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“Hume and America”

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[*E* references in text from David Hume, *Essays Moral, Political, and Literary* [1752],
ed. Eugene Miller. Indianapolis: Liberty Classics, 1985.]

Finally, before South Carolina seceded there were numerous secession movements in the mid-Atlantic states, urged by state and national leaders in order to form what was called a Central Confederacy. In some scenarios this confederacy would include such states as Maryland, New Jersey, Delaware, New York, Virginia, Kentucky, Tennessee, Ohio, Indiana, Pennsylvania, and Arkansas. It was argued that these states had common interests and moreover formed the moderate and conservative core of the Union. Isolating the fanaticism of both New England and the Deep South, a Central Confederacy could prevent war and provide a rallying point to which the disaffected states could, if they chose, eventually return.¹⁵ Even after the Confederacy was formed, Horace Greeley, editor of the Republican *New York Tribune*, could declare on 23 February 1861, “We have repeatedly said . . . that the great principle embodied by Jefferson in the Declaration of Independence, that governments derive their powers from the consent of the governed, is sound and just. . . . Whenever it shall be clear that the great body of Southern people have become conclusively alienated from the Union, and anxious to escape from it, we will do our best to forward their views.”

From the ratification of the Constitution until the Civil War, secession was a part of American political speech. That it could be so is due to widespread acceptance, in one form or another, of the compact theory. There were nods in the direction of the nationalist theory from the very beginning. Hamilton and Madison proposed nationalist constitutions at the Convention, but they were soundly defeated. The states were jealous of their sovereignty and were prepared to delegate to the central

¹⁵ William C. Wright, *Secession Movement in the Middle Atlantic States* (Cranbury, NJ: Farleigh Dickinson, 1994).

20 government only enumerated powers. Lincoln, in the light of a later emerging nationalism that was similar to the nationalisms that had been sweeping over Europe since the French Revolution, could say that the states had never been sovereign and that the constitution was not a compact. But this must be viewed as a Whiggish retrospective narrative legitimating a present policy in the pursuit of an imagined and wished-for constitution rather than an accurate description of the self-conception of the Founders themselves. For no counterfactual proposition about the founding is more certain than that if New York, Virginia, and Rhode Island (the three states that claimed the right of secession in their ordinances of ratification) had been told that they were not and had never been sovereign political societies and that once in the Union they could not withdraw, there would have been no Union.

30 There are then two narratives of the adventure of the American regime. One is a Lincolnian story of the unfolding of an organic nationalist founding, distracted from time to time by anarchical doctrines of state interposition, nullification, and secession. The other is a Jeffersonian story of the defeat of a dynamic democratic federalism of independent moral communities. The Lincolnian narrative is a nationalist story of political maturity and a passage through near anarchy. The Jeffersonian narrative is the story of the rejection of dynamic federalism in favor of increasing centralization, consolidation, and political ossification. Americans have told and continue to tell both stories about themselves, but it is the Lincolnian story that is most widely told. When we ask about the founding and the sources that influenced the founding, it is Lincoln's organic nationalist founding that guides the inquiry. It was some such presumption that enabled Douglass Adair to discover an image of the American regime in Hume's "Idea of a Perfect Commonwealth." I intend now to demonstrate that there is no such image.

40 The first thing to notice is that Hume's regime *is* a nationalist regime. It supposes a fairly homogeneous culture and even a national religion. Lincoln compared the states to counties in a consolidated nationalist regime. Likewise, Humean county republics are consolidated into a national political society. But this is not at all like the Constitution of 1789. That regime prohibited the establishment of a national religion. An established national church was a reserved right of the states, and Massachusetts maintained an established church until 1833. Furthermore, the doctrines of state interposition, nullification, and secession (doctrines that arose quite naturally in the American regime from the logic of the constitution as a compact) cannot arise in Hume's commonwealth. The county republics are entirely consolidated into a national political society.

Another difference between Hume's republic and the American counterpart has to do with the question of size and scale. Hume argued against the traditional view that republics had to be small. A republic could be larger than a city-state, but how much larger? Hume compares the ideal commonwealth to a country the size of Holland, Britain, or France. Hume's regime is extensive, but it is not an *empire* in the eighteenth-century sense of a government comprehending a vast territory that includes a number of political societies. The American regime *was* an empire, albeit republican and federal in form. In respect to scale, Hume's commonwealth resembles very much an American state such as Virginia or Massachusetts, but it does not at all resemble a federation of such states.

