

ESSAYS ON THE PRINCIPLES
OF MORALITY AND NATURAL RELIGION

NATURAL LAW AND
ENLIGHTENMENT CLASSICS

Knud Haakonssen
General Editor



Henry Home, Lord Kames

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ENLIGHTENMENT CLASSICS

*Essays on the
Principles of Morality
and Natural Religion*

*Corrected and Improved, in a
Third Edition. Several Essays Added
Concerning the Proof of a Deity*

Henry Home, Lord Kames

Edited and with an Introduction by
Mary Catherine Moran

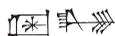
Major Works of Henry Home, Lord Kames



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INTRODUCTION

Lord Kames's *Essays on the Principles of Morality and Natural Religion* is at once a typical example of and an original contribution to the Scottish Enlightenment's distinctive attempt to construct a moral science based on the principles of natural law. From Gershom Carmichael in the 1690s to Thomas Reid and Adam Ferguson in the 1780s, the teaching and writing of moral philosophy in eighteenth-century Scotland drew upon a tradition of natural jurisprudence derived from Grotius, Pufendorf, and Locke.¹ If its contractarian account of the bases of government provided a suitably whiggish explanation for the emergence of civil society, natural law also offered insights into what Hutcheson called "mankind as a system," which was governed by the fundamental "law of sociality"² that entailed various

1. Francis Hutcheson, *A System of Moral Philosophy*, 2 vols. (London, 1755), vol. 2, bk. II, chap. 16, "Concerning the general Rights of Human Society, or Mankind as a System"; Adam Ferguson, *Principles of Moral and Political Science*, 2 vols. (Edinburgh, 1792; reprint, New York: AMS Press, 1973). Hutcheson's *System* was based on the written lectures that he developed as professor of moral philosophy at the University of Glasgow, while Ferguson's *Principles* is based on the moral philosophy lectures that he delivered at the University of Edinburgh. Carmichael's writings are now available in *Natural Rights on the Threshold of the Scottish Enlightenment, The Writings of Gershom Carmichael*, ed. James Moore and Michael Silverthorne (Indianapolis: Liberty Fund, 2002). On the significance of natural jurisprudence for Scottish Enlightenment theory, see Knud Haakonssen, *Natural Law and Moral Philosophy: From Grotius to the Scottish Enlightenment* (Cambridge, 1996); Istvan Hont, "The language of sociability and commerce: Samuel Pufendorf and the theoretical foundations of the 'four-stages theory'," in *The Languages of Political Theory in Early Modern Europe*, ed. Anthony Pagden (Cambridge, 1987), pp. 253–76; and James Moore and Michael Silverthorne, "Gershom Carmichael and the natural jurisprudence tradition in eighteenth-century Scotland," in *Virtue and Commerce*, pp. 73–87.

2. Samuel Pufendorf, *On the Duty of Man and Citizen*, ed. James Tully, trans. Michael Silverthorne (Cambridge: Cambridge University Press, 1991), p. 35.

rights and duties to God, to self, and to others. To this natural law framework of rights and duties ordained by providence but knowable through reason, the Scottish thinkers typically applied a new moral psychology which emphasized the role of the passions and sentiments. The attempt to synthesize an objectively grounded law with a subjectivist account of moral and social exchange had an enormous influence on the Enlightenment's science of man and society.

While his *Elements of Criticism* (1762) is a classic in the history of aesthetics and his *Sketches of the History of Man* (1774) part of the canon of Enlightenment historical sociology, Kames's *Essays* has received comparatively little attention.³ Yet it deserves to be read alongside Kames's better-known works as an important contribution to the Enlightenment's science of human nature. First published anonymously in 1751 and significantly revised in 1758 and 1779, the *Essays* represents an important contribution to eighteenth-century debate over the foundations of justice and morality and the challenges posed by the skepticism of David Hume. More broadly, in its concern to vindicate the veracity of our common moral intuitions and sense perceptions that are rooted in our very nature, the *Essays* helped found the Scottish Common Sense school. The *Essays* is Kames's most important philosophical work and sheds valuable light on his lifelong preoccupations. At the same time, the book raises issues of continuing importance—the foundations of morality, free will versus determinism, the nature of self and identity.

