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ABSTRACT

Explores the foundations of political community as understood in two complementary ways: first, in contemporary normative political and social theory. Second, in the history of politics and in the history of philosophy. Particular attention is given to David Hume, Adam Smith, and Edmund Burke, as well as their relationship to contemporary political philosophers like Bernard Williams, John Rawls, Jeremy Waldron, Alasdair MacIntyre, Charles Mills. Using Wittgenstein's concept of a form of life (*lebensform)* in the *Philosophical Investigations*, argues that there is a family within the history of political thought whose members share the understanding that a shared form of life, which develops organically and historically, is a necessary condition for a free society to work well. Examines how political and social obligation, trust and commerce, as well as sympathy and concepts of rights, all require interdependence and shared assumptions and expectations. This family balances the impulses of political realism and political idealism, though is somewhat more anti-idealist than pro-realist. Bottom-up thinking that doesn't fall in to the trap of idealism or of rationalism, due to a commitment to epistemological limits and the recognition of our finite capacities. In particular, I am interested in how we can combine the seemingly competing forces of culture and tradition (ways we have been doing things, one might say) with the necessary desire for change, reform, and progress. My approach to these questions can help shape the way we think about the size of states, if and when foreign intervention makes sense, the pace of change, and the necessary variety of political and social orders suited to a varying world.

INTRODUCTION

Figure 1. Théodore Géricault, *Le Radeau de la Méduse (The Raft of the Medusa).* 1818-19. Louvre, Paris.

1. Beginnings

We might describe politics as a combination of something practical, dealing with the world and managing its affairs, with something conceptual, imagining how we want the world to be, or how we think it should be. Any practice of politics, intentionally or not, involves our ideas of what counts as good or bad, right or wrong, desirable or undesirable. Some politics takes place merely technocratically, managing and problem-solving. But such managing

probably still looks different when conducted by a human or a machine; even if one were to suppress one's conflicting personal opinions in the name of duty and role-responsibility, in aggregate one's beliefs will feed into the system. And even if humans *could* behave politically merely bureaucratically, as it were, whoever sets the marching orders and the parameters of operation for the bureaucrats will surely end up shaping them according to their beliefs about how the world should be.

The challenge is reconciling that which is given to us by the world and our society with that which can be wrought, or shaped. I think it's safe to say that a politics that excludes either the yin or the yang of this picture is bound to be inadequate. If one disregards the human nature of, the psychology of, and the shape of actually-existing peoples and their histories—in short, the full slate of norms—one will end up, at best, giving us a pretty picture, but one bound to be useless for guiding human affairs, for getting from here to there. Robust idealism falters in the messy world, which lies between the idea and the result. One is reminded of Thomas More's pun on the name "Utopia": "No Place." To stick with the navigational metaphor, any map of how to get from here to there can't just be about the there; the here is just as, if not more, important. But balancing those two essential components presents a genuine challenge for both practical and theoretical politics.

If we add a few more constraints on this political project, it begins to take shape: we need a politics to fit a free society (as free as possible), a pluralist and diverse society (with a variety of different pictures of the aims of life), and a society that satisfies modern demands for legitimacy[1]. Though the story of political philosophy for the last few hundred years has

[1] See Bernard Williams' concept of the "Basic Legitimacy Demand" in "Realism and Moralism in Political Theory." In *In the Beginning Was the Deed*. Ed. Geoffrey Hawthorn. Princeton: Princeton University Press, 2005, 4-6 and 7-9.

largely followed from a preoccupation with legitimacy, I am interested in something different, something that I find more fundamental: if we try to work out the nature of society in general, what are the features of any political society (compatible with the minimalist liberalism just described)? And then, what implications does that ensuing understanding have for our politics?

I grew up in the 1990s, an era (from my juvenile perspective) shot through with optimism about the inevitable (and probably imminent) triumph of Western democratic capitalism and the prospect of a geopolitical neoliberal order more cooperative than warring. In the history I was taught, first we saved Europe in World War I, then we saved the world in World War II. And then we saved the world in the Cold War. We didn't need an outright military clash with the Russians—the inherent supremacy and fundamental virtue of our form of life won the cold war. Francis Fukuyama's concept of "The End of History," of the world having found its fully-developed form of life and form of politics, embodies perfectly the optimism of this era. Ironically, Fukuyama thought he was writing to a "thoroughly pessimistic" Western audience,[2] to which he could announce that "good news has come"—news that "a remarkable consensus concerning the legitimacy of liberal democracy as a system of government had emerged throughout the world over the past few years, as it conquered rival ideologies like hereditary monarchy, fascism, and most recently communism." We *conquered*. The alternatives demonstrated their inferior effectiveness and inferior virtue. "The *ideal* of liberal democracy could not be improved on";[3] we human beings, we passengers in History, had arrived.

[2] Francis Fukuyama, *The End of History and the Last Man*. New York: Free Press, 2006, xiii.
[3] Op. cit., xi.

But today, things look a little different. Russia did not fold into the American and Western European sort of state. China found a way to hold on to authoritarian communism while allowing enough economic freedom to harness the possibilities for economic growth of capitalism. Most Muslim nations have forcefully resisted a transformation into Western democratic capitalism.[4] Here in the United States, the past two decades have left us with a trenchantly divided nation, (in very general terms) split between urban and non-urban, and political institutions ill-equipped to deal with such a divided society. Why is there such a gap between our legal and political equipment and the actual people it is meant to serve?

Our political institutions were designed in the eighteenth century. After ratification in 1790, the United States had only about four million people, and covered a territory only about a third of its present size. Now, we have a population of over 300 million across a far greater geographical expanse, not to mention far greater projection of power beyond our borders. But, even in 1790, the founders had designed a federal political system, with most power and government function left to the states. Only in the twentieth century did the Supreme Court fully embrace the incorporation doctrine, in which the Bill of Rights has since been held to extend to the actions not only of the federal government but also of the individual states. Furthermore, the scale of government function in 1790 was a mere fraction of what it is today, with most government agencies born a century, or more, later. Meanwhile, more government functions have been given to the federal government, and within that government the executive has grown in size and power. (Arthur Schlesinger's story of the evolution of the "Imperial Presidency," with the executive gradually taking

[4] Just a few years ago there was a strong chance of Turkey joining the European Union, but such talk has rapidly receded. It would seem that having well-developed democratic institutions need not entail a secular public sphere, nor even a liberal one. In recent months, even the permanency of Turkey's (relatively) healthy democracy has become uncertain.

power from the legislative branch over the course of the twentieth century, tracks this change.) The United States began with an experimental political system designed to pull together different forms of life—at least two (North and South), and as many as thirteen or more, depending on how you look at it. And that system, though durable, has strained ever since to hold those different constituent parts together—yes, in the Civil War's battle to hold that Union together, but also in the rest of American history.

The point of this little sketch of the political history of the U.S. is to describe why I think it is urgent and essential that we understand what it means for a political society of differing parts to come together, through practice and through law. Is it even possible anymore to sustain a Union like ours? Should that remain an unquestioned priority? Even if so, what does our politics need to look like to allow us to get along?

2. Sketch; Hume, Smith, Burke

My goal in this dissertation is to provide a normative solution to these problems, principally by investigating the political philosophy of the eighteenth century—in particular, those of David Hume, Adam Smith, and Edmund Burke. I think there is a hitherto under-appreciated, if not unrecognized, species of political thought, with these Britons as its progenitors. And we need what that species has to teach us.

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One of the core questions I pose in this dissertation runs as follows: assuming that we want a pluralistic liberal society—that is, a modern, prosperous, heterogeneous, and stable society that aims to maximize individual freedom and minimize the exercise of state power when

possible—what are the conditions that make such a political society possible? Specifically, what is required besides good laws and a good constitution? I argue that a shared form of life is required—that is, the right laws are necessary but not sufficient, and that the sum of tacit, shared understanding and agreement can best be understood as a form of life. Hume, Smith, and Burke understood, even assumed, this in the eighteenth century. They began to work out in their accounts of political society the nature, mechanisms, and development of that shared form of life—that is, how such a political society with such a shared form of life came to be.

In general terms, the species of political thought I want to investigate is non-idealist, in some ways realist, epistemologically humble but also progressive and potentially at times radical. It counter-intuitively blends elements of what we often take to be mutually exclusive oppositions. The species is optimistic, gradualist, and Wittgensteinian (but "Left")—meaning that it takes seriously the nature of our being thickly embedded in a form of life. That form of life is holistic, develops organically over time, composing and shaping everything from our categories for perceiving the world to practices and institutions.

And this species is best, first, and most influentially embodied by three British eighteenth-century thinkers: David Hume (1711-1776), Adam Smith (1723-1790), and Edmund Burke (1729-1797). All three were born in and died in the eighteenth century, with Smith succeeding his friend and teacher Hume by a half-generation, and Burke his near-contemporary. All three were born under the British crown but not in England: Burke in Ireland, and Hume and Smith in Scotland.[5] All three men strongly believed in and had much to say about human nature, and nature in general. All three had philosophies of history that

[5] Despite this, three were very much a part of political and intellectual affairs in London. Though Hume and Smith did not ever live for an extended period of time in London, they both, for instance, made it a point to publish their works with publishers there (Andrew Millar and William Strahan).

(skeptically, and optimistically) see and expect progress. All three approached philosophy and the world from a broadly secular perspective and method; Hume was famously and scandalously an atheist, although God is on the whole more absent than denied. Smith makes occasional (and not necessarily insignificant) reference to a deistic sort of God or Providence (for instance, most notoriously, in the metaphor of the Invisible Hand). Burke has far more to say on religion, invokes God or Providence generally as a force of natural order, and strongly defends religious establishment. But, still, I would argue, his analysis of the nature of things proceeds from a generally religiously indifferent standpoint, compatible both with secular and theistic perspectives.[6] In any event, this generally prevailing secular philosophy makes way for each to offer a picture of the world that reconciles nature and natural order with a recognition of the variety and conflict that often make the world seem anything but ordered.

Hume, Smith and Burke also all three combined philosophy with moral, social, and political psychology, informed by deep knowledge of and sensitivity to history. I would argue that the best political philosophy needs this union of philosophical reflection, human (and humanistic) attention, wide learning, and awareness of the affairs of the present as well as the past. And, yes, despite significant pushback especially of late,[7] for many years all three have been adopted into the canon of political thinkers of conservatism in the Anglophone world. Each of the three major figures in this dissertation (Hume, Smith, and Burke) attempts to reconcile the competing aspirations of tradition and progress: of being grounded in the norms,

[6] I am grateful to a conversation with Richard Bourke on Burke's personal religious convictions; he argues that Burke's writings are entirely consistent with a thoroughgoing and sincerely held religious conviction.

[7] Prominent examples include Armartya Sen's repositioning of Smith as a humanitarian and critic of capitalism, David Bromwich's and Richard Bourke's repositioning of Burke, and Annette Baier's various work on Hume's moral and political thought such as *The Progress of Sentiments*, *Moral Prejudices*, and *The Pursuits of Philosophy*.

values, and lifeworld of one's form of life while also being answerable to, even guided by, universal values that transcend one's particulars.

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This dissertation is composed of four chapters:

Chapter I: "Political Realism and the Trap of Idealism";

Chapter II: "The Origins of Value and Society in Hume's *Treatise*";

Chapter III: "Men within the Breast: The Politics of *The Theory of Moral Sentiments*";

Chapter IV: "The Fine Balance: Burke on Value and Change in America, India, and France."

The first two form a slightly closer pairing, due to the greater mutual influence and greater similarity in the philosophical ambitions shared by Hume and Smith. Burke stands slightly apart (and thus comes third), in part because his writings are not strictly philosophical treatises, in part because of the nature of his style of parliamentary speeches (wide-ranging), and in part because of the sheer size of his corpus spanning 40 years. Chapter III also builds on the work of the first two to advance the discussion into other areas, such as human rights.

Hume

My discussion of Hume foc uses on his account of the origin of society and morality in Book III of *A Treatise on Human Nature*. I argue that it presents a rich, if implicit, understanding of how the development of a fully developed political state (like that of eighteenth-century England) requires the development of a particular form of life. After beginning with a discussion of the relation of the account given in Book III of the *Treatise* to the rest of the

Treatise and the rest of Hume's moral philosophy, I then discuss Hume's concept of social artifice and how it accounts for the rise from the state of nature. He offers an "origin" story of how we got from there to here (to civilization, or political society, where morality and social norms hold sway, and where the common good matters in addition to self-interest.) Then I will discuss his theory of social convention (which includes the "agreement" he calls his version of the social contract), and what we must share in order to make possible the crucial process of "collective creation." I end with a discussion of the common point of view and Alasdair MacIntyre, and how Hume's system is meant to show how justice, virtue, and political stability will win out of their own accord, if allowed to do so.

If we take together Hume's concepts of convention, social artifice, the progress of sentiments, and society, the aggregate forms Hume's understanding of what a form of life is, how it develops, and why it is essential to political community. Hume has no single concept for this aggregate, but he has a deep understanding of the way that a society is the all-encompassing context for value, belief, action, and personal identity. And he was at the vanguard of the intellectual awakening (preceded by Montesquieu and later joined by philosophers like Herder, Constant, Hegel, Mill, and Nietzsche, to name but a few) to the *differences* between the all-encompassing contexts in different times and places. Nonetheless he believes in a universal core to social life, connected to human nature and to the features of any moral system and to any post-natural state development and mode of being. His famous "Science of Man" provides a story of that universal core that gives us the foundation for thinking about how a form of life works and what its consequences are for any philosophy of politics.

Smith

In the third book of the Treatise, Hume provides what I take to be an Ur-developmental story of a successful political society,[8] in addition to providing the foundations of an account of the moral psychology and epistemology of a modern political subject. That account of Hume's forms the basis of Adam Smith's (his friend and intellectual heir)[9] thinking. The aim of this chapter is to look closely at Smith's version of how modern liberal political society came to be and is sustained.[10] My argument is that Smith works out in the *Theory of Moral Sentiments* the mechanisms of our modern[11] moral and social psychology. I see that socio-moral psychology, in which a person's basic epistemology, judgment, and reasoning are the product of a complex process of reciprocity between the individual and society, and between the individual and those in proximity to him. I argue that, for Smith, in a fully-realized society all behavior, even the pursuit of self-interest, relies on epistemological commerce with others, wherein one's reason regulates ideas, judgments, and actions with reference to those around one. A society that is not fully realized would be small groups living in isolation, and perhaps certain very far-in-the-past primitive societies, though we know so little about them it is difficult to say. Smith proposes an organizing metaphor for this process: the impartial

[8] With 18th-century Britain as the model.

[9] Among their many ties was the fact that Hume named Smith his literary executor.

[10] Ryan Patrick Hanley writes that, "If indeed we are today, for better or worse, 'stuck' with commercial liberalism, our challenge is to demonstrate how it can be improved so that its best effects are maximized and its worst ameliorated, rather than to demonstrate either how it might be replaced, on the one hand, or why it should be complacently accepted, warts and all, on the other" (*Adam Smith and the Character of Virtue*. Cambridge, UK: Cambridge University Press, 2011. 11). Though Hanley here is somewhat more apologetic than I am, we share a belief that the works of Smith provide an important examination of the origins, mechanisms, nature, and prognosis of that "commercial liberalism," as good a term as any for a general description of the prevailing social and political state in which we find ourselves now.

[11] That is, the psychology of "civilized" (Smith's word) man, after the developmental story has largely already unfolded.

spectator, "the man within the breast"[12] whose viewpoint in one's mind shapes and conditions one's reasoning, thus making one sociable, or compatible with belonging to a society. There is no place in Smith's account for a Hobbesian egoist, with only self-interest and fear to provide the basis for sociability. Rather, sympathy is the fundamental moral sentiment. As Smith unfolds a moral psychology with sympathy at the center, we see that sympathy is also the fundamental social and political sentiment—the basis for the cognitive infrastructure that the social requires. The core of Smith's theory is an account of human nature, but it is a post-Enlightenment human nature of a special kind, in the context of an understanding of the importance of culture and history. So it is an account of the potential of human nature, and the story of what, given the right sequence of events and the requisite passing of time, fully-realized human nature can look like, and the sorts of social and political communities it can make possible. Thus the mysterious power of the "invisible hand" to guide progress and growth is, I think, indeed the center of this account of Smith's, but it is better understood as a consequence of that special story than as its cause.

Burke

Near the climax of George McGovern's acceptance speech from the 1972 Democratic Convention - an excellent speech, in significant parts interchangeable with speeches that are given and should be given today - he tells us, "And this is the time to stand for those things

[12] Primary Smith texts will henceforth be abbreviated as follows: *WN* for *The Wealth of Nations, LJ* for *Lectures on Jurisprudence*, *TMS* for *Theory of Moral Sentiments*, and *EPS* for *Essays on Philosophical Subjects*. Citations will provide Part, Chapter, and Paragraph #s followed by the page number in the edition specified in the Glasgow / Liberty Fund editions. For example, "*WN*, VI.ii.42, 208" for *The Wealth of Nations*, Part VI, Chapter II, Paragraph 42, Page 208. Furthermore, citations to the *Lectures on Jurisprudence* will specify which of the two manuscripts, following the Glasgow editors, so that *LJ(A)* refers to the earlier of the two versions. Here, see *TMS* III.4.1, 157.

that are close to the American spirit. We are not content with things as they are. We reject the view of those who say, 'America — love it or leave it.' We reply, 'Let us change it so we may love it the more.'"[13] Taken in isolation, McGovern gives us a pretty good articulation of a certain kind of elusive fine balance in politics: a commitment to progress and a recognition of the value of what we have, and of what has come from what has come before us. The Burke chapter works out how, in his maturity, he achieved that fine balance across his positions on America, India, and France from the 1770s to the 1790s. These writings on America and India are too-often neglected, but the Burke seen only through the *Reflections on the Revolution in France* is incomplete. Burke stood up to established British policy in America and India, fighting for decades against the abuses of empire and for the well-being of those, far-off, affected by such policy. No one understood better than Burke the importance of both the baby and the bathwater: he knew that there ⋆are good reasons things are as they are, but that there are still times when change is called for. Burke, perhaps surprisingly, formulates a special kind of theory of rights which seeks to avoid some of the pitfalls of rights-talk.

[13] George McGovern, "Address Accepting the Presidential Nomination at the Democratic National Convention in Miami Beach, Florida," July 14, 1972. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. Web. January 24, 2016. <http://www.presidency.ucsb.edu/ws/?pid=2596>.

CHAPTER 1

"Political Realism and the Trap of Idealism"

1. Williams, Wittgenstein, and the Real and the Ideal

Rather late in the game, toward the end of his life, Bernard Williams intervened in the debate between John Rawls and other Rawlsians against various opponents, especially communitarians like Alasdair MacIntyre, Charles Taylor and Michael Sandel. In essays mostly written in the 1990s, Williams sought to define a politics of what he called "realism." For him, this partly meant aligning himself with the communitarians, while resisting the label. But more of what he has to say is simply anti-idealist and anti-Rawlsian.[1] Williams became the inspiration for a certain kind of progressive anti-idealist, anti-utopian political thought, sometimes running under the banner of "realism." Among realist forbears, Thucydides, Machiavelli and Hobbes often top the list. Among those in the wake of Williams, we can add Raymond Geuss and Richard Rorty (I would argue, in a funny sort of way). Note that this species of political realism shares certain features with the older tradition of realism in international politics, but is not the same. In the recent history of political philosophy, Williams characterizes "The Left or radical tendency," which "wanted a society that somehow would embody at once solidarity and criticism, tradition and freedom, familiarity and adventurous variety."[2] I'm sure this characterizes some on the left (and far fewer radicals);

[1] He characterizes his role as "that of making myself a nuisance to all parties", which is accurate, while still understating the degree to which he leans away from Rawls.(Bernard Williams, "Pluralism, Community, and Left Wittgensteinianism" in *In the Beginning Was the Deed*. Princeton: Princeton Univ., 2005. 33.)

[2] Williams, "Pluralism, Community, and Left Wittgensteinianism," 33.

but it is, nevertheless, a good description of the balancing between reigning political sensibilities (for now, we can call them Left and Right, progressivism and conservatism, for simplicity's sake) that I think we need, that I think is and has been available to us, and that this project seeks to map. But we must remove the bias which ascribes only to the "Left or radical tendency" this desire for politics committed to both the new (progress) and the old (the world as we know it). ("Tradition" is the word commonly used here, but it has, thus, become rather loaded). I would argue that the best on both of these sides seek this kind of balanced synthesis of legitimate, competing aspirations.

Williams serves as the entryway into my project because he was the first to turn to Wittgenstein for some fundamental philosophy (including epistemology, philosophy of language, philosophy of action) in orienting us to the role of the "grounding" in something inherited[3]. The most well-known example here is often Hanna Pitkin's *Wittgenstein and Justice*[4]. But it has been easy for people to see Wittgenstein in this context as a resource for justifying the status quo and fighting back change and progressivism. This historical tendency is not without some basis. As Williams writes, practice "seen as part of a form of life, plays its own role in such a way that its suppression or criticism must involve the distortion of the functioning whole."[5] This holism is not only present in, but central, to Wittgensteinianism, and one can see how holism *can*, and has, been used to justify resistance to change, good and bad. "Practice," here, belongs to an already-existing form of life; it would be putting the cart before the horse to imagine that changing practices quickly can alter in any substantial way a

[3] See Section 6 below and the discussion of David Bromwich, *A Choice of Inheritance*. Cambridge, MA: Harvard University Press, 1989.
[4] Hanna Pitkin. *Wittgenstein and Justice: on the significance of Ludwig Wittgenstein for Social and Political Thought*. Berkeley: Univ. of California, 1973.
[5] Williams, "Pluralism, Community, and Left Wittgensteinianism," 33.

form of life. To my mind, this distortion captures a danger of Wittgensteinianism (though not an inevitability), as well as an anxiety from robust progressives—especially in the wake of post-Marxist ideology critique, which has principled reasons for being suspicious of and pushing against any respect for the structures and practices of the status quo.[6] Williams coins the term "Left[7] Wittgensteinianism" for his position vis-á-vis politics, which is a formulation both intriguing and appropriately awkward and obscure.

What I find powerful about recruiting Wittgenstein to help ground a philosophy of politics mostly comes in through a robust role for his concept of a "form of life" (Lebensform). This comes from the later Wittgenstein—principally from sections of the Philosophical Investigations and On Certainty, though present elsewhere as well.[8] Wittgenstein writes in the *Investigations*, "If a lion could talk, we could not understand him."[9] The idea is that a leonine form of life is so radically different from ours, and impenetrable to us. Lions (especially lions with language!) can come into being, and make sense, only from within a particular form of life. R.G. Collingwood (a contemporary of Wittgenstein's) famously said "we call them the Dark Ages, but all we mean is that we cannot see," which is the same claim as Wittgenstein's about the lion extended from inter-species translation to translation across different historical times.

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[6] "Hierarchical structures which generate disadvantage are not self-legitimating. Once the question of their legitimacy is raised, it cannot be answered simply by their existence…In our world, the question has been raised (this is an historical proposition)," Williams writes in "Realism and Moralism in Political Theory," 7.

[7] Williams needs the adjective "Left" as a corrective, because "The tendency of Wittgenstein's influence has been distinctively conservative" ("Pluralism, Community, and Left Wittgensteinianism," 33).

[8] See Wittgenstein, *Culture and Value.* Tr. Peter Winch. Chicago: University of Chicago Press, 1984, and *Lectures and Conversations*.

[9] Wittgenstein, *Philosophical Investigations*, 223.

It is important to take a moment here to flag a set of questions about the nature of my concept of a form of life: how do you define the boundaries of a form of life? Can a person belong to more than one form of life? (Say, American, Texan, and Christian?) If so, what is the relationship between those coexisting memberships? These necessary and complicating questions do, admittedly, point to an instability created by the methodological assumption shared by Hume, Smith, Burke (and most other political philosophers): in analyzing society (and its attendant form of life), they often talk as if it is a self-contained unit, even if they would allow that a complete understanding must take into account the fact that (almost) any society has interactions and overlap with other (especially nearby) societies. To an extent, this is productive and mostly necessary—but there is still much to be said for, especially in the modern world, reconceiving society as something more fluid, porous, and elusive than we ever have before. Still, like the mistake of relativism, acknowledging this fluidity and porousness does not mean that the concepts of holism and form of life are vestigial. Or, I think that we can see forms of life as fluid and overlapping in complex ways forms of life and still see them as fundamental concepts of the social. For the moment, I can only plead patience and hope that I will have an opportunity to consider this expansion of my topic in future work.

One thing that follows from my understanding of forms of life is that there is no such thing as "reason" abstracted entirely from any particulars, from any actually existing form (a commitment which is also the ground for Williams', and my, objection to Rawls, who wants such an abstracted reason to be the privileged legitimate basis for ethics and politics).[10] I think this disagreement about the role of reason abstracted from particulars is the principal conflict

[10] Williams calls this "distrust of system." See "The Liberalism of Fear," in *In the Beginning Was the Deed*, 52.

in the political philosophy of the late twentieth century that motivates Williams. And it is interesting how the move aligns him with thinkers of the right like Oakeshott, Hayek, and even MacIntyre[11], who connected the fight against statism and communism with the fight against rationalism and epistemological hubris. There is a meeting ground here for the Left and the Right where people like Hayek, Adorno, and Williams can meet and agree on certain fundamentals. All share an objection, even a fear, of what unrestrained reason can wreak in politics. Judith Shklar, and Williams in an essay on Shklar, went so far as to describe a "Liberalism of Fear," as an alternate (though, in my mind, less constructive) version of this meeting ground. Indeed, Shklar's fear of cruelty can be seen as a version of the fear of rationalism, the fear of the consequences of over-rationalism in politics. The obvious reason here being that such collective political cruelty is usually justified as a means to some supervening rationalistic end.

There are a few other notable intersections between Williams and Wittgenstein I find helpful**.** Williams says that his own work "consisted largely of reminding moral[12] philosophers of truths about human life which are very well known to virtually all adult human beings except moral philosophers."[13] Williams is actually describing here something he thinks he shares with Isaiah Berlin, but I think it serves equally as well as a description of something he shares with Wittgenstein. It calls to mind an apt and amusing line from the "Left Wittgensteinianism" essay: "so much of [Wittgenstein's] later philosophy consisted of a criticism of himself, and of philosophy inasmuch as it had a hold upon him.[14]" Yes, Williams

[11] Yes, it problematic to classify MacIntyre as a "man of the right," but, for these purposes, and for the moment (we will return to him later), I believe we may.
[12] Williams, "The Liberalism of Fear."
[13] Williams, "The Liberalism of Fear," 53.
[14] Ibid.

is taking a swing here in a game of inside baseball among philosophers; but he also captures something important, which goes to the heart of what my project is after: when it comes to politics (not exclusively, but in particular), there are dangers in overestimating the human capacity for intellectual and spatial comprehension, reason, systematization, and engineering; furthermore, doing so has led to many terrible things, especially in modernity. We see this in the grand statist experiments like the Soviet Union (there's no doubt that even after Stalin the minds behind the U.S.S.R. did not believe that the system they were engineering would necessarily lead to, among other things, poor economic outcomes among its people). We see this in foreign policy blunders like the American invasions of Iraq and Afghanistan. All of these histories can be understood as mistaken beliefs about the capacity for grand interventions and constructive solutions to lead to the desired results (and, even more importantly, to *not* lead to significant undesired results instead or in addition).

As is often the case, there is an overlap between an aspect of human psychology (i.e., the tendency to overestimate these sorts of human capacities of knowledge) and a mode of philosophy (i.e., the construction of systems which, for all their internal coherence, lead us astray). Both can fall prey to misleading conclusions due to inherent tendencies to such mistakes. Both "begin from the top" instead of going from the bottom up, allowing certain preoccupations to crowd out important pieces of available knowledge, common sense and good judgement. More so than during its prior history, modern philosophy from the early twentieth century on has too often turned inward, and pursued theoretical truths, and theoretical truths to the very deliberate exclusion of empirical truths. This is one reason why Kant, more than Hegel, has become the father of modern Anglophone philosophy. In this post-Kantian mode, concepts like "common sense" or "good judgement" are seen as vague

cop-outs, lay philosophy, and accused of "begging the question."[15] Wittgenstein and some forms of Wittgensteinianism represent one persistent strain acting against this tendency. Rawls, for his part, wanted to be an heir to Kant, and it is no accident that such a Kantian became the most influential political philosopher of the last century, and probably since Nietzsche and Marx.

