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Dual minds : lessons from the French context of Hume's social theory

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abstract

Hume's theory of mind is often interpreted in associationist terms, portraying the mind as psychological and social. It is also argued that in his most famous philosophical works Hume has an irreligious agenda. These views are problematic because they overlook the issue of social obedience to political authority. By contrast, I examine the connections between Hume's works and those of Bayle and Montaigne. I argue that the French context of Hume's social theory sheds a new light on the dual mind. Indebted to a French Pyrrhonian heritage, Hume invokes custom as an explanatory concept in psychology and in the natural history of society. He also introduces religious analogies as he adopts a historical perspective in social and political theory. Along with custom, faith is crucial in his theory of government. The double nature of the mind thus corresponds to two distinct approaches: the customary mind engaging in profane, habitual activities; and the faithful mind participating in the sacred. Hume's analogy between society and secular religion is comparable to Durkheim's anthropology of rituals. Hume's affinity with Montaigne, Bayle, and Durkheim concerning to the duality of the mind, as customary and faithful, emphasises his role in the history of the French humanities.

1. introduction

On one prevailing understanding of Hume, he is an empiricist who tames scepticism with naturalism.¹ On another, developed by Russell (2016) and Buckle (2001), the *Treatise* and the first *Enquiry* reveal that Hume has an irreligious agenda. And on another, presented by Garfield (2019), Hume is a communitarian, for whom custom is the bedrock of all knowledge. Each of these interpretations is well supported, and they all point in a single direction: they suggest that the Humean mind is at once psychological and social.

Garfield has noted Hume's broad use of 'custom' in the *Treatise* and argues that Hume borrows the concept from British legal theory.² By contrast, I examine the conceptual threads that connect Hume's enquiries and dialogues to the works of Bayle and Montaigne, whose influence on the Scottish philosopher are not often appreciated in their full significance. Hume's debt to the two Frenchmen is recognized when it comes to his interest in Pyrrhonism (Stunkel 1998; Ribeiro 2009).³ But the three philosophers also share similar views of human nature: 1) that the passions are sanctioned in society through a punishment-reward system among peers; 2) that behaviour and moral distinctions derive from different sources, and that custom plays a fundamental role in both; and 3) that knowledge of history expands one's pool of experience.

In this paper I argue that the French context of Hume's social theory sheds a new light on the duality of the Humean mind. First, Hume's account of the social mind is presented as indebted to a French

Pyrrhonian heritage, especially in the use of custom as an explanatory concept in psychology and in the natural history of society. Both Montaigne and Bayle account for belief, behaviour, and reasoning by appeal to *habitude* and *coutume*. In addition, in their time, the notion of custom had a second, legal meaning, revealing its structuring power in society.

Second, since customs are incapable of stabilizing social order in the absence of a government inducing obedience, Bayle and Hume are compared in their explanation of the origin of obedience to political authority. Their answers suggest that besides customary submission, conscience and moral sentiments exert a lawlike power on the mind, which becomes entitled to judge or act righteously.

Third, we see that Hume introduces fiction and faith as a fuel for the moral sentiments inducing social obedience: the respect of moral, social, and political institutions partly depends on people's faith in secular fictions, such as ideas of uncorrupted governors and public good. Therefore, siding with De Dijn (2003) and Tegos (2020), I hold that Hume is irreligious only insofar as we detach his critique of belief systems from social interests. Like Montaigne, Hume understands religion as faith rather than as a system of theological truths, and he holds that civil rituals and secular religion are fundamental for social harmony. Along with custom, faith plays a crucial role in Hume's theory of government. From this angle, the double nature of the mind corresponds to two different approaches: the customary mind engaging in profane, habitual activities; and the faithful mind participating in the sacred.

Lastly Hume's use of religiously connoted vocabulary is highlighted when referring to laws, contracts, property, rights, and duties, in his natural history of society. His analogy between society and secular religion is compared to Durkheim's anthropology of rituals, where the distinction between profane and sacred is fundamental.

2. custom in Hume's French Pyrrhonian heritage

Hume was familiar with the works of many French figures in the intellectual landscape of his day (Jones 1982). He had access to the works of Montaigne and Bayle, which he could have read in French although most were available in English translation (Jones 1982: 28; Garfield 2019: 13, 21 n. 27; Harris 2016: 3–4; Harris 2015: 43).