Kames's Life and Writings

Born at Eccles in the eastern borders borough of Berwickshire in 1696, Henry Home was the son of minor landed gentry with dual political (Whig and Jacobite) and religious (Presbyterian and Episcopalian) loyalties on both the maternal and paternal sides of the family. Because of the family's

3. Some thirty years ago, two Kames scholars asserted the significance of the *Essays*: see Arthur E. McGuinness, *Henry Home, Lord Kames* (New York: Twayne Publishers, 1970), esp. chap. 2; and Ian Simpson Ross, *Lord Kames and the Scotland of His Day* (Oxford: Clarendon Press, 1972), esp. chap. 6.

relative poverty, he was educated at home, where he studied Latin, Greek, mathematics, and physics under the tutelage of two nonjuring (and possibly Jacobite) Episcopalian clergymen.⁴ In 1712 Kames apprenticed himself to a “writer” (the Scottish term for solicitor) in Edinburgh, but within a few years changed course to prepare for a career as a barrister. He was admitted to the Faculty of Advocates in 1723. At some point during the 1730s, Kames abandoned his Jacobite sympathies to embrace the Whig principles that would help secure him the patronage first of the powerful third Duke of Argyll and then of the duke’s nephew John Stuart, Earl of Bute. In 1741 he inherited the Kames estate and married Agatha Drummond, who would inherit her family’s estate at Blair Drummond in Stirlingshire in 1766. He became “Lord Kames” when he was appointed to the Court of Sessions (Scotland’s highest civil court) in 1752; in 1763 he joined the High Court of the Justiciary (Scotland’s highest criminal court), a position he held until days before his death in December 1782.

Kames’s judicial career and writings on Scottish law have earned him a place in the annals of eighteenth-century legal history;⁵ the rest of his work has secured his position as the quintessential Enlightenment figure in Scotland, a practical man of affairs with significant achievements as a man of letters. In addition to a busy legal career, Kames sat on the boards of two governmental agencies, belonged to a number of the important clubs and societies, and served as patron to the generation of literati who are the high point of the Enlightenment in Scotland. Among those who benefited from his patronage were Adam Smith, whose public lectures at Edinburgh in 1748–1751 were sponsored by Kames,⁶ and Smith’s student John Millar, who lived at the Kames household for two years while qualifying as an advocate and who owed his chair in civil law at the University of Glasgow to Kames

4. A nonjuror was one who refused to swear an oath of loyalty to William and Mary or their successors.

5. One of his most far-reaching decisions was on literary property, in which he argued against the common law principle of perpetual copyright on the basis of public utility and benefit to society. See Trevor Ross, “Copyright and the Invention of Tradition,” *Eighteenth-Century Studies* 26 (Autumn 1992): 1–27.

6. See Adam Smith, *Lectures on Rhetoric and Belles Lettres*, ed. J. C. Bryce (Indianapolis: Liberty Fund, 1985).

and Smith. An avid reader with broad tastes, Kames relied on his Edinburgh publishers to keep him supplied with new material: “Can Lord Kames find no books either of Instruction or amusement to entertain him in the country?” he wrote to the bookseller William Creech in a typical appeal for more books; “Must he recur to a Second reading of his own books?”⁷ This would certainly have kept him occupied, for he had already published widely in law, philosophy, history, aesthetics, and agriculture.

While Kames addressed a remarkably wide variety of topics, from flax-husbandry to education (including female education),⁸ his publications are characterized by several recurrent themes. Not surprisingly, many are juridical in nature and are concerned with systematizing the principles and tracing the origins and development of law. In a series of legal digests beginning with *Remarkable Decisions of the Court of Session from 1716 to 1728* (1728),⁹ Kames devised a system of classification according to the application of specific rules of law, while *Historical Law-Tracts* (1758) was organized around the basic principle of philosophical history: taking law as part of the history of man, Kames accounted for its progress “from its first rudiments among savages, . . . to its highest improvements in civilized society.”¹⁰ “Improvement” was both a practical goal for law, education, agriculture, and other institutions, and a theoretical principle explaining the progress of man and society. Most notably, improvement was the organizing theme of *Sketches of the History of Man* (1774), which aimed at nothing less than a history of the human species, that is, of the gradual unfolding and improvement of the human faculties that he had accounted for in his *Essays*. Indeed, though there are significant differences between the historicism of *Sketches* and the natural law of *Essays*, Kames viewed both within the broader framework of a unified account of human nature based on the gen-

7. Kames to William Creech, 5 April 1775, Letters of Henry Home, Lord Kames, 1772–1776, “William Creech Letter Books,” Dalguise Muniments, Microfilm RH4/26/1, Scottish Record Office.

8. *Progress of Flax-Husbandry in Scotland* (1766); *Loose Hints on Education* (1781).