Some, like Max Horkheimer and Adorno,[16] believe that things that go on inside philosophy (say, metaphysical or epistemological debates) can end up radically influencing societies as a whole. But even if we set aside that question of whether the "danger" of bad philosophy is only to philosophy or also to the world, bad political philosophy can certainly be dangerous to the real world.

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The debate between realism and idealism enters into this post-Rawlsian scene of the twenty-first century as an evolution of the individualism vs. communitarianism debate of the 1980s and 1990s. One of the opening sorties came from Williams, in "Realism and Moralism in Political Theory."[17] One of the things Williams presses for is a "greater autonomy to distinctively political thought"[18] than one finds in the Kantian-Rawlsian world. "The autonomy of the political" is a powerful principle that ties together both the pragmatist and

[15] I would extend this mini-argument and suggest that, by contrast, the immense influence of Hegel on disciplines other than philosophy (history, literary study, sociology, and others) might be due to Hegelianism's greater insistence on the facts and shape of the empirical world.
[16] Max Horkheimer and Theodor Adorno, *Dialectic of Enlightenment*. Ed. Gunzelin Schmid Noer. Stanford, CA: Stanford University Press, 2007.
[17] Williams, "Realism and Moralism in Political Theory," first published 2005 in *In the Beginning Was the Deed,* 3.
[18] Williams, "Realism and Moralism in Political Theory," 3.

the bottom-up sides of realism, in contrast to the top-down nature of idealism. The top-down idealist believes rather than yielding to fact we wish were otherwise, we should seek to shape facts according to our beliefs about right and wrong, about the way the world should be, but isn't yet. There is an inherent connection between the belief in the possibilities of system and the belief in the possibility of a single system of value that can govern both ethics and politics. This White Whale is something analogous to the Unified Field Theory sought unsuccessfully by physicists for a century now: for both, wouldn't it be something great if we could find this master theory justifying both subordinate theories? Wouldn't that be real proof that we had found the right theories? It is possible for physicists to be agnostic about the possibilities of a Unified Field Theory; but we have yet to find a way to fully reconcile quantum and Newtonian physics. Maybe such a way exists, somewhere out there in the rational cosmos, but perhaps it lies beyond the reaches of human reason.

But for Wittgenstein, Williams, and others, failure to insist on a discontinuity between ethics and politics has been a bad thing for the world and for political philosophy. (As political theorists, we have a responsibility to both, but a special responsibility for the latter, since we more directly and exclusively have influence over it.) Carl Schmitt believed that "a definition of the political can only be obtained by discovering and defining the specifically political categories."[19] He wrote that "Democracy must do away with all the typical distinctions and depoliticizations characteristic…of the nineteenth-century antitheses and divisions pertaining to the state-society (= political against social) contrast, namely the following…: religious as antithesis of political, cultural as antithesis of the political, economic as antithesis of the

[19] Carl Schmitt. *The Concept of the Political*. Expanded ed., tr. George Schwab. Chicago: University of Chicago Press, 2007. 24.

political, legal as antithesis of the political, scientific as antithesis of the political."[20] Of course, Schmitt's "discontinuitarian" insistence on the distinctly political enabled him to justify a reprehensible kind of state, unrestrained by the calls of various normative domains. Nevertheless, even if Schmitt's own views led to one kind of tyranny, we can still appreciate Schmitt's idea that failure to recognize the autonomy of the political leads to its own kind of tyranny. The idea that "the total state no longer knows anything absolutely nonpolitical" is, for my purposes, essentially the same as the idea that there is "nothing absolutely and solely political"; from different flanks, both attack the idea that the political can, and should, be circumscribed. "The autonomy of the political" can be a hard pill to swallow, though, for those with a genuine desire to improve the world. "Realism" bears a certain relationship to "pragmatism," which then strikes many as soulless, changeable, and without genuine commitment to principle. The post-Marxist ideology-critique mentioned above fortifies this objection with the claim that any deference to practical possibility is really an unwitting support of the very structures in the world that are responsible for the problem.

Charles Mills offers an attack on ideal theory from this post-Marxist position. His 2005 essay, "'Ideal Theory as Ideology"[21] is often cited as a primary contribution to the debate about realism and idealism. He brings that sort of ideology critique to this playing field, arguing that the problem with ideal theory is that it necessarily serves more as a force of perpetuation than a force of change. This is an interesting inversion of the criticism of "Wittgensteinian" conservatism mentioned above, where an insufficiency of idealism serves that same perpetuation. For Mills, "what distinguishes ideal theory is the reliance on

[20] Schmitt, op. cit., 23.
[21] Charles Mills, "Ideal Theory as Ideology." Hypatia, Vol. 20, No. 3 (Summer, 2005). 165-184.

idealization to the exclusion, or at least marginalization, of the actual." His main objection to ideal theory is that it can't handle the ethical imperative of dealing with the ills of the world. Thus, "Ideal social institutions[:] Fundamental social institutions…will therefore be conceptualized in ideal-as-idealized-model terms, with little or no sense of how their actual workings may systematically disadvantage…"[22] people living under those social institutions. Mills thinks that politics based on ideal theory is inadequate (empirically, but also for structural reasons) to rectifying the widespread oppression found in the world. He describes ideal theory as "silent on oppression" and asserts (seemingly taking it as a given) that it is only in non-ideal theory that the centrality of oppression finds its proper place.[23] *Mill*s is right that ideal theory can be dangerous. System and ideal theory can be the sources of misguided projects not only of tyrants and aristocrats but also of progressive men-of-system, seeking to rectify the very oppression whose repair he privileges. But there's little room for holism in Mills' critique; like other post-Marxists, that holism is just as much the reason "oppression" persists.

Besides Williams, other members of the recent family of political realists include Raymond Geuss, Jeremy Waldron, and David Miller (Geuss and Waldron, in particular, very much have projects that are progressive-realist in nature). Geuss calls what he is doing "realism," Waldron calls his "*political* political theory," and Miller calls his "political philosophy for earthlings."[24] In a recent paper,"Utopophobia as a Vocation: The Professional Ethics of Ideal and Nonideal Political Theory,"[25] Michael Frazer reviews some of this conversation. He starts by borrowing from David Estlund the term "utopophobia" for the

[22] Ibid., 169.
[23] Ibid., 174.
[24] See Raymond Geuss, *Philosophy and Real Politics* and *Politics and the Imagination,* Jeremy Waldron, *Political Political Philosophy*, and David Miller, *Justice for Earthlings*.
[25] Michael Frazer, "Utopophobia as a Vocation." *Social Philosophy and Policy*, Vol. 33 Nos. 1-2, Oct 2016, 175-192.

temperament of anti-idealism, and trying to use it to capture something about the right way to go about the vocation of political philosophy.[26] Frazer attempts to reclaim a "moderate form" of this temperament: "By moderate utopophobia, I mean a healthy dose of suspicion toward all political-philosophical theories without practical relevance."[27] This is reasonable. But the point of the "moderate utopophobe" category is to contrast it with the immoderate utopophobe, who is "opposed to all utopian theories as such."[28] The moderate utopophobe is only opposed to focusing "exclusively on building utopias."[29] But this charge of "exclusive" focus is a bit of a straw man. It's not that such blinkered utopians don't exist, but that they aren't the disease for which we need a cure. Someone like Rawls is, in this schema, a utopian - but not one who "focuses exclusively on building utopias." He is concerned very much with all sorts of real-world problems, say, wealth distribution; it's just that he thinks the path to constructing the "just" solutions must begin with idealism. (I say "idealism" here because "utopian" has a history of being used pejoratively.)[30] Frazer picks out G.A. Cohen for special attention as a modern utopian who defends philosophy's right to unmoor itself from reality, "As with any subfields of the discipline, political philosophy, qua philosophy, is about what

[26] Estlund makes sense as a foil for Frazer. Estlund puts himself in the peculiar position of defending pointless philosophy: "Just because nothing can be offered in support of a claim…does not show that the value claim is false" (quoted in Frazer, "Utopophobia") I would call this trivially true, and only meaningful if truth and falsity are the only applicable metrics.

[27] Frazer, op. cit., 3. Of course, there are often disagreements between idealists who think that their theories *do* have practical relevance and realists who argue that they don't, or that the practical relevance is compromised (whether for feasibility, jeopardy, or perversity reasons—see discussion of Hirschman below.

[28] Ibid.

[29] Ibid.

[30] See OED definition 2a, "originally and chiefly *depreciative*…expressing or founded on an unrealistic belief in the perfectibility of society; excessively idealistic; impracticable; (of an ideal condition) illusory, unattainable." ("utopian, adj. and n." *OED Online*. Oxford University Press, December 2016. Web. 3 March 2017.)

we should think, even when what we should think makes no practical difference." Cohen writes that "political philosophy is…a branch of philosophy, not a branch of normative social technology,"[31] with "normative social technology" doing the same pejorative work "utopian" is often recruited to do, here with the added ring of the technological as something notably baser than "pure philosophy." While Frazer is more narrowly focused on saying something about the vocation of (political) philosophy, he is right to pick up on the way that the norms governing what counts as philosophy contribute to the idealism conflict. And Cohen's almost-sneering "social technology" tag embodies the way that those discourse-network norms privilege idealism.

As someone whose training comes from a program other than a Philosophy Department, I am sensitive to these sorts of "vocational" dynamics. And the history of my lead actors—Hume, Smith and Burke—both in their own lives and in their posthumous lives, is also tied up in these internecine conflicts within philosophy. Hume was famously denied chairs in philosophy at Edinburgh and Glasgow, while Burke was often told by his peers in Parliament that he should leave them be and go be a philosopher.[32] Wittgenstein, too, only held on to his place at Cambridge thanks to the persistent interventions on his behalf by Bertrand Russell, John Maynard Keynes, and G.E. Moore. But the interesting point is that there might be something like a tendency created by the activity of philosophy, a tendency that inclines it to privilege idealism. The norms that develop gradually over time within any vocation or discipline can amplify this tendency. And precisely because such norms develop gradually, a full understanding of the "sociology of knowledge" at play often operates outside

[31] G.A. Cohen, *Rescuing Justice and Equality*. Cambridge, MA: Harvard University Press, 2008. 306.
[32] See below for more on the posthumous lives of the three and their *Rezeptionsgeschichte (*reception histories).

the explicit self-understandings of such discourse networks. For Frazer, one element of this has to do with the relationship between what goes on inside a given discipline and what goes on outside it: "self-governing professional communities are highly likely to develop norms that privilege the internal, intrinsic values of the profession over the external, instrumental values that provide public reasons for these professional activities."[33] The conflict is between esoteric conversation within a discipline and more "at large" exoteric conversation. This is, as is well-known, a particular problem for philosophy (and other humanities)—unlike the social and natural sciences, which depend on "the public world" in order to affect policy and be granted funding. I would argue that this tendency toward idealism is somewhat more of a problem for political philosophers than for political theorists, because political theorists, surrounded, as it were, by social scientists, are more accountable to the attendant professional and normative demands. There is even among philosophers often a belief in the nobility of what David Miller calls "political philosophy as lamentation." Miller follows etween the earthly and heavenly cities, in which the earthly is fallen, and the task of philosophy is to imagine the City of God. But this is not merely a philosophical task, it is a sacred one: if it can help someone to "achieve the spiritual state that allows one to participate in the City of God."[34] Miller certainly wants to criticize this lamentation mode, identifying "the disabling character of a political philosophy that places justice so far out of the reach of human beings that nothing we can practically achieve will bring us significantly closer to the cherished goal."[35] There is much room for disagreement about what constitutes "achievement" or

[33] Frazer, "Utopophobia," 11.
[34] David Miller, "A Tale of Two Cities: Or, Political Philosophy as Lamentation." In *Justice for Earthlings*. Cambridge, MA: Harvard University Press, 2013.
[35] Miller, op. cit., 230.

"significantly closer." Certainly Rawls and Rawlsians would claim that following the Rawlsian project through *can* bring us significantly closer to achieving its ends.

Miller goes so far as to call "neo-Augustinian" any political theory that "elaborates political principles which it freely admits will not be realized in human societies, without displaying any discomfort about the fact."[36] For Augustine, that lack of discomfort is made possible by the absolutely-overriding nature of eternal salvation. But in the project of secular political philosophy, that discomfort with the impossibility of utopias should remain. The answer to the question "*Why* should we be interested in what justice is?" is not, for Miller, obvious. One answer that he doesn't consider is the Platonist one which emphasizes the holism of truth and value: if Justice participates in the Form of the Good, then its pursuit is self-justifying. Something a bit like this Platonism is also present in the Christian-philosophical project of Augustine. If the project of the sacred is holistic, comprehending all of life's activities and possibilities, then, again, the pursuit of any true good is intrinsically worthwhile, for such a good participates in the Good. There is in this kind of philosophy "a process, whereby the concept of justice is released from its original moorings through a process of abstraction and then used to derogate 'justice' in the everyday sense."[37] To use my vocabulary: Miller proposes that justice is properly and originally a "bottom-up" concept, not a "top-down" one. Any more transcendent concept of justice is "parasitic upon the more mundane concept that we use in our collective social life."[38] In this view, learning what justice is

[36] Ibid.
[37] Ibid., 241.
[38] Ibid., 240.

happens through having cases of justice and cases of not-justice, pointed out. In other words, a Wittgensteinian rather than a Platonic philosophy of language.[39]

2. The Trap, and Political Reaction

We are familiar with different versions of "hard realism," with Machiavelli as the *locus classicus*. The hard realist wants to purge moralism and sentiment from politics, seeing them as inappropriate and/or ineffective. He thinks that we should not let squeamishness or moral qualms inhibit us from acting most effectively. Consider two alternative views, the first idealist and the second realist, but not hard realist: 1) Man can reason, think, discuss, and build a better ways of doing things, and reorganize and reengineer the world to produce more good, justice, fairness, equality, and similar ends, or 2) The capacities of human reason are profoundly limited and often overestimated, exceeded by the complexities of man, the world, and the social. And thus attempts to build better world, as with the idealist of (1), are

[39] Here, Miller warns that Augustine himself doesn't really count as a "neo-Augustinian," because he *did* advocate for tending to the earthly city as intrinsically worthwhile. But in Augustine's *The Teacher*, which is in fact the occasion for the beginning of Wittgenstein's *Investigations*, Augustine is aware of something more like Wittgenstein's philosophy of language. But he still insists (committing what to Wittgenstein is the cardinal sin here) that there is some "thing in itself" to which words correspond (such that the word "walking" does in fact signify the "activity of walking," and can be explained by pointing to someone walking. The classic Wittgensteinian response here would be, "You were pointing at a man walking, but I thought you were pointing at a man frowning." Augustine says to his student in the dialogue, "you have explained signs by means of signs and familiar things by the same familiar things. I would like you to show me the very things of which these words are the signs, if you can" (*Against Academicians and the Teacher*. Tr. Peter King. Indianapolis: Hackett, 1995. 99). It might not also be too far to suggest that Augustine's distinction of explaining signs by means of other signs, rather than the "things themselves," lies in the direction of a Wittgensteinian philosophy of language.

likely not only to not succeed, but in many cases to result in unintended consequences that do more harm than good.[40]

Put this way, it's not hard to see why the skepticism of the realist of (2) might seem decisively less appealing. In a certain light, it seems almost pessimistic, cynical, and destructively negative. Meanwhile, the dreamer-idealist of (1) seems appealingly optimistic, grand, and constructive—"The possibilities are infinite! Look at how far we have come from the state of nature, from monkeys and primitive tribes! The world can only be made better, and thanks to historical progress we are in a better position than ever before to do so! We have technology, ever-increasing in power. And to return to the theme of how the nature of philosophy can guide one down the idealist track:, we can add that "Even I, a philosopher a scholar, can contribute substantially to this enterprise."

But in my view the appeal of (1) is a trap, one that repeatedly lures visitors. The structure of the trap is analogous to the story of the trap of the CIA as told by Tim Weiner in *Legacy of Ashes*. The title alone tells much of the story: the appeal to American presidents of a tool like the CIA has, from its inception in the aftermath of World War II, offered itself temptingly, promising a tool to achieve foreign policy ends, right wrongs, and improve America and the world—all without military intervention, without the repercussions endemic to overt rather than covert actions, and so forth. But in Weiner's story, the history of the CIA is one in which this has quite literally *never* worked, nor ever worked out as planned. But such a lesson has proved impossible for American presidents to learn.[41]

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[40] See Jeremy Waldron, "Political Political Theory," 5-7.

[41] Timothy Weiner, *Legacy of Ashes: A History of the CIA*. New York: Doubleday, 2007. Weiner's story was in a way ratified by the CIA itself when asked by President Obama in 2012 when he was considering the question of an American military intervention in Syria. The CIA report on the history of such actions - even though it was reviewing its own history

With this trap of the temptations of refashioning the world under the banners of virtue and justice, the point is not that virtue and justice are not genuine goods (they are), but that knowing how to proceed to achieve them is very difficult, sometimes even impossible. But if you subscribe to the defining feature of political idealism, the continuity of morals and politics described above, the organizing imperative is to try: just like a desire to pursue the good in ethics impels one to act as one sees best; for the "continuitarians" a true belief in what is "right," ethically, entails an attempt to continue the pursuit of such right into politics. Stopping the project of the Good at the boundary between ethics and politics is incomplete. Continuation from ethics to politics is "other-regarding" carried to its logical conclusion: "If ethics is about other-regarding, and if I can do good for 'others' beyond those I immediately interact with, then I should." There are two parts to the belief: the belief that one *should* seek to do political (or social) good, and the belief that one *can* achieve those ends.

The second issue about the possibility of reaching desired ends is often called *feasibility*: regardless of whether certain political aims are good, is it *realistic* to think we can achieve them? Over the last few decades a series of attempts by those on the left to describe, classify, and critique a certain kind of conservatism as "reactionary" has muddied these waters. The realism I am trying to urge has fallen under the axe of anti-reaction in this critique. In his attempt to capture the essence of political reaction in *The Rhetoric of Reaction*, Albert

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and would therefore by invested in being able to claim successes—found that attempts to arm factions in foreign conflicts in an attempt to choose the victor almost never worked. Most ironically, to my eyes, the main exception they found to this was the arming of the mujahideen against the Soviets in Afghanistan in the 1980s, which did eventually drive the Soviets out. The irony is that this story is a perfect example of the sorts of unintended consequences that are impossible to foresee: eventually the result of our arming the mujahideen, including Osama bin Laden, was Al Qaeda, the Taliban, 9/11, and the subsequent war in Afghanistan begun in 2001. See, "Mark Mazetti, "C.I.A. Study of Covert Aid Fueled Skepticism About Helping Syrian Rebels," https://nyti.ms/2lm6eud.

Hirschman attempts to break down the reactionary species into three distinct theses, sometimes but not usually coinciding: 1) the "Perversity Thesis," (political or social intervention will actually lead to results contrary to the original aims); 2) the "Futility Thesis," (intervention will fail to achieve its aims); and 3) the "Jeopardy Thesis" (intervention will place in jeopardy things we value—e.g., liberty, prosperity—or even the whole of society and its institutions).[42] More recent attempts to analyze political reaction like Corey Robin's *The Reactionary Mind* and Mark Lilla's *The Shipwrecked Mind: On Political Reaction* share Hirschman's progressive starting point, determined to reveal the poor foundations and destructive potential of the reactionary species of politics. ([43]Robin's tract is more vituperative and unabashed in its axe-grinding, while Lilla is perhaps even more charitable in his analysis than Hirschman. More on Robin and Lilla below.) Part of the appeal of the attack on reactionaries would seem to be that it is a way to attack a certain kind of conservatism perceived as dangerous without attacking wholesale conservatism itself. But despite these disagreements, Hirschman's and the other analyses are helpful in articulating notable features of reactionary thought, though they toss much baby out with the bathwater in their attempts to cleanse our political instincts and habits.

Hirschman wants to offer a corrective to prevailing forms of reaction (such as objections to universal suffrage or the English Poor Laws on perversity-thesis grounds), which

[42] On the "Perversity Thesis," see Hirschman, *The Rhetoric of Reaction*. Cambridge, MA: The Belknap Press of Harvard University Press, 1994, 11: "the attempt to push society in a certain direction will result in its moving all right, but in the opposite direction."

[43] The following passage conveys the tone of the project: "Because of its contemptuous and debunking attitude toward 'purported' change and progress, the futility thesis belongs squarely in the conservative camp. It is indeed one of the principal weapons of the reactionary arsenal" (Hirschman, *The Rhetoric of Reaction*, 79). The inclusion of "contemptuous," the scare quotes around "purported," and the rhetorical invocation of the metaphors of "weapons" and "arsenal," are just like MacIntyre's rhetorical name-calling ("sorcerer," etc.).

he thinks have been accepted too easily. But thinkers like Burke and Hayek get caught in the net of critics of reactionaryism. And those thinkers are in fact a needed corrective of prevailing forms of political idealism. Hayek, like Bernard Williams, attempted to describe a political position that is difficult to cleanly capture with our conventional vocabularies. Just as Williams reaches awkwardly for "Left Wittgensteinianism," Hayek reaches for a term equally awkward and obscure. As a postscript to *The Constitution of Liberty* (1960), Hayek's essay "Why I Am Not a Conservative," he casts about, instructively, for the right term to describe himself. After discussing the reasons options like "liberal" or "libertarian" are not quite right, "What I should want," he says, "is a word which describes the party of life, that favors free growth and spontaneous evolution. But I have racked my brain unsuccessfully to find a descriptive term which commends itself."[44] He says his attempt was unsuccessful, but then immediately proceeds to his argument for why "Old Whig" is best. He revives a category from eighteenth-century England and America, the party which he thinks deserves the true credit for launching Western liberalism and republicanism. Hayek writes that "Whiggism is historically the correct name for the ideas in which I believe. The more I learn about the evolution of ideas, the more I have become aware that I am simply an unrepentant Old Whig--with the stress on the 'old.'"[45] Hayek is trying to demarcate a position which is not conservative - because "the conservatives have already accepted a large part of the collectivist

[44] Hayek, "Why I Am Not a Conservative." In *The Constitution of Liberty*. Chicago: University of Chicago, 1960, 408.

[45] Hayek, Op. cit., 409ff. He adds, "To those familiar with the history of ideas it is probably the only name that quite expresses what the tradition means…It has been the name for the only set of ideals that has consistently opposed all arbitrary power." Hayek goes on, about the American version of "Old Whiggism,": "It is the doctrine from which Continental liberalism took what is valuable in it. It is the doctrine on which the American system of government is based. In its pure form it is represented in the United States, not by the radicalism of Jefferson, nor by the conservatism of Hamilton, or even of John Adams, but by the ideas of James Madison."

creed…Here the belief in freedom cannot but conflict with the conservative and take an essentially radical position," and because "follies and abuses are no better for having long been established principles of policy."[46] As we shall see, it is this element of radicalism combined with elements traditionally associated with conservatism that we will also find in Williams, Burke, Hume, and Smith. Interestingly, Hayek takes on the principle of "*quieta non movere*" ("Do not move settled things") as sometimes appropriate for politicians, but "it cannot satisfy the political philosopher…he cannot accept arrangements merely because current opinion sanctions them."[47] This principle of *quieta non movere* comes as close as any to capturing what is distinctive to the "conservative" family; one might say that the degree to which one reacts against it is roughly equivalent to how far left on the spectrum one is.

There is also a bridge between Hirschman and Hayek, but a bridge of contrast. Hirschman's classic example of the "Jeopardy" species is Hayek's *The Road to Serfdom*, with, in Hirschman's characterization of Hayek, the claim that the welfare state "is a menace to liberty and democracy."[48] But there is a far more useful idea that we can draw from Hayek than the pejoratively constructed "Jeopardy Thesis": a critique of what Hayek calls "scientism," which shares some key features with idealism and political rationalism. In Hayek's 1974 Nobel Prize Lecture, "The Pretence of Knowledge,"[49] he offers a cogent packaging of his longtime commitment to epistemological humility. He describes the failure of policy based on social science to fulfill its promises as the result of an overestimation of the fundamental capacities of the activity. There is an inherent "bias" in the kind of social science based on what we can

[46] Hayek, op. cit., 410.
[47] Ibid.
[48] Hirschman, *Rhetoric of Reaction*, 114ff.
[49] Hayek, "The Pretence of Knowledge," 1974. <http://www.nobelprize.org/nobel_prizes/economic-sciences/laureates/1974/hayek-lecture.html>

measure, and "this is sometimes carried to the point where it is demanded that our theories must be formulated in such terms that they refer only to measurable magnitudes." But because "in the study of such complex phenomena as the market, which depend on the actions of many individuals, all the circumstances which will determine the outcome of a process…will hardly ever be fully known or measurable." This problem of the "essential complexity" of certain subjects of knowledge is mostly specific to the social sciences, operating differently than the physical sciences. "The social sciences," writes Hayek, "have to deal with structures of essential complexity, i.e. with structures whose characteristic properties can be exhibited only by models made up of relatively large numbers of variables." Hayek distinguishes between "organized complexity" and "unorganized complexity." Organized complexity "depends not only on the properties of the individual elements of which they are composed, and the relative frequency with which they occur, but also on the manner in which the individual elements are connected with each other." This web of connections is a version of holism. And it is one way of describing why it is essential to understand that things like language, practice, and value are *necessarily* embedded in a form of life. Hayek helps us understand the nature of the idealism trap, articulating a picture of society with form of life at the center.

Corey Robin deserves some attention, as one of the more forceful and prominent recent examples of Burke-mongering done in a serious way. I must admit that Robin has me skeptical of his interpretive faithfulness from the start: the subtitle of the book, "Conservatism from Edmund Burke to Sarah Palin," ties a cord between Burke and Palin, intending to shock, but irresponsibly so. He talks very loosely of some general, persistent, and

fundamentally unified "conservative" species[50]. He openly admits what seems patently false, that the "the right" should be treated "as a unity, as a coherent body of theory and practice that transcends the divisions so often emphasized by scholars and pundits. I use the words conservative, reactionary, and counterrevolutionary interchangeably" (34). But this maximally wide net is also contradictorily specific, and his picture of conservatism is selectively warped and almost malevolent. He is convinced, in post-Marxist/Foucaultian terms, that A) power, subjugation, and hierarchy are the most important forces in modern history and political thought (Robin says that "conservatism is about power besieged and power protected"),[51] that B) there may be times when conservatives appear to offer reasonable positions, but these can be unmasked as bad faith and not what they claim to be,[52] and C) Burke is the principal root in modern political thought of (to an extent, *pace* MacIntyre) effectively misleading, destructive, and self-serving rhetoric and ideas ("all of these supposed vices of contemporary conservatism were present at the beginning, in the writings of Burke and Maistre, only they weren't viewed as vices."[53] Robin refuses to accept the legitimacy of the conservative defense

[50] See Corey Robin, *The Reactionary Mind: Conservatism from Edmund Burke to Sarah Palin*. Oxford: Oxford University Press, 2013. To take two of innumerable examples: Robin writes that it is "clear that it is not the style or pace of change that the conservative opposes" (25) or "forged in response to challenges from below, conservatism has none of the calm or composure than attends an enduring inheritance of power" (28).

[51] Op. cit., 28.

[52] Robin writes that "what distinguishes, I hope, my interpretation of conservative thought from other interpretations, which tend to read the theory in seclusion from the practice or in relation to a highly stylized account of that practice" (Robin, op. cit., 32). In other words, even Robin himself sees the importance of a discussion of sufficiently wide scope to cover the relevant pieces.

