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RESTORING CATHARINE MACAULAY'S ENLIGHTENMENT REPUBLICANISM?

ABSTRACT

Can Catharine Macaulay's enlightenment democratic republicanism be justified from the point of view of contemporary naturalism? Naturalist accounts of political authority tend to be realist and pessimistic, foreclosing the possibility of enlightenment. Macaulay's utopian political philosophy relies on belief in a good God, whose existence underpins the possibility of moral and political progress. This paper attempts a restoration of her optimistic utopianism in a reconciliation, grounded in a revision of natural law, of naturalist and utopian attitudes to political theory. It is proposed that the co-evolution of language, moral law, and conscience (the disposition to judge one's own actions in the light of moral principles) can be explained as solutions to the kinds of tragedy of the commons situations facing our ancestors. Moral dispositions evolved, but, in the light of its function, law is subject to rational critique. Liberal democracy plausibly offers the best prospect for developing rationally justifiable law.

Keywords: *natural law, evolution of morality, democratic liberalism, enlightenment, political progress*

Politics as power/knowledge has been the preserve of men. Political theory, as the theory of political power and the purported knowledge of its history, has focussed on texts written by men. Even feminists have generally limited themselves to either applying or criticizing the classic political texts penned by Hobbes, Locke, Rousseau, Kant, Marx, Rawls, or Foucault. Yet, during the eighteenth century, before the first iterations of the modern democratic republics that now exist were engendered by the American and French revolutions, one of the most influential, explicitly republican works being read in Great Britain, America, and France was that of a woman, Catharine Macaulay.¹ Her *History of England from the accession of James I* did not purport to be a work of original political theory; her political views were thoroughly grounded in the earlier writings of Milton, Locke, Sydney, Ludlow, Tyrell, the civil war pamphleteers, and the Levellers. But her eighteenth-century account of the origins and outcomes of the English Civil War, sympathetic to the aspirations of the Levellers and republicans and endorsing the justice of the trial and execution of Charles I, exists as an important repository of the arguments and attitudes that fuelled the later revolutions. The social contract theory that emerges out of her history and other writings is rather different from that which is currently assumed. Its faults are not those for which the social contract has often been condemned—possessive individualism, rational self-interest, and psychological egoism—which are associated with Hobbes, as interpreted by C. B.

¹ Macaulay, C. 1763–83. *The history of England from the accession of James I. to that of the Brunswick line*, London, Vols 1-4. Printed for the author and sold by J. Nourse, J. Dodsley and W. Johnston: Vols 5-8 Edward and Charles Dilly.

Macpherson. Rather, Macaulay is a trenchant critic of Hobbes.² Her views are utopian, looking forward to a society in which the common good will be the common care.³ Her outlook cannot be condemned for the faults found in Hobbes; its weaknesses derive, rather, from its ultimately religious foundation in a progressive, Protestant Christianity, which posits the possibility of moral and social progress towards a perfectionist end.⁴

This paper has two parts. In the first I sketch two broad contrasting attitudes to political theory, within one of which Catharine Macaulay's republicanism should be situated. Both broad attitudes have problems. The first is realist and pessimistic, foreclosing the possibility of the promise of enlightenment. The second is utopian and optimistic but faces a fundamental epistemological challenge. Macaulay's thought belongs to the second of these traditions and fails the epistemological challenge. In the second part of the paper, I propose a way of restoring her optimistic utopianism in a reconciliation, grounded in a revision of natural law, of the two attitudes to political theory, thus making her republicanism serviceable for the present age.⁵ The guiding question of the paper is whether, or to what extent, a rearticulation of her idea of a representative democracy, grounded in a social contract, can retrieve something of the moral underpinnings of her enlightenment republicanism, without falling back, as she did, on suspect theological assumptions.

HISTORICAL OVERVIEW

At a certain point in the development of modern science and rejection of Aristotelianism a crisis for moral epistemology developed. 'Natural law' or 'the law of nature' had encompassed both the regular behaviour of bodies, and the regular social consequences of human behaviours. The rise of a more systematic science of material bodies put pressure on this unity. One reaction was that adopted by Descartes. His dualism could allow for a mechanical science of matter and for minds that operated by different principles. Humans were endowed with innate ideas, possessed free will, and although their minds interacted with matter, they operated by completely different, non-material, rational principles.

Another reaction was that of Hobbes, who concluded that both the material and the social world should be explained on the basis of a new demonstrative natural science. From geometrical principles he aimed for a 'demonstrative knowledge of all sciences, including politics', forming a unified whole.⁶ Hobbes's science of the political realm begins from humans as atoms, motivated to survive, in conflict with each other for scarce resources.

² Macpherson, C. B. 1962. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford, Clarendon Press; Macaulay, C. 1767. *Loose Remarks on certain positions to be found in Mr Hobbes's "Philosophical rudiments of government and society," with a short sketch of a democratical form of government, In a letter to Signor Paoli*. London, T. Davies, in Russell-street, Covent Garden; Robinson and Roberts, in Pater-noster Row; and T. Cadell, in the Strand.

³ Macaulay, C. 1763–83, op. cit., 5.19.

