Quentin Skinner once remarked that whenever a historian of ideas sets out to describe the ‘influence’ of author A upon author B he usually does so in order to understand the unknown by relating it to something familiar. In doing so he tends to obliterate fundamental shifts in the development of ideas. In Skinner’s polemic words:

“This whole repertoir of einfluss-studies in the history of ideas is based on nothing better than the capacity of the observer to foreshorten the past by filling it with his own reminiscences”.

In this respect tracing influences serves the same aim as the use of metaphors in scientific theories. Both tend to clarify things by simplifying them, both tend to reduce the unknown to that which is already known.

This may account for the fact that an inquiry into the relationship between Grotius and Hume is almost exclusively an affair of Hume-specialists. Students of Grotius have little to gain by linking Grotius to the Scottish Enlightenment: Scottish moral philosophy is not only generally less known, it is also more complex and more ambiguous than the logical deductive reasoning of continental jurisprudence. For them, a search for ‘influences’ in this direction would only complicate matters.

Hume-specialists however do gain by a comparison. By dealing with the Natural Law tradition (Grotius, Pufendorf, Locke) as an important source for Hume’s philosophy, Hume is represented as the culmination of that glorious tradition. The complex moral philosophy of Hume can be understood as a new version of the familiar Natural Law doctrine. So in Duncan Forbes’ analysis of Humean political theory, Grotius is represented as a ‘Natural Law forerunner’

* With thanks to Paul de Laat.
** Faculty of Law, State University Groningen.
1 Skinner, Quentin, Meaning and Understanding in the History of Ideas, in: History and Theory 8 (1969) p. 27.
and Hume is said to have provided us with a 'modern theory of natural law'.² His view is now generally adopted among Hume-scholars. Haakonssen refers to Hume’s theory as "(...) a secular and empirical conception of fundamental law (...)"³ and the Scottish Enlightenment is interpreted as a continuation of continental jurisprudence.

Although I do not share Skinner’s criticism that tracing influences necessarily leads to "a mythology of parochialism"⁴ (for it is difficult to imagine a theory which does not argue from the known to the unknown), there are cases in which tracing influences or metaphors tend to obscure rather than to clarify things. In this article I will argue that the interpretation of Hume as a legitimate heir of Grotius is an example of such a misleading simplification, I will show that Hume’s reading of Grotius reveals a fundamental shift with respect to exactly those ideas which were central to Grotius’ theory: the systematic treatment of natural law as the basis for justification. Instead, I will argue that if there is any continuity at all to be found in the relationship Grotius/Hume, it is in the gradual undermining of natural law thinking, not in its development. Hume’s reception of Grotius exemplifies a fundamental change in political theory, which may teach us something about the social and cultural changes that took place in the first half of the 18th century.

1. The origins of society

Before opening up wider perspectives, I will take a closer look at Hume’s own explicit statements about Grotius. Contrary to what one would expect in view of the interpretation of Grotius as Hume’s forerunner, Grotius is only rarely mentioned. The only important reference to Grotius appears in the third part of the Enquiries (An Enquiry concerning the Principles of Morals).⁵ Since this quotation is meant to give weight to a crucial passage in Hume’s theory, it is worthwhile paying some attention to it.

Here Hume is elaborating his idea that justice is only relevant within the framework of society. In Hume’s theory justice has no place in the ‘poetical fiction of the golden age’ nor in the miserable state of nature. Justice is useful only in ‘the common situation of human society’, which is the ‘medium amidst

² Forbes, Duncan, Hume’s Philosophical Politics, Cambridge 1975, Ch. I.
all these extremes', and under ordinary conditions, such as relative scarcity, limited benevolence and the like. Justice is therefore not 'natural', but 'artificial': it is a product of human invention and convention, designed to further general utility.

