On the Use of History for Political Theory: Liberty and Culture in Hume’s *History of England*

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Enlightenment thinkers have been accused of adhering to naïve and universalistic conceptions of human nature which impede appreciation of cultural differences and historical change. R.G. Collingwood famously characterised Enlightenment views of human nature “substantially as something static and permanent, an unvarying substratum underlying the course of historical changes.” In this regard, David Hume’s historical work is criticised for its anachronism and cultural parochialism:

Hume never shows the slightest suspicion that the human nature he is analysing in his philosophical work is the nature of a Western European in the early eighteenth century and that the very same enterprise if undertaken at a widely different time or place might have yielded widely different results.¹

This critique seems borne out by the following assertion in Hume’s *Enquiry Concerning Human Understanding*:

> It is universally acknowledged that there is a great uniformity among the actions of men, in all nations and ages, and that human nature remains still the same in its principles and operations….Would you know the sentiments, inclinations, and course of life of the Greeks and Romans? Study well the temper and actions of the French and English: you cannot be much mistaken in transferring to the former most of the observations which you have made with regard to the latter.

Hume continues with his account of history as “collections of experiments by which the politician or moral philosopher fixes the principles of his science”:

> Mankind are so much the same, in all times and places, that history informs us of nothing new or strange in this particular. Its chief use is only to discover the constant and universal principles of human nature by showing men in all varieties of circumstances and situations, and furnishing us with materials from which we may form our observations and become acquainted with the regular springs of human action and behaviour.²

History, in this account, provides the data for a quasi-Newtonian science of human nature. Just as the natural scientist was thought to identify the underlying laws and principles of the natural world, so too with the philosopher’s investigation into the passions constituting human thought and action.

Commentators have rightly pointed out that Hume is aware of the considerable variations across different times and places. Indeed, Hume writes in the same section that we must make “allowance for the diversity of characters, prejudices, and opinions. Such a

uniformity, in every particular, is found in no part of nature.” By adjusting for such diversity, the philosopher uncovers deeper principles of uniformity at work: “Are the manners of men different in different ages and countries? We learn thence the great force of custom and education, which mould the human mind from its infancy and form it into a fixed and established character.”

Scholars have sought to reconcile the uniformity and diversity in Hume’s thought by distinguishing the “methodological unity” which makes possible the study of history (hence the comparison of “different ages and countries”) from the “substantial” diversity of nations; or the uniformity and predictability of “ordinary actions in ‘common life’” across cultures—i.e., the structure of human motivations—from the content of human motivations, shaped by character, prejudice, and opinion. Others have argued that Hume’s treatment of human nature should be taken in two senses, in terms of uniform human psychology and in terms of man in different societies; or that the “universal human goals of survival and happiness” are consistent with the “variety of human types” in society.

If Hume is taken to mean solely that a universal human nature is nevertheless subject to social and cultural variation, then it is hard to see how his conception differs substantially from, for example, Thomas Hobbes’s remark in Leviathan that “the similitude of Passions, which are the same in all men” is not to be confused with the considerable diversity of the “objects of the Passions…for these the constitution individuall, and particular education do so vary….” In other words, Hume’s recognition that cultural context shapes human character does not in itself depart from Hobbes’s account of human nature as largely unchanging. Some commentators have sought, however, to situate Hume’s thought as a decisive break with 17th century ahistorical conceptions of human nature and politics, by placing history at the very heart of Humean politics. Richard H. Dees regards Hume as a thoroughly contextualist thinker, for whom the principles of morals and politics can only be discovered and interpreted through the cultural context of a particular community at a particular time, notwithstanding the moral sentiments in humanity.

Donald Livingston goes even further in arguing that for Hume, “human nature is in constant change”; human beings can only be understood through the “prejudices, customs, and traditions” of the society in which they live.

As Neil McArthur persuasively counters, Hume’s concern that political practices conform to particular customs and traditions of a society does not exclude a universalist framework in which, for example, a society should be purged of its barbaric tendencies according to the standards of modern civilisation. I should like to extend this view to

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3 E1: s. 8, pt. 1, p. 95.
9 Dees, 231, 241-2.
examining Hume’s *History of England* as a work which recognises and validates cultural differences within the boundaries set down by bourgeois civilisation. Unlike Montesquieu’s *Spirit of the Laws*, which surveys monarchies, republics, and despotisms around the globe, Hume’s *History* focuses on one country; but his treatment, particularly in its critique of the so-called Whig interpretation of history, exemplifies the idea of cultural diversity between different historical periods. Moreover, the work does not simply set out a linear progression in English history towards an enlightened age, but is instead a narrative of the fluctuating struggles between liberty and authority in England. Hume, I argue, is attentive to the distinct political cultures in the historical development of the English constitution, but it is a development interpreted through the lens of bourgeois thought, emphasising the contributions of commerce, science, and arts—both liberal and mechanical—to the civilised society of propertied individuals. Even within this peculiarly modern perspective, there is a valiant pursuit of impartiality relative to Whig and Tory doctrines in 18th century Britain, as well as an openness to diverse models of society and government as they pertain to different moments in history.

**Whig History**

Hume rejected the contractualism exemplified most thoughtfully in Hobbes’s political thought; but his explicit critique of social contract theory is directed at Locke and his Whig successors, targets of both his political and historical writing. Hobbes’s account of the “naturall condition of mankind” and the institution of the sovereign state by social covenant is meant to be hypothetical, not historical; conquest rather than contract is the likely historical origin of government, given that “there is scarce a Common-wealth in the world, whose beginnings can in conscience be justified.”12 In contrast, Locke was much less clear about the historical status of his social contract, especially in his ambiguous treatment of the state of nature as it relates to the state of war, civil society, and the mythical “golden age.” Yet this ambiguity made possible the view that King James II’s bid for absolute monarchy was an abrogation of an original contract between prince and people, thus justifying the 1688 revolution as upholding the original contract despite the absence of historical evidence to support the existence of such a contract.

