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WHY HUME'S THEORY IS IMPORTANT

Hume makes his account of social artifices, and of the artificial virtues that consist in conformity to their constitutive rules, the centerpiece of Book 3 of the *Treatise*. He devotes to that topic twice as much space as to the natural virtues, and almost four times as much as to the antirationalist preliminaries of Part 1. I think that, had Hume written an abstract of Book 3 and raised there his questions of what might "intitle the author to so glorious a name as that of inventor,"[1] he would have judged the best candidate in Book 3 to be the account of social artifice, of how what he half but only half ironically calls "the three laws of nature," namely, stability of possessions, their transfer by consent, and performance of promises, are "entirely artificial, and of human invention" (*T*, p. 526). The originality is threefold: first, in the claims concerning what it is that we collectively invent—the very possibility of ownership, of loan, of gift and barter, of promise, of authority over others, and so of the obligations and rights these involve; second, in the details of the account of how we are able to do this inventing; and third, in the account of the relation of these rights and obligations to the rest of morality. My claims about originality are an invitation to correction, and I make them diffidently and tentatively. It is because I find the Humean account the best account we have of these rights and obligations and their relation to the wider field of morality when that is seen as cultivation of virtues that I am interested in its genesis. My corrigible and correction-inviting claim is that Hume's account of human collective "inventions" or artifices, along with his account of their relation to what we did not need to invent, make him a glorious inventor in moral and social theory.

1. *A Treatise of Human Nature*, ed. L. A. Selby-Bigge and P. H. Nidditch (Oxford: Clarendon, 1978), p. 661. Future references to this work will be given in the text as *T*. Other works referred to in the text by Hume are *E* (*Enquiries*, ed. L. A. Selby-Bigge and P. H. Nidditch [Oxford: Clarendon, 1975]); *Es* (*Essays*, ed. E. Miller [Indianapolis: Liberty Classics, 1985]); *L* (*The Letters of David Hume*, ed. J. J. T. Greig [Oxford: Oxford University Press, 1969]). The numbers cited in references to *L* are letter numbers. I also refer to *The Life of David Hume Esq. Written by Himself* (London: W. Strahan & T. Cadell, 1777).

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This assessment is of course influenced by my own evaluations and prejudices, and it is well if I make some of these explicit. What I look for in a moral theory is a demystifying account of the deontological component in morality as decent people recognize it, an account which does not subordinate the gentler tones of that morality to its sterner deontological voice, along with a plausible explanation of our persistent tendency to mystify moral matters. Hume's account satisfies these demands. Virtues theories such as Aristotle's typically fail to do justice to the deontological aspects of morality, fail to explain why some ways of behaving ("adultery, theft, murder" are Aristotle's examples at 1107a 11–12 of *Nicomachean Ethics*) are just plain ruled out, not, like vices, merely discouraged. But Natural Law and Kantian theories go to the other extreme, reducing all of morality to the stern voice of duty (perfect or imperfect) or to overtones of that voice. There were of course some mixed or nonreductive theories before Hume's—Aquinas's and Locke's—but these were theological or partly theological theories that derived the richness and many-sidedness of morality, its combination of love and mercy with justice, from the stipulated amplitude of a divine creator who was both loving father and stern lawgiver and judge, demanding from us both obedience and freely given return love. Aquinas has a more or less coherent story about how we can be guided both by the virtues we have been helped to cultivate and by a moral law, but the coherence is bought at the cost of a theological foundation, and one that simply takes it for granted that fathers, and so divine fathers, have authority over the children they have sired. Authority, the most troubling moral concept, is assumed not explained (or maybe it is merged into authorship), and all obligations are derived from that of obedience to authoritative commands. Hume's theory secularizes and demystifies the concepts of obligation and of authority, and does so in a nonreductive distinction-preserving way. The full variety and complex interdependence of different grounds of obligation are recognized, along with the fuller variety of the gentler moral pressures to be a decent person and a good companion as well as a conscientious doer of one's duty.[2] The most influential modern moral theories that avoid resting morality on a religious base are contractarian and so reductive theories, resting all obligations and sometimes all of morality on the obligation arising from contract or mutual voluntary agreement. Hume gives voluntary agreement its due as a source of obligation, but he also gives us a fine stock of anticontractarian arguments. His theory banishes not merely ancient but also modern superstitions in moral theory.

The demystification of property rights, promissory rights, and rights to command obedience that Hume provides is contained in his account

2. I discuss this virtue of Hume's theory in Annette Baier, "Hume—the Women's Moral Theorist?" in *Women and Moral Theory,* ed. Eva Kittay and Diana Meyers (Totowa, N.J.: Rowman & Allanheld, 1987).

of the social artifices whereby the problem caused by the fact that "the opposite passions of men impel them in contrary directions" (*T,* p. 491) is given at least a partial solution, through a redirection and coordination of those same passions. Hume anticipates Feuerbach and Marx in his account of how "the mind has a great propensity to spread itself on external objects" (*T,* p. 167), and then to fail to recognize its own handiwork, both when they are the "fictions of the understanding" and when they are the "artifices" of convention and social inventiveness. We typically fail to acknowledge our own collective handiwork, both in metaphysics and in morality. Hume is fully aware of the resistance his readers will put up to his shocking claim: "See if you can find that matter of fact or external existence which you call *vice* . . . you can never find it until you turn your reflexion into your own breast and find a sentiment of disapprobation which arises in you towards this action" (*T,* pp. 468–69), and he has an explanation for such resistance.[3] In the case of the "laws of justice," which on his account are "entirely artificial and of human invention" (*T,* p. 526), our wish to see these as "Laws of Nature," or of God-or-Nature, as the work of some superhuman legislator, is easily explained if one of our major inventions is that of the special role of law declarer and enforcer. Having given the job of declaring law to a special functionary, and dignified that role, we plausibly then see all rules as stemming from a source external to and more awesome than the ordinary citizen and see the most fundamental rules as coming from as wise and equitable a magistrate as we can imagine. For Hume our religious propensities are the clearest proof of our mind's propensity to spread itself on external objects, and the Natural Law tradition exhibits this phenomenon. Hume plays up the link between the projections of purely religious or "priestly inventions" and the projections of our moral inventions by repeatedly likening the social artifices to the superstitions of religion (*T,* pp. 515, 524–25; *E,* pp. 198–99) while at the same time contrasting the usefulness and benefits of the one with the "uselessness" and "burdensomeness" of the other. The needed and "natural" artifices giving rise to the obligations of justice are both freed from a religious base, yet shown to be like enough to purely religious artifices to explain the persistent illusions of the human mind concerning them. Hume, as Manfred Kuehn has pointed out, anticipates Kant's account of the unavoidable illusions we are subject to, and, as Kuehn does not point out, he sees the same propensity at work in our moral objectifications.[4]

3. This resistance is found even among Humé's admirers, some of whom seem to think that to be a serious moralist one must be an objectivist. A striking example is D. F. Norton's version of Hume's ethics in *David Hume: Sceptical Metaphysician and Common Sense Moralist* (Princeton, N.J.: Princeton University Press, 1985).

