

**EPISTEMOLOGICAL FOUNDATION OF DAVID HUME'S CRITIQUE OF CAUSATION IN
LAW AND MORALITY**

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Abstract

The aim of this paper is to uncover the epistemological origin or foundation of David Hume's critique and denial of causation in law and morality. It has been re-echoed a couple of times by lawyers and judges that legal judgment is premised upon rational argument and that judgments are deductions from reasoned arguments. Although Hume vehemently denied this as untrue, it behooves on this paper to uncover the foundation of this kind of philosophy which argues that morality and law are not matters of fact but products of passions and sentiments of the legal officer at work. The discovery of this foundation will help set the goal straight for the significance and implication of this form of reasoning in law and morality at large. Counting from daily experiences, it is not deniable to say like Hume that judgments of law and morality are matters of individual persons' sentiments: likes and dislikes, passion and apathy or sympathy as the case may be. The method of this articulation is analysis while the arguments therein follows the evaluative process and critical reasoning.

Key words: Epistemology, Causation, Causality, Foundation

1. Introduction

This project seeks to uncover the epistemological origin of Hume's denial and critique of causal principles and relations in human affairs, especially as they concern issues of law and morality. It does appear that human affairs generally flourish on the recognition of causal principles and relations. For example, in law, no case is considered without reference to causal relation; hence the notion of *mens rea*, motives, *raison d'être*, are all synonymous with causal principles. Causal equation gives an explanatory force in the understanding of the fact of any given case. However, accidents usually do take place but one needs not to be misled by the admission of accidents in law. Certainly, we admit of accidents in the occurrence of an event in law, but this admittance does not in any way

vitiates the notion of causal law. To say that a particular event or offence resulted from the action of somebody or something is common in law. Nevertheless, by the admission of accident, we mean that the judge puts into consideration the constraining circumstances in which an event occurred.

On the other hand, we do not say one is morally right or wrong if one is not responsible for his or her actions. The idea of morality entails a certain level of freedom on the side of the individual performing the action. However, there are factors capable of featuring in morality. Such include, motive, desire, passion, appetite, pain, fear, suffering, expectation of something desirable etc. It is difficult so-to-say to carry out any moral or immoral act with the inclusion of any of these. There is no abstract act for abstract act. Every act, whether good or bad is said to be caused by certain factors. These factors, in legal or moral terms, are regarded as causal agents. For they make human actions and actions of man possible.

The significance of causal theory vis-à-vis causal agents (agency) in our everyday life cannot be over-emphasized. Whether in science, philosophy or practical life, its importance is profound. Hence it is characteristic to both science and practice that we should be able to go beyond the given and the observed and make inference from it. This is obviously necessary if we are to have any science at all, or if we are to take any sensible practical steps.

Causal principles and relations are thus necessary to make inferences meaningful. A grasp of the causes of things will give us the command over them. For instance, so long as the causes of malaria, cancer, aids, and other diseases or crime remain unknown, so long shall we remain hopeless about them. But once their causes are brought to focus, the measures to eradicate them become clear and feasible; for it is critical to problem-solving technique, that the causes of a particular problem be identified as a necessary first step to its remedy.

Causal laws and principles are therefore part of the net-work, the set objective ties that bind events together. It is therefore a traditional assumption in science that nothing occurs without a cause for it. Whether or not we are able to know the cause of the events, it is still there to be found, and it is the condition of the event's occurrence. Indeed, everything is implicated on the other. This is equally true of African metaphysics, which holds fast to the dynamism of being or forces. It is no exaggeration to say that the diverse ramifications of the African life including her political, legal, social and religious systems are predicated on the causal laws, namely that 'nothing goes for nothing.'

Having said this, it becomes clear that any sound legal judgement must be premised on the causal principle and relation; for the imputation of liability and responsibility is a function of causal connection. That causal principle and relation is a functioning reality and its inevitability in all fields of human endeavor, including law, is concretely manifest.

One of the cardinal dangers of what we know as one-sided philosophies; the so-called systems, is that it creates the illusion of having everything. It is this fanatical adherence to the one-sided doctrine of empiricism, for instance, that led David Hume to subvert the long established tradition of the inevitability of causal principles in law and human affairs. In his view, what we call

cause and effect are two separate and distinct events with no necessary relationship. It is custom and habit that propel the mind after observing a series of constant conjunction between two contiguous but different events to impute on them a relation of a necessary character.