Hume's Conception of Macropolitical Order

There was, of course, an argument to be made for empire. It had been said that extended government over a vast territory, comprehending a number of political societies, reduces the amount of war in that territory, extends commerce, and provides better security from external threat. It is some such argument that sought to justify the project of "universal monarchy" in Europe as a rational and humane form of political order, a project that was said to have begun with Charlemagne and that was revived by Charles V, Philip II, and Louis XIV. In opposition to the theory of "universal monarchy," Hume argued that monarchical empires are conducive neither to peace nor stability: "Enormous monarchies are, probably, destructive to human nature; in their progress, in their continuance, and even in their downfall, which never can be very distant from their establishment" (*E*, 340-41).

But if monarchical empires are bad, empires constituted by republics or "free states" are even worse: "Though free governments have been commonly the most happy for those who partake of their freedom; yet are they the most ruinous and oppressive to their provinces" (*E*, 18-19). The reason is that (excepting a few friends or favorites) a monarch has an interest in treating his subjects equally. Consequently, he will tend to make no distinction among subjects "in his general laws." But "a free state necessarily makes a great distinction" between the conquered provinces and itself, "and will be sure to contrive matters, by restrictions on trade, and by taxes, so as to draw some private as well as public, advantage from [its] conquests." Hume observes that conquered provinces were treated better even under the worst of the Roman emperors than they were under the Roman Republic. Passing to modern times, he compares the oppressive treatment of Corsica when it was under the dominion of the republic of Genoa with the milder treatment it received after being conquered by the French monarchy. Closer to home is the oppression of

Ireland by the free state of Britain. The oppression of Ireland is especially remarkable because, “being in good measure, peopled from England,” one would expect it to receive “better treatment than that of a
80 conquered province” (*E*, 21). Hume would make the same point about the American colonies in the letters of the last decade of his life.¹⁶

But if empire, both monarchical and republican, is to be rejected, what, might we ask, is Hume's Vision of macropolitical order? An answer emerges if we compare the essay “Idea of a Perfect Commonwealth” with “Of the Rise and Progress of the Arts and Sciences,” “Of the Jealousy of Trade,” and “Of the Balance of Power.” The model that emerges is that of “a number of neighbouring and independent states, connected together by commerce and policy” (*E*, 119). This, of course, is quite different from the federated empire the Americans founded in 1789, since it is neither an empire nor a federation. Hume’s inspiration for this form of macropolitical order is the high level of culture attained in antiquity by the league of Greek city-states. And he observed that “Europe is at present a copy at large, of
90 what Greece was formerly a pattern in miniature” (*E*, 121).

What reasons are there for preferring this model of macropolitical association over monarchical or republican empire, or over a federation having a central authority? Hume’s answer stresses the matter of size and scale. The small size of the constituent states (“such limited territories”) provides a check to the growth of “both . . . *power* and *authority*” (*E*, 119-20). “Extended governments,” he says, “where a single person has great influence, soon become absolute; but small ones change naturally into commonwealths.” A large government is accustomed by degrees to tyranny because oppression against a part is not easily perceived by the whole, and even when the whole is oppressed, it “may, by a little art, be kept in obedience; while each part, ignorant of the resolutions of the rest, is afraid to begin any commotion or insurrection” (*E*, 119). In “a small government,” however, any act of oppression is immediately known
100 throughout the whole.

When Hume says that Europe is a copy of what Greece was in miniature, he is talking about the order or scale in which the states are disposed, not their political form or size. The analogy would be nearly complete if the states of Europe were all republics. But they are not; and although it is natural for small principalities to evolve into republics, it is not obvious that large European monarchies will or can evolve into republics. John Stewart has argued persuasively that Hume’s “Idea of a Perfect Commonwealth” was

¹⁶ Donald Livingston, “Hume, English Barbarism, and the American Crisis,” in *Scotland and America in the Age of Enlightenment*, ed. Richard Sher and Jeffrey Smitten (Princeton: Princeton University Press, 1990).