[53] Robin, op. cit., 43. Also: "Ever since Edmund Burke invented conservatism as an idea, the conservative has styled himself a man of prudence and moderation, his cause a sober—and sobering—recognition of limits" (42). I note the not-so-subtle use of "has styled himself" - in bad faith or in self-delusion. Compare "Oakeshott's view of the conservative—and this view is widely shared on both the left and the right—is not an insight; it is a conceit." (Robin, op. cit., 47).

that goes something like, "Okay, I admit that such-and-such bit of conservatism we see in the world (say, Sarah Palin) is not good, but there is a history of "good conservatism" that we can look to and learn from." Robin's response to this well-intentioned pol is "No, any version of conservatism has always been bad, very bad. Look here…" Robin's preferred method in executing this maneuver is to try to show than any conservative with redeemable features is actually bad, only concerned with power and its preservation as in (A) above. But when he comes to conservative thinkers he can't manage this with, Robin has to excise them from his conservative family tree: "While David Hume and Adam Smith are often cited by the more genteel defenders of conservatism as the movement's leading lights, their writings cannot account for, as we have seen, what is truly bizarre about conservatism: a ruling class resting its claim to power upon its sense of victimhood."[54] His inclusion of Hume and Smith on the "good" side of the partition prevents his argument about the essence of conservative and reactionary politics from usefully encompassing all the relevant members of the species. It's a bit like trying to describe the species of *canis familiaris* but taking into account only pedigree hounds and ignoring guard dogs and street mutts. There is no a priori reason why pedigree hounds are "true" members of species but guard dogs and mutts are not.

I am not interested in defending something like "conservatism" in general against Robin. But I do disagree with pancaking together everything on the left as "good" and everything on the right as "bad." We should learn from the insights and wisdom offered from the best of both "sides" (a concession, though, of Robin's use of such categories that I actually want to resist: it doesn't make sense to talk of people like Hume, Smith, Burke (or even contemporary figures like MacIntyre) as simply "conservative" or "right," because they

[54] Robin, op. cit., 99.

confound and resist fitting into either category. In fact, it is precisely the ways that they resist, even transcend, our common categories that have perhaps the most to teach us. It is essential to be open to learning from diverse practices and ways of conceiving things. For example, we Americans can learn from British parliamentary democracy that there are other effective ways of organizing a democracy (even one with, gasp, a queen!). As one of many possible instances, the political theorist Rainer Forst embodies the post-Rawlsian excesses I have been discussing. Forst believes that the Rawlsian project (and a Frankfurt-School style critical project) can be updated and improved by making "justification" the central concept of a theory of justice (and politics, and, eventually ethics, too).[55] He regards "persons as social and at the same time autonomous beings who are, or should be, able to determine actively the normative structures which bind them."[56] Forst wants participation in the creation of norms—that is, self-authorship—to be the hallmark of justice. He even goes so far as to say that just outcomes are irrelevant to evaluations of justice: *only* this proceduralist kind of authorship of norms can result in real justice. His notion of the nature of norms strikes me as interesting, maybe even an appealing fantasy, but also absurd, ideas utterly divorced from reality, idealism unhinged from realism.[57] To begin with, I take it as part of the nature of norms that they are not authored, and certainly not self-authored. The alternative is that they are collectively authored by past and present, partly for some of the Wittgensteinian reasons discussed above. And Forst's privileged class of norms, "justificatory norms" are perhaps even more of a collective creation than other norms. I simply don't know how to make sense of

[55] Rainer Forst, *Justification and Critique*. New York: Polity, 2014.
[56] Op. cit., 4.
[57] Forst claims to be hewing a middle ground that is neither idealist nor realist: "My chosen approach, therefore, starts neither from the abstract construction of an 'ideal' nor from a supposedly 'realist' empirical conception of politics, as a locus of the collision of normative interests which exclude higher order principles…" (Forst, op. cit., 5).

autochthonic justification, of justification that is not derived from a shared form of life, any more than I can make sense of a fish living in the soil.

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Another version of idealism focuses on discussions of the problem of translation. Kwame Anthony Appiah, in *Cosmopolitanism: Ethics in a World of Strangers*, starts from a place compatible with the family I have been describing: acknowledging the sociality of reason and the fundamental embeddedness of individuals and of norms. Appiah writes, "You can't get into the game of belief starting from nothing. And, of course, we all grow up in a family and society that start us out with a great raft of beliefs that we could not have developed on our own. Concepts and ideas develop in our upbringing."[58] But even here you can see the seeds of what will grow into a fundamental disagreement between him and myself: the "start us out with" of the second sentence. The implicit claim, borne out by the rest of the book, is that after this "start" we can transcend that great raft. He seems to think of concepts and values a bit like a more traditional kind of inheritance: our parents raise us, offering us certain starting equipment, and at a certain point they release us into the world with that inherited equipment, and perhaps some money and property. From there, we can exchange that inheritance for alternatives, and we can expand it: but all of this is up to us as autonomous adults. Even if it is possible for an individual to make their way in the world in something like this way, I'm skeptical that it works when applied to norms and knowledge. Of course, people often change or rebel against beliefs they inherit. But the kind and degree of freedom

[58] Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers*. New York: W.W. Norton, 2007, 41

and autonomy they have in doing so is complicated, and limited by a host of factors beyond individual freedom of self-authorship.

But this picture allows Appiah to get where he wants to go: to a vision of cosmopolitanism that offers hope for the possibility of the different peoples of the world getting along better. We can see this dream of autonomy and transcendence of one's inheritance in the case study of a cosmopolitan person he offers at the beginning of the book: Sir Richard Francis Burton, the nineteenth-century translator and explorer. Burton possessed an extraordinary capacity for learning languages (perhaps as many as twenty-nine) and for "going native" in the various cultures he attempted to "don." He quite literally overcame the "problem of translation," translating the Sanskrit *Kama Sutra*, the Arabic *Thousand and One Nights*, grammars of two Indian languages, and many more mind-boggling literary, linguistic, and scholarly feats. Translation presupposes commensurability. But the problem of translation is about whether skepticism about translation is justified. In other words, if the "problem of translation" (the issue of untranslatability, or, in MacIntyre's vocabulary, "incommensurability," which is a lack of total commensurability) is what divides different groups, different *Lebenswelten* and *Lebensformen*, then Appiah is right that the Burton example rather single-handedly disproves the incommensurability thesis.[59] One objection to Burton as proof of *anything* is that the man was quite clearly extraordinary, to a degree that might make him a lesson for nothing generalizable at all. But even granting that he represents some sort of general human capacity, I don't think that the problem that separates different ethical and political commitments is the problem of translation. Yes, it *can* be. But there are plenty of cases where translation is not the barrier to agreement. The debate about abortion in America is not, I think, that pro-choice

[59] Forst, op. cit., 1-8.

people don't understand what pro-life people mean by "life," nor that pro-life people don't understand what is meant by "choice." But the whole lifeworld into which these concepts fit for them is not the same; they are embedded, *thickly*, in a network of discursive and non-discursive, linguistic and practical, phenomena.

Now the "translationists" might respond here: "Yes, okay, language is embedded in a form of life, and those different lifeworlds produce different *meanings* for the speakers of the two groups, meanings which cannot be translated precisely because of their being thickly embedded." But just because two concepts have different meanings doesn't mean a concept in one language can't be explained in terms interior to a different language. The pull of norms and the full, thick force of practice on the linguistic and cognitive activities can vary without interfering with intelligibility. Take two girls, Penelope and Matilda, that start from different places but end up at the same one. Penelope has parents determined that she follow in their footsteps, entering the maple syrup business with the expectation of inheriting the family concern. Next door lives Matilda, whose parents are far more progressive, and tell their daughter she is free to do whatever she thinks will make her happy. I would argue that Matilda understands perfectly well Penelope's sense of responsibility toward her parents' wishes, she just places a different value on that sort of responsibility in this matter, because of her different upbringing and her different experiences and practices into which the relevant concepts of family obligation have been embedded. (Of course, we need not have two different families to produce this kind of difference; Cain and Abel grew up in the same family, but developed entirely different attitudes toward concepts like "family" and "father.") MacIntyre identifies "two distinct species of translation, translation by same-saying and translation by linguistic innovation, through which a tradition may be transmitted from its

originating language."[60] Both species *are* translation, not merely failed attempts at bridging an unbridgeable gap. Incommensurable belief systems are not incommensurable because translation is impossible. In fact, MacIntyre's "Thomistic Aristotelianism" "*wins*" the rivalry of belief systems precisely because it is able to (in more or less Hegelian ways) resolve the contradictions of those rival systems on terms internal to the rival systems.[61] Or, put otherwise, it wins because it is able to successfully translate and incorporate elements of rival systems.

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"Institutions are massively important," writes Jeremy Waldron.[62] One reason they matter especially to Waldron is because he identifies the most important task of politics (and of political theory) today as helping us get along with people different than ourselves with whom we live in proximity.[63] Certain kinds of agreement between these groups are impossible, but they share membership in the same polity. How do we handle these conflicts? Waldron doesnt make the mistake (a mistake many have made before him) of responding to

[60] Alasdair Macintyre, *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press, 1988, 372.

[61] See MacIntyre, op. cit., 380: "We have already seen that from the fact that two communities with such rival belief-systems are able to agree in identifying one and the same subject matter as that identified, characterized, and evaluated in their two rival systems and are able to recognize that the application of those concepts—the standards, that is, by which truth or falsity and rational justification or the lack of it are judged—cannot differ radically."

[62] See Jeremy Waldron, "Political Political Theory." In *Political Political Theory*. Cambridge, MA: Harvard University Press, 2016, 5.

[63] Jeremy Waldron, "The Principle of Proximity." New York University School of Law, *Public Law and Legal Theory Research Paper Series*. Working Paper No. 11-08. January 2011. See also Waldron's related paper "Who Is My Neighbor? Humanity and Proximity." *The Monist*, Vol. 86, No. 3, July 2003, 333-354, and his more recent Niemeyer Lectures in Political Philosophy at the University of Notre Dame from 2016, "The Principle of Proximity." <http://politicalscience.nd.edu/news-and-events/niemeyer-lectures-in-political-philosophy/>

the challenge by asking, "Okay, how can we engineer things so that we mold or coerce people into greater agreement and social harmony?" Instead, Waldron asks what institutions and structures can we (based on philosophy, political science, and the rest of our accumulated understanding) devise and install that best deal with the realities of difference and pluralism while bringing about the desired ends as much as is possible. I have called my position "pragmatic realism"; Waldron has enough pragmatism not to imagine utopia, and might be described as a "pragmatic idealist." This position is closer to mine than that of of the Condorcet or Rawls sort, but it bypasses a question that I take to be of fundamental priority: what if there is no way around certain kinds of difference, certain degrees of difference, and the certain geographical, social, and historical parameters at hand? And what if this limitation on relations between societies is because a shared form of life is a precondition for making political society work?

3. The Choice of Inheritance

This project began with David Hume (in particular) and Adam Smith. My initial intuition was that these two political philosophers embodied the "Left Wittgensteinian," "Old-Whiggism" that balanced a recognition of the importance of understanding forms of life with a forward-thinking belief in change and improvement. For his part, Burke is as a non-systematic political thinker of a similar stripe, who both recognized the dangers of men of system and fought hard, even when it pitted him against both opponents and comrades, to improve the world and combat the causes of suffering and cruelty. He managed to come down, with prescience, on the right side of several key political debates of his time: the nature of the British empire and the relationship between Europe and the rest of the world.

In particular, he supported both American Independence (though his first preference was conciliation) and eventually opposed unreformed British empire in India, especially its abuses. And he saw perspicuously the dangers of the French Revolution and versions of the Revolutionary Spirit of '89. I found in him someone who famously defended a respect for tradition and a nation's form of life, understood as something holistic and organic and beyond the scope of the capacities of human design, and I also found in him someone who fought against the grain of his day in defending certain transcendent values and human rights. Dan O'Neill wants to see A) Burke's clear defense of the legal right of Britain to deal as it will (harshly, even cruelly, in bad faith, etc.) with its colonies and B) Burke's proposal for a reform of the British Empire as equivalent to his believing in British Empire being a good thing, and worth preserving.[64] I see (A) as constrained to a legal point, which still allows for Burke to say clearly (as he does) that nevertheless according to a broader notion of what is right, Britain should let the colonies go. And I see (B) as embedded within the practical parameters of a practicing politician: in my view, he knew that arguing for Britain to completely relinquish its colonial possessions would not be considered by his fellow politicians in Parliament. But he could attempt to reform the current system and make it better. Which he did, vigorously and for decades, culminating in his prosecution of Warren Hastings, the former governor of India.

David Bromwich, perhaps the most insightful reader of Burke, titled an early book of essays *A Choice of Inheritance,* in which he argues that Burke "says again and again that the choice is ours to make; that the history of which we are composed will be written only by

[64] Dan O'Neill, *Edmund Burke and the Conservative Logic of Empire*. Berkeley, CA: University of California Press, 2016.

ourselves."[65] This perhaps prima facie paradox captures the Burke I myself find. It might *seem* that the very notion of inheritance entails that it is not something we choose. Perhaps there are times when that is true. But when it comes to a community and its history, "the definition of a given community is always left in suspense." Burke wants to place "stress on human volition" on the nature of one's own community and its (defining) history.

Bromwich is clearly an admirer of Burke. But this insight of his finds unexpected company in Alasdair MacIntyre, whose dislike for Burke is consistent and unconcealed. His critique credits Burke with launching an original sin in modern politics: seductively spinning rhetoric and collective imagination to justify the modern, liberal individualist state at the expense of a communitarian one more properly grounded in tradition. MacIntyre sees a fundamental conflict within that modern liberal state: it aims to both 1) offer a system for pursuing individual ends, and 2) offer membership in a political community in which pursuing common good is the same as caring for oneself. For MacIntyre, these two faces of the state are incompatible—an incompatibility that, I imagine, needs to be *resolved* in a proper [for him, Hegelian] manner. But Macintyre's Burke, through a sinister wizardry of image-making, myth-making, uses conjuring tricks to transform this incoherence into a false coherence of national political imagination.[66] In other words, the very self-authorship of community and history that Bromwich locates in Burke as a virtue becomes, for MacIntyre, a vice, blaming clever rhetoric for misleading the world.

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[65] David Bromwich, *A Choice of Inheritance: Self and Community from Edmund Burke to Robert Frost*. Cambridge, MA: Harvard University Press, 1989, 46.

[66] MacIntyre, "Poetry as Political Philosophy," in *Ethics and Politics: Selected Essays, Vol. 2*. Cambridge, UK: Cambridge University Press, 2006, 162: "Burke's images are thus designed to secure the allegiance of the imagination to certain conceptions of stable community and hierarchical order, as well as an antipathy to any kind of theoretical reflection apt to produce skepticism about the credentials of the established order."

MacIntyre is right to focus on the fact that "nations to be real must first be imagined."[67] But I would argue that what for MacIntyre is dangerous sorcery is in fact the location of a way to balance both a *Lebensformism* and progressivism: if it is possible for individuals (and groups, or institutions) to influence or *shape* a form of life, then we not only can do so but should do so. This element of the self-authorship of culture and forms of life fundamentally changes the resulting notion of "inheritance" of those forms. The most obvious metaphors here are theological: if those forms are created by some sacred designer as fully-developed instances of perfection, we don't play a role in deciding what they are. But even when we have established norms of such kinds, it is still always up to the individual (and, in a somewhat different way, the group) to decide whether we accept their truth and submit to their authority, or if we know better or feel other imperatives more strongly. If inheritances "to be real must first be imagined" (whether by an individual, or individuals, or a community, the effect for these purposes is the same), then even though the force of inheritance be strong, we have a choice in the matter. (Not, mind you, a *complete* and unrestrained choice; but choice need not be unconstrained to be a choice.)

There is, I think, a direct parallel to this hybrid of inheritance and creation in Burke's famous arguments in the *Reflections* about the origins of legitimate claims to sovereignty.[68] Similar in structure to first-mover questions ("Who made the Maker?"), the idea is that just because we can identify a moment of origin, or singular moments of "irregular, convulsive movement"[69] along the course of history (even moments of outright conquest, such as the

[67] MacIntyre, op. cit., 161.
[68] Edmund Burke, *Reflections on the French Revolution*. Ed. J.C.D. Clark. Stanford, CA: Stanford University Press, 2002, 172ff.
[69] Burke, op. cit., 174. Most importantly here for Burke, that of the Glorious Revolution of 1688, which struck many as a willing violation of the laws of succession).

Norman William I, and change in rule of law by force), doesn't mean that a government descended from that genealogy is illegitimate. It doesn't mean that, since the form is not perfect and received from God, we might as well do whatever we now think is better.[70] In one of the more famous lines from the *Reflections*, Burke says that "A state without the means of some change is without the means of its conservation."[71] I'm sure this version of progress will strike many readers as woefully inadequate. Both the qualification in "means of *some* change" and the commitment to "conservation" will pique. Burke does defend the right to impeachment when rulers violate the compact.[72] In an earlier unfinished work, the *Speech on Reform of Representation,* Burke says that governments are the product of history and time, not planning: "A prescriptive Government, such as ours, never was the work of any Legislator, never was made upon any foregone theory."[73] I think this needs to be read as "never was *solely* the work" of legislation or theory (as, say, for the French and Bolshevik revolutions). Burke's defense of the American Revolution might seem a problem here: weren't they authoring a new state with legislation and theory, and no inheritance? Perhaps, but Burke saw more continuity between the original American colonial and British ways of life and the post-Revolutionary one than he did between the original ways and the situation Britain found herself in in the 1770s, turning to force and tyranny like a parent punishing a misbehaving child. One might also claim that with its original decentralized federalist

[70] "In this choice of inheritance we have given to our frame of polity the image of a relation in blood, binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchers, and our altars" (Burke, op. cit., 185).
[71] Burke, op. cit., 170.
[72] Burke. op. cit., 176-178.
[73] Burke, "Speech on Reform of Representation." In *On Empire, Liberty, and Reform: Speeches and Letters*. Ed. David Bromwich. New Haven: Yale University Press, 200, 275.

structure, the new American state was the best way to preserve the American form of life in response to changing circumstances.

On the question of self-authorship, I am reminded of one response one can make to the objection to strong versions of moral agency and responsibility: "Well, what if someone has bad or vicious *character*, a flawed psychology and habits, that cause them to act in a way contrary to morality?" One can respond: "after a certain point, we have a responsibility to recognize our character flaws and, if necessary, take action (over time) to change them." It is in this light that Burke's rhetoric and literary dimensions should be read. Plato was famously suspicious of poets and aesthetic dazzle: but, perhaps more importantly, he also engaged in myth-making and wrote dramaturgical dialogues instead of treatises, carefully constructed to move the minds of his readers. Perhaps there is a particular danger to charismatic players on the political stage in a democratic age, because the purpose of such charisma is deliberately bent to move crowds that have been given "legal" power. But the problem of the crowd goes back to the Old Testament (think of the folly of the Golden Calf, or the collective demand in Samuel I for a king, despite Samuel's, and God's, warnings to the contrary) and to Rome; repeatedly in Plutarch and Livy, one sees how fragile the Roman republic was, always vulnerable to the "crowd" of citizens falling under the sway of a charismatic leader.

Bromwich writes that "History, then, is something we have to strive to retain. It can be lost; and it follows that there is a certain frailty in what we took to be its substantial fabric. [Burke adds to this that] human nature rightly is, and ought only to be composed of, such or such qualities, they can also be lost."[74] This changeability of a seeming-permanence is somewhat prima facie paradoxical; it is as awkward to embrace as modern epigenetics. For a

[74] Bromwich, *A Choice of Inheritance*, 48-49.

long time we were taught that DNA and genetic inheritance is fixed, unaffected by life and experience, and passed on as such. Now, we are learning that we have long underestimated the force of epigenetics, the capacity for things like environment, nutrition, infections, and other "experiences" to alter one's DNA, including the DNA that is passed on to our children.[75]

Probably cultures and histories are easier to shape[76] than DNA, but the epigenetic metaphor, complicating our understanding of what is fixed and what is changeable, and thus, necessarily, given the momentum of modern science, of what we can do to change it in ways we think good. "Nothing universal can be rationally affirmed on any moral, or any political subject. Pure metaphysical abstraction does not belong to these matters. The lines of morality are not like the lines of mathematics. They are deep as well as long…prudence is not only the first in rank of the virtues political and moral, but she is the director, the regulator, the standard of them all."[77] But this apotheosis of judgement sits alongside a commitment to right: "The rights of *men*, that is not to say, the natural rights of mankind, are indeed sacred things" and should be completely protected from "*any*" public measure." Burke calls *all political power* wholly artificial,[78] in part because it is (necessarily) contrary to the "natural equality of mankind at large." As with many things, Burke defends hierarchy and its reason for existence, while also being sensitive to its dangers and abuses.[79]

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[75] "When cells read the genetic code that's in DNA…the same script can result in different productions" (Nessa Carey, 2).
[76] Burke, "Speech on Fox's East India Bill." In *On Empire, Liberty, and Reform,* 89.
[77] Burke, "An Appeal from the New to the Old Whigs." In Burke, op. cit., 91.
[78] Burke, op. cit., 291.
[79] See Burke's description of the "intoxicating draught of authority and dominion" of empire (Burke, op. cit., 310.).

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Now we have laid out the groundwork that sets up the core of the dissertation, the history of philosophy I want to excavate from the Hume-Smith-Burke line. The preceding discussion of more recent theorists like Williams, Rawls, Hirschman, Hayek, et al sets up the *need* we have for that new history. Bits of the story, parts of my rereadings, are rare but not completely absent. But I have yet to find a version of the history that brings out what in their teachings I think we have not heard, but need to. Nor have I found a version with an organizing concept like my "form of life" that so productively and potently unites them into a family. Let us, then, begin.

CHAPTER 2

"The Origins of Value and Society in Hume's *Treatise*"

1. Introductory Remarks

Hume goes to great lengths to be make the structure of the *Treatise on Human Nature* clear, and particularly so in the case of Book III, probably because of the delay between the publications of Books I and II of the *Treatise* (1739) and of Book III (1740). Book III begins with a lengthy prooemion that is largely a structural explanation, spanning the Advertisement (which aims to help the reader who has not recently read Books I and II) and the two Sections of Part I. His first claim is that Book III can be read independently of the first two, for the reader doesn't need all the "abstract reasonings therein." It is easy to pass over such a claim. The preceding Book II, "Of the Passions," includes, to name only a few, chapters on vice and virtue, pride, benevolence and anger, malice and envy, respect and contempt, love between the sexes, and free will. These would all seem to be inseparable from, if not constitutive of, his moral philosophy. But after the transitional and methodological material at its beginning, Book III for the most part does *not* depend on those "abstract reasonings." As with his predecessor Hutcheson and his successor Smith, moral judgments are based in moral feelings, almost psycho-somatic responses like approbation, disapprobation, admiration, and repulsion. Hume thinks this is what an Empiricist moral theory must be like; the empirical data are the moral feelings themselves, just like perceptions and experiences are the empirical data necessary for knowledge. When Hume says that, "vice and virtue are not matters of fact, whose existence we can infer by

reason,"[1] he means that morality is not a matter of truths arrived at by running objective facts through the calculator of reason. It "is not any relation of ideas, which gives us this concern for our own and the public interest, but out of impressions and sentiments, without which every thing in nature is perfectly indifferent to us, and can never in the least affect us. The sense of justice, therefore, is not founded on our ideas, but on our impressions."[2] Hume rightly sees that our minds are not like lenses, through which data merely pass through a mechanism of alteration, but require the motivation of passion or desire for our minds to process them and order the world. But that fact alone does not justify the claim that morality *is founded* on impressions rather than ideas, nor that morality is a *consequence* of each person's individual feelings and perceptions, irrespective of their ideas and rationality.

The first book of the *Treatise*, roughly, gives Hume's epistemology (which would later become the *An Enquiry Concerning Human Understanding* (1748)), the second book gives Hume's ethics (which would later become the *An Enquiry Concerning the Principles of Morals* (1751)), and the third book is social and political philosophy. Hume starts with an explanation of how we acquire concepts in the first place, and how we go from something inside (a thought, a desire) to something outside (an action).

Hume rightly sees that our minds are not like lenses, through which data merely pass through for alteration into a form our minds can use. They require the motivation of passion or desire. Hume says that it "is not any relation of ideas, which gives us this concern for our

[1] Citations to the *Treatise* are to the Selby-Bigge and Nidditch edition (Oxford, 1978, 2nd ed.) and are henceforth given as, in this instance, (*T* 468). Citations to the *Enquiry Concerning the Principles of Morals* are to the recent Tom L. Beauchamp critical edition (Oxford: Oxford University Press, 1998) and are given as, for instance, (*EPM-TLB* 500).
[2] *T* 496.

own and the public interest, but out of impressions and sentiments, without which every thing in nature is perfectly indifferent to us, and can never in the least affect us."[3] Hume's founding of justice on impressions *does* justify the claim that morality is not a preexisting fact, out there, immanent in the world like God's grace or the law of gravity. Nor is morality universal, as natural law discoverable by reason. Hume knew that his views were in danger of being seen as anti-rationalist, anti-epistemologically-idealist view is likely to be seen as heresy (just as similar views today are, still, to modern Kantians); for the traditional royal and ecclesiastical thinkers, the virtue or vice of something is fixed by God, with the particularity of our moral feelings determining only to what degree they approximate to that fixed ideal. It is not hard to see why such views seem conducive, if not even necessary, to political stability and cooperation, as they offer a fixed set of moral values for the community to share, while a view like Hume's might seem to offer only intellectual and social anarchy, with each person responsible only to his own feelings.

The task for Hume is to show that his picture of morality, without a theological system, does in fact offer the basis for shared morality and stable political community.[4] He must show that moral feelings are not totally unconstrained, *not* free to roam in whatever Calliclean, Hobbesian, or other destructive direction they choose. He does so by tethering

[3] Ibid.

[4] In fact, it seems to me that Hume's account offers a far superior foundation for shared values and political stability than the traditional theological view. If morality comes from the mouth of God, there is great risk of variation due to differing interpretations, various religious sects, and even the individual's decision whether or not to follow the divine law. But in Hume's view, morality is thoroughly built into us; setting aside the issue of freedom, when morality is a matter of custom and inclination it cannot be spoiled by an uncooperative will. It is necessarily, rather than hopefully, shared.

those individual moral feelings to what he calls "public utility,"[5] explaining their process of formation and showing that they come to be only as part of a given society over time. This process provides constraints for what norms can come into being and last, a process resembling natural selection. (There are no mammals without toes, or with twelve toes per foot. But why? There is no hard and fast reason such animals dont exist, but the collective constraints of all aspects of the natural system effectively limit the scope of possibility.) The demands of that shared form of life, combined with the features of human nature, generate an orderly morality which of necessity takes the enduring good of the whole as its principal criterion.[6]

Hume's moral philosophy is often read as naturalist and emotivist—that is, that our moral values and our actions are really products of our inclinations and desires. I cannot here offer a larger argument that Hume is not the hardcore anti-rationalist he is often taken (and claims) to be. It suffices to note that Hume does explicitly acknowledge that there are "rules

[5] *EPM-TLB*, 13.

[6] Some, like Hume's contemporary Adam Ferguson, have criticized as too optimistic his picture of civic harmony. Any theory that makes peace and goodness inevitable is certainly problematic. While Hume's picture is not all milk and honey, he has quite a bit to say about the weaknesses and flaws in human nature (such as his extended discussion of human near-sightedness, the tendency to incorrectly generalize from recent experience and to ignore long-past or far-off considerations)--but *le bon David* is not—as Richard Rorty might say--the philosopher to turn to if you think the story of humanity is the story of conflict, aggression, and suffering. For biographical, historical, and philosophical reasons not at issue here, Hume's story of morality and politics *is* optimistic. What is to the point here is that Hume hopes to reverse the reigning ideas about social behavior without reversing the resulting social stability or prevalence of virtue. Part of Hume's confidence in his account comes from his belief that the British social and political system around him works very well, and that he can offer the causes of just such a successful system. This is part of what justifies Hume's so-called "conservatism"; I think the classification is ill-fitting, but it is true that Hume's moral and political philosophy "leave everything as they are," as Wittgenstein said all philosophy should. His philosophy is not, like for instance, Rousseau's or Marx's, meant to justify a program of political reform (nor, for that matter, a program of moral reform, like Nietzsche's).

of morality" but insists that they are not solely the product of rational deduction. And Hume agrees that comprehending, applying, and following a "rule" of morality requires a rational contribution, though it requires other things, besides. Though passions influence behavior, Hume argues that men in a functioning political community are governed by duty and obligation, and he usually talks about these as taking the form of "rules." While contingent events do shape the course of history, these moral rules form according to discoverable principles. And those principles (what others later would call "sociological laws") constitute the body of knowledge Hume wants to systematically put together into his Newtonian "Science of Man." But he also understands that a meaningful understanding of man requires a consideration of man as a "social animal," and thus of history and politics.[7] So he needs Book III, which is entirely devoted to explaining the source of moral obligations, the society that generates their binding force, and the shared form of life they both require.

