What`s the relevance of David Hume's conception of sympathy?

It is often unclear whether David Hume's work can be seen as a *descriptive* project to explain the emergence of norms within societies or as a *normative* project to legitimize norms because of their advantages for all individuals in a society. An important element for both projects is the *hypothetical imperative*: *If* all individuals are rational and share certain interests *then* they have to cope with certain problems of interaction. These problems, so the argument, can *only* be solved by establishing certain general norms. In relation to this context, for instance evolutionary game theorists analyze how the aim of solving these problems of interaction finally leads to the emergence of cultural norms. However, the fact that certain normative constraints are beneficial for all individuals in a society can also be used for normative projects to legitimize moral or legal institutions. In opposition to other forms of justification, a legitimization on the basis of a hypothetical imperative gives *all individuals* a reason to agree to norms as these norms are considered to be beneficial for everybody – given each individual *really* shares the presupposed interests. This form of legitimization is not only used by Hume but also by Thomas Hobbes, James Buchanan and even John Rawls.

In my talk I will firstly show that Hume as well as Hobbes implicitly rely on the *normative* premise that coercion *should* be avoided if they want to motivate the claim that norms or the rule of law are only legitimate if *everybody* has a reason to agree to it. Furthermore, I argue that this normative project necessarily rests on the analysis of which problems of interaction would arise in societies and which solutions are *stable* and *beneficial*. This motivates, secondly, a closer look at the relevant analytic models and their premises: Given a society full of rational egoists, I argue that even a minimal state will not necessarily be beneficial for everybody. On the other hand, I argue that the assumption of a society of altruists is based on a similarly unrealistic reductionism. Furthermore, I question the relevance of Ken Binmore's idea that cultural fairness norms evolved as they solve certain problems of interaction and hence increase the fitness of biological individuals. Thirdly, I argue that Ernst Fehr et al. propose a more realistic starting point by assuming that only some individuals are egoists while others are altruistic. Nevertheless, I not only criticize Fehr's understanding of altruism as *strong reciprocity* but also equally prominent foundations, such as *inequality aversion*, *envy* or *unconditional kindness*. Finally, I argue that Hume's conception of sympathy provides a more realistic and minimalistic foundation of moderate altruism that many moral individuals could agree to. Furthermore, I argue that even opportunism can be explained in this framework if it is assumed that not everybody has enough sympathy with others to constrain his self-regarding interests. I conclude that this Humean position can provide new and more realistic results for analytic models as well as for corresponding normative legitimizations of moral or legal institutions.

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