4. Manfred Kuehn, "Hume's Antinomies," *Hume Studies* 9, no. 1 (April 1983): 25–45, 35.

HUME'S ORIGINALITY: THE SCOPE OF HIS MORAL CREATIONISM

I now come to the respects in which Hume's theory picks up elements of some earlier theories but uses them in a new way. Those of his predecessors who came closest to anticipating his theory I take to be Hobbes, Pufendorf, and Locke. Among other influences on Hume's moral theory as a whole, and so on this part of it, I would of course include his own list in the *Treatise's* introduction, which besides Locke lists "my lord Shaftesbury, Dr. Mandeville, Mr. Hutchison, Dr. Butler" and adds an et cetera (*T,* p. xviii), as well as those cited or referred to in the text of footnotes of *Treatise,* Book 3, and the *Enquiry Concerning the Principles of Morals.* In the latter, however, the earlier proud claims about artifice are prudently somewhat muffled, and the word "artificial," with its Hobbesian associations, is avoided except in one footnote. Those cited include Cicero, Justinian, Grotius, Malebranche, Bayle, and Montesquieu. Among influences on Hume I would also include Machiavelli, whom Hume seems to have read carefully.[5]

It is because I have not read all these authors as carefully as Hume did that my claims about originality must be tentative. I still have much to learn about Hume's relation to those voluminous writers he calls "the civilians."[6] In that connection, I want to quote what Hume's second biographer (third, if we count Hume's own as the first and Smellie's as the second) said about the link, for it still bears repeating. Writing in 1807, after quoting Hume's own autobiographical remarks about his reactions to Voet and Vinnuis, Ritchie goes on: "Among men of letters a fashion has long prevailed of decrying the writings of the civilians, the usual magnitude of whose works is certainly not calculated to render them inviting. . . . It is probable, however, that the mere circumstance of directing his attention, although in a superficial degree, to the Roman Code and the municipal laws of his country gave a slight bias to his studies which, being seconded by favourable events, suggested at a future

5. See E. C. Mossner, "Hume's Early Memoranda, 1729–40: The Complete Text," *Journal of the History of Ideas* 9 (1949): 492–518. See also Mossner, *The Life of David Hume* (Oxford: Oxford University Press, 1889), p. 266, for an account of Hume's "loan" of a Machiavellian passage to Robert Wallace.

6. I learned first from Duncan Forbes, *Hume's Philosophical Politics* (Cambridge: Cambridge University Press, 1975), and more recently from various writings and lectures by Istvan Hont and Knut Haakonson. Among these are Istvan Hont, "From Pufendorf to Adam Smith" (paper presented at the Conference on Political Thought of the Scottish Enlightenment in a European Context, Edinburgh, August 26, 1986); Knut Haakonson, "Hugo Grotius and the History of Political Thought," *Political Theory* 13, no. 2 (May 1985), and "Natural Law and the Scottish Enlightenment," *Man and Nature* 4 (1985); as well as two anthologies: Istvan Hont and David Ignatieff, eds., *Wealth and Virtue* (Cambridge: Cambridge University Press, 1983); and R. H. Campbell and Andrew S. Skinner, eds., *Natural Law and the Scottish Enlightenment* (Edinburgh: Edinburgh University Press, 1982).

period the project of compiling his *History,* a task he understood not from a wish to detail battles and exhibit a tedious succession of political broils, but for the more dignified purpose of tracing the progress of legislation and civility."[7] Ritchie is surely right both about the influence of Hume's law studies and about the aim of his *History of England.* Thanks to Duncan Forbes and others it is now becoming less fashionable to play down Hume's debt to the Natural Law jurisprudential tradition, and less fashionable also to try to separate his writings in social philosophy from his historical writings. The appendices of the *History of England* obviously continue, and sometimes revise,[8] the line of thought begun in *Treatise,* Book 3, Part 2. And as for "the civilians," even a superficial reading of Grotius and Pufendorf alerts one to the many echoes of their discussions in Hume's writings. Pufendorf, for example, says that part of the point of morality is "the polishing and methodizing of common life," and Hume borrows the phrase to describe philosophical judgments as "the reflections of common life, methodised and corrected" (*E,* p. 162).[9] Like Hume, Pufendorf has lengthy discussion of the ambiguities of the term "natural." Hume uses Pufendorf's near-technical term "imposition" in the *Treatise* (p. 499), in his summary of his preliminary account of the artificial virtues. Hume follows Grotius in taking the basic rationale for the institution of marriage to derive from the underprivileged epistemological position of putative fathers. (In a section of *De Jure Belli et Pacis* concerned with "the rights of bastards," Grotius says, "the mother can be certain that the child is hers . . . but this certain cannot a father be . . . therefore some way was thought to be found whereby it might appear who the father of every child was: and this was marriage.")[10] Besides the influence of Roman, Continental, and Scots law,[11] there is doubtless also some influence not just of maritime law, cited in *Enquiry Concerning the Principles of Morals,* but also of English common law, from Hume's brief time with a shipping firm in Bristol.

7. T. E. Ritchie, *Account of the Life and Writings of David Hume* (Edinburgh, 1807).

8. The first appendix, dealing with the Saxon form of life, notes how allegiance to a leader preceded any recognized stable property rights, at least to land.

9. Samuel Pufendorf, *Laws of Nature and Nations,* trans. Basil Kennet (London: R. Sare, 1717), bk. 1, chap. 1, sec. 3, p. 3.

10. Hugo Grotius, *Laws of War and Peace,* trans. William Evats (London: Ralph Smith, 1682), bk. 2, chap. 7, sec. 8.

11. Neil MacCormick has pointed out to me that Hume's words in *My Own Life* concerning his "unsurmountable aversion" to his legal studies, in particular to Voet and Vinnius, except those linked with "the pursuits of philosophy and general learning," may echo the words of James Dalrymple, Viscount Stair, *Institutions of the Laws of Scotland* (London, 1693), bk. 1, title 1, sec. 17, that the study of mere compilations of legal decisions, not linked to some general jurisprudential theory, may "exceedingly nauseate delicate ingines." Although Hume may not have continued his law studies to the point where Scots law was the prescribed field of study, he can be assumed to have at least browsed in Stair's *Institutions,* as he was a member of a family of lawyers, and a younger cousin of Henry Homes, Lord Kames, with whom he was in fairly frequent intellectual debate.