But what exactly is this 'human convention' out of which justice emerges? The paragraph in which Grotius appears is dedicated to that question. Hume makes clear that by convention he does not mean that there has been a 'voluntary choice' or expressed 'consent'. Neither should we think of 'promises' as the origin of justice, since promises can only be performed after the establishment of justice: it

"(...) is itself one of the most considerable parts of justice, and we are not surely bound to keep our word because we have given our word to keep it".7

Convention is something of a more indefinite nature. It is, Hume writes,

"a sense of common interest, which each man feels in his own breast, which he remarks in his fellows, and which carries him, in concurrence with others, into a general plan or system of action, which tends to public utility (...)."

Since Hume apparently has some difficulty explaining what this general plan is, and how it comes about that men have such feelings within the breast, he proceeds to give some clarifying examples:

"Thus, two men pull the oars of a boat by common convention for common interest, without any promise or contract: thus gold and silver are made the measure of exchange; thus speech and words and language are fixed by human convention and agreement."

The idea is fully consistent with Hume's adagium that justice can only function within a social context, but there is more to it than that. What Hume is puzzled about is, that the establishment of social institutions and customs seems to take place behind people's backs. One might say that Hume hesitantly tries to formulate the idea that social institutions refuse to be analyzed in terms of intentions of individual actors. Not surprisingly, the passage has been interpreted as the first theory of social development as a set of 'unintended consequences'.8 I will not enter here upon the difficulties pertaining to this

6 Enquiry, par. 149-151.
interpretation,9 but it is true that Hume’s problem is how justice (and language and other customs, for that matter) could be established. His question is a historical or, anachronistically speaking, a sociological one.

In this context the lengthy quotation of Grotius appears. Hume writes:

“This theory concerning the origin of property, and consequently of justice, is, in the main, the same with that hinted at and adopted by Grotius”.

and he quotes the entire paragraph 4 and the beginning of paragraph 5 of Bk II, Ch. II of the De jure belli ac pacis (“Of Things which belong to Man in Common”). Grotius depicts here the state of primitive men, dwelling in caves, and who owned the earth in common. Private property was established only later, when people “chose a more refined mode of life”, which resulted in a certain division of labor. The emergence of private ownership, Grotius writes,

“(. . .) happened not by a mere act of will, for one could not know that things another wished to have, in order to abstain from them – and besides several might desire the same thing – but rather by a kind of agreement, either expressed, as by a division, or implied, as by occupation.”10

It depends upon the interpretation of this passage whether one judges this reference as besides the point or not. Forbes seems to think that Hume was quite right in attributing his own idea of social development as a gradual process to Grotius:

“The compact which accompanies the origin of property in Grotius and Pufendorf is no more incompatible with an account in terms of social evolution than is Hume’s ‘conven-
tion’.”11

It is indeed easy to see that Grotius regarded occupation as the usual way of acquiring private property. The reason for this is given in Bk II, Ch. III:

“Formerly, when the human race could assemble, primary acquisition could take place also through division, as we have said; now it takes place only through occupation.”12


11 Forbes, op.cit., p. 28.

12 Grotius, op.cit., II, III, 1, p. 206.
Therefore the conclusion is justified that Grotius, like Hume, thought of the establishment of private property as not being accompanied by an expressed consent.

But does this imply that Grotius regarded justice as the outcome of a gradual social development in the Humean sense? Forbes asserts that this interpretation of Grotius "is not a forced or distorted interpretation". Forbes writes that for Grotius, as for Hume,

"government or 'civil society' is a purely human expedient which emerges with the development of society to meet human needs (...)." 13

There are three problems with this interpretation. The first – least important – one is that Grotius did not conceive of the origin of property as a tacit convention for reasons of principle. As the quotation above shows, his reasons were of a more practical kind. Expressed agreements are only possible when populations are small and people are able to assemble. Since nowadays people have multiplied to such an extent that assemblies are no longer possible, it is by occupation accompanied by tacit consent, that private property is acquired. But Hume's objections against the idea of expressed agreements are more fundamental than that. He writes that the origin of property and justice can never be founded on this kind of agreements, contracts or promises, since they suppose exactly what they are said to bring about.

