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A Treatise Of Human Nature

Being An Attempt to introduce the experimental Method of Reasoning Into
Moral Subjects

Of Morals - With An Appendix ; Wherein some Passages of the foregoing
Volumes are illustrated and explain'd

Hume, David

London, 1740

Sect. XI. Of the laws of nations.

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PART *Marius*, whose titles were really the same as his, are treated as tyrants and usurpers. II. Time and custom give authority to all forms of government, and all successions of princes; and that power, which at first was founded only on injustice and violence, becomes in time legal and obligatory. Nor does the mind rest there; but returning back upon its footsteps, transfers to their predecessors and ancestors that right, which it naturally ascribes to the posterity, as being related together, and united in the imagination. The present *king of France* makes *Hugh Capet* a more lawful prince than *Cromwell*; as the establish'd liberty of the *Dutch* is no inconsiderable apology for their obstinate resistance to *Philip* the second.

Of justice
and in-
justice.

S E C T. XI.

Of the laws of nations.

SECT. XI. **W**HEN civil government has been establish'd over the greatest part of mankind, and different societies have been form'd contiguous to each other, there arises a new set of duties among the neighbouring states, suitable to the nature of that commerce, which they carry on with each other.

other. Political writers tell us, that in every kind of intercourse, a body politic is to be consider'd as one person; and indeed this assertion is so far just, that different nations, as well as private persons, require mutual assistance; at the same time that their selfishness and ambition are perpetual sources of war and discord. But tho' nations in this particular resemble individuals, yet as they are very different in other respects, no wonder they regulate themselves by different maxims, and give rise to a new set of rules, which we call *the laws of nations*. Under this head we may comprize the sacredness of the persons of ambassadors, the declaration of war, the abstaining from poison'd arms, with other duties of that kind, which are evidently calculated for the commerce, that is peculiar to different societies.

BUT tho' these rules be super-added to the laws of nature, the former do not entirely abolish the latter; and one may safely affirm, that the three fundamental rules of justice, the stability of possession, its transference by consent, and the performance of promises, are duties of princes, as well as of subjects. The same interest produces the same effect in both cases. Where possession has no stability, there must be perpetual war.

S E C T.

XI.

Of the
laws of
nations.



PART war. Where property is not transferr'd by
 II. consent, there can be no commerce. Where
 Of justice promises are not observ'd, there can be no
 and inju- leagues nor alliances. The advantages,
 stice. therefore, of peace, commerce, and mutual
 succour, make us extend to different king-
 doms the same notions of justice, which
 take place among individuals.

THERE is a maxim very current in the world, which few politicians are willing to avow, but which has been authoriz'd by the practice of all ages, *that there is a system of morals calculated for princes, much more free than that which ought to govern private persons.* 'Tis evident this is not to be understood of the lesser *extent* of public duties and obligations; nor will any one be so extravagant as to assert, that the most solemn treaties ought to have no force among princes. For as princes do actually form treaties among themselves, they must propose some advantage from the execution of them; and the prospect of such advantage for the future must engage them to perform their part, and must establish that law of nature. The meaning, therefore, of this political maxim is, that tho' the morality of princes has the same *extent*, yet it has not the same *force* as that of private persons, and

and may lawfully be transgress'd from a more trivial motive. However shocking such a proposition may appear to certain philosophers, 'twill be easy to defend it upon those principles, by which we have accounted for the origin of justice and equity.

SECT.

IX.

*Of the
laws of
nations.*

WHEN men have found by experience, that 'tis impossible to subsist without society, and that 'tis impossible to maintain society, while they give free course to their appetites; so urgent an interest quickly restrains their actions, and imposes an obligation to observe those rules, which we call *the laws of justice*. This obligation of interest rests not here; but by the necessary course of the passions and sentiments, gives rise to the moral obligation of duty; while we approve of such actions as tend to the peace of society, and disapprove of such as tend to its disturbance. The same *natural* obligation of interest takes place among independent kingdoms, and gives rise to the same *morality*; so that no one of ever so corrupt morals will approve of a prince, who voluntarily, and of his own accord, breaks his word, or violates any treaty. But here we may observe, that tho' the intercourse of different states be advantageous, and even sometimes necessary, yet it is not so necessary nor advantageous as that

that



PART that among individuals, without which 'tis
 II. utterly impossible for human nature ever to
 subſiſt. Since, therefore, the *natural* obli-
 gation to juſtice, among different ſtates, is
 not ſo ſtrong as among individuals, the *mo-*
ral obligation, which ariſes from it, muſt
 partake of its weakneſs; and we muſt neceſ-
 ſarily give a greater indulgence to a prince
 or miniſter, who deceives another; than to
 a private gentleman, who breaks his word of
 honour.

*Of juſtice
 and inju-
 ſtice.*

SHOU'D it be aſk'd, *what proportion theſe
 two ſpecies of morality bear to each other?*
 I wou'd answer, that this is a queſtion, to
 which we can never give any precise answer;
 nor is it poſſible to reduce to numbers the
 proportion, which we ought to fix betwixt
 them. One may ſafely affirm, that this
 proportion finds itſelf, without any art or
 ſtudy of men; as we may obſerve on many
 other occaſions. The practice of the world
 goes farther in teaching us the degrees of our
 duty, than the moſt ſubtile philoſophy, which
 was ever yet invented. And this may ſerve
 as a convincing proof, that all men have an
 implicit notion of the foundation of thoſe
 moral rules concerning natural and civil ju-
 ſtice, and are ſenſible, that they ariſe merely
 from human conventions, and from the in-
 terest