⁴ Withey, L. E. 1976. "Catharine Macaulay and the Uses of History: Ancient Rights, Perfectionism, and Propaganda." *Journal of British Studies*, 16, 59–83.

⁵ There is some pressure to avoid the term 'utopian' since it can mean 'unrealistic'. This paper contributes to the tradition of attempts to find a 'realistic utopianism' Estlund, D. 2014. "Utopophobia." *Philosophy and Public Affairs*, 42, 113–34 (116).

⁶ Hattab, H. 2021. "Hobbes's Unified Method for *Scientia*." In: *A Companion to Hobbes*. Adams, M. P. (Ed.). Hoboken, NJ: Wiley Blackwell, 25–44.

These non-moral creatures, at some indeterminate period, create and submit to a new 'artificial' organization, with the power to develop laws and impose sanctions on law breakers. They give up their natural freedom and pursuit of short-term self-interest for the sake of enjoying the peace and security necessary for long term survival. Morality, on this view, is an artificial, conventional, social construct, upheld by power. The view of politics that ensues is realist and pessimistic. It is found in somewhat different versions in Bernard Mandeville, in David Hume, in Edmund Burke, in Karl Marx in some of his moods, in Nietzsche, and in Michel Foucault. While it may seem to be wielding a broad brush to associate these figures together, they share the assumption that humanity is not moral by nature, but moral principles are conventions, ultimately upheld by force. The conservatives among them, Hobbes, Mandeville, Hume, and Burke conclude that it is dangerous to oppose established convention or to challenge a functioning system of political power. To do so would merely release humanity into its original state of anarchic conflict. Of the two supposed radicals in the group, Marx and Foucault, only the second fits fully into the pessimistic mould. Although Marx treated actual moral systems as ideological conventions that had developed as rationalizations of whatever system of power had been established, he retained elements of an alternative utopian attitude, according to which progress towards justified moral principles was possible. In his case, this was to transpire through the emergence of an egalitarian economy. Foucault, more consistently, deems the Marxist's anticipated liberation to rest on the myth of humanity's access to an underlying natural morality. If truths, in particular moral truths are congealed systems of conventions, maintained by established institutions and other vectors of social power, objectivity is a chimera.⁷ In early works he, like Camus, appeared to be committed to a radicalism that could only express itself in opposition to established institutions.⁸ In later writings, he began to ape the quietism of the Stoics, turning to ancient ideas of the cultivation of the self.⁹

Macaulay's political works belong to an alternative tradition, according to which humanity is social by nature, there are immutable moral truths against which the positive political conventions of societies can be assessed, and progress towards just social arrangements is possible. The epistemological foundation of her outlook resides in the rational religion promoted by Locke and even more explicitly by his contemporaries Richard Cumberland and James Tyrell.¹⁰ Locke's *Essay Concerning Human Understanding* is not often read as a work of moral philosophy, but there is a case for seeing it as offering a somewhat different reaction to the crisis for moral epistemology brought on by the rise of experimental science from that of either Descartes or Hobbes. Locke rejects Descartes' commitment to innate knowledge, thus moving in the direction of Hobbes's positivism, but he also rejects the idea that morality is purely conventional. The state of nature, he says, has a law of nature to govern it, and that law is a law of reason, which teaches 'that being all equal and

⁷ Foucault, M. 1984. "Nietzsche, Genealogy, History." In: *The Foucault Reader*. Rabinow, P. (Ed.). Harmondsworth, Middlesex: Penguin; 2000. "Truth and Juridical Forms." In: *Power*. Faubion, J. D. (Ed.). New York: The New Press.

⁸ Camus, A. 1953. *The Rebel*. London, H. Hamilton; Foucault, M. 2000a. "Truth and Power." In: *Power*. Faubion, J. D. (Ed.). New York: The New Press, 130–3.

⁹ Foucault, M. 2000b. "The Ethics of the Concern of the Self as a Practice of Freedom." In: *Ethics*. Rabinow, P. (Ed.). Harmondsworth: Penguin.

¹⁰ Green, K. 2021. "Catharine Macaulay and the Reception of Hobbes During the Eighteenth Century." In: *A Companion to Hobbes*. Adams, M. P. (Ed.) Hoboken N.J.: Wiley Blackwell, 494–504.

independent, no one ought to harm another in his life, health, liberty or possessions'.¹¹ When, in the *Essay*, he comes to discuss the foundation of moral knowledge, he puts 'Morality amongst the Sciences capable of Demonstration' its principles being, 'as incontestable as those in Mathematicks'.¹² Although not known innately, moral knowledge is thus thought of as like mathematical knowledge and derived from reflection on relations among ideas.