Let me come now to Hume's improvements on the accounts of social artifice that we find in Hobbes, Pufendorf, and Locke. The very term "artificial" would to Hume's first readers evoke Hobbes's version of Leviathan, the authoritative state, as an automaton, or artificial animal. In his introduction to *Leviathan,* Hobbes likens the making of this monster to "that *fiat,* or the *Let us make man* pronounced by God in the Creation." Hume seconds Hobbes's reappropriation of creative power from gods to human creators, but he also generalizes the scope of what we could call Hobbes's "creationism." Not merely does Hume correct (or revise Butler's correction of) Hobbes's version of the psychology of the human creators, he also extends the range of their creation to include contract or covenant, and the very idea of authority and authoritative law. Where Hobbes took the concepts of authoritative law, and of contract, as somehow innate, waiting only to be analyzed and used, Hume takes them to be human inventions, having as it were to be synthesized before they can be analyzed. Hobbes takes the human tool for creating or inventing Leviathan to be covenant or contract. Hume saw that we must first, by some more natural means or by some more natural tool or tool equivalent (what he calls "convention"), create contract. We must create it before we can use it. As far as I am aware, no one before Hume saw obligations arising from prior promises or contracts to be just as problematic as any others, saw that they were in no sense more "primary" than the obligations to which social contract theorists, Hobbes included, tried to reduce to them. Hume sees, as others before him did not, that the very concepts of promise and contract are cultural achievements, themselves dependent on cultural invention or artifice. The precise form of contract, like that of the other artifices, will vary from community to community, not just because of their varying stages of development toward that commercial society where contract really comes into its own but also because social artifices are, as Hume says, "changeable by human law" (*T,* p. 528). Historical contingencies will lead to variations in positive laws, just as they also lead to some variations in the customs and conventions whereby artifices first evolve. Scotland, for example, had, and to some extent still has, a different institution of marriage from England,[12] and supposedly the Tongans do not have any institution of promise.[13] (Hume would have been surprised at this, since he did believe that the artifices he described were "natural," that is, naturally needed, and such that some form of each of them would naturally evolve or be slowly "invented" in all human societies.)

12. "Gretna Green marriages," or marriages *de praesenti* (namely, of minors without parental consent), were recognized, as was marriage without any ceremony, but merely by "cohabitation with habit and repute" (see the Right Honorable Lord Cooper, *The Scottish Legal Tradition,* rev. M. C. Meston, Saltire Society Pamphlet, N.S. (Edinburgh: William Blackwood, 1982), pp. 18–21.

13. See Fred Korn and Shulamit R. Decktor Korn, "Where People Don't Promise," *Ethics* 93, no. 3 (April 1983): 445–50.

Hume generalizes Hobbes's secular moral constructivism or creationism to include the full variety of our strict obligations and correlative rights, including the demand that men "perform their Covenants made." Both contract and authority are, for Hume, like property in being cultural products invented to solve the social problem caused by "the opposite passions of men" (*T,* p. 491). The concept of obligation, he says, is "altogether unintelligible" without first understanding justice and its dependence on convention, and he accuses those who use it in their explication of justice of "a very great fallacy" (*T,* p. 491).

AN ASIDE ON THE SCOPE OF HUMEAN OBLIGATIONS AND DUTIES

In the important section "Some farther reflexions concerning justice and injustice," Hume contrasts the "entire" rights and obligations of property and promise, whose entirety and strictness is taken as a mark of artifice, with "half rights and obligations, so natural in common life" (*T,* p. 531), but this occurs only in "our common *and negligent* way of thinking" (*T,* p. 530; my emphasis), and Hume himself never, as far as I am aware, unequivocally endorses this looser and broader use of the term obligation. In this passage, he is contrasting the "strictness" and "entirety" of obligations arising from social artifice with other moral concepts such as virtue(s) and vice(s) which do admit of degrees and gradation. He only twice appears to suggest that all virtues talk can be translated into talk of obligations (or half obligations), and in both cases the appearance need not be taken as showing what he really thought. One of these two passages occurs during his discussion of promises. There he says: "All morality depends upon our sentiment; and when any action, or quality of mind, pleases us *after a certain manner,* we say it is virtuous; and when the neglect, or nonperformance of it, displeases us *after a like manner,* we say we lie under an obligation to perform it. A change of the obligation supposes a change of the sentiment; and the creation of a new obligation supposes some new sentiment to arise. But 'tis certain we can naturally no more change our own sentiments than the motions of the heavens, nor by any single act of our will, that is by a promise, render any action agreeable or disagreeable, moral or immoral; which without that act wou'd have produc'd contrary impressions or have been endow'd with different qualities" (*T,* p. 517).[14] The claim about obligation may appear to imply that we have an obligation to avoid every vice or at least to avoid acting viciously. Such a general claim, covering natural as well as artificial virtues, would be hard to reconcile with Hume's earlier already quoted claim that those who use the term obligation without first showing its link with justice and with "its origin in the artifice and contrivance of men" are guilty of "a very gross fallacy" (*T,* p. 491). The only way to reconcile the two passages would be to suppose, a bit implausibly, that Hume thinks

14. Pall Ardal drew my attention to this passage when a version of this paper was given to the Hume Society, Edinburgh, August 29, 1986.

that the artificial virtues swallow up the natural ones, that some convention or some legislator makes it our strict obligation to acquire the natural virtues. Before embracing such an interpretation we should however note two things about the passage in the *Treatise* (p. 517). First, that the apparently general claim about obligation is not that there is an obligation to avoid having qualities of mind that would be morally disapproved of but, rather, to avoid *acting* to display such vices. Since Hume keeps repeating that, in general, actions are subject to moral evaluation only insofar as they display motives or qualities of mind (*T,* pp. 477, 575), this restriction of "obligation" to obligatory performance or nonneglect *of actions* is itself a sign that Hume is not really proposing that all virtue and vice attribution can be translated into attribution of obligations. And, second, the main point of the passage is not to establish anything about the scope of obligation but, rather, to show the error of the view that promissory obligations are willed into existence by the promisor. Hume's concern here is primarily with the artificial virtue of fidelity to promises, the artificial vice of infidelity to promises. It seems to me a more charitable reading to suppose that he spoke a little carelessly here than to suppose that he spoke carelessly when he earlier made the very strong and general claim that obligation is "wholly unintelligible without first understanding justice" (*T,* pp. 490–91) and its dependence on artifice.