It was left to Whig historians to interpret the history of the English constitution in a manner congenial to the justification of the events of 1688 on contractual grounds. Paul de Rapin-Thoyras’s *History of England* (trans. Tindal, 1726-30) was particularly influential in promulgating the view of the English constitution as essentially unchanged since the ancient Saxons. Thus Magna Carta upheld ancient parliamentary freedoms against the Norman constitution; and in more recent times, Queen Elizabeth defended English liberties in contradistinction to her Stuart successors, who sought to subvert the ancient English constitution by subordinating parliament to the will of the royal court.13 Hume himself had regarded Rapin’s history as unsurpassed and admired its impartiality and anti-clericalism, but by the time of the writing of his own *History of England*, he characterised Rapin’s history as “totally despicable.”14 As Victor Wexler argues, Hume

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exaggerated Rapin’s partiality, thus underscoring his own impartial treatment as he saw it.

Rapin’s history was, however, a major influence on the writings of Henry St. John, Viscount Bolingbroke. Writing against the corruption in English government under Robert Walpole, Bolingbroke asserted in *A Dissertation upon Parties* (1733-4) that “our constitution is in the strictest sense a bargain, a conditional contract between the prince and the people, as it always hath been, and still is, between the representative and collective bodies of the nation.” He supported this claim with what one commentator has described as a “diluted” version of Rapin’s history. He depicted Britain as “the temple of liberty” in all ages and the ancient and Britons as freemen. After the Romans left, British kings ruled only by the authority of the people as represented in popular assemblies, as did the Saxon kings after them. The Normans sought to impose tyranny upon the people, but the “root” of the constitution “remain untouched” and re-grew. The rights of parliament were continually preserved, such that they “were constituted almost as they now are, and were entirely built on the same general principles, as well as directed to the same purposes.” Consequently, the Stuart dynasty acted against a relatively unchanged “spirit of the constitution,” leading first to civil war and later the alliance of Whig and Tory to oppose James II. Bolingbroke’s characterisation of the revolution settlement as a “new Magna Carta” is not hyperbole: the Glorious Revolution simply defended ancient liberties from 1215 and further back in antiquity. Moreover, Bolingbroke’s conception of an unchanging English constitution asserts not only the uniqueness but also superiority of English political life over the rest of Europe and the world. Although, for example, France shared the same Germanic ancestors as Britain, its kings became absolute monarchs, destroying all traces of Gothic liberty. Bolingbroke’s Lockean defence of a mixed constitution as supported by a Whig interpretation of history implied a cultural chauvinism particularly against neighbouring France. Hume would reject both what he regarded as an unhistorical view of the English constitution and the Anglocentrism implicit in Whig ideology.

### The Role of History and the Concept of Culture

Hume’s philosophy aims to show that all knowledge and all reasoning is grounded in experience. Our knowledge of the world consists of direct sense-impressions or ideas arising from our impressions. In this light, history takes on a significance for Hume which is absent for philosophers who devalue experience as a source of knowledge relative to reason or revelation. Even Hobbes, who like Hume grounded his philosophy in human nature, regarded history as “Knowledge of Fact,” unlike “SCIENCE, that is,

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18 Bolingbroke, *Dissertation*, 113-5.
19 Ibid., 154-5.
20 Ibid., 22.
21 Ibid., 9.
22 Ibid., 154, 157.
knowledge of Consequences; which is called also PHILOSOPHY.”

Although Hobbes’s *Behemoth; or the Long Parliament* (1679) investigates the causes of the English civil war and its effects, historical narrative in itself is not “scientific” in setting down definitions and geometrically proceeding from definitions to consequences in a logical fashion.

Hume, of course, cast sceptical doubts on our ability to know causes on any basis other than experience, i.e., the customary conjunction of our ideas of objects. It is not the case that for Hume, all knowledge is rendered doubtful, but rather that, contra Hobbes, “knowledge of fact” is the sole basis of “knowledge of consequences.”

Thus history for Hume is more than “philosophy teaching by example,” in the words of Bolingbroke. As Ernest Mossner puts it, philosophy in Hume’s view “is the product of history, itself the narrative of the course taken by human nature, past, present, and future.”

What does this mean? As we saw at the outset of this paper, Hume thought that history furnished the materials for investigating human nature (the sole and proper object of philosophy, in his view). It is not simply that the philosopher abstracts from history the universal principles of human nature, but rather that the history of humanity, and that of particular countries, is constitutive of the knowledge of humanity. If the very operation of the human mind consists of the association of ideas, then any knowledge of human affairs, including politics, will be based on history:

…the historian traces the series of actions according to their natural order, remounts to their secret springs and principles, and delineates their most remote consequences. He chooses for his subject a certain portion of that great chain of events which compose the history of mankind….He sees that the knowledge of causes is not only the most satisfactory, this relation or connection being the strongest of all others, but also the most instructive; since it is by this knowledge alone we are enabled to control events and govern futurity.

Hume’s political philosophy is inseparable from his work as historian.

