transference of future action by consent. If the first and the second law of justice are concerned with the spatial distribution of human goods, the third law of justice is concerned with the temporal distribution of human goods that include future behaviour. Hume's explanation demands no impracticable performance like the Hobbesian renouncement of rights. Like other laws of justice, promise is a way to achieve stable self-interest in a cooperative scheme, i.e. relying on the future behaviour of other people. Because the morality of promise is based on interest in self as well as others, it can easily prevail. Then performing promise becomes a strong obligation, as it is natural to "every mortal" (T 3.2.5.11).

All they [moralists and politicians] can pretend to, is, to give a new direction to those natural passions, and teach us that we can better satisfy our appetites in an oblique and artificial manner, than by their headlong and impetuous motion. Hence I learn to do a service to another, without bearing him any real kindness; because I foresee, that he will return my service, in expectation of another of the same kind, and in order to maintain the same correspondence of good offices with me or with others. (T 3.2.5.9)

Hume points out another important feature of promise; the validity of promise does not depend on the hidden intention of the promiser; even if the promiser has "an intention of deceiving us", we are still "bound by his expression or verbal promise, if we accept it" (T 3.2.5.13). This is concerned with the ultimate authority of promise. It is significant to notice that this is understood as Hume's phenomenalism of morality which is a criticism of the Lockean concept of person as a moral substance whose "intention" endorses the promise.¹⁰ Promise depends only on a formal feature of wording. This is why promise can share public validity, as in making a private will public. Therefore, it is possible to understand that Hume replaces the moral intention of the person with public endorsement, as the ground of morality and the validity of promise. Promise assumes a force not because of the will of the promiser, but owing to the convention publicly established. Through promise, a new type of human causation is introduced; our personal intention regarding our future actions, expressed in promise, are assumed to be quasi-reality. In fact, as Hume establishes in his theory of external objects, this signifies the human meaning of "reality".

Hume thus treats promise as causation.¹¹ Like the other two rules of justice, promise is an artificial causation that exerts the same power in the way as physical objects cause human behaviour. A promise, though it is physically a mere "voice" or "ink", exerts causal power by producing certain beliefs in the people concerned. Promises move people through their belief that breach of promise will cause sanction. Promisees have to arrange their future behaviour on the condition, expressed by the promisers. The words of the promiser function just like any other belief in physical reality. Promises set the framework for people's behaviour. Just as we walk on solid ground and avoid cliffs, we plan our future behaviour taking the events predicted by

promise as quasi-reality. The artificial causation of promises is no different from the natural causation of objects because both influence human beings through their beliefs. Promise-breaking infringes upon all behaviours within the framework of justice. Hume compares promise to "*transubstantiation*" or "*holy orders*" (T 3.2.5.14) impressed that what is no more than "being mere sound" (T 3.2.5.14), the vibration of the air, exerts such a physical force.¹² Unlike the Lockean idea, the moral power of promise does not derive its authority from "heaven". Promise is a clear, non-mysterious prediction of future behaviour of other people. Besides that, each party has their liberty to serve his own interest on the assumption of the promise. In this way, people begin to make many arrangements to meet the new situation and to increase individual interests.

Once the obligation to keep promises is established as a promise of justice, it exerts a dramatically expanding force in society for producing new relations. This formative power of promise has to do with its formality. As the law of justice is restricted to performing promises, promises can be made regardless of their content about whatever arrangement two parties are ready to consent to. Performing promises is the final development of the laws of justice in that it can stipulate any law including the first law of non-violation of other's possessions. In this sense, promises accomplish the first and second laws of justice. This has led the theorists of the social contract to be deceived that promise is the first law of justice rather than a subsequent, emergent law. Such is the convenience and power of promises that eventually people organise every social arrangement through promises as a system of law.