A second problem is Hume's conflation of two separate issues. For Hume, the establishment of private property and the origins of justice are one and the same thing. He writes about "(...) the theory concerning the origin of property, and consequently of justice (...)." This is a consistent move within Hume's theory: justice is only relevant in a society in which there exists private property and which is dominated by a certain degree of scarcity of material goods to satisfy human needs. 14 Since justice is 'utterly senseless' without the constraints by which ordinary human society is marked, justice is established as soon as private property is born. Hume seems to impute this theory to Grotius and reads Grotius' story about the origins of private property as a story about the origins of justice.

The trouble of course here is that Hume cannot conceive of justice otherwise than as a set of positive laws. In the Treatise Hume had vehemently attacked the very idea that

"(...) there are eternal fitnesses and unfitnesses of things, which are the same to every rational being that considers them; (...)." 15

13 Forbes, op.cit., p. 28.
14 Hume, Enquiry, par. 149.
and he remained faithful to this criticism for the rest of his life. To any student of Grotius it must be evident that Hume is attacking here the very idea of natural law, as propounded by Grotius. For Grotius' formulation of international laws is for an important part based upon the assumption that there are universal and eternal laws, which are coeval with the human race. Their source is to be found in human nature and is not brought about by the establishment of society or private property. To Grotius it must have been absurd to ascribe the validity of these eternal laws to the consent of mankind, be it expressed or tacit.

A persistent defender of the continuity-thesis might object that although Grotius regarded natural justice as primordially valid, he yet allowed for the establishment of positive laws in the Humean sense. In order to defend the thesis that Hume's theory is a continuation of Grotius' doctrine, he might point out that the talk about 'eternal fitnesses' is only a part of Grotian theory: the least important part. And he might stress that the most important contribution of Grotius is his paving the way for a genuinely empirical treatment of morals by inquiring into human nature as the basis for the positive laws of political society. In fact, that is the kind of argument developed by Forbes and Haakonssen.

But even if we focus on Grotius' account of the establishment of positive laws, it is difficult to find evidence in Grotius for a proto-Humean theory. Although it is true that Grotius regards society as the outcome of man's natural instinct for sociability, the establishment of political society is not described as a gradual development of social institutions 'behind people's back'. Instead, Grotius emphasizes the fact that "the mother of municipal law is that obligation which arises from mutual consent" (just as the law of nations derives it obligatory nature from the mutual consent among nations).

This is not surprising, for Grotius needs the concept of mutual consent in order to provide municipal law (or, in the case of nations, international law) with obligatory force. In Prolegomena 15 Grotius asserts explicitly:

"( . . . ) since it is a rule of the law of nature to abide by pacts (for it was necessary that among men there be some method of obligating themselves one to another, and no other natural method can be imagined), out of this source the bodies of municipal law have arisen".

This obligatory force is of the utmost importance in Grotius' theory, for natural law should be binding on all men, irrespective of their belief in God.

16 Grotius, op.cit., Prolegomena 16.
2. Hume's attack on natural law

Hume's quotation of Grotius, although at first sight an unimportant and casual reference, is quite revealing on closer examination. Hume seems to have read Grotius as a historical account of how societies come into being. And indeed, those chapters in Hume's work which are dedicated to the question how justice and property historically originated are those which are most reminiscent of the traditional teachings of Grotius and Pufendorf. The social nature of man, a degree of long-term rationality, it is all there. Had these passages been the only ones which had been preserved, Hume certainly could have been interpreted as a -- not too original -- follower of Grotius and Pufendorf.

Fortunately however we are able to read the entire text, and an important part of it is dedicated to a critique of the rationalist account of natural law. In order to understand the relationship Hume/Grotius it is worthwhile paying some attention to his criticism. Hume advances three arguments against a rationalist theory of natural law.

1) The best-known argument is of course that 'ought-statements' cannot be derived from 'is-statements'. Therefore, observations concerning human nature do not automatically lead to assertions about desirable ends and moral prescriptions. According to Hume moral reasoning 'more geometrico' is particularly pernicious, since it presupposes that geometrical inferences are of the same ('is')-nature as moral inferences.