In this inquiry therefore, attempt would be made to investigate the epistemological foundation of Hume's critique and denial of causality in law and human affairs in the light of their importance and implication to law and morality. We must bear in mind that Hume's casual theory has been extensively studied and evaluated. Its implication to legal judgement appears to remain a virgin and uncultivated area of philosophical-legal research. It is thus, this unexplored sphere of enquiry so-to-say that stimulated the author into taking this topic.

However, given the newness and the volatile character of this aspect of philosophical-legal investigation, and also the vicissitude of human reason, there are bound to be some discrepancies in opinion on this subject of discourse. It appears that Hume himself had pre-empted the divergences of opinions that would accrue from his theory, when he echoed that "there is nothing which is not the subject of debate, and in which men of learning are not of contrary opinions."¹ But the fear of contrary opinions should not dampen our spirit and determination to probe into this unanswered question, namely, what is the epistemological foundation of Hume's critique and denial of causal principles in law and morality? As we shall see in what follows, the application of Hume's theory to legal judgement reveals that the theory is pregnant with contrasting qualities of glory and disrepute.

2. A cursory Look at Causal Theories Before Hume

History of philosophy is ever aware of the issue of causality (cause and effect), otherwise causal relation. Directly from its start as a scholastic movement, the issue of causality has stayed among the focal worries of various masterminds. The oldest thinkers, strikingly the Ionian philosopher, did not neglect to perceive that the world as it is does not simply come to be without the office of some other thing. Consequently, many subsequent philosophers believe that the universe is not an eternal entity, but rather a historical creation. Being a historical creation, in this context, presupposes that the universe has a beginning. Thus, the early Ionian thinkers, bugled with this cosmological wonder, posed the question: Of what substance is the universe composed?

This was the causal question and Thales of Miletus, the first philosopher, enunciated that the primary seed of the cosmos was water.² From the primitive days of Thales, the argument based on causation has been many and varied. Anaximander, criticizing the causal theory of his predecessor, held the stuff of the universe to be the Boundless, an infinite fund of material, extending in all

¹ David Hume, *A Treatise of Human Nature* (ed.) L.A. Selby Bigge. Oxford: Clarendon Press, 1896, iii.

² Samuel Stumpf, *Philosophy: History & Problems* (5ed). London: McGraw-Hill, Inc., 1992, 6

directions.³ And Anaximenes conceived it to be Aer.⁴ These philosophers certainly did not regard the universe as anything other than an effect of which requires a cause in order to be.

Plato's position on this problem could be best understood from his theory of Form. For him, our sensible world is the changing world of appearances. The sensible objects are manifestations of their archetype in the permanent and the unchangeable world of Form. These sensible particularizations are imperfect participants in the world of perfection. Simplistically, the explanation of the why's of these particulars can only be found in the Platonic world of Form.

It is characteristic to note here that the earliest thinkers did not use the term 'cause' to qualify this productive principle. It was from Aristotle that the theory of causation gathered a new currency and momentum. It was him who called the primordial matter from which the universe emerged the "material cause".⁵ He has the honor of being the man who made the pioneering critical and elaborate investigation into the problem of cause. He was more empirical than his predecessor Plato and then rejected all the essential features of Platonic other-worldly metaphysics. For him, there are four different kinds of causes.

W.D. Ross, in Max Hacutt's article '*Aristotle's Four Because*s' contends that "for Aristotle, none of the four causes is sufficient to produce an event; and speaking generally, we may say that in his view, all the four causes are necessary for the production of any effect."⁶ However, each of the four causes is necessary though not sufficient to produce their effect. These causes Aristotle called the "efficient" cause—that by which change is brought, that which begins the motion; the "final" cause or end, or purpose for which a change is produced; the "material" cause—that in which a change is brought, the subject of the change; and the "formal" cause—that into which something is changed.⁷

In the final analysis, Aristotle conceives a cause as that which in some way brings about change in some already existing being i.e., the efficient cause. He criticized his predecessor for being parochial and emphasizing some cause at the expense of others. The early Ionians, for example, focused consuming attention on the material causes, presupposing that they could explain the world through the discovery of some basic matter. (Water, air, fire, and the like), from which the universe was presumed to be composed of.