9. Followed by *The Decisions of the Court of Sessions from Its First Institution to the Present Time: Abridged and Digested under Proper Heads, in the Form of a Dictionary* (1741), *Remarkable Decisions of the Court of Sessions from the Year 1730 to 1752* (1766), and *Select Decisions of the Court of Sessions from the Year 1752 to the Year 1758* (1780).

10. Preface to *Historical Law-Tracts*, 2 vols. (Edinburgh, 1758), I:v.

eral laws and underlying principles governing the human no less than the natural world.

“The subject of these Essays is man,” Kames declared (p. 229), which subject involved a vindication of those principles that were at once the laws of our own nature and the laws of a universal system to which human nature belonged. To this end, the *Essays* is an attack on skepticism in both morality and epistemology. Part I concerns the principles and foundations of morality and justice, while Part II centers on questions of metaphysics and epistemology. No narrow specialist, Kames critically engaged theological rationalists, Lockean epistemology, Humean skepticism, and moral-sense theory and drew upon fields as diverse as medicine, theology, philosophy, aesthetics, and epistemology. In so doing, he addressed a number of interrelated themes, including moral sense, justice, selfhood and identity, the veracity of the senses, and the existence of the Deity. The result is to answer skepticism with a deistic defense of commonsense notions of morality and epistemology.

Morality and Justice

By far the lengthiest essay concerns “The Principles and Foundations of Morality” that are rooted in our very nature. In seeking to “restore morality to its original simplicity and authority” (p. 24), Kames criticizes both sides of the selfish versus social debate. Against the “selfish system”—the egoistic moral psychology associated with Hobbes and Mandeville—Kames supports Shaftesbury’s and Hutcheson’s argument that man is inherently social with a natural inclination toward benevolence. But while accepting a natural, perceptual moral faculty, he believed that something more than an instinctive orientation toward the good was required to make morality law-like. Using Butler’s notion that reflective conscience adjudicates between self-interest and benevolence, Kames argues that Hutcheson leaves too much to benevolence without adequate foundation for the duties necessary to justice. As Adam Smith put it, citing Kames as “an author of very great and original genius,” the *Essays* insist on “that remarkable distinction between justice and all other social virtues.”¹¹

11. Adam Smith, *The Theory of Moral Sentiments* (Indianapolis: Liberty Fund, 1982), p. 80.

As a central concept in natural law, justice figures prominently in the *Essays*. Justice is “that moral virtue which guards the persons, the property, and the reputation of individuals, and gives authority to promises and covenants” (p. 46). Not only is justice a primary virtue, the sense of justice (and of injustice) is one of the strongest inclinations in human nature. For Kames, one of the most troubling aspects of Humean skepticism is its denial of justice as a natural principle. In the *Treatise of Human Nature* (1739), Hume had undermined a basic premise of natural law by arguing that justice is an artificial, not a natural, virtue.¹² Hume did not mean that justice is unnatural or incompatible with human nature but rather that the sense of justice is not instinctive; justice arises from conventions that are themselves the products of complex social and historical relations. To Kames, this made justice too historically contingent to serve as an objective and authoritative arbiter of human conduct. Kames insisted that Hume’s conventionalist account of the origins of justice had got it backward: it is not society which gives rise to justice, but justice which gives rise to society. In the important Scottish divide between historicist and objectivist ideas of justice, this was forceful advocacy for the latter.

Liberty and Necessity

In December 1778, Kames wrote to his printer William Smellie to press for a new edition of the *Essays*:

I am informed from several hands that no subject at present employs more the thoughts and pens of the learned than that of Liberty and Necessity, which Dr. Priestley has revived and makes a great flourish about. Is not this then the proper time for the *Essays on Morality and Natural Religion*, in which Liberty and Necessity is handled with great precision? You have been calling for it for two years past; and I intimated to you some time

12. David Hume, *A Treatise of Human Nature* (1739; reprint, ed. David Fate Norton and Mary Beth Norton, Oxford: Oxford University Press, 2000), 3.2.1, pp. 307–11.

ago that I was ready, having laboured upon it all the last vacation. If you delay this opportunity, you may happen not to find another so proper.¹³