2. Social Artifice

Any philosophical explanation of how a form of life is possible must explain how cultural systems and beliefs develop and become fully "taken up by, or integrated into, a person. They are not merely taken on and off like clothes, or taken up at will like the rules of a board game. The core of Hume's explanation of how this works, as well as the center of all his moral and political philosophy, is his notion of social artifice—culture-specific values and beliefs, that which we would now call cultural or normative. Social artifice creates the possibility of human conventions (like morals and social contracts) that are natural but not

[7] One should remember that the vast majority of Hume's output in the 36 years of his life after the publication of the *Treatise* continued to explore the material of Book III, with only the *Enquiry concerning Human Understanding* as an exception.

part of human nature itself. Because Hume doesn't want to say that *all* of morality is convention, he creates the distinction between natural and artificial virtues. Throughout Book III, Hume repeatedly anticipates the objection that his view of morality will lead to relativism—he knows that the artificial virtues could easily be seen as insufficiently bounded without God and Nature. Fortunately church fathers like Aquinas and natural lawyers like Grotius have already cut a respectable path in aligning nature's law and God's law. So Hume insists A) that human nature *does* play a role in shaping morality, and B) even artificial morality is "natural." For such a defense I think the key is that Hume wants the conceptual distinction between natural and artificial virtue to functionally dissolve. But "human law," as Aquinas calls it, is acknowledged even by natural lawyers and popes, seeing that there must be binding conventions which vary by place and time—necessary conventions like money. But social artifice makes Humean conventions more than mere conventions. It makes them, as Hume repeatedly insists, not *nature* but *natural*. It is natural for humans to have a form of life; they are meant to unite their innate, biological nature with their particular experiences (what we often now call "culture" or "nurture"). Clothing on animals might help them in some instances, but it will never look natural, while a human without clothing is not natural, he is in need and exposed to the elements.

There are two sides to Hume on these issues, corresponding to the two strands of his intellectual heritage. The Newtonian side of Hume sees morality as primarily a function of innate human nature, understanding man as an animal with innate desires, inclinations, and capacities that shape his actions and his values. This side descends from his teacher, Frances Hutcheson, whose moral-sense theory saw values and morals as natural and innate,

dependent in only a limited sense on culture and history.[8] This view corresponds to a part of Hume's thought, but only a part, and ultimately Hume's "sociability" is only partly natural. Sociability, especially that discussed throughout Book III, is nascent in man but must emerge as the product of historical development. It is this other side of Hume, which recalls natural lawyers like Grotius,[9] that sees the force of custom and convention in shaping morality, as well as the difference between the way man behaves in a developed society (for Hume, this means Europe) compared with a primitive society (he often has in mind the natives of the New World). This side of Hume combines forces with his anti-rationalism and his belief in the force of habit and custom in seeing in "common life" and empirical reality an opposition to the universal laws provided by so much philosophy.[10]

After establishing the possibility of morality, Hume has to explain what actually generates the particular moral norms that make up any moral system. After ruling out many of the various candidates for the basis of morality and obligation, Hume arrives at the nucleus of Book III and in fact of his entire moral and political philosophy. He says that our "sense of justice and injustice is not derived from nature…it arises **artificially, tho' necessarily,** from education and human convention."[11] His use of "necessarily" here requires some parsing; does he mean that it will *inevitably happen*, or that it will happen necessarily *when* education and human convention are present in the requisite way? I think

[8] This Hutchesonian tradition continues to Adam Smith, who reworks Hutcheson's moral sense into a more robust and sensitive complex of moral capacities based in the full range of our moral sentiments, with sympathy at the core. Smiths' moral theory will be discussed at length in the next chapter.
[9] Duncan Forbes, *Hume's Philosophical Politics* (Cambridge, UK: Cambridge University Press, 1975), 5-6.
[10] Donald Livingston (*Hume's Philosophy of Common Life,* Chicago: University of Chicago Press, 1984) sees common life as the most important of Hume's concepts.
[11] Hume, *T* 489, emphasis mine.

the latter; the inevitability version would require far too many excuses for its incompletion, or a very out-of-character faith that we can count on the the future to march in straight path toward the completion of the process. Hume thinks he can transcend the traditional opposition between necessary, natural morality and morality contingent on some particular historical development. Thus a sense of justice develops over time, but *necessarily* rather than contingently. And the sense of justice develops not according to a fixed nature and reason, but according to the dynamics of "education and human conventions." But if education and human convention are infinitely variable, as Hume well knew, how will they generate the universal features of justice than Hume will soon describe?

In order to explain the force of custom and the artificial virtues, Hume claims that "Mankind is an inventive species."[12] One can see a link between the natural or innate "invention" and natural sociability. If natural sociability is a predisposition to get along with others (to not be merely raw egoists in a battle for survival), then for that getting along to persist and develop, we must be capable of collective self-authorship of norms and the shape of the form of life. In a crucial passage at the end of Section I of Book III, Hume continues, "where an invention is obvious and absolutely necessary, it may as properly be said to be natural as any thing that proceeds immediately from original principles, without the intervention of thought or reflexion. Tho' the rules of justice be *artificial*, they are not *arbitrary*." Hume deftly makes something prima facie non-natural (not there at the start, always and already) into something natural, due to a spin on the concept of potentiality--a potential which is somehow contained as a possibility within, as it were, the acorn.

[12] Hume, *T* 484. Just as Aristotle must make a claim about the mimetic nature of man in order to justify the significance of mimetic effects, in the fourth chapter of the *Poetics* (48b).

Hume concludes his blended account of the natural and the social (cultural) with a similarly deft alliance with the natural law tradition (certainly a strategically sound move given the hostility he encountered from the religious and theological establishments, within and without philosophy. He writes, "Nor is the expression improper to call them *Laws of Nature;* if by natural we understand what is common to any species, or even if we confine it to mean what is inseparable from the species."[13] This opening section, serving as the statement of purpose of Book III, proceeds with such strong, broad strokes one can miss that Hume includes the mechanism on which the entire scheme runs. Just as the core of Darwin's theory was not evolution but the mechanism of action, natural selection, the core of Hume's theory of social and political development is the mechanism by which a convention comes into being. And it is almost suspiciously simple: if a norm is "obvious and absolutely necessary" it is, without deliberation or reflection, "invented" and immediately becomes as "natural" as anything else. The absence of deliberation means the absence of intentionality. The passage is tricky to parse: why does Hume take something "proceeding immediately from original principles" as the paradigmatic case of a "natural" change or action? Hume holds up a logical consequence as the axiomatic case of an instant, necessary, "natural" progression, and the "invention of an invention," where it is obvious and necessary, proceeds as instantly and naturally. In other words, invention—the mechanism that accumulates into a social artifice—is seamless and natural. This naturalizing of human creativity dovetails with his naturalizing the processes of cultural development; often, it can be difficult to separate when Hume is describing the development of a person, within a life, from the development of culture, of a form of life— which, of course, need not at all be a

[13] Hume, *T* 484.

weakness of his theory. Freud famously felt that psychological processes and structures within the individual were analogous to those within culture (see, for instance, *Civilization and Its Discontents).*

3. From There to Here to There: Origin Story

3.1 Out of the state of nature, contra Hobbes

Like many eighteenth-century philosophers, Hume explains the nature of our values and concepts by telling a hypothetical story about how we developed out of the state of nature. It is worth retracing Hume's story of the origin of society, from natural independence to community and interdependence, because the principles driving that progression become the conditions that sustain society and the force of obligation. Hume's origin story is a philosophical tour-de-force, calling on a range of his original ideas.[14] He eschews a simple "staged" account, such as the so-called "four-stages theory" often ascribed to Scottish Enlightenment[15] figures like Smith, John Millar, Adam Ferguson, and Lord Kames, as well as other Europeans like Giambattista Vico and Turgot.

Hume thinks man is physically weak, unable like other animals to meet his needs alone. Only in society can man overcome his natural deficiencies and "compensate his

[14] Indeed, as sometimes happens in the *Treatise,* Hume's ideas outrun their philosophical (or "systematic") leash.

[15] To provide but one of many instances, Katie Trumpener writes in *Bardic Natioinalism* (Princeton: Princeton University Press, 1997), "Drawing on the Scottish Enlightenment four-stage theory Samuel Johnson depicts Scotland as a country that subsumes several distinct stages of cultural development" (69).

infirmities."[16] Three basic principles support this edifice of compensation: the aggregation of resources, division of labor, and cooperation (first and especially for security).[17] Next, Hume relies "in a little time" to multiply and form a "society" of parents and children. (Hume says at the outset that he is explaining the formation of "society," but here is the first place in the narrative that the predicate can be called a "society," even though it's really only the most nascent of versions.) Hume sees the family (seemingly in a vacuum, independent of other family-societies) as a proto-society; his choice of vocabulary is revealing. He says that parents "govern" the children. In one of many challenges to Hobbes in the *Treatise*, even here at the start natural sociability drives the progress, not fear of anarchy or authority. As soon as Hume writes that the parents govern "by the advantage of their superior strength and wisdom" he preempts the Hobbesian unfolding of the development with the claim that natural parental "affection" restrains their exercise of "authority" (again notably using the vocabulary of politics).

Annette Baier reads Hume's story as contrasting brightly with Hobbes, who aims to make the state of nature so hostile and frightening that it drives us into the comforting arms of the Leviathan. Baier makes much of the importance of conjugal lust and familial love at this point in the story. She argues that in fact Hume's state of nature is not so problematic, that there is no fear of, nor threat from, other people in the state of nature—aggression,

[16] Hume *T* 485. The rest of the passage continues: "Tis by society alone he is able to supply his defects…by society all his infirmities are compensated…When every individual person labors a-part, and only for himself, his force is too small to execute any considerable work." Interestingly, Hume seems not to consider that there are many, many animals that *do* require "societies," large groups, to compensate for their infirmities.

[17] "Society provides a remedy for these *three* inconvenience. By the conjunction of forces, our power is augmented: By the partition of employments, our ability increases: And by mutual succor we are less expos'd to fortune and accidents. 'Tis by this additional *force, ability,* and *security* that society becomes advantageous" (T485).

violence, and threat from other people begins only *after* society has begun, as we then can own property that others desire:[18] "Only when property rights have been invented, profitable contractual exchanges made possible, and a cooperative surplus accumulated, does Hume see that anything like Hobbes's misnamed 'natural condition' will come about."[19] She infers from Hume an interesting critique of Hobbes: that Hobbes mistakes aspects of the human condition that arise only *later* in human development for aspects present at the creation. Rousseau made the same claim only a few years later. Much hinges on this distinction between Hume and Hobbes: the Baier/Hume version has a kinder view of man's original nature. Nevertheless, Hume makes an intriguing agnostic argument about "the question…concerning the wickedness or goodness of human nature." He says that if man be naturally virtuous, "men become social by their virtue," but also that if man be naturally vicious, "their vice has the same effect [of making them social]."[20] Hume's optimism shines forth in the next paragraph, when he writes that the cascade of norms which follow from the desire to establish rules securing family property and safety are, essentially, inevitable: "'tis utterly impossible for men to remain any considerable time in that savage condition,

[18] Annette Baier, *Progress of Sentiments*. Cambridge, MA: Harvard University Press, 1991, 221ff.

[19] Baier, op. cit., 223. In the E*nquiry concerning the Principles of Morals*, natural man does not form society in pursuit of from naturally violent fellows. But nor does Hume say that the problems arise only *after* the formation of society. The real problem, he says is the inevitable *scarcity* of resources that creates the need for property rules (EPM-TLB 13). Hume then goes even further in directly contradicting Baier's argument about the state of nature, where Hume imagines a hypothetical situation in which people are naturally perfectly virtuous, "so replete with friendship and generosity, that every man has the utmost tenderness for every man, and feels no more concern for his own interest than for that of his fellows" (EPM-TLB 14). He concedes that in this case, society and rules of morality would indeed be unnecessary, but that "in the present disposition of the human heart" we require rules of morality that direct action to the good of everyone. That morality, he says, "derives its existence entirely from its necessary *use* to the intercourse and social state of mankind" (EPM-TLB 15), intercourse that natural scarcity of resources makes inevitable.

[20] Hume, *T* 492.

which precedes society; but that his very first state and situation may justly be esteem'd social."[21] I discuss the issue of "inevitability" in this philosophy of history of Hume's in the third section below. But here, this passage would seem to indicate that the "savage" state of man is fleeting at best. If it is really "impossible" for men not to immediately advance through it, it would seem to follow that there may not even be any such peoples remaining on earth, nor have there been for a very long time.[22]

Baier acknowledges that Hume does refer to a ghastly state of nature, "a solitary and forlorn condition"[23] in a number of places to explain why it is in our interest to sign the social contract, but she says that they refer only to reasons to avoid falling *back* into the state of nature, and not to reasons to climb out of it. But this distinction is not entirely convincing. In over a dozen pages of argument, Baier cites no text in Hume to support any of this original argument, though generally she works very closely with the texts. She offers no compelling reason to think that either the state of nature or the rational calculation of the benefit of society changes on either side of "the fence" between there and here. Rousseauistic origin stories, for example, center on a "fall," a discrete and irreversible historical event that explains why the reasons society forms are different from the reasons society stays together. But there is not a fall in Hume's story—if anything there is an ascent. The closest Baier comes to finding evidence for such a "fall" in Hume is her claim that it is only "avidity,"[24] undue greed for material possessions only made possible in society, which leads to human conflict and a frightening state of nature. It would be a pessimistic picture of

[21] Hume, *T* 493.
[22] Societies can, though, probably be wrecked—by war, natural disaster, or disease—perhaps casting them back, very temporarily, into their primitive state.
[23] Hume, *T* 492 & *T* 497, cited by Baier in *A Progress of Sentiments*, 235.
[24] Baier, *A Progress of Sentiments*, 222.

human nature, to be sure, if the forces of envy and the desire for superiority were so strong. Yet Hume doe not say this. Quite the contrary, in the original pre-social state the desire to secure property is *the* principal reason for wanting and joining a society with law and order. Baier claims that, "if we look closely" at the *Treatise,* all the pejorative references to the state of nature occur after the genesis of society.[25] But at the point of only conjugal union and familial society Hume refers to the threat to our possessions from "the violence of others" as a chief advantage of political association.[26]

In the next stage, within the "family-society" (as Hume at *EPM-TLB* 186 calls the proto-form of life and community of the family) custom and habit can begin to form durable artificial structures for the first time, and man undergoes his final fitting for society. As it does Plato in the *Republic*, who gives up on the existing generation, with hope only for those children shaped from birth under the new system, the family-society allows him to forego the difficult task of making the same "person" capable of surviving in the state of nature and also be the kind of person fit for society. Instead, he takes a "tender-minded" child who has never needed to survive in the state of nature and walks him across the bridge of an intermediate stage. "In a little time, custom and habit operating on the tender minds of the children, makes them sensible of the advantages, which they may reap from society, as well as fashions them by degrees for it, rubbing off those rough corners and untoward affections, which prevent their coalition."[27] This stage, especially for the child, is in between nature and society. The child is free from the harsh exigencies of the natural state, but not

[25] Baier, op. cit., 235.
[26] Hume, *T* 488.
[27] Hume, *T* 486.

yet part of a fully functioning society. Thus this process works around two difficulties that a form of life might present for Hume.

In his moral and political philosophy, Hume's empiricism principally takes the form of the commitment that a person's character develops wholly as a result of *actual experiences*, not innate dispositions or commitments. This version of empiricism suffuses the entire *Treatise*, and requires him to offer a coherent explanation of the individual's experiences and their consequences at each stage of the story of the origin of society. Hume can neither ignore the effects of any experiences nor assume the effects of the experiences in past "stages," which may not carryover to the next. Hume takes nothing cognitive for granted as just *how* things are. All beings, especially human ones, *become* as they are through undergoing certain experiences. But those experiences will obviously vary, just like the shape of whatever "becomes" of them. So Hume must accommodate this idea to his belief that there is a universal human nature. The starting point of the family-society (as with the origin story as a whole) allows Hume to form a delicate balance between two opposing forces, historical contingency and the Science of Man's scientific universalism. The child becomes socialized only after a particular experience, but that experience is not contingent, or not wholly contingent: it has a kind of universal inevitability. Nowhere does Hume indicate that he is describing the origins of British society alone; he clearly intends his theory to hold at large.

The family-society stage solves another crucial difficulty. Forms of life are holistic; there is no such thing as a partial form of life. Like the generational problem in the *Republic* mentioned two paragraphs ago, such wholes almost always pose a chicken-and-egg problem: if a person requires a form of life to be a person, and a form of life requires people to be a

form of life, which ones comes first and how then does either come into existence? The family stage serves as a pommel-horse from the circle of incompletion up to the complete form of life. Within the family, the child can do the otherwise impossible: participate in a *partial* form of life. The stories in both the *Treatise* and the *Enquiry* agree that the socialization need not be immediate. *Gradualism* is one of Hume's most consistent values, and it is a core principle of form-of-life liberalism. Gradualism and processes of political change will be the focus of the last chapter, but an ongoing task of this project is to demonstrate how and why gradualism is essential to liberalism. The development of custom and habit "by degrees" is essential. By contrast, Rawls' "original position" and Hobbes' Leviathan do not develop by degrees, but in one saving stroke. The transition from the state of nature to the political state in *Leviathan* is not gradual. The instauration of the political institutions takes the very same (philosophical construct of a) person who recently was living life nastily, brutishly, and briefly and harnesses him productively to society. One of the reasons the Leviathan is necessary is that *any* harness is precarious; the threat of chaos and civil war is ever-present.[28] Hume's political philosophy is less "fearful," less focused on the disastrous alternatives, not only because he wrote in the age of Walpole (and "Reason") while Hobbes wrote in the age of Cromwell (and regicide). Hume is less fearful also because he believes that the gradual development of man and of society, with habit and custom changing and progressing by degrees, has succeeded in genuinely changing both man and society. The artificial norms and rules of justice become just as much a part of him as the prior "Laws of Nature." A prosperous liberal political form of life (as Hume believes

[28] One might respond here that Hobbes is not vulnerable to this criticism because he is not telling a primarily historical story. But Hobbes does intend it to be at least our organizing myth of the origins of the social and political.

England had) develops gradually and in concert with a more fully socialized and developed individual. Once that codependence comes into view, so does the full contrast between Hume and the Hobbesian vision of man and the state as separate entities that come into being at different times and for different reasons.

3.2 Convention, Social Contract, and Collective Creation

After establishing the principle of social artifice and the family-society, Hume returns to a more traditional conception of the birth of society based on personal advantage, in which an egoistic individual must see the benefit to himself of choosing society and its attendant obligations over his free and natural jealousy. By this point there is some form of "society," even one functioning well enough to make one "sensible of the infinite advantages that result from it,"[29] but we don't yet have a society running on the full set of necessary social artifices. Justice, property, and some form of social contract are still needed.

Interestingly, while Hume continues to tell the story as a temporally gradual development, the next advancement happens more logically than temporally or historically. Hume's solution to the problem of natural egoism is our natural rational capacity to recognize the benefits of society, which he explicitly acknowledges is a *rational*[30] process, but one correcting a defect in natural reason and psychology. He calls this development "a remedy in the judgment and understanding, for what is irregular and incommodious in the

[29] Hume, *T* 489.

[30] "Rational" is meant here in the broad sense, described above, not in Hume's more restricted meaning. This is, incidentally, another instance of the aforementioned role that reason plays in Hume's thought despite his anti-rationalist rhetoric.

affections."[31] Having come to appreciate and depend on the "external goods" and capacities that a more advanced stage allows us, we want to find a way to make them as secure as our natural abilities, "on the same footing with the fix'd and constant advantages of the mind and body."[32] It is Reason[33] that tells us that the only way to guarantee the security of our property and our new mode of life is to enter into a mutual agreement[34] with everyone else. Self-interest justifies the adoption of the agreement, though as we will see it soon becomes "enlightened self-interest," which is not really self-interest at all in the traditional sense. This agreement is basically Hume's version of a social contract. He describes it as "a convention enter'd into by all the members of the society to bestow stability on the possession of those external goods and leave everyone in the peaceable enjoyment of what he may acquire by his fortune and industry."[35] We might call this the "first" social contract, for it will be revised and at this point it establishes only the minimum rules necessary to secure property.

Hume's origin story relies on a "mutually express'd" and mutually known sense of common interest. He seems to want to say that the publicity of the acknowledged *fact* of common interest is sufficient to produce the

> convention or agreement betwixt us, tho' without the interposition of a promise; since the actions of each of us have a reference to those of the other, and are perform'd upon the supposition, that something is to be perform'd on the other part. Two men, who pull the oars of a boat, do it by an agreement or convention, tho' they have never given promises to each other.[36]

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[31] Ibid.
[32] Ibid.
[33] "Reason" here means "the rational and cognitive faculty," rather than Hume's narrower definition of reason as the faculty which by itself produces immutable truths.
[34] Hume alternates between using the terms "agreement" and "convention" for this social contract, assiduously refusing to use the terms "contract" or "promise."
[35] Ibid.
[36] Hume, *T* 490.

Hume's insistence on the *publicity* of this agreement distinguishes him from tacit consent social-contract theorists. The next chapter will deal at length with the issues of trust, publicity, and promising. For the moment we need to see that the presence of common interest along with the "repeated experience of the inconveniences of transgressing it" (ibid., quoted in full above) produces a functioning social contract.

In the previous chapter, I discussed the seemingly-paradoxical idea of a "choice of inheritance," a phrase coined by Burke and picked up by David Bromwich as the title of an essay and a book. Among modern commentators of Hume, Annette Baier has focused our attention on Hume's theories of custom, convention, and the collective formation of norms and practices. In a range of writings on Hume, Baier rightly draws attention to Hume's belief that all social practices and institutions are—like a form of life—"cultural achievements," meaning they are *collectively created*. Baier calls this Hume's "creationism."[37] This process of collective creation also lies at the heart of society's progress, up to the development of political society and forward into the future, as we continue to perfect and realize human potential. It is no accident that many of liberalism's heroes believe in this progress toward a continuing realization of humanity, from Hume, Kant, and Smith to Mill and Rawls.[38] I will return to discuss at length the issue of progress and change in my final chapter, but the crucial point here is what form-of-life political theorists like Hume see the only possible way to realize that potential. *Any* individual is dependent on the progress of humanity as a whole, or at least on the progress of one's own particular form of life. And from the very beginning of society, Hume argues that we participate in the process of

[37] Annette Baier, "Hume's Account of Social Artifice." *Ethics*, Vol. 98, No. 4, July 1998, 762ff.
[38] We can probably add, among others, Hegel and Marx to this list.

collective creation that enables free people to live cooperatively together because we require such cooperative living in order to develop our human capacities further. Perhaps even more important for political philosophy is the corollary claim: cooperative living requires a functioning political state, which liberals like Hume (and Kant and Smith) believe must be liberal. While I do not have the space to deal fully with the relevant issues in the philosophy of history, one cannot investigate how politics works without addressing the question of what "working" looks like, of what the proper functioning of a state consists. This converges with the question of progress, because both require us to describe the telos of a liberal society. Describing the telos is tricky, though, because liberalism is committed to a certain open-endedness. The consequence of defining the state formally, in terms of rights, values, or institutions means that precisely which form of life will develop as a result remains undetermined. But we can say that the open-endedness, the range of possible forms of life, is not a consequence of individualism. One finds in Hume none of the individualist ideals of liberals like Humboldt, Constant, or Mill, who endeavor to show how a liberal state is justified *because* it offers the individual the opportunity to flourish. Collective flourishing becomes a consequence of conditions for individual flourishing. Indeed, my three "form of life" philosophers all see collective flourishing as the goal—without sacrificing individuals or individual freedom for that greater good.[39]

[39] This is a crucial firewall; whenever I start to emphasize the communitarian aspects of these philosophers, it is easy for their liberalism to falter, and for it to seem like I am really pushing a form of communitarianism. *Maximal freedom* remains the firewall against such a combustion. We must never forget that form-of-life politics never compromises on freedom; everything shared, interdependent, and collective happens of its own accord. That is, it does not rely on interventions and constraints on freedom for the development of the shared aspects of community.

Returning to the development of society: in explaining his system of artifice and conventions, Hume quickly realizes that few conventions will be perfect. There will inevitably be cases where an individual will see that following the convention harms his and/or the public interest, and he would do better to disregard justice and morality. As Hume puts it, "tho the rules of justice are establish'd merely by interest, their connexion with interest is somewhat singular, and is different from what may be observ'd on other occasions. A single act of justice is frequently contrary to public interest…and may in itself be very prejudicial to society."[40] His solution, therefore, is to bind the whole scheme of values and morals into an integral system: "'tis impossible to separate the good from the ill."[41] It is important to note that Hume insists repeatedly on two distinct aspects of this idea. First, like the distinction between "act-" and "rule-" utilitarianism, values are based on "general rules," not evaluations of individual situations. Second, values must be assessed based on their role in the holistic system of all values. The entire system of morality succeeds or fails as a whole. Decisions are not made by separating out only the principles and consequences relevant to a particular case, irrespective of all else and all other decisions. One must take the whole system *as* a whole. If the whole system conduces to the public interest, one must endorse it, even if in particular instances the scheme may be "inefficient," with the general rules demanding an imperfect action.

For of course no system of this sort can be perfect in all instances. Perfection is simply an inappropriate (because futile) goal for a system of morality—another reason why political realism is preferable to idealism, especially some of the "robust" idealisms discussed in

[40] Hume, *T* 497.
[41] Ibid.

Chapter 1. What matters is that "the whole plan or scheme is highly conducive, or indeed absolutely requisite, both to the support of society, and the well-being of every individual."[42] Hume believes that we intuitively understand this necessity, and so conventions can take hold even if their value is "oblique and indirect," achieving their end only via the whole system. This indirectness, I think, poses problems for the idealist, for it is so tempting to look at an undesirable piece of society and believe it should be excised. This is why Burke objects to the reforms to Parliamentary elections proposed in the 1770s and 1780s. It is not that he thinks there aren't problems which taken in isolation merit change and repair. Rather, he thinks that they cannot be repaired without threatening the larger political and institutional ecosystem in which they cohere.[43]

Thus according to Hume it is in the nature of moral evaluation to place oneself in one's fellows shoes, imagining what effect generalizing that moral rule would have on

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[42] Ibid. Hume goes even further a few lines further, saying that the "whole system of actions…is *infinitely advantageous* to the whole, and to every part" (498, emphasis mine). Hume does not consider the objection made by many throughout history and many modern political thinkers, that the question is not, "Am I better of with this system than with anarchy?" but rather "Am I better off with this system or with that *other* system that so-and-so wants to install?" I suspect Hume's response would be that he is here considering society and the social contract in general, not for any specific political system. This is certainly true—most of the political philosophy in Book III of the *Treatise* is at a considerable level of abstraction, never even specifying whether or not the state is a monarchy, a democracy, or something else. Though it is possible, further down the line, for it to seem like Hume's Science of Man is intended to specify the way societies form, which in turn can serve normative purposes in deciding political questions. In particular, there has been a tendency to read the more concrete *political* views Hume espouses in the *Essays* and in the *History of England* as part of a single unified system of thought including the *philosophical* views in the *Treatise* and the *Enquiries*. Such hermeneutic practices (never authorized by Hume; he does not in the *Essays* appeal or refer for support directly to the philosophical works, not to mention his request upon the publication of the *Enquiries* that the world forget the *Treatise* entirely) run the risk of mixing arguments designed to be "non-partisan" with arguments of a very different sort.

[43] See "Speech on Reform of Representation" (1782), 268-281 (Burke, *On Empire, Liberty, and Reform*. Ed. David Bromwich. New Haven: Yale University Press, 2000).

others. As we will see in Chapter 3, like Kant as well, Smith saw the crucial importance of this form of "other-regarding." For Kant, this other-regarding is what makes all moral judgment possible: one must ask oneself if it would be good for everyone to act the same way in all similar situations. For Smith, the other-regarding is embodied in his metaphor of the "man within the breast," the "impartial spectator" one imagines judging one's moral decisions. For now, it is important to note that even though Hume emphatically and repeatedly insists that *the* basic fact of human nature is self-interest, as soon as that natural man begins to become socialized, all value judgments are inherently other-regarding. Enlightened self-interest is a consequence of a prior self-interest, but it becomes something independent—so independent that it can (indeed, sometimes must) impel us to make choices contrary to self-interest in the original sense.

