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Francis Hutcheson's Utilitarianism and Political Theory: Succession and Change from Locke

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要約

従来、ハチソンは、ロックの認識論・所有権論・社会契約論を継承したが、功利主義的立場に立つため、公共善による所有権侵害に歯止めがなく専制的とされる。本稿は、ハチソンが、非所有者を含まない自律的所有者による国家形成というロックの論理を破棄し、非所有者をそのまま所有主体でありかつ国家構成員として認めたために、ロックの自律的自由論による合意形式（自己決定という形式論理）ではなく、公共善認識に基づく主体的な合意形式へ転換せざるを得なくなったこと、および諸権利の調整原理として功利主義を入れたことを明らかにし、そこからハチソンの政治論の特質を読み解いた。最大多数の最大幸福とは、ハチソンにおいて、哲学的思考によって超越的に付与されるロック的な自律的所有者による社会形成論に代わって、異なる階級的利害を持つ国民が内面的な合意を国家に与える論理であった。ハチソンの服従の論理は、自己決定という社会契約論の形式的合意ではなく、権力の正しさへの内面的な合意であったため、ハチソンの国家は、ロック以上に、実質的な点ではるかに踏み込んで、権力に対する民主的な統制の論理を持っていた。しかしながら彼が国家の担い手とする働く民衆の認識は、社会全体のデザインに対して容易に到達しない。すなわち公共善認識への到達は困難であった。それゆえハチソンは、権力を安定化させるために伝統的な政治力学へと大きく踏み込んでいったのである。

1. Introduction

Francis Hutcheson seems to have played a very important role in the liberal tradition, especially from Locke to Hume, Smith, and Bentham. They formed their each philosophical theory through sever criticism of Hutcheson, with respect. It is the most famous that Smith criticized Hutcheson's utilitarianism as a moral standard¹⁾.

Similar estimation is given to Hutcheson by study on Locke. For example, Stephen Buckle said that Hutcheson does not refer to self-preservation, not like Locke, although Hutcheson inherited Locke's epistemology, his theory of property, and social contract. It ceases to be a fundamental right. Moreover, his justification of property depends entirely on its useful effects to mankind (Labour and Industry). Locke's main concern is to protect the individual state from the interferences of political power. Hutcheson's aim is to promote the general good. The doctrine of the benevolent moral theory 'champions the private judgment of benevolent individuals to such an extent that social rules become too readily defeasible'²⁾ by temporal despotism for the general good.

Buckle's remark on Hutcheson resonates with not only Smith's criticism but also contemporary criticism on utilitarianism. It is doubtful, however, that Hutcheson is more tolerant of despotism than Locke. Indeed Hutcheson eagerly tried to make political devices against despotism which tends to interfere with individual liberty. Hutcheson attitude to political power

was ambiguous.

Why was Hutcheson's political attitude ambiguous? What did his political theory wrestle with? Why did Hutcheson take on utilitarianism, inheriting Locke's social contract? The relationship between social contract theory and utilitarianism in Hutcheson has been an academic issue.

Satisfactory answer to our question is not given. Recently many focus their attention on Hutcheson's political thought from the point of civic humanism³⁾. Although these studies give us attractive and new knowledge, they do not explain the relation between social contract and utilitarianism in his political theory. Buckle, however, gives us very useful suggestion, that Hutcheson lacks Locke's important conception of self-preservation, which property is justified on. In considering the reason Hutcheson abandoned the self-preservation, this paper, firstly, explains how Hutcheson accepted and changed Locke's theory of property and civil society formed by social contract, and secondly, explores his social perception causing their differences. Lastly, the characteristics of his political theory are examined with the help of this perception and the differences between his theory and Locke's.

2. Self-governing individuals and social contract

Self-preservation for Locke is the preservation of individuals having property, meaning life, liberty and estate. A person with free will can choose to do what he likes regarding work, get the fruits of his labor, and become an autonomous proprietor. He enjoys self-governing liberty based upon independent estate. People who have such property gather together and make civil society by social contract. Of course, Locke notices it is only original society where everyone can be the autonomous proprietor by their labor. In civil society, however, non-proprietors having no independent property, have some chance of becoming independent proprietors by borrowing capital or by colonizing wasteland⁴⁾.