The medieval era did not experience much difference in the concept of cause. For instance, the concept of cause did not acquire much different meaning with Thomas Aquinas as he was Aristotelian in his elaboration. However, his definition is evidently of existential character because he defined cause as that on which things depend either for them to be or for their becoming. In Aquinas, the

³ Stumpf, Philosophy: History & Problem, 6-8

⁴ Stumpf, Philosophy: History & problem, 8

⁵ Aristotle, Metaphysics

⁶ Max Hacutt, "Aristotle's Four Because"s". American Philosophical Quarterly, Vol.12, no. 2. (ed) Nicholas Rescher. Oxford: Basic Blackwell, 1975, 386

⁷ Max Hacutt, "Aristotle's Four Because"s, 387

transcendental character of the notion of cause should be noted. Cause confers existence on new form of existence. Cause implies a dependence of one thing on another which is not caused itself. Cause is necessary, and independent of the effect, whereas the effect is dependent on the cause in some way for its being or becoming. It (effect) is contingent. From this theory he (Aquinas) arrived at his notion of uncaused cause. Indeed, the core of Thomistic metaphysics is that every finite or sensible object must point beyond itself to account for its act of to be.

The rise of modern philosophy gave a new and immediate background for David Hume. In the philosophical field, little emphasis was laid on speculation. As Bertrand Russell puts it, “man now becomes a critic of his own faculties; nothing is allowed to stand unchallenged except certain immediate experiences.”⁸ This subjective attitude leads to an extreme form of skepticism which reached its highest development with Descartes’ “methodic doubt.” The systematic doubt of Descartes afforded him the knowledge of the fact that as a finite being, he was a caused effect; and being an effect, he must have been caused. A caused effect cannot be superior to its cause. He exists and therefore his cause must exist and is superior to him. Thus for Descartes as for other adherents of rationalist tradition, such as Thomas Hobbes, Spinoza, Leibniz and Kant, some things are caused by other things and there is an intrinsic necessary relationship between the cause and its effect which only reason can discern.

John Locke and Berkeley were empiricists and one would have expected them, in keeping with their empiricist tradition, to dismiss this old metaphysical tradition of causality as unmeaning. But interestingly enough, they toed the line of metaphysicians which was antithetical to their empiricist tradition. For Berkeley for instance, in an attempt to prove the existence of God, committed himself into the belief on causal principle. He holds that material things are inert and inactive and therefore cannot cause anything. Sensible objects cannot just be there without a cause and since they are not self-caused, he inferred that the only true causes are spirits or God. Locke, on his account, holds that the conception of a beginning is necessarily interlaced with the idea of a cause.

In his classical *Essay Concerning Human Understanding*, Locke echoed that our ideas are got from experience and diametrically denied the innate ideas. Mind at birth is a tabula rasa he asserts. Criticizing innate principles as idle, he posited that such a doctrine of innate principles lends itself to some certain authoritarianism and encourages laziness of thought, so that the foundation of knowledge is not likely to be explored. Through this criticism, he prepared the ground for his own thesis that all ideas and all knowledge are acquired.⁹

Locke further argued that the notion that everything must have a cause is not a true principle of reason nor a true preposition but the contrary. That is to say that he disagrees with the popularly

⁸ Bertrand Russell, *Vision of the West*. London: Macdonald, 1960, 172

⁹ John Locke, *An Essay Concerning Human Understanding* ed. Peter H. Nidditch. Oxford: Oxford University Press, 1975, \$7,47

held view that everything has a cause. For if this tradition that everything has a cause holds, it would mean that even God is created, and this would amount to a blasphemous contradiction. What is true according to Locke is that everything that has a beginning must have a cause. He drummed it clearly thus: “Everything that has a beginning must have a cause” is “a proposition certainly true.”¹⁰ His defense of this claim is simply that the idea of a beginning is necessarily connected with the idea of some operation and the idea of operation is identical with the idea of something operating which we call a cause. Put in contemporary language, Locke’s contention is that the statement “something came into existence but was not caused to do so by something else” is a contradiction. So for Locke, the question ‘Must every event have a cause?’ is exactly analogous to “Must every triangle have three angles?” Anyone who has the concepts in question clearly in mind can see that the answers are plainly and irrevocably in the affirmative and must be necessarily so.¹¹

