

# Morals

No. 5 of *Essays on the Active Powers of Man*

Thomas Reid

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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. Longer omissions are reported between brackets in normal-sized type.—The many occurrences of ‘Hume’ replace Reid’s more polite ‘MR HUME’.

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## Glossary

**affection:** In the early modern period, ‘affection’ could mean ‘fondness’, as it does today; but it was also often used to cover every sort of pro or con attitude—desires, approvals, likings, disapprovals, dislikings, etc. Reid sometimes calls fondness and its like ‘affections’, and sometimes ‘kind affections’.

**art:** In Reid’s time an ‘art’ was any human activity that involves techniques or rules of procedure. ‘Arts’ in this sense include medicine, farming, painting—and civil law. The contrast between ‘arts’ and ‘sciences’ was primarily a contrast between practical and theoretical.

**brute:** This meant simply ‘lower animal’ or ‘non-human animal’; it hadn’t any further negative meaning as it does today.

**candour:** On page 4 Reid is surely using this word in its sense of ‘fairness, impartiality, etc.’; though that makes the phrase ‘candour and impartiality’ puzzling. The other possible meaning—‘openness, frankness, etc.’—doesn’t fit at all well.

**content:** This always replaces ‘object’ when Reid speaks of the ‘object of a judgment’. He means the content, what the judgment says; it is odd that in chapter 7 and nowhere else he uses ‘object’ in this peculiar way, when his many other uses of it are normal.

**crime:** In this work ‘crime’ and ‘criminal’ are often used in our sense, as implying a violation of the law of the land; but it is also sometimes used in a broader sense in which a ‘crime’ is any morally wrong conduct, whether or not the law says anything about it.

**culture:** In this work ‘culture’ is used in its horticultural sense, having to do with attending to the welfare of plants.

**disinterested:** What this meant in early modern times is what it still means when used by literate people, namely ‘not *self*-interested’.

**duty:** Like most English-language moral philosophers Reid uses a dialect in which ‘I have a duty to do A’ means the same as ‘I morally ought to do A’. That is not what it means in English, where ‘duty’ is tightly tied to jobs, roles, social positions. The duties of a janitor; the duties of a landowner; ‘My Station and its Duties’ (title of a paper by F. H. Bradley).

**esteem:** This is used in three ways. **(1)** As a verb in forms like ‘esteem that P’ and ‘esteem him to be F’. **(2)** As a verb in forms like ‘He is highly esteemed’. **(3)** As a noun. In **(1)** it means about the same as ‘think’ or ‘believe’, as in ‘esteem it to be unclean’. In **(2)** it means something like ‘admire’ or ‘value highly’, as in ‘justice ought to be highly esteemed’. And in **(3)** it means something like ‘admiration’ or ‘high standing in people’s opinions’, as in ‘the desires for power, knowledge, and esteem’. So there are two basic senses—one for **(1)** and the other for both **(2)** and **(3)**. On page 23 Reid says that the **(2)–(3)** uses of the word have two ‘very different’ meanings (*not* one for **(2)** and another for **(3)**).

**evidentness:** This clumsy word replaces Reid’s ‘evidence’ in the places where he uses that to mean ‘evidentness’ (which it never does today). When he uses ‘evidence’ in our sense, it is of course left untouched.

**indifferent:** As applied to feelings or sensations it means ‘neither nice nor nasty’.

**innate:** Strictly speaking, something is innate in us if we are born with it; but the word was often used to cover qualities, dispositions etc. that we don’t have at a birth but do come to

have as a necessary part of growing up, with no need for any input from teaching or the like.

**injury:** These days an injury can be any harm that I suffer; Reid is using the word to mean ‘any harm that someone maliciously and wrongly inflicts on me’. On page 26 he writes: ‘If I am hurt by a flash of lightning, no injury is done’, which was true in his sense of the word, not in ours.

**intercourse:** The meaning of this is not sexual. It has a very general meaning that covers conversation, business dealings, any kind of social inter-relations; ‘sexual intercourse’ named one species, but you couldn’t drop the adjective and still refer to it.