In sixteenth-century France, the notion of legal custom represented an obstacle to the enforcement of the Roman law (Franklin 1963) and was associated with corruption in the court system.⁴ But besides this legal concept of custom (Garfield 2019: 35–46), there was a notion of custom in a broader, richer sense, whose history begins in the Nicomachean Ethics. Aristotle uses *éthos* and *héxis* in the context of character and virtue (2002: 792e). *Ethos* is a process of sociocultural habituation while *héxis* is an acquired disposition (Lockwood 2013: 22). *Ethos* and *héxis* both complement nature rather than replace or counteract it. In Montaigne, the two terms merge (*coutume* stands for both collective customs and individual habits), and *coutume* becomes a substitute for nature and reason (Dromelet and Piazza 2020). Hume adopts the Aristotelian distinction between custom and habit when he refers to habit as a quality of character (EPM 6.1) and custom as habituation by means of experience (T 1.3.13.10) or education (T 1.3.12.23).⁵ But he uses the terms synonymously when he explains the source of the idea of causation (EHU 5.5).⁶ And like Montaigne, Hume treats the power of custom and habit comparatively with the power of nature (T 1.3.5.6).

In the first book of his *Essays*, Montaigne describes habit (*coutume*) as ‘a violent and treacherous schoolteacher’, who stupefies the mind unremittingly, projecting moral illusions on shared practices and seducing people into thinking that behaviours are legitimate simply because they occur frequently (*Essays* 1.23: 121–139). Habit establishes our physical capabilities, skills and tastes, but it also imprints opinions upon our mind, regardless of how bizarre those opinions may be.⁷ Montaigne emphasizes the wide diversity of human cultures by recounting customs from around the world that would have shocked his local contemporaries. He explains that these habits and manners, shocking though they may be, constitute a sense of local community and are indispensable for order and peace.

Montaigne’s scepticism and relativism could lead to atheism or anarchy, but he bends them toward a form of conservatism: any sudden or violent change in the law can only harm a system of government.⁸ Political systems are powerful, but they would crumble if unsupported by a social body. If a set of customs cannot survive a change in social climate, it would be unwise to force people to adhere to old ways in the name of reason. Accordingly, it would be unwise to impose new rules that disrupt old routines in the name of reason. ‘Human reason is a dye spread more or less equally through all the opinions and all the manners of us humans, which are infinite in matter and infinite in diversity’ (*Essays* 1.23: 126). Reason stems from custom and habit, rather than the other way around. Montaigne’s conservatism is thus opposed to the ‘self-love and arrogance’ of political innovators who have too high esteem for their own personal opinions (*Essays* 1.23: 135) and too little respect for the habits and manners that people adopt in the face of the vicissitudes of life.⁹

According to Montaigne, the human mind is formed and developed in and by habit.¹⁰ There is no state of nature, even in principle, from which we could escape our habituated, second nature.¹¹ These features of Montaigne’s view of human nature will sound familiar to readers of Hume. After the *Treatise*, Hume increasingly treats nature and custom as integrated. For example, in his account of justice, justice is at first an artificial virtue (T 3.2.1) that later becomes a social virtue (EPM 3/2). Hume’s evolution, from the naturalism of the *Treatise* to the historicism of his *essays* and *History of England*, reflects his struggle to understand habit and custom, which stand halfway between nature and history.

Hume adopts an unmistakably historical perspective in social and political theory. Yet his social and political theories are often interpreted in light of his account of the passions and sympathy.¹² Such interpretations preserve the consistency of Hume’s philosophy from the *Treatise* to his later works. But they overemphasize the functional aspect of social institutions, suggesting smooth mutual adjustment between social needs and political institutions. As Berry points out, social traditions are sticky (Berry 2019a: 81), resisting rapid political reforms. And political institutions are big and slow, unresponsive to abrupt cultural changes. The first two books of the *Treatise* cannot explain social inertia, especially given Hume’s critical position towards faith.

3. social obedience in bayle and hume: custom or sacred duty?

Hume’s associationist psychology does not last far beyond the *Treatise*. The shift in perspective in the second *Enquiry* poses a challenge for those who seek to understand Hume’s philosophical oeuvre using the system outlined in the first two books of the *Treatise*. From a naturalist perspective, sympathy and socially structured experience encourage social order by associating the passions with objective yet mind-dependent social realities (Coventry, Sager, and Seppäläinen 2019: 449).