Once human activities start to be carried out through the system of promise, it is impossible to get rid of the system; the contents of the rule can be changed but the manner of acting by such rules cannot be obliterated other than at the cost of complete social disintegration. As with the most fundamental conventions like language, keeping promises is *sine qua non* for sustaining society. Hume says that "it is impossible for men so much as to murder each other without statutes, and maxims, and an idea of justice and honour" (EPM 4.20)¹³. This reflects the fundamentally conventional nature of human behaviour.

Just as it is in "the selfishness and confined generosity of men and the

scarce provision nature has made for his wants" that justice derives its origin, so the origin of promise derives from the desire for compensating insufficient property with the combined effect of selfishness and the limited generosity. These inconveniences are set by nature. But they can bring invaluable pleasure and infinite wealth to human society in the end. Thus Hume's theory of justice explains the basic structure of social order in the full shape of both its *spatial* and *temporal* dimensions.

5. The Origin of the Government as the Perfection of Justice

Hume's account of the establishment of government is founded on his theory of justice. A central characteristic of Hume's theory of justice is that Hume separates the origin of justice from morality. Society without government is logically possible because convention is more fundamental as the bond of society than government. However, this does not of course mean that government is redundant. Hume's task is to explain the emergence of government. On the other hand, Hume clearly holds that government is impossible without society. In this respect, Hume denies the Hobbesian theory in favour of the Lockean theory about government. Locke considers that government compensates for the imperfection of human beings; because of imperfection, human beings sometimes fail to realise the prescription of natural law. Thus, according to Locke, there are four major tasks of the government: to enact laws, to judge cases, to administrate the law and judgement, and to deal with foreign affairs.

While Locke recognises the origin of government in the imperfection of human beings, Hume does not take the moral weakness of human beings as imperfection. It rightly represents the actual mechanism of human psychology, "that men are mightily govern'd by the imagination, and proportion their affections more to the light, under which any object appears to them, than to its real and intrinsic value" (T 3.2.7.1). Even though the system of justice is known to procure the general interest, justice requires the renouncement of one's direct pursuit of self-interest. On the other hand, the benefit by breaching justice is specific and particular. Although the particular benefit is much smaller than the general interest, it has a more vivid influence on individual behaviour.

This is the reason why men so often act in contradiction to their known interest; and in particular why they prefer any trivial advantage, that is present, to the maintenance of order in society, which so much depends on the observance of justice. The consequences of every breach of equity seem to lie very remote, and are not able to counter-balance any immediate advantage, that may be reap'd from it. (T 3.2.7.3)

Because of the weakness of human beings, they tend to choose the particular, but smaller interest rather than justice. "You have the same propension, that I have, in favour of what is contiguous above what is remote" (T 3.2.7.3). The imitative tendency of human nature provides a further reason to breach justice, because to abide by justice among other people ignoring it makes us "the cully of [their] integrity" (*ibid.*). Injustice is wrong not because it is contradictory, as in Kant, but because it destroys the fabric of convention and causes dysfunction to the system of justice. However, Hume asserts that the weakness holds at the same time the remedy, because

When we consider any objects at a distance, all their minute distinctions vanish, and we always give the preference to whatever is in itself preferable, without considering its situation and circumstances . . . My distance from the final determination makes all those minute difference vanish, nor am I affected by any thing, but the general and more discernable qualities of good and evil. (T 3.2.7.5)

It is evident that this explanation implies the general point of view as a means for seeking for what is preferable in itself, correcting our immediate judgements. Therefore, justice is reflected in the general point of view. As we have seen, justice is involved in coordinating the interests of the individuals. Justice will not perish, even if it contradicts individual interest, as long as people deal with their interest in sustainable human relationships. Hume's moral principle identifies a concrete means to realise it. Therefore, the requirement of justice clarifies a concrete procedure for securing its observation. Thus Hume finds the origin of government in the compensation of individual morality. As the initial incident for establishing government,

Hume cites "quarrels ... among different societies" (T 3.2.8.1). In conflicts with other societies, society in warfare needs a specific leader who administrates justice, otherwise the society will immediately collapse.¹⁴ The qualification of the administrator does not matter compared to his role of perceiving the observance of justice as in his own interests.