The lack of self-preservation in Hutcheson suggests that Hutcheson would change the theory to form the state of autonomous proprietors.

Locke's liberty in civil society is 'to be under no other legislative power, but established by consent'⁵⁾. One's obedience to laws that he consents to means self-obedience to his will. Trust in sovereignty is a logical result of self-governing liberty. However, the consent is not to each law or policy but to the whole of institutions. Locke approve the mixed government, the big estates, and the limited right to vote.

Hutcheson's civil liberty is 'the right of acting as one inclines within the bounds of the civil laws, as well as those of nature' (*System*, vol.2, p.281)⁶⁾. Laws are the 'natural and surest defense' (*System*, vol.2, p.281). At first glance, Hutcheson's liberty is similar to Locke's. The most important point in the former is, however, that obedience is given willingly, not that the reason for obedience is consent. He does not use the word consent in the definition of civil liberty. 'As one may be said to act freely when he follows willingly the direction of another, having a firm dependence on his superior wisdom and kind intentions; it may be justly said, that in the strictest polity, where there are very exact regulations of manners, and a constant discipline over all the people, there still remains to them abundant liberty' (*System*, vol.2, p.281-2). People voluntarily obey the law and political power, led by their moral sense.

Though Hutcheson's theory of politics depends not on self-preservation and self-governing liberty but on the general interest, we can not immediately say that Hutcheson's concerns about the protection of rights from infringements by the sovereign power is weaker than Locke. Hutcheson shares Locke's concern for the protection of natural rights, the right of resistance, the denial of the naturality of political rule, and the necessity of limitation to sovereign power. Moreover, his political system is more democratic than Locke's. Hutcheson criticizes the limitation on voting, and says 'the popular assemblies always desire the good of the whole as it is their own interest' (*System*, vol.2, p.257). He is very interested in political systems preventing abuses of power (*System*, vol.2, p.252). This is his basic view point when comparing the political systems.

He also uses the consent in order to limit political

power for the protection of rights. Human beings are imperfect and only God is perfect. Therefore superior wisdom or goodness can give 'no right to Men to govern others'⁷⁾ without their consent. Though a man of superior wisdom has better understanding about the general interest than the multitude, he is imperfect. Therefore it can not be assumed that he would not abuse power.

Thus, Hutcheson shares many concerns with Locke. However, Hutcheson replaces the general interest and the moral sense with the concepts of the self-preservation of the autonomous proprietors in his explanation of civil society and the political system.

3. Property

According to Locke, property is basically dependent on autonomous labour, especially the will which commands physical activities, therefore the fruits of labour which are produced by the wage workers belong to the capitalists who control the process of labour. Workers have to bear low wages. Labour-property, which is in Locke based on autonomous personality, is nothing more than administrative property. Moreover, wage-workers are outside the sphere of citizens forming civil society. They are potentially autonomous proprietors, because they could become managing proprietors if they borrowed capital or colonized wasteland not owned by anyone. Therefore, exclusion of wage-workers from citizenship does not contradict innate human equality or human preservation, because they could have a chance to be autonomous proprietors, if they want and do well.

On the other hand, in Hutcheson, labour property is based on the very fact that one works. He said like Locke that labour gives rise to 99% of production. Unlike Locke, he said, 'the labours of any person found in body and mind are of much more value than the bare simple food and clothing of a servant If any one therefore has incautiously insisted for no more in his contract; yet as the contract is plainly onerous, he has a right to have this inequality' (*Short* p.272)⁸⁾.

Even in capitalist - waged labourer relations he holds the labour of workers as well as working

capitalist, as the origin of productivity. An autonomous personality no longer plays any role in his distributive principles. Everyone who works should be secure in getting the fruits of his labour. The fruits of cooperative labour should be 'in joint property of all' workers, or divided among them (*Short*, p.161).