**interested:** When on page 51 Reid says ‘I find myself interested in his success’ he means something like: ‘I find myself *on his side*, caring about his success as though it were mine’.

**licentious:** Outright immoral, wildly indecent.

**magistrate:** In this work, as in general in early modern times, a ‘magistrate’ is anyone with an official role in government.

**principle:** In the opening pages (and elsewhere) in this work, Reid uses ‘principle’ in our sense, to stand for a certain kind of proposition. But then on page 3 he speaks of ‘principles or springs of action’, which uses the word in a totally different sense (once common but now obsolete) as meaning ‘source’, ‘cause’, ‘drive’, ‘energizer’, or the like. (Hume’s *Enquiry Concerning the Principles of Morals* is, as he explicitly tells us, an enquiry into the *sources in human nature* of our moral thinking and feeling.) On page 20 Reid uses the word first in its old sense and then in the sense that we also give it, *on consecutive lines*!

**profession:** For a university to establish a ‘profession’ for teaching young people about morality and jurisprudence is, roughly, for it to establish a programme or department devoted to the topic in question. More generally, anything that a person does to earn a respectable living can be called a ‘profession’.

**provident:** Showing care and foresight in providing for the future.

**science:** In early modern times this word applied to any body of knowledge or theory that is (perhaps) axiomatised and (certainly) conceptually highly organised.

**sentiment:** This can mean ‘feeling’ or ‘belief’. In this work both meanings are at work, and on page 53 Reid insists that a ‘sentiment’, when the word is properly used, is a belief accompanied by a feeling.

**speculative:** This means ‘having to do with non-moral propositions’. Ethics is a ‘practical’ discipline, chemistry is a ‘speculative’ one.

**uneasy:** Locke turned this into a kind of technical term for some of the writers who followed him, through his theory that every intentional human act is the agent’s attempt to relieve his state of ‘uneasiness’. It covers pain but also many much milder states—any unpleasant sense of something’s being wrong.

**vulgar:** Applied to people who have no social rank, are not much educated, and (the suggestion often is) not very intelligent. When Reid uses it here (only in chapter 7), he often seems to apply it to everyone who isn’t a philosopher.

## Chapter 1: The first principles of morals

Like all other sciences [see Glossary], morals must have first principles, and all moral reasoning is based on them.

In every branch of knowledge where disputes have arisen, it is useful to distinguish the first principles from the superstructure. They are the foundation on which the whole structure of the science rests, and anything that isn't supported by this foundation can't be stable.

In all *rational* belief, the thing believed is either •a first principle or •something inferred by valid reasoning from first principles. When men differ about such an inference, they have to appeal to the rules of reasoning, which have been unanimously fixed ever since the days of Aristotle. But when men differ about a first principle they have to appeal to another tribunal, namely the appeal-court of common sense.

How can we distinguish •genuine decisions of common sense from •counterfeit ones? I have discussed this in chapter 4 of “Judgment”, the sixth of my *Essays on the Intellectual Powers of Man*; I refer you to that discussion. What I want to point out here is this:

•First principles differ from •inferences through reasoning in the kind of evidentness [see Glossary] that they have, and must be tested by different standards when they are called in question. So when we are examining some •purported• truth it's important for us to know which of these two classes it belongs to. When they are run together, men are apt to demand *proof* for everything they think fit to deny; and when we try to prove by direct argument something that is really self-evident, our reasoning will always be inconclusive. It will take for granted either •the thing being proved or •something that isn't more evident than that; and

so instead of giving strength to the conclusion it will encourage doubts in the minds of people who didn't have them before.

In this chapter, therefore, I propose to point out some of the first principles of morals; I don't claim to give a complete list.

The principles I shall list relate either to •virtue in general, to •the different particular branches of virtue, or to •the relative weighting of virtues where they seem to interfere.

(i) Some things in human conduct merit approval and praise, others merit blame and punishment; and different degrees of approval or blame are due to different actions.

