Max Weber Programme Conference

"David Hume on Norms and Institutions"

San Domenico di Fiesole, Villa la Fonte, 17 April 2008

David Hume (Edinburgh, 1711–1776) was what we would now call a trans-disciplinary scholar, opening up his inquires to what later became distinct – and often too distinct - academic disciplines. The aim of the conference is to bring together leading international scholars, not so much to assess Hume's contributions, but rather to explain and discuss how some of his different insights have persisted, and still pose open questions in current research in Economics, Law, History, and Political and Social Sciences. The conference will briefly review David Hume's inquiry into the development and functioning of civil society, and it will concentrate on the role of Norms and Institutions as a recurrent theme from the Scottish Enlightenment to 21st Century research in the Social Sciences and Humanities.

Conference Programme

9.15   Welcome and Introduction
Ramon Marimon, Director of Max Weber Programme, EUI

Session I: 9.30-11.00
Chair: Wojciech Zaluski

9.30   *Imagination and the Self in the Science of Man*
Susan James, School of Philosophy, Birkbeck University of London

10.00   *Hume, Smith and the Science of Man*
Nicholas Phillipson, School of History, Classics and Archaeology, The University of Edinburgh

10.30   *Discussant*
Stephen Holmes, New York University School of Law

10.45   General Discussion of Session I

11.00   Coffee Break

Session II: 11.30-13.00
Chair: Rinku Lamba

11.30   *The Evolutionary Context of Hume's Political Economy*
Margaret Schabas, Department of Philosophy, University of British Columbia

12.00   *Cosmopolitanism and Hume's General Point of View*
Neil McArthur, Department of Philosophy, University of Manitoba

12.30   *Discussant*
Martin Van Gelderen, Department of History and Civilization, EUI

12.45   General Discussion of Session II

13.00   Lunch

Session III: 14.30-16.00
Chair: Ramon Marimon

14.30   *Hume on the Moral Obligation to Justice: the Argument of Treatise 3.2.2*
James Harris, Department of Philosophy, University of St Andrews

15.00   *Justice as Unintended Consequence*
Russell Hardin, Department of Politics, New York University

15.30   *Discussant*
Giovanni Sartor, Department of Law, EUI

15.45 General Discussion of Session III

16.00 End of Conference – Visit to Villa la Pietra, Home of NYU Florence, Tour and cocktail offered by NYU

Conference Speakers

Russell Hardin, Department of Politics, New York University

James Harris, Department of Philosophy, University of St Andrews

Susan James, School of Philosophy, Birkbeck University of London

Neil McArthur, Department of Philosophy, University of Manitoba

Nicholas Phillipson, School of History, Classics and Archaeology, The University of Edinburgh

Margaret Schabas, Department of Philosophy, University of British Columbia

Discussants

Stephen Holmes, New York University School of Law

Giovanni Sartor, Department of Law, EUI

Martin Van Gelderen, Department of History and Civilization, EUI

EUI Organizing Committee

Christine Chwaszcza, Professor, Political and Social Sciences Department, EUI

Ramon Marimon, Director of the Max Weber Programme and Professor, Economics Department, EUI

Giovanni Sartor, Marie Curie Professor, Law Department, EUI

Martin Van Gelderen, Professor, Department of History and Civilization, EUI

Wojciech Zaluski, Max Weber Fellow, EUI

Abstracts

Imagination and the Self in the Science of Man

Susan James, School of Philosophy, Birkbeck University of London

Hume is celebrated in the history of philosophy for his claim that reason is the slave of passion. However, by denying that reason can play its traditional role of directing and controlling our affects, he raises the question of how we do in fact modify our passionate impulses. In this presentation I'll situate Hume's discussion of these issues in a longer philosophical debate about the nature of reason and of passion, and consider how it shapes his conception of the science of man.

Hume, Smith and the Science of Man

Nicholas Phillipson, School of History, Classics and Archaeology, The University of Edinburgh

Much has been written about Hume as the architect of a Science of Man based on experimental principles. Rather less has been written about his relations with Smith and about Smith's role in developing this project. It will be suggested that the intellectual relations between two philosophers who became close friends is both more intimate and more subtle than is often realised. It is a relationship which raises questions about the nature of 'influence' in the history of philosophy.