An early version of this position was outlined in his *Essays on the Law of Nature*, which remained unpublished during Locke's lifetime. It begins from the assumption that the existence of a divine being can be proved, by the argument from design, and that the law of nature is 'the decree of the divine will issuing commands and prohibitions'.¹³ Locke here rejects the postulate that we have innate knowledge of the law of nature, partly because he is sensitive to the fact that human societies disagree as to its principles, but he also insists that it can be discovered, and is binding. If it were not binding, he claims, 'neither can any human positive law be binding'. If we only obey a king out of fear, this would establish the authority of tyrants, so, 'we are not so much coerced into rendering obedience to the magistrate by the power of the civil law as bound to obedience by natural right'.¹⁴ Locke refused to publish this work, so presumably he was not completely happy with it, but the basic elements of the position he developed there reappear in later works, in particular the idea that conscience is a universal tendency that humans have, to pass judgment on their own conduct, making us, in this respect, innately moral beings.¹⁵

Whereas Locke expressed the law of nature as requiring that people refrain from harming others, his contemporary Richard Cumberland developed a far more utopian reading in his *De legibus naturae disquisition philosophica*, which originally appeared in 1671. This long refutation of Hobbes's philosophy was translated into English by John Maxwell in 1727 as, *A Treatise of the Laws of Nature*, and in 1750 as, *A Philosophical Enquiry* by John Towers.¹⁶ It was also the basis of Locke's friend James Tyrrell's, *A Brief Disquisition of the Law of Nature*.¹⁷ Refuting what he took to be Hobbes's atheism, Cumberland characterized the laws of nature as,

Propositions of unchangeable Truth and Certainty, which are to direct and govern the voluntary Motions of rational free Agents, in the Election of Good, and in the avoiding of Evil: Which Laws lay Obligations upon all outward acts of Behaviour, even in a State of Nature, prior and antecedent to all Laws of human Imposition whatever.¹⁸

He then went on to develop what he called a universal precept, which follows from the law of nature, which is that,

¹¹ Locke, J. 1988. *Two Treatises of Government*. Cambridge, Cambridge University Press, II.2.6.

¹² Locke, J. 1975. *An Essay Concerning Human Understanding*. Oxford, Clarendon Press, IV.iii.18.

¹³ Locke, J. 1954. *Essays on the Law of Nature*. Oxford, Clarendon Press, 95.

¹⁴ Locke, J. 1954, op. cit., 189.

¹⁵ Locke, J. 1954, op. cit., 95.

¹⁶ Cumberland, R. 1727. *A Treatise of the Laws of Nature*. London, R. Phillips; 1750. *A Philosophical Enquiry into the Laws of Nature*. Dublin, Samuel Powell.

¹⁷ Tyrrell, J. 1701. *A Brief Disquisition of the Law of Nature, According to the Principles and Method laid down in the Reverend Dr. Cumberland's (now Lord Bishop of Peterborough's) Latin Treatise on that Subject. As Also His Confutation of Mr. Hobbs's Principles, put into another method*. London, W. Rogers et. al; Locke, J. 1954, op. cit., 9–10.

¹⁸ Cumberland, R. 1750, op. cit., 2–3.

the greatest Benevolence, of each and every one individual Agent in the rational System, fully exercised and exerted towards all, essentially forms the happiest State which each (single Person or Individual) from his own free Capacities and Powers is capable of: which (Benevolence) is moreover, the only Method or means indispensably necessary, towards effectually promoting the happiest State, which each can possibly enjoy.¹⁹

This precept, which accepts the possibility of universal benevolence as the means of bringing about the happiest possible state, is echoed by Macaulay when she assumes that under ‘governments formed on principles which promise the equal distribution of power and liberty ... the generous plan of universal happiness’ will be adopted.²⁰ Rather than promoting rational egoism, these thinkers are promoting a doctrine of rational altruism, according to which the greatest benevolence of all in a rational system will result in the greatest happiness.

The enlightenment faith that motivated Macaulay to promote the virtues of republicanism and to propose ‘that it is only the democratical system, rightly balanced, which can secure the virtue, liberty and happiness of society’ depended heavily on her belief that humanity is social by nature and that a benevolent God has made us capable of understanding the immutable moral principles he has legislated.²¹ In her *Treatise on the Immutability of Moral Truth* she argues explicitly that the solution to the problem of evil is that God has given us reason and the passions so that we can develop our understanding and progress towards a state of greater moral perfection.²² There she rejects what she calls the ‘selfish scheme’ of Hume, Mandeville, Hobbes, and Bolingbroke, arguing that genuine moral principles cannot be based on narrow self-interest. For we will be led, ‘from the consequences arising from such positions, to accede to Mr. Hobbes’s principles of ethics, and resolve all human morality in the will of the magistrate’.²³ Rather, our interest as rational beings must be to follow, a principle of rational agency, which corresponds with the precise admeasurement of every action, with a rule of right; although the conduct it directs, militates against natural inclination, against the interest of natural affection, and where every pleasurable sensation is sacrificed to the conviction of judgement, and to the rigid dictates of a well informed understanding.²⁴

She implies that, if one does not recognize the existence of moral principles, which transcend simple calculations of long-term self-interest, then one cannot criticize the oppression of women by men, in those societies where men have used their greater physical force to enslave them.²⁵ In a later work she anticipates the destructive influence that atheism and psychological egoism may have on political culture.

The thoughts of a fatherless universe, and a set of beings let loose by chance or fate on one another, without other law than power dictates, and opportunity

¹⁹ Cumberland, R. 1750, op. cit., 9.

²⁰ Macaulay, C. 1763–83, op. cit., 5.19.

