An Enquiry into the Sources of Morals

David Hume

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis . . . . indicates the omission of a brief passage that seems to present more difficulty than it is worth. Larger omissions are reported within square brackets, in normal-sized type.—Hume's title for this work is *An Enquiry Concerning the Principles of Morals*. In his day a 'principle' was often not a kind of •proposition but rather a •'source of activity' or •'activator' or the like. On page 3 he calls morality an 'active principle', and on page 29 he writes that a certain 'principle still exerts its active energy'—he isn't talking about the active energy of a *proposition*! This sense of 'principle' is what is meant in the title of this work, which on pages 4, 56 and 65 Hume describes as an enquiry into 'the origin of morals'.

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Most of the principles and reasonings contained in this volume were published in a work in three volumes, called *A Treatise of Human Nature*, a work which the author had projected before he left college, and which he wrote and published soon after. It wasn't a success, and he came to realize that he had gone to the press too early; so he re-worked the whole thing in the following pieces, in which he hopes to have corrected some faults in his earlier reasoning and more in his writing. [The *Enquiry Concerning Human Understanding*, the *Dissertation on the Passions*, and the present work were published in one volume.] Yet several writers who have honoured the author's philosophy with answers have taken care to aim all their guns at that juvenile work which the author has never acknowledged, and have gloated over victories that they imagined they had won against it. That is dishonest and unfair, and a striking example of the polemical tricks that a bigoted zeal thinks it is entitled to employ. From now on, the author wants the following pieces to be regarded as the only source for his philosophical sentiments and principles. [In Hume's day a 'sentiment' could be •a view/opinion/belief, or a •feeling. Why not replace each occurrence of 'sentiment' by 'belief' or by 'feeling', as is appropriate in the given context? For two reasons. •Hume sometimes seems to make 'sentiment' sprawl across both its meanings. •Some things that many people regard as beliefs are, in Hume's view, really feelings; and with a given occurrence of 'sentiment' it's not always clear how far he means to be showing his hand just there. So in this version 'sentiment' is never replaced. In cases where—as on page 2—it is both sure and important that it means 'feeling', that is indicated by the addition of '·or feeling·'.]

Section 1: The general sources of morals

The disputes that one has with •men who are stubbornly obstinate in their principles are the most tiresome of all; except perhaps for the disputes with •perfectly insincere people who don't really believe the opinions they defend, but engage in the controversy because they enjoy it or because they want to show how much cleverer and more ingenious they are than the rest of mankind. Both kinds of disputant show the same blind adherence to their own arguments, the same contempt for their opponents, and the same emotional intensity in pushing their bad arguments and false doctrines. Neither kind gets through reasoning the views he is defending, so it's no use expecting to be able to move them from falsehood to truth by reasoning; the only 'logic' they'll be moved by is the 'logic' that speaks to the feelings!

Those who have denied the reality of moral distinctions can be classified among the insincere disputants. It simply isn't conceivable that any human being could ever *seriously believe* that all kinds of people and all kinds of behaviour are equally entitled to everyone's affection and regard. Nature will make one man so different from another, and this difference is made so much greater still by upbringing, example and habit, that when we compare the two men we *have to* be aware of how unalike they are. That they are somewhat different couldn't be questioned by the most thorough sceptic or denied by the most confident dogmatist. However numb

a person is with regard to his fellow men, he must often be visited by thoughts of right and wrong; and however firmly wedded he is to his prejudices, he must be aware that the other people are also given to such thoughts. So the only way to •convert an antagonist of this kind—·i.e. one who denies that there are moral differences between man and man·—is to •leave him to himself! When he finds that nobody is willing to argue with him, he will probably end up—out of sheer boredom—coming over to the side of common sense and reason.

A *serious* controversy has started up recently—one that is worth engaging in—about the general foundation of morals:

- •Are morals derived from reason or from sentiment (·or feeling·)?
- •Do we get our knowledge of them by a chain of argument and induction, or by an immediate feeling and finer internal sense?
- •Should moral opinions (like all sound judgments of truth and falsehood) be the same for every rational intelligent being; or are they (like the perception of beauty and ugliness) based entirely on the particular make-up of the human species?

The ancient philosophers often *assert* that virtue is nothing but •conformity to reason; but their writings generally suggest that they *think* that morals derive their existence from •taste and sentiment. And on the other side, our modern enquirers talk a great deal about the 'beauty' of virtue and 'ugliness' of vice, ·seeming to imply that their basis is •sentiment or feeling·; but they have commonly tried to account for the virtue/vice distinction by metaphysical •reasonings and by deductions from the most abstract principles of the understanding. There has been so much confusion in these subjects that a really important opposition between two systems. . . .could pass unnoticed—until recently, that is. The elegant Lord Shaftesbury, who first called this distinction to our attention, and who in general accepted the principles of the ancients, is himself not entirely free from the same confusion.

Admittedly there are plausible arguments on both sides of the question. On the side of the view that moral distinctions are discernible by pure reason there is this line of thought:

> Consider the many disputes—in everyday life as well as in philosophy—regarding morals; the long chains of proofs that are often produced on both sides; the examples cited, the authorities appealed to, the analogies employed, the fallacies detected, the inferences drawn, and the various conclusions tailored to fit the principles they are supposed to go with. Where does all this come from if morals aren't in the domain of reason? Truth is disputable; taste isn't.
>
> > **(1)** What exists in the nature of things is the standard of our •judgment.
> > **(2)** What each man feels within himself is the standard of •sentiment ·or feeling·.

[A note on the two sides of the contrast Hume is drawing here. **(1)** In his time 'judgment' could stand for thinking that P, coming to the conclusion that P, believing that P. There was nothing specially moral about the word's meaning, as there is for us when, for example, we describe someone as 'judgmental'. **(2)** This is a place where 'sentiment' clearly means 'feeling' and not 'belief' (see note on page 1). These two points together help to explain why this work could not have been entitled 'An Enquiry into the Sources of Moral Judgments'.] Propositions in geometry can be proved, systems in physics can be controverted; but the harmony of verse, the tenderness of passion, the brilliancy of wit, must give immediate pleasure. No man *reasons* about someone else's *beauty*, but

> we often reason concerning the justice or injustice of someone's actions. In every criminal trial the prisoner aims **(1)** to disprove the accusations about what he has actually done, and **(2)** to show that even if these actions were real they could be justified as innocent and lawful. Everyone knows that **(1)** is settled by deductions of the understanding; how can we suppose that in settling **(2)** a different faculty of the mind is employed?

On the other side, those who hold that all moral views are matters of sentiment may say things like this:

> It is impossible for reason ever to draw moral conclusions. The essence of virtue is that it is *amiable* [here = 'lovable'], the essence of vice is that it is *odious*. Could reason or argumentation tell us which items are to be labelled 'amiable' and which 'odious'—settling in advance that *this* must produce love, and *that* must produce hatred? What reason can we ever give for the facts about what we love and what we hate except the basic structure of the human mind?
>
> The purpose of all moral theorizing is to teach us our duty, and by presenting the ugliness of •vice and the beauty of •virtue to get us into the habit of avoiding •one and embracing •the other. Could we ever expect to achieve *that* through inferences and conclusions of the understanding, which don't in themselves have any hold on our affections and don't set in motion our active powers? Inferences etc. reveal truths; but they can't influence our behaviour because the truths they reveal are indifferent, and don't create either desire or aversion. [Here and in the next paragraph, 'indifferent' means 'not involving any kind of *for* or *against*'.] If •something is honourable, fair, appropriate, noble or generous, it **takes possession of the heart**, and stirs us to embrace and maintain •it. On the other hand, if something is intelligible, evident, probable or true, that **procures only the cool assent of our understanding**. . . .
>
> If you extinguish all the warm feelings and attitudes in favour of virtue, and all disgust or aversion to vice, thus making people totally indifferent towards these distinctions, the result will be that morality is no longer a *practical* study, having no tendency to regulate our lives and actions.