Hume’s historical approach to political philosophy is evident in his critique of social contract theory. His conception of justice as the virtue relating solely to property, his view that a peaceful “uncultivated” society could have existed without government, his emphasis on the promotion of commerce, and his championing of the middle class would suggest an essentially Lockean stance on political society. Hume’s political

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24 See ibid., ch. 5, p. 35. Presumably, the author of *Behemoth* employs philosophy to comment on historical events as demonstrative of certain causal relationships in civil philosophy, e.g., between religious zeal and political sedition.
25 See E1: s. 5.
27 E1: s. 3, p. 34 (emphasis added).
28 David Gauthier thinks that Hume’s theories of justice and government are, notwithstanding explicit disavowals of Whig contractarianism, essentially and fundamentally contractarian. See David Gauthier, “David Hume, Contractarian,” *The Philosophical Review* 88 (1979): 3-38. My concern here, however, is with these explicit disavowals as evidence of the historical content of Hume’s critique of Whig contract theory.
29 T: bk. 3, pt. 2, s. 8, 592.
30 See E3: “Of the Middle Station of Life,” 545-51.
thought is thus modern and bourgeois in its emphasis on the economic nature of civil society.\textsuperscript{31} But Hume rejected the doctrine “which founds all lawful government on an original contract, or consent of the people” as among those theories which are “repugnant to the common sentiments of mankind, and to the practice and opinion of all nations and all ages.” Locke’s deductions from this doctrine that “all absolute monarchy is inconsistent with civil society” and that there can be no taxation without consent are opinions “wide of the general practice of mankind.”\textsuperscript{32} The testimony of history and world opinion should lead us to reject this doctrine. Hume conceded that the first governments may have been founded on a kind of contract whereby ancient people would have consented to give up their original liberties in exchange for laws (though the lack of a written record of this contract renders it literally pre-historical). Even such consent, however, “was long very imperfect, and could not be the basis of a regular administration” given the warlike state of the first governments. Indeed, “being so ancient, and being obliterated by a thousand changes of government and princes….this social contract] cannot now be supposed to retain any authority,” given that all governments we know of today “have been founded originally, either on usurpation or conquest, or both, without any pretence of a fair consent, or voluntary subjection of the people.”\textsuperscript{33} This acknowledgement of the morally questionable origins of government is directed against the Whig view that “society must be esteem’d, in a manner, accidental, and the effect of many ages.”\textsuperscript{34} Consequently, the right of government should not be derived from an ancient or even hypothetical contract, but rather on “that which gives authority to all the most establish’d governments of the world without exception: I mean, long possession in any one form of government, or succession of princes.” Uncertain claims to sovereignty gain legitimacy through time: “Time alone gives solidity to their right; and operating gradually on the minds of men, reconciles them to any authority, and makes it seem just and reasonable.”\textsuperscript{35} Hume displaced the role of consent at a particular imaginary moment in an original contract with that of opinion and habit under established governments.

This theory of prescription might appear to validate any established regime whatsoever, but Hume’s historical politics favours the development of civilised culture and thus established governments which promote civilised society. Like Montesquieu, Hume was attentive to the integrated aspects of different societies such that we can use the concept of “culture” to characterise the totality of political institutions, commerce, manners, arts, and sciences in a given society.\textsuperscript{36} He shared Montesquieu’s view that one

\textsuperscript{31} John B. Stewart, \textit{Opinion and Reform in Hume’s Political Philosophy} (Princeton: Princeton University Press, 1992), 120.
\textsuperscript{32} E3: “Of the Original Contract,” 486-7 (emphasis in original).
\textsuperscript{33} Ibid., 468-71.
\textsuperscript{34} See T: bk. 3, pt. 2, s. 8, p. 600.
\textsuperscript{35} T: bk. 3, pt. 2, s. 2, 544.
\textsuperscript{36} T: bk. 3, pt. 2, s. 10, 607.
\textsuperscript{37} As Harvey Chisick points out, Hume tended to recognize culture in the narrow sense of an elite culture of the “great tradition” as opposed to popular culture. This neglect of popular culture is linked to Hume’s devaluation of the common people’s capacity to rule themselves (which Chisick sees as an additional aspect of his critique of social contract theory and popular sovereignty) relative to their enlightened superiors (especially enlightened philosophers). Harvey Chisick, “David Hume and the Common People,” in Peter Jones, ed., \textit{The “Science of Man” in the Scottish Enlightenment: Hume, Reid, and their...
should examine not only how the peculiar characteristics of a people influence the nature of their governments, but also how political laws and institutions influence people’s manners and other aspects of society. Thus political constitutions both influence and are influenced by the state of commerce, arts, and sciences. Commerce will tend to decay in monarchies because it is considered less honourable than the pursuit of rank and glory, whereas it flourishes in republics such as the Netherlands and semi-republics such as England. Moreover, the refinement of arts both mechanical and liberal is closely tied to the state of the constitution: “Laws, order, police, discipline; these can never be carried to any degree of perfection, before human reason has refined itself by exercise, and by an application to the more vulgar arts, at least, of commerce and manufacture.” Hume, along with Montesquieu and other 18th century writers, but in marked contrast to Rousseau, regarded cultural refinement and extensive commerce as contributory to good laws and institutions. But this unambiguously positive treatment of refinement and commerce nonetheless recognises diversity even among civilised states. Duncan Forbes has argued that Hume’s Scottishness freed him from the Whiggish parochialism (particularly Francophobia) of England; as Forbes remarks, English chauvinism against the Scots in the 1770’s led to Hume’s witty references to the “barbarians on the banks of the Thames.” Hume perceived an immense diversity of cultures in different times and places, while distinguishing barbaric from civilised countries, the latter consisting of monarchies and republics, and absolute and free states enjoying advanced degrees of refinement in the arts, sciences, commerce, and political life (the “indissoluble chain” of “knowledge, industry, and humanity”). Hume’s differences with Montesquieu, however, reveal his unique conception of the diversity of cultures within the history of a single country. Hume was more sceptical than Montesquieu about the effects of physical causes such as climate or geography on the “national character” of a country, doubting “that men own any thing of their temper or genius to air, food, or climate.” This point explains his characterisation of the “barbarians on the banks of the Thames” in contrast to the idea that northerly climes (such as Scotland’s) cause vigour, courage, and a lack of refinement, whereas hot southerly cultures are distinguished by delicacy, sensuality, and lassitude (not to mention English melancholy, impatience, and fickleness as affected by miserable weather). Hume posited instead the centrality of moral causes. Drawing upon his conception of contiguity and sympathy, he wrote that it is not “possible for any set of men to converse often together, without acquiring a similitude of manners, and communicating to each other their vices as well as virtues.” In the company of others, we receive impressions of their manners and naturally seek to imitate those manners (presumably to gain their esteem, though this is not explicit in Hume’s account). Consequently, the Chinese “have

38 Stewart, 148; Forbes, Philosophical Politics, 224.
40 E2: s. 5, pt. 2, p. 61.
the greatest uniformity of character imaginable” despite “very considerable variations” of air and climate, because of the long establishment of government in China. Additionally, the Jews have a distinct society in Europe because they have limited contact with the native inhabitants of their countries of residence, relative to the “close society” and communication with fellow Jews in other states, which resembles the Armenians and the Jesuits in this regard. Human beings are creatures of sympathy above all, and the sympathetic bond is the basis of national and cultural identity.