²¹ Macaulay, C. 1767, op. cit., 29; Green, K. 2018. “Catharine Macaulay’s Enlightenment Faith and Radical Politics.” *History of European Ideas*, 44 (1), 35–44.

²² Macaulay, C. 1783. *A Treatise on the Immutability of Moral Truth*. London, A. Hamilton.

²³ Macaulay, C. 1783, op. cit., 142.

²⁴ Macaulay, C. 1783, op. cit., 129–30.

²⁵ Macaulay, C. 1783, op. cit., 155.

gives a right to exact, chills the sensibility of the feeling mind into indifference or despair, whilst they encourage the bold and unfeeling to the perpetration of every act of licentiousness and villainy to which inclination prompts and interest dictates.²⁶

The consequences of the thought 'of a fatherless universe' became sadly evident during the twentieth century, when the rise of social Darwinism led Nazis to conclude that, 'the law of selection justifies ... incessant struggle by allowing the survival of the fittest. Christianity is a rebellion against natural law, a protest against nature'.²⁷

So, we are left with a dilemma. On the one hand, utopian dreams of an egalitarian, democratic republic, in which the common good becomes the common care, are grounded in an illusory belief in a natural moral law, established by a benevolent God. On the other, a clear-sighted naturalism apparently forces us to recognize that established moral and judicial systems are no more than congealed masks of power, necessary, perhaps, to avoid outright conflict, but immune to criticism from any objective, ethical perspective. In our post-colonial world, appeals to reason and truth are thus treated with suspicion. Some conservatives lament the loss of belief in universal values, but they fail to provide any secure epistemological grounds for this belief. Thus, the world descends towards a moral free for all, in which individuals claim the right to live by their own creed, while, at the same time, various established systems vie to maintain power over their followers, by means of indoctrination, coercion, and lies.

WHAT CAN BE RETRIEVED BY A NATURALIST FROM THE UTOPIAN TRADITION?

What I want to suggest is that a more thorough naturalism than that of either Hobbes or Locke can show us a way out of this dilemma. Locke was surely mistaken in his attempt to equate the epistemological status of moral truth with that of mathematics. His own arguments against innate knowledge of moral principles, which rest on the variety of human moral conventions, undermine the thought that there are demonstrable, *a priori* moral truths, knowable to all rational humans. But Hobbes was surely led astray when he applied a simplistic atomistic schema, borrowed from the natural science of his time, to develop a science of politics. From early on and more recently, his critics, in particular his female readers, have pointed out that humans are naturally social, that in all human groups, infants require the care of others to survive, so that rather than being naturally independent, humans depend heavily on each other for their sustenance and survival. For as far back as we are able to determine, humans have lived in social groups and have followed some system of prohibitions and permissions, a 'moral law' that regulates sexual relations, specifies obligations to kin and to other members of the society. Moral laws are partly enforced by sanctions but are also largely followed through internal self-monitoring. The idea of morality, says Locke, in that part of the *Essay* in which he is attempting to show that all our ideas

²⁶ Macaulay, C. 1790. *Letters on Education. With observations on religious and metaphysical subjects*. London, C. Dilly, 321.

²⁷ Midgley, M. 2005. "The Service of Self and the Service of Kali." In: *The Essential Mary Midgley*. Midgley, D. (Ed.). London and New York: Routledge, 261.

derive from experience, is the idea of a rule against which people judge the appropriateness of their actions. Catharine Trotter Cockburn, who in 1705 attempted to defend Locke's moral epistemology against a critic, may not have been successful in that task.²⁸ She was, however, surely close to the mark when she later asserted that,

Mankind is a system of creatures, that continually need one another's assistance, without which they could not long subsist. It is therefore necessary, that every one, according to his capacity and station, should contribute his part towards the good and preservation of the whole, and avoid whatever may be detrimental to it. For this end they are made capable of acquiring social or benevolent affections, (probably have the seeds of them implanted in their nature) with a moral sense or conscience, that approves of virtuous actions, and disapproves the contrary.²⁹

Humanity may not have innate knowledge of moral principles, but Locke and Cockburn agree that we have an innate tendency to judge our own actions against the moral principles established in our respective societies. Conscience, internalised self-assessment in the light of recognised social conventions, underpins both self-esteem and shame, important motivating forces of the human psyche. Moral approval and indignation are its counterparts, directed outwards towards the behaviour of others.

How might these psychological traits have come about? Some modern accounts of the evolution of morality emphasise its origins in altruistic sentiment. Others have somewhat problematically attempted to explain the evolution of altruistic sentiment as arising out of egoism.³⁰ Rousseau is one of those who claimed that the origins of morality must derive from natural sentiment, and he identified pity as the original ethical impulse.³¹ More recently, empathy and sympathy, what Cockburn calls 'benevolent affections', have been claimed to be already evident in our primate cousins, making them good candidates for the origins of morality. However, emphasising the grounds of morality in feeling has come at the expense of recognising its rationality. Frans de Waal, for instance, argues for the existence of moral sentiments in primates, contrasting this view with what he calls 'vener theory', the view developed by Wilson, according to which morality is an artificial veneer covering selfish instincts. Contemporary rationalism in ethics, evoked by those he calls 'modern Hobbesians such as Gauthier' is accused of lacking any theory of how 'we moved from being amoral animals to moral human beings'.³² Others have questioned how an account that grounds morality in feeling can provide the basis for rehabilitating rational grounds for moral views. Jesse Prinz argues explicitly that 'ethical relativism is a straightforward consequence of sensibility theory'.³³ What he means by relativism is a metaethical relativism according to which moral judgements are fundamentally context dependent. Descriptive relativism, as Locke recognised, is compatible with there being ultimate moral truths, so long as we accept that some societies have not progressed as far as

²⁸ Green, K. 2019. "On some footnotes to Catharine Trotter Cockburn's *Defence of the Essay Of Human Understanding*." *British Journal for the History of Philosophy*, 47 (4), 824–41.