However, the systematic allegiance to shared moral standards required for this association is not self-evident, because cohesion in political society does not rely exclusively on sympathy-based dynamics. Although moral character is tied to self-interest through the operations of sympathy, the law-enforcing institutions are not an obvious consequence of people's love of virtue. What, then, explains political authority and social obedience?

In the third book of the *Treatise* and in his later *Essays*, Hume addresses this question, which had been the backdrop of Bayle's discussions on morality and toleration. While Bayle and Hume sometimes resort to dissimilar concepts in their explanations, their answers share important resemblance when it comes to the nature of government, the divide between moral beliefs and behaviour, and the structure of the social mind. Their answers can be summarized as follows.

One possibility is that obedience to political authority derives from custom. For Hume, government is not the result of rational decisions based on the costs and benefits of social obedience – despite what contractarians and gametheorists might assume. From a historical perspective, government probably begins in conflict, when the people give leadership to the person who displays 'superiority of courage and of genius'; from then on, the leader 'enured [that is, accustomed] the people to submission' that ensures obedience even in peacetime (OG 5.6/39–40; Berry 2019b: 317).¹³ Most governments are established by 'artful and bold' people, by 'usurpation or conquest', 'without any pretence of fair consent or voluntary subjection of the people' (OC 12.9/471).¹⁴

Despite Bayle's affinity for the moral guidelines advertised in the Gospel, he also recognizes the utility of passions that Christian ethics usually condemns. The pursuit of pleasure, the thirst for power and glory, lust and jealousy: all these passions maintain the structure of domination that gives rise to conventions such as the respect of property, the observance of women's chastity and the promotion of monogamy (Brogi 2012: 87–94; Bayle 1685/1737: 16–17/271a–86a). From a Christian perspective, these natural passions are sinful, and indulging in them would theoretically generate vicious habits. But in his *Commentaire* Bayle suggests that a perfectly virtuous Christian government would not be sustainable:¹⁵ if Christian morality were to tame human instincts, people would lose their ability to defend themselves in cases of aggression; they would not accumulate capital, and there would be no political cohesion (Brogi 2012: 94). In the absence of the natural light, the enforcement of human laws is the means by which people become virtuous (Bayle 1683/1737: 162/104).

Hume's genealogy of domination, stemming from 'violence, sometimes false pretences', and his account of the pliability of the mind are strikingly similar to Bayle's. According to the latter, history reveals the dark instincts that are essential to the birth of society.¹⁶ For Bayle, humankind does not possess the cognitive capacity for establishing a government (Bayle 1685/1737: 17/281a). It is the passions that account for our ability to survive: they bind people together into a web of customs and dependence, while Providence maintains harmony (Labrousse 1964: 122). Yet, if social obedience is a custom resulting from violence and submission, the passions involved are as well likely to incite a revolution.

Another possibility is that obedience to political authority derives from the nature of conscience and moral sentiments. In Bayle's terms, morality pertains to a balance between mores and reason (*droite raison*). It is informed on the one hand by universal justice (or the natural law of conscience) and on the other by culture. Natural morality consists of fashionable maxims (derived from Epicurean and Christian ethics), such as ones recommending the search of pleasure and the avoidance of sorrow, the respect of parents, property, promises, and benefactors (Bayle 1679/1737: 259–60). To this list Bayle adds the sacred duty to follow one's conscience.¹⁷

While natural morality remains the same everywhere, cultures and sects (which are a reflected, revised version of natural morality) vary greatly. In any case, conscience always makes choices with regard to specific circumstances (Bourdin 2017: 333–4). Hence Bayle’s ‘conscience’ is similar to Hume’s sentiment of ‘humanity’ in that moral actions directly depend on them. Hume’s concept of humanity, like Bayle’s idea of conscience, has a double status as a universal feature of human nature and as a culturally-altered sentiment that motivates actions only when directed towards specific objects (Lemmens 2020: 38).

According to Hume, moral sentiments are of a ‘peculiar kind, which makes us praise or condemn’ (T 3.1.2.4). When it comes to morality, people are entitled to evaluate character, and their judgement has an impact on their sense of self (Coventry, Sager, and Seppäläinen 2019: 452–3). Yet moral behaviour is the outcome of experience and habit: sympathy contributes only so much to its improvement and moral reasoning has no direct effect on behaviour.