'Now nothing can so effectually excite men to constant patience and diligence in all sorts of useful industry, as the hopes of future wealth, ease, and pleasure to themselves, their offspring, and all who dear to them, and of some honour too to themselves on account of their ingenuity, and activity, and liberality. All these hopes are presented to men by securing to every one the fruits of his own labours.' (*System*, vol.1, p.321)

Property is one of most important perfect rights. Hutcheson justifies the right of property by natural sentiments and common interest; the former is that people would 'have a deep resentment of any objection given to' their 'natural desires and endeavours' (*System*, vol.1, p.320), and the latter is that 'as mankind is multiplied, the product of the earth, without great labour, is not sufficient to maintain one hundredth part of them' (*System*, vol.1, p.319). Everyone, even a wage-worker, has these natural feelings. Everyone feels he has a right to the security of the fruits of his labour. They voluntarily and strongly support the right of property.

Moreover, Hutcheson said 'that property, and that chiefly in lands' 'gives not any just right to power' (*System*, vol.2, p.245). This means denial of Locke's state of proprietors, especially landowners. The wagers are involved as the member of civil society who takes part in the social contract.

In Locke, the purpose of the state, human preservation, means the protection of property. Hutcheson abandons the idealized model of self-governing proprietor in Locke. He presents the greatest happiness of the greatest number, including the poor, instead of Lockean human preservation.

4. Utilitarian moral theory

In Locke's theory, self-preservation by a person is regarded as a natural desire and all of mankind is free

and equal as self-preserving person. As a result of this, 1) preservation of mankind, which is dictated by natural laws, is accepted through natural reason based on natural desires, and 2) property may be restricted from the viewpoint of human preservation. Hutcheson also approves individual natural desire as long as it functions as a part of the system. 'We think we have a right to gratify them, as soon as we form moral notions, until we discover some opposition between these lower ones, and some principle we naturally feel to be superior to them.' (*System*, vol.1, p.255).

Although both Locke and Hutcheson approve natural desire itself, when they are confronted with contradicting rights, Locke controls them through the idealized model of the self-governing proprietor, while Hutcheson brings forward those regulating principles such as benevolence and the general interest which are superior to the natural desire.

Hutcheson's theory of moral sense, in which people are inclined to benevolence, and his utilitarianism that is nothing but consequentialism, may contradict each other, as is often emphasized. However the human inclination to benevolence, which often remains a merely subjective feeling, would, on the other hand, inevitably lead people to evaluate to what degree their acts fit in with benevolence or the general interest. We cannot forget that the general interest, in Hutcheson's theory, can only be realized through conscious individual efforts towards it, that is, the individuals must clearly know whether, and how much, their acts contribute to the general interest. The consequentialistic judgment of utility is thus rooted back in benevolent motives.

What is specific to Hutcheson's utilitarianism is his effort to get the sum of the general interest through calculating utility. What his comparison of utility really aims to do is to reconcile contradictions among natural desires and the rights of the individual. He says 'our moral Sense, by a little Reflection upon the tendencies of actions, may adjust the Rights of Mankind' (*Inquiry*, p.265).

Although Hutcheson does not give us any concrete example of conflicting interests, there are

implicit evidences. He found certain contradictions in the distributive process when he appeals to the conscientious rich to give wageworkers their due share. He also says, 'Tis of great advantage in every form that the common farmers or husband-men have good tenures; not such as shall maintain them in sloth or afford servants to do all labour for them; but yet such as will yield a plentiful support to the laborious and industrious; that they may live happy, and have strength of body and mind for defence of themselves and their country against domestick tyrants or foreign invaders.' (*System*, vol.2, pp.259-260)

Here Hutcheson acknowledges the conflict between wageworkers and employers about wage and condition of labour. Moreover he protects small property of 'common farmers or husband-men' against big property of the nobles. And he criticizes mean and ambitious person.

In the global scheme of Hutcheson's theory people overcome conflicts of interests, because, by calculating utility, they reach a common recognition of the general interest, through which people voluntarily obey a political authority. In fact, as Hutcheson admits, there is some discordance between the general interest and the individual's ability to achieve it. To Hutcheson who follows final causes, such inharmonious recognition means that subjective individual efforts would not bring the general interest into reality, because there is an inability to appreciate exactly what is needed.

5. Social contract and political authority ruling people

People in natural society are not isolated but interdependent. They have the moral faculty to be benevolent and obey the dictate of natural law. Nevertheless, they think political power and positive law are needed, because they worry about the dangers of anarchy.