(ii) Something that is not even slightly voluntary can't deserve moral approval or blame.

(iii) Something done from unavoidable necessity may be pleasant or nasty, useful or harmful, but it can't be the object of blame or moral approval.

(iv) Men can be very blameworthy for not doing what they ought to have done, as well as for doing what they ought not to have done.

(v) We ought to use the best means we can to be well informed regarding our duty,

- by attending seriously to moral instruction;
- by observing what we approve and what we disapprove in the conduct of other men—ones we know and also historical figures;
- by often reflecting in a calm and dispassionate hour on our own past conduct, so that we may see what was wrong, what was right, and what might have been better;
- by deliberating coolly and impartially on our future conduct, as far as we can foresee the opportunities

we may have for doing good and the temptations to do wrong; and

- by having the following principle deeply fixed in our minds: just as moral excellence is the true worth and glory of a man, so the knowledge of our duty [see Glossary] is the most important knowledge, for every man in every station of life.

**(vi)** It ought to be our most serious concern to do our duty as far as we know it, and to fortify our minds against every temptation to deviate from it—

- by maintaining a lively sense of the beauty of right conduct and its present and future reward, and of the baseness of vice and of its bad consequences here and hereafter;
- by always having in our eye the noblest examples;
- by the habit of subjecting our passions to control by reason;
- by firm purposes and resolutions regarding our conduct;
- by avoiding occasions of temptation when we can; and
- by imploring the aid of Him who made us, in every hour of temptation.

These principles concerning virtue and vice in •general must appear self-evident to every man who has a conscience and has worked to exercise this natural power of his mind. I now proceed to others that are more •particular.

**1.** We ought to prefer a greater good that is distant ·in time· to a lesser good ·that is less far off·; and a lesser evil to a greater ·one that is further off in time·.

A concern for our own good dictates this principle, and our conscience doesn't have to come into it. We can't help •disapproving of anyone who acts contrary to it and •thinking that he deserves to lose the good that he wantonly threw away, and to suffer the evil that he knowingly brought on

his own head.

I have pointed out in my Essay 'The Principles of Action' •that the ancient moralists, and many modern ones, have deduced the whole of morals from this principle, and •that the principle does lead to the practice of every virtue if it is accompanied by a correct estimate of goods and evils according to their degree, their dignity, their duration, and the extent to which they are in our power. It leads more directly to the virtues of self-control, prudence, temperance, and fortitude; but it also leads, though less directly, even to justice, humanity, and all the social virtues, when their influence on our happiness is well understood.

It isn't the noblest principle of conduct, but it has a special advantage, namely that its force is felt by the most ignorant and even by the most morally abandoned.

Even if a man's moral judgment is rusty from disuse or corrupted by bad habits, he can't be indifferent to his own happiness or misery. When he has become insensible to •every nobler motive to right conduct he still can't be insensible to •this motive. To act solely from this motive may be called 'prudence' rather than 'virtue', but this prudence deserves some regard •on its own account and much more •because it is the friend and ally of virtue and the enemy of all vice and •because it speaks in favour of virtue in a way that is heard by those who are deaf to every other recommendation.

If a man can be induced to do his duty even out of a concern for his own happiness, he will soon find reason to love virtue for its own sake and to act from less mercenary motives. . . .

**2.** As far as nature's intention appears in the human constitution, we ought to accept that intention and act in accordance with it.

The Author of our being has given us not only •the power of acting within a limited sphere but also •various principles

[see Glossary] or springs of action—of different kinds and with different levels of dignity—to direct us in the exercise of our active power.

From the constitution of every species of lower animals, and especially from the active principles that nature has given them, we can easily see what kind of life nature intended them to have; and they uniformly act the part their constitution leads them to, without reflecting on it or intending to obey its dictates. Man is the only inhabitant of this world who can observe his own constitution, see what kind of life it is made for, and act according to that intention or contrary to it. Only he can intentionally obey or rebel against the dictates of his nature.