3. Making a Demarcating Between Causality and Causation in Law

There is need to do some analytical demarcations between the two words—causality and causation. This is important bearing in mind that occasionally there is in one language a single word or expression for a concept that in another language is represented by either of two different words, which are not quite synonymous. The linguistic feature indicates that there are really two different concepts, which can be confused when the former of these languages is used. It is based on this that the need to delineate these words separately becomes necessary.

In his *System of Logic*, J. S. Mill writes that “Of all truths relating to phenomena, the most valuable to us are those which relate to the order of their succession.”¹² On a knowledge of these is founded every reasonable anticipation of future facts, and whatever power we have of influencing these facts to our advantage.” It is very obvious that Mill was referring to the notion of causality. Causation, for him, is nothing but an “invariable and unconditional sequence”¹³ of classes of complex events or conditions and hence when we identify a single event as a cause of an event, we “select” from a set known or believed to be “invariably and unconditionally” followed by an event of that kind.¹⁴

It is important to remark that the view that we “select” or “single out” the cause from a complex set of conditions previously identified, and that these selected events or phenomenon are known or believed to be invariably followed by the effect, (which is Mill’s position), is grossly misleading. Such

¹⁰ John Locke, *An Essay Concerning Human Understanding*, 6

¹¹ John Locke, *An Essay Concerning Human*, Bk. 1, Ch. 1, § 7, 46-47

¹² John Stuart Mill, *System of Logic, Ratiocinative and Inductive*, Cambridge: Cambridge University Press, 1843, 123

¹³ John Stuart Mill, *System of Logic, Ratiocinative and Inductive*, 124

¹⁴ John Stuart Mill, *System of Logic, Ratiocinative and Inductive*, 123

a riotous notion implies that the notion of cause is a matter of individual choice and lacks objective and universal characteristic; for Mill says 'select' or 'single out'. This is to say that the theory of Mill radically misrepresents the character of those actual situations (in and outside the courts) where the notion of cause is involved.

In his book, *Causes and Damages*, Aleksander Peczenik prefers to analyze the concept of causation.¹⁵ In analyzing same, Jan Hellner discussed some questions; most of them pertaining to fields other than the law of torts, which deal with causation in a wide sense. These questions include: What is the relation between causality and causation in law?, What does causation mean in legal context other than ascribing responsibility?, What is the role of the logic of conditions in the analysis of causation in law?¹⁶

In the first place, the word 'causality' is originally a Swedish term "kausalitet".¹⁷ In some senses, it seems to correspond to the English word "causality" and in another case of English word "causation. Even though, in English there is no consistent linguistic convention that seems to exist, there are good grounds for distinguishing between these two related concepts, even as there is a connection between them.

According to M. Bunge, it is obvious that the notion of "causality" belongs primarily to the natural sciences particularly physics.¹⁸ As a feature of the natural world, causality is intimately connected with the idea of laws of nature.¹⁹ The essence of the notion of causality seems to be that certain phenomena are connected with one another by relations that can be described as laws. This is not to be understood in pure legal term. Whether in philosophy or science, connections that are purely logical (in a wide sense) are not causal. For example, if X is the father of Y, Y is the child of X. This is not a causal relationship. Cause and effect are logically independent of one another. There are some characteristic that govern the causal relations.²⁰

One such causal characteristic is that causal connections are deterministic. This means that if a connection between two phenomena can be proved to be accidental or random, then it would be impossible to speak of causality or even determination.