The Evolutionary Context of Hume's Political Economy

Margaret Schabas, Department of Philosophy,University of British Columbia

David Hume's *Political Discourses* (1752) was immensely influential soon after it appeared and was arguably the most widely read set of essays on political economy of the mid-eighteenth century. What has not been sufficiently recognized, however, is the extent to which the essays were imbedded in a framework that could aptly be called evolutionary. Hume wrote the essays while also drafting his *Dialogue Concerning Natural Religion*, his *Natural History of Religion*, and his two *Enquiries*. But there is also reason to believe that he was already under the sway of French natural history, particularly the work of the Comte de Buffon who was himself a proto-evolutionist. Both Andrew Skinner and Paul B. Wood have promoted, independently, the view that natural history was a centralizing discourse for the Scottish enlightenment. I argue here that Hume's political economy exemplifies this line of interpretation and that he can be seen as embracing an evolutionary schema in his specific analyses of wealth, commerce, money, and population.

Cosmopolitanism and Hume's General Point of View

Neil McArthur, Department of Philosophy, University of Manitoba

Hume's general point of view has often been interpreted as something close to Kant's maxim of morality: a requirement that moral agents abstract away from the specifics of a given situation and judge impartially. I argue that this Kantian interpretation is not compatible with Hume's theory of the will, and that another one is available. I submit that Hume's general point of view implies a form of cosmopolitanism. On his theory, agents will be able to assume the general point of view only when they have had certain kinds of first-hand experiences – specifically, ones that put them in contact with people other than their family, friends and countrymen. Hume looks to social institutions to make it possible for people to have such encounters, and he commends those forms of government that foster them.

Hume on the Moral Obligation to Justice: the Argument of Treatise 3.2.2

James Harris, Department of Philosophy, University of St Andrews

I argue that Hume's account of the moral obligation to justice in *Treatise 3.2.2* is best understood as leading to a rejection on Hume's part of the maxim that the virtue of an action lies in a motive different and distinct from the conviction that that action is what is morally required. By the end of 3.2.1 Hume has set up a puzzle: it appears to be *both* undeniable *and* unaccountable that we take there to be an obligation to respect rules regarding property. The question, then, is why we praise justice and blame injustice, when the usual basis of praise and blame, a non-moral motive, is not to be found. I put forward some proposals as to how to understand the answer given by Hume to this question in *Treatise 3.2.2*. I then address the concerns of those who believe that Hume could not dispense with the maxim without ceasing to be a virtue ethicist: I argue that in fact, when it comes to justice, Hume is not helpfully regarded as a virtue ethicist at all. I conclude by situating Hume's account of justice in the context of the project of replacing Hutchesonian moral sense theory with a sympathy-based theory of moral judgment, and shall suggest that seeing the matter in that context helps with the question of whether and to what extent Hume's moral philosophy is Epicurean in character.

Justice As Unintended Consequence

Russell Hardin, Department of Politics, New York University

One of the most neglected of all major legal philosophers is David Hume. His neglect as a specifically legal philosopher has followed from at least two unrelated causes. First, Hume's work on ethics and on political philosophy was widely opposed and even dismissed in his own time. Second, a generation or so after his death, the positive law tradition of Jeremy Bentham and John Austin took center-stage in legal philosophy and dominated the Anglo-Saxon tradition for more than a century thereafter. This latter phenomenon might not have occluded attention to Hume except that Bentham ([1789] 1970) and Austin ([1832] 1954) took over a continental and quasi Hobbesian principle that was not necessary for their approach but which came to define it in the view of many. That principle is that there must be a primary law giver who is above the law. Hume holds a completely contrary view, that the content of the law is, as a body, unintended. This view helps to make sense of the development of law over time. Hume (T3.2.6.6) repeatedly says such things as that the system of justice, "comprehending the interests of each individual, is of course advantageous to the public; tho' it be not intended for that purpose by the inventors." It is a social institution to be judged for its overall social benefits, but it is the product of individual contributions to its structure and content. It is also true that even the maintenance of the system depends on individual actions taken for reasons other than concern for the public or collective benefit (see further, Hardin, *David Hume: Moral and Political Theorist* [Oxford: Oxford University Press, 49]). This relationship is arguably the central issue in making Hume's political theory coherent and relatively complete and it would serve any legal theory that he might have devised equally well.