These are persons, whom we call civil magistrates, kings and their ministers, our governors and rulers, who being indifferent persons to the greatest part of the state, have no interest, or but a remote one, in any act of injustice; and being satisfied with their present condition, and with their part in society, have an immediate interest in every execution of justice, which is so necessary to the upholding of society. Here then is the origin of civil government and allegiance. (T 3.2.7.6)

Government, once established, assumes the authority of settling all disputes about justice. The benefit of government reaches further than that. Governments, by all means, "force them [people] to seek their own advantage, by a concurrence in some common end or purpose" (T 3.2.7.8). The activities of government achieve the cooperation of people. Government has the physical capacity of enabling people to engage in joint projects with a multitude of others. The system of promise can have two neighbours "agree to drain a meadow" (*ibid.*). But promise cannot have a thousand people concert and execute so complicated a design, because "each seeks a pretext to free himself of the trouble and expense, and would lay the whole burden on others" (*ibid.*). Government extends the positive function of promise by representing the multitudes of people. Therefore, only government embodies the general point of view and morality in its entire scale.

Thus bridges are built; harbours open'd; ramparts rais'd; canals form'd; fleets equip'd; and armies disciplin'd; every where, by the care of government, which, tho' compos'd of men subject to all human infirmities, becomes, by one of the finest and most subtle inventions imaginable, a composition, that is, in some measure, exempted from all these infirmities. (T 3.2.7.8)

In this way, Hume explains the establishment of government without resorting to the concept of contract. Unlike the government prescribed by Hobbes and Locke, Humean government is thought to produce unknown public interests. It is crucial to notice that though the products of those interests are all perceivable, government itself as the cause of these tangible interests is not at all directly perceivable.¹⁵ There is no such substance as government. Hume calls government "one of the finest and most subtle inventions, imaginable, a composition" (T 3.2.7.8). Government exists only as a "function": something that embodies justice that consists in the general interest. In this sense, the principle of government is the general point of view. Humean government is established as the development of the system of justice; it is required to sanction the system of justice. Unlike Hobbes, government does not particularly aim to protect the life of people, and unlike Locke, it does not particularly aim to protect the property of people. Humean government realises stability and promotes the interest of society that, more concretely, is power, ability, and security.

As Hume's theory of government is not founded on any contract, it has a different objective from the contractarian theories. Hume's government is established as the natural development of convention and has a role in sustaining the order prescribed by the system of justice. Hume also gives a different explanation regarding the rules to decide forms of government. Justice regarding the stability of property claims nothing about who should own what. The central point of the concept of justice is that property does not exist as an inherent quality of objects. This is a result of Hume's scepticism about the essence of property; there is no quality in objects that commends itself as the property of any specific possessor. Ownership by specific persons is decided only by convention. It is significant that the same theory applies to the establishment of government.¹⁶

Hume asserts that "[a]s numerous and civiliz'd society cannot subsist without government, so government is entirely useless without an exact obedience" (T 3.2.10.1). The point is that strict obedience is due not to any inherent quality of the government. Obedience is solely a matter of the attitude of the citizens. Government formally requires compliance, but it is the people who realise it. And it is Hume's fundamental theory that justice

lies in this obedience rather than in government. It does not matter who governs, because people submit themselves not to the sovereign but to the system of justice. On the contrary, it is the worst political system to rely on the personal capacity of the political authority, precisely because it represents only his particular point of view.¹⁷ In this way, Hume prescribes a theory of government based on the rule of law.¹⁸

It is very important to understand Hume's theory of government in analogy to the theory of the existence of external bodies. In his theory of the existence of external bodies, Hume shows that external bodies are a requirement for the perceptions of causation --- that multiple perceptions are reduced to the qualities of one object as their common source. In the same sense, laws of justice, as they in fact arise from convention, are in themselves unstable. When disputes occur, they are easily broken or neglected. In order, therefore, to render them more solid, they are ascribed to one "substance" that supposedly issues the laws, and has the authority to implement them. This is the government, as human invention.