4. Forward Motion, Further Development of Form of Life, & the Common Point of View

This form of life develops over time; Hume calls this (in an apt phrase that becomes for Annette Baier the key concept in the *Treatise*) the "progress of sentiments"; it is the development, perhaps even enlightenment, of a form of life (including all attendant practices, beliefs, and norms) toward a higher level of advancement. "Advancement" is understood as increasing political fairness and stability or, as Hume would say, justice. Several forces act in tandem to further the development of these social and moral sentiments. Political leaders, Hume insightfully recognizes, possess the ability to move cultural sentiment

and value by declaring certain things "*honourable* or *dishonourable*, *praiseworthy* or *blameable*."[44] In addition to the effect of "public praise and blame,"[45] Hume identifies the moral education one receives within the family and in one's immediate individual social world as a second force shaping the moral sentiments. This "Private education and instruction" is particularly important because it affects those "tender minds" (Hume repeats the phrase) that played such a crucial role in the origin of society, the impressionable minds of children. The third force Hume says contributes to the progress of sentiments is "reputation." The force of reputation builds other-regarding into the most basic motivations and desires of man in society. Like Smith's "impartial spectator," this understanding of reputation abrogates the notion that even in society the individual is concerned only with his own good and that a community is merely the collection of atoms, warring all against all. Hegel later agrees with Hume about the enduring force of this desire for reputation in holding society together, in seeing what he calls *Anerkenntnis* as at times *the* social motive. Hume sees it as one among several mutually reinforcing social "binding" forces. Reputation is the desire to be recognized as just, and a Calliclean tyrant would not receive such recognition in a Humean society. So reputation becomes a powerful force for the success and stability of society, and a good reputation is only possible among those who share a form of life. One does not seek a good reputation among all people, but only among one's fellows—that is, those with whom one's social orbit overlaps.

[44] Hume, *T* 500, Hume's emphasis. Hume recognizes that ceding such creative force to the "artifice of politicians" can be a slippery slope: if they can forge values, then perhaps *everything* is created by politicians? But he emphatically insists that the "artifice of politicians" is constrained`, and works only in the grooves that nature provides.
[45] Ibid.

The other-regarding at the core of the desire for reputation helps drive the progress of sentiments, but Hume also builds other-regarding into the way socialized man thinks and perceives at the most basic level. It is as if once we sign onto the social contract, we give up *all* our independence, agreeing (whether we know it at the time or not) to adapt *everything* about us to our social life. It seems that despite the three forces just described (political rhetoric, private education, and reputation), which all work together to generate a shared set of moral sentiments, Hume still has skeptical solipsistic worries. He returns to his basic empiricist picture, in which our experience is based on the information we have of the world from our direct perceptions and the ideas and feelings they cause. Those perceptions and the associated moral feelings we have in a specific situation are unique, constrained by our mood and the particular sensations and perspective we, and *only* we, have on the world at that moment. Hume says emphatically that

> Tis Impossible we cou'd ever converse together on any reasonable terms, were each of us to consider characters and persons, only as they appear from his particular point of view. In order, therefore, to prevent those continual contradictions, and arrive at a more stable judgment of things, we fix on some steady and general points of view; and always, in our thoughts, place ourselves in them, whatever may be our present situation…[46]

Hume says this is analogous to standard corrections for perspective we make all the time; if we look at something beautiful but far away, it pleases us less than looking at it up close, and we naturally correct for that in evaluating the object's beauty. (For Hume, the beauty of a thing *is* the pleasure of looking at it.) This correction for individual perspective extends from the sensory to the conceptual and the moral: we also "over-look our own interest in those general judgments; and…make allowance for a certain degree of selfishness in men; because

[46] Hume, *T* 581-82.

we know it to be inseparable from human nature, and inherent in our frame and constitution."[47] The picture begins to fold in on itself: first, we deny our own position and take up a general perspective, under "standard conditions" (as Wilfrid Sellars called them in a somewhat different context)[48] as a sort of "everyman fellow" would see things. But then, rather than abrogating our own experience, we generalize from it, seeing our own selfishness and then expecting and pardoning such selfishness in others. It is a complicated knot, but there is a good reason for it: when we seek the general viewpoint, how do we know what it is? What do we fill the shoes of our everyman fellow with? Again because of Hume's core empiricist position that everything must build on our experiences and perceptions, we have to imagine our fellows as like us, drawing our picture of them based on our picture of ourselves. Rawls' concept of "reflective equilibrium"[49] helps us see how an object, acted on simultaneously by two competing forces, finds the point of equilibrium. Eventually the object comes to "rest" at a position substantially informed by both. Though Rawls seems to think that when we are talking about the formation of rational commitments, the process of reaching reflective equilibrium takes as much time as the reasoning (i.e. basically instantaneously), in the case of Hume's moral sentiments this process happens gradually over many years. As we know, children often err in any number of ways; say, by over-generalizing from their own experience and poorly imagining what others' experience is like. Fortunately childhood is long – it is necessary for such error and correction to

[47] Ibid.
[48] Wilfrid Sellars, *Empiricism and the Philosophy of Mind*. Cambridge, MA: Harvard University Press, 1997, 36-37, 74-76, and 108-111
[49] See John Rawls, *A Theory of Justice*. Rev. ed. Cambridge, MA: The Belknap Press of Harvard University Press, 1999, 18-19 and 42-45.

accumulate slowly until we arrive at settled habits of regulating the interchange between our personal "internal" perception and cognition and the "external," common world around us.

Hume's "common point of view" later becomes the basis for Smith's impartial spectator account; the crucial difference is that Hume's account remains tethered to self-interest (including via the common interest), while Smith sees sympathy, consideration of others' interest, as fundamentally constitutive of human psychology and human being. We will discuss Smith and the impartial spectator at length in the next chapter. For now, we have seen how Hume's story of how obligation comes to be binding on us, how we come to know what the content of those obligations is (both generally and in specific instances), and how the community reconciles and balances both individual interest and social harmony and agreement. Alasdair MacIntyre also looks at Hume's account of moral and political obligation in relation to community, interdependence, and agreement.[50] MacIntyre will play an important role as this dissertation progresses, as an insightful and forceful exponent of the view that moral and political life require a historically-developed environment. We part ways on some matters, especially on our evaluations of Burke (see Chapter 5, below). MacIntyre also sees Hume and the Scottish Enlightenment as a crucial moment in the development of philosophical thinking about forms of life (and about liberalism—his ambivalent thinking about which we will return to). MacIntyre is antagonistic to Hume on some issues, but on the core issue he sees him as a fellow traveler: "In the History of England Hume narrates as a member of that self-same type of social order whose history he is narrating. And it is now possible to see how from a Humean standpoint there is no other

[50] MacIntyre prefers to speak of "consensus" rather than Hume's "agreement."

way to narrate, judge, or reason."[51] In other words, there is no thought outside a form of life, no way of being outside of a particular "tradition," as he calls it.[52] MacIntyre correctly understands, as few do, that Hume's famous "custom", "habit," and "convention", combined with the "common point of view," generate a social and political system that functions well and harmoniously because of the structural consensus they generate and perpetuate. This is the lion's share of one half of what we need for an understanding of liberalism as a form of life—namely, the form-of-life-half. What MacIntyre occludes is the liberal half. Hume offers us good reasons to feel comfortable with freedom, reasons why we can leave behind the straight-jackets and guard-rails of the ancient theocratic moral and political strictures. The entire system is meant to show how justice, virtue, and political stability will win out of their own accord, all they need is to be left to run their course. MacIntyre wants to divorce that system from the liberalism it is designed to justify; he places Hume in his line of Aristotelian-Thomist communitarians.

*** Conclusion**

If we take together Hume's concepts of convention, social artifice, the progress of sentiments, and society, the aggregate forms Hume's understanding of what a form of life is, how it develops, and why it is essential to political community. Hume had no single concept for this aggregate, but he shows a deep intuitive understanding of the way that a given society had become the all-encompassing context for value, belief, action, and personal

[51] Alasdair MacIntyre, *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press, 1988, 320.
[52] See, among many places, MacIntyre, *Whose Justice? Which Rationality?*, 349ff.

identity. And he was a philosophical pioneer in understanding the differences between totalizing contexts of time and place. Nonetheless he believes in a universal core to social life, to the features of any moral system and any post-natural-state development and mode of being. And understanding the story of that universal core gives us the foundation for thinking about how a form of life works and what its consequences are for any philosophy of politics.

CHAPTER 3

"Men within the Breast: The Politics of *The Theory of Moral Sentiments*"

I have said from the beginning that one of the core questions of this dissertation, as well as the the broader question to which this chapter aims to contribute an answer, is as follows: If we want a diverse political society, heterogeneous and as free as possible, but also stable and prosperous, what are the conditions that make such a political society possible? Specifically, what is required *besides* good laws and a good constitution? The answer: a shared form of life is needed. But we must still put some meat on the bones as to what a shared form of life means. In the third book of the *Treatise,* Hume provides what I take to be the Ur-developmental story of a successful liberal political society,[1] in addition to providing the foundations of an account of the moral psychology and epistemology of a modern political subject. That account of Hume's forms the basis of the philosophy of his friend and intellectual heir: Adam Smith.

The aim of this chapter is to look closely at Smith's version of how modern liberal political society came to be and is sustained.[2] In the *Theory of Moral Sentiments,* Smith works

[1] With 18th-century Britain as the model.

[2] Ryan Patrick Hanley writes that, "If indeed we are today, for better or worse, 'stuck' with commercial liberalism, our challenge is to demonstrate how it can be improved so that its best effects are maximized and its worst ameliorated, rather than to demonstrate either how it might be replaced, on the one hand, or why it should be complacently accepted, warts and all, on the other" (Hanley, *Adam Smith and the Character of Virtue*, 11). Though Hanley here is somewhat more apologetic than I, we share a belief that the works of Smith provide an important examination of the origins of, nature of, and prognosis for "commercial liberalism," which is as accurate as any as a description of the general, prevailing social and political state in which we find ourselves now.

out the mechanisms of a moral[3] and social psychology relevant also to politics. I see that socio-moral psychology of Smith's, in which a person's basic epistemology, judgment, and reasoning are the product of a complex process of reciprocity between the individual and society, between the individual and his fellow subjects surrounding him. I argue that Smith sees all behavior a fully-realized society as dependent on epistemological commerce with others. In that commerce, one's reason regulates ideas, judgments, and actions with reference to those around him. The *impartial spectator*, "the man within the breast,"[4] is Smith's organizing metaphor for these processes. The impartial spectator's viewpoint in one's mind dynamically shapes and conditions one's reasoning, thus making one sociable, or compatible with belonging to a society. I would argue that the emphasis on this thick-embeddedness in a particular world (not a generic "human" one) pushes up against the top-down idealism described in Chapter 1. If all aspects of ourselves, all the way down to how we order the world, is shaped by a world of others, of a form of life, then the notion of a Condorcet-like unifying history of the *Progress of the Human Mind* (1795) as well as a Rawlsian originally-positioned abstracted agent, are misfires from the start. I've tried to imagine a meeting between a, say, Smithean agent/person and the originally-positioned Rawlsian agent. I can't imagine that they would even begin to be able to start a conversation, agree on rules or values, or anything else for that matter. I am reminded of an episode of Star Trek: Voyager.

[3] That is, the psychology of "civilized" (Smith's word) man, after the developmental story has largely already unfolded.

[4] Primary Smith texts will henceforth generally be abbreviated as follows: *WN* for *The Wealth of nations, LJ* for *Lectures on jurisprudence*, *TMS* for *Theory of moral sentiments*, and *EPS* for *Essays on philosophical subjects*. Citations will provide Part, Chapter, and Paragraph #s followed by the page number in the edition specified in the Glasgow / Liberty Fund editions. For example, "*WN*, VI.ii.42, 208" for *The Wealth of nations*, Part VI, Chapter II, Paragraph 42, Page 208. Furthermore, citations to the *Lectures on Jurisprudence* will specify which of the two manuscripts, following the Glasgow editors, so that *LJ(A)* refers to the earlier of the two versions. Here, see *TMS* III.4.1, 157.

Some sentient holograms set about trying to "liberate" all other holograms; then they come upon a ship, and kill the crew. But when they meet the hologram on board, he only knows a few pre-programmed commands—not even as much as Siri. What they *think* is going to be just like them, like a person, is really just a simulacrum[5], and not capable of any of the things they expect from sentient hologram-persons.

There is no place in Smith's account for a Hobbesian egoist, with only self-interest and fear (of, e.g., anarchy) to provide the basis for sociability. Rather, Smith unfolds a moral psychology with sympathy at the center. We see that sympathy is not only the fundamental moral sentiment, but also the fundamental social and political sentiment—the basis for sociability, morality, and all the cognitive infrastructure that the social requires. The core of Smith's theory is an account of human nature, which might seem a universalist project. But it is a post-Enlightenment human nature of a special kind, in the context of an understanding of the importance of culture and history. So it is an account of the *potential* of human nature, and the story of what, given the right sequence of events and the requisite passing of time, fully-realized human nature can look like, and the sorts of social and political communities it can make possible. Thus the mysterious power of the "invisible hand" to guide progress and growth is, I think, indeed the center of this account of Smith's, but it is better understood as a *consequence* of that special story than as its cause.

Now, usually the starting point for thinking about Smith's social and political philosophy is the *Wealth of Nations*, for obvious historical reasons. It is his most fully-realized and historically most influential work. That starting point is the simple but powerful, and

[5] See Star Trek: Voyager, "Flesh and Blood," Episodes 709 and 710. Written by Bryan Fuller (Part 1); Raf Green & Kenneth Biller (Part 2), directed by, Mike Vejar (Part 1); David Livingston (Part 2), Paramount, 2017. Originally aired November 29, 2000.

contentious, notion that the best economic *(and social, and political)* conditions are the result not of some intelligent (politically speaking, monarchical or state-directed) design but of the *spontaneous order* from free, rather than prescribed, exchange. This principle has many names in different contexts– the invisible hand, the free market, laissez-faire, and many more. What I want to do is investigate that generative process of spontaneous order, of tacit agreements, of *good* but unintended consequences. It is too often assumed that unintended consequences are *bad*, undesirable outcomes, but among the exceptions are Smith, other philosophers of the Scottish Enlightenment like Hume, John Millar, and Adam Ferguson, and many of their readers since. Of course I am not the first to look to the Scottish Enlightenment as the *locus classicus* of such thinking—but generally that has meant looking in the *WN* for the account of the famous "invisible hand." But I am interested in how Smith's basic moral psychology and moral epistemology across the *WN, TMS* and *LJ*, provide a more general, more fundamental account of how this spontaneous order of a free liberal society works, and what it requires.[6] Smith's moral psychology and moral epistemology provide the foundation for the optimistic liberal social, political, and economic philosophy that we continue to pursue, and refine.

[6] It is well-known that Smith thought his philosophical system was coherent, with four parts—Moral Philosophy (TMS), Socio-Economic Philosophy (*WN)*, Political Philosophy (LJ), and Rhetoric and Belles Lettres, of which only the first two were completed as finished treatises for publication, and the latter two begun but not finished, extant for us in the form of students' lecture notes. The *LJ* were until recently in too uncertain a philological state for serious consideration in Smith's corpus. A first version (*LJ(B), 1763-4)* was published in 1895, but only when a second version (*LJ(A),* 1762-3*)* from a different student the previous academic year surfaced (in 1958, first published in 1978) was it possible to see just how accurate a transcription of Smith's lectures the *LJ* were. The two versions, it turns out, are remarkably similar.

1. Origins

In the *Lectures on Jurisprudence* Smith states clearly the two initial motivating forces of society. "There are two principles," he writes, "which induce men to enter into a civil society, which we shall call the principles of **authority** and **utility**."[1] Smith, like Burke and Tocqueville, is sometimes attacked for this sort of talk about the benefits of rank and hierarchy, of humans having some in-built need to have superiors to aspire to, or just admire. But it seems true of human psychology, generally that the happiness or success of others makes us want such things for ourselves. (If one never encountered a happy person, had never even heard of the existence of one, would one be capable of aspiring to be a happy person? I suspect that some form of a desire for happiness could survive such a strange upbringing, but it's not certain, and at a minimum would be eccentric and possibly dysfunctional.)

Throughout Smith's political writings, he argues against Hobbes both explicitly and implicitly, rejecting the Hobbesian view of man as only driven by self-interest and requiring the threat of force to make him sociable and malleable to political will. Here, though, Smith concedes that on the point of *entry* into civil society, egoistic man does require the heavy hand of state authority. Perhaps like the difference between the authority parents must exercise over small children, in contrast to when they become adults. But this moment of a need for a heavy hand of rule is an early stage in one multi-stage process of development (well-known as a hallmark of Smith and several other fellow Scottish contemporaries like

[1] Emphasis mine, *LJ* (B), 12, 401. He refers his students to the *TMS*, "where it is shewn that it arises from our sympathy with our superiors being greater than that with our equals or inferiors; we admire their happy situation, enter into it with pleasure, and endeavor to promote it."

Hume, Adam Ferguson, John Millar, and Lord Kames). First, in both the *WN* and the *LJ,*[2] Smith makes it clear that in order for the development of mature, modern ("civilized") society to be possible, *subsistence* must be conquered. With individuals or even small groups providing the necessities (food, shelter, etc.) of life—thanks mainly to agriculture—one does not need others nor need to congregate with others. Agricultural proficiency must advance so that one can produce a surplus of food. On familiar Lockean lines,[3] this surplus begets the development of property—for one soon wants to *own* the product of one's labors and benefit from its exchange, and ownership is not possible in the anarchic state of nature. Property in turn begets law and government as guarantors of that property, followed by the agreement between this (growing) group of people to respect a certain definition of property, as well as the institutions that enforce it.[4] The surplus produced by advanced agriculture, once secured, must then be sold in order to purchase other things—things, of course, which must be made by a similar group of people that has also begun to generate a surplus of their own. Then they can divide their labors, with some producing food for sustenance, some producing food for surplus and exchange, and some left free to produce other things not needed for survival.

In the famous early chapter from the *Wealth of Nations* on the division of labor, Smith makes a special point of drawing attention to the uniquely human nature of the division of labor, particularly in modern, complex society. In other animals, he says, an immature individual might require the assistance of others (he offers the example of a puppy soliciting its dam), but in these cases the individual makes a direct appeal to another. But, he says,

[2] See *LJ (A)*, 31, 15ff and *WN* I.ii.2, 25ff, among others.
[3] See John Locke, *Second Treatise of Government*, Ed. Peter Laslett (Cambridge University Press), 1988, Chapter V.
[4] *WN*, V.i.b.2, 710. Smith writes that "the acquisition of valuable and extensive property, therefore, necessarily requires the establishment of civil government. Where there is no property...civil government is not necessary."

"[unlike animals] in civilized society [man] stands at all times in need of the assistance of great multitudes," many of whom he will never know personally.[5] I emphasize this interdependence because the genesis of society is not the product of an individual advancing, or even of a single group advancing—rather, this crucial development requires that someone else, in fact, many "someone elses," *also* reach the same point of development, and have the same need for exchange partners. Even this most basic, earliest of societies cannot develop on its own, atomistically—it requires others, candidates for cooperation, and extends well beyond one's immediate circle of acquaintance and proximity. This ontological interdependence runs through all of Smith's social and political writings.

This creative founding "partnership" is one of fundamental inequality, as, for Smith, "civil government, so far as it is instituted for the security of property, is in reality instituted for the defense of the rich against the poor, or of those who have some property against those who have none."[6] And it takes a very long time for the effects of this imbalance to ameliorate. But ameliorate it does. In all "barbarous" governments, including all post-Roman European states, "the administration of justice appears for a long time to have been extremely corrupt," even in the best of times.[7] Eventually, as society becomes increasingly complex, a division of labor is required in the administration of justice, it having become "so laborious and complicated a duty as to require the undivided attention" of a specialized profession. Thus, only with a sufficiently complex, sufficiently developed society is true justice—that is, impartial justice—possible. Developing a good system of laws takes *time*, and

[5] *WN,* I.ii.2, 26. See Chapter 4 for more on the importance of distance and proximity on moral sentiments and sociability.
[6] Ibid., V.i.b.12, 715.
[7] Ibid., V.i.b.15, 717.

though the road be winding, it does reach its destination. The resulting justice depends on the continued health of the entire system, the form of life.

Furthermore, Smith not only sees this fundamental interdependence of one requiring others at the early stages of society, but he also recognizes the necessity that there be a certain equality, or, as he more commonly describes it, *"impartiality"* that govern law and other important social practices. In the section of the *WN* quoted above, on the "Expence of Justice," where Smith describes how property leads to the development of the first governments, he concludes with a recognition of the essential importance of impartiality. He writes,

> Upon the impartial administration of justice depends the liberty of every individual, the sense which he has of his own security. In order to make every individual feel himself perfectly secure in the possession of every right which belongs to him, it is not only necessary that the judicial should be separated from the executive power, but that it should be rendered as much as possible independent of that power.[8]

In the previous chapter I mentioned a way of reading Hume that, against the grain, sees him as a special kind of social contract theorist. Similarly, I see in this rather unexpected place, Smith's version of the social contract,[9] and of his version of Kant's fundamental principle of Right—that each person is free to do whatever he wishes up to the point when it interferes with others' ability to do whatever *they* wish.[10] But where Hume sees the core of a tacit social

[8] Ibid., V.i.b.25, 722.

[9] With Hume, Smith rejects the notion of an explicitly agreed-to social contract as empirically false, but also rejects a tacit consent theory because one does not realistically have any alternative to living where one is: "It may indeed be said that by remaining in the country you tacitly consent to the contract and are bound by it. But how can you avoid staying in it? You were not consulted whether you should be born in it or not. And how can you get out of it?" *LJ (B)*16, 403.

[10] In the *Metaphysics of Morals*, Kant calls this the "Universal Principle of Right" (see *Metaphysics of Morals*. Tr and Ed. Mary Gregor (Cambridge, UK: Cambridge University Press), 1996, 56 / 230-231).

contract in the trust that one's fellows will adhere to principles (or, limits) of behavior, Smith sees the core in a tacit trust, a trust not in the behavior of others but in the behavior of the system—of the administration of justice by an impartial arbiter. It is a shared, collective creation—the impartial arbiter, or "judiciary"—that one must *count on*, that one assumes the proper existence of, in order to feel one's liberty secure, or, in order to (tacitly) agree to this minimal social contract.

It is, I think, worth noting that this crucial impartiality in the enforcement of norms and laws also seems the product of a larger notion on Smith's part of something like fairness. Smith and Hume brought the British "common sense" tradition of Shaftesbury and Hutcheson to its full development. In the opening passages of the *LJ* Smith raises the issue of "what manner the expence [for the government] should be" derived and takes it as self-"evident that this burthen at last must lye on the industrious part of the people"[11]—for, of course, it is they who require and most benefit from government. Smith's explanation of this "impartial administration of justice" is a fulfillment of the promissory note announced at the beginning of the *LJ* that "the chief design of every system of government is to maintain justice; to prevent the members of a society from incroaching on one another's property, or seizing what is not their own. The design here is to give each one the secure and peaceable possession of his own property," and "whatever regulations are made with respect to the trade, commerce, agriculture, manufactures of the country" aim at that end.[12] Smith continues, elaborating on the "chief design of all civil governments" as follows: "to preserve justice amongst the members of the state and prevent all incroachments on the individuals in

[11] *LJ(A),* i.5, 6.
[12] And, of course, this opening passage also supports the account above in which the rise of suitable property is the genesis of an organized political society.

it, from others of the same society"—that is, to maintain each individual in his perfect rights. Justice is violated whenever one is deprived of what he has a right to and can justly demand from others. Put otherwise, injustice is when we do any injury or hurt without a sufficient cause.[13] Two things strike me on close inspection of this passage about the ends of government: first, that in relying on "justly" in his definition of "justly," Smith could be accused of breaking the cardinal rule of definition, that one may not use any form of the definiendum in the definiens, as that leaves one with the same problem with which one began. And second, Smith gives both clauses a normative qualification: the right mentioned extends only so far as is possible "justly," and the "injury or hurt" only constitutes an injustice if it is "without cause" (howsoever that is defined). In these and many other instances Smith relies on, and assumes the existence of an apodictic notion of fairness—an intuitive sense of what is right and just. But unlike the aforementioned "common sense" forbears who posited a special faculty, an innate "moral sense" to do the work of judging right and wrong, Smith[14] shows how nature and history (in the sense of society undergoing a necessary set of experiences and stages of development) create the requisite aleatoric environment for the operations of morality and justice. Smith fills out the details of that nature with his account of moral psychology, and the details of that history with his story about man undergoing a necessary set of experiences and proceeding through necessary stages of development. The "requisite environment" that results is the shared form of life

[13] *LJ(A),* i.10, 7.
[14] Using as his foundation Hume's work on custom.

that makes civilized, liberal political society possible. That form of life is *earned,* most gradually so, arrived at over many generations and intermediate stages.[15]

Smith provides (mostly in the *TMS*[16] but also in the *WN*) a detailed ontogenetic account of how that requisite environment comes to be, and how what is "justly" demanded is determined by the procedures of a particular kind of moral psychology, within a particular form of life. Specifically, he shows how moral judgment is the product of the "reciprocal equilibrium"[17] of the impartial spectator process at the heart of his account. Most importantly, what these two syllabically-symmetrical concepts share is that they both describe an ongoing and continuing epistemological process. One does not, as in, say, the model of a legal judge, hear the arguments of both sides and then, taking both into account, arrive at a conclusion. A better metaphor would be the official or executive who keeps two opposing advisors on staff indefinitely to continually provide him with the two respective viewpoints (which, I think Smith would say, would themselves be further informed and shaped by each other and their exchanges of advice). For it is rather that continuing "feedback loop" between the individual and the impartial spectator that generates the reciprocal equilibrium of Smithean moral judgement. The ongoing, indefinite status of this reciprocal loop is, in fact, even more "dynamic" than Rawls' reflective equilibrium. Rawls describes his concept of equilibrium as "going back and forth, sometimes altering the

[15] Modern paleontology furnishes us with further resources in providing some details for that long story, including its first chapters in pre-homo-sapiens hominids; but the kind of information needed to prove or disprove claims like Smiths' remains dark, and perhaps always will.

[16] The first edition of *TMS* in 1759 was likely well-known by Smith's students in 1762-1764 when he was delivering the *Lectures on Jurisprudence*. .

[17] I acknowledge the derivation of "reciprocal equilibrium" from Rawls' famous concept of "reflective equilibrium." See his *Theory of Justice*. Rev. Ed. (Cambridge, MA: The Belknap Press of Harvard University Press), 1999, 42-45.

conditions of the contractual circumstances, at others withdrawing our judgments and confirming them to principle,...eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgements duly pruned and adjusted",[18] as there is a "settled" finality to the single, definite "position" arrived at through the Rawlsian process. For Smith, though, we always have, and consult, our impartial spectators. We never cease to observe those around us and calibrate our expectations and our impartial spectator accordingly. Of course, the shape of that impartial spectator is more open to influence when we are children, gradually (but never wholly) forming. One might ask, "What about the person who has no, or doesn't consult their, impartial spectator?" Well, I'd say we have an alternate way of describing a sociopath, whose insensibility to the interior lives, and consideration, of others has them familiarly described as "missing" some piece in their head.