Hume should not be taken as propounding a full-blown nationalism, as if social belonging trumped human nature. As S.K. Wertz argues, the diversity of national characters is for Hume consistent with a uniformity in the “whole fabric of human life.” In other words, the same moral causes such as the form of government, the wealth of the nation, and foreign relations which influence national character also fix “the character of different professions” within a country. Hume assumes that despite the diversity of national characters, the professions and trades of people within a society are generally uniform in different countries. Thus Canadian and British humanities professors have more in common with each other than they do with beggars in their respective countries. Comparison between different nations and generalisations concerning politics are made possible in this way: to use a Humean example, priests around the world are similarly ambitious such that, taking into account differences of nationality and content of religion, we can make conclusions regarding the role of religion in society.

It also makes possible the writing of history. Hume remarked that the mixed government, the diversity of propertied men in authority, the multiple religious sects, and the general personal freedoms found in England make the English “of any people in the universe, have the least of national character; unless this very singularity pass for such.” Free societies tend to lack a national character or have a national character based on the absence of uniformity. Moreover, this fluid identity is characteristic of English history. For Hume’s conception of national character is dynamic, not static: “The manners of a people change very considerably from one age to another; either by great alterations in their government, by the mixtures of new people, or by that inconstancy, to which all human affairs are subject.” A notable example of these changes is that of the British before and after the Roman Conquest; or that of the “abject superstition” in England just a “few centuries ago,” succeeded by “the most furious enthusiasm” in the 17th century, and by Hume’s time, “the most cool indifference with regard to religious matters, that is to be found in any nation of the world.”

Hume thought the English to be the most dynamic nation in the world, and hence whose history shows a most remarkable diversity of manners. But despite Hume’s obvious praise, implicit even in this brief account of national character over time is the idea that English history is not a straightforward progress from barbarism to civilisation. Although 18th century Britain may be for Hume the freest of societies, the tortuous path to its present prosperity and greatness is not a history of steady and gradual improvement over two millenia. For example, 17th century religious enthusiasm may have paved the way for modern English liberty, but such enthusiasm was as barbaric than the Catholic

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49 Ibid., 205-7.
superstition it succeeded. Thus the history of England might be better described as a succession of cultures over time rather than the progressive movement of a single culture.

The History of England

Hume’s political purpose in writing *The History of England* is suggested by the fact that he wrote it, as it were, backwards. The first volume (later volume 5) was published in 1754 and covered the reigns of James I and Charles I, followed by volumes on the period from Charles I’s execution to the 1688 revolution (later volume 6), then the Tudor period (later volumes 3-4), and finally, in 1762, the period from the Roman invasion to the death of Richard III (later volumes 1-2).Richard Hurd’s remark in 1761 that the spirit of absolute power possessed Hume to write backwards, as witches do, is not without insight. That he began with the Stuarts points to Hume’s interest in interpreting the history of England in light of the events of the 17th century. Although the History might be regarded as failing to meet the standards of scholarship set by modern-day historians, especially given his reliance on printed sources, his desire to understand the past in terms of the present is no more ideological than Whig historical interpretation. As we saw, the Whig historians and Bolingbroke employed the idea of the ancient and free English constitution to justify the post-1688 constitution; Hume went further in showing the historical, even cultural, differences between ancient, medieval, and modern times in Britain.

The History is not simply a Tory counterpoint to Whig history, as Hurd suggested. Hume sought to present an impartial history of the country which would adhere neither to Whig nor Tory ideology in all respects: “I thought I was the only historian, that had at once neglected present power, interest, and authority, and the cry of popular prejudices.” But instead of receiving applause for his impartiality, he was attacked by “English, Scotch, and Irish, Whig and Tory, churchman and sectary, freethinker and religionist, patriot and courtier,” particularly for his expressed sympathies for the fate of Charles I. Rather than its being merely a Tory history offensive to prevailing Whig sentiment, or an incoherent jumble of Whiggism and Toryism, the History arguably confused his readers precisely because of the novelty of his approach, in showing the dramatic, and not linear, shifts between successive political cultures. The reader will not know where Hume stands in general—given, for example, the apparent contradictions between his sympathies for Charles I and his overwhelming praise of the 1688 revolution—without considering the events described in light of the diversity of cultures in English history. While 19th and early 20th century writers such as Collingwood or George Sabine may have felt that Hume “failed to reach an essentially historical point of view,” particularly relative to Hegelian and post-Hegelian philosophy of history, his History nevertheless reveals a genuinely novel departure from some of the ahistorical tendencies of his 17th and 18th century precursors. Hume commented that in “all governments, there is a perpetual intestine struggle, open or secret, between AUTHORITY and LIBERTY; and neither of them can ever absolutely prevail in the

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52 “My Own Life,” xxx.
The 700-year history of England from the invasion of Julius Caesar to the revolution is interpreted as the struggle between liberty and authority, with different historical periods showing the movement between excessive authority and excessive liberty. If the goal of The History of England is, as Forbes writes, “to enshrine a philosophy of political moderation,” then the guiding thread of history is the pursuit of a balance between these extremes. The succession of political cultures in English history may be understood, then, in terms of the ebb and flow of liberty and authority, with the 1688 revolution and the full establishment of mixed government—balanced between monarch, lords, and commons—marking a climax in the struggle between the two; though not the end of the struggle. We can now proceed to a brief sketch of the distinct cultures which make up English history as interpreted by Hume, such that we can perceive the development of English government, society, and liberty over time.