The other passage apparently recognizing a general obligation to avoid not merely artificial but also natural vices occurs in the *Treatise* (p. 479), while Hume is explaining and defending his "undoubted maxim, *that no action can be virtuous or morally good unless there be in human nature some motive to produce it, distinct from the sense of its morality,*" and creating the puzzle about what the natural motive to justice is, a puzzle his theory of artifice is designed to solve. There, after stating the maxim, he concedes eventually that "on some occasions a man may perform an action merely out of regard to its obligation," and the example he first offers is this: "A man who feels no gratitude in his temper, is still pleas'd to perform grateful actions, and thinks he has, by that means fulfill'd his duty" (*T,* p. 479). More generally, he then says, "When any virtuous motive or principle is common in human nature, a person who feels his heart devoid of that principle may hate himself upon that account, and may perform the action without the motive, from a certain sense of duty, in order to acquire by practice that virtuous principle, or at least to disguise from himself, as much as possible, his want of it" (*T,* p. 479). I note, about this whole passage, that Hume uses the word "duty," not "obligation," when talking specifically of display of the natural virtue and vice of gratitude and ingratitude, and then makes the more general claim about acting "from a certain sense of duty" in order to "practice" the virtue, or at least to conceal its absence, before he shifts to the concession about acting out of regard to *obligation.* The latter is of course what is at issue for his discussion of the motivation to just actions, so it is understandable

that he includes it in his concession, and in his explanation of how that concession is compatible with his "undoubted maxim," since the exceptional case "still supposes in human nature some distinct principles which are capable of producing the action, and whose moral beauty renders the action meritorious" (*T,* p. 491). Does Hume use "duty" and "obligation" interchangeably? I think not, and will shortly give support for this finding. For the moment we simply need to note that Hume has not explicitly said that there is an obligation to show gratitude; rather, he has said that a man of ungrateful heart may feel a certain sense of duty to put on a display of (fake) gratitude. And we should also note how guarded Hume himself is about endorsing what the unnaturally ungrateful man thinks, when he thinks he can fulfill his duty by performing apparently grateful actions. Hume's concession here is to what people think and say, perhaps in their "common and negligent way of thinking" (*T,* p. 530). I do not think that this passage shows that Hume wants to extend the scope of the concept of obligation to make it coextensive with that of action expressive of virtue or the absence of vice. What the passage shows about Hume's use of the term "duty" is another matter, to which I shall shortly turn.

I have said that Hume's theory has the resources to explain the errors of its opponents. I think that his account of obligation as arising from artifice, from social measures taken to redirect troublesome passions, can also show why some might think they have an obligation to try to rid themselves of any vice they detect in themselves, although he himself does not exploit these resources. If, say, Calvinists believe that a "sinfully" proud person (like Hume as a child proud of his achievements in letters) has an obligation to discipline his pride, or, to take Hume's example here, a cold-hearted unresponsive person feels he has an obligation to try to feel more gratitude to his benefactors, then he is reacting to his own individual idiosyncratic faults in a way parallel to the way a whole society reacts to the generally shared fault of avidity and limited generosity, trying by artifice to redirect a passion. Hume clearly thinks that the redirection of undue avidity, through a whole society-wide "scheme of actions," is an actualized possibility. But he expresses no optimism about *individual* attempts to redirect other passions which can in occasional individuals take socially pernicious forms. I have already quoted his claim that " 'tis certain that we can naturally no more change our own sentiments than the motions of the heavens" (*T,* p. 517), a claim that theoretically allows for the possibility that an individual might nonnaturally, by an individual (as distinct from social) artifice, change his own sentiments. Later in Book 3, in discussing the limits of voluntary individual control, Hume praises the ancient moralists for treating as virtues qualities that are "equally involuntary and necessary, with the qualities of judgment and imagination. Of this nature are constancy, fortitude, magnanimity; and, in short, all the qualities of the great man. I might say the same,

in some degree, for all the others; it being almost impossible for the mind to change itself in any considerable article, or cure itself of a passionate or splenetic temper when they are natural to it" (*T,* p. 608). Clearly Hume thinks that the malleability of avidity by social artifice does not imply the general flexibility of other passions, certainly not by mere individual self-improvement regimens. For one who was as pessimistic as Hume about adult character reform it would be inhumane in the extreme to say that there is an obligation to change vices that cannot, in fact, be changed, and Hume does not say this. He limits obligation, on my reading of him, to the obligations arising from social artifice, to the sphere where cooperative redirection of passion is known to be possible.

The deontological family of moral concepts, the favorites of the Natural Law tradition, are authority, law, rights, obligations, duty, and right and wrong. I have discussed Hume's treatment of authority, law, rights, and obligations, and come now to duty and right and wrong. Hume only occasionally, and then usually ironically or derisively, speaks of right and wrong. The phrase from his pen tends to occur within such contexts as "the eternal rational measures of right and wrong" (*T,* p. 466). He does at the start of the second *Enquiry* say that even the most insensitive human heart is not altogether untouched "with the images of Right and Wrong" (*E,* p. 170), but then he goes on to analyze good and evil, virtues and vices, not right and wrong considered as such. He often includes "blame" and "censure" among the expressions of the workings of the moral sentiment, but this is blame and censure of mostly involuntary vices and defects, not of wrongful actions denominated as such. Hume says that even the altogether involuntary bad qualities, which the moderns prefer to call defects not vices, are "blameable and censurable" (*E,* p. 312), but "blame" and "censure" do not for him carry the special connotations the terms have for official punishers or for moral philosophers who are "divines in disguise," forever anticipating divine punishments and rewards. Hume gives no important place to moral indignation, for the sort of censure that has angry or resentful overtones. "Who would live amidst perpetual wrangling, and scolding, and mutual reproaches?" (*E,* p. 257). If the moral sentiment motivated such mutual scolding, it would increase not decrease "harshness" and discord, and it would forfeit its title to be an improver of human life. A decent humane and Humean morality will minimize the sort of scolding and reproach where the term "wrong" is most at home. (It is of course at home in most games, and in simple arithmetic, where rules define what count as right and wrong moves, as the conventions of justice for Hume define morally right and wrong moves.)

I come now to Hume's use of "duty." He seems to use it beyond the field regulated by the social artifices. He can speak of a father's duty, although given his view that men need the artifice of marriage and the artificial virtue of female chastity in order to know to whom they are fathers, this may not count as an artifice-independent duty. Does Hume

ever speak of a mother's duty? Not as far as I know. Wives and wives-to-be have "special duties" (*T,* p. 570), as well as "obligations" (*T,* p. 573), ones defined by the artifice of marriage, and citizens have "political duties" (*T,* p. 542) and civil duties (*T,* p. 543) as well as an obligation of obedience to magistrates (*T,* p. 583). Hume in the *Treatise* (p. 546) contrasts "our public and private duties," where the private duties in question are ones arising from promises or contracts a person has made as a private person. So in fact most of Hume's references to "duties" seem to be to artifice-defined ones. The exception is the putative "duty" to appear grateful, in the passage in the *Treatise* (p. 479) whose significance I have already discounted. Nevertheless, I think that Hume does use "duty" differently from "obligation," and in a way that allows extension beyond the sphere of the artifices. I think his "duties" are Cicero's *officii,* and attach to roles which may be natural or artificial. So children can be said to have duties to their mothers and guardians, in virtue of their natural role as offspring and beneficiaries, and more generally, gratitude can be a duty for those who occupy the role of recipient of a free gift. In an artifice-regulated society, many roles which could be natural ones will be artifice regulated (e.g., that of parents and children), and many roles will be artifice created. The temporary role of promisor, and the role of citizen, are artifice created, and so generate "duties." Not all Humean artifices design human roles with accompanying special duties—the artifice of property does not. It creates property owners, with rights, and with obligations to respect one another's rights, but not with special duties attaching to their status as property owners (or not duties that Hume mentions). I conclude that Hume reserves the word "duty" for a fairly definite moral requirement on action arising out of some (possibly natural) station a person occupies (parent, friend, teacher, wife, husband, promisor, citizen, magistrate) but uses "obligation" where and only where some artifice puts a requirement upon us. He does not use either term when he is speaking of role-independent natural virtues such as benevolence, cheerfulness, good temper, fortitude, patience—that is, in his discussion of most of the natural virtues. These, unlike obligations and duties, are not strictly required of us but, rather, encouraged and welcomed. That fact, however, does not make them a less important component in Humean morality than the artificial and other virtues that do require a conscientious doing of one's duty or fulfilling of one's obligations. Strictness need not correlate with importance.