The moral psychology that is the product of this reciprocal equilibrium has sympathy as the essential moral sentiment and the impartial spectator as the organizing metaphor for how we process society's manifold influences, demands, and expectations. Only then does the free individual embedded in a form of life emerge. As Charles Griswold writes, "Smith carefully develops an account showing that we are 'spectators' of each other, but spectators aware of being actors in the eyes of other spectators"[19]—a description that is not only accurate, but also a reasonable microcosm of the complexity of the relationships Smith is working out, where (if one attempted to diagram them) there is, as it were, always an arrow looping back to the beginning. Or, as Griswold says elsewhere, "sympathy articulates the

[18] Op. cit., 18.
[19] Charles Griswold, *Adam Smith and the Virtues of Enlightenment* (Cambridge, UK: Cambridge University Press) 1998, 50.

fundamental fact of our already being "in" each other's world."[20] Griswold highlights Smith's use of the first-person plural "we" when discussing moral psychology: "The use of 'we' reflects his views about the nature of moral theorizing, specifically the view that ethics is a social practice that assumes a context of mutual responsiveness, of responsibility to provide reasons that would persuade, of accountability."[21] I would say that this "assuming a context" is one way to put the crux of the matter at hand: for if politics, morality, and sociality require *counting on* "a context of mutual responsiveness," we must ask the question what brings about that context, and what brings about our counting on it. I think the answer to both is, of course, time, and a shared past in which that "mutual responsiveness" is demonstrated.

2. Recognition and the Mutuality of Moral Sentiments

One way to approach the philosophical issue I am investigating is to look at the imbrication between the epistemic development of man and the moral or social development of man. Of the three philosophers in this first generation of the form-of-life family (Hume, Smith, and Burke), Smith provides the most detailed account of those mechanics. James Otteson describes "the fundamental characteristic of human nature" that Smith was after as "the natural interest that people have in the fortunes of others...informed and modulated by the knowledge they have of one another."[22] Thus it becomes impossible (as later German philosophy tried to do) to separate epistemic psychology ("phenomenology") from moral psychology. Moral judgment is informed by our experiences and the knowledge gained

[20] Griswold, op. cit., 85.
[21] Griswold, op. cit., 50-51.
[22] James Otteson, *Adam Smith's Marketplace of Life (*Cambridge, UK: Cambridge University Press), 2002, 3.

from them. And since, as Otteson points out, "the benevolence we naturally feel toward others varies directly with our level of familiarity with them,"[23] a society composed of those with whom we share a form of life will fare best. And such a society will fare particularly well when it is smaller, with a denser web of familiarity and connections. This familiarity and benevolence is further buttressed by our "continuing desire for mutual sympathy."[24] Such a facet of our moral psychology is a critical seed for fully-fledged sociability, where morality and justice reign, that Smith is seeking to explain and provide as an alternative to the Hobbesianism mentioned earlier.

I mentioned above that I see this "continuing desire for mutual sympathy" component of Smith's moral psychology as an antecedent to the concept Hegel would later develop as Recognition (*Anerkennung*) in the *Phenomenology of Sprit*. For Smith, this innate desire for mutual sympathy and Recognition is a powerful aspect of human psychology, and the source of much of our moral sense and sociability. In a discussion of the influence of custom on the passions, Smith says that "in civilized nations the passions...seem frequently to aim at no other satisfaction, but that of convincing the spectator, that they are in the right to be so much moved, and of procuring his sympathy of particular usages."[25] Recognition is, thus, both a satisfaction and an end in itself. What's more, this need for Recognition also makes both doing right and being *seen* doing right ends in themselves, as we seek the approbation of just dessert and seek to avoid the disapprobation of doing wrong.

In Smith's account of how a moral and civilized society comes to be, sympathy is clearly the most important moral sentiment of all. And while it is obviously telling that the

[23] Otteson, op. cit., 4.
[24] Otteson, op. cit., 5.
[25] *TMS,* V.ii.11, 208-9.

first chapter of *TMS* is "Of Sympathy," it is perhaps less surprising and even more telling that the second chapter is "Of the Pleasure of Mutual Sympathy." Smith begins the chapter with the superlative declaration that "*nothing* pleases us more than to observe in other men a fellow-feeling with the emotions of our own breast."[26] His first piece of evidence is the astute observation that once a work of art we like, but have tired of, gives us no further pleasure, "we can still take pleasure in reading it to a companion."[27] But more interesting is what he has to say about the relationship between merely normative demands and ethical demands. He says that the expectations of mutual sympathy develop into moral obligations, for instance when "not to wear a serious countenance when [our companions] tell us their afflictions, is real and gross inhumanity."[28] Smith acknowledges that even the fullest sympathy can never equal the intensity of the original (for example, the intensity of, sympathetic sorrow is always less than the source, the original sorrow of the other), showing Humean colors in noting that "the sympathetic sentiment...is but imaginary, [and] not only lowers it in degree, but, in some measure, varies it in kind." Regardless of the difference in intensity, however, "these two sentiments...have such a correspondence with one another, **as is sufficient for the harmony of society**."[29]

Smith never forgets that the kind of society he is explaining is heterogeneous and pluralistic and that the ideal society is not composed of identical automatons. Thus my earlier reference to the dynamism of reflective equilibrium: for Smith neither the goal, nor the result, of this interdependence is congruence and identity. This point is crucial, as a natural question about my argument is whether an implication or consequence of what I'm

[26] *TMS*, I.i.2.1, 13 (emphasis mine).
[27] *TMS,* I.i.2.2, 14.
[28] *TMS,* I.i.2.2.4, 20.
[29] *TMS*, I.i.2.2.7, 22 (emphasis mine).

saying is that societies that are more homogenous, with greater similarity among their peoples, will fare better. As discussed elsewhere, I think that Smith's "familiarity" (which has nothing, inherently, to do with similarity), proximity, and size (both in number and of space) are the independent variables here. The fact that we shape our beliefs and behavior in part by observing that of others does not mean we are seeking to replicate them. This seems intuitive to me: to say that we model ourselves on those around us does not mean we choose one person and seek to be exactly like them. Rather, we assert our (unavoidable) individuality in assembling various models into our selves. The "man within the breast," the impartial spectator in Smith's famous metaphor, is someone we consult as we imagine how they would judge our actions. This psychological homunculus becomes the repository for both the experiences of ourselves-to-date and other-selves-to-date we have encountered. We need enough agreement sufficient to satisfy the pragmatic goal of "the harmony of society," preserving as much heterogeneity as possible within those constraints. This is aided by the fact that Smith's goal is not to explain how we can reach a perfectly harmonious society in which all people are completely moral all the time; again the standard is pragmatic, only that which is "sufficient for the harmony of society." Like earthquake-proofing buildings, society must be stable and resilient while also leaving "room for play."[30]

Smith elaborates on this reciprocal relationship in the chapter in *TMS* on the utility of our natural sense of justice:

> Man, who can subsist only in society, was fitted by nature to that situation for which he was made. All the members of human society stand in need of each others assistance, and are likewise exposed to mutual injuries. Where the necessary assistance is reciprocally afforded from love, from gratitude, from friendship, and esteem, the society flourishes and all are happy. All the different members of it are

[30] Another metaphor might be Wittgenstein's "family resemblance," where a basic, core, yet indefinable set of traits is shared alongside a universal, unpredictable variance.

> bound together by the agreeable bands of love and affection, and are, as it were, drawn to one common centre of mutual good offices.[31]

I draw attention to two crucial operative words in this passage. First, "only": Smith says man can subsist *only* in society. While one might read this in the (comparatively mundane) Hobbesian light, as a comment on the barrenness of the state of nature, I think it is reasonable to read more into the passage. Only "in society" is man *really* man. Only having grown up and matured to adulthood in society is man man-–otherwise one is at best stalled at the early ("uncivilized") stages of society. (Hume and Smith share the common Enlightenment notion that uncivilized man occupies a promissory state, yet to develop into that "for which he was made.")[32] Furthermore, only by living a life in society can one realize and experience all that for which nature fitted him. Thus the importance of the second crucial operative word of the above passage, "flourishing," though it seems that "flourishing" did not have the same Aristotelian resonance for Smith as it does now (as a translation of Aristotle's crucial concept of εὐδαιμονία, the fully-realized state toward which all humans strive),[33] Smith's point remains clear. A society whose order depends merely on an ongoing (i.e., always needing to be renewed, reconfirmed) calculation of self-interest will not allow for the attainment of true human happiness and flourishing. That higher kind of social order must be "reciprocally afforded" from love, gratitude, friendship, and esteem, all

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[31] *TMS,* II.ii.3.1, 85.
[32] See *LJ(A),* i.27, 14ff.
[33] Both 1746 and 1797 translations of the *Ethics* use the more common "happiness" as a translation for *Eudemonia.* See Aristotle. *Aristotle's Ethics and Politics* tr. John Gillies, (London, 1797), Eighteenth Century Collections Online. Gale. University of Chicago/Fisher Library. 22 Oct. 2012. And Aristotle, *Of morals to Nicomachus*, tr. Edmd. Pargiter (London, 1745). See also Terence Irwin, Aristotle's *Nichomachean Ethics* (Indianapolis: Hackett), 1999, 333, "Happiness is the COMPLETE end, the only one that does not promote any other end."

of which require a shared past. A shared form of life in which those experiences of friendship, of good, beneficial, and "agreeable" social relations can take place is necessary for this highest level of human progress and realization. Smith reiterates the point in this midst of his extensive account of *why* we sacrifice self-interest for the rules of morality (*TMS* Parts III and IV, on "Duty" and "Utility"):

> Humanity, justice, and public spirit, are the qualities most useful to others. Wherein consists the propriety how much our esteem and approbation of those qualities depended upon the concord between the affections of the agent and those of the spectators of humanity and justice has been explained upon a former occasion…

I read Smith as emphasizing here that, despite the importance of natural sociability in the moral psychology "Nature" has provided, such innate tendencies are necessary but not sufficient for the functioning of a social contract in which self-interest is subordinated. A "concord" in the judgments and values between the individual and those around him is also required—a concord, again, developed over time and with shared experiences. And that concord is only fully realized when its community also shares the mutual affection and esteem of a shared experience and form of life.

Smith goes on to describe a version of the social contract, again in an anti-Hobbesian vein. "Society," he writes, "cannot subsist among those who are at all times ready to hurt and injure one another."[34] Order guaranteed only by the continued operation of the Leviathan is inadequate. Human moral psychology, especially the innate pleasure we receive from good other-regarding moral acts (Smith's "beneficence"), is necessary but not sufficient for the development of society. That aspect of human nature is "the *ornament* which embellishes, not the foundation which supports the building [of society]...**Justice**, on the

[34] *TMS,* II.ii.3, 86.

contrary is the main pillar that upholds the whole edifice. If it is removed, the great, the immense fabric of human society...must in a moment crumble into atoms."[35] Smith sounds here as if justice is to politics what sympathy is to morals, the central organizing virtue of its sphere. But Smith, at length, argues against the Humean version of the social contract, what Hume calls "enlightened self-interest," in which it is our self-interest in the preservation of society which motivates us to do our part in that preservation.[36] Rather, for Smith it is the positive force of social interaction, the pleasure of Recognition and mutual approbation that motivates. This is more optimistic, to think that we are drawn to the good out of a consonance between what is innately pleasurable and what is good, rather than that it is the danger of failure to preserve society that motivates. The "general rules of morality are…ultimately founded upon our experience of what, in particular instances, our moral faculties, or natural sense of merit and propriety, approve, or disapprove of."[37] Smith finds it impossible that we "originally approve or condemn particular actions; because, upon examination, they appear to be agreeable or inconsistent with a particular rule," because that rule must come from somewhere, and that place is the nature of moral sentiment. Rather, "the general rule...is formed, by finding from experience, that all actions of a certain kind, or circumstanced in a certain manner, are approved or disapproved of."[38] There is a definite empiricist flavor to such parts of Smith, in which, just like we develop basic knowledge and understanding of the world about motion and causation by watching many different objects

[35] *TMS,* II.ii.3.3-4, 86, emphases mine.
[36] Smith writes, "it is not a regard to the preservation of society, which originally interests us in the punishment of crimes committed against individuals...It is seldom this consideration which first animates us...[and] few men gave reflected upon the necessity of justice to the existence of society" (*TMS,* II.ii.3.9-10, 89).
[37] *TMS,* III.4.7, 159.
[38] *TMS*, III.iv.7-11, 159-161

bump into each other,[39] we develop moral and normative judgment by watching other people act and receive approbation or disapprobation for similar behaviors over time. In both cases the moral and epistemic domains overlap. Both are the product of a basic human nature and its interaction with an environment (society) and experience over time (history).

Smith's contribution to the social contract discussion (that is, the question of how a group of people comes to harmonize and subordinate self-interest, obeying a shared set of obligations and expectations) is that each person must undergo the necessary set of experiences—of seeing society function and work, and holding people accountable for their actions good and bad—in order to agree to the social contract of obeying all these "general rules of morality."

3. The Natural Course of Things

In 1793 Dugald Stewart, a Scottish philosopher about a generation younger than Smith, wrote his *Account of the Life and Writings of Adam Smith*. The essay addresses[40] the originality of Smith's ideas, and says that Smith "drew up" a manuscript in 1755 (i.e. in the early years, post-Oxford, when Smith's ideas and mature theories were first taking shape) to lay claim to some of his most precious ideas, including "many of the most important opinions in *The Wealth of Nations*." Stewart writes that in this manuscript a "long enumeration is given of certain leading principles, both political and literary, to which he was anxious to establish his

[39] See Part I of Hume's *Treatise on Human Nature*.

[40] 1793, at the time of writing—or, in fact, time of deliverance, as the piece was first an address to the Royal Society at Edinburgh in the years following Smith's death in 1790). Stewart was Smith's friend, literary executor, and first biographer.

exclusive right."[41] Further, though this manuscript is no longer extant, Stewart attests that "this paper is at present in my possession," and quotes directly a few passages, including this most interesting formulation of Smith's famous organizing mechanism, the "invisible hand":

> Man is generally considered by statesmen and projectors as the materials of a sort of political mechanics. Projectors disturb nature in the course of her operations in human affairs; and it requires no more than to let her alone, and give her fair play in the pursuit of her ends, that she may establish her own designs...Little else is requisite to carry a state to the highest degree of opulence from the lowest barbarism, but peace, easy taxes, and a tolerable administration of justice; all the rest being brought about by the natural course of things."

Above all, we must defer to the "natural course of things."[42] We don't use the word "projectors," but we are familiar with the species of social and political engineer who think that it is possible, if not necessary, to take the "materials of a sort of political mechanics" and make something with it. The projector is most certainly an idealist, and Smith (broadly) sees himself as a realist here, with the account of human nature providing the material for the bottom-up approach I described earlier.

Smith's concept of the "natural course of things" does a great deal of the philosophical work required in explaining what makes a "civilized" society work, morality, justice, and all. Again, it is a particular kind of "natural"—not in the sense of necessary or predetermined, but in the sense of a potential accessed and realized. Such a potential would, for example, remain unrealized in an environment of war and state over-interference (rather than "peace and easy taxes"). This part of the story, about the relationship between state interventions and the natural course of things, is told in the *The Wealth of Nations*. The story is motivated

[41] Dugald Stewart, "Account of the Life and Writings of Adam Smith," in Adam Smith, *Essays on Philosophical Subjects*. Eds. W.P.D. Wightman and J.C. Bryce. Indianapolis: Liberty Fund, 1982. 321.
[42] Stewart, op. cit., 322.

by Smith's belief that the old feudal system and the still-existing mercantile system were "unnatural," forced and guided in the bad way. "The mercantile system was obviously an attempt to thwart nature's course," says Istvan Hont.[43] Moreover, feudalism and mercantilism were the political embodiments of the lack of the freedom required by the natural course of things, and the domination of particular interests over the good of the whole."[44] According to Hont, Smith's "crucial insight" was that modern politics could not possibly follow the guidance of pure and simple natural law models. Instead of the rationalism of natural modeling one had to recognize the profound effect of unintended consequences in human history...Smith could now explain how order and good government, as well as economic improvement, could develop in Western Europe without a "plan of liberty" being in effect, or virtuous political economist acting as great helmsmen.[45]

Specifically, progress "did in fact occur in mankind's history," giving hope for further progress. But the lesson of history, for Smith, was that progress is not the product of an imposition. "Natural progress asserts itself, in an imperfect but nonetheless forceful way through the complex development of unintended consequences."[46] The "imperfection" of this self-assertion of progress is important, since otherwise any example of change in the wrong direction would serve as a counter-example disproving the theory. But the important point is that it is these "unintended consequences" I am investigating. Part of what Smith means by "natural" in the "natural course of things" is this unintending, both by the individual (who is, admittedly, mostly pursuing self-interest) and by the state (which is, likely, pursuing some specific established interests, which are more likely to impede that

[43] Istvan Hont, *Jealousy of Trade* (Cambridge, MA: Harvard University Press), 2005, 361.
[44] Ibid.
[45] Hont, op. cit., 375.
[46] Ibid.

natural course). As we saw in Chapter 2, for Hume, the *good* unintended consequences of society lie at the heart of the social contract. In knowing that this vast system[47] in which I participate produces good things (roads, goods in the market for me to buy, security from French invaders) I do my part to adhere to its rules. Hume calls this "Enlightened self-interest," the buying-in to the society to the degree that we don't even think of ourselves as making a sacrifice.

Smith sees essential similarities between the moral psychology of the individual and the social psychology of a society. He writes that "the same principles that direct the order in which individuals are recommended to our beneficence, direct that likewise in which societies are recommended to it."[48] More, Smith argues that we have a natural affinity to and agreement with the society one has grown up in —or, in Smith's words: "the state or

[47] This is an appropriate point to acknowledge a sizeable aspect of the *TMS* to which I do not attend: Smith's views on the role of the Divine in the design and nature of this "system." Smith frequently notes the agreement between his theory of moral sentiments and that of the church. "Nature's" system is also "the system of this learned and ingenious Father" (*TMS* V.i.9, 199). But for the most part—and certainly for the material I am treating—I believe Smith's principal aim is to reassure his readers that he is not offering an account which conflicts with God's plan or Christian values. He was by no means the anti-ecclesiastical atheist Hume was, and he does on a number of occasions in the *TMS* buttress his arguments with reference to Christian doctrine. In the crucial section on why we adhere to the "general rules of morality" (discussed above in Section 1.1), Smith writes that our "sacred regard" and "reverence" for those rules is "enhanced by an opinion which is first impressed by nature, and afterwards confirmed by reasoning and philosophy, that those important rules of morality are the commands and laws of the Deity, who will finally reward the obedient" (*TMS* III.v.2-3, 163). In other words, morality and custom are consistent with divine commandment. Elsewhere he says that "our universal benevolence" is the product of "the sympathy which we feel with the misery" of others, but also "how noble and generous soever, can be the source of no solid happiness to any man who is not thoroughly convinced that all the inhabitants of the universe, the meanest as well as the greatest, are under the immediate care and protection of **that great, benevolent, and all-wise Being, who directs all the movements of nature; and who is determined, by his own unalterable perfections, to maintain in it, at all times, the greatest possibility of happiness**" (*TMS,* VI.ii.3.2, 235, emphasis mine).

[48] *TMS*, VI.II.2.1, 227.

sovereignty in which we have been born and educated, and under the protection of which we continue to live. It is accordingly, by nature, most strongly recommended to us."[49] And he also says that moral psychology inclines us to "love our country," as "we do not love our country merely as a part of the great society of mankind: we love it for its own sake...that wisdom which contrived the system of human affections, as well as that of every other part of nature, seems to have judged that the interest of the great society of mankind would be best promoted by directing the principal attention of each individual to that particular portion of it, which was most within the sphere of his abilities and his understanding."[50] This "love of country" has two "principles": appreciation of the form of the state ("that constitution or form of government which is actually established"), and a commitment to the good of one's fellows ("an earnest desire to render the condition of our fellow-citizens as safe, respectable, and happy as we can").[51]

One of the reasons why society is "recommended to us" by Nature, and is ordered as it is, is that it *works*. Smith picks up the important Humean and eighteenth-century theme of the influence of "custom" in Part V of the *TMS*. He performs a delicate balancing act, on the one hand insisting that our moral psychology is provided by Nature, but also agreeing with Hume about the power of custom. He begins by ceding to custom almost complete domain over the aesthetic and what we consider "beautiful" (*TMS* V.1), as well as other

[49] The passage continues, "Not only we ourselves, but all the objects of our kindest affections, our children, our parents, our relations, our friends, our benefactors, all those whom we naturally love and revere the most, are commonly comprehended within it; and their prosperity and safety depend in some measure upon its prosperity and safety. It is by nature, therefore, endeared to us, not only by our selfish, but by all our private benevolent affections" (*TMS*, VI.ii.2.11, p. 227). So we not only have self-interest or enlightened self-interest to motivate our acceptance of the tacit social contract and the preservation of the state, but we also do so out of a desire for the safety of those we care about.

[50] *TMS,* VI.ii.2.2, 227-228.

[51] *TMS,* VI.ii.2.4, 229.

matters "of small moment."[52] He then acknowledges the force of custom on cultural matters of moderate "importance," such as the "rustic hospitality that is in fashion among the Poles" (which may limit "oeconomy and good order") or the "frugality" of the Dutch (which may limit "generosity and good-fellowship"). But[53] he insists that these variations in culture for the most part serve to adapt each society to its particular circumstances: "In general, the style of manners which takes place in any nation is most suitable to its situation...[so that] even here, therefore, we cannot complain that the moral sentiments are very grossly perverted [by custom]."He[54] admits, though, that even the best of cultures can develop particular practices that *do* "pervert" the moral sentiments of the society. He discusses at some length the case of infanticide among the Greeks, who he acknowledges *were* a "polite and civilized," well-developed, society. "Not only the loose prerogatives of the world tolerated this barbarous prerogative," he continues, but even the doctrine of philosophers [among them even Aristotle and Plato], which ought to have been more just and accurate, was led away by the established custom."[55] The example, he says, would *seem* to indicate that the force of custom is unlimited, capable of sanctioning even such an extreme notion in such civilized society and for even the most enlightened of minds. On the contrary, he maintains, such instances must *necessarily* be rare, and be limited to particular practices, never extending to broad values: "Custom should never pervert our sentiments with regard to the general style and character of conduct and behavior." There "**never can be any such custom. No society**

[52] *TMS*, V.2.12, 209.
[53] *TMS*, V.2.15, 210.
[54] *TMS,* V.ii.13, 209. Furthermore, there is generally a proportionality between the level of civilization and the level of moral development: "the rudeness and barbarism of the people hinder the natural sentiments of justice from arriving at that accuracy and precision which, in more civilized nations, they naturally attain to" (*TMS,* VII.iv.37).
[55] *TMS*, V.ii.15, 210.

could subsist a moment, in which the usual strain of men's conduct and behaviour was of a piece with the horrible practice [of infanticide]."[56] In other words, there can be weird or terrible cultural practices that outlie, set aside as exceptions, which don't compromise the form of life as a whole. With those exceptions set aside, these natural constraints on custom function effectively.

I dwell at length on this fundamental constraint on custom because not only does it allow Smith to balance the power of Nature and custom, it also goes a long way toward answering two of the fundamental questions of moral and political philosophy, to which both he and Hume devote much energy: 1) Why do moral values on the whole support the success and order of a society (or, accord with public utility)? And 2) What justifies his and Hume's (and Burke's) general optimism about the nature of civilized (especially British) society as it is? That is, what accounts for the general tendency toward increasing socialization and political order, and the progress of society? The natural selection of custom and history gradually shapes our moral sentiments and social practices, so that moral sentiment and public utility overall coincide.

Smith takes up this issue of the process of gradual progress in the *Wealth of Nations*, returning to it repeatedly. The advance of society has three stages: 1) agriculture, and its attendant surpluses which enable 2) the development of towns and their manufacturing and industry, followed by 3) "foreign commerce."[57] The second stage is crucial, where "commerce and manufactures gradually introduced order and good government, and with them, the liberty and security of individuals, among the inhabitants of the country, who had

[56] *TMS,* V.ii.16, 211.
[57] *WN*, III.i.8, 380.

before lived almost in a continual state of war with their neighbours."[58] Smith explicitly credits Hume as "the only writer who, so far as I know, has hitherto taken notice of" the direct causal relationship between the development of commerce and the development of political order.[59]

Smith shared very much the same fundamental belief in the distinction between organic and natural development and the "forced" change designed by the "man of system." This man of system is "apt to be very wise in his own conceit, and is often so enamoured with the supposed beauty of his own ideal plan of government...He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board."[60] Smith's criticism of this man of system is that human society is *not* like a chess-board, whose pieces sit inert unless moved by the guiding hand. Rather, in "the great chess-board of human society, every single piece has a motion of its own." No guiding hand, however perfect, can hope to manage *all* those individual "motions." And, still exquisitely (proto-) Burkean, "to insist upon establishing, **and upon establishing all at once**...every thing" which the man of system's system requires is "the highest degree of arrogance." One thing that Hume, Smith, and Burke (as well as many others in the eighteenth-century British Enlightenment), share is this core objection to "establishing all at once." This is one of the places where Hume and Smith's

[58] This point was prominently recycled by Thomas Friedman with his "Golden Arches Theory of Conflict Prevention" in *The Lexus and the Olive Tree* (New York: Random House, 2000). Friedman says that no two countries with McDonald's at the time have ever gone to war.

[59] WN, III.iv.4, 412ff . See Hume "Of Refinement in the Arts": "We shall find, that a progress in the arts is rather favourable to liberty, and has a natural tendency to preserve, if not produce a free government" (Hume, *Essays Moral and Political.* Ed. Eugene Miller (Indianapolis: Liberty Fund), 1987, 277.)

[60] *TMS*, VI.ii.2, 233.

descriptive and prescriptive tasks converge: it *is* the case that societies develop in this way and that way, and one *should* only guide that development carefully and slowly. Further, the good things about (especially, his British) society, as well as any progress we hope to make, depend on such principles.

A recent work of social theory provides some helpful vocabulary. The authors of *The Problem of Emergence*, John Padgett and Walter Powell, hunt a dichotomy similar to the one I have discussed (guided rationalism and revolution vs. organic development) in their investigation of the problem of "novelty" in human society, how the "invention of new alternatives in the first place" is possible.[61] They contrast the "biology" from the "physics" views of science. Unlike physics, in biology we must see past "the specification of a fixed-point equilibrium" and recognize ongoing change."[62] They also make the helpful observation that one of the reasons we must see past the "physics" view is that it sees things atomistically and leaves no room for asking *how* those atoms came to be in the first place. If we "assume axiomatically that real people are *actors"* we end up in a "black hole of genesis," and lose "the investigation into the construction and emergence of the real people and organizations that we refer to by that abstraction."[63] In this light, the problem of "inevitability" in Hume's *Treatise* discussed in the previous chapter—for the same reasons, a problem for Smith as well—appears as possibly a consequence of the scientific stance, the "Science of Man." If we accept "axiomatically" the way things are, and then provide reasons why things went from *not* being that way to being that way, then it seems *inevitable*. But we

[61] John Frederick Padgett & Walter Powell, *The Emergence of Organizations and Markets* (Princeton: Princeton University Press), 2012, 1.
[62] Padgett and Powell, op. cit., 2.
[63] Padgett and Powell, op. cit., 1.

know not only that things were once different from how they are now, but also that they are not the same everywhere.

Padgett and Powell conclude that novelty usually requires some outside help or catalyst: "novelty emerges through spillover across multiple, intertwined social networks." And Smith, too, saw foreign models of liberty and free commerce as critical to the emergence from feudalism: "what all the violence of the feudal institutions could never have effected, the silent and insensible operation of foreign commerce and manufactures gradually brought about."[64] I read "silent and insensible" here as a reminder of the "unintended" nature of these great developments. Smith reiterates this point later on in the same passage, writing that neither the merchants and manufacturers of the goods of modern commerce, nor the gentry who consumed them, "had either knowledge or foresight of that great revolution which was the folly of the one, and the industry of the other, was gradually bringing about."[65]

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In sum, I hope I have demonstrated how Smith, across his three principal works (*Lectures on Jurisprudence*, *The Theory of Moral Sentiments*, and *An Inquiry into the Nature and Causes of the Wealth of Nations*) offers, as I call it, a socio-moral psychology, and specifically an account of the moral psychology and epistemology of a modern political subject. Grounded in the psychologically, normatively, and epistemologically interdependent nature of sympathy, this moral psychology becomes the foundation of economic and political cooperation. And this

[64] *WN*, III.iv.10, p. 418.
[65] *WN,* III.iv.17, p. 422. The "folly" Smith refers to is the vanity of the pursuit of material luxury.

cooperation is of a specific kind, because it is the "spontaneously ordered" product of liberty, not of law (neither natural nor human). It is no easy feat, though, the development of this order. It depends upon a shared a form of life that develops and unfolds over time and history, the product of a particular set of shared experiences. This process offers not only the desirable ends of order and "civilized society," but it is in fact the fullest realization and fullest unfolding of human nature and human potential.