Barbaric Freedom

Hume wrote that for the English, history since the accession of the Tudors is the truly “useful, as well as the more agreeable part of modern annals,” whereas an “acquaintance with the ancient periods of their government is chiefly useful by instructing them to cherish their present constitution, from a comparison or contrast with the condition of those distant times.” The liberty so rightly valued in 18th century Britain bears little resemblance to the lawless anarchy of the ancient Germans. Hume noted the German barbarians’ extreme freedom and virtues, which were the “seeds” of the “free constitutions…which distinguish the European nations…”. These seeds, however, were wholly uncultivated, and one might say, distasteful to civilised palates. Although modern Europeans may look to the ancient Germans for the distant origins of the spirit of liberty, Hume (unlike the Whig historians) resists romanticising the latter. They may have “carried to the highest pitch the virtues of valour and love of liberty,” but these are “the only virtues which can have place among an uncivilised people, where justice and humanity are commonly neglected.” Rather than viewing the ancient Germans as possessing pure mores, Hume finds them morally deficient because they lacked the civilised virtues. While people such as the Anglo-Saxons (and Hume tends to conflate the manners and mores of all the early British tribes) may have excelled in courage and raw freedom, their often excessive violence and even lack of honesty was characteristic of barbarism. Virtue, writes Hume in the History, “is nothing but a more enlarged and cultivated reason,” founded not on “steady principles of honour” alone but on education. Keeping in mind the view expressed in his works of moral philosophy that it is moral sentiment which favours virtue and reason which instructs and guides moral sentiment, we may conclude that these barbarians in Hume’s conception lack the enlightened reason to cultivate the civilised virtues; their sentiments are directed towards honour and revenge rather than justice or humanity.

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55 Forbes, Philosophical Politics, 121.
56 H: vol. 3, ch. 26, p. 82.
57 H: vol. 2, ch. 23, p. 525 (emphasis in original).
58 H: vol. 1, appendix 1, pp. 160-1.
59 H: vol.1, ch. 1, p. 15.
60 H: vol. 1, appendix 1, pp. 179-80.
61 E2: appendix 1, pp. 82-4.
Moreover, Hume stresses the lack of liberty in the English constitution long after the departure of the Romans. The Anglo-Saxon constitution had often been viewed by Hume’s contemporaries as essentially free and democratic, in which the power of the first kings (who were no more than primus inter pares) was regulated by the Wittenagemot (an assembly of wise men) who represented the people’s interests. But Hume countered that the Wittenagemot was more aristocratic that it was an ancestor of the 18th century House of Commons, which represents men of property. Given the “low state of commerce” at the time, “we may conclude, that the Saxons, who remained longer barbarous and uncivilised than those tribes [i.e., “the Franks, Burgundians, and other northern nations”], would never think of conferring such an extraordinary privilege on trade and industry.” In other words, the development of the constitution is tied to the state of commerce (and in turn of the arts and sciences); a free government in which the authority of kings and lords is balanced by the power of the commons is not possible where society is uncultivated and barbarous. Similarly, justice was ill-administered in Anglo-Saxon England; Hume concludes that “notwithstanding the seeming liberty or rather licentiousness of the Anglo-Saxons, the great body even of the free citizens, in those ages, really enjoyed much less true liberty, than where the execution of the laws is the most severe…all anarchy is the immediate cause of tyranny, if not over the state, at least over many of the individuals.” In a barbarous society, excessive liberty which is unregulated by laws leads to its opposite: tyranny, not of absolutist monarchs, but of powerful clan leaders over the people.

**Norman Feudalism**

Relative to the barbarism of Anglo-Saxon government and society, Hume regarded Norman rule since the conquest of 1066 as a civilising influence on England. As the new king and barons were of French extraction, “foreign improvements…in literature and politeness, in laws and arts, seem now to have been, in a good measure, transplanted into England; and that kingdom was become little inferior, in all the fashionable accomplishments, to any of its neighbours on the continent.” From being a backwards people in Europe—as the Scots, Welsh, and Irish were to remain until much later, according to Hume—the English became, culturally, the equals of their European neighbours.

It was, however, a limited accomplishment considering the state of European civilisation at the time. This point is particularly evident in Hume’s treatment of feudalism. He located the origins of feudalism in the customs of the ancient Germans, in which independent warriors formed allegiances with powerful chieftains, such that they swore to fight with and for their chief in return for his favours. As the Germanic tribes conquered lands, the latter were apportioned by the chief to his retainers in exchange for their readiness to fight when required. Eventually, fiefs were substituted for military service in most cases. The beginnings, then, of feudal law in Germanic custom reveal

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62 As Eugene Miller points out, Hume denies that there was, strictly speaking, a constitution at all before the Norman invasion. Eugene F. Miller, “Hume on Liberty in the Successive English Constitutions,” in Capaldi and Livingston, eds., *Liberty in Hume’s History of England*, 57.