The main cause of anarchy is human weakness. 'The imperfections of those who in the main are just and good may require it' (civil polity) (*System*, vol.2, p.213). Although human morality is innately good, and people have the chance to know the natural laws by experience

and reflection, they are still 'a being too imperfect to comprehend the whole administration of this universe in all its parts' (*System*, vol.1, p.197). This imperfection sometimes causes differences in the opinions of good people, wrong conduct, and uncontrolled self-love, and results in despotism and violence. It is especially difficult for working people to get the universal knowledge.

'Tis well known how hard it is to make the vulgar quit their own customs for such as are far better in agriculture or mechanick arts. And how much more difficult must it be to obtain their concurrence in any great and noble designs of distant advantage to whole nations, when they cost much present labour and expence' (*System*, vol.2, p.214).

Therefore 'men of superior genius and penetration, and of more extensive views' are pointed out 'as to fit to direct the actions of the multitude for the general good, upon proper security given by them for their using faithfully the powers committed to them' (Ibid.)

Even here the necessity of social contract is obscure. The following sentences, however, point it out.

'As the grand inducements to constitute civil power were "the obtaining defence against the injuries to be feared from men, and promoting the general happiness by the concurring force of multitudes." These ends cannot be obtained unless great numbers are either brought to agree or unite in their inward sentiments and inclinations, or, if that be impossible, are brought to act as if they thus agree: for other ways the force of the whole body cannot be employed purposes. Now the latter sort of agreement or union may be obtained if a" multitude engages to submit their actions and force to be directed by one person or council, for the general interest, and particularly for compelling any who may thereafter prove disobedient, to return to his obedience to this person or council.' (*System*, vol.2, p.220)

In order that people voluntarily support the civil government, there should be some agreement in people's sentiments and inclinations. Nevertheless, their understanding about the general interest may not coincide. Reaching agreement would be difficult. If a man, who disagrees with the general interest, would not

obey the laws or the government, he should be forced to obey them. Moral sense however can not explain this forced obedience, because it is not voluntary. Therefore, this coercion has to be legitimized by earlier engagement. Disagreement about people's understanding of the general interest makes Hutcheson need the social contract. The social contract counteracts any defects in moral sense.

In the social contract theories of Locke and Rousseau, people can understand the natural laws or the common interest. Consent means that they logically decide political institution or laws by themselves. Their political systems are normatively led by self-governing liberty, though in Locke it was somewhat obscure. In Hutcheson's theory, people have some difficulty in understanding the general interest. He avoids explaining the political system as based upon self-governance. Instead, Hutcheson justifies mixed government as the best political system by comparison with general interests, such as wisdom, fidelity, expedition and secrecy.

Here Hutcheson calls for authoritarian regulation and real politics, which do not require any human inclination towards the general interest. He gives the state not only the right of education but also the censorial power, by which 'the manners of a people may be regulated', and 'luxury, voluptuous debauchery, and other private vices prevented or made infamous' (*System*, vol.2, p.265).

Liberty under the positive laws presupposes an inward obedience to the outward compulsory laws. However, neither self-determination nor self-interest gives us such a mental obedience.

'But when a state is in no present danger, it seems contrary to humanity and justice to make it a trap to its subjects, so as not to allow them, upon any rational prospect of advantage to themselves, to leave it, and unite themselves to any other body politick, provided that they sell their lands to some remaining subject, and make compensation for any advantages they derived from the state at its expence.' (*System*, vol.2, p. 230)

Those who pay taxes to the state are the ordinary people who do not receive any special advantage from

the state. If the state is not in danger, they should not be forced to remain within the state. Hutcheson comes to the conclusion that there is no way to obtain inward obedience to law and order other than the general public depending on the directions of the ruling people. As quoted on page 2(*System*, vol.2, pp. 281-282), he expect people to follow willingly the direction of another, having a firm dependence on his superior wisdom and kind intentions.

In reality, the general public relies on large estates, and they give their support to big landowners. Hutcheson acknowledges that property is the practical foundation of law and order. 'That property, and that chiefly in lands, is the natural foundation upon which power must rest; tho' it gives not any just right to power.' (*System* ii 245) Nevertheless, large estates are danger, because they must have too big political power.

The real foundation of the monarchy and the aristocracy is just such a huge accumulation of property. Therefore, Hutcheson argues the necessity of the proper distribution of property.