written to show that this could happen.¹⁷ Further, Hume argued that the republican idiom of liberty is immanent in most European states. Property and the rule of law are about as secure in the absolute monarchy of France as in republics (*E*, 94). Viewed in this way, Hume’s perfect commonwealth is a mirror in which an inarticulate republican mode of life, immanent in Europe, may come to recognize
110 itself. Finally, although Hume recognized the legitimacy of monarchy and even thought that under certain considerations Britain would be better off as an absolute monarchy than as a republic, on the level of speculation he was always a republican. Of the Europe of his time he writes, “It must be owned, that the situation of affairs in modern times, with regard to civil liberty, as well as equality of fortune, is not near so favourable, either to the propagation or happiness of mankind.” The reason is that “Europe is shared out mostly into great monarchies,” which impoverish the people by the splendor of their court and the expenditure necessary to maintain a large military force (*E*, 402-3). The small principalities, rather than evolving into republics, exhaust their people by emulating the greater princes. In opposition to this, Hume presents Holland and Switzerland, the only European countries which resemble the ancient republics and which, notwithstanding their limited resources, are flourishing in respect to both population and civil
120 liberty.

Hume’s speculative vision of macropolitical order in Europe is, then, based on the Greek model, where each city-state expands to become an extensive European republic. What is excluded is the unification of these republics under a central authority, as in the American regime.

The second reason Hume gives for preferring the Greek model is the limit it places on authority. Independent moral and political societies with distinctive ways of life, connected by trade and common cultural interests, provide a fertile soil for competition, emulation, and criticism. A single prejudice cannot sweep a vast territory but is checked by the prejudices of a neighboring competitive republic, so that “nothing but nature and reason, or what bears them a strong resemblance, can force its way through all obstacles and unite the most rival nations into an esteem and admiration of it” (*E*, 120). Here we have a
130 *moral argument* that the Greek model promotes not only liberty but the critical activity of “nature and reason” or “taste and reasoning” (*E*, 120).

Another component of Hume’s idealized Greek model of large-scale political order is free trade. Hume taught that economic integration does not require political integration, but it was largely the desire for economic integration that led to abandonment of the Articles of Confederation, and it has been largely

¹⁷ John Stewart, *Opinion and Reform in Hume’s Political Philosophy* (Princeton: Princeton University Press, 1992), 316.

through the commerce clause of the Constitution that the American regime has evolved into the highly centralized and consolidated empire it is today. In Hume's model, Europe is economically integrated through free trade, but is politically integrated only through its great compacts, such as the Treaty of Utrecht, the Treaty of Paris, and later the Congress of Vienna.

140 Hume was probably aware of alternative schemes of European order which did require a degree of centralized authority and political integration (and, accordingly, bore some remote resemblance to the American system), namely, the visions of a European commonwealth explored by Montesquieu and Fletcher.¹⁸ If so, he appears to have rejected them.

Some final reflections on the question of size are in order. Though Hume is prepared to argue that under modern conditions large republics are possible, there is still a strong moral presumption on behalf of small-scale political societies. In "Idea of a Perfect Commonwealth," he says that "a small commonwealth is the happiest government in the world within itself," but it lacks adequate means of defense, which a more extensive republic can remedy. It is perhaps significant that voting in Hume's commonwealth is by county, a system that bears some resemblance to Jefferson's system of ward republics. In addition, a moral argument for smallness derives from Hume's theory of moral sentiments.

150 The original source of belief and conduct for Hume is not reflection but inherited custom, which is always particular and parochial. In the case of morals, reason appears as the methodizing and correcting of these sentiments in the direction of a more extensive benevolence. Thus Humean cosmopolitanism not only emerges from a parochial source, it continues to bear a parochial imprint. There is a moral imperative, then, that political association will both protect provincial life and also provide institutions for its correction. The Greek model of macropolitical order, in providing a check on power and authority, does both, and it is in this light, I think, that we must read Hume's criticism of the British commercial empire of Pitt. By spiritualizing the empire with a Whig idiom, Pitt was able to give it a certain moral grandeur. Hume, however, focused attention on its tendency to centralize and consolidate wealth and power in the capital. "Enormous cities are, besides, destructive to society, beget vice and disorder of all kinds, starve

160 the remoter provinces, and even starve themselves by the prices to which they raise all provisions" (*E*,

¹⁸ See John Robertson's excellent discussion of these alternative schemes, "Universal Monarchy and the Liberties of Europe: David Hume's Critique of an English Whig Doctrine," in *Political Discourse in Early Modern Britain*, ed. Nicholas Phillipson and Quentin Skinner (Cambridge: Cambridge University Press, 1993).