63 H: vol. 1, appendix 1, pp. 161-5.


65 H: vol. 1, ch. 9, p. 371.

its barbaric nature relative to modern law. This barbarism is reflected in the essentially military character of William I’s rule: “while his civil administration carried the face of a legal magistrate, his military institutions were those of a master and tyrant….“67 For William’s design was not principally to enact legal and equitable government in England but rather to “depress or rather entirely extirpate the English gentry….“68 He could accomplish this aim by bestowing baronies on his retainers, who were Norman; and these barons would thus impose Norman rule on the English people by the authority of feudal law. The benefits of Norman rule over the barbarous Britons were mixed: feudal law partly civilised the English, but it was tainted with barbarism, constituting a “mixture of liberty and oppression, order and anarchy, stability and revolution….“69 Even the Magna Carta of 1215, which contributed to the security of liberty and property, derived “from the military power of many petty tyrants, who were equally dangerous to the prince and oppressive to the subject.”70 Greater baronial liberty was won at the cost of popular liberty as well as sovereign authority. The Magna Carta may have improved the practice of feudalism, but did not escape the logic of feudalism, with its barbarous consequences for English culture. It may have become, with full establishment, “a kind of epoch in the constitution”71—i.e., as approaching nearer a state of security, justice, and liberty—but it was only an early epoch; for its promotion of baronial authority would plunge England into numerous rebellions and civil wars thereafter.

“The Faint Dawn of Arts and Good Government”

Such is the caprice of history, Hume suggests, that the turbulence of the nobility throughout the middle ages inadvertently gave rise to the commons as a greater part of the constitution. In 1265, the Earl of Leicester (who had led a successful baronial rebellion against the crown 8 years earlier) sought to secure his power over the government through popular support. To this end, he assembled a new parliament consisting not only of lords and bishops but also knights from each shire and deputies from the boroughs, who had never been summoned before. This was the first appearance of an assembly resembling the House of Commons; thus a fundamental part of the constitution owed its existence to “so precarious and even so invidious an origin as Leicester’s usurpation….“72 Ironically, this baronial creation marked the distant beginning of feudalism’s decline. Furthermore, the kings of England, imitating their European counterparts, tended to support the commons as a bulwark against the nobility in this period. In “encouraging and protecting the lower and more industrious orders of the state,” the crown increased the “security and liberty to citizens, and made them enjoy unmolested the fruits of their industry.”73 Out of self-interested motives, the late medieval kings of England advanced peace, liberty, and commerce.

In turn, the people acquired a greater confidence and zeal for liberty. By the time of Edward III’s reign in the 14th century, the commons frequently remonstrated against the court’s arbitrary practices against the people. Thus the condition of the people’s

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67 H: vol. 1, ch. 4, p. 192.
68 H: vol. 1, ch. 4, p. 203.
70 H: vol. 1, appendix 2, p. 485.
71 H: vol. 1, appendix 2, p. 488.
privileges and liberties were in fact better in this period than under the Tudors. Even the various popular rebellions in England and Europe showed that the “faint dawn of the arts and good government in that age, had excited the minds of the populace, in different states of Europe, to wish for a better condition, and to murmur against those chains, which the laws, enacted by the haughty nobility had so long impeded upon them.” Hence although the popular insurrections led by Wat Tyler and others were criminal and involved “the most outrageous violence,” the requests of the rebels for pardon, the abolition of slavery, freedom of commerce, and fixed rent on lands were “extremely reasonable in themselves” and later complied with. Hume perceives the growth of a democratic popular culture.

On balance, this period shows new principles at work in English political life, but rather imperfectly. The War of the Roses, the final climactic event of this period, was essentially a rivalry between opposing factions led by ambitious nobles. Similarly, although parliament’s authority was becoming ascendant at this time, it failed to execute laws effectively not only because of “the licentious spirit of the aristocracy” but also due fundamentally to “the rude education of the age.” The late medieval age was for Hume a transitional period in human civilisation, in which the slow emergence of European culture from its barbaric roots was manifest in the political history of England between 1215 and 1485. As he stressed, the “rise, progress, perfection, and decline of art and science, are curious objects of contemplation, and intimately connected with a narration of civil transactions.” This interpenetration of learning and political life in the culture of this time is particularly apparent in what Hume sees as a little noticed event which tended most to “the improvement of the age”: the accidental discovery in 1130 of a copy of Justinian’s Pandects, which gradually improved European jurisprudence. Thus the progress of arts led to the progress of laws and freedom; in England and elsewhere, we see the introduction of personal liberty, in which the individual is free in his person and property. But even this early accomplishment accruing from the decline of feudalism is mixed for Hume: for the “public liberty” which arises from the harmonious balance of the parts of the constitution was wholly absent, and would remain so throughout the succeeding Tudor dynasty.

**Tudor Absolutism**

Hume noted the growth of civilised culture in 16th century Europe, precipitated by the great voyages of European discovery, the recovery of ancient learning, and the inventions of printing and gunpowder. In England, these developments were accompanied by crucial changes in English law, most importantly the power granted (in Henry VIII’s reign) to the nobility and gentry of breaking entail and alienating their estates: “By means of this law,” Hume explains, “joined to the beginning luxury and refinements of the age, the great fortunes of the barons were gradually dissipated, and the

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76 H: vol. 2, ch. 21, p. 453.
78 H: vol. 2, ch. 23, pp. 522-4. I use “his” rather than “her” as more in keeping with Hume’s context.
property of the commons encreased in England." While Hume later remarks that breaking entails was older than the time of Henry VIII, he stresses the paramount importance of this law in decreasing the power of the nobility, particularly as they acquired “habits of luxury” in this more civilised age. As the fortunes of the nobility declined, that of the “middle rank of men” increased, eventually augmenting the power of the commons as representative of the interests of the propertied. This law, alongside the “general revolution” in European manners, delivered the final blow to feudalism and baronial power, a necessary step to a free constitution.

But the very logic of this historical development in England meant that the reign of the Tudors was in fact a low point in the history of liberty. For “in the interval between the fall of the nobles and the rise of this order,” i.e., the commons, the Tudor sovereigns took advantage of the situation in assuming “an authority near absolute.” Tudor England combined cultural progress and liberal regress. The ebb of freedom was, however, suited to the as-yet largely uncultivated manners of the people. Thus in writing of the Star-Chamber, established by Henry VII and condemned especially in the 17th century as the epitome of unlawful discretionary power, Hume remarks that “the same maxims of government [which] suit such a rude people” are not “proper in a more advanced stage of society. The establishment of the Star-Chamber or the enlargement of its power… [in the reign of the Tudors] might have been as wise as the abolition of it in that of Charles I.” The absolute authority exercised by Tudor monarchs was justifiable given the acquiescence of parliament and a people who were not yet ready to be governed according to a free constitution: “the English in that age were so thoroughly subdued, that, like eastern slaves, they were inclined to admire those acts of violence and tyranny, which were exercised over themselves, and at their own expense.” Tudor rulers exercised a violent, authoritarian government over an unruly populace unfitted for liberty.