These arguments (and many more that might be produced) are so plausible that I'm inclined to suspect that the arguments on *both* sides are solid and satisfactory, and that •reason and •sentiment work together in almost all moral judgments and conclusions. ·But, if I am right, they enter the picture in different ways·. There is the final judgment, which

- •pronounces people and actions amiable or odious, praiseworthy or blameable,
- •stamps on them the mark of honour or infamy, approval or censure,
- •renders morality an active principle, and
- •makes virtue our happiness, and vice our misery.

This final moral conclusion depends on some internal sense or feeling that nature has made universal in the whole species; for only a feeling could have an influence such as I have described. But we often find that in order to reach this sentiment ·or feeling·, and to pick out accurately the thing the feeling is *about*, we have to •go through much reasoning, •make fine distinctions, •draw sound conclusions, •compare things that are not greatly alike, •examine complicated relations, and •settle various factual matters. Some sorts of beauty, especially natural beauty, command our affection and approval when we first see them; and

if something doesn't have this effect, there's no way for *reasoning* to remedy the situation and make the item in question more in tune with our taste and sentiment. But there are many kinds of beauty, especially in the finer arts, where one has to use much reasoning if one is to have the right feeling; and a wrong liking ·for a work of art· can often be corrected by argument and reflection. There are good reasons to think that moral beauty is of the latter kind, and can't get a suitable influence on the human mind unless it gets help from our intellectual faculties.

But although this question about which of our faculties is at work in morals is challenging and important, I don't need to go into it any further here. What I *do* want to do in this enquiry is to discover the true origin of morals. If I have the good fortune to succeed in that, it won't be hard to see how far either sentiment or reason enters into all our moral judgment. (I'll return to that in Appendix 1.) To achieve my purpose, I'll try to follow a very simple method: I shall analyse the complex of mental qualities that we commonly call 'personal merit'. I shall consider every attribute of mind that makes a man an object either of •respect and affection or of •hatred and contempt, every habit or sentiment or ability which, if ascribed to any person, implies either •praise or •blame. . . . Everyone is alert to this difference, so I am pretty sure that I won't ever go seriously wrong in drawing up my lists, putting any item that I am thinking about into the wrong list. All I need do is to look into myself for a moment, and consider whether I would want to have this or that quality ascribed to me, and whether, if it were ascribed to me, that would come from a friend or from an enemy. The very nature of language guides us almost infallibly in forming a judgment of this kind; every language contains one set of words that are understood as approving, and another set that are understood as disapproving, and a quite casual acquaintance with the idiom enables us to collect and arrange the ·lists of· estimable and of blameable qualities of men, without having to *reason* about what we are doing. The only role of reasoning in this matter is to discover what is in common to the attributes that bring approval, and what is common to all that bring disapproval, and on that basis to reach the foundation of ethics, and find the universal sources from which all blame or approval is ultimately derived. As this is a question of fact, not of abstract theory, the only way we can expect to succeed is by following the experimental method, deriving •general maxims from a comparison of •particular instances. The other scientific method, in which a general abstract principle is first established and then a variety of inferences and conclusions are drawn from it, may be intrinsically better, but it isn't as well suited to the imperfection of human nature, and is a common source of illusion and error in morals as well as in other subjects. Men are now cured of their passion for *hypotheses* and *systems* in natural philosophy [= 'natural science'], and won't listen to any arguments that aren't derived from experience. It's high time they tried a similar reformation in all moral proceedings, and rejected every system of ethics, however subtle or ingenious, that isn't based on fact and observation. I shall begin my enquiry by considering the social virtues, *benevolence* and *justice*. Getting clear about them will probably give us an opening through which the other virtues can be accounted for.

Section 2: Benevolence

Part 1

·How benevolence is valued·

You may well think that there is no need to *show* that the benevolent or softer affections are estimable, and always attract the approval and good-will of mankind. All languages have equivalents of the words 'sociable', 'good-natured', 'humane', 'merciful', 'grateful', 'friendly', 'generous' and 'beneficent', and such words always express the highest merit that human nature can attain. When these amiable qualities are accompanied by ·noble· birth and power and distinguished abilities, and display themselves in the good government or useful instruction of mankind, they seem even to raise the possessors of them above the rank of *human* nature, making them somewhat approach the status of *divine*. Great ability, undaunted courage, tremendous success—these may expose a hero or politician to the public's envy and ill-will; but as soon as 'humane' and 'beneficent' are added to the praises—when instances are displayed of mercy, gentleness, or friendship—envy itself is silent, or joins in with the general voice of approval and applause.

When Pericles, the great Athenian statesman and general, was on his death-bed, his surrounding friends—thinking he was unconscious—began to express their sorrow by listing their dying patron's great qualities and successes, his conquests and victories, his unusually long time in power, and his nine trophies erected ·to celebrate victories· over the enemies of the republic. In fact the dying hero was conscious, heard all of this, and joined in: 'You are forgetting the highest of my praises. While dwelling on those common advantages, in which luck had a principal share, you haven't observed that no citizen ever wore mourning because of me.'

In men of more ordinary talents and abilities, the social virtues become, if possible, still more essentially needed if a person is to be regarded with approval, because in that case there is no high distinction to compensate for any lack of social virtues, or to preserve the person from our severest hatred as well as contempt. Cicero has written that high ambition and great courage are apt in less perfect characters to degenerate into a turbulent ferocity. What such less perfect people mainly need are the softer and more social virtues, which are good and amiable in anyone who has them.

According to ·the Latin writer· Venal, what is chiefly *good* about someone's having great •powers and abilities is that this makes his •benevolence more extensive, giving him greater opportunities to spread his kindly influence than lesser men have. Let us face it: the only way a man can truly enjoy the advantages of being distinguished in other ways is by doing good. His high position in itself merely exposes him to danger and tempest. His only real privilege is his ability to provide shelter to inferiors who entrust themselves to his cover and protection. But I'm forgetting that it's not my present business to recommend generosity and benevolence, or to paint in their true colours all the genuine charms of the social virtues. These virtues sufficiently engage every heart when they are first understood, and it's hard not to break out in praise of them whenever they crop up in discourse or reasoning. But my object here is the theoretical rather than the practical part of morals, so I'll just say this, expecting everyone to agree: No qualities are more entitled to the general good-will and approval of mankind than beneficence and humanity, friendship and gratitude, natural affection

and public spirit, or anything that comes from a tender sympathy with others and a generous concern for mankind in general. Whenever these appear, they seem to inject themselves, so to speak, into each beholder, causing *him* to have some of these the same favourable and affectionate sentiments. [Throughout this work, Hume uses 'sympathy' in its basic original sense of 'fellow-feeling'. In this sense of the word, I can have sympathy with you in your happiness, or—see 'contagion and sympathy' on page 49—be irritable in sympathy with your bad temper.]