HUME'S ORIGINALITY, CONTINUED—GIVING NATURE ITS DUE

The fact that Hume does make the concept of a virtue, not that of either obligation or duty, the primary one in his moral theory and does not, like Hobbes, take a virtue to be the same as obedience to some general rule, brings me to the second point I want to make about his originality. He sees, as Hobbes and Pufendorf and Locke did not see, that the thesis

of moral creationism applies only to one *part* of morality, the deontological part. Hume does not merely generalize Hobbes's moral creationism to include contract, authority, and the very concept of obligation itself in its scope, but also recognizes what lies outside its scope, namely, the natural virtues, the vital part of morality that does not consist in authoritative rules and requirements but in welcomed and encouraged natural tendencies. Hume saw indeed, as I shall shortly elaborate, that unless there *were* more to morality than laws and obligations, there could not be any moral laws and obligations. Hume's very phrase "artificial virtues," and his peculiar special problem about what motive we approve when we approve of the honest man's actions, alerts us to this important fact about his moral theory—that its central formal concepts are not Stoic but Aristotelian. Morality is fundamentally a matter of recognition and approval of virtues, of "that complication of mental qualities . . . we call personal Merit" (*E*, p. 173). The Stoic concepts of law and action in obedience to it need to be brought in only for a special important subset of the moral virtues, those Hume calls "artificial."

In Hume's moral theory as a whole, deontology is circumscribed and subordinated to the main account of morality as the cultivation of and welcome for virtues, both natural virtues and artificial virtues. This fact brings me to Hume's difference from both Locke and Pufendorf. For, as far as moral creationism goes, they both have wider claims than Hobbes or Hume. Pufendorf's theory of "moral entities," imposed on physical nature and existing only as long as the imposing will recognizes them, and Locke's *Essay* doctrine that moral concepts, including that of obligation itself, are mixed modes made without external archetypes by "the human mind pursuing its own ends" both outdo Hobbes, and Hume too, in the explicit or implied scope of their creationism.[15] (As a matter of fact, neither Locke nor Pufendorf explicitly list contract among these special moral entities, notions, or "modes." Although by general implication both must include it, they also both treat contract as more basic or "primary" than other moral modes, able itself to generate moral entities and new obligations.) Pufendorf's moral creationism is extremely comprehensive—among the examples he gives of such (in one sense) nonnatural entities are *child, adult, man,* and *woman.*[16] Indeed, any term with any

15. See Pufendorf, pt. 1: "Of the Origin and Variety of Moral Entities"; and John Locke, *An Essay on Human Understanding,* bk. 3, chap. 5, sec. 6.

16. Pufendorf, bk. 1, chap. 1, sec. 12, dealing with moral entities that are "moral persons," says that among the categories of private person are those stemming from distinctions arising from "Sex and Age, whence come the Differences of Men and Women . . . for though the Diversity of Sex and Number of Years are not of external Imposition, yet in the Method of Social Life they involve some kind of Moral Notion, in as much as different Actions are becoming in different Sexes" (p. 8). He can be read as here anticipating our distinction between sex and gender. Later in Book 6 he develops his views about what actions are becoming and unbecoming to human males and females—he takes it that sexual initiative is becoming in males only and that women should agree to male sovereignty in marriage, and he characterizes as "Barbarous at least, if not Beastly" (p. 34) the reported

moral implications for Pufendorf names a moral entity, created by some will's imposition. Both Pufendorf and Locke, unlike Hume, want to be able to say that the honors for doing this creative imposition are to be shared between God and human beings. Pufendorf divides them out fairly straightforwardly, making some concepts depend on human legislation, other more basic ones on prior divine legislation.[17] But Locke seems to want to divide the responsibility in a less clear manner. He thinks, it seems, that we create the moral ideas, ideas such as adultery, theft, murder but that it is God who forbids such actions. It is as if we give God the vocabulary with which He then enunciates the moral law. We think up the idea of obligation, and a range of possible obligations, but God decides what our obligations really are.[18] I can make little sense of Locke's theory, taken as a whole. Its tensions and incoherences derive from its attempt to combine a sort of secular moral creationism with a more traditionally theological natural law theory. Pufendorf makes the same attempt. The problems in his account are less glaring than in Locke's but are at root the same. The identity of the imposing will or wills is basically unclear in both theories, and both presuppose rather than explain the authority and power of these unclearly identified imposing wills. Hume, by contrast, is straightforwardly secular in his account, and he does try to show the evolution of the concept of legislative authority, as much as of any other deontological concept. The strength of his theory of artifice lies in its being embedded in an account of natural morality and the natural virtues, for it is to this he can and does turn to show just how human communities can invent the deontological entities they do, including eventually the artifice of magisterial authority. Hume's theory of human artifice is supported by a theory of human nature and, within that, an emphasis on our natural capacities for cooperation and coordination, displayed most importantly within the natural family. I turn now to that aspect of his theory.

THE PLACE OF THE NATURAL FAMILY IN HUME'S THEORY

On the story Hume tells in the *Treatise,* it is only because of our biologically given nature, and of some aspects of that which we can approve of and so call virtues, that we *can* make the moral creations or artifices that we do make. We do not create or invent ex nihilo but out of potentialities provided by nature, and our creations, although not directly modeled on them, do in fact reflect and repeat features present in that nonartificial social structure, the natural family. For our given biological nature, as Hume understands it, makes us not merely physically but also emotionally

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couplings of "Amazonian marriages" where these asymmetries were reversed, thus going against "the Genius and Character of both Sexes."