CHAPTER 4

"The Fine Balance: Burke on America and India"

1. Introduction: or, which Burke?

I wrote in the introduction that this final chapter on Burke aims to capture the "fine balance" of Burke's politics, between appreciating the shape of things now and seeing perspicaciously and virtuously how they might be—safely and effectively—improved.

Edmund Burke is most well-known for his writings on the French Revolution. But in recent years greater attention has fortunately been paid to his wide variety of other writings and speeches. Among the richest are those on America and India —especially those of the 1770s and 1780s. I first became interested in them as a counterweight to the traditional Burke of the *Reflections on the French Revolution* (1790), arguing for the holism of social orders and forms of life and cautioning against risky attempts to change them precipitously. I wanted to understand how to reconcile that Burke of the *Reflections* with the Burke who, quite radically, took up the causes of the American "colonies" (before *and* after the *Declaration of Independence)* and of India. Burke waged extended campaigns against British policies abroad: against their counterproductive policies of force toward America, unimaginatively remaining harsh and stubborn despite evidence that such policies were not working. In his critiques of British policy in India, he singled out their bad faith,[1] unjust treatment, and despotism. He focused

[1] A sampling of Burke's critique of British policy in India from the "Speech on Fox's East India Bill" (1783), in *On Empire, Liberty, and Reform*. Ed. David Bromwich. New Haven: Yale, 2000:
1. 'The wars which desolate India, originated from a most atrocious violation of public faith on our part. In the midst of profound peace…" (302).

his attention, too, on Warren Hastings, the governor of the East India Company from 1773-1785 whom Burke spent years campaigning to recall and, eventually, impeach for what we would now call war crimes. Throughout, he criticized, unrelentingly, and with biting rhetoric that pulled no punches, his own country for acting not only wrongly (more on what I mean here by "wrong" soon) and self-destructively. This self-destructive behavior damaged England on both "realist" and "idealist" grounds: both England's practical self-interest and its identity and values as a people suffered. Quite evidently, these views stand in contrast to Burke's more-well-known attempts to establish a firewall in the English Channel so that the dangerous Revolutionary fires would not spread from France to Britain. On the face of things, he wants on one side to make England more responsive to right and thoroughly change both policies and institutions (colonial and imperial, above all). And on a second side, he wants to preserve England and its institutions against dangerous change.

We might call this "*Das Edmund Burke Problem*": how to reconcile writings which seem to be, and historically have been, seen as irreconcilable. Though the fault lines of this *Problem* are not the same as *Das Adam Smith Problem* (which is principally about self-regarding in the *Wealth of Nations* conflicting with other-regarding in the *Theory of Moral Sentiments*), until recently perhaps the dominant way of dealing with this has been passive, to mostly ignore the non-Revolutionary writings and focus mainly on the *Reflections*. It is only by doing so—even

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2. "All these bargains and sales were regularly attended with the waste and havoc of the country, always by the buyer, and sometimes by the object of the sale" (300).
3. "The company never has made a treaty which they have not broken" (301).
4. "There are none [in India] who have never confided in us who have not been utterly ruined" (307).
5. "It is our protection that destroys India" (309)—but, like a Trojan Horse of empire, the protection poses as friendship .

today—that writers like Corey[2] Robin can present Burke as an arch-conservative.[3] Sometimes a biographical disjunction is proposed, according to which Burke's psychology (either maturing or degenerating into monomania, depending on the perspective) changed.

I initially came to Burke through the Left-(Williams)-Wittgensteinian lens discussed earlier, in which a realist recognition of the nature of forms of life in the social coexists with a certain progressivism. I hoped Burke would offer a way to understand the story of the origins of modern republicanism in the eighteenth century. With this lens in hand, I have sought an understanding of what it means to take the holistic nature of society and politics seriously—its interdependence, its organic development and organic complexity, its epistemological humility and resistance to engineering, and its inherent incompatibility with a single, rationalist/universalist method of politics.[4] Burke has much to show us about that kind of Wittgensteinian politics. But in that endeavor it is easy and tempting to take those Wittgensteinian aspects of Burke and read him as a champion of conservatism, especially in its

[2] Dan O'Neill, who has now written two books attacking Burke, does not follow this like Robin in neglecting Burke's non-Revolutionary writings. But he does lake good faith in his reliance on selective cherry-picking of passages.

[3] Corey Robin, *The Reactionary Mind: Conservatism from Edmund Burke to Sarah Palin*. Oxford: Oxford University Press, 2011. Robin can demonstrate an appreciation for Burke and his "extraordinarily subtle and supple theory of human nature, in which the experience of selfhood is especially fragile and fraught…[a position which] it's important that we not assimilate, as do [Sam] Goldman and many others, Burke's theory of history to an anodyne communitarian position. " But, like Horkheimer looking back to the rationalist Enlightenment, Robin doesn't want us to miss seeing Burke as the progenitor of "Ayn Rand and Antonin Scalia" (See "Isn't it Romantic? Burke, Maistre, and Conservatism," March 3, 2015. Web. January 24, 2016. <http://coreyrobin.com/2012/03/03/isnt-it-romantic-burke-maistre-and-conservatism/>.

[4] I have found one explicit discussion of Wittgenstein and Burke juxtaposed; but it is with the understandable goal of better understanding "the nature of conservatism" for both: David Bloor, "Ludwig Wittgenstein and Edmund Burke" in *Essays on Wittgenstein and Austrian Philosophy: in honour of J.c. Nyiri*. Ed. Tamás Demeter. Amsterdam: Rodopi, 2004.

preservationist variety.[5] This is in fact what is usually done with attempts to imagine a Wittgensteinian politics.[6] But no complete picture of Burke can be satisfied with such an incomplete likeness.

I am by no means the first to read Burke as someone who defies our left/right categories. Thanks to a bounty of recent work, a fuller picture of Burke (and the tools for such a picture) are becoming available, most notably with the biographies by Richard Bourke and David Bromwich.[7] Recent work by Uday Mehta and Jennifer Pitts, among others, also helps bring forth this Burke by paying proper attention to his writings on British policy abroad, especially on India.[8] But there is no simple way of reconciling Burke's different views and policies, spanning half a century, dozens of volumes, and constrained by his position in Parliament and his participation in practical politics. So though I am not the first to tread on

[5] Richard Bourke has done invaluable work in the intellectual history of such (mis)appropriations of Burke, especially in "Edmund Burke and the Origins of Conservatism" (forthcoming), and in articulating their inaccuracy in "Burke Was No Conservative," *Aeon*, December 22, 2015. <https://aeon.co/essays/conservatives-can-t-claim-edmund-burke-as-one-of-their-own>. In the former, Bourke dismantles various attempts over the centuries to map "conservatism" onto Burke , or to see him as the founder of a particular version of conservatism.

[6] See Hanna Pitkin, *Wittgenstein and Justice: on the significance of Ludwig Wittgenstein for social and political thought*. Berkeley: University of California Press, 1972.

[7] See, above all: Richard Bourke, *Empire & Revolution: The Political Life of Edmund Burke*. Princeton, New Jersey: Princeton University Press, 2015, and David Bromwich, *The Intellectual Life of Edmund Burke: From the Sublime and Beautiful to American Independence*. Cambridge, MA: The Belknap Press of Harvard University Press, 2014, and David Bromwich, *Moral Imagination*. Princeton: Princeton University Press, 2014. Essays in the latter book of Bromwich's attempts explicitly to recruit Burke as a model for a reimagined progressive (in particular, American) politics for today.

[8] See Uday Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*. Chicago: University of Chicago Press, 1999. Despite the period promised in the title, Mehta treats Burke at length. Burke is also the subject of a recent paper by Mehta, "Edmund Burke on Empire, Self-Understanding, and Sympathy" in *Empire and Modern Political Thought*. Ed. Sankar Muthu. Cambridge: Cambridge University Press, 2012. Also see Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*. Princeton, N.J.: Princeton University Press, 2005; and Pitts' "Empire and Legal Universalisms in the Eighteenth Century" in *The American Historical Review*, Vol. 117, No. 1, Feb 2012, 92-121.

this ground, my aim is to contribute to a view of Burke which sees in him a potent synthesis of what are today often conflicting political impulses, especially with regard to progress and moral responsibility in politics.

While doing so, I hope to make a case for reading Burke as a member of a family of political thinkers of the eighteenth century that also includes Hume and Smith. What unites the family is what can be understood as a forward-looking Wittgensteinian understanding of the nature of thought and community, as irreducibly embedded in a shared form of life. Each member of this family (as in real families) is different, and contributes something different: in broad strokes, Hume gives us an origin story about the nature of value, community, and political society which also forms the basis for a picture of what makes liberal society work and continue forward successfully. Smith gives us a moral, social, and political psychology that further defines the mechanisms of thought and value that enable liberal society to work. And Burke shows us, in quite a different manner, how to find the balance between progress and prudence, between aspiring to higher standards, and dealing with finitude and circumstances as they are.

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2. Crawling on Earth

In 1987, Jeremy Waldron edited a collection of writings by Bentham, Burke, and Marx, presenting them as the classical treatments of the case *against* human rights. He titled the book *Nonsense upon Stilts*—taking its name from an evocative phrase of Bentham's. He describes these critiques of rights as grounded in "utilitarian [Bentham], collectivist [Marx], and

relativist [Burke] sentiments."[9] Margin-quibbles aside, we can grant this as a reasonable summary. And as with such previous (and critical) treatments of Burke like that of JGA Pocock or Alasdair MacIntyre, it is most telling that Waldron's Burke is here only the Burke of the *Reflections*. The "trouble with Burke" is that his "relativism" (I prefer "situationalism," or even "contextualism") alone can never take him as far as he needs to go. He can't get all of what he needs, for instance, in arguing for the disastrous nature of British policies in America, solely from his claims about the nature of the English-constitution-transplanted to the Colonies, or about the nature of the uniquely American "constitution" that has developed, with its special spirit of liberty (for Tocquevillean reasons *avant la lettre*). Nor can he get what he needs, despite passion and insight, from his arguments about the special nature of an Indian[10] civilization that England is in no way equipped to govern adequately or justly.

In writing about the British empire, Burke repeatedly relies on things which walk and talk a lot like appeals to overriding principles of right and wrong—principles of justice, universal human values, and even, at times, what we later call "human rights." Indeed, at times, he even uses the term "rights" without qualification, though his kind of "rights-talk" is spoken with various vocabularies. To give but a few of many examples of Burke in this vein:

1. "**Liberty, if I understand it at all, is a general principle, and the clear right of all the subjects within the realm, or of none.** Partial freedom seems to me a most invidious mode of slavery."[11]

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[9] *Nonsense upon Stilts: Bentham, Burke, and Marx on the Rights of Man*. Ed. Jeremy Waldron. London: Methuen, 1987, 2.
[10] Just to be clear, when I say "Indian" I always refer to those of South Asia, not the Americas.
[11] Emphasis mine. Burke, "Letter to the Sheriffs of Bristol on the Affairs of America," in *On Empire, Liberty, and Reform*. Ed. David Bromwich. New Haven: Yale, 2000. 145.

2. "**The poorest being that crawls on earth, contending to save itself from injustice and oppression, is an object respectable in the eyes of God and man.**"[12]

3. "**The rights of men, that is to say, the natural rights of mankind,** are indeed sacred things: and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure…formal recognition, by the sovereign power, of an original right in the subject, can never be subverted , but by rooting up the holding radical principles of government, and even of society itself."[13] (Note the double use of the metaphor of "roots"—"rooting up" and "radical"—an organic metaphor that fits with the larger holism at stake.)

Burke does in fact concede the importance and necessity of rights and asks us to consider them in various contexts: but unlike most treatments of rights, he just doesn't want to grant them the *supervenience* that for many makes a right a right. He writes, on the issue of the humility he feels about the responsibility of England toward its Colonies, "having some abstract right in my favor would not put me much at my ease in passing sentence; unless I could be sure, that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice…."[14]

Presumably the rights-proponent would wish those "most odious and vexatious wrongs and injustices" to be precisely those things against which rights protect; what else would rights be for? But Burke is also certainly correct that it is of the nature of such rules (like laws) that they can never imagine all possibilities that will come under their purview, and those unimagined borderline cases that strain against the application of a rule are the rub.

[12] Emphasis mine. Burke, op. cit., 52.
[13] Emphasis mine. Burke, "Speech on Fox's East India Bill," 289.
[14] Burke, "Speech on Conciliation with America" (1775) in *On Empire, Liberty, and Reform.* Ed. David Bromwich. New Haven: Yale, 2000. 13.

I can't help but seeing submerged in this marshland of Burke's views on rights an alternate descendant of the same sort of impulse that begets the rights-talk we are used to: not the lawgiving spirit of a certain kind of philosopher (some may take issue, but I think of Rawls here), which sees rules and codes as salvation, as the only way to safeguard what needs safeguarding and the only way to find *true* justification and certainty in a world of venal and self-serving people. Rather, the sympathetic spirit of one familiar with the nature of responsibility, who *truly* wants to safeguard against injustice, and knows that to do so one must be able to judge a case without blind allegiance to a previously adopted rule. Of course, the response is then: well, but *how* to judge in that case? We can't simply empower "judges" to decide as they see fit and leave them to it. I can't give a detailed answer here, but I can at least say that the example Burke sets as a statesman—in practical politics and in political theory—across his career is an answer of a sort, if not a traditionally philosophical one.

The rights-proponent takes himself to be defending the individual, sometimes against offenses by individuals but often by those of collectives. Part of Burke's humility and appreciation with respect to forms of life takes the form of a certain privileging of the collective over the individual. In the *Reflections*, Burke writes that "The effect of liberty to individuals is that they do what they please: we ought to see what it will please them to do, before we risk congratulations which may soon be turned into complaints. Prudence would dictate this in the case of separate, insulated private men, but liberty, when men act in bodies, is power. Considerate people, before they declare themselves, will observe the use which is made of power."[15] Burke is calling attention to a qualitative difference between groups and

[15] Burke, *Reflections on the Revolution in France*, in *Writings and Speeches of Edmund Burke*. Eds. Paul Langford, et al. Oxford: Oxford University Press, 1970-Present, Vol. VIII, 59. (Henceforth "*WS*".)

individuals, and between the way concepts like liberty work differently for the two. (Today, one might say is that he is pointing out *slippage*.) A few years earlier and with respect to a quite different matter, Burke draws a similar line: "in a thousand cases for one it would be far less mischievous to the public, and full as little dishonorable to themselves, to be polluted with direct bribery, than thus to become a standing auxiliary to the oppression, usury, and peculation of multitudes."[16]

This argument about the relationship between liberty exercised by groups and power (and, thus, potential oppression) is similar to Tocqueville's warning a few decades later about the danger of the "tyranny of the majority" in a free society like America.[17] "I know no country in which, speaking generally, there is less independence of mind and true freedom of discussion than in America," writes Tocqueville, "In America the majority has enclosed thought within a formidable fence…nowadays despotism has been perfected by civilization."[18] Tocqueville goes on to make a point that I think makes particular sense in light of my claims about our thick embeddedness in forms of life, to define all that is normative: under monarchical despotism, despots "to reach the soul, clumsily struck at the body" while "in democratic republics…[tyranny] leaves the body alone and goes straight for the soul."[19] The lesson, from both Burke and Tocqueville, is that freedom is not the same beast for individuals as it is for groups. And especially when exercised by groups, freedom can be dangerously abused. Furthermore, they both urge that we see the imbrication between a from of life and a political system has different parameters under democracy.

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[16] Burke, "Speech on Nabob of Arcot's Debts" (1785), in *WS,* V, 548.
[17] See Alexis de Tocqueville, *Democracy in America*. Tr. George Lawrence, ed. J.P. Mayer. New York: Harper Perennial, 1969, 254-272.
[18] Tocqueville, op. cit., 254-55.
[19] Tocqueville, op. cit., 255.

This distinction between the liberty of individuals and the liberty of collectives suggests a discontinuity, or at least a separation, between the private sphere and the political sphere. Collective power put to the wrong ends—whether by Hastings, the East India Company, George III, radicals in the English Civil War, or by French Revolutionaries, is the danger Burke calls attention to. I would even put forth that this sort of negative liberty (from the outsized forces of over-energetic collectives) is an essential part of what part of Burke could be called liberal—which I define minimally as valuing the protection of the individual's freedom as an end in itself, even if not an overriding or supervening end in itself.

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3.1. Sympathy

In his introduction to a recent collection on the history of the concept of sympathy, Eric Schliesser[20] puts together several useful typologies of the concept. In particular, he identifies what he calls the "likeness principle": "a metaphysical background commitment that is presupposed in nearly all applications of the concept…[which states that] the very possibility of sympathy presupposes that it takes place among things/events/features that are in one sense or another alike, often *within* a single being/unity/organism."[21] Though stated somewhat elliptically, I take it that t his captures the fact that we can feel sympathy for other people, or even for animals—but it doesn't make much sense to say that we feel sympathy for a blanket or a prune (except, perhaps, only metaphorically). For our purposes at the moment, I think this does capture the unstated assumption behind direct appeals of sympathy, or even

[20] Eric Schliesser, "Introduction," in *Sympathy: A History*. Ed. Eric Schliesser. New York, NY: Oxford University Press, 2015.
[21] Schliesser, op. cit., 7.

merely some form of *caring* (as, for instance, Burke *cares* for the well-being of Indians and Americans). The unstated assumption is that such other people matter, and matter at least in part by virtue of being *like* us in a fundamental way.[22] This would seem to point to the possibility of sympathy functioning successfully at the great distances necessary to span empire—with Burke himself as an example of this, since he quite obviously succeeds at feeling sympathy for far-off colonial subjects he had never met, in places he had never been. But Burke himself points out that it is difficult to care properly about the effects on, or sufferings of, unseen peoples who are far away, especially if they are different and strange (as in the case of the Indians). This recalls Smith's classic concession in the *TMS* that sympathy functions most fully and successfully in tight networks of direct connection (See Chapter 3, Section 2, above). It is possible for it to function, but less well and with greater difficulty, across great distances. We might call both Burke and Smith's attitude *realist* in the pragmatic sense[23] I have mentioned; they are accommodating their accounts to various forms of human finitude and imperfection.

Two other aspects of Schliesser's typology I find helpful: first, he distinguishes between spatial (more common) and temporal (less common) sympathy: sympathy between those physically distant (e.g., between a member of parliament and troublesome colonials) and those

[22] The case of animals on this point is interesting, and tricky. Peter Singer has made an industry of arguing that this bias toward other beings that are like us is, quite simply, wrong and mistaken, and something of which we need urgently to be cured.

[23] What I would call "pragmatic realism" seems compatible, with respect to a description of sympathy, with Schliesser's description of versions of sympathy that are " 'naturalistic' analyses of sympathy—for they can be made compatible with non-miraculous mechanisms. There is, thus despite Descartes's strictures, no necessary connection with the occult or magic when one deploys a sympathetic explanation" (Schliesser, op. cit., 8). At a minimum, I would agree with this description of the uses to which Hume, Smith, and Burke put sympathy: for them, it is naturalistic, regardless of whether or not on that score they must defend themselves against charges of givenness.

temporally distant (e.g. a historian and his subject). I would argue that this leaves out of the typology the "direct contact" version of sympathy I just mentioned, which is archetypal for Smith. In some sense, even sympathy between two individuals in a bear hug bridges a distance, if only the noumenal distance between their minds. But such a view collapses, I think, the important quantitative and qualitative difference between sympathy with those whom we are linked in proximity (not to put too fine a point on it: for instance, breathing the same air, responding to the same physical bits at the same time) and sympathy with those who exist only notionally. For, of course, it is precisely this latter category of "notional beings"[24] that concepts like human rights attempt to address, in part by correcting for the inherent failings of human reasoning to take notional beings as seriously as "real," proximate beings. Schliesser points out that "temporal sympathy" "tends to piggyback on other mechanisms (for example, the imagination)."[25] Indeed—but I would add that "spatial" sympathy *and* direct sympathy do piggyback, as well, if to different degrees of success.

Schliesser's typology contains a further point worth bringing to the table:

> "Sympathy is, in principle, bidirectional even if the elements or agents that enter into a sympathetic relationship vary in their power to do so…I mean to capture the fact that sympathy is not just introduced to capture distant action but generally meant to capture mutual action or at least the capacity for coeffectability."[26]

This capacity for mutual influence, even in an asymmetrical relationship, is precisely the relationship Burke expends so much energy bringing to attention: a government (especially an

[24] In case it is unclear why I call these "notional beings": I am reminded of something my very first philosophy professor, John Perry, said: "How many of you have been to Paris? Those of you who haven't: do you *believe* in Paris? Why? Do you believe in the Hoover Tower, which you saw on your way here? Why—you can't see it right now? Can you be sure it is there?"

[25] Schliesser, op. cit., 8.

[26] Schliesser, op. cit., 9.

imperial one) and its subjects exist reciprocally, mutually affecting each other, like interconnected parts of one body (in a metaphor Burke uses, presumably echoing Hobbes).[27]

There is a significant history of discussion following Hegel's introduction of the concept of "Recognition" (*Anerkennung*) in the *Phenomenology of Spirit*, as an alternative way of explaining the problem of sociability, with the "problem" being, how can we both recognize the fact that self-interest is paramount in human minds and the fact that we care about others, individual and collective (see above, Chapter 3, [28]Section 2). In a late essay, G.E. Cohen summarizes the core of the view which follows Hegel's *Anerkennung* as the basis for "regarding people as equals": "This line of thinking [following through the requirements of mutual recognition] says that you treat the other as an equal as a necessary condition of your own self-realization: but only as a necessary condition, because self-realization is not achieved unless she reciprocates, in her own quest for self-realization. To be rude to a waitress is to commit the sin of demeaning your own humanity."[29] Cohen's waitress example is a bit extreme, but the point is well-taken: like Dorian Gray, our bad actions cause rot within us. Without this sort of Hegelian architecture (he was a few years too early, though the thought

[27] See the famous frontispiece to the first edition of 1651, designed with Hobbes' instructions. (*Leviathan*. Ed. Edwin Curley. Indianapolis: Hackett, 1994. Lxxvii.) The frontispiece shows the sovereign "Leviathan" as a man whose body is composed, almost like scales, of individual people (subjects).

[28] See, among many: Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Cambridge, MA: MIT Press, 1995; Patchen Markell, *Bound by Recognition*. Princeton: Princeton University Press, 2003; Fred Neuhouser, *Foundations of Hegel's Social Theory: Actualizing Freedom*. Cambridge, MA: Harvard University Press, 2000; Robert Pippin, "What is the Question for which Hegel's Theory of Recognition is the Answer?" *European Journal of Philosophy*. 8.2 (2000): 155-172; and Robert Pippin, "Recognition and Politics." In *Hegel's Practical Philosophy: Rational Agency As Ethical Life*. Cambridge, UK: Cambridge University Press, 2008. An overview and bibliography can be found in Mattias Iser, "Recognition", *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), ed. Edward N. Zalta, URL = <http://plato.stanford.edu/archives/fall2013/entries/recognition/>.

[29] G.E. Cohen, "Notes on Regarding People as Equals." In *Finding Oneself in the Other*. Princeton: Princeton University Press, 2013. 194.

experiment of how Hegel might have influenced Burke is rather thought-provoking), Burke believed that a country was constituted by its self-understanding and the mutual self-understandinging (see what Hegel does to one?) that takes place in a political community,[30] and is essential to the proper workings of one.

[30] As an example of what this collective procedure could look like even today: to mark the 799th anniversary of the Magna Carta, David Cameron published an article in 2015 in the Daily Mail on what "British values" are. Echoes of Burke sound throughout:
"The values I'm talking about—a belief in freedom, tolerance of others, accepting personal and social responsibility, respecting and upholding the rule of law—are the things we should try to live by every day….Of course, people will say that these values are vital to other people in other countries. And, of course, they're right. But what sets Britain apart are the traditions and history that anchors them and allows them to continue to flourish and develop.

Our freedom doesn't come from thin air. It is rooted in our parliamentary democracy and free press. Our sense of responsibility and the rule of law is attached to our courts and independent judiciary. Our belief in tolerance was won through struggle and is linked to the various churches and faith groups that have come to call Britain home.

These are the institutions that help to enforce our values, keep them in check and make sure they apply to everyone equally. And taken together, I believe this combination – our values and our respect for the history that helped deliver them and the institutions that uphold them – forms the bedrock of Britishness. …

The question is: should we actively promote this? I absolutely think we should."
David Cameron, "British values aren't optional, they're vital." June 15, 2014. Web. Jan 24, 2016. <http://www.dailymail.co.uk/debate/article-2658171/DAVID-CAMERON-British-values-arent-optional-theyre-vital-Thats-I-promote-EVERY-school-As-row-rages-Trojan-Horse-takeover-classrooms-Prime-Minister-delivers-uncompromising-pledge.html>.

Perhaps Cameron's British boosterism is simply anodyne politics; but his description of a rooted national identity with a history that nonetheless needs to be actively promoted, *and* needs a national discussion about itself, and about its active promotion, hits my "self-understandinging" nail on the head.

NatCen Social Research published a report on Britishness and national identity; the report was officially published shortly after Cameron's article, but was reported widely by news outlets before, in April of 2014. See Alison Park, Caroline Bryson, and John Curtis. "National Identity: Exploring Britishness." British Social Attitudes 31, 2014. Available at <http://www.bsa.natcen.ac.uk/media/38984/bsa31_national_identity.pdf>.

3.2. Dorian Gray

This "Dorian Dorian Gray Effect" merits further discussion. Burke insists that we recognize the effect on our selves and our society that inherently collective political actions on "others" outside our community and and on [minority] members of our own community). Here again, he does not choose between pragmatic/consequentialist arguments about ineffective and counterproductive results and "principled" arguments about the kind of person one becomes when one does wrong. Unlike Hume and (for the most part) Smith, Burke is not writing systematic treatises with a "tree" structure of argument from first principles. He prefers a "serial" argumentative and rhetorical structure, what Amartya Sen calls "plural grounding,"[31] with multiple reasons for a position that are not prioritized hierarchically nor linearly derived. Burke writes in the "Letter to the Sheriffs of Bristol," "Those who do not wish for such a separation, would not dissolve **that cement of reciprocal regard, which alone can bind together the parts** of this great fabric" and "Those **whose affection must be the surest hold of our government,** and which is a thousand times more worth to us…"[32] It is easy to forget, especially in the United States with its reverence for our law and constitution as overriding forces of stability and right, this point about the power of "reciprocal regard" and "affection" among members of a political community.

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[31] Amartya Sen, *The Idea of Justice*. Cambridge, MA: The Belknap Press, 2009. 1-4.

[32] Burke, "Letter to the Sheriffs," 153. He served as the official "agent" for the colony of New York in Parliament for several years, and notes that he is "charged with being an American," admitting his "warm affection" toward them (164). He clearly felt that too many English were entirely losing sight of the nature of the relationship between England and America, between nation and colony—just as they were in India. He highlights the mere fact of distance, and its magnitude, as indelible faults in the nature of such government and of empire. On a related subject of disproportionality in scale (in matters of empire), he also recognizes the ungainliness of an ancient civilization, India ("a people for ages civilized and cultivated: cultivated by all the arts of polished life, whilst we were yet in the woods"), being ruled by a far more recent one, even more so when the ruling one is one quarter its size.