Part 2

·Benevolence and utility·

When we are praising a humane and beneficent man, we always emphasize the happiness and satisfaction that society gets from his good works. We are apt to say that he is dear to his parents not only because of the tie of blood but also, and more, because of his pious attachment to them and his dutiful care for them. His children never feel his authority except when it is exerted for their benefit. With him, the ties of love are consolidated by beneficence and friendship. The ties of friendship approach those of love and inclination, because of the spirit in which he does good things for his friends. For his servants and dependents he is a sure resource; and they no longer dread the power of fortune except insofar as it concerns his welfare. From him the hungry receive food, the naked receive clothing, the ignorant or lazy receive skill and work. He is like the sun in being an inferior minister [= 'subordinate agent'] of providence; he cheers, invigorates and sustains the world around him.

If he is confined to private life, his sphere of activity is smaller but his influence is all benign and gentle. If he is exalted into a higher position, mankind and posterity reap the fruit of his labours. These modes of praise are *always* employed, and with success, when we want to inspire esteem for someone. Can't we infer from this that the utility resulting from the social virtues—·the good that is done under their influence·— is at least a part of their merit, and is one source of the approval and respect that everyone gives to them? When we recommend even an animal or a plant as useful and beneficial, we applaud and praise it in a manner suited to its nature. Just as, on the other hand, when we think about the harmful influence of any kind of plant or animal, this always creates in us a sentiment ·or feeling· of aversion. The eye is pleased with the view of corn-fields and loaded vine-yards, horses grazing and flocks pasturing; but it avoids the view of briars and brambles that provide shelter for wolves and snakes.

If a machine or piece of furniture or article of clothing or house is well designed for use and convenience, to that extent it is beautiful, and is contemplated with pleasure and approval. With this kind of thing, an experienced eye will detect many excellences that ignorant and uninstructed people would miss. Can anything stronger be said in praise of an occupation—such as merchandising or manufacturing—than to point out the good it does for society? And won't a monk or an inquisitor be enraged if we treat his religious organisation as useless or harmful to mankind?

The historian rejoices in displaying the benefits arising from his labours. The writer of romances does what he can to lessen or deny the bad consequences that are ascribed to the kind of thing he writes.

In general, what praise is implied in the simple epithet 'useful'! What reproach in the contrary!

Cicero in opposition to the Epicureans said: 'Your Gods are not entitled to any worship or adoration, whatever imaginary perfections you endow them with. They are totally useless and inactive. Even the Egyptians, whom you so

much ridicule, never treated any animal as sacred except on account of its utility.'

The sceptics assert that the all religious worship originated from the utility of inanimate objects, such as the sun and moon, to the support and well-being of mankind. (This is an absurd theory of the origin of religion, ·but its sheer existence supports my thesis about the central place of utility, doing-good, bringing-benefit, to our approval and admiration·.) This is also the reason that historians commonly give for the deification of eminent heroes and legislators.

To plant a tree, to cultivate a field, to beget children—these are all meritorious acts, according to the religion of Zoroaster.

·Empirical evidence of failures of benevolence·

In moral judgments, this matter of public utility is always centrally in view; and whenever every-day or philosophical disputes arise concerning the limits of duty, by far the most certain way of settling the disputed question is to ascertain how each side of it relates to the true interests of mankind. If we find that a misreading of the evidence has led us to accept a false opinion ·about human interests·, as soon as further experience and sounder reasoning have given us a more correct view of the facts, we retract our first sentiment and re-adjust the line between moral good and evil. ·Here are four examples of this kind of shift in moral opinion·. **(1)** Giving alms to common beggars is naturally praised, because it seems to bring relief to those who are poor and distressed; but when we see that alms-giving encourages idleness and debauchery, we regard that kind of charity as a weakness rather than a virtue. **(2)** Tyrannicide, i.e. the assassination of usurpers and oppressive rulers, was highly praised in ancient times, because it •freed mankind from many of these monsters, and •seemed to keep in awe other rulers who couldn't be reached by the sword or the dagger. But history and experience have since convinced us that this practice makes rulers more suspicious and cruel; so that a Tiberius and a Brutes [two high-minded killers of their rulers], though treated with indulgence because of the prejudices of their times, are now regarded as *not* people to imitate. **(3)** Generosity in rulers is regarded as a sign of beneficence; but when it has the result that the homely bread of honest and hard-working people is often converted into luxury-foods for wasteful idlers, we soon retract our thoughtless praises. The regrets of a monarch for having lost a day were noble and generous; but if he had intended to spend the day in acts of generosity to his greedy courtiers, it was better lost than misused in that way. **(4)** Luxury, or a refinement on the pleasures and conveniences of life, has for a long time been regarded as the source of every corruption in government, and the ultimate cause of faction, sedition, civil wars, and the total loss of liberty. [Hume wrote 'the immediate cause' etc.; presumably a slip.] So it was seen by everyone as a vice, and was attacked by all satirists and severe moralists. Those who show (or try to show) that such refinements tend to increase industry, civility and arts are offering new rules for our •moral as well as our •political sentiments, representing as praise-worthy, or ·at least· as innocent, behaviour that had formerly been regarded as harmful and blameable. [This refers to Mandeville's *Fable of the Bees: Private Vices Public Benefits*.]

Taking all of this together, it seems undeniable that •nothing can bestow more merit on any person that his having a very high degree of the sentiment of benevolence; and that at least •a *part* of the merit of this sentiment comes from its probable consequences for the interests of our species and the happiness of human society. When we think about a benevolent person, we carry our view of •his character and disposition forward to •their good

consequences; and we look with satisfaction and pleasure at anything that has such a benign influence and contributes to such a desirable end. The social virtues are *never* viewed as barren and unfruitful; we *always* think of them along with their beneficial tendencies, seeing their gentle reign over the hearts of men as a cause of the happiness of mankind, the order of society, the harmony of families, the mutual support of friends.

How much of their merit ought we to ascribe to their utility? I'll be better placed to answer that when some other things have been dealt with (Sections 3 and 4). Why do the good consequences of the social virtues have such a command over our esteem and approval? I shall address that in Section 5.

Section 3: Justice

Part 1

The proposition that

- Justice is useful to society, and thus at least *part* of its merit must come from that fact

doesn't need to be argued for ·because it is so obviously true·. Not so the proposition that

- Public utility is the *sole* origin of justice, and thoughts about its beneficial consequences are the *sole* basis for its merit.

This proposition is more challenging and important, so it better deserves to be looked into with care.

·Justice and abundance·

Let's suppose that nature has given the human race such a profuse abundance of all external conveniences that all of us, without any care or industry on our part, can be confident that we are fully supplied with whatever our hungriest appetites can want or our most luxurious imagination can wish or desire. Let us suppose that man is so situated that:

- His natural beauty surpasses all acquired ornaments.
- The perpetual mildness of the seasons makes clothes unnecessary.
- Raw fruit and vegetables provide delicious food.
- The clear fountain provides the richest beverage.
- No hard work is needed—no ploughing, no navigation.
- Music, poetry and meditating are his only business.
- Conversation, fun and friendship are his sole amusement.