The creation of government derives from the convention of people in general, and not from the personal behaviour of the governor. Therefore, the principle for deciding a governor is that it should be in accordance with convention as the natural embodiment of human nature. Hume's rules for explaining the authority of governments are five in number: long possession or "prescription", present possession, conquest as the analogue of "occupation", succession, and positive laws which derive their force from some of those principles.¹⁹ Just as in the case of the rules of property, these rules are all based on the psychological sense of attachment.

However, Hume by no means thinks that these rules confer strict legitimacy to any government. As evidence for this, he approves the right of resisting government.²⁰ The point is that Hume is convinced that the essence of government does not lie in the initial determination of the object of allegiance. The social contract theory mistakes the contract with the magistrate for the obligation of obedience. It is one thing to decide the agent who personifies government and it is another to ascribe an authority to government. To decide an agent is a minor task compared to ascribing authority to government itself, because the former does not make sense without the latter. Hume clarified that governmental function of

administering justice in fact depends on the allegiance of people. The ultimate significance of the virtue of obedience is not influenced by the choice of magistrate or the form of governance. The real danger lies in the contrary claims for the alleged "best" political regime²¹.

6. Allegiance to the Government

The central characteristic of Hume's theory of government is that he employs a Copernican turn to clarify the nature of government. Hume clarifies that the essence of well-functioning government consists in the spontaneous obedience of the people, rather than the force of the sovereign or promises of allegiance. This is a turn from a substance-centred to a relation-centred perspective. P. F. Brownsey alleges that Hume does not succeed in providing legitimate grounds for obeying government. He objects that Hume does not provide any explanation of legitimate political authority. He claims:

Now as a rule Hume presents his utilitarian argument as a non-contractarian way of establishing a moral obligation to obey government. Even if the argument succeeds in providing non-contractarian grounds for the obligation to obey, it does not by that fact demonstrate a non-contractarian source of rightful political authority. And it does not refute the claim of contract theory that governments can acquire rightful authority only in consequence of a social contract.²²

Because Hume explains the establishment of government in a naturalistic way, he presents a non-contractarian theory for explaining the legitimacy of the government. It is important to notice that Hume's theory about obedience to government is supervened by his theory of justice. Hume finds that the role of government is to take charge of the execution of justice. If the role of government is to compel people to observe the laws of justice, government cannot be sustained by promise. Therefore, Hume supposes a different principle than promise for producing obedience. Thus, Hume recognises "allegiance" as a distinctive virtue. Hume thinks that allegiance is initially grafted to the duty of promise, but in due course it obtains an original duty and authority independent of the promissory contract. Hume explains that:

having found that *natural*, as well as *civil* justice, derives its origin from human conventions, we shall quickly perceive, how fruitless it is to resolve the one into other, and seek, in the laws of nature, a stronger foundation for our political duties than interest, and human conventions; while these laws themselves are built on the very same foundation. On which-ever side we turn this subject, we shall find, that these two kinds of duty are exactly on the same footing, and have the same source both of their *first invention* and *moral obligation*. They are contriv'd to remedy like inconveniences, and acquire their moral sanction in the same manner, from their remedying those inconveniences. (T 3.2.8.4)

As we have seen, government not only compensates for the moral weakness of people but *perfects* the system of justice. Therefore, the steady observance of promise is an effect of the institution of government; but that the obedience to government is not an effect of the obligation of a promise. Hume's fundamental view is that allegiance is what makes up the essence of government, rather than government producing allegiance. By observing the mutual interest in government, the convention of obeying government is formed, and people ascribe moral authority to government. The authority becomes stronger as people's interests are served through the system of justice.