The other characteristic is determination from the statistical point of view. This form of characteristic is seen in situation such as this one: If a number of people are exposed to X-ray radiation and a greater proportion of these people than of the remaining part of the population develop

¹⁵ Aleksander Peczenik, *Causes and Damages*, Oxford: Oxford University Press, 1979, Ch.10 and 11

¹⁶ Maurice Bunge, *The Place of the Causal Principle in Modern Science*, Harvard: Harvard University Press, 1959, 408ff

¹⁷ Maurice Bunge, *The Place of the Causal Principle in Modern Science*, 23

¹⁸ Maurice Bunge, *The Place of the Causal Principle in Modern Science*, 22

¹⁹ Maurice Bunge, *The Place of the Causal Principle in Modern Science*, 24

²⁰ Anthony U. Ezebuio et.al, *Causal Principles and Relations in African metaphysics: Implications for African Legal system*, Nasara Journal of Philosophy, Vol. 6, No. 1. 80-95

cancer, and this fact cannot be attributed to any other general circumstance, there is a statistical determination connecting X-ray radiation and cancer. In the words of Hellner, this differs from what is generally understood by causality because there have been attempts to explain all causality on theories of probability.²¹ The causality that is discussed here is primarily concerned with special events. We know that there are events in the natural world that constitute causes and effects.

The third characteristic of causality is one known as the characteristic of a direction from cause to effect. This characteristic is asymmetric. If a blow, for instance, causes the death of a person, the death cannot be the cause of the blow except in situations where it can be said that the death was the cause of the blow as when someone knows that someone is dead and still gives him a blow. Causality is also reciprocal. This is true when certain phenomena are connected in both directions. For example, a disease is causally connected with poverty at the same time as poverty is causally connected with the disease. In causality, an effect cannot precede its cause. This is direction in time.

Again, causation is not just subsumption of a special case under a general principle. It is an application of a general principle to a special case for a special purpose. Whereas causality concerns the character of general laws or regular occurrences, causation concerns special problems that face us. It was J. Kim who mentions some functions of statement regarding causation such as to explain the occurrence of particular events; to predict future events; to control events; to attribute moral responsibility and legal liability, and to fulfill certain technical applications of physical theory.²²

It can be noted that several of these functions have direct applications to law. Hence for causation to exist, causal chains are particularly important as when we say event A is a cause of B, and B is a cause of C. The chain can of course continue much farther. However, such diffuse connection creates special problem in law. A situation where we accept both links that connect A and B and the link between B and C as causal in a diffuse sense, it would be doubtful to accept the combined link between A and C as causal even in diffuse sense.

The failure to create this demarcation between causality and causation can lead to several confusions especially in law. For example, we do believe that nothing happens without a cause. Although this is an obvious truth in natural sciences, it is also taken to be true in law when we accept that a damage cannot be caused by the absence of an event, or more specially, that a person's omission to act cannot be a cause of harm that ensues later.

4. Hume's Epistemology: The Origin of Ideas and the Basis of the Denial

The following start-up opens up Hume's epistemology:

²¹ Anthony U. Ezebuio et.al, *Causal Principles and Relations in African metaphysics*, 86

²² Anthony U. Ezebuio et.al, *Causal Principles and Relations in African metaphysics*, 90-91

- 1) All our ideas are derived from impressions of sensation. We cannot even conceive of anything different from what our experience gives us.
- 2) 2. A matter of fact can never be proved apriori. It must be discovered by or inferred from experience.²³

Dwelling on the above Hume holds that it is possible to isolate complex experience into its direct constituent impressions. It subsequently follows from this, that essential impressions are the structure materials for all experiences and can be imagined freely. Beginning with definitions, he calls 'perception', whatever can be acquainted with the mind, whether or not we use our resources or are actuated with vitality or exercise our thought and reflection. He holds that all perspective on the mind can be sunk into specific sorts, to be explicit 'impressions' and 'musings'. The past he portrayed as the genuine physical percepts, that is, things in their normal state as our faculties see them, the real sensation and physical associate with the article, or marvel, while the last was imagined as the far off impression of the previous impression.

The fundamental distinction between these sorts of discernments involves level of power and vivacity with which they strike upon the brain and advance into our awareness. Those that enter with most power and savagery, we may call impressions and they are subsequently exuberant and solid. They incorporate sensations, interests and feelings. Thoughts are more vulnerable and fainter pictures of those impressions in intuition or thinking. Solidly expressed, the contrast between the two could be compared to that among feeling, and considering what one felt.