It seems clear that in such a happy state every other social virtue would flourish and be increased tenfold; but the cautious, jealous virtue of *justice* would never once have been dreamed of. What point would there be in dividing up goods, when everyone already has more than enough? Why institute *property* when there can't possibly be any harm ·in not doing so·? Why call this object 'mine' when just by stretching out my hand I could get another one that is like it and equally valuable? In this state of affairs, justice would be totally useless; it would be an idle ceremonial, having no place in the list of virtues.

Even in the present needy condition of mankind, we see that wherever any benefit is bestowed by nature in an unlimited abundance, we leave it in common among the whole human race, not dividing it up in terms of right and property. •Water and •air, though more needed than anything else, are not claimed as the property of individuals; and no-one can commit an injustice by the most lavish use and enjoyment of •these blessings. In large fertile countries with few inhabitants, land is seen in the same way. And those who defend the liberty of the seas have as their principal theme the unexhausted use of them in navigation—·i.e. the fact that however many ships there are, the world's oceans don't get used up·. If the benefits of navigation (·such as trade and treasure-finding·) were equally inexhaustible, those defenders of the liberty of the seas would never had any opponents, and no nation would ever have claimed a separate, exclusive dominion over ·some part of· the ocean.

It can happen in some countries at some times that there is ownership of water but not of land (see *Genesis* 12 and 21). That happens if there is more land than the inhabitants can use, and water is scarce and hard to find.

·Justice and benevolence·

Here is a second supposition. Let us suppose that the human race, while having the same needs and shortages that it actually has, had a mind that was so enlarged, so full of friendship and generosity, that each man had the utmost concern for every man, feeling no more concern for his own interest than for the interests of his fellows. It seems obvious that this extensive benevolence would cancel the use of justice, and the divisions and barriers of property and obligation would never been thought of. Why should I want a contract or a promise to bind someone else to do me some good, when I know that he already has the strongest inclination to seek my happiness, and would *unprompted* perform the desired service. ('What if his performing it would cause a greater loss to him than the benefit he would be bringing to you?' In that case he knows that my innate humanity and friendship will cause me to be the first to oppose this imprudent generosity.) Why place boundary-markers between my neighbour's field and mine, when my heart has made no division between my interests and his, and shares all his joys and sorrows with the same force and vivacity as if they were originally my own? [That is, if they had *begun* as my own, rather than *becoming* mine because my neighbour has them and I have a tender heart.] In this supposed state of affairs, every man is a second self to another [Hume presumably meant: 'to *every* other'], and would trust all his interests to the discretion of every man without jealousy, without partition, and without distinguishing one person from another. The whole human race would constitute a single family in which everything would be held in common, and be used freely, without regard to property; but cautiously too, with as much concern for the needs of each individual as if our own interests were intimately concerned.

Given what the human heart is actually like, it might be hard to find complete examples of such enlarged affections; but we may see approximations to it in *families*; and ·in any group· the stronger the mutual benevolence is among the individuals, the nearer the group comes ·to the no-need-for-justice condition·, until all distinctions of property are in a great measure lost and mixed up among them. The laws presume that the cement of friendship between a married couple is so strong as to abolish all division of possessions; and in many cases it actually *is* as strong as that. And it's a matter of empirical fact that during the ardour of new enthusiasms when every principle [see note on title page] is heated up into its most extreme form, reformers have frequently tried to ·abolish property, i.e.·

have community of goods; and what has led the imprudent fanatics to change course and restore the ideas of justice and of separate property—the only thing that *could* get them to do this—is their experience of the drawbacks that the no-property system has, because of the selfishness of men (who hid their selfishness during the revolution, or returned to being selfish after the revolutionary fuss had died down). That's a measure of how true it is that the virtue of justice derives its existence entirely from the needed things that it *does* for human interactions and the social state of mankind.

·JUSTICE AND SCARCITY·

To make this truth more obvious, let us reverse the suppositions we have been making, taking everything to the opposite extreme, and seeing what effect that would have in each case. Suppose a society suffers such a lack of all common necessities that even with the utmost frugality and industry most of them will die ·prematurely·, and everyone lives in extreme misery. I think you will readily agree that in such a pressing emergency the strict laws of justice will be suspended, being dislodged by the stronger motives of necessity and self-preservation. When a sailor whose ship is going down is in the water, is it a crime for him to seize whatever he can to keep him afloat, without regard to whose property it is—or *was*? If a besieged city is starving to death, can we imagine that any citizen will see a means of preservation within his reach ·and not take it·, losing his life because of his scrupulous regard for what in *other* situations would be the rules of property and justice? What that virtue is for, and what it tends to produce, is happiness and security through the preservation of order in society; but when a society is on the brink of perishing from extreme necessity, there is no greater evil to be feared from violence and injustice; and every man may now provide for himself by any means that prudence dictates and humanity permits. Even in cases of need that are less drastic than the one we have been supposing, the government opens granaries without the consent of their owners, on the correct assumption that the authority of the law can stretch that far as long as it does so in a fair way. Well, if any number of men came together without the tie of laws or civil jurisdiction, and suffered a famine, would it be regarded as criminal or injurious to divide up the available food *equally*, if this were done through power and even violence?

·JUSTICE AND MALEVOLENCE·

[A few lines down, Hume is probably using 'contempt' in a less active sense than we give the word today. In this milder sense, to have contempt for something is to regard it as negligible, to treat as of no account—thus many people's 'contempt for order', a soldier's 'contempt' for pain. Most occurrences of 'contempt' in this work do use it in our stronger or more active sense.] Now suppose that a virtuous man has the bad luck to fall into the society of ruffians, far removed from the protection of laws and government; how is he to behave in that miserable situation? He sees

- such ruthless and violent greed prevailing,
- such a disregard for fairness,
- such contempt for ·social· order,
- such stupid blindness to future consequences,

that it is bound to have the most tragic conclusion—death for the majority and total dissolution of this society for the rest. ·The question was: what should he do?· All he can do is to arm himself, no matter *whose* sword or shield it is that he snatches up, so as to provide himself with all possible means of ·self·-defence and security. His personal concern for justice is no longer any use for his own safety or anyone else's, so he must consult the dictates of self-preservation alone, without concern for those who no longer deserve his care and attention.

·The rules of justice can also be rightly suspended· in a

politically organized society. When any man commits crimes that make him obnoxious to the public, he is punished by the laws in his goods (·fines·) and in his person (·imprisonment or physical punishment·). This means that the ordinary rules of justice are briefly suspended with regard to him, and it becomes fair to inflict on him, for the benefit of society, things it would be wrong or injurious to inflict on him otherwise. If it weren't for this suspension, punishment would always be wrong.

Think about the rage and violence of a public war—·e.g. a war between two countries·. What is it but a suspension of justice among the warring parties, who see that this virtue is now no longer of any *use* or advantage to them? The laws of war, which then take over from the laws of equity and justice, are rules calculated to do good and be useful for men who are in that particular state they are now placed in, ·namely the state of war·. If a •civilized nation is at war with •barbarians who don't even respect any rules of war, the former must also suspend *their* observance of any such rules, because they no longer serve any purpose; and they must make every battle or skirmish as bloody and destructive as possible to ·the barbarians·, whom we may suppose to have been· the first aggressors.