Hume's theory of government is conceived in parallel to his theory of belief in the existence of objects. He shows that the most certain belief provided by nature is the belief in an external object. Though it is in fact a fiction, we obtain enormous advantage and freedom by behaving according to the belief in external bodies.²³ In a similar manner, belief in government, though it is a human "composition" or "invention", provides people with the advantage and freedom that only a society and a system of justice can provide. Government is not a substance nor does it exist by itself, but is a product of human convention. In this way, Hobbes's theory that the "Leviathan" is a composition of subjects has been converted into Hume's theory of perception; government is composed not by gathering people's rights, but as an object that is supposed to exist by virtue of allegiance. Humean obedience can be spontaneous because it is based on self interest,

which naturally contradicts the possibility of despotic government. As Hume says, "a man living under an absolute government, wou'd owe it no allegiance; since, by its very nature, it depends not on consent" (T 3.2.8.9). Thus, to the degree that the general point of view represents the public and establishes and maintains the government, Hume's argument of government provides the empiricist idea of democratisation as the identification of the principle of governance with the representation of the governed.²⁴

Now it is possible to answer Brownsey's criticism that Hume does not explain legitimate political authority. Hume denies the idea that obedience is based on any justification. As with the explanation of right, Hume would say that it is incorrect to talk of justification before establishing government. The idea of the justification of government implies a rejection of government when it cannot be justified. But it is impossible to choose a judge, outside the established system of justice, who is authorised to announce the final verdict against government. Thus, allegiance is not based on any justification. Government has its root in human conventions that exists prior to justification. Though it is possible to change the form and agency of government, allegiance to government as such must remain if society is to function through a system of justice.

7. The Right to Resist

The theory of allegiance reveals the understanding that underlies Hume's theory of the right to resist. Most fundamentally, the right to resist is not a topic that can positively be included in the theory of government, because there is no foundation in the framework of government to support the right to resist. Hume like Hobbes, aims to present a theory that will discourage resistance from happening. This is possible because government is not the starting point of his theory of society. Hobbes strongly argues against the right to resist, although he admits that it can be inevitable as a "Naturall Punishments" (*Leviathan* 253); not subjects but "Nature" itself punishes the sovereign.²⁵ This happens when the sovereign breaches the law of nature despite impeccable obedience on the side of his subjects. The point is that there is no justification for the people to bring about the resistance. Therefore, people need not be given a legitimate reason for the cause of resistance. Resistance takes place in the worst situation called the state of

nature, which is outside the range of Hobbes's civil theory. In other words, there is no perspective within the *Leviathan* to comprehend the situation of its own death.²⁶ However, writing after the Glorious Revolution, Locke and Hume are more realistic about the possibility of resistance to government than Hobbes. Hume admits,

As matter wou'd have been created in vain, were it depriv'd of a power of resistance, without which no part of it cou'd preserve a distinct existence, and the whole might be crowded up into a single point: So 'tis a gross absurdity to suppose, in any government, a right without a remedy, or allow, that the supreme power is shar'd with the people, without allowing, that 'tis lawful for them to defend their share against every invader. Those, therefore, who wou'd seem to respect our free government, and yet deny the right of resistance, have renounc'd all pretensions to common sense, and do not merit a serious answer. (T 3.2.10.16)

In this way, Hume admits, as a matter of "common sense", the right of resistance so that individuals are not deprived of their distinct existence. Hume's intention regarding the discussion of the right of resistance, however, is to criticise the Lockean social contract theory that recognises obedience as a rational behaviour, even though Locke by no means encourages rebellions.²⁷ The interest that is met by obedience to government is different from the interest that is served by implementing promise. Hume says,

And since there is a separate interest in the obedience to government, from that in the performance of promises, we must also allow of a separate obligation. To obey the civil magistrate is requisite to preserve order and concord in society. To perform promises is requisite to beget mutual trust and confidence in the common offices of life. The ends, as well as the means, are perfectly distinct; nor is the one subordinate to the other. (T 3.2.8.5)