²⁹ Cockburn, C. T. 1751. *The Works of Mrs. Catharine Cockburn, Theological, Moral, Dramatical and Poetical*. London, J. and P. Knapton, 1:413.

³⁰ Wilson, E. O. 1975. *Sociobiology: The New Synthesis*. Cambridge, Mass., Harvard University Press.

³¹ Rousseau, J.-J. 1984. *A Discourse on Inequality*. Harmondsworth, Penguin, 101–2.

³² Waal, F. D. 2006. "Morality Evolved. Primate Social Instincts, human morality, and the rise and fall of "vener theory"." In: *Primates and Philosophers*. Ober, J. & Macedo, S. (eds.) Princeton: Princeton University Press, 52–3.

³³ Prinz, J. J. 2007. *The emotional construction of morals*. Oxford, Oxford University Press, 173.

others along the path to moral knowledge. Locke assumed that there are moral truths to be discovered, but if we give up the analogy between morals and mathematics, thus falling back on sentiment as the origin of morality, we seem to be no closer to the possibility of objective moral truth than we were with the Hobbesian naturalism that made morality purely artificial.

But why see an evolution grounded in sentiment and one that recognises the role of reason as adversaries? The fact is that morality engages human sentiment, but it also motivates moral reasoning, rational argument, which sometimes reaches a resolution but often descends into dogmatic repetition of opposed conventional prescriptions. Morality engages both reason and sentiment, and a clue to why this is can be found in the continuation of the quoted passage from Catharine Cockburn, where she suggests that the possession of conscience shows us that it is part of our nature to be virtuous. If conscience is that tendency to approve or disapprove of our own actions in the light of some principles or laws, and if these laws can themselves be assessed for reasonableness or unreasonableness, then both sentiment and reason are involved. The task for a naturalist will then be to explain how conscience, defined as the tendency to judge one's own action in the light of some law, could have evolved. The solution lies in seeing moral and altruistic motivation as having evolved to solve prisoner's dilemma-type situations, as the rational egoist claims, while avoiding the mistake of thinking that moral sentiment is not therefore genuine.

Clearly, a disposition to judge one's behaviour in the light of some law could not have developed without the prior, or possibly contemporaneous, evolution of language. To be able to approve or disapprove of its own behaviour in the light of some law, a creature will have to be able to represent that law to itself and this appears to be impossible without language. Rousseau objected to rationalist accounts of the state of nature by observing that there could be no language prior to the existence of society.³⁴ So, the idea of a compact that occurs in the state of nature is a nonsense. At the very least language and the social compact must co-evolve. However, if the evolution of language is implicated in the development of conscience and the establishment of principles which function to reduce conflict and promote the survival of the group, one has an evolutionary explanation for both the development of language and of morality.³⁵ The most immediately obvious benefit of language is that it allows the transfer of information about threats and about distant sources of food, from one individual or group to another. It would be unwise to share private information about available food, unless the other can be trusted not to acquire all these resources for themselves. This already implies the co-evolution of language, trust, and co-operation. Beyond extending the range of a creature's knowledge of its environment, language also allows for the designation of kinship relations, beyond the immediately visible mother-child relationships recognised by apes. So, language is fundamental for the most basic moral laws, those that regulate sexual relations. Language and morality are both natural to humanity, in so far as we have evolved to be communicating, social creatures, who regulate their behaviour by means of artificial conventions.³⁶

³⁴ Rousseau, J.-J. 1984, op. cit., 88–100.

³⁵ Sterelny, K. 2013. "Life in Intersting Times: Cooperation and Collective Action in the Holocene." In: *Cooperation and its evolution*. Sterelny, K., Joyce, R., Calcott, B. & Fraser, B. (eds.). Cambridge MA.: MIT Press.

³⁶ Midgley, M. 1978. *Beast and Man*. Ithaca, N.Y., Cornell University Press.