Throughout the reigns of the Tudors, including Elizabeth, England witnessed an unprecedented absolutism in government. The progress of arts and learning in the 16th century civilised the English, but only the puritans (despite the absurdity of their doctrines) upheld the principles of liberty against the crown’s extensive prerogatives. Hume notes parliament’s “voluntary servitude” to the crown in acquiescing to such arbitrary institutions and powers as the Star-Chamber, High Commission, Martial Law, as well as the frequent use of torture. Moreover, the popularity especially of Elizabeth’s reign showed that the nation as a whole willingly subjected itself to absolute government. Thus the political culture of Tudor England was thoroughly absolutist. Nevertheless, though the English government may have resembled Ottoman Turkey in some respects, the general security of property and usually regular administration of justice in these times—as well as the “tacit check” to the crown from the absence of a standing army—led Hume to conclude that the unlimited power of the Tudors was “exercised after the European manner,” i.e., not as a “despotic and eastern monarchy”

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82 H: vol. 4, appendix 3, p. 384.
83 H: vol. 3, ch. 26, p. 469 n. B.
84 H: vol. 3, ch. 33, p. 323.
87 H: vol. 4, appendix 3, p. 360.
where life, liberty, and property are wholly subject to despotic whim.\textsuperscript{88} In other words, Tudor political culture approached the idea of civilised, absolute monarchy; Stuart absolutism, then, merely followed the precedent set by the Tudor monarchs up to and including Elizabeth.

**An Inconsistent Fabric**

England under the early Stuart kings bore witness to the emergence of a political culture of opposing principles and interests, associated with the republican and monarchical parts of the modern British constitution. Hume describes the “general, but insensible revolution” of ideas by the early 17\textsuperscript{th} century in Europe: the spread of letters, the improvements in arts, the growth of navigation and secure travel, and especially the “enlarged and comprehensive” general system of European politics. The progress of civilisation, of enlightenment in culture, led to new political ideas and practices. On the continent, princes discovered means of augmenting their discipline over the people through standing armies, while the love of freedom spread among the English, particularly “men of birth and education,” especially with the growing importance of the commons as they came to possess the balance of property. The change from a popular and absolute queen to a new dynasty suggested to many an opportunity to uphold the idea of limited government. The new king, however, was largely unaware of the significance of these changes in political thinking and “established in his own mind a speculative system of absolute government” based on heredity and divine right.\textsuperscript{89} The stage was set for a conflict between partisans of liberty and those who defended the divine right of the sovereign.

Hume emphasises that the Stuarts were not tyrants who sought to overthrow clearly defined ancient liberties. Instead, they were successors to Tudor absolutism who failed to discern new political ideas arising in England as a result of the general revolution in learning. They were not enemies to the constitution but rather inheritors of “an inconsistent fabric, whose jarring and discordant parts must soon destroy each other, and from the dissolution of the old, beget some new form of civil government, more uniform and consistent.”\textsuperscript{90} Neither the Stuart monarchs nor parliament can be wholly blamed for seeking to increase their powers against the other, because there were historical precedents supporting both sides. In other words, the modern British constitution has its origins in contradictory tendencies which had built up over centuries and came into outright conflict in the 17\textsuperscript{th} century, when European learning was such that fully principled debate on constitutional change was possible.

Under such conditions, the defeat of the monarchy in the ensuing civil war resulted in an excessive liberty. In the change from Charles I’s absolutist monarchy to the “pure democracy” of the Long Parliament by 1640, popular leaders whipped up the passions of the people. Invoking his idea of sympathy, Hume describes how “popular affections were communicated from breast to breast” while the pulpits of puritan preachers “resounded with faction and fanaticism” and the press produced nothing but “noise and fury, cant and hypocrisy” in this “tumult of various prejudices and

\textsuperscript{88} H: vol. 4, appendix 3, p. 370.
\textsuperscript{89} H: vol. 5, ch. 45, pp. 18-19, 40.
\textsuperscript{90} H: vol. 5, ch. 47, p. 59.
passions.” The victory of the Roundheads unleashed a popular frenzy. Unlike the excessive freedom of pre-feudal England, for example, the excessive liberty won by the English at this time was fuelled by religious enthusiasm and in support of republican principles of government.

**A New Epoch in the Constitution**

The anarchy unleashed by the civil war, followed by Cromwell’s dictatorship, was to purge the culture of fanaticism. Hume credits Cromwell with attempting to quell the factionalism and general confusion in English society and government; but these efforts were enacted through a “military and despotic government, exercised not in the legal manner of European nations, but according to the maxims of eastern tyranny.” While the Stuarts and Tudors had tended to augment their authority more in the fashion of absolutist monarchs in Europe than “Eastern despots,” Cromwell’s regime was wholly consistent with the latter. For Cromwell’s abilities were not employed towards any specific end other than the acquisition of power; and his power was based on the might of an army, which “is so forcible, and yet at the same time so coarse a weapon.” The shock of life under Cromwell’s government from 1653-8 was enough to convince the people of the consequences of toppling the monarchy. Hume writes that “no people could undergo a change more sudden and entire in their manners than did the English nation during this period [from Charles I’s reign to the Commonwealth]. From tranquillity, concord, submission, sobriety, they passed in an instant to a state of faction, fanaticism, rebellion, and almost frenzy” as a result of political and religious fanaticism. But the change in manners from the civil war to the restoration was equally dramatic; a people so animated by the spirit of liberty were hardly content with the extreme despotism of republican rule, which explains their elation at the restoration of the monarchy. They came to understand that the very enjoyment of their personal liberties was not possible under a regime which subverted the constitution, the basis of all law. Thus over the succeeding reigns, the people “were, in a great measure, cured of that wild fanaticism, by which they had formerly been so agitated.”