The interests of government are general and not particular in that government provides a framework in which people can engage in their

business freely without coming into conflict. Like rules of a game where following the rules does not directly contribute to a particular player winning, following the rules of justice does not serve particular interests. When the contractarian justifies the resistance to government, his judgement, though alleged to be rational, can only be based on his particular interests, and the individual interest is not what government is meant to promote. It is true that the rules of the game can make the game impossible. Therefore, Hume admits that in extreme cases that resistance is inevitable. The point is, however, it is impossible to mark a clear line beyond which the rebellion will clearly be preferable to the status quo. Hume asserts that "'tis certainly impossible for the laws, or even for philosophy, to establish any *particular* rules, by which we may know when resistance is lawful; and decide all controversies, which may arise on that subject" (T 3.2.10.16). Hume understands that there is no causal guarantee that the removal of the bad government will produce good government. Moreover, it has to be taken into account that resistance may bring with it all the costs described by Hobbes as the state of nature. If the interest of the government is order and stability, it is contradictory, at least temporarily, to cause the disorder of resistance in order to attain stability. Because the origin of government consists in the secure administration of justice, the fact that people in general observe the rules of justice indicates a functioning government, which is contrary to the resistance to government. Thus, Hume is reluctant to sanction resistance:

I must confess, that I shall always incline to their side, who draw the bond of allegiance very close, and consider an infringement of it as the last refuge in desperate cases, when the public is in the highest danger from violence and tyranny. (*Essays*, 490)

One person's physical power is limited, and his life is also limited, so it does not usually happen that people need to overturn the whole system of justice simply because their sovereign is "bad".²⁸ Most of all, it is absurd to suddenly change a whole system of the government that has lasted many centuries (T 3.2.10.14). It is like proposing to change the national language. Moreover, in a more advanced commercial society, it becomes more difficult for government to conduct policies that are not supported by at least

the people in general. And even if the government abuses people, there is a better way than by violent rebellion to overthrow it. Hume believes in the progress of human society, its ability to organise a moral point of view in the "general course of things" (*Essays*, 254).²⁹ The more commercial society advances, the more the social communication enriches the general point of view. In a civilised commercial society, civil liberty is better advanced through gradual improvement than through a political revolution.

Hume distinguishes the justification of the reigning government from the justification of the system of justice. In western democratic society, it is no longer necessary to resort to unlawful means to get rid of the presiding government. A government owes its authority to the allegiance of the people, which reflects more accurately the opinion of the people. If the general point of view does not acknowledge the government, it cannot function as government, and naturally collapses. Thus, in any case it is the general point of view rather than the condition of a contract that lets a government stand or fall. In this way, Hume reveals that government is a composition of the general point of view.

8. Concluding Remarks

We have examined Hume's theory of promise in reference to its critical implication to the social contract theory. Hume's criticism is decisive in that he anatomises the concept of promise itself, that the social contract theory finds directly in "heaven". We can now see that the concept of the general point of view, first formulated implicitly in Hume's epistemology, culminates in the establishment of government. This indicates that Hume's *Treatise* as a whole has a goal of establishing a consistent moral and political theory. Furthermore, it is important to recognise that Hume makes a fundamental revision of the Hobbesian and the Lockean political theories.

Hobbes, Locke and Hume all agree that political society is formed as a moral community; it is by means of moral principles that people constitute a society. The focal point of their respective theories is how individuals relate to the community beyond their immediate commitments. Hobbes refers to a sovereign power as the locus of an accumulation of the rights of his subjects. But Hobbes's rationalist method of reconstruction confers on a single person absolute power, which can produce despotism. Most of all, his negative

argument for avoiding the worst situation is incapable of explaining the natural formation of the moral institutions participated in by people in general. Locke's social contract theory separates the justification of government from the explanation of the standard of justice. The relationship of the system of governance with the justification of the presiding government is not explained.