401). Hume thought there were limits within the order of things that prevented a city from growing much beyond six or seven hundred thousand inhabitants (*E*, 447-48).

When the colonists resisted the trade policies of the British government, there were attempts by Americans and the “friends of America” in Britain (e.g., Burke, Isaac Barré, Pitt) to correct matters with schemes of imperial federalism that would place the dominions on a more equal footing. Hume was probably familiar with Franklin’s Albany Plan. All of these bore some remote resemblance to the later American regime in having a central authority with enumerated powers governing a number of political societies. Hume, however, rejected them in favor of secession of the colonies and complete independence. This was a radical position, and among the “friends of America,” Hume was the odd man out.

170 Nevertheless, his position is consistent with his speculations on macropolitical order.

To conclude, we may state that there is no image of the American regime, conceived either under the compact theory or the nationalist theory, to be found in Hume’s speculation about republican government and macropolitical order. Indeed, there is a presumption against it, insofar as it is incompatible with the vision of large-scale political order that Hume did defend, namely, the Greek model writ large as a European order of independent extensive republics integrated by free trade, cultural competition and emulation, and a policy of the balance of power.

Hume and the *Articles of Confederation*

180 Although there is no image of the American regime of 1789 to be found in Hume’s writings, there is a Humean image of macropolitical order to be found in American political experience. Each American state is a Humean extensive republic: the order of these states that most resembles Hume’s Greek model is the Continental Congress, and the constitution it framed styled the Articles of Confederation. Here political integration resembles the political integration Hume favored in the Greek model and in Europe: integration by compact between independent political societies. The Articles of Confederation are described in Article 3 as “a firm league of friendship” between states, each of which in Article 2 is said to retain “its Sovereignty, freedom, and independence.”

190 We are inclined to view the Continental Congress, retrospectively, from the point of view of Lincoln’s mid-nineteenth-century nationalism, as a *national* assembly. But the Congress was, in fact, a league of states as in the “Congress of Vienna.” John Adams wrote of Massachusetts as “our country” and of the Massachusetts delegation to Congress as “our embassy.” We are also inclined, in Whiggish fashion, to

view the Continental Congress and the Articles of Confederation as a failure and the constitution of 1789 as the only alternative to chaos. But just because the Articles were replaced does not mean that they were either a failure or a success. This can be determined only by a thoughtful examination of the merits and defects of the Confederation period that is free of the Whiggish presumption that the Constitution of 1787 was the result of historic fate.

200 Aside from fighting and concluding a victorious war with Britain, the greatest political achievement of the Continental Congress was the settlement of disputes over claims to western territory, something that the Constitution of 1789 would not be able to accomplish without a civil war. And it could do this because it worked with a rule requiring unanimity of the states. The small state of Maryland was able to hold up the ratification of the Articles for three and a half years until major concessions were made by the large land-holding states. With a veto on major changes in the constitutional order, each state is more likely to preserve itself as a distinct moral and political society. This is certainly in the spirit, if not exactly to the letter, of Hume's Greek model of large scale political association.

210 Finally, Hume's commonwealth is, in the language of the eighteenth century, a commonwealth of "preservation," whereas the regime of 1789 was a constitution of "increase." Hume argued that "extensive conquests . . . must be the ruin of every free government; and of the more perfect government sooner than of the imperfect" (*E*, 529). Hume's constitution imposes upon itself a law forbidding conquests, but he dryly adds that "republics have ambition as well as individuals" (*E*, 529). In fifty years the American regime, by conquest and purchase, would swell to some ten times its size. Territory would be acquired and disposed of, not by concurrent majority of the states as required by the Continental Congress, nor by a constitutional amendment requiring ratification of three-fourths of the states, but by a majority of Congress. This opened the door to rapid and destabilizing expansion. The Louisiana Purchase led to a secession movement in New England in 1803 with the argument that acquisition of territory required a constitutional amendment. Each new increase spawned secession movements in sections threatened by the expansion. In 1844 John Quincy Adams and other New England leaders threatened secession over the annexation of Texas.