Thus, the rules of equity or justice depend entirely on the particular state and condition in which men are placed; what starts them and keeps them in existence is ·their usefulness·, the utility that comes to the public from their strict and regular observance. If you reverse in any significant way the condition of men—produce extreme abundance or extreme need, endow humans with perfect moderation and humanity or perfect rapacity and malice—you make justice entirely useless, totally destroying its essence and suspending its obligation on mankind. The usual state of human affairs is a medium amidst all these extremes. We are naturally partial to ourselves and our friends, but are capable of learning the advantage resulting from a more equitable conduct. Few enjoyments are given us ·directly· from the open and liberal hand of nature; but by skill and hard work we can extract them in great abundance. That is why the ideas of property become necessary in all civil society; it is why justice is useful to the public; and that is the sole source of its merit and moral obligation.

·The 'golden age'·

These conclusions are so natural and obvious that even the poets have noticed them, in their descriptions of the happiness of 'the golden age' celebrated by ancient Greek poets. According to those pleasant fictions,

- •The seasons in that first period of nature were so temperate that men didn't need clothes or houses to guard against the violence of heat and cold.
- •The rivers flowed with wine and milk.
- •The oaks yielded honey.
- •Nature *spontaneously* produced her greatest delicacies.

And that wasn't the best of it. In that happy age, not only were tempests removed from nature, but the more violent ·inner· tempests that now cause such uproar and create such confusion were unknown to human breasts. Avarice, ambition, cruelty, selfishness, were never heard of. The only states of mind that anyone had were cordial affection, compassion and sympathy. Even the carefully correct distinction of 'mine' and 'thine' was banished from the human scene, and took with it the very notions of property and obligation, justice and injustice.

·THE 'STATE OF NATURE'·

This •poetic fiction of the golden age is in some ways comparable with the •philosophical fiction of the state of nature; except that the former is represented as the most charming and peaceable condition that can possibly be imagined, whereas the latter is depicted as a state of mutual war and violence accompanied by extreme need. At the outset, we are told, mankind's ignorance and savage nature were so prevalent that they couldn't trust one another; each had to depend on himself, and his own force or cunning, for protection and security. No law was heard of; no rule of justice known; no rights of ownership respected; the only measure of right was *power*, and a perpetual war of all against all was the result of men's untamed selfishness and barbarity.[1]

Whether such a condition of human nature could exist, and whether if it did it could for long deserve to be called a *state*, is doubtful. Men are necessarily born into a family-society, at least, and are brought up by their parents to observe some rules of conduct and behaviour. But it can't be denied that if such a state of mutual war and violence *were* ever real, it would inevitably involve the suspension of all laws of justice because they couldn't do any possible good.

The more we look into human life from different angles, and the newer and more unusual the lights are in which we survey it, the more we'll be convinced that this account of the virtue of justice is realistic and satisfactory.

·JUSTICE AND THE LESSER BREEDS·

·Here is a supposition of a quite different kind from the earlier ones·. Suppose this to be the case:

> Mixed in among mankind are creatures of a different species, which, though rational, are so much weaker in body and mind than human beings are that they can't stand up to us and can never, however greatly provoked, make us feel the effects of their resentment.

If this came true, I think that •we would be bound by the laws of humanity to treat these creatures gently, but •we wouldn't strictly speaking lie under any restraint of justice with regard to them, and •they couldn't have any property or other rights in relation to us ·though they might have them in relation to one another·. Our relationships with them couldn't be called 'society', a label that implies some degree of equality; what there would be instead is absolute command on one side and servile obedience on the other. If we want something, they must immediately hand it over. The only basis there is for them to own anything is our permitting them to. The

[1] This fiction of a state of nature as a state of war wasn't first invented by Hobbes, as is commonly imagined. Plato tries to refute an hypothesis very like it in *Republic*, Books 2-4, whereas Cicero treats it as common knowledge and certainly correct: 'You can't *not* know that in the natural course of events, before there was any natural or civil law fully laid down, men wandered in disorderly rabbles over the countryside, and owned only what they could seize and keep, through wounds and bloodshed, by their own personal strength. This led the best and wisest men, having considered what men are naturally like and how far they can be taught anything, to •bring together in one place those who had previously been scattered abroad, and to •lead them out of their savage way of life into one in which there was justice and gentleness. The next step was to form the constitutions, devised for human use, that we call "commonwealths". Then there were ·larger· collections of men that came to be called "states". And then men built walls around sets of houses that we now call "cities", and divine and human laws began to be recognised. The biggest single difference between **(1)** this manner of life, polished by civilization, and **(2)** the savage one ·that came first· is the fact that **(1)** law is the ruling principle of the one whereas **(2)** violence dominates the other. If we don't want to be guided by law, we must settle for violence. And if we want to put an end to violence, we'll have to allow law to prevail—i.e. to allow courts of justice to prevail, because they contain within themselves all law and justice. If we turn against courts of justice, or they are destroyed or suspended, violence will take over. *Everyone* sees this.' Cicero, *Pro Sestio* 42. [This was a small episode in a very long defence speech to the Roman Senate, which was sitting as a court of law. Cicero's client was acquitted.]

only barrier they have to our lawless will—·lawless, that is, in relation to *them*·—is our compassion and kindness. We'll never suffer any inconvenience from the exercise of our power ·over them·, a power that is so firmly established in nature; so the restraints of justice and property would be totally useless for us and would therefore never have a place in this unequal relationship.

This is clearly how men are situated in relation to animals. (Are they *rational*? I'll leave that for others to determine!) The great superiority of civilized Europeans over barbarous Indians •tempted us to think we related to them as we do to the animals, and •led us to throw off all restraints of justice, and even of humanity, in our treatment of them. In many nations, females are reduced to a similar slavery, and are denied any rights of property in relation to their lordly masters. But although the males when they combine forces have, in all countries, enough bodily force to maintain this severe tyranny, their fair companions have so much subtlety, skill and charm that they are commonly able to break up the confederacy among the males and then share with them all the rights and privileges of society.

·Now look at another sequence of suppositions·. **(1)** Suppose the human species were so built by nature that each individual had *within himself* everything needed for his own preservation and for the propagation of his kind, and that all society and all interactions between man and man were cut off by the primary intention of the supreme creator. It seems obvious that such a solitary being would be no more capable of justice ·or injustice· than he would be of social discourse and conversation. If mutual respect and forbearance didn't *achieve* anything, they would never guide the behaviour of any reasonable man. The headlong rush of the emotions wouldn't be checked by any reflection on future consequences. And, as each man would love himself alone and depend only on himself and his own activity for safety and happiness, he would always do his very best to claim preference over every other being, because he wouldn't be linked to any of them by any ties of nature or of self-interest. **(2)** Now vary this last supposition ·of the solitariness of every human being· by supposing that the conjunction of the sexes is established in nature. That immediately gives rise to *families*; particular rules will be found to be necessary if it is to survive, so these will be immediately accepted as applying *within* each family though not as between any family and people outside it. **(3)** Now suppose that a number of families unite to form a single society that has no links with any others: in that case, the rules preserving peace and order will extend themselves right out to the boundaries of society; at any distance beyond those boundaries they will have no force because they won't do any good. **(4)** But then (finally) suppose that many distinct societies interact with one another for mutual convenience and advantage; then the boundaries of justice still extend still wider, in proportion to the breadth of men's views and the strength of their inter-connections. History, experience and reason sufficiently instruct us in this natural development of human sentiments, and in the gradual broadening of our views about the scope of justice, in proportion as we come to know more about the *utility* of that virtue.