2) But apart from this epistemological argument, Hume raises empirical objections as well. Reason alone, he explains, is not capable to induce men to follow the rules of morality. In contradistinction to Grotius, who claims that people need to know right and wrong in order to act in conformity with the laws of nature, Hume asserts that reason alone is too inactive a principle to be the foundation of morals. Reason is inert and impotent without the help of passion and it is only the latter which induces man to act.

3) More important however is Hume's doubt about the central thesis of classical natural law doctrine, that there is 'a real right and wrong (...) independent of our judgments'. For Hume, morality consists in the moral distinctions people make. Therefore the central topic of the Enquiry is how

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17 Treatise, III, II, II; Enquiry par. 145-163.
18 Treatise, III, I, I, p. 469.
19 Enquiry, par. 240.
21 Grotius, op. cit., Prolegomena 2, 3.
people form moral judgments. To Hume there is no universally valid moral law: right and wrong is what people perceive to be right and wrong.

In the context of these three arguments against rationalist natural law doctrine, it is clear why Hume's agreement with Grotius is at best partial. Hume is mainly interested in how people arrive at moral distinctions. He investigates this topic in two directions. First, he analyses man's moral distinctions in terms of passions. In the Enquiry Hume emphasizes the natural sentiment of fellow-feeling and humanity as the motive for justice. Second, he investigates the structuring conditions for passions to be converted into moral distinctions. According to Hume these structuring conditions were to be found in the gradual development of social institutions. And in order to analyze this development he leaned heavily upon the accounts of Grotius and Pufendorf.

But in Hume's hands these accounts changed dramatically. For it had not been Grotius' aim merely to inquire into the origins of justice or property for their own sake. He wanted to trace these origins in order to justify existing relationships. His account served not only as a description, but as a justification. Hume on the other hand did not believe in higher principles and did not feel the need for justification. His story, although at first sight similar, is totally different from that of Grotius.

3. Historization

One may conclude that Hume differs from Grotius in two ways. First he supplanted the terms 'rights' and 'duties' by the concepts of 'feelings' and 'sentiments'. Second, his analysis of the development of society and its primary institutions was no longer linked to any attempt for justification but was carried out for its own sake. One might say that Hume's theory is a sentimentalization and a historization of Grotius' doctrine at the same time. At first sight this seems to be a rather sudden and dramatic change.

Yet, it is possible to reconstruct this change as the logical outcome of a continuous development. A development which can not be described as a story of ongoing modernization of Natural Law doctrine (as Forbes or Haakonssen would have it), but as a story of ongoing historization and sentimentalization of political thought. Within the scope of this article this story can best be told by considering the topic of private property, or more specifically, the legitimation of private ownership versus the rights of the poor.23

A rough and very global sketch of the gradual changes which took place in the attempts to justify private ownership must necessarily begin with Aquinas, who tried to reconcile private property with the traditional idea that God had given the world to mankind as communal property and in collective stewardship. In order to do so Aquinas discerned two so-called ‘competences’, the first of which is to be God’s trustees of the world, the second to distribute communal property. Aquinas defended the distribution of communal property by arguing that a person is “more concerned with the obtaining of what concerns himself alone”.24 Private property is legitimate since people tend to care better for their own property than for communal property. However, in times of scarcity, this second competence had to be suspended in order to prevent the poor from starvation. Aquinas argued that in those cases the needy had the right to “take what is necessary from another person’s goods, either openly or by stealth.”25

Grotius’ theory can be conceived of as a historization of Aquinas’ logical distinction of the two competences. In the passage quoted by Hume, we have seen that Grotius regards the distribution of the original communal property as a particular stage in the development of mankind, brought about by a steady increase of population and by the fact, that men were not content any longer with their primitive life and “chose a more refined mode of life”.26 The origin of private property is thus connected with a theory about the development of civilization. Yet, as I have shown above, the idea of contract remained indispensable in Grotian theory, for it served as the basis for obligation.