'Where there is property there numbers of men can be supported, and their assistance obtained as they can be rewarded for it: and where they cannot be supported and rewarded, their assistance is not to be expected. When power wants this foundation, the state must always be restless, fluctuating, and full of sedition, until either the power draws property to itself, or property obtains power.' (*Short*, pp.245-246)

The agrarian law, which excludes the unlimited possession of the wealth, is therefore required. However, 'without any such laws some mixed states are safe, provided the lords can sell their estates, and trade and manufactures flourish among the plebeians; and they have access to the places of greatest profit and power. By these means, without any law, wealth may be sufficiently diffused.' (*System*, vol.2, p.259)

Hutcheson's plan for the suitable division of property in a state has its principle not in the distributive justice but in the stability of a democratic polity. He does not think, however, the plan unconditionally needs to be based on a positive law, if the nobles sell and buy their lands and the domestic industry keeps on

growing. Working people, however, can not reach an understanding of the general interest. Hutcheson expects not people's intention towards the general interest, but their concern in power and patriotism, which are based on property.

Locke does criticize neither the aristocratic land ownership nor the political rights which are limited to landowners; although he thinks that the social evolution is carried out by the farmers and handicraftsmen. Hutcheson differs from Locke in being critical of the former, whilst sharing the latter view with Locke.

6. Conclusion

Locke and Hutcheson have the common concerns, such as the approval of the natural desires of the individual and the restriction of political power through the individual rights. Hutcheson seems to have strong sympathy with Locke's thinking. He denies, however, Locke's proposition of the idealized self-governing proprietor, and seeks to complete his own political theory, which integrates various social classes, including even non-proprietors, in a utilitarian way.

When it comes to the moral attitude of the subjects, the inward political obedience, in his theory, does not require any social contract; 1) conflicts of individual interests can be regulated by the calculation of utility, 2) the supreme morality, to which people are motivated and in which the state consists, lies in the agreement with the general interest.

In practice, Hutcheson can not find any firm popular agreement on the general interest. To him, consequently, the basis of political obedience consists not only in moral sense, but also in consent to the social contract theory and in the political reality, which has logically nothing to do with the general interest or the utilitarian norms. Even when they could be connected to the general interest, there would be no endorsement for common people to understand it. On the condition of partiality of human perception of the general interest, Hutcheson needs for political power to dictate people. He almost stands at the point of throwing away the final causes like Smith. The starting point of Smith and Bentham is the impossibility of moral theory that the

partiality of people's perception and that their interests can be connected to the general interest as the end of polity. This impossibility appears when Locke's preposition of the self-governmental individuals to form the civil society is abandoned.

NOTES

- 1) As to study on Hutcheson's moral theory, see Shoji Tanaka, *Adam Smith's Natural Jurisprudence*, 1988, V. M. Hope, *Virtue by Consensus; The Moral Philosophy of Hutcheson, Hume, and Adam Smith*, 1989, and so on. There are a lot of works on Hutcheson's moral theory related to Smith.
- 2) Stephen Buckle, *Natural Law and the Theory of Property: Grotius to Hume*, Oxford, 1991, p.300.
- 3) See also, D. Winch, *Adam Smith's Politics*, Cambridge, 1978 and I. Hont and M. Ignatieff(eds.), *Wealth and Virtue*, Cambridge, 1983.
- 4) See Kayoko Kondo, 'Locke's Civil Society and Colonial America: Limited Society and Unlimited Nature', in *The Bulletin of Japanese Society for British Philosophy*, vol.22, 1999.
- 5) John Locke, *Two Treatises of Government*, 1698, Peter Laslett ed., Cambridge, 1988, 2nd book and 22nd paragraph.
- 6) *System* means Francis Hutcheson, *A System of Moral Philosophy*, 1755, republished as *The Collected Works of Francis Hutcheson*, facsimile edition prepared by Bernhard Fabian, vol.5 and 6, 1990.
- 7) Francis Hutcheson, *An Inquiry into the Original of our Ideas of Beauty and Virtue*, 4th ed., 1738, republished in 1966, p.299.
- 8) Francis Hutcheson, *A Short Introduction to Moral Philosophy*, 1747, republished as *The Collected Works of Francis Hutcheson*, facsimile edition prepared by Bernhard Fabian, vol.4, 1990.