As Kames knew very well, not all contemporaries agreed that he had handled liberty and necessity “with great precision.” With the first edition of *Essays*, he entered the eighteenth-century version of a debate going back to the ancient Stoics: if the universe is governed by necessary laws, to what extent are human actions free? And Kames’s treatment of liberty and necessity was as singular in Scottish moral theory as that of justice and morality was mainstream. His attempt to reconcile moral agency with universal laws was so controversial that he narrowly escaped heresy charges before the Scottish presbytery; he “was scarcely warm in his judge’s seat when he became subject to attacks from the zealots in the Church of Scotland.”¹⁴

The essay on liberty and necessity views man as a necessary agent. Kames was committed to the doctrine that every part of the universe (both physical and moral) must be governed by the Deity in accordance with causal laws that are “fixed and immutable” (p. 120), but admitted that this involved “a labyrinth of doubts and difficulties” (p. 99). In the material world there is no contingency, all is governed by an omniscient and omnipotent Deity. In the human world, however, this lack of contingency “does not appear so clearly,” for “man is the actor here” and man is “endued with will, and he acts from choice” (p. 100). But if every action is directed by immutable laws and final causes, how can man act out of choice? In seeking to resolve the dilemma between determinism and free will, Kames hit upon a radical solution: the Deity had implanted a “deceitful feeling of liberty.”

However, if the feeling of liberty was delusive, how could a person be held accountable for actions that were not in fact free? Kames distinguished between the philosophical truth of final causes and the everyday truth (ultimately based on deception) that there is a distinction between “things

13. Kames to William Smellie, 4 December 1778. Fraser-Tytler of Aldourie Papers, NRAS 1073, Highland Council Archive. I am indebted to Richard Sher for sharing his transcription of this letter. William Creech was the Edinburgh partner of the Scottish-born, London-based bookseller (i.e., publisher) William Strahan. Dr. Priestley was Joseph Priestley (1733–1804).

14. Ian Simpson Ross, *Lord Kames and the Scotland of His Day* (Oxford: Clarendon Press, 1972), p. 152.

necessary and things contingent.” He offered this analogy: “the precise time and manner of each man’s death” is “determined by a train of preceding causes” but we do not act upon this principle; rather we behave as though the time of death were contingent, subject to actions such as “caution against accidents, due use of exercise, medicine, &c.”¹⁵ Likewise, though our actions are ultimately governed by final causes, we do and must behave as though they were subject to choice and contingency.

For many contemporaries it was a dangerous line of argument. Not surprisingly, some Scottish clergy reacted vehemently against depicting the Deity as a deceiver and claiming that denial of free will conformed to orthodox Calvinist predestinarianism. Kames’s unorthodox views inspired the opprobrium of George Anderson, an evangelical minister of the Church of Scotland who launched a campaign, not only against Kames but also against Hume. Writing to his friend Allan Ramsay in 1752, Hume informed him that “Anderson, the godly, spiteful, pious, splenetic, charitable, unrelenting, meek, persecuting, Christian, inhuman, peace-making, furious Anderson, is at present very hot in pursuit of Lord Kames.”¹⁶ In *An Estimate of the Profit and Loss of Religion, Personally and publicly stated: Illustrated with reference to Essays on Morality and Natural Religion* (1753), Anderson urged the Church of Scotland to excommunicate public teachers of atheism and infidelity, such as Kames and Hume. Another minister, John Bonar, entered the fray with a pamphlet addressed to the General Assembly of the Church of Scotland, in which he accused Kames of arguing that “since man is thus necessarily determined in all his actions, and can have nothing more than a deceitful feeling of liberty, [there] can be no sin or moral evil in the world.”¹⁷

Kames responded with a pamphlet (possibly coauthored by the mod-

15. *Essays*, 1st ed. (1751), pp. 184–85.

16. David Hume to Allan Ramsay, n.d., *The Letters of David Hume*, 2 vols., ed. J. Y. T. Greig (Oxford: Clarendon Press, 1932), I:224.

17. John Bonar, *An Analysis of the Moral and Religious Sentiments contained in the Writings of Sopho, and David Hume, Esq.: Addressed to the considerations of the Reverend and Honourable Members of the General Assembly of the Church of Scotland* (1755); quoted in Ian Simpson Ross, *Lord Kames and the Scotland of His Day* (Oxford: Clarendon Press, 1972), p. 154.

erate minister Hugh Blair) which he appended to the second and third editions of *Essays*. He managed to emerge relatively unscathed, the Moderate wing of the Church of Scotland voting against excommunication. Still, in the 1758 edition, Kames felt compelled to tone down his statements concerning the deceptive feeling of liberty. In the final edition of 1779, he removed the language of deceit altogether, though without abandoning the argument concerning necessary agency.