With respect to the problem whether private ownership is justified in times of extreme want and necessity, Grotius did not adopt Aquinas’ radical position. On the basis of the well-known distinction between ‘expletive justice’ and ‘distributive justice’, he distinguished between ‘perfect’ and ‘imperfect’ rights. The right of the poor to supply themselves with what was necessary for their survival, were thus regarded imperfect rights as opposed to the perfect rights of the owners. This logical distinction however, was not very consistent with Grotius’ historization of the two competences. In the words of Hont & Ignatieff:

“In order to provide for those without property, Grotius had to argue that in times of necessity history stopped, as it were, and the movement away from community of goods was reversed temporarily.”27

25 Aquinas, op. cit., Qu. 66, art. 7.
27 Hont & Ignatieff, op. cit., p. 29.
Pufendorf tried to remove this difficulty. His first step consists of – again – a historization. Pufendorf did not agree with Grotius that in some cases private property was established by expressed consent or compact and in order to attenuate the compact of Grotius, Pufendorf discerned two types of property. According to Pufendorf communal property first gradually developed into a situation in which individuals had ‘use-rights’, brought about by the investment of labor. The establishment of use-rights was not accompanied by expressed consent or compact. Only at a later stage, when population increased, these use-rights were converted into property-rights proper. It is only at this later stage that property-rights are established by compact or expressed consent.

Pufendorf’s second step consists of a sentimentalization. Instead of asserting a right (perfect or imperfect) on the part of the poor, he advocated an imperfect obligation on the part of the rich. He writes:

“Since ( . . ) every property owner may make a distinction between those who are in straits through circumstances, and those who are in such condition due to their own fault, it is quite clear that a property owner will have a right over his property even against a person who is in extreme necessity, to the extent, at least, of being able to decide whether such a person is or is not deserving of his pity ( . . ).”

The passage is telling and it is easy to agree with Hont & Ignatieff in their assertion that

“The implied nexus of relation between rich and poor shifted from the grounds of law to that of moral sentiment, benevolence on one side, gratitude on the other.”

It is not a big leap from Pufendorf’s pity to Hume’s natural sentiments of benevolence. Yet, Pufendorf’s theory was still a theory of justification. Speaking about property-rights proper, Pufendorf still allowed for an expressed consent, since this was needed in order to justify the resulting inequality.

Hume’s theory can be regarded as the next step in this development. Whereas Pufendorf had only withdrawn certain elements from justification (such as use-rights) in order to give a more ‘historical’ or ‘realistic’ account, Hume

28 To L. Besselink I owe the suggestion that Grotius allowed for use-rights as well, in particular in the De Jure Praedae. Hence, Pufendorf cannot be said to have invented the concept. On the other hand, Grotius does not refer explicitly to these rights in his account of the establishment of private property, as offered in the De Jure Belli.
30 Hont & Ignatieff, op.cit., p. 31.
consistently described the whole story about the origins of private property as a gradual development and did not even try to provide for a frame-work of justification. He emphasizes the ‘more refined mode of life’, praised the division of labor which had brought about luxury, a comfortable life, politeness and manners and was not concerned at all by the rights of the poor. In fact, Hume did not talk of ‘rights’ at all. Central to his theory is natural benevolence, the sentiment of ‘fellow-feeling’, which he claimed was innate in human beings, and which would take care of the needy poor. He did not even talk about ‘obligations’ on the part of the rich, for he assumed that benevolent charity was common to the whole of mankind.

The theoretical development from Aquinas to Hume can best be described in terms of the metaphor which was popular to anyone who concerned himself with private property and which was borrowed from Cicero: the metaphor of the theatre. Although the theatre is a public place, Cicero had argued, the seat which a man has taken can nevertheless be regarded as private property. Grotius quotes Cicero on this point, but must have been aware that the metaphor is wrong in suggesting that there are enough seats to satisfy all. For he asserts that this view of private property is only applicable to a primitive state of simplicity. In modern society, in which needs are abundant and materials scarce, the visitors of the theatre had to move up a little bit: those who are waiting outside also have a right (though ‘imperfect’) to watch the play. Pufendorf, fearing that the masses would break in, replies that those who occupy the seats have the right to determine to whom they yield. Hume’s theory finally merely describes how the theatre of human society gradually got filled with people taking a seat. Instead of taking into account those who have to wait outside, he is more interested in the play that is performed: a play in which polite men of letters converse with each other in comfortable and agreeable circumstances.