17. Pufendorf, bk. 1, chap. 1, sec. 3.

18. For a valiant attempt to make sense of Locke's theory, see John Colman, *John Locke's Moral Theory* (Edinburgh: Edinburgh University Press, 1983).

and motivationally beings who are essentially family members, linked by what he calls "the relation of blood" to both ancestors and descendants, the closest of whom we live with in intimacy and interdependency.[19] The relation of blood, Hume says "creates the strongest tie the mind is capable of in the love of parents for their children" (*T*, p. 352). Hume's account in Book 3 of how we can collectively invent artifices, society-wide schemes of cooperation, depends crucially on what he had already in Book 2 argued was our human psychology. It is only because of our way of procreating, of letting family lines continue, and the psychological preconditions and effects of that, that we are able to do any social creating. Hume's story of the genesis of the social artifice is centered on this key sociobiological fact about us, one that Adam Ferguson was to repeat, that we are from the start family members. We are mammals, we "propagate our kind" by cooperating with mates and offspring in the natural family. As Hume says "in order to form society, 'tis requisite not only that it be advantageous but also that men be sensible of its advantages. Most fortunately, therefore" there is the natural family, where such advantages become known (*T*, p. 486). Human beings start with "a long and helpless infancy" (*E*, p. 206) and, if they survive that, must have had a fair amount of parental care, and been able to cooperate enough to receive that, and so become accustomed to some forms of trust and trustworthiness. Hume's account of the artifices is a story of the enlargement and proliferation of forms of trust and cooperation, and its linchpin is some initial trust, some experience of the advantages of sustaining trust. For this reason it is scarcely coherent to deplore, as J. L. Mackie does, the fact that Hume's splendid account of moral artifice is accompanied by a different account of what he calls "natural" virtues.[20] Hume's theory of artifice needs the support of his account of our nature, our natural coordinative abilities, their easily perceived advantages, their natural limits, and their potential for artificial extension.

What is strictly needed in Hume's account is the fact and easily perceived advantage of natural cooperation within the natural family. But he also believes there is *love* there too. His version of family relationships in Book 2 is of mutual love and easy intimacy, not of tyranny, rivalry,

19. The place of love and family intimacy among our modern values has been the focus of some interesting recent discussions by social philosophers. Bernard Williams discusses it in *Ethics and the Limits of Philosophy* (Cambridge: Cambridge University Press, 1985); and Charles Taylor in his essay "Legitimation Crisis?" sees family life as a currently threatened value. He writes: "This is particularly critical because the version of identity predominant in our society is one which aims towards a mobile subject, who loosens the ties of larger communities and finds himself on his own in the nuclear family. But this gives tremendously heightened significance to the nuclear family, which is now the main locus of strong, lasting, defining relations; and it has given the emotions of family love a uniquely important place in the modern conception of natural fulfillment. The eighteenth century already sees this positive valuation of family life, family ties, family feeling" (Taylor, *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985).

20. See J. L. Mackie, *Hume's Moral Theory* (Oxford: Oxford University Press, 1980), p. 129.

jealousy, or hostility. It speaks volumes for his own childhood care by his devoted widowed mother, and for her ways of "keeping peace among her children." In his autobiography Hume tells us how impressed he was by the maternal care he experienced, and the dedication of his *Four Dissertations* to John Home, author of the play *Douglas,* which is largely concerned with the intensity of mother love, as well as his fervent support for the controversial first production of that play, may have been inspired as much by the matter as by the manner of that now not much admired dramatic work.

There is nothing at all novel in the general thesis that social ties beyond the family depend somehow on social ties within the family. Where Hume is interesting and original is in the details of his account. One striking feature is not just the emphasis on maternal devotion but also the total absence of patriarchal authority from his account of the natural family. Where Grotius takes "marriage in its natural terms for such cohabitation as places the woman under the custody or safeguard of the man," Hume does not take it that way.[21] Since his father died in his infancy, and his mother did not remarry, he never experienced paternal authority. He had first-hand empirical demonstration that some women could care for their children without being, in Grotius's phrase, under the "eye" and protection of a husband, a member of the "nobler sex," to whom women on their stories submit in return for protection (protection not from the elements but from other noble males).[22] Hume's widowed mother doubtless was dependent on some male relatives for the "expenses" of child rearing, but she seems to have managed home, estate, and children well enough without a husband as father and master. We know that this fact impressed Hume, and his theory is indebted to his own experience, in a way that confirms his own empiricism in epistemology.

Hume's model of family cooperation, which I am suggesting is to be seen as the original parent of the social artifices, is not of cooperation within a family that needs and has a male "head." Hume knew paternal authority to be unnecessary. What is essential for the family to play the role alloted it in Hume's theory of how social artifices get invented is, first, cooperation or at least continued cohabitation between a man and a woman, then some shared parental control over children, enough to "rub off" any "rough corners and untoward affections" (*T,* p. 486) and to "preserve peace" among them (*T,* p. 493). (The mention here of untoward affections signals Hume's continuing near-obsession with the question of incest and why it should be seen as "untoward." His *History of England* indulges his great fascination with canon law prohibitions and various breaches of them.) Such shared parental control will be a sort of family forerunner of that "mixed government" that he thought was the best version of the artifice of magisterial authority. Any male sovereignty in the family, he tells us in "Of Polygamy and Divorces" counts as "real

21. Grotius, bk. 2, chap. 7, sec. 8.
22. Ibid.

usurpation" (*Es,* p. 184). This is pretty radical, compared with Grotius and Pufendorf. Hume has come to be seen as a conservative in social theory, but on some root social issues, namely, on priestly power and male supremacy, he is no conserver but a reformer or a revolutionary.[23] If it was his aim to rid his society of "the Christian superstition," as he is reported to have said on his deathbed it was (while acknowledging that the work was unfinished), this alone makes the term "conservative" inappropriate. If, as I am suggesting, the demise of priestly power in a religion worshipping a God-father would mean the demise of one form of patriarchal power, then radicalism on religion and radicalism on male-female power relations are natural partners. Hume not merely wages a sustained and varied antireligious literary campaign, he also diagnoses the root causes of patriarchal monotheism and attempts some subversion at that deeper level. His revised version of the natural family, as a family without male sovereignty, may owe something to Hobbes, who allocates power over the child to the mother, but Hobbes did not, as Hume does, give this nonpatriarchal version of the mini-society of the family a vital role to play in the explanation of wider-ranging social structures of cooperation.[24] The natural family provides experience of the benefits of cooperation and gives members of it the crucial knowledge that there can be conditions in which we can trust and work with others to mutual benefit. What is more, on Hume's account of it, we find within the natural family "the rudiments of justice" (*T,* p. 493), not just in cooperation itself, and in that unspoken agreement to coordination which prefigures what Hume calls "convention," but also in forerunners of specific artifices, of the content of specific conventions. In the family there is a primitive foreshadowing of property (*T,* p. 493), of fidelity to a sort of undertaking (*T,* p. 571), and of mixed government, when "the parents govern by advantage of their superior strength and wisdom, and at the same time are restrain'd in the exercise of their authority by the natural affection which they bear their children" (*T,* p. 486). I use the word "foreshadow" for these family anticipations of specific social artifices, following Hume's terminology in the *Treatise* (p. 540), when he says that military leaders who assume command in time of war, before governments are instituted, enjoy a "shadow of authority," so that "camps are the true mothers of cities," that is, of governed communities. (Hume's biological and feminine metaphor here is worthy of note.)