Bayle and Hume agree that people’s actions and beliefs do not align, and that the passions have the upper hand over reason (Bayle 1683/1737: 134–8/87–89; T 2.3.3.4). At the same time, both conceive of the principles of morals as secular and as originating in the passions and habits of human nature. They both entertain the idea that faith – if monitored so as to carefully avoid the excesses of idolatry, superstition, and enthusiasm – may induce people to behave morally (Bayle 1683/1737: 92/61, 157/101b; EHU 11.28; DNR 12).¹⁸

Conscience and moral sentiments are endowed with a law-like power that compels one to judge, act, or suspend judgment and action. Insofar as these sentiments arise under specific social circumstances, their effect can vary greatly from one situation to another, to the point that habitual responses will soon prove inadequate except if such responses have been established as social conventions or laws. Laws and habits are two types of power exerted on the social mind: laws are exogenous while habits are endogenous, even though the former are modelled on the latter. The authority of custom is implicit and natural, but its institutionalised form is explicit and artificial. Morality unfolds on two axes: horizontal (community) and vertical (society). Despite the self-regulation of the social body through custom and manners, only the authority of law provides the moral conventions that must be honoured and ensures that violations will be punished.

4. the dual, social, humean mind

The distinction between moral reasoning (belief) and moral behaviour (habit) in Hume’s theory reflects a duality within individuals, a duality that often goes unnoticed because of the integrative power of sympathy. The wheel of passions, thanks to sympathy and reflection, naturally attune socialised and socialising minds (Taylor 2015). At the same time, benevolence is that ‘particle of the dove, kneaded into our frame, along with the elements of the wolf and the serpent’ (EPM 9.4). The mixed nature of Humean minds entails that sympathy alone is insufficient for harmonious social interactions.

Our approval of benevolence is as natural and innate as our capacity to be dangerous. The need for law-enforcing institutions is obvious. What is less obvious is how those institutions gain authority and grant additional power to customs and manners. Given the shortcomings of human nature, how can moral, social, and political institutions be trusted? In the Treatise we read that ‘the infirmity of human nature’ is its propensity ‘in favour of what is contiguous above what is remote’. This feature

of mind is universal. Justice being a remote good compared to instant gratification, 'you are, therefore, naturally carried to commit acts of injustice as well as me.' (T 3.2.7.3).

Yet, despite the odds, Hume argues that there are a few people 'whom we call civil magistrates, kings and their ministers, our governors and rulers', who 'have an immediate interest in every execution of justice' (T 3.2.7.6). It is not clear how these few people overcome their nature and thereby address the universal infirmity of humankind. If we combine this passage with what Hume says about miracles and lies in EHU, we may conclude that the idea of 'people who are primarily interested in the execution of justice' is a fiction (8.8). And one could conclude that the concept of 'public good', invoked throughout Hume's work, is a fiction too.

Obedience to entities whose existence cannot be observed in nature amounts to a form of blind faith. After Hume's attacks against superstition and enthusiasm in the Treatise and EHU, it may thus be surprising to see a move in favour of faith in his later writings. Yet if we conclude that Hume is eventually introducing his notion of fiction into his theory of government, then we need not hold that institutions represent a 'superstitious "neurotic" mindset'; instead, institutions play an 'anxiety-soothing' role (Tegos 2020). The difference between secular and religious fictions is that the former are more attuned to human nature than the latter. For example, in the Dialogues religious fictions torment the 'religionist', who experiences feelings of inconsistency between his elevated beliefs and the ordinary course of his life: 'The usual course of men's conduct belies their words, and shows, that their assent in these matters is some unaccountable operation of the mind between disbelief and conviction, but approaching much nearer to the former than to the latter.' (DNR 12.15).

Similar observations were made by Montaigne and Bayle. Faithful believer, Montaigne also recognized this potential inconsistency between religious faith and reality. He emphasizes the difficulty of living up to moral demands that are too remote from the needs of human nature. In this respect Montaigne observes that 'within ourselves we are somehow double creatures, with the result that what we believe we do not believe, what we condemn we cannot get rid ourselves of.' (Essays 2.16/704). We find a similar tension in Bayle, who holds that people do not act on their moral principles (Bayle 1683/1737: 136/87, 176/113), but rather out of habit (Bayle 1683/1737: 144/93a), except when touched by grace and genuinely enjoy being virtuous (Bayle 1683/1737: 157/101b).