We might conclude that if there is a story of continuity at all, then it is not the story of modernization of natural law doctrine, but a story of ongoing historization and sentimentalization in which the concept of natural law was bound to loose its place. In this sense one might say that Grotius, by his first attempt to historize Aquinas’ philosophy, unintendedly paved the way for the end of his own theory.

4. In defense of modern society

Yet, the above-sketched development is not an automatic result of Grotius'
theory. It is only in England and Scotland that Grotius' attempt to depict a process of civilization was taken up and developed more fully into a genuine historical account of human society and social institutions. It is well-known that German thinkers such as Leibniz and Wolff pursued other elements of Grotius' natural law doctrine, and focussed upon the rationalist elements in Grotian theory, in particular his attempt to construct the principles of morality *more geometrico*.

Therefore it is worthwhile to inquire into the specific context within which a Humean historical theory of civilization could originate. How did it come about that the history of civilization was stressed, rather than the formulation of rights and duties?

Of course the social context of 18th century Britain can not be analyzed without taking into account the enormous and rapid development of commercial relations. Traditional social relations, which had been based on landed interests were gradually undermined by the rise of what was called the predominance of 'monied interests'. The foundation of the Bank of England, together with the establishment of a system of public credit, by which it was made possible to invest in the stability of the government, created a new class of creditors and speculators, who acquired influence on the political scene.

By the general public this development was regarded with suspicion. The new institutions seemed to produce a wealth which was "ephemeral, imaginary, even unnatural". The new financial upper class was represented as a band of parasites, having acquired their political influence by corruption. This view is not unlike today's concern about the stock-jobbing activities of the new yuppies, who dominate the New York Stock Exchange and engage in speculations that seem to have no relation at all to the productive capacity of industries. But whereas today this concern results in a plea for imitation of the Japanese economy (which is thought to be firmly based on real productivity), in 18th century Britain it gave rise to the ideology of 'civic humanism'.

Civic humanism was marked by a nostalgic longing for the ancient ideals of the virtuous citizen. It was a Ciceronian ideal of the austere independent citizen, who actively participates in the government of an agrarian and feudal society, who is not specialized and who has the right to bear arms in order to defend the public cause. The ideal was in all aspects the *reverse* of that new personality, now dominant in commercial society, which was characterized by division of labor. The new rich, lacking the leisure to engage in wars and

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unwilling to neglect their commercial activities, had delegated the right to bear arms to a standing army. Contrary to the Stoic ideal, they pursued a luxurious life, and set out to ‘polish the manners’.

Although civic humanism was an all pervasive and prevailing political ideology, a reaction on the part of the defenders of modern society was bound to come. Hume’s philosophy can be understood as a part of that reaction. The first step was to remove the civic humanist antithesis between ‘virtue’ and ‘corruption’. Bernard Mandeville, one of the most eloquent opponents of the dominant ideology, argued that the pursuit of luxury and the accumulation of wealth was not parasitic, but beneficial to society. Mandeville’s adagium that ‘publick benefits’ result from ‘private vices’ was meant to point out that the spending-capacity of the rich advances trade and manufacture and so augments the general standard of life. The vice of the rich are “the very Springs that turn the Wheels of Trade”, whereas “Bare Virtue can’t make Nations live”.34

Mandeville’s motto was one of the first formulations of the idea that society is not dependent on the moral character of its participants, but has its own dynamic.35 There is of course a relation between this Mandevillean idea and Hume’s formulation of the establishment of social institutions as a gradual process taking place ‘behind people’s backs’. Both originated within a context of growing wealth, both reflected the increasing complexity of social institutions.

It is not surprising that defenders of modern commercialized society such as Mandeville, Hume and later Adam Smith, once they had realized that social relations could no longer be analyzed solely in terms of individual intentions and actions, wanted to investigate the mechanisms that gave rise to this intricate network of modern society. Their emphasis on historical analysis and their criticism of abstract a-historical philosophy can be understood as an answer to those proponents of civic humanist ideology who still wanted to frame society according to the ideal of virtuous citizenship. Having discovered that moral dispositions of individual citizens seldom affect the development of society, they were no longer interested in abstract ideals or fixed standards of morality.