Since one of the issues at the heart of the controversy was that of moral agency, it should be noted that Kames also revised another essay that took up this theme. For the third edition, he not only expanded the essay on personal identity but also moved it to Part I, because of “its intimate connection with the moral system.” Kames was now concerned to argue—against Hume’s notion of a fluid and potentially discontinuous sense of self—that moral agency requires a sense of continuous selfhood: “The knowledge I have of my personal identity is what constitutes me a moral agent, accountable to God and to man for every action of my life. Were I kept ignorant of my personal identity, it would not be in my power to connect any of my past actions with myself. . . . It would answer no good purpose, to reward me for a benevolent act, or to punish me for a crime” (p. 128). Again, the underlying concern is to establish the prerequisites for justice and natural law.

Sense Perception as Common Sense

“Lord Kames’s mind,” wrote William Smellie with respect to the *Essays*, “was very much inclined to metaphysical disquisitions.”¹⁸ This metaphysical inclination found expression in Part II of *Essays*, where Kames examines a number of topics surrounding belief and perception in order to counter skepticism in epistemology and theology. The eight essays in this part have three main concerns: the basis of belief, the evidence of the senses, and the knowledge of the Deity. This part of the book is of particular interest as an

18. William Smellie, “The Life of Henry Home, Lord Kames,” in *Literary and Characteristical Lives* (1800; reprint, ed. Stephen Brown, Bristol: Thoemmes Press, 1997), p. 129.

early example of and contribution to the Common Sense philosophy that was developed more fully by Thomas Reid. On this understanding of human nature, there are certain self-evident principles that are universally held because we find them undeniable. These include the principle of causation (every effect must have a cause) and the tenet that qualities perceived by the senses must really exist outside the perceiving mind. Thus Kames, a determined determinist, takes aim at Hume's argument against causation. He also seeks to refute "the inveterate scepticism" of Berkeley, whose denial of "the reality of external objects, strikes at the root of the veracity of the senses" (p. 158). Though the evidence of the senses is sometimes deceptive in particular instances, the senses are basically trustworthy. Indeed, they could not be otherwise, for they have been designed by the Deity to suit the active purposes of man.

The *Essays* concludes with a lengthy essay on the existence of the Deity in which Kames pulls together the different strands of his argument to defend natural theology. He offers several proofs for the existence of the Deity, including arguments from causation and from design. Though skepticism is one of his targets, Kames also takes aim at rationalism. As a young man, he had initiated a correspondence with the rationalist theologian Samuel Clarke to query some of the arguments made in Clarke's *Discourse on the Being and Attributes of God*. Several decades later, Kames published his dissatisfaction with Clarke's rationalism in the final chapter of *Essays*. Kames objected to an approach in which evidence for the existence of the Deity depended on rational proofs intelligible only to the learned: "Is then our Maker known to none but to persons of great study and deep thinking?" (p. 317). Evidence of the Deity must be readily accessible to all people, not only philosophers and theologians, and Kames assured his readers that this was so for knowledge of the Deity depended on feeling and perception, more specifically, on the perception of causation. There was an undeniably egalitarian strain in the notion that the intuitive beliefs of the common man are more valid than the thought experiments of the skeptical philosopher.

In the third edition of his *Essays*, Kames makes several references to his other major contribution to the science of man, *Sketches of the History of Man* (1774). As a typical "conjectural history," *Sketches* accounts for the gradual improvement and refinement of the mind as man progresses

through the various stages from savage to civil society. At first glance, the two works might seem incompatible: where *Sketches* emphasizes a gradual improvement over time, *Essays* views human nature as static and unitary. Yet even in *Sketches*, Kames stopped short of a historicism which would view also justice and property as products of history rather than nature. Moreover, *Essays* does hint at a progressive view of human nature with the suggestion that the moral sense refines and improves over time (p. 64).¹⁹ For Kames, the natural history of the species was a gradual, providentially designed unfolding of faculties and inclinations implanted by nature. To understand the role and position of human beings within this larger and divinely ordered system was the goal of a science of human nature.

Note on the Text

The present edition is based on the third edition of 1779. However, all substantial variant readings in the first and second editions are added in the Appendix (pp. 237–64 below). Superscript roman numerals in the text refer to these variant readings.

19. For an argument which emphasizes the historicism of the *Essays*, see Ario Helo, “The historicity of morality: Necessity and necessary agents in the ethics of Lord Kames,” *History of European Ideas*, 27 (2001): 239–55.

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