Language and morality are natural to us, but both have an artificial aspect. Semantic facts are relative to a society's language; this is something that has been insisted on by those who follow Saussure in emphasizing the arbitrariness of the sign. Moral facts are relative to a society's established conventions, as is emphasized both by positivists and meta-ethical relativists. But the artificial and arbitrary aspects of both language and morality can be overdrawn. Language serves various functions, and the simplest is as a warning signal. Another is that of allowing the transfer of information, acquired in the past or at a distance, from those who had immediate access to it, through perception, to those who did not. For it to function there must be reliable connections between what is perceived and the sounds or marks used to convey what is or was perceived. There needs to be a publicly recognized practice which is reliable. Moreover, listeners must be able to trust that speakers will conform to the conventions.³⁷ Language allows for the transfer of misinformation as well as information, so it brings with it a moral injunction—'don't lie'. Although there is arbitrariness in the choice of association of sound with perceptible feature of the world, there are also natural constraints on the structure and use of language, which derive from its function. One of these is a moral constraint. Language won't enhance the survival of the group unless members of the group have sufficiently internalised a moral injunction to tell the truth. Another is a logical constraint. Messages won't be reliably useful if they convey conflicting or unclear information. So, we get other normative injunctions—be clear and don't contradict either yourself or obvious truths. That is, be clear and consistent.

A combination of arbitrariness and naturalness is characteristic of morality also. Moral principles are conventions that serve a number of functions. One, we have seen, falls naturally out of the evolution of language. Language won't work unless people attempt to conform to the group's linguistic conventions and to usually refrain from using their knowledge that others will interpret their utterances in a certain way, to mislead them. Language involves trust, implies a norm of honesty, and the attempt to be a reliable conduit of information. Another function of morality is the non-arbitrary distribution of the surplus value, produced by men, to the next generation.

The evolution of kinship structures, involving obligations by males to help females provide for the survival of children through regular patterns of sexual access and material exchange, which both enhance the survival of infants that are genetically related to individual men and encourage a wider sphere of co-operation, can be thought of as marking a transition from nature to culture, a transition in which language and naming were surely deeply implicated.³⁸ This evolution can itself be thought of as involving a solution to one of a set of fundamental problems that morality has evolved to mitigate. These are situations which are structured like a prisoner's dilemma or tragedy of the commons, where every individual pursuing a short-sighted calculation of individual benefit will result in a worse outcome overall than agreeing on self-restraint.³⁹ Men's access to women is one of these. In most mammalian species, where the individual self-interest of

³⁷ Lewis, D. 1969. *Convention: A Philosophical Study*. Cambridge Mass., Harvard University Press.

³⁸ Lévi-Strauss, C. 1969. *The Elementary Structures of Kinship*. London, Eyre and Spottiswoode; Stereley, K. 2013, op. cit.

³⁹ Hardin, G. 1968. "The Tragedy of the Commons. *Science*," 162; Gauthier, D. 2013. "Twenty-Five On." *Ethics*, 123, 601–24.

males predominates, each male attempts to secure sexual access to all nearby females, and females are solely responsible for providing food for infants. This selfish behaviour can be costly for females and for the group, since in those species where a male is strong enough to do so, when a new dominant male takes over, the newcomer often kills the infants of his predecessor to increase his chances of leaving progeny. Humanity has overcome this problem, at least within co-operating social groups, initially, it has been suggested, through the evolution of hidden oestrus.⁴⁰ Culture emerges when conflict over sexual access to females is reduced through the development of ethical rules, by means of which access to females is distributed among men, according to exogamous kinship principles, which involve the orderly transfer of food hunted, gathered, or grown by males, to their close and distant biological kin, in reasonable (lawfully specified) proportion. When groups clash in warfare, however, a breakdown of this trust and co-operation occurs; women are raped, and one even finds the practice of infanticide by men when they capture the women of hostile tribes.⁴¹ This should remind us that the development of conscience, and consequent feelings of shame and self-respect, only extend as far as those who are recognised as encompassed in the society's conventions. Conscience breaks down when aliens are involved, or when compliance places so great a burden on some members of the society that they come to see themselves as excluded.

The rationality of agreeing to abide by a law that enforces co-operation, encourages trust, and shares access to females and to other means of long-term survival was not something that humanity could recognise prior to the co-evolution of language, law, and conscience. But once we see morality as fundamentally offering solutions to tragedy of the commons type situations, we can understand how it is that a genuinely self-sacrificing conscience can have evolved, bringing great benefit to the species. Thus, we can say there is a law of nature. Viz, a population that can co-operate in the face of a tragedy of the commons type situation will, in all likelihood, do better than one that cannot. Such co-operation will involve a strong disposition not to act on the basis of immediately perceived or calculated self-interest, but to follow some established principles of trust and fair distribution, which may militate 'against natural inclination' and even 'against the interest of natural affection'. As creatures that have evolved such dispositions, we can say that we are social by nature.

When we look at the evolution of moral laws and conscience in this light, we can see a similar mixture of arbitrary convention and constraint imposed by function to that found in language. The exact nature of the conventions may be to an extent arbitrary, so long as the members of the population can trust each other to abide by them, and they function, in the environment in which they find themselves, to solve whatever conflicts over access to resources they face. This aspect of the situation justifies, to an extent, the attitude of the conservative conventionalists. Just as language will not function unless people understand what the conventions are, can trust that others know them, only change them slowly, and use them, in general, to convey the truth rather than to mislead, so too, morality won't serve its function unless people understand what the conventions are, trust that others know them and follow them, only change them slowly, and use them, in general, honestly rather than to cheat the more morally motivated. Linguistic communication breaks down without

⁴⁰ Diamond, J. 1997. *Why is sex fun? The evolution of human sexuality*. London, Weidenfelt and Nicholson.