This duality of mind is almost invisible in Hume's writings because his moral theory is based on empirical observations of human nature as well as on the works of historians. The congruence between the expectations of social life and the passions of individuals allows for the possibility of a unified moral character, where benevolence and self-love unite (Lemmens 2020). Unlike the 'religionist', who experiences a disquieting incoherence between his conduct and beliefs, psychological and social needs are compatible in the secular, Humean mind.

On the one hand, we have the finite, idiosyncratic lives of individuals, 'abstract entirely from the thoughts and sentiments of others' (T 2.2.5.15). On the other, there is ideology riding atop social interactions. Sympathy is the basis of the emergence of ideology. And the authority of ideology permeates individuals by means of faith. Social order is secured when people believe in promises, justice, and property, and in potentially fictional ideas, like the public good and uncorrupted governors.

Pointing out this dual nature of the social mind brings out the role of faith in Hume's natural history of society, making him a forerunner of Durkheim's distinction between the profane and the sacred. Durkheim claims that in 'every age, man has been intensely aware of this duality' (Durkheim 1973: 150). In a discussion on 'The Dualism of Human Nature', Durkheim expresses his dissatisfaction with the way philosophers have been accounting for the turmoil in a man's chest. 'It is still true that at all

times man has been disquieted and malcontent. He has always felt that he is pulled apart, divided against himself' (Durkheim 1973: 155). Dichotomies such as body/soul, corporeal/rational, or sensitivity/reason are only multiple ways of designating the same tension; but reasonings based on such distinctions are simply missing the point: For Durkheim, the real issue is between profane and sacred, that is, between individuals and society (Durkheim 1973: 161). In the natural course of life, transient matters such as passions and habits represent the profane aspect of individuals who engage in multiple and potentially conflicting customs. By contrast, elevated principles of moral conduct reflect the sacredness of government and institutions, which grant special authority to certain customs by turning them into abiding laws, thereby ensuring the stability of a particular social order.

5. the sacred in Hume's natural history of society

In EHU Hume promotes history as a means of expanding one's pool of experience. '[H]istory informs us of nothing new or strange in this particular. Its chief use is only to discover the constant and universal principles of human nature, by showing men in all their varieties of circumstances and situations' (EHU 8.7). The historian has data for forming beliefs when testimony is lacking or cannot be trusted (EHU 10.21). Hume's use of history as a means for knowledge is consistent with Montaigne and Bayle. It complements Hume's 'science of man',¹⁹ giving rise to a 'psychological-cum-historical' approach to mind (Lemmens 2019: 169). This integration enables a comprehensive understanding of the mechanisms of social reality, such as symbols and rituals. One invariable principle of human life is that its sociality requires the adoption of specific customs. This need is salient when we notice the enforcement of such customs, through education and law enforcement (T 3.2.2.4, 3.2.11).

For Hume, as for his French predecessors, human nature regulates itself through conventions, such as property. However, as we saw in the previous section, Hume cannot account for the authority of institutions if we maintain his criticism against religious faith. In a 1755 letter, Hume refers to his fierce opposition to religion as his 'great Error' (Mazza 2018: 290). We must read well beyond Hume's *Treatise of Human Nature* if we are to confront and resolve the difficulty of justifying authority. Hume's philosophical journey starts by turning away from 'abstruse metaphysics' in order to build a proper 'science of man'. After developing a theory of the passions to ground his moral philosophy, Hume addresses moral obligation and allegiance to government (T 3.2.5–11). But in debunking the mechanisms by which religious authority emerges, he has debunked those supporting the authority of social institutions as well, as suggested at the end of EHU (11.28). In EPM, Hume uses 'utility' to separate religious fictions from those mechanisms that support the moral, social, and political authority (3.38).

The strength of Hume's account of secular morality depends on utility. But his use of the notion of utility is not transparent. Human artefacts are useful because they are explicitly functional; so too are the laws of property and justice, which generate natural allegiance based on interest (T 3.2.9.2). But other artefacts are useful without being explicitly functional – such as ideology, religious or political faith. Hume notes that 'we often carry our maxims beyond those reasons, which first induc'd us to establish them'; so, 'in the case of allegiance our moral obligation of duty will not cease, even tho' the natural obligation of interest, which is its cause, has ceas'd'; as a result, 'men may be bound by conscience to submit to a tyrannical government' (T 3.2.9.3).