Secession and annexation are destabilizing in the same way. Secession is destabilizing in that it suddenly creates new majorities and new minorities, but so does annexation. And, as Hume observed, the more perfect a free state is, the more vulnerable it becomes to the disorder of rapidly shifting majorities.

220 It is an irony worthy of a Humean historian that the other North American British colony, namely, Canada, the peaceable kingdom to the north of the United States, began as a highly centralized regime under monarchy and has evolved into a decentralized regime in which secession can be peacefully explored as a serious political option. A Canadian Province may also nullify acts of the central government in the area of civil rights by virtue of the “notwithstanding” clause of the Canadian Constitution. This is the very power that Jefferson said was a right of an American State under the Constitution viewed in terms of the compact theory. In contrast the American regime launched in 1789 began as a highly decentralized federation of republics with a central government that had only enumerated powers and was no more than a speck on the political landscape. As the regime expanded and its wars multiplied, the central government grew in size, becoming in time the largest centralization of military and financial power in history. We cannot know what judgment Hume would have made of this, 230 for his thought was framed in a preindustrial age. But keeping his thought where it belongs in the eighteenth century, it is plausible to suggest that the man who defended the Greek model of macropolitical order, who proposed an extensive republic of preservation, who argued that republican empires were the worst sort of empires, and who argued for the secession of the American colonies and the dissolution of the mercantile empire spawned by the free state of Britain, would have taken very seriously the arguments of the anti-Federalists who opposed the constitution of 1787 on the ground that it would, in time, destroy the substantial moral communities of the states and lead to a consolidated republican empire worse in its tyranny than the British empire.

Indeed, Humean voices were heard in the debates over the Articles of Confederation. The small states 240 feared being swallowed up by the large states if Congress was conceived as representing individuals on a national scale. Ignoring the inescapable fact of the sovereignty of the states (as Hamilton and Wilson would perversely do at the Convention of 1787), Benjamin Franklin presented the union of Scotland with England as proof that the fears of the small states were unfounded. John Witherspoon of Edinburgh replied to this sophism that the British Union was an “incorporation” under monarchy and that no one in America was contemplating an association of that kind. He then went on to make Hume’s point that, on the scale of empire, the subjects of free states tend to be more oppressed than those of monarchy. A national Congress having authority over individuals would be just such an empire. “Every Colony,”

insisted Witherspoon, “is a distinct person.”¹⁹ Richard Henry Lee argued that the vast territory conquered by the republic of Virginia from Britain should be relinquished to the Confederation (as the small states had demanded) on the ground that Virginia could not both remain a republic and possess such extensive territory. This was just Hume’s argument that the extensive republic is one of preservation and must restrain itself from conquest.

We cannot therefore properly view Hume as a mythical Founding Father of the regime of 1789, whether conceived under the nationalist theory or the compact theory. There is, however, a Humean image to be found in the macropolitical order of the Continental Congress and its Articles of Confederation. That regime was dissolved by an act of secession when nine states decided to form a new union in violation of their own rule that the Union was perpetual and could not be changed without unanimous consent of the states. Whether this dissolution reflected a manifest failure of the Articles, as Federalists maintained, or was an act of hubris and ambition on the part of the commercial centers of the east coast to institute an American version of regulated trade on the model of the British empire, as the anti-Federalists said it was, is a question to ponder.²⁰ Nevertheless, the Articles of Confederation are the closest thing to a Humean legacy in the adventure of American constitutionalism.

¹⁹ Merrill Jensen. *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution 1774-1781* (Madison: The University of Wisconsin Press, 1963), 143, 162-69.

²⁰The so-called anti-Federalists, who were supporters of what I describe in chapters 13 and 14 as a federative polity as opposed to a unitary state, are casualties of American Whiggism. Their arguments against ratification of the proposed Constitution are worthy of respect and in some cases are retrospectively prophetic. See *The Complete Anti-Federalist*, ed. Herbert J. Storing, 7 vols. (Chicago: University of Chicago Press, 1981). The most powerful anti-Federalist speech is to be found in the essays by Brutus, 2: 358-452. See also Storing's essay, “What the Anti-Federalists Were For;” 1: 3-76. For an argument that the Union was not perpetual and was in fact dissolved by secession of nine states from The Articles of Confederation, see Kenneth M. Stamp, “The Concept of a Perpetual Union,” *Journal of American History* 65 (1978): 5-33.