The contrast between the 1688 bloodless revolution and the revolution of the 1640’s and 50’s reflected a new culture of liberty regulated by law. James II’s “arbitrary disposition, and the bigotry of his principles” were soon to incite the opposition of both Whig and Tory parties in parliament (now chastened and moderated relative to the Roundheads and Cavaliers in the civil war). They were predisposed to tolerate the king’s extension of prerogative, out of concern for the consequences of resisting the crown, but it was apparent to them that he intended “to invade the constitution, to threaten their religion, to establish a standing army, and even to require them, by their concurrence, to contribute towards all these measures….” If the new king had been more prudent or had not threatened their religion, Hume conjectures, the people might have acquiesced in the king’s authority. But their fear of popery, particularly after Louis XIV’s revocation of the

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91 H: vol. 5, ch. 54, pp. 293-5.
92 H: vol. 6, ch. 61, p. 74.
93 H: vol. 6, ch. 61, p. 109.
94 H: vol. 6, ch. 62, p. 141.
95 H: vol. 6, ch. 71, p. 539.
96 H: vol. 6, ch. 70, p. 451.
Edict of Nantes, stirred their animosity towards the crown. Unlike the civil war, in which royalists and parliamentarians (and later the army) were in conflict, James II was opposed by the entire nation: the Whigs readily opposed his absolutist rule, while the Tories, “finding their past services forgotten, their rights invaded, their religion threatened, agreed to drop for the present all over-strained doctrines of submission, and attend to the great and powerful dictates of nature.” Both parties agreed to defend their national religion and an “established liberty” consistent with the rule of law; that such a moderate position was acceptable to both court and country parties indicates the greater enlightenment of post-restoration culture relative to the religious and political fanaticism of its predecessor.

The 1688 revolution, in which James II was deposed, a Protestant succession secured, and the rights of parliament entrenched, marked the birth of a fundamentally new constitution and thus a new English political culture. Only with the revolution was a “uniform edifice…at last erected” wherein the “monstrous inconsistence, so visible between the ancient Gothic parts of the fabric and the recent plans of liberty, was finally corrected: And to their mutual felicity, king and people were finally taught to know their proper boundaries.” In other words, the revolution did not restore the ancient constitution but rather constructed a uniform modern constitution out of the parts of the previous ones.

Unfortunately, the English convention to settle the constitution—in effect, to set down by what principles the revolution and Protestant succession were justified—obscured the achievement of the events of 1688. The majority of commons and peers agreed that James II had broken the original contract between king and people, and debated over topics “so frivolous; more resembling the verbal disputes of the schools than the solid reasonings of statesmen and legislators.” For Hume, the actors of the Glorious Revolution failed to discern the precise significance of what they were doing. It is left to the philosophical historian to demonstrate the singularity and modernity of the revolution. Hume argued that proponents of contract theory fail to account for the fact that in “great revolutions of government, and new settlements of civil constitutions,” there is so much “violence, tumult, and disorder, that the public voice can scarcely ever be heard…. But the 1688 revolution is “a singular exception to this observation.” That is to say, James II did not breach an original contract but rather acted against a constitution which was coming into being; he was opposed by the opinion and sentiment of the English people of his time. A revolution which reconciled liberty and authority in the English constitution was only possible at that particular moment in the history of England. It is not coincidental that the increase in commerce between the Restoration and 1688 revolution was the greatest in English history, propelled by European trade and the extension of the colonies in America, nor that this period witnessed tremendous achievements in the sciences (including those of Wren, Wallis, Hooke, Boyle, and

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97 H: vol. 6, ch. 70, pp. 468-70.
98 H: vol. 6, ch. 71, pp. 502-3.
100 H: vol. 6, ch. 70, pp. 475-6.
101 H: vol. 6, ch. 71, p. 526.
102 H: vol. 6, ch. 71, p. 528.
103 H: vol. 6, ch. 71, pp. 537-8.
especially Newton). The Glorious Revolution was above all a product of civilised culture.

Hume’s *History of England* is not intended to be a triumphalist narrative of Britain’s path to greatness. While he esteemed the English constitution for its balancing of crown and parliament and of authority and liberty, his praise is qualified: “it may be justly be affirmed, without any danger of exaggeration, that we, in this island, have ever since [1688] enjoyed, if not the best system of government, at least the most entire system of liberty, that ever was known amongst mankind.” There is evidence that he did not think it the best system of government: his essay “Idea of a Perfect Commonwealth” sets out a republican ideal of government resembling more the Netherlands than the mixed government of Britain. Of course, Hume argued that an established government is infinitely preferable to an imaginary one; but as any government always changes, Hume predicted that the delicate balance of the British constitution might well be undone, and that an absolute monarchy would be a preferable “euthanasia” for the British constitution than a republic (judging from the experience of English history). Indeed, while the 18th century constitution reflects an advanced, liberal culture in Britain, the succession of political cultures in the history of England should teach us that the balance of liberty and authority cannot last forever. In his declining years, Hume detected signs of Britain’s decline: especially the factionalism and license evident in the Wilkes affair, as well as the deleterious effects (both faction and debt) of a possible war between Britain and her American colonies. His reflections on the rise (in *The History of England*) and potential fall of British liberty indicate a genuinely historical point of view.

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104 H: vol. 6, ch. 71, pp. 541-2.
105 H: vol. 6, ch. 71, p. 531.
107 E3: “Whether the British Government Inclines More to Absolute Monarchy, or to a Republic,” 51-3.