It needs to be made quite clear that these family shadows, or foreshadowings, of the specific artifices do not, on the Humean story, directly generate or even serve as the model for those artifices themselves. The causal story is not that we make artifice copies of primitive rights and

23. I have discussed this in "Hume on Women's Complexion," forthcoming from Edinburgh University Press in a volume of essays on Hume, ed. Peter Jones, given as talks during the University of Edinburgh Institute Project Scottish Enlightenment, 1986.

24. See Thomas Hobbes, *Leviathan,* chap. 20.

duties within the natural family. Hume's natural history of the artifices is much more complicated. In his account of the rise of property, it is family cooperation in general, not the specific form of it that consists in recognition of children's proto-property rights to their "own" toys, beds, and so on, that is invoked. In the account of the rise of promise, that artifice is more contrasted than likened to fidelity and reciprocity between friends and lovers (*T*, p. 521). And in the account of the origin of government Hume explicitly denies that the authority of governments derives from paternal authority (*T*, p. 541). (It could still in theory derive from maternal authority but only via military shadow authority, which, Amazons aside, seems an unlikely story, and one there is not reason to foist on Hume.) The Humean story getting us from family cooperation to society-wide cooperation is not a story of a simple cloning of giant versions of aspects of family cooperation. Shortly I will discuss some features of that complex natural history, arguing that the generation of the artifices, that do indeed repeat and vary features of the family, is a much more "natural" history than it would have been if the family had simply reduplicated itself or its features in larger scale copies.

Hume's account of the family, and of the causal process by which the social artifices get generated from it, is a fundamentally biological account. He sees us as a biologist does, as mammals who reproduce sexually and feed and care for our young. We are essentially family members, but the Humean concept of the family is biological not theological. Hume sees us and our nature as continuous with the rest of animal nature. Where Pufendorf saw morality, including duties of obedience to fathers and husbands, to save us from "the horrid stupidity of the dumb creation,"[25] Hume goes out of his way to emphasize that we are an animal species, that our "reason" is a form of reason in animals, of animal intelligence and animal instinct; that almost all our passions have their analogues in the so-called higher animals, who outdo us in the scope of their love for others; that some cooperate instinctively and more successfully than we do. Animals are neither stupid nor horrid, in comparison with us. Our special features, for Hume, are a faculty of reflection, of turning mental processes and passions on themselves as well as their normal objects, and that inventiveness which compensates for what in the preliminaries to his account of social artifice he playfully calls nature's unnatural gifts to us in the way of "natural" equipment to survive, that is, to survive without relying on human inventions, social and other. An "unnatural conjunction" (*T*, p. 485) of extreme need and infirmity typifies not merely the human infant but our species as well, if one subtracts the products of our own collective inventiveness. The fact that we do have to rely on human creations, and have to learn from each other, makes us not merely inventive but acculturated animals, and

25. Pufendorf, bk. 1, pt. 1, chap. 1, sec. 2, p. 2.

Hume would not disagree with Pufendorf about the "comeliness"[26] this introduces into our lives, nor with Pufendorf's claim that neither we ourselves, once we have acquired culture, nor any god we recognize as such, would want us to "pass our life like beasts without culture and without rule."[27] Our 'natural' defects, and our compensation for them, are the source of special goods, as well as special evils when our inventions go wrong.

Grotius, who keeps telling his readers to learn from other animals, such as the storks who are claimed to carry their infirm parents on their backs, is more Hume's predecessor here in seeing some admirable features in other animals, and some continuity between animal behavior and human moral behavior. He is also closer than Pufendorf to being in agreement with Hume's secularism.[28] But he does not really have a theory of social artifice and does not see that rights need to be invented before they can be respected. Hume's greatness lies in the way his theory of artifice is combined with and embedded in a fairly realistic account of our biologically given nature, of what features of that we can approve of and encourage when we reflect on them from a moral point of view, what other features we find it necessary to regulate by artifices. His account both of human nature and of what virtues we often have is vital to his account of artifice and artificial virtues. For without some natural virtues such as kindness to children, patience, and gratitude in family members, the family will not serve its basic biological reproductive function, let alone serve to give us the rudiments of justice.

AN ASIDE ON MARRIAGE AND OBEDIENCE

Hume of course is perfectly clear that the artificial as distinct from the natural form of the family does have a "master." When he is referring to family relations as they existed in marriage-initiated families, those familiar to most of his readers, he sometimes refers to the master of a family (*T,* p. 487). And the artificial virtues of female chastity and modesty, along with the legal institution or artifice of marriage that he describes in the *Treatise* at the end of his account of the social artifices, is of course not the natural but an artificial family. Hume describes it as socially useful and as "conspicuously" artificial. It does subordinate women's freedom and interests to men's freedom and interests, but it is not said to subordinate wives to their husbands' commands. No patriarchal authority is included in the matrimonial artifice that Hume describes as serving a socially useful purpose. Chastity, not obedience, is the artificial female virtue he analyzes, one whose unnaturalness he takes to be "obvious" and to need no argument (*T,* p. 570). Where he had dignified the useful artifices of property and its transfer by consent as "naturally" respected artifices (*T,* p. 533), no

26. Ibid.

27. Ibid., sec. 3, p. 3.

28. See Haakonson, "Hugo Grotius and the History of Political Thought," for a discussion of the limited extent of Grotius's secularism.

such claim is made for the artifice of marriage with a double standard, even when that is not made to incorporate the additional artifice of male mastery. The most that can be said for it is that it is *a* way to serve a vital social function, providing children with full parental care. Does Hume think that marriage, as described in *Treatise,* Book 3, Part 2, Section 12, meets his earlier test for an acceptable social artifice, meets the demand that it be "infinitely advantageous to the whole and every part" of society? (*T,* p. 498). He speaks of its acceptance by "those who have an interest in the fidelity of women" and of others who have no such interest as "carried along by the stream." This is tantamount to saying that not every part of society receives infinite advantages from this artifice—it is useful only to part of society, the males intent on knowledge of paternity.

It seems then that Hume is guarded in his claims about the social benefits of a form of marriage that demands greater chastity of women than of men and makes no claims at all for the social usefulness of any patriarchal form of the family. Not only is patriarchy not natural, it is not a useful artifice either. Perhaps it should be put along with priestly power that is exercised in the Mass, and in the laying on of hands, which Hume mentions as being, in their artificiality, like the artifices that make the artificial virtues possible, but unlike them in their social uselessness or harmfulness. Hume recognizes no virtue, natural or artificial, that consists in obedience to husbands. The only virtues of obedience in his list are obedience to magistrates, an important artificial virtue and, by implication, also small children's obedience to parents, both to mothers and to fathers. Hume's ethics are radical and reformist not merely in the demotion of the monkish virtues, and in the doubts cast on the heroic virtues, but also on the carefully limited endorsement given to obedience to any sort of human superior. His contemporary readers and reviewers saw that better than most readers today seem to—he was considered an apostle of a dangerous degree of liberty.[29] And to reject the authority systems both of churches and of patriarchal families was indeed to preach liberation.