It is now possible to see that Hume offers a consistent theory of society that consists in the interest of stability of the general public. The key lies in the formation of the beliefs in justice and government. These beliefs are modelled on the beliefs in causation and in external objects. His theory of government is founded upon his epistemology. In this way, he provides his moral and political theory with the most valid foundation of nature. Hume's *Treatise* aims to understand the whole process of human nature through which people establish morality and political society. It is possible to recognise the general point of view as consistently leading the development of Hume's project, and serving as a normative concept in the final instance.³⁰

Notes

- 1 For Hume's first law of justice, see my "Justice and the General Point of View", *Bulletin of Keiwa College* 16: 35-63, 2007.
- 2 Bentham says, "this chimaera (the Original Contract) had been effectively demolished by Mr. Hume. I think we hear not so much of it now as formerly" Bentham, *A Fragment of Government*, Burns, J. H. and Hart, H. L. A. (eds.), Cambridge: Cambridge University Press, 1988: 51.
- 3 David Hume, *Essays: Moral, Political, and Literary*, (ed.) E. F. Miller, Indianapolis: Liberty Classics. 1985
- 4 Locke excludes atheists and Catholics from tolerance on the ground that they would not keep promise that should be made before God. For a more detailed explanation, see Tully, J., *An Approach to Political Philosophy: Locke in Context*, 1993: 47-62.
- 5 Hume's "Of Miracles" (*An Enquiry concerning Human Understanding*, Beauchamp, T. L. (ed.), Oxford: Oxford University Press. 1999) has proved this theoretical intention.
- 6 It is obviously Hume's strategy to confer different meanings to the same term. Remember he takes the same strategy in the discussion of sympathy; he transformed the term of "pride" or "humility" into a totally different meaning. And the most significant differentiation of the meaning occurs in his use of the word "natural (T 3.1.2.10)". He changes the traditional meaning of the word of "natural" as eternal or unchangeable into a causal concept, depending on which theory he has developed.
- 7 For a Lockean meaning of consent, see, e.g., Dunn, John, *The Political Thought of John Locke*, Cambridge: Cambridge University Press, 1969: 153-82.

- 8 Apparently, Hume considers the paradigm of "natural virtue" to be found among animals. The rivalry with Descartes thesis is obvious in his "Of the pride and humility of animals" (T 2.1.12).
- 9 The famous formulation is the prisoner's dilemma. For a discussion, see, e. g., Blackburn, Simon, *Ruling Passions*, Oxford: Clarendon Press, 1998, Ch. 6.
- 10 This is the implication of his theory of the external body.
- 11 The causation that he discusses in Book 1 should be understood in exactly the same manner.
- 12 Hume apparently obtains this idea from Hobbes cf. Thomas Hobbes, *Leviathan*, Richard Tuck (ed.), Cambridge University Press, 1996: 117.
- 13 David Hume, *An Enquiry concerning the Principles of Morals*, Beauchamp, T. L. (ed.), Oxford: Oxford University Press, 1999.
- 14 Again, this is Hume's rephrasing of the Lockean assertion that consent is necessary to subject oneself to a specific political authority in society cf. Riley, P., *The General Will before Rousseau*, Princeton, N. J., Princeton University Press, 1988: 136-145.
- 15 Let us remember that Hume includes "government", in a somewhat clumsy manner at that point in the *Treatise* (T 1.1.7.14) as one of the examples of "abstract ideas". Now Hume's underlying consistency is clear.
- 16 John Day discusses the similarity between Hume's arguments of property and allegiance. However, he criticises Hume for oversimplifying the title of the government. Day, John, "Hume on Justice and Allegiance", *Philosophy*, vol. 40, no.151, 1965: 35-56. "Oversimplification" is the familiar criticism Hume receives commonly regarding causation, property and government.
- 17 Hume makes this even clearer in "That Politics may be reduced to a Science" in *Essays*. Spinoza has a similar view. See Spinoza, *Ethics*, G. H. R. Parkinson (ed.), Oxford: Oxford University Press, 1958: 265.
- 18 Hume's position is perfectly consistent with his later "That Politics may be reduced to a Science" in *Essays*.
- 19 David Miller points out that Hume has the events of 1688 in mind in reference to the positive rules, "when a monarch satisfying the replacements of long possession, present possession, and succession was replaced by a parliamentary nominee", Miller, *Philosophy and Ideology in Hume's Political Thought*, Oxford: Oxford University Press, 1981: 87.
- 20 He positively approves of the Glorious Revolution (T 3.2.10.16), which is evidence that he is not a Tory conservative. See Phillipson, *Hume*, London: Weidenfeld & Nicholson, 1989: *passim*.
- 21 Phillipson, Nicholas, *op. cit.* 1989: 51.
- 22 Brownsey, P. F., "Hume and The Social Contract", *Philosophical Quarterly*, vol. 28 no.111, 1978: 145.
- 23 This is a Humean exegesis for Plato's famous parallel between the individual and the state. In the argument of personal identity, Hume already states that he "cannot compare the soul more properly to any thing than to a republic or commonwealth, in which several members are united by the reciprocal ties of government and subordination, and