Hume additionally made some glaring differentiations among straightforward and complex impressions and thoughts. Basic impression and thoughts are with the end goal that are entirely, and thusly concede to no further atomization. They are what John Locke would call, thoughts of essential characteristics. They are the genuine impression of the real wonder. The mind boggling comprises of the collection of the simples which thus can be additionally separated into littler (straightforward) units. They are thoughts of optional characteristics in Locke's phrasing.²⁴

Hume speculated that every one of our thoughts or feeble impressions are gotten from our impressions (solid discernments) and that we can never consider anything which we have never observed or analyze.²⁵ For instance, we can't frame an only thought of the flavor of pineapple without having tasted it. Leave an item alone introduced to a man of ever solid common explanation and

²³ David Hume, *A Treatise of Human Nature* 2d., P.H. Nidditch. Oxford: Oxford University Press, 1978, Bk. 1, pt. 1, sec.1.

²⁴ David Hume, *A Treatise of Human Nature* 2d, 2

²⁵ David Hume, *A Treatise of Human Nature* 2d, 3

capacities, if that article be completely new to him, he won't be capable, by the most exact assessment of its reasonable characteristics to find any of the causes or impacts.²⁶

This recommendation is by all accounts equal to that which Locke was making careful effort to build up, to be specific, "that no thoughts are intrinsic". Yet, the issue with Locke's hypothesis is that he understands every one of our observations under the term, 'thoughts', in which case, it is bogus that we have inborn thoughts. For it is obvious that our more grounded observations or impression are inborn, and that our common fondness, love, or prudence, hatred and the various interests emerge quickly from nature.²⁷

Any place any thought is equivocal, Hume has consistently plan of action to the impression from which it emerged and which therefore should render it comprehensible. Any thought or philosophical term of which the past impression or gathering of impressions couldn't be followed, was to be decided as bogus or imaginary thought. For such sorts of thoughts, he generally asks: From what impression is that thoughts determined? Assuming none, he presumes that the thought is through and through inconsequential.

It is after this way that he inspected the possibility of substance, quintessence, circumstances and logical results in every single philosophical discussion. The thorough examination of suggestions which might be called epistemological atomism has had transcending effect on the resulting masterminds. Bertrand Russell, G.E. Moore and without a doubt all disciples of the legitimate positivism got motivations from Hume's atomism. Hume's epistemological back-following to the essential impression in the end turned into his model for truth and importance. Utilizing it as a weapon against metaphysic, Hume asked in his *Enquiry Concerning Human Understanding*:

If we take in our hand any volume of divinity or school of metaphysics for instance, let us ask, Does it contain any abstract reasoning concerning quantity or number? No. Does it contain any experimental reasoning concerning matter of fact and existence? No. Commit it then to the flames: for it can contain nothing but sophistry and illusions.²⁸

From this test for meaning which escalated into book-burning crusade, Hume teaches that terms previously taken for granted as true, will upon rigorous analysis, dissolve into meaninglessness. And having posited that every genuine idea is a copy of a previous impression, the onerous task for Hume is to explain how we come to have complex ideas. It is here that he unfolds that part of his

²⁶ David Hume, *A Treatise of Human Nature* 2d,4

²⁷ John Locke, *An Essay Concerning Human Understanding*, 17

²⁸ John Locke, *An Essay Concerning Human Understanding*, 26, 344-347

philosophy and epistemology which precipitated the controversy that woke Kant from his dogmatic slumber.

5. Hume's Causal Theory: A Critical Analysis

David Hume was the most prominent theorist of causation. He radically challenged the philosophic tradition of causality. Like Locke, he based his causal thesis on a given empiricist epistemological framework wherein he carried out the doctrine of empiricism to its logical conclusions which led him to deny the notion of necessary connection between two events—cause and effect. In his theory of knowledge, Hume holds that all our knowledge is got from sense impression or a reflection of it. He believes that for any given phenomenon, we can trace its origin to the impression that gave rise to it. Hume conceived the notion of causation as a complex idea, that is, ideas that are not immediately got from the sense impression but instead requires perceivable by the senses. Upon this rigorous analysis, Hume discovered that what has been traditionally acknowledged to be an instance of necessary connection is nothing more than a mere association of ideas.

