

Phil 114, April 10, 2007
Hume: Justice as an Artificial Virtue

Book III, Part ii, Section 1: Hume's argument that the virtue of justice is not “natural,” but “artificial”

Overview:

- (1) What makes an action virtuous is that it is produced by a motive of which we approve.
 - (2) What is the motive that produces just actions? Not self-interest, public benevolence, or private benevolence. These motives would sometimes lead one to break the rules of justice.
 - (3) Thus, the motive that produces just actions is the motive to do something that is approved of.
 - (4) There is something puzzling about (3). If the question is, “Why do we approve of just actions?” then what kind of answer is it to say, “Because they are approved of”?
 - (5) This puzzle is resolved if justice is an “artificial” virtue: if we approve of just actions, because we approve of a convention.
- (2) The motive that we approve of when we approve of just actions cannot be self-interest, public benevolence, or private benevolence.
- (A) Why the motive cannot be “private interest or reputation” (480): Self-interest, left on its own, would probably motivate one *not* to repay the loan.
 - (B) Why the motive cannot be “regard to the public interest” (480–1): (i) The connection between just acts and the public interest is mediated by a convention. (ii) If the loan is secret, then only the lender’s interest, not the public interest, is affected by the borrower’s not repaying it. (iii) Typically, when people repay loans, they do not think in such abstract terms.
 - (C) Why the motive cannot be “regard to the interests of the party concern’d,” e.g., concern for the lender (482–3). (i) If the borrower views the lender as an enemy, or evil, or a miser who won’t use the money for anything, or a “profligate debauchee” who will waste it all; or if the borrower and his family are starving, then concern for the lender will not motivate him to repay the loan. (ii) Duties of justice are generally *stronger* than duties of benevolence. If the motive of justice were private benevolence, then duties of justice and duties of benevolence would have the same strength. (iii) The rules of justice are unyielding. But feelings of benevolence are variable.
- (3) This seems to suggest that the motive that we approve of in calling an action “just” is a regard to justice: a concern to act justly for its own sake. First, as we just saw, only a concern to act justly for its own sake could motivate people to act justly, given that they have other motives not to. Second, justice, unlike benevolence, is a self-conscious virtue. When people act benevolently, their motive does not involve the concept of benevolence. The thought that runs through their minds is not, “This would be benevolent,” but rather (e.g.) “That person is suffering.” When people act justly, however, their motives do involve the concept of justice. The thought that runs through their minds is: “This is what justice demands.”
- (4) The fundamental problem is this seems to leave it inexplicable *why* we approve of justice, what *makes* justice a virtue. Why is justice approved of? Because of its motive. What is its motive? That justice is approved of. Justice is approved of because justice is approved of—not a very illuminating explanation.
- (5) We approve of a just action not because of something good about a person’s performing that action *in particular*, but instead because of something good about that people performing those actions *in general*: a convention, social practice, or system of rule-governed behavior to which that action belongs.

Section 2: Hume's account of how justice arises

People first need to be motivated to act in the relevant ways. The initial motivation is self-interest.

- (1) Individual humans have great needs, but insufficient means to satisfy them (484–5).

- (2) To meet their needs, humans have to join together in society. (Society allows us (a) to pool our efforts, (b) to specialize, and (c) to have some insurance against individual bad luck) (485).
- (3) Factor 1: People care about (a) themselves, and (b) their loved ones more than they care about other people. (The “qualities of the mind,” “selflessness” and “limited generosity” (486–7).)
- (4) Factor 2: People need external, physical objects. These are (a) scarce relative to human need and (b) easily taken by other people (487–8).
- (5) Problem: Because of factors 1 and 2, people realize that others will be tempted to take their stuff, and so are wary of entering society (488–9).
- (6) So before they enter into society, people need some assurance of certain rules (488–9).
- (7) This assurance cannot be provided by a promise (490).
- (8) Instead: Person A recognizes that person B thinks it is in her interest to abide by the rules, so long as person A does the same. And person B recognizes that person A thinks it is in her interest to abide by the rules, so long as person B does the same. So they both realize that so long as they abide by the rules, the other will too. An assurance game (490).

Justice only arises when factors 1 and 2 obtain. Otherwise there is no need for it (492–5).

Why do we approve just acts that do not affect us?

Sympathy: We can only directly perceive the causes or effects of the passions of others. When we do so, we readily form an idea, or representation, of those passions, and this idea is converted into the passion it represents. Qualities that produce pleasure in others tend to produce similar pleasures in us.

S’s judging a person’s character trait X to be virtuous arises from S’s sympathizing with those for whom X is useful or agreeable.

First objection to explaining moral evaluation in terms of sympathy:

- (i) Sympathy is variable. We sympathize more with people closer to us than with people farther away, either in our affections, or in place, or in time,
- (ii) Therefore, if our moral judgments were based on sympathy, our moral judgments would manifest the same variability.
- (iii) But our moral judgments do not manifest the same variability.
- (iv) Therefore, our moral judgments are not based on sympathy.

Hume’s reply: We make moral judgments from a “steady and general” point of view: “steady” in that it does not change over time, and “general” in that it takes everyone’s interests into account.

Second objection to explaining moral evaluation in terms of sympathy:

- (i) When a character that, in normal circumstances, would be useful or agreeable to other is, due to abnormal circumstances, less useful or agreeable, we have less to sympathize with.
- (ii) Therefore, if our moral judgments were based on sympathy, our moral judgments would vary in this way.
- (iii) But our moral judgments do not vary in this way. “Virtue in rags is still virtue.”
- (iv) Therefore, our moral judgments are not based on sympathy.

Hume’s reply: When we experience a character that is usually useful or agreeable, we automatically anticipate that it will be useful or agreeable in the present circumstances and, regardless of whether the present circumstances permit it to be useful or agreeable, respond with a sentiment of approval.

S’s judging a person’s character trait X to be virtuous arises from S’s recognition that S *would* sympathize with the people for whom X would be useful or agreeable if

- (i) S adopted a steady and general point of view and
- (ii) X were to have its usual effects.