Part 2

If we examine the particular laws by which justice is directed and property determined, we'll still reach the same conclusion. The only object of all these laws and regulations is the good of mankind. It's not just that the peace and interest of society requires that there be •an institution of individual ownership; •the actual rules by which we sort out the details

of what is mine and what is yours are themselves devised to serve, as well as possible, the further interests of society.

Let us suppose that a creature who has reason but no experience of human nature is mulling over the question of what rules of justice or property would best promote public interest, and establish peace and security among mankind. His most obvious thought would be this:

> Give the largest possessions to those with the most virtue; and give everyone a power of doing good that is proportional to his wanting to do good.

This rule might be appropriate—might lead to the best results—in a perfect theocracy in which everything happens through the particular volitions of an infinitely intelligent being. But if ·mere· mankind adopted such a law, it couldn't be cleanly applied because merit is so uncertain; the immediate result would be the total dissolution of society. (Why is merit uncertain? Because it is naturally obscure, and also because each individual over-rates his own merit.) Fanatics may think ·they are entitled to help themselves to others' property because· *dominion is based on grace* and *saints alone inherit the earth*; but the law of the land rightly treats these high-flying theorists as being on a par with common robbers, and teaches them by the severest discipline that a rule that seems in theory to be advantageous to society may be found in practice to be totally harmful and destructive.

History tells us that there were **religious fanatics** of this kind in England during the civil wars, though the obvious tendency ·towards chaos· of these principles probably created so much horror in people that these dangerous would-be reformers felt compelled to renounce or at least conceal their views. Perhaps the *levellers*, who wanted all property to be distributed equally, were a kind of **political fanatics**, an off-shoot of the religious ones. They were more open about their views ·than the saints-alone-inherit-the-earth people·, because their views seemed more capable of being put into practice, as well as being more useful to human society.

·There are indeed several sound things to be said in defence of the levellers·. **(1)** Nature is so generous towards mankind that if all her gifts were evenly divided among our species, and improved by skill and work, every individual would enjoy all the •necessities and most of the •comforts of life, and wouldn't be liable to any misfortunes except ones deriving from physical illness. **(2)** Whenever we depart from this equality, we rob the poor of more satisfaction than we add to the rich; the slight gratification of a frivolous vanity in one individual often costs more than bread to many •families and even •provinces. **(3)** The rule of equality, as well as being ·potentially· very useful, isn't altogether impracticable. It has actually been followed, at least partially, in some republics; especially that of Sparta, where it is said to have been accompanied by the most beneficial consequences. And then there were the Agrarian laws, so often pushed for in Rome and actually carried out in many Greek cities; those laws all came from a general idea of the good consequences [the utility] of the levelling principle.

But historians tell us—and common sense agrees—that however attractive these ideas of perfect equality may be, they are basically *not* practicable; and if they could be and were put into practice, their consequences would be extremely harmful to human society. However equally possessions are divided up, men's different degrees of skill, care and industry will immediately break the equality. And if you try to avoid this by putting constraints on skill, care and industry, you'll reduce society to extreme poverty; instead of •preventing want and beggary in a few people, you'll be •making it unavoidable for the whole community! Also, to •spot any inequality the moment it shows up there would have to be a rigorous monitoring system, and to •punish

and correct it there would have to be a very severe penal system. That much authority would be sure to degenerate into tyranny, and to be exercised in unfair ways. But—more to the point—nobody could possibly *have* such authority in a society such as the levellers want. Perfect equality of possessions would destroy all subordination, thereby greatly weakening the authority of officers of the law; as well as levelling out property, it would pretty well level out power.

What we can conclude from all this is that in order to establish laws for the regulation of property we must

- •be acquainted with the nature and situation of man;
- •not be taken in by misleading facts about what *seems* to be the case; and
- •search for the rules that are over-all the most useful and beneficial.

To get this right one doesn't need to look very deeply ·into the human condition· or to have a very broad experience ·of it·; but one does need to avoid being too selfish on the one hand or too uncritically egalitarian on the other.

As an example ·of how basically easy it is to get the right answers·: *Anyone* can see •that something produced or improved by a man's skill or labour ought to be permanently *his* (social benefit: encouraging such useful habits and accomplishments). •That his property ought to be inherited by his children and relations (social purpose: the same). •That he can consent to make it the property of someone else (social purpose: creating the commerce and other interactions that are so beneficial to human society). And •that all contracts and promises ought to be carefully fulfilled (social purpose: to secure the mutual trust and confidence that does so much to promote the general interest of mankind). ·In each case, I am talking about the social purpose of •having that rule about property, not of •acting in that way in an individual case·.

Study the writers on the 'laws of nature' and you'll find that, whatever principles they set out with, they are sure to end up with the one I have been defending. They all give as the ultimate reason for every rule that they lay down the convenience and necessities of mankind. That is the most convincing kind of support to have—the support of someone who is trying to *oppose* one's views.

Indeed, what other reason *could* writers ever give for holding that *this* is *mine* and *that* is *yours*; since nature, left to itself, surely never made any such distinction? The things labelled 'mine' and 'yours' are in themselves quite *other* than us; they are totally separated from us; and nothing but the general interests of society can form the connection.

It can happen that the interests of society •require that there be *some* rule of justice in a particular ·kind of· case, but •don't pick any particular rule out of several that are all equally beneficial. When that happens, the slightest analogies are laid hold of ·as a basis for selecting one rule over the others·, because there would be perpetual conflicts if no selection were made and several rules were regarded as being in force. That's why your sheerly possessing—being the *first* to possess—something is supposed to make it yours, if no-one else has any prior claim to it. Many of the reasonings of lawyers are of this analogical nature, and depend on very slight connections of the imagination. [What 'analogy' is at work in the first-possession rule? In Hume's time 'analogy' often meant merely 'similarity'; and his thought here seems to be that •having x physically under your control is superficially *like* •legitimately owning x.]

Does anyone hesitate, in extraordinary cases, to •violate all respect for the private property of individuals and •sacrifice to public interest a distinction that was established in the first place for the sake of that interest? *The safety of the people* is the supreme law: All other more special laws are subordinate to it, and dependent on it. And if in

the *common* course of things those laws are followed and respected, that is only because the public safety and interest *commonly* demand that society be governed in a way that is even-handed and fair.

Sometimes both •utility and •analogy fail, and leave the laws of justice in total uncertainty. We need to have a rule according to which your having been in possession of something for a long time makes you the rightful owner of it, ·and we get that far through reasoning about •utility and •analogy·; but sheer reasoning won't ·take us any further, i.e. it· won't determine how many days, months or years constitute a 'long time' is for purposes of this rule. In this case, *civil laws* have to do what is not done by *the natural code*; they assign different values of 'long time' for different kinds of things that can be owned, depending on the different utilities that the legislator is concerned about. [Hume's actual words here are 'according to the different utilities proposed by the legislator'. This has been announced as a case where 'utility and analogy fail'; perhaps he means that here the rules are settled on the basis not of *facts* about utility but rather of *what a legislator thinks* about utility.]. . . .