give rise to other persons, who propagate the same republic in the incessant changes of its parts" (T 1.4.6.19). Justice is taken to be a moral characteristic of the state, just as human characteristics are ascribed to a person. Hume shows that the idea of the state and of a person are both fictions. David Miller also notices the imaginative nature of authority. He says the wise man is "one who recognises that there are several criteria for ascribing authority, none of which should necessarily be given precedence over the other. A typical vulgar error, for instance, is to suppose that long possession must always outweigh present possession as a title to power" Miller, *Philosophy and Ideology in Hume's Political Thought*, Oxford: Oxford University Press, 1981, 91.

- 24 Hume's theory of general ideas as the representation by a particular of other particulars serves also as the epistemological basis of political "representation". Although usually Hobbes and Spinoza are credited with initially providing the theory of modern democracy, Hume's theory implies the same basic idea. Balibar describes Spinoza's political theory as a theory of democratisation, which is valid for every regime, instead of a theory of democracy. The same view can be found in Hume, as is evident in his "Idea of a Perfect Commonwealth" (*Essays*). See Balibar, E, *Spinoza and Politics*, N. Y.: Verso, 1998: 121. Douglas J. Den Uyl points out that "although Spinoza is an advocate of democracy, he is not a democratic enthusiast" See Den Uyl, *Power, State and Freedom: An Interpretation of Spinoza's Political Philosophy*, 1983: 162. In this regard, Hume and Spinoza are identical.
- 25 In contrast, Locke considers legitimate resistance as an "appeal to Heaven" (*Two Treatises* 379). In this case, punishment is done by people.
- 26 The idea of not knowing one's own death reflects Hobbes's Epicurean and Democritean influence. As the body is composed of atoms, so the commonwealth is composed of individuals.
- 27 For an argument of defending Locke, see Seliger, Martin, "Locke's Natural Law and the Foundation of Politics", *Journal of the History of Ideas*, vol. 24, 1963: 337-354.
- 28 Hume delineates this point in "Of the First Principle of Government" in *Essays*.
- 29 Hume says that "it is the chief business of philosophers to regard the general course of things" (*Essays*, 254). This represents Hume's fundamental conception of "true philosophy".
- 30 This study is partially assisted by the "Grant - in - Aid for Scientific Research" of *Japan Society for the Promotion of Science* (Assignment No. 1820028). I am grateful to Dr. Jonathan Hearn, Prof. Russell Keat and Prof. Allan Blondé for precious comments and editorial suggestions.