Next, Hume calls history in to witness. Hume claims that 'tis certain, that the concurrence of all those titles, original contract, long possession, present possession, succession, and positive laws, forms the strongest title to sovereignty, and is justly regarded as sacred and inviolable' (T 3.2.10.15). As Hume adopts a historical perspective, he invokes the sacred to justify the moral obligation of duty, which begins to look like faith. Hume thus re-appropriates faith as a component of social order. This last step in Hume's philosophical journey introduces the sacred as a necessary element of government.

The profane and the sacred constitute a central dichotomy in Durkheim's anthropology of rituals. Unlike Durkheim, Hume is not concerned about social dynamics per se, but rather about what they have to say about human nature. Hume's developmental social psychology reveals how the self intensifies in a social environment. Experience and imagination give rise to an associative self: emotions and lively ideas coalesce into a personal identity. Society introduces comparison, which give rise to passions whose object is the self. The presence of others thus shapes one's sense of self, as a desire for approval emerges along with feelings of obligation towards social institutions (Coventry, Sager, and Seppäläinen 2019: 452–3). The role of social institutions in the formation of the social self opens the door for religious concepts, analogies and comparisons. For example, in EPM Hume compares property with superstition (3.36–37). In his *History of England*, he describes both people's rights and supreme political power as sacred (48.43). In DNR, Hume explores how the existence of God could explain the natural motive behind moral duty (12). Religious vocabulary is absent in the first two books of the *Treatise*. But its emergence in the context of a social-historical perspective on human nature evokes Durkheim's anthropology of rituals.

In the *Elementary Forms of Religious Life* Durkheim equates God and society on the grounds that both arouse the same 'sensation of the divine'.²⁰ Custom and ritual are intrinsic to sociality: they shape group identity and introduce symbolic objects, such as totems or flags. This form of religion need not rely on scriptures or testimonies of miracles to awe. Instead, feelings and attitudes of belonging subtly permeate social practices, empowering individuals through joined enterprises, eventually raising duties and rights to the rank of the sacred. These feelings and attitudes are comparable to what the original Latin word *religio* stands for: 'a reference to powers which transcend the human and oblige man to worship', such as 'an oath, a promise, cultic observances' (Van Herck 2015: 179).

For Durkheim, rites involve sacred objects at the level of the community. But Hume appeals to religious mechanisms at the level of political society. At the same time, Durkheim's distinction between community and society reveals Humean traces. A community is a social group without institutions; it is characterized by 'mechanical solidarity', a horizontal model of social interactions where passions are directly monitored by means of punishment and reward (Durkheim 1893/2013: 57–84). This model is functionally analogous to Hume's moral psychology in the *Treatise*, where passions, sympathy, and custom are leading principles. Society is distinguished by the fact that it has institutions, the 'social organs' on which 'organic solidarity' emerges; on top of the horizontal model of the community, society has a vertical axis of relations between the individuals and the institutions (Durkheim 1893/2013: 88–103). This hierarchical structure of the political society is suggested in passages where Hume deploys religious vocabulary.

Being a 'Humean' does not require a systematic reformulation of Hume's natural history in associationist terms.²¹ Hume's historical perspective reveals his affinity with Montaigne, Bayle, and Durkheim, and the dual nature of the mind, as customary and faithful, emphasizes Hume's role in the history of the French humanities.

6. conclusion

Hume's project of justifying the authority of political and social obligation can be traced to Bayle and Montaigne. Bayle shares Hume's scepticism about the truth of religious dogmas, while questioning the legitimacy of natural law. For Bayle, faith in the natural light and grace grounds the authority of individual conscience. Montaigne shares this scepticism about laws and customs, while emphasizing the necessity of abiding by these same laws, including when they are corrupt, because the stability of the government has practical priority over private opinions.²²

Montaigne's religious faith is often overemphasised in order to highlight the radical nature of Hume's atheism as compared to the French (Schneewind 2005: 221–2). But Montaigne's faith complements his concern for the stability of political order. Montaigne sees the Catholic religion as bearing 'all signs of the highest justice and utility' especially because it does not rebel against government (Essays 1.23: 136). Montaigne's faith is fundamentally a matter of allegiance to the prevailing order for the sake of social unity (Legros 2016).²³ Hume's stance with respect to the authority of social institutions, political order, and public obedience is similar in its conformity and conservatism. Antisocial behaviour such as civil disobedience must be addressed in the same manner as the excesses of religion. Alongside Montaigne, Bayle, and Durkheim, Hume acknowledges the dual nature of the social mind, the priority of the social over the individual, as well as the synthesis of religious and social inclinations in the depths of human nature.