All questions of property fall under the authority of civil laws, which extend, restrain, modify and alter the rules of natural justice, according to the *convenience* of each community in particular. The laws do or should constantly reflect the constitution of government, the manners, the climate, the religion, the commerce and the situation of each society. A recent learned and able author has pursued this subject at great length, and has grown from these seeds a complete philosophy of politics, with many ingenious and brilliant thoughts and some substance.[2]

[2] I am referring to ·Montesquieu·, the author of *L'esprit des loix* (·which appeared in 1748, three years before the present work·). This illustrious writer starts off from a different theory ·from mine·, taking all *right* to be based on certain relations (*rapports*). [He means that according to Montesquieu all moral truths can be deduced from objective facts about how things relate to one another.] In my opinion this is a system that will never be reconciled with true philosophy. Malebranche seems to have been the first proponent of this abstract theory of morals, which was afterwards adopted by Cudworth, Clarke and others. Because it leaves out all sentiment ·or •feeling·, and claims to base everything on •reason, it has had plenty of followers in this philosophic age. (See my Section 1 and Appendix 1.) With regard to justice—our present topic—the case against this theory seems short and conclusive:

•Property depends on civil laws.
•The sole purpose of civil laws is to secure the interests of society. Therefore
•The interests of society is the sole foundation of property and justice.

[Hume says that each premise 'is allowed' and that the conclusion 'must be allowed'; presumably he means in each case 'allowed by Montesquieu'.] Not to mention the fact that the interests of society provide the whole basis for our being obliged to obey the civil law. ·Two further considerations·: **(1)** It sometimes happens that the way the civil law handles something clashes with our ideas of justice. Cases where this happens are not •objections to my theory; they are •confirmations of it. When a •civil law is so perverse that it goes against all the interests of society, it loses all its authority, and then men judge by the ideas of •natural justice, which are in line with those interests. **(2)** Sometimes the civil laws (for good reasons) require that a certain kind of performance involve a ceremony or a special form; when that is lacking, ·the civil law says that from a legal point of view the performance hasn't happened·. This decree of the law runs contrary to our usual ideas of justice, ·and those ideas remain at work in a case like this·: someone who takes advantage of such legal technicalities is usually regarded as dishonest. Thus, the interests of society require that contracts be fulfilled, and this is as basic as you can get in both natural and civil justice; but the omission of a trivial detail—·e.g. the contract's being dated as well as signed·—will often invalidate a contract as a matter of public law; but it won't invalidate it in the 'court' of conscience. In a case of this sort we take it that the judge is •withdrawing his power of enforcing the right ·that was meant to arise from the contract·, not •declaring that there isn't such a right. . . .

What is a man's property? Anything that it is lawful for him and only him to use. *What rule do we have for picking out these objects?* Here we must have resort to statutes, customs, precedents, analogies, and a hundred other things—some of them constant and inflexible, others variable and arbitrary [= 'matters of choice']. But what they are all rooted in is the interests and happiness of human society. If we leave that out of account, nothing could appear more whimsical, unnatural and even superstitious than most of the laws of justice and of property.

·JUSTICE AND SUPERSTITION·

It is a very easy task to ridicule simple-minded superstitions, and expose the folly of special attitudes to foods, days, places, postures, clothing. All you need do is to consider all the qualities and relations of the objects in question, and discover no adequate cause for the affection or antipathy, veneration or horror, that have such a great influence over a large part of mankind. A Syrian would starve rather than taste pigeon; an Egyptian won't come near bacon; but when these foods are examined by the senses of sight, smell or taste, or studied through the sciences of chemistry, medicine or physics, no difference is ever found between them and any other kind of meat; no factual basis is ever found for the religious passion. A fowl on Thursday is lawful food; on Friday it's abominable. Eggs in this house and in this diocese are permitted during Lent; just down the road eating them is a damnable sin. Yesterday there was nothing religious about this plot of land or this building; today the mumbling of certain words has made it holy and sacred. When a philosopher points these things out, it's safe to say that he won't make any difference to anyone. The facts are so obvious that everyone must have noticed them at first sight. When they *don't* prevail, that isn't because people don't know the facts or have misunderstood them somehow; it's because of people's upbringing, prejudice and passion.

Someone who doesn't look carefully enough, or who is thinking at too a high a level of generality, might come to think that a similar superstition is involved in all the sentiments [see note on page 1] of justice; and that if we take the focus of justice—namely, what we call *property*—and subject it to the same scrutiny of sense and science, we won't find, however hard we look, any foundation for the distinctions drawn by moral sentiment. It is lawful for me to eat fruit from this tree, but it would be a crime for me to take fruit of the same kind from a tree a few yards away. If I had been dressed like this an hour ago, I would have deserved the severest punishment; but a man has pronounced a few magical syllables and thereby made it proper for me to be clothed in this way. If this house were in the neighbouring territory, it would have been immoral for me to live in it; but because it is built on this side of the river it is subject to a different municipal law, and I incur no blame or censure by coming to own it. It may be thought, then, •that the kind of reasoning that so successfully exposes superstition can also be applied to justice, and •that it's no more possible with justice than with superstition to pick out the precise features of the object that are the basis for the sentiment.

But there's this solid difference: •superstition is frivolous, useless and burdensome, whereas •justice is absolutely necessary for the well-being of mankind and the existence of society. When we set this fact aside (we couldn't *overlook* it—it's too obvious for that), it has to be agreed that all respects for right and property seem to be entirely without foundation, as much so as the grossest and most vulgar superstition.

> •Why does that man's making certain sounds implying consent change the nature of my actions with regard to this object?

•Why does the reciting of a liturgy by a priest, dressed in a certain way and holding his body in a certain way, make a heap of brick and timber forever sacred?

If the interests of society weren't involved in any way, the former question would be an unanswerable as the latter.[3]

These reflections don't weaken the obligations of justice, or take anything away from the most sacred attention to *property*. On the contrary, such sentiments get new force from my reasoning. What stronger foundation can be desired—or even *conceived*—for any duty than to observe that •if it isn't established human society or even human nature will collapse, and that •our nature and society will arrive at still greater degrees of happiness and perfection to the extent that the duty in question is regarded as inviolable?

·Justice as an instinct·

The dilemma seems obvious: Justice obviously tends to promote public utility and to support civil society. The

[3] Obviously, the will or consent alone never transfers property or creates the obligation of a promise. . . . For the will to impose an obligation on any man, it must be expressed by words or signs. The words initially come in as subservient to the will, but before long they become the principal part of the promise; and a man who secretly •intends not to keep his promise and •withholds the assent of his mind, isn't any less bound by the promise. But though in most cases the expression is the whole promise, it isn't always so. **(1)** Someone who uttered the words without knowing their meaning wouldn't have made a binding promise. **(2)** Someone who knows what the words mean and utters them only as a joke, giving clear signs that he has no serious intention of binding himself, wouldn't be obliged to keep the promise. **(3)** But for this to hold good, the 'clear signs' mustn't be ones that we cleverly detect while the man is trying to deceive us. For him not to be bound by a verbal promise he must give signs *different from signs of deceit* that he doesn't intend to keep the promise. All these contradictions are easily accounted for if justice arises entirely from its public utility [= 'its usefulness to society']; they'll never be explained on any other basis.