We need then to distinguish at least three versions of the family—the natural family, the useful artifice of a family with an obligatorily chaste wife and mother, and the actual social artifice of Christian marriage in which the wife is also obligatorily obedient to her husband. It is the first of these that plays a vital role in the genesis of the useful social artifices, as Hume describes that. The second is itself an artifice that is seen to have at least sectional usefulness, and the third lurks in the background of Hume's *Treatise* account, neither endorsed nor criticized, and comes in for criticism in such essays as "Of Love and Marriage" (*Es,* pp. 557–62) and "Of Polygamy and Divorces" (*Es,* pp. 181–90). To distinguish these three versions of the family is not to deny that vestiges of the first could remain within the second, nor that the second and third

29. See Mossner, *The Life of David Hume,* p. 120.

could be combined. Presumably Hume's own experience of family life, with his widowed mother, older brother, and sister, was of a family of the second sort, that had been also of the third, and still retained that memory, as well as containing some vestiges of the natural family. When husbands, although seen to have superior authority, do not exert it, or when they die young, then families of the third sort will approximate more closely to the natural family. Of course if parental cooperation is an important element in that natural family, then one-parent families will be necessarily defective. They may be free of that "real usurpation" of male sovereignty, but they will also lack that cooperation between equals which, along with cooperation between unequals (parent and child), could serve as example and paradigm. It is noteworthy that Hume, like several other enlightened Scots of the eighteenth century, not merely spent a fatherless childhood but like them also avoided both patriarchal marriage and (unless we believe Agnes Galbraith) fatherhood.[30] Avoiding male sovereignty in marriage may be essential to making families morally exemplary and nurseries of enlightenment but not sufficient to make them *serve* as example. Indeed, those interestingly fatherless nurseries of the Scottish enlightenment that produced enlightened sons generated no grandchildren (and no enlightened daughters either). Fatherless and unfathering, Hume and Smith had to treat their books as their offspring; some, like the *Treatise,* deemed "stillborn," others, like Smith's *Theory of Moral Sentiments,* seen as a candidate for "immortality" (*L,* no. 165).

But enough armchair sociology and psychology, tempting though it obviously is. To recapitulate: the point I have tried to make about the place of the family in Hume's story of the artifices and their rise and progress is that it is the natural family that is important in their rise, not departures from it in any variant of the artificial family.

THE NATURAL FAMILY, CONTINUED

My final suggestion about the centrality of the concept of the family in Hume's social theory may be found fanciful and has little direct textual support. This is the suggestion that Hume gives us a genealogy of the artifices, which are themselves seen as a family, a sequence of generations, and ones that, like human and unlike butterfly generations, overlap in lifetime. The artifice of government, as we have seen, is found to have a "true mother," military leadership, who survives alongside her child, government. This suggestive metaphor of Hume's tempts me to extend it to his account of the "earlier" artifices, which are indeed presented by him as a sequence, later members repeating and varying features found in their ancestors but not necessarily most similar to their closest ancestors. Hume's account of how property comes about, how transfer by consent

30. It has been noted by Charles Camic, *Experience and Enlightenment* (Edinburgh: Edinburgh University Press; Chicago: University of Chicago Press, 1983), chap. 4. On Galbraith's assertion, see Mossner, *The Life of David Hume,* chap. 7.

comes to accompany it, how promise gets added to the family, then government, then, to correct its abuses, a free press, is not really historical but abstruse and highly theoretical. I suggest that one key to its abstruse complexities is the root metaphor of the transmission of human life, of the family, dominating his thinking. He gives us a genealogy of obligations. Not only does he take social change seriously, but his "natural history" of civil society is also a biologist's natural history, not a chemist's, geologist's, or astronomer's. Hume's concept of the "nature" that social artifices imitate is neither the theologian's nor Newton's but more that of Darwin. It is understandable that T. H. Huxley chose to write a book about Hume's philosophy of human nature.

Hume's story in the *Treatise* of the changes leading from natural families in a hypothetical "state of nature" to a civilized artifice-secured way of life is not, like those of his ungrateful beneficiary Rousseau and of his Scottish successors Smith and Ferguson, a stage theory, in which there is progress from food gathering to herding to agriculture to commerce. We have to *infer* from the *Treatise* account what sort of work those who invent barter are doing, what different condition (use of measures and of money) go with reliance on contract. The story in the *Treatise* is not primarily a story of economic change (although it is incidentally that) but of change in the sorts of moral ties we have to our fellows. Hume is working at a higher level of abstraction than his fellow Scots. Later in his economic essays and in the *History of England* he becomes very concerned to correlate the social with the economic changes, but his main interest continues to lie in the evolving network of social ties. The continuities and discontinuities he stresses in his *Treatise* presentation of these—the way, for example, promise picks up some formal features present in its immediate ancestor, transfer by consent, and foreshadows, in the conditional punitive powers it confers on promisees, the later appearance of magistrates' punitive power, the way these latter, like specific property rights, are exclusive, or monopolies of a power—all of these recombinations of a limited number of "genetic" components in successive members of the growing family of artifices, as Hume presents them, tempt me to suggest that the concept of the natural human family, as a sociobiological reality, is the root metaphor that generates the prima facie puzzling form of Hume's social theory in the *Treatise* and inspires his genealogy of social artifices, his "natural history" of human cooperation. We should see the artifices as an on-going sequence of family members, each dependent for coming to be on prior members, and each having traits that can be traced back through ancestors. The genealogy of Hume's theoretical guiding thread leads us to genealogy itself. But even if this claim about his metatheory is rejected as fanciful, if it is denied that the natural family provides Hume with the metaphor that dictates the form of his theory, it will be hard to deny that it has a vital place in the substance of that theory. If I am right about the biological or sociobiological tenor of Hume's social theory, of his account of our capacities and of how we

overcome both the limits of our "natural" abilities and the limits of the natural family, then he was in his social theory several generations ahead of his time. His thinking has more affinities with that of Darwin and Huxley than with Pufendorf, Kant, or Mill. Nor is it clear that we today, embroiled as we are in a debate about exactly what form a coherent sociobiology of the human animal could take, have any better account than Hume's to give of how our varying cultural inheritance relates to our biological inheritance.[31] Hume's treatise of human nature treats us as an inventive species, whose cultural inventions, while they are real novelties, owe much to our non-self-invented nature. Hume's theory of social artifice recognizes the cultural component of human life, human reason, and human morality as importantly different from our more unvarying natural intelligence and "natural virtues," yet at the same time anchors these cultural variation-introducing creative capacities in the biologically given nature of those who are born into family life, who come to reflect on it and on its limits. Hume portrays us as an inventive species, as animals who by nature are cooperative, passionate, and intelligent artificers, animals whose most important inventions are the "natural artifices" that extend and transform our own powers of cooperation, creation, self-fulfillment, and self-expression.

31. See Stephen Jay Gould's endorsement of criticism of Edward O. Wilson's version of our sociobiology in "Cardboard Darwinism," *New York Review of Books* 33, no. 14 (September 1986): 47–54.