Things do relate to and conjoin with one another and when we observe this constant conjunction for a long period of time, we infer out of habit and custom that of the two constantly conjoined events, the one that comes before is the cause and the one that comes after, the effect. In reality, Hume opined, nothing causes the other. Things interact, they relate, they do resemble, there is a close association and relationship between phenomena but constant conjunction is all that we see and nothing more. We do not have any reason or right to impute into this phenomenon, something which we do not observe.

The fact of similarities and resemblances are commonplace but this should not be mistaken for causal connection. As the day follows the night without one causing the other, so is the relationship between phenomenon to which the mind imposes necessary connection. For Hume, therefore, events are separate and distinct without any intrinsic bond between them.

Asked whether drinking of beer, for example, can cause intoxication, Hume answers that drinking of beer is one thing, and being intoxicated is another thing. He insists that intoxication follows the drinking of beer, not that the latter caused the former.

Hume may, have closed his eyes to the truth that no matter the quantity of water one drinks, one would not get intoxicated but that each time one drinks a certain quantity of beer, one gets intoxicated. Such constant and invariable occurrence could not be a matter of a chance, but of a necessary connection.

6. Basic implications of Hume's Denial and Critique on Legal Judgment

a) Denial of Precedent and Material Fact in Adjudication

Most, if not all known legal systems base their judgments and adjudication on the doctrine of precedent and material fact. The doctrine of precedent holds that judgement of the present case shall

be made with reference to similar former cases. It is a necessary judicial practice in any system that operates the common law. The doctrine asserts that the decisions of superior courts in common law system are binding and must be followed. This inclination to be guided by past decisions is a natural course of conduct and is therefore no peculiar characteristics of common law. It is however feature of common law that the judges be obliged to follow previous decisions in appropriate cases even when they have what they consider to be good reasons for not doing so.

Put in different language, the doctrine obliges the judge to apply the *Ratio Decidendi* of a previously determined case, to the facts of the case before him, unless he is able to distinguish such facts from those of the previous case. This is because, precedents are taken to be the principal and most authoritative evidence. Morally, it is a mark of respect for the opinion of one's ancestors, who should not be presumed to have acted 'wholly without consideration'. Besides, it is a convenient practice since it requires that a question once decided should not be subject to re-argument in every case where it subsequently arises. If each new case is decided without any consideration to previous cases, law would cease to be a science, for the possibility of prediction which is the basis of science, would disappear.

The doctrine of precedent is predicated on static conception of reality. But our world is the world of Heraclitean flux so that nothing remains the same and unaltered. Law is no exception to this universal phenomenal change. It is against this background that Hume has contended that we cannot infer anything from experience since the subject of experience is "a mere fiction". Every event is as far as we can see loose and separate from every other; hence every moment we start from the scratch with no logical basis for prediction. "No matter how many particular premises were accumulated, the transition to a universal conclusion is still fallacious."

It should be noted here that not only is this posture of Hume's theory in conflict with the doctrine of precedent but also it makes judgement impossible since we cannot make any valid judgement from particular premises no matter how many. The disregard for precedent which Hume's theory implied inaugurates a new dimension in the legal horizon. For while showing resentment for the judgement of the present case based on the past, and emphasizing the "present" and the "now", stressing and echoing what can be perceived as the only valid exhibits, Hume's theory degenerates into legal positivism, the dangers of which requires further research.

7. Conclusion

This work set out to uncover the epistemological theory that gave rise to Hume's denial and critique of causation in law and morality. The work began by exposing the fact that causal principles and relation are common experience in our everyday life. This was made clear as the work went through the historical development of the idea of causation and causality in human affairs. However, that David Hume denied this apparent reality is undebatable. Undeniably, Hume's philosophy and denial of causation largely consists in exposing the pitfalls in our thinking, through clarification of

terms and concepts. The implication of this is made available in the introduction of the use of doctrines of precedents and material facts as used in court by judges. These implications remain everly valid as long as Hume's thesis continues to impact on the adjudication of cases and awarding of blame and responsibility to offenders of law. The work is significantly rich and relevant in today's legal business as it has become urgently necessary to revisit the language of court in order to determine the meaning imputed therein.

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