[In the next sentence: a 'casuist' is someone who applies general moral and religious doctrines to particular cases; a 'relaxed' casuist is one who cuts corners and stretches points in doing this.] It is remarkable that the moral decisions of the Jesuits and other relaxed casuists were usually made in the course of dealing with subtleties of reasoning such as I have been pointing out. . . . Why has the indignation of mankind risen so high against these casuists? It can only be because everyone sees that if the practices the casuists were trying to rule out were authorized, *human society couldn't survive*; and that morals should always be handled with a view to •public interest rather than to •the demands of high-level fine-grained philosophical theories of morals. Any sensible person can have the thought: *If the secret direction of the intention can invalidate a contract, where is our security?* But someone coming at this from an abstract metaphysical point of view might think that where an intention was supposed to be requisite, if it really wasn't there then no consequence ought to follow—no obligation would be imposed. The •casuistical subtleties may not be greater than the •subtleties of lawyers that I have hinted at above; but they meet with very different receptions from the world because the •former are pernicious while the •latter are innocent and even necessary. The Roman Catholic church teaches that

(1) Any sacrament can be invalidated by the frame of mind of the officiating priest.

This position comes from rigorously following through the ·seeming· consequences of the obvious truth that empty words alone, without any meaning or intention in the speaker, can never have any effect. The analogous position in civil laws would be that

(2) Any civil contract can be nullified by the frame of mind of one of the parties to it.

What is at stake in **(1)** is the eternal salvation of thousands of people, ·whereas what's at stake in **(2)** is merely the upsetting of civil society·. So why do we *not* follow the church's lead in **(1)** by accepting **(2)** regarding civil contracts? Our rejection of **(2)** comes entirely from our sense of the danger and inconvenience that would ensue from accepting it! This gives us a clear example of the fact that however positive, arrogant and dogmatic any superstition may appear to be, it can never *thoroughly* convince anyone that •its threats are real, or get anyone to give •them any weight at all when balanced against the common incidents of life that we learn from daily observation and empirical thinking.

sentiment of justice could be **(1)** derived from our reflecting on that tendency. The only alternative is that the sentiment of justice—like

- •hunger, thirst, and other appetites, and like
- •resentment, love of life, attachment to offspring, and other passions,

—**(2)** arises from a simple basic instinct in the human constitution, implanted there by nature for similar salutary purposes. If **(2)** is the case, it follows that *property*—which is what *justice* is about—is marked off by a simple basic instinct, and is not ascertained by any argument or reflection. But who ever heard of such an instinct? 'Perhaps we have it but it hasn't yet been discovered.' That is obviously wrong; this is *not* a subject in which new discoveries can be made. We would have as much chance of discovering in the human body a new *sense* that no-one had noticed before!

And there's another point. It looks like a very simple proposition to say that *nature distinguishes property through an instinctive sentiment*; but in reality we'll find that there would have to be ten thousand different instincts, many of them concerned with objects having great fine-grained intricacy. For when a definition of *property* is required, the *ownership* relation is found to break down into possession acquired by occupation, by industry, by prescription, by inheritance, by contract, and so on. Is it believable that nature, through a basic instinct, instructs us in all these methods of acquisition?

Also, the words 'inheritance' and 'contract' stand for ideas that are infinitely complicated; a hundred volumes of laws and a thousand volumes of commentators haven't been found sufficient to define them exactly. Does nature, whose instincts in men are all simple, embrace such complicated and artificial objects? And (·this being a different point·) does nature create a rational creature without trusting anything to the operation of his reason?

Even if all those difficulties were overcome, the 'basic instinct' theory of justice still wouldn't be satisfactory. Man-made laws can certainly transfer property. Must we say that it is by *another* basic instinct that we acknowledge the authority of kings and senates, and mark all the boundaries of their jurisdiction? Judges, too, even when their sentence is wrong and illegal, must be allowed for the sake of peace and order to have decisive authority, and ultimately to determine who owns what. Do we have basic innate ideas of magistrates and chancellors and juries? Isn't it *obvious* that all these institutions arise merely from the necessities of human society?

All birds of the same species build their •nests alike at every time and in every country; that's the force of instinct at work. Men build their •houses differently at different times and in different places; that shows the influence of reason and custom. A similar inference can be drawn from a comparison of •the sexual instinct with •the institution of property. ·That is, the contrast between •the sameness of the nests of any one species of birds and •the variety among human houses is comparable with the contrast between •the sameness of ·human· sexual feelings and conduct around the world and across the ages and •the variety among systems of civil laws·.·

Now, it has to be admitted that systems of civil law, despite their variety, are pretty much the same in their general outlines—because what they are meant to achieve and mainly *do* achieve is pretty much the same. Similarly, all houses have a roof and walls, windows and chimneys, though they are varied in their shape, lay-out and materials. But the common features of houses clearly point to the conveniences of human life, and equally clearly so do the common features of systems of civil law. It's really clear with

both that the source of all this is reason and reflection ·on human needs, rather than a basic instinct·.

I needn't mention the variations that all the rules of property receive from the finer turns and connections of the imagination, and from the subtleties and abstractions of law-topics and reasonings. This can't possibly be reconciled with the notion of basic instincts.

·Snap judgments about injustice·

Here is something that will create a doubt about the theory of justice that I have been defending. Our upbringing and acquired habits have the effect that when we blame something as an injustice we aren't always conscious of any immediate reflection on its bad consequences. When something is very familiar to us, its familiarity makes us apt to overlook it; and what we have very frequently done for certain reasons we are apt to go on doing, mechanically, without recalling every time the thoughts that first led us to this. The considerations of human convenience—or rather necessity—that lead to ·our having the notion of· justice are so universal, and everywhere point so much to the same rules ·of justice·, that the habit ·of condemning unjust acts and institutions· takes place in all societies, and we have to think about it a little to ascertain its true origin. Not that the origin is notably obscure: even in ordinary everyday life we often resort to the principle of public utility, saying ·to ourselves or others·—'What would become of the world if *that* kind of behaviour were rampant? How could society survive under such disorders?'. . . .

From all this we seem to have learned something about the force that I have been highlighting—the force of thoughts about public interest and utility—namely how strongly it affects our levels of admiration or moral approval. The sole basis for the virtue of justice is that justice is necessary for the support of society; and since no moral excellence is more highly esteemed ·than justice is·, we can conclude that this matter of *usefulness* has, generally, the strongest energy and most complete command over our sentiments. So it must be the source of a considerable part of the merit ascribed to humanity, benevolence, friendship, public spirit, and other social virtues of that sort, just as it is the sole source of our moral approval of fidelity, justice, veracity, integrity and those other estimable and useful qualities and forces. In saying this I am relying on the principle:

> When any force has been found to have a great strength and energy in one instance, credit it with having a similar energy in all similar instances.

This is entirely agreeable to the rules of philosophy [here = 'empirical science'], and even of common sense; and it is indeed Newton's chief rule of scientific method.