⁴¹ Hrdy, S. 2000. *Mother Nature*. London, Vintage.

shared conventions. Similarly, moral co-operation breaks down when conventions are not shared and widely observed, for moral indignation at the immoral behaviour of others is an inevitable concomitant of conscience's internal self-monitoring.

Despite an element of arbitrariness, linguistic conventions are not completely arbitrary. The extensions of descriptive terms may not be identical between languages, but within a language there must be sufficient salient similarity among the things that fall under a description for speakers to be able to grasp its application conditions. Words must be used consistently enough for clear messages to be conveyed. They must relate to the environment in which the people find themselves. They develop over time, as cultures and knowledge of the ways things work changes. The vocabularies of indigenous peoples were adapted to features of their environment—the relationships between land formations, food resources, seasons, stars, and cultural obligations. As new technologies developed, so too did languages. Specialist occupations required more precise words for conveying information about the world and the way it works. The progress of science has, to a large extent, been dependent on the development of more precise terms to categorise newly discovered properties of things and the relationships among properties. Scientific vocabularies allow reasoning about the interaction of chemicals, the pathways of projectiles, the inheritance of traits, and much more. Mathematical vocabularies allow precise quantifications of matter, space, time, and ratios. In order for the practitioners of a science to communicate with each other, they have first to be trained in the linguistic conventions of their field, but they also sometime find that concepts are not fit for purpose and need to be updated.

Moral codes, equally, can become unfit for purpose, though in this area the need for revision is far less widely recognised and more deeply contested. Thousands of years ago, sophisticated societies developed along with written texts and priesthoods, charged with the task of teaching and enforcing the ethical conventions of their peoples. An element of this was the emergence of a highly effective theory, according to which the codes were devised by the gods, who would punish disobedience, even after death. In an interesting discussion of the way in which different modes of moral reasoning may have evolved, Denis Krebs is at a loss to understand how obedience to abstract universal principles could have been established. The genius of the development of the idea of punishment after death is that it harnesses the simplest form of moral motivation, fear of punishment, in order to uphold the socially most beneficial form, conformity to 'universal' law. This development was no doubt important for the expansion of social co-operation from relatively small-scale societies to broader communities, but it also involved the destruction or absorption of communities that initially followed incompatible conventions. Once established, well entrenched moral authorities have been loath to relinquish their power. Even in cases such as sexual morality, where some old prohibitions have been rendered irrational by the development of contraception, many have resisted updating. Moreover, the Marxists are surely partly right, moral principles are adapted to systems of economic production. Indeed, this is almost a tautology. If a system of moral principles is made up of conventions that regulate social co-operation for the benefit of the group, the conventions and the systems of economic production in operation must at the very least be compatible. The society will work best if they are mutually reinforcing. Societies that depend on unpredictable access to resources, given weather that is only partly predictable and cannot

be controlled, will require an emphasis on avoiding over-exploitation and on sharing, to smooth out the peaks and troughs of supply. Those where food production is more reliably related to effort and husbandry will tend to emphasize the virtue of labour and property rights. Given that they serve a specific co-operative function, moral codes need to be workable in the environment and given the technology in which they are operating. That environment also includes the unequal powers that have accrued to different groups, which allow moral systems that are far from egalitarian to enjoy considerable stability. In the past, conflict among societies resulted in the development of a warrior class, accepted because they protected the society, and at times enriched it at the expense of aliens. But the existence of such a class undermined the adoption of principles of egalitarian distribution, which follow naturally from solutions to prisoner's dilemmas, where all participants have equal power. So long as imposed moral conventions render people better off than they would be without them, the less advantaged are often willing to accept a significant degree of inequality.

It is by following this understanding of morality, as sets of principles evolved to solve tragedy of the commons type problems, that I believe that we can rehabilitate Macaulay's conception of a democratic republic and the possibility of rational, ethical, and political progress. Although she followed Locke in many things, there are aspects of Macaulay's thinking which suggest that she was not deeply committed to the analogy between morals and mathematics, and was, at least implicitly, drawn as much to the analogy between moral injunctions and those of an empirical science such as medicine, something which Plato had earlier assumed. A moral regime, one might say, needs to be adapted to the needs, environment, and capacities of a people. Her democratic parliament was designed to be a forum for establishing and maintaining such a regime. It was to operate as something like a debating society or research institute, in which the representatives were prevented, by rotation, from accruing excessive power.⁴² Laws, she thought, ought to be discussed by enlightened legislators, who are delegated the task of discovering what will in fact bring about the best possible outcome in the circumstances in which the society finds itself. She was very much aware of the difficulties associated with excessive inequality, saying, 'to keep that accumulation of property and influence, which the different qualities of men occasion, from producing tyranny, and infringing the general rights of the species, lies the whole art of true and just policy'.⁴³ She thought that it was not beyond the capacity of humanity to design a system of government that would result in rational laws, based in moral principles which could be justified from the point of view of a reason properly acquainted with the facts.