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notes

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2 The concept could have arrived in Hume's work through Butler (Wright 1995, 2017).

3 As an exception to this common tendency see Ryan (2019), who starts his paper on 'The French context of Hume's philosophy' with a report on Hume's adoption of the framework that Bayle develops around the notions of space and time (especially pp. 38–40).

4 In addition to siding with the opponents of the imposition of Imperial Roman Law in France, Montaigne vehemently criticises the fact that legal custom enables judges to treat laws like merchandise, buying verdicts for cash, dealing in lawsuits and creating a world in which only the rich and powerful can afford justice. *Essays* 1. 23, p. 132.

5 EPM = David Hume, *An Enquiry concerning the Principles of Morals*; T = David Hume, *A Treatise of Human Nature*.

6 EHU = David Hume, *An Enquiry concerning Human Understanding*.

7 'Where our judgments and beliefs are concerned, what can [habit] not do? Is there any opinion so bizarre . . . but in other opinions, are there any so strange that habit has not planted them and established them by laws, anywhere she likes, at her good pleasure?' (*Essays* 1.23/125). *Essays* = Micheal Eyquem de Montaigne, *The Complete Essays*.

8 Montaigne compares the 'polity' to a 'building made of diverse pieces interlocked together, joined in such a way that it is impossible to move one without the whole structure feeling it' (*Essays* 1.23: 134).

9 Hume agrees when he writes: 'Habits, more than reason, we find, in everything, to be the governing principle of mankind.' (Hume 1754–62/1983: v.50.7).

10 Quoting Cicero, Montaigne writes: 'Is it not a disgrace that the natural philosopher, that observer and tracker of Nature, should seek evidence of the truth from minds stupefied by habit!' (Essays 1.23: 125).

11 According to Berry (2019a: 76): 'All the Scots rejected the idea of the "state of nature" and its corollary, the idea of a original contract'. On the evolution of the concept of second nature from ancient philosophy to cognitive sciences, see Piazza (2018).

12 For a recent illustration of this kind of enterprise, see Queloz (2021: 71–88). For an alternative interpretation of Hume's genealogy of social and political institutions, see Demeter (2022: 3–23).

13 OG = David Hume, Essay V 'Of the Origin of Government'.

14 OC = David Hume, Essay XII 'Of the Original Contract'.

15 In his *Pensées Diverses* Bayle famously defends the possibility of a virtuous atheist society (Bayle 1683/1737: 133/86, 174/110).

16 Bayle argues that non-rational, non-moral phenomena, such as instincts, errors, unchecked passions, and unreasonable bias are indispensable to the world's diversity. He adds that if people were constrained to act exclusively based on clear and distinct ideas, civil society would be ruined altogether (Bayle 1685/1737: 16.9/278b).

17 On the divine authority of individual conscience, see Bayle (1686/1737: 2.10/437a).

18 DNR = David Hume, *Dialogues concerning Natural Religion*.

19 For a general perspective of the scientific context of Hume's *Treatise*, see Demeter 2017 and 2016.

20 'Is it not [that] the god and the society are one and the same? . . . Society in general, simply by its effect on men's minds, undoubtedly has all that is required to arouse the sensation of the divine.' (Durkheim 1912/1995: 208).

21 'The task for a Humean is to explain how we can ground the social world on individual associational processes. This places a burden on any Humean account of social ontology.' (Coventry, Sager, and Seppäläinen 2019: 446).

22 'The government of a community has no right to our thoughts, but everything else such as our actions, efforts, wealth and life itself should be lent to it for its service or even given up when the community's opinions so require' (Essays 1.23/133).

23 Montaigne's elusive concept of God reflects an overall sense of sacredness, which he recognises even among tribes of wild animals (Piazza 2014: 54 n. 21).