Instead, morality is assigned a more modest place, mainly in private life.

35 British commentators generally tend to think that Mandeville was the inventor of this idea. The idea was however familiar as well to Vico and Pascal and is particularly pervasive in the theory of the brothers De la Court, who emphasized the fact that the well-being of society doesn’t depend on the virtues of its leaders, but on the political mechanisms of society. See also the eminent account of Hirschmann, Albert O., The Passions and the Interests: Political Arguments for Capitalism before its Triumph, New Jersey 1977.
According to Hume, virtue consists in being useful and agreeable. His virtuous citizen no longer actively participates in political life, but is an agreeable fellow, witty and eloquent, who knows how to appreciate arts and letters and who is above all popular at the club. This kind of virtue is irrelevant to the development of society. The study of history, and not an inquiry into morality will further the understanding of society.

In this context famous histories such as the Decline and Fall of the Roman Empire by Gibbon and the History of England by Hume were written. But it is important to keep in mind that these investigations were not only carried out for their own sake. These histories were written in opposition to the prevailing civic humanist ideology. Gibbon's construction of the four stages in the history of mankind (hunters-shepherds-farmers-merchants) served a particular aim, which was to show the incomparable advantages of civilized society.36 The history of civilization showed that compared to modern man who could enjoy the products brought about by the division of labor, the citizen of antiquity, so much celebrated in the civic humanist ideology, lived in poverty. The civic humanists were told that the ideal of virtuous citizenship was "imaginable only under conditions so archaic and remote that it could not currently exist (...)."37

Here the accounts of Grotius and Pufendorf come into play. Their vivid portrayal of the state of nature and the primitive material conditions people lived in, not only served as an argument for political society (for which it was originally intended by these writers), but could serve at the same time as an additional argument for commercial society. The establishment of private property, which occupied a central part of natural law theory in order to justify existing social relations as well as political society, was now used as a proof for the idea that private property is the impulse for economic progress and the development of the human race.

5. Conclusion

'Tracing influences' is after all a more fruitful enterprise than Skinner presumes. It is true that his criticism applies to those 'einfluss-studies' which at all costs

36 Gibbon's account is not unequivocal. He praises the civilizing qualities of private property and commerce, but at the same time deplores the ensuing corruption and a loss of liberty. Speaking about the Germans he writes: "A warlike nation like the Germans, without either cities, letters, arts, or money, found some compensation for this savage state in the enjoyment of liberty". Gibbon, Edward, Decline and Fall of the Roman Empire, Ed. O. Smeaton, London 1919, Vol. I, Ch. IX, p. 218.

37 Pocock, op.cit., p. 122.
try to establish continuity, thereby obliterating the fundamental shifts in political thinking. But 'tracing influences' can also be helpful in discovering fundamental shifts in political thought. I have shown that Hume's reception of Grotius reveals such a break. By emphasizing the historical parts of Grotius' theory and neglecting all those passages in which Grotius tries to establish a framework of justification, Hume did not 'correct' Grotius, but demolished the very idea of natural law.

Hume could do so, because the concept of natural law was no longer really needed. In the words of Goldsmith:

"Talk of natural rights or natural law could not focus on what seemed to be the major political issues: the power of the ministry, use of money and influence in public affairs, placemen and standing armies, the position of the opposition and the dangers to a good constitution. Since the British constitution provided rights for Britons, it was not necessary to consider natural rights."38

Unlike the 17th century, the 18th century was not a political age. Despite the many political controversies a certain consensus seemed to have been established about the basic political tenets. Instead, one was more interested in the rapid development of commercial relations. Recurrent notions are no longer 'sovereign', 'subjects' and 'civil government', but 'commerce', 'interest', and 'wealth'. Had Grotius lived in the 18th century he would not have written a justification of the Dutch VOC by referring to natural law, as he did in the De Mare Liberum. Instead he would have had confidence enough in the VOC to amass riches on their own strength, riches which justified themselves.