Macaulay's response to Hobbes is that his reasoning is self-refuting. He claims that humans have no natural, social dispositions, then shows that reason demonstrates that we are all better off if we accept being governed by a sovereign power with the capacity to enforce laws, thus promoting peace and prosperity. But, she says, if people are born capable of acquiring reason, and reason teaches them that they need a sovereign power to maintain co-operation, then they are, after all, social by nature.⁴⁴ As rational beings they will see the

⁴² Macaulay, C. 1767, op. cit.

⁴³ Macaulay, C. 1763–83, op. cit., 4.355 note.

⁴⁴ Macaulay, C. 1767, op. cit.

benefit of subjection to a political authority and be motivated to accept it, but will understand also that this subjection is conditional on the authority performing the function that renders it desirable. Thus, a democratic republic commends itself as a means for designing the most stable laws, which she assumes will be the most equitable, by providing on-going procedures whereby the population can communicate their needs to the government, and a regular method for changing the members of that government, should they not be adequate to the task assigned to them. Civil liberties, in particular freedom of the press and access to education, are essential to the scheme. These are necessary for the most rational and effective laws to be devised and so that the people can understand the reasons for them and thus follow them freely.

The concept of freedom that Macaulay assumed was not synonymous with the liberty to do whatever one wills, but rather resembled the Stoic conception of freedom from the passions, or self-government by reason. This conception was limited, in the case of pessimistic Stoics such as Epictetus, to the care of the self, but it was expanded by the utopian republicans of Macaulay's time to the idea of a people governing themselves by rational laws designed to bring about the common good.⁴⁵ There is an irony in the fact that late in his short life Foucault discovered Stoicism in its individualist manifestation, having earlier so thoroughly ignored its enlightenment influence on the historical formation of democracy. It is true, as critics have claimed, that the utopian, enlightenment ideal has suffered from the arrogance of those who propose that they have privileged access to the content of the rational law and have sometimes had recourse to unconstrained force to impose it. Among these are those who assume there are universal laws applicable to all situations, or who demand adherence to prescriptions laid down in ancient religious texts. While the injunctions of religious texts may have been well adapted to past circumstances, and may still contain much that is worthwhile, reason will accept that they are not immune to ongoing critical appraisal. If we see moral conventions in the above light, we can recognise that the utopians are to an extent correct. People are social by nature; they have evolved dispositions of self-appraisal, which motivate them to obey socially sanctioned morals. Living virtuously may even be necessary for individual happiness or at least be part of living happily.⁴⁶ But the realists are also to an extent correct. Socially sanctioned morality has evolved to solve the various kinds of prisoner's dilemma or tragedy of the commons situations that we are faced with, so is in the community's long-term self-interest, even if it demands individual self-sacrifice. The mistake made by Hobbes and his modern descendants is to attribute rational calculation to individuals, rather than to see the adoption of moral principles by communities as having evolved because of their rational payoff. Thus, we can split the difference between the realist and utopian traditions. Moral principles must be rational given the obtaining circumstances; that is, they must function to solve the kinds of prisoner's dilemma actually faced. But individual motivation must be moral, not self-interested. Constraints on behaviour, adopted to solve prisoner's dilemmas,

⁴⁵ Green, K. 2012. "Liberty and Virtue in Catharine Macaulay's Enlightenment Philosophy." *Intellectual History Review*, 22, 411–26; 2017. "Locke, Enlightenment, and Liberty in the Works of Catharine Macaulay and her Contemporaries." In: *Women and Liberty, 1600–1800*. Broad, J. & Detlefsen, K. (Eds.) Oxford: Oxford University Press.

⁴⁶ Bloomfield, P. 2017. "Morality is Necessary for Happiness." *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition*, 174 (10), 2613–28; Annas, J. 2011. *Intelligent Virtue*. Oxford, Oxford University Press, 146–168.

will only function properly if individuals are motivated to obey them because it is the right thing to do, not if they calculate that they will be individually better off in doing so.

Understanding the nature and purpose of morality and government in this light we can at least hope to restore a genuinely enlightened, democratic utopianism. Without faith in a good God who guarantees our moral enlightenment, the prospect of such moral progress cannot be assured. Yet, without faith that human reason is up to the task of solving the tragedy of the commons that now faces us, the future looks bleak. If we fail to agree on co-operative principles to limit global warming, we can have no hope of survival. It may well already be too late. Marxists have mocked the utopian democrats of the past as hypocritical patsies of bourgeois capitalism. Capitalists have taught us that freedom is freedom of the market and that we cannot live without the economic growth that is killing us. Nations operate on selfish principles of assumed self-interest, aspiring to self-defeating greatness. Freedom is understood, by most, as absence of constraint rather than as the free acceptance of reasonable law. Honesty, trust, self-sacrifice, forgiveness, generosity, and humility are forgotten. Yet, faith in reason can only be replaced by the inevitability of war. By restoring, in a naturalistic vein, the claim that we are social by nature, we can, to an extent, restore the epistemological foundations of Macaulay's utopian vision. By recognising that moral principles are both conventional and at the same time rationally criticisable when they fail to promote the over-all wellbeing of the community in the circumstances that obtain, we retain something of the positivist stance. Whether humanity has evolved sufficiently for the rationality of altruistic co-operation to prevail against destructive, short-sighted calculation of self-interest—that is a question that remains to be answered.

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