In Burke's attack on the nature of empire in India, where the representatives of England are not *of* England, nor are they *of* India—they are a separate, warped class of overly-young and exclusively-male fortune-seekers who live in an artificial society that violates the natural relationship between government and people. Indians, he says, have barely ever seen "the grey head of an Englishmen. Young men (boys almost) govern there, without society, and without sympathy, with the natives. They have no more social habits with the people…[and are] Animated with all the avarice of age, and all the impetuosity of youth, [as] they roll in one after another."[33] Burke objects to their youth and their warped priorities, caring only for financial gain, feeling none of what Burke considers the sacred responsibility of governments toward their subjects. He objects to their merely passing through, "wave after wave."[34]

But most salient to me is their being "without society" and "without sympathy" with the Indian natives. As he says in the "Letter to the Sheriffs,""*in Great Britain the mass of the people is melted into its government*".[35] I think he is also thinking aspirationally (another guise of overarching principles), about the way a government *should* be in relation to its people and the way a people should be in relation to its government. So when he charges the English in India with being "without society" and "without sympathy," the charge runs deep: *they aren't even in a position to be eligible for the proper relationship between government and subjects*. Burke not only criticizes the British in India, he also criticizes the absence of the requisite sympathy between the British in Britain for Indians—because too little is known of this diverse and far

[33] Burke, "Speech on Fox's East India Bill," 310.
[34] Ibid.
[35] Emphasis mine. Burke, "Letter to the Sheriffs of Bristol," 160. Presumably Burke sees this unity between people and government at least in part because of the democratic nature of Parliament, but I think this is more than an observation about the nature of English institutions.

off India—and even because the names of these suffering Indians are strange, a strangeness which short-circuits the normal operations of sympathy. Burke shows us a sensitivity to the particulars of the operations of sympathy in government and empire.[36]

The arrangement in India is, for Burke, an abomination of the fundamental relationships that constitute real political societies. In India, Burke says in a passage of the Hastings Speech worth quoting at length, we have a

> State in disguise of a Merchant, a great public office in disguise of a Commonwealth…The East India Company in India is not the British Nation… The Company in India does not exist as a Nation. Nobody can go there that does not go in its Service. Therefore the English Nation in India is nothing but a seminary for the succession of Officers. They are a Nation of place-men…a Commonwealth without a people. They are a State made up wholly of magistrates. The consequence of which is that there is no people to control, to watch, to balance against the power of office. The power of office…is the sole power in the Country. There is no corrective upon in whatever. The Consequence of which is that, being a Kingdom of Magistrates, the Esprit de corps is strong in it—the spirit of the body by which they consider themselves as having a common interest, and a common interest separated both from the Country that sent them out and from the Country in which they are; and where there is no control by persons who understand their language, who understand their manners, or can apply their conduct to the Laws of the Country. Such control does not exist in India.[37]

Burke presses the point that the East India Company is simply all wrong. It's not a state, and it's not a nation. It wears the disguise of a Commonwealth, but also the disguise of a merchant. It's made up only of officers and magistrates. It has an esprit de corps, but of entirely the wrong sort. And, perhaps most out of whack of all, it knows nothing of the

[36] We can also see here a good example of some of Burke's Smithean substructure at work; for Smith, a subject without society and without sympathy is even more of a rump. He isn't even really a candidate for proper subjecthood or human being, and he certainly can't be a unit in anything like a functioning economy of social and normative commerce. Furthermore, the Smithean flag reminds us that sympathy is no mean sentiment, nor is it something soft muddling up proper hard-nosed realist politics. Rather, it is the *sine qua non* of the human and of the social.

[37] Burke, "Speech on the Opening of Hastings Impeachment." *WS*, VI, 283 and 286.

people of which it is meant to govern. We have the opposite of a government "melted into its people." In my vocabulary, we have the opposite of a political system in any way suited to or conforming to the form of life of the society to which it belongs.

Burke also felt that the British empire in America had gone awry, was no longer suitable, and constituted a misguided form of tyranny. From 1775, he wanted Britain to cut the imperial reigns on America and leave them to be free, hoping for a freely-joined, rather than imposed, commercial arrangement.[38] But the political abomination in India rose for him to a level far beyond the problems in America. Burke himself wrote, late in life, that "Our Government and our Laws are beset by two different enemies, which are sapping its foundation, Indianism, and Jacobinism…the first is the worst by far."[39] I imagine this will surprise many readers, Burke saying that the sins of Britain in India are worse than those of the Jacobins in Revolutionary France. This "enemy," "Indianism," is an enemy of Britain itself—sapping its foundations as a nation.

Choices from which one can quote Burke on the iniquities of empire are quite numerous. I will choose one, as a representative:

> There is an unnatural infection, a pestilential taint fermenting in the constitution of society, which fever and convulsions of some kind or other must throw off; or in which the vital powers, worsted in an unequal struggle, are pushed back upon themselves, and by a reversal of their whole functions, fester to gangrene, to death; and instead of what was but just now the delight and boast of the creation, there will be cast out in the face of the sun, a bloated, putrid, noisome carcass, full of stench and poison, an offence, a horror, a lesson to the world.
> In my opinion, we ought not to wait for the fruitless instruction of calamity to enquire into the abuses which bring upon us ruin in the worst of its forms, in the loss of our fame and virtue.[40]

[38] See Burke, "Speech on Conciliation with America," 128-130.
[39] Burke, *The Correspondence of Edmund Burke*. Ed. Thomas Copeland, 10 vols. Chicago: University of Chicago Press, 1958-1978. Vol. 8, 432. Cited in Mehta, "Edmund Burke on Empire, Self-Understanding, and Sympathy," 160.
[40] Burke, "Nabob of Arcot's Debts," *WS*, V, 549.

A great example of Burke's capacity to employ potent rhetoric, he fires a series of cutting metaphors of foul disease and death: "unnatural infection," "pestilential taint," "fever and convulsions," "gangrene," and a "bloated, putrid, noisome carcass." Burke is quite evidently appalled at what empire is doing to his country. He pleads with us to recognize the unavoidable reciprocal influence between ourselves and those, no matter how different and far away, affected by our actions. We might say that he argues for an ontological imbrication between England and America, and England and India. In perhaps the grandest of his American writings, the *Speech on Conciliation with the Colonies*, Burke pleads for England to give up the hammer and cease trying to beat the Colonies into submission. He argues for this on a variety of both pragmatic and principled grounds, with the "plural grounding" technique mentioned above. One is of special interest today: that in doing so they will destroy the very thing they are thing they are fighting to preserve: "**A further objection to force is, that you impair the object by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest."**[41] This, though a potent argument, could still be part of a pragmatic realpolitik. Burke says later,

> To prove that the Americans ought not to be free, we are obliged to depreciate the value of Freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.[42]

[41] Burke, "Speech on Conciliation with America," 130.
[42] Burke, "Speech on Conciliation with America," 89. Also: "An Englishman is the unfittest person in the world to argue another Englishman into slavery" (op. cit., 92).

I think the point he is making in the first sentence is that though it may *seem* that the way we treat far-off others can be separable from how we treat ourselves or treat our nearby others, it is not. Burke concedes explicitly that harsh imperial tactics are *legal*; but they are nonetheless not only ineffective but *wrong*. The distinction between legal and right is a familiar one, but one we must continue to remember; it is still common to see people claim that they have done nothing wrong simply because they are not indicted or convicted. One of the reasons harsh imperial tactics are wrong is that they are carried out by the British, and that the English would have to live with the consequences and with the ensuing corruption in their collective history and self-understanding.[43]

4. Sorcery, MacIntyre, Collective Identity, and Incommensurability

Burke's adventures in collective history and self-understanding are at several points the focus of Alasdair MacIntyre's. MacIntyre came up at various points in Chapter 1, including my discussion of translation and incommensurability, and again on Hume in Chapter 2. He discusses Burke briefly in *After Virtue* and *A Short History of Ethics*, as well as a late essay (1998) on Burke and Yeats on political imagination, "Poetry as Political Philosophy."[44] In each case,

[43] J.C.D. Clark even reads into the "Letter to the Sheriffs" the same spirit of thinking-forward as in the *Reflections*, imagining hypothetically that if Burke had written a *Reflections on the Revolution in America* in 1775 he would have written that the danger of revolution in America was revolution in England. "Such a revolution," Clark writes, "could hardly be contained in North America: these principles, supported by a people in arms, would surely soon be communicated to Britain, and with the same catastrophic consequences" ("Edmund Burke's *Reflections on the Revolution in America* (1777): or, How Did the American Revolution Relate to the French?" in *An Imaginative Whig*. Ed. Ian Crowe. Columbia: University of Missouri Press, 2005. 75). Clark seems to think that Burke interpreted the events in America through the lens of preoccupations like the effect on "the British soul" of oppressive tactics in the Colonies, which was the same issue that would later preoccupy him.

[44] Alasdair MacIntyre, "Poetry as Political Philosophy: Notes on Burke and Yeats" in *Ethics and Politics: Selected Essays, Volume 2*. Cambridge, UK: Cambridge University Press, 2006.

as I mentioned earlier, MacIntyre's dislike for Burke is acute and hardly disguised. His criticisms credit Burke with launching an original sin in modern politics: seductively spinning rhetoric and collective imagination to justify the modern, liberal individualist state at the expense of a communitarian one more properly grounded in tradition. MacIntyre sees a fundamental conflict within that modern liberal state: it aims to both 1) offer a system for pursuing individual ends, 2) offer membership in a political community in which pursuing common good is the same as caring for oneself. MacIntyre sees these two faces of the state as incompatible—an incompatibility that, I imagine, needs to be *resolved* in a proper [for him, Hegelian] manner. But Macintyre's Burke, through a sinister wizardry of image-making and

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162. It is worth noting the connection (and presumable debt) between MacIntyre's pairing of Burke and Yeats and that of Conor Cruise O'Brien before him, emphasizing their shared Irishness. The title of O'Brien's biography of Burke, *The Great Melody* (Chicago: University of Chicago Press, 1992) is taken from a verse of Yeats' about the "four" Irishmen, Burke, Oliver Goldsmith, Jonathan Swift, and the Bishop of Cloyne:

> American colonies, Ireland, France, and India
> Harried, and Burke's great melody against it.

Also in the same poem:

> All [four] hated Whiggery? but what is Whiggery?
> A leveling, rancorous, rational sort of mind
> That never looked out of the eye of a saint
> Or out of a drunkard's eye.
>
> …
>
> What schooling had these four?
> They walked the roads
> Mimicking what they heard, as children mimic;
> They understood that wisdom comes of beggary

("The Seven Stages," *The Collected Poems of W.B. Yeats*. Rev. 2nd ed. Ed. Richard Finnernan. New York, NY: Scribner, 1996. 241-42.)

Among many other things, one can find in the others'-shoeing of looking from the eyes of saints, drunkards, and beggaring, Yeats pointing to the sympathy and humility that is so essential to Burke.

myth-making, uses conjuring tricks to transform this actual incoherence into a false coherence of national political imagination.[45]

One might split from MacIntyre depending on whether one thinks Burke is, with sorcery or not, moving us in a good direction or not. It is hard to object to effective rhetoric in service to ends we support. Regardless, his critique of Burke does make us ask, despite Burke's admirable actions on behalf of far-flung fellow humans, how we can get along with each other—and whether it is at all possible for an imperial relationship to provide an acceptable way of doing so. One of MacIntyre's bedrock commitments is that different forms of life *are* incommensurable. Because of the distinctiveness of forms of life as ways of ordering the world and providing systems of value and thought, different forms of life and their ways of valuing will always be to some extent incommensurable. In *After Virtue*, he writes that any "Enlightenment project" of "constructive valid arguments which will move from premises concerning human rights to conclusions about the authority of moral rules…[is] bound to fail, because of an ineradicable discrepancy between their shared conception of moral rules and precepts on the one hand and what was shared—despite much larger divergences—in their conception of human nature on the other."[46]

Now MacIntyre's commitments to the incommensurability of value and the "interminability of public arguments"[47] apply both to issues of agreement and harmony within societies and between them. Here the issue concerning us is the latter, about

[45] MacIntyre, "Poetry as Political Philosophy, 162: "Burke's images are thus designed to secure the allegiance of the imagination to certain conceptions of stable community and hierarchical order, as well as an antipathy to any kind of theoretical reflection apt to produce skepticism about the credentials of the established order."
[46] Alasdair MacIntyre, *After Virtue*. 2nd ed. Notre Dame, IN: University of Notre Dame Press, 1984, 52.
[47] MacIntyre, *After Virtue*, 8.

commensurability between the British and their far-off subjects. Jennifer Pitts accounts well for Burke's position on the failings of sympathy and moral obligation on the part of the English, and his attempts to "rouse the moral imagination and emotional indignation"[48] of the English and their "restricted moral community."[49] Burke writes that he must attempt to offer analogies "as a sort of middle term, by which India might be approximated to our understandings, and if possible to our feelings; in order to awaken something of sympathy for the unfortunate natives, of which I am afraid we are not perfectly susceptible, whilst we look at this very remote object through a false and cloudy medium." Objecting to attempts to accuse Burke of ethnocentrism, Pitts reads this passage as "tailoring his imagery to the limitations of his audience, not proposing Europe as the unique or privileged source of universal standards."[50] I agree, Burke is not asserting a privileged perspective "tout court," that the British viewpoint is somehow superior in an absolute sense. But Burke nonetheless recognizes that though we must try hard—at times, very hard—to transcend our particular viewpoint, A) we cannot escape the "false and cloudy medium" that separates us from others' experiences and, more fundamentally, and B) Because forms of life don't exist in the abstract, but only as unique individuals to a particular time and place, what it means to be a human being that is part of and a product of a form of life is that our viewpoint is, fundamentally, not capable of omniscience.

Thus Burke and MacIntyre, at least, share something on the issue of incommensurability, but they follow it to different places. MacIntyre finds a way to privilege a particular viewpoint (Aristotelian Thomism) because it is most capable of dealing with

[48] Pitts, *A Turn to Empire*, 71. Also see pp. 59-100 in general here.
[49] Pitts, op. cit., 65.
[50] Pitts, op. cit., 73.

incommensurability and encompassing its "rivals,"[51] while Burke arrives at an attitude of *epistemological humility*, a concept discussed above in Chapter 1, Section 2 on Hayek. This is not relativism, a lack of commitments, or squishier commitments; rather, like much of what Burke offers us, it is an *attitude* that comes into play. MacIntyre is on to something about Burke's activities in "the constitutive work [for politics] for the imagination";[52] the difference, I see, is that Burke is not doing something cynical, false, and ultimately harmful to political life, as MacIntyre would have it. Rather, he is trying to build a middle ground between, on one side:

A) The completely unmoored-from-existing-culture-and-history rationalist-Enlightenment politics of the French Revolution, with primary allegiance only to reason, ideals and progress.

And, on the other side,

B) What we might call the peculiarly British form of politics, based in the "English Constitution," a concept that serves as a cathexis for British collective identity, values, and institutions. Burke's use of the concept of the "English Constitution" is often what enables him to find (or to "construct") this middle ground—because it is constituted by a combination of actually-existing norms, history, and institutions as well as overriding values and principles.

Crucially, though, Burke is no "originalist" deriving current policy from unchanging inherited maxims. He is willing when necessary to assert the primacy of the "spirit" of the law over the "letter." In the "Letter to the Sheriffs," he takes issue with the proposed act allowing

[51] See Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry*. Notre Dame, IN: University of Notre Dame Press, 1992.
[52] MacIntyre, "Poetry as Political Philosophy," 161.

Britain to suspend habeas corpus, arrest Americans, and transport them to England for trial and sentencing. One of his objections is that Parliament dug up a vestigial law of Henry VIII's from the sixteenth century designed for entirely different circumstances, "before the existence or thought of any English colonies in America."[53] He takes this narrow-minded juridical politics to be offensive to the spirit of the English Constitution, with its "ancient, honest, juridical principles, and institutions of England."[54] Slightly later in the same "Letter to the Sheriffs," he continues his attack on "juridism":

> Lawyers, I know, cannot make the distinction, for which I contend; because they have their strict rule to go by. But legislators ought to do what lawyers cannot; for they have no other rules to bind them, but the great principles of reason and equity, and the general sense of mankind. These they are bound to obey and follow; and rather to enlarge and enlighten law by the liberality of legislative reason, than to fetter and bind their higher capacity by the narrow constructions of subordinate artificial justice.[55]

Strict rule-following and obedience to law is a trap of limited moral and political imagination. The trap will *not*, as some would have, lead to the defense of rights, the operations of sympathy and a respect for all "God's Creatures." The route to such ends lies through more intangible things, "the great principles of reason and equity, and the general sense of mankind." These can't be chartered into lists of Rights or mandated by acts of Parliament. A general sense of mankind, like common sense, requires deeper roots in a form of life.

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[53] Burke, "Letter to the Sheriffs," 141.
[54] Ibid.
[55] Burke, op. cit., 144. This antipathy to lawyers recurs in the *Reflections*, when he criticizes the French Assembly for containing too many lawyers, who don't know anything about politics. It also foreshadows—as he often does—Tocqueville's famous criticism of America for having too many lawyers with outsized influence. It is also worth noting that Burke's father was a solicitor and he himself began legal study, though he gave it up rather quickly. See, though, "Speech on Conciliation," 84-5, where he praises the widespread study of the law in America.

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5. Conclusion: A brief return of the baton to Wittgenstein

Uday Mehta, ploughing similar ground, rightly points out passages in Burke on the importance of sympathy for others and the relation to sympathy in its various forms and a critique of empire.[56] His metaphor of choice is that of the *alloy* and in its active verb form, *alloying*; that is, "the deployment of a moral imagination, which alloyed self-understanding and sympathy."[57] But the picture of Burke Mehta develops relies on a peculiar form of the concept of "psychology. " He writes of "Burke's commitment to the idea that political and moral theories were only as credible as the psychological account that undergirded them. The normative force of history and location stems from their psychological centrality to identity formation," or, "for Burke, history and place have the same psychological valence."[58] It is not clear what precisely Mehta means by "psychology" here, or why that is his term of choice, but it seems designed to set up a contrast between the given and the chosen. The force of the given—which comes from psychology (fixed nature), history (inheritance), and place (particularity) comes up against the force of the freely-chosen (which Mehta associates with will and reason). But emphasizing "psychology" here, as well as reifying the dichotomy between reason and the given, misses the real lesson we can take Burke and his forefathers Hume and Smith that rationality and psychology are inseparable in the Science of Man. And this is just as much the Wittgensteinian lesson I wish to weave into this story, about the ontological penetration of a form of life: it goes *all the way down*. There is no way to get outside it, to get in someone else's head. Wittgenstein says, "to imagine a language means to

[56] In Mehta, "Edmund Burke on Empire, Self-Understanding, and Sympathy," cited above.
[57] Mehta, op. cit., 156.
[58] Mehta, op. cit., 165.

imagine a form of life [*lebensform*]." We can't imagine some more perfect *lebensform* that allows us to transcend the finitude and particularity of our own.[59] Also: "*speaking* a language is part of an activity, or of a form of life."[60] Thought and action are inseparable from the given whole, the given order.[61] Political systems that fit this picture should be sought, and protected; and they should be altered when they do not fit.

[59] Ludwig Wittgenstein, *Philosophical Investigations*. 3rd ed., tr. G.E.M. Anscombe. Malden, MA: Blackwell, 2001. 19. Anscombe causes a pica of confusion by mostly translating *lebensform* as "life-form," but sometimes as "form of life." The former more closely replicates the German, and in its awkwardness is usefully agitating. But it is also a homonym for something quite different ("What sort of life-forms inhabit Mars?"). The latter, "form of life," also has a misleading homonym (as a synonym for "way of life," which picks out customs and habits specifically). I prefer "form of life". See also Bernard Williams, "Pluralism, Community, and Left Wittgensteinianism," in *In the Beginning Was the Deed*. Princeton: Princeton University Press, 2005.

[60] Wittgenstein, *Investigations*, 23.

[61] And in the classic formulation: "What has to be accepted, the given, is—so one could say—forms of life" (Wittgenstein, op. cit., 192).

CONCLUSION

"Humility"

I'd like to end with a brief summary of what I hope to have accomplished in this project, accompanied by a few notes on the implications of the form-of-life politics I have been hunting. This project has two mutually-reinforcing components: an argument about the history of political thought, especially Hume, Smith, and Burke, and an argument about political theory.

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The History

My reading of Hume aims to build a view of his political theory based, as it should be, on the third Book of the *Treatise*, rather than what has been more common, based on the first two Books of the *Treatise* or on the *Enquiry Concerning Human Understanding*. I draw particular attention to his accounts of the origins of society, of his concept of social artifice, of his concept of the "common point of view," and his idiosyncratic accounts of human nature and of the social contract.

With Smith, I offer an account of his political theory based principally in the moral and social psychology of the *Theory of Moral Sentiments*, rather than the traditional, and tempting, economics and political economy of *The Wealth of Nations*. In my view, Smith's account of those psychologies is unparalleled, at least in its capacity to illuminate the nature and nuance

of our interdependence, an interdependence that is thicker and runs deeper than we generally imagine.

And with Burke, I reject the idea that thinkers like him are not real philosophers. Insightful practical politicians, from ancients like Cicero or Seneca, to moderns like Lincoln and Churchill, must be allowed within the tent. Burke addresses explicitly, far more than Hume and Smith, the challenge of balancing a respect for the given with the necessary desire to aim beyond it. And he reinforces what he has to say about that balancing with his argument that we must aim beyond not only because the happiness and suffering of all people matter, but also because the actions we take on others affect our individual and collective selves and souls.

It is, I think, no accident that this trio were all born in eighteenth-century Britain (nor, perhaps, an accident that none were born in England itself). Modern political thought is sometimes said to begin with Machiavelli, sometimes with Hobbes or Locke, or Rousseau, among others. The historical beginnings of modern constitutional democracies with the American and French Revolutions gives the century a special force on our ensuing politics. Last, but not least, American political traditions only really began with the 76ers. As with literature, telling the earlier chapters of this American story requires that we look across the Atlantic.

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The Theory

First, the more general implications—which are not "universal" for precisely the contextualist reasons I've mentioned: I have framed the project as a middle ground between the familiar

realist and idealist alternatives, with a slight lean toward the realist half of that dichotomy. Human reason is an at-times awe-inspiring thing, as are the technology and power it creates. That power is real, but also seductive and potentially misleading. In my opinion, it is part of the reason why we have always and continue to underestimate the "value" of non-human forms of being. "What animal is capable of planting crops, building cities, and curing syphilis? None. So our souls must be of another order entirely!" From *Moby-Dick* to Jane Goodall and David Attenborough, we have more than enough good reasons to reassess our views on the lives and souls of animals. But, except on the margins, we do not. Why?

One lesson from this project I hope to offer is that the danger of hubris, of this "trap of idealism," as I called it, is not going anywhere. We can only attempt to be aware of the trap, and be vigilant, avoiding it wherever possible. This trap can affect whole nations, enabling them to convince themselves that they alone have certain answers. And the trap can also affect us as individuals, short-circuiting the impartial spectator that mitigates our egos. We *require* that other-regarding for even a modest social harmony, just as we require it if we are to get along with all the other nations on this planet.

In Chapter 1, Section 2, above, I mentioned Jeremy Waldron and his "principle of proximity" as an alternative to "the proposition that it is a good idea for people to form a political community exclusively with those they like, or those who are like them, or those who share with them some affinity or trust based on culture, language, religion, or ethnicity." In contrast, "the principle of proximity holds that states should be formed among those who (in Immanuel Kant's phrase) live 'unavoidably side by side.'…People should join in political community with those whom they are most likely to fight."[1] I understand Waldron's desire to

[1] Waldron, "The Principle of Proximity," 1.

draw attention to the fact that often the task of politics is managing conflict and difference, not sailing on the seas of similarity and harmony. And his point, that those with whom we most urgently need to find a way to get along with are those with whom we must unavoidably coexist in proximity, is well-taken.

But, in my view, saying that we should run *toward* the fires of conflict is a bit extreme. *Why* must Iraq's three regions remain in political community with each other? Why shouldn't the Kurds have their own state, so as to *avoid* much of the conflict that is the "unavoidable" part of their living side by side. The conflict between India and Pakistan since independence is terrible, but might it not have been worse if Gandhi, Nehru, and Jinnah had not made the decision to let the two peoples separate? I would urge that if we combine a more minimalist principle of proximity—say, simply, "those with whom we most urgently need to find a way to get along with are those with whom we must unavoidably coexist in proximity"—with the moral and social psychology developed in this dissertation, we get closer to the solutions we need. Proximity is not an unfortunate feature of political community, it is a necessary one: our moral sentiments are impaired when they must deal with "notional people," far off, that we've never met. *Scale* is crucial: prosperous nations are often drawn toward an increase in size, scale, and scope. But perhaps what we need, especially but not exclusively in a nation on the scale of the current United States, is to rein in those increases.

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The Policy

I am often asked what are the policy implications of the kind of politics I am advocating for. Deliberately, I wanted the body of the project to stand on its own, outside the stickiness and

divisiveness of contemporary policy debates. But I hope to explore in the future the connections between the argument here and policy, and it is worth pointing what lies in that direction. I would break my answers into two groups: first, the implications for human beings, politics, political theory, and political philosophy in general, and second, the implications for the United States in particular.

I believe that my project urges a more non-interventionist foreign policy than has prevailed in American politics beginning, at least, with the Cold War. The more humility we have about our capacity to execute our foreign policy aims, as well as about our capacity to know what changes are right for other countries, the more problematic our foreign policy from Vietnam to Iraq and Afghanistan look. Successful humanitarian interventions such as in the Balkans or Rwanda in the 1990s are not impossible, but they are rare. And there is no doubt that the cases of Postwar Germany, Japan, and South Korea are interesting and challenging counter-examples to this pattern. Still, I think that my form-of-life politics and my interpretations of Hume, Smith, and Burke are consistent with a more non-interventionist foreign policy—but Burke most of all. I do think that Burke has much to teach us about the problems of proactive foreign policy in general and empire in particular. I have never been convinced that talking about the post-war United States in terms of empire is useful, though reading Burke on empire can make one reconsider. Non-defensive foreign policy and the combination of military and economic endeavors are attractive both for realpolitik and idealist reasons. In the realpolitik version, national self-interest is the overriding end, and actions in its service are self-justifying. Melian might makes right. In the idealist version, we have a moral obligation to use whatever means and powers are at our disposal to right wrongs and improve the lives of other human beings, no matter where on Earth they live. I would argue that

neither of these stances is what we need. "Do no harm" would be closer to the right maxim than "Do good."

One of the more controversial opinions I have arrived at over the course of this project has to do with the size of states and the value of devolved, decentralized government. If we take seriously the views of the philosophers I have examined about the nature of sympathy, moral sentiment, Recognition, and mutual interdependence, it is not hard to see that those bands will be more effective and forceful when not stretched too thin. In the Introduction above I sketched a story about the changes in the American political system since its founding: more citizens, spread across a greater expanse of territory, and far more government functions, concentrated in the federal government rather than the states.

_____I think one of the reasons we generally take for granted the idea that our Union is a good and a necessity is that we are so used to it, and we have never known anything else. The legacy of the Civil War, with its mass slaughter and conflict that did not end in 1865, compounded by our reverence for Lincoln, whose moral virtue and princely prose make an alluring case for Union, is simply all that we have known and assumed for so long. But I imagine the two World Wars and the Cold War also contribute to the matter: without the power of a collective fist, might we have lost one, or all, of those wars? Perhaps, but a more limited union and cooperation on certain matters, like the military, are options available to us. And in a similar vein, we have operated on the assumption for about a century that we need the advantages of being able to project a greater, combined economic and military power across the world.

I would say that a more federalist arrangement (such as that with which our country began, or, more imperfectly, Europe adopted for its Union) is generally best, especially in a

country on the scale of America. Defenders of the Union and of an America that maintains its "responsibility" toward securing and improving the global order would object that oppressed and mistreated people need us: they need America in Afghanistan to defeat the evil Taliban, or need the Union to save people from slavery and other human rights violations. "What," they might ask, "would have happened to the slaves if Lincoln had let the Confederacy secede? What would have happened to Europe if we had not fought in the Cold and World Wars?" It is certainly a fair question. I would probably be more sanguine about the status quo in these matters if our track record of success were not so riddled with failures. And seeing Burke, a true patriot who ardently believed in the British form of life and the British nation, take such a strong position against the vices of empire crystallizes these views.

The (at least until recently, ever-growing) success of America in global politics, economic growth, and cultural influence would seem also to confirm that whatever it is we have been doing is good and should not be changed. But that attitude toward the way we have done things is the same as the crude Burkeanism and crude Wittgensteinianism I have criticized. Just because something has worked, even fantastically well and for a long time, doesn't mean that it doesn't need maintenance or change, or that the conditions which *made* it work cannot change. At the same time, we must proceed to any such changes cautiously, and not precipitously. Where possible, changes to institutions and new policies should be tested locally, in pilot programs. Humility may not be quite as exciting a political value as "freedom" or "equality," but it, too, must be a guiding principle.

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