In my discussion (in another work) of the principles of action in man, I showed that just as his natural instincts and bodily appetites are well adapted to the preservation of his natural life and to the continuance of his species, so also his natural desires, affections, and passions—when not corrupted by vicious habits, and when controlled by the leading principles of reason and conscience—are excellently fitted for rational and social life. Every vicious action involves some natural spring of action—too much of it, too little of it, or a wrong direction for it—and so any vicious action can rightly be described as *unnatural*. Every virtuous action agrees with the uncorrupted principles of human nature.

The Stoics defined *virtue* as *a life according to nature*. Some of them more precisely said *a life according to human nature insofar as it is superior to the nature of brutes* [see Glossary]. A brute's life is in accordance with its nature, but it isn't either virtuous or vicious. The life of a moral agent can't be in accordance with his nature without being virtuous. The conscience that is in every man's breast is the law of God written in his heart, which he can't disobey without acting unnaturally and being self-condemned.

In the various active principles of man—

- the desires for power, knowledge, and esteem [see Glossary];
- affection for children, for near relatives, and for the communities to which we belong;
- gratitude, compassion, and even resentment and competitive envy,

—nature's intention is very obvious, as I pointed out in discussing those principles in my Essay 'The Principles of Action'. And it's equally evident that reason and conscience are given us to regulate •the lower principles, so that •they can work together in a regular and consistent plan of life in pursuit of some worthy end. [That's why two paragraphs back Reid called reason and conscience 'leading principles'.]

**3.** No man is born for himself only. So every man ought to •see himself as a member of the common society of mankind and of the subordinate societies he belongs to—family, friends, neighbourhood, country—and to •do as much good and as little harm as possible to the societies of which he is a part.

This axiom leads •directly to the practice of every social virtue, and •indirectly to the virtues of self-control, which we need if we're to be equipped to perform the duty we owe to society.

**4.** In every situation we ought to act towards any other person in the way that we would think it right for him to act towards us if we were in his situation and he in ours; or, more generally, what we approve in others is what we ought to do in similar circumstances, and what we condemn in others we ought not to do.

[Reid distinguishes two propositions here as less and more general. They also differ in another way, which he probably didn't notice and didn't intend. Compare these two (a strong man pondering the morality of punching a weak one):

- (1) If I were weak and he were strong, I would think that he oughtn't to punch me.  
 (2) I think that if I were weak and he were strong he oughtn't to punch me.

It could easily be the case that (2) was true and (1) false. Reid's less general thesis is of form (1); his more general one is of form (2). He probably meant (2) for both.]

If there's any such thing as right or wrong in the conduct of moral agents, it must be the same for everyone in the same circumstances.

We all relate in the same way to him who •made us and •will hold us accountable for our conduct. . . . And we relate in the same way to one another as members of the great community of mankind. The duties arising from the different ranks and jobs and relations of men are the same for all in the same circumstances.

What stops men from seeing what they owe to others is not lack of judgment but lack of candour [see Glossary] and impartiality. They're quick-sighted enough in seeing what is due to themselves. When they are harmed or ill-treated, they see this and feel resentment. It's the lack of candour that makes men use one measure for the duty they owe to others, and a different measure for the duty others owe to them in similar circumstances. It is surely self-evident to every intelligent being that men ought to judge with candour—always, and especially in what concerns their moral conduct. The man who takes offence when he is harmed in his person, his property, or his good name, pronounces judgment against himself if he acts in that way towards his neighbour.

The fairness and moral compellingness of this rule of conduct is self-evident to everyone who has a conscience; and it is also the most comprehensive of all the rules of morality; so it truly deserves the honour paid to it by the

highest authority, namely that *it is the law and the prophets* [Matthew 7:12]

It covers every rule of justice—no exceptions. It covers all the relative duties, both the ones arising from the more permanent relations of

- parent and child,
- master and servant,
- magistrate [see Glossary] and subject,
- husband and wife,

and those arising from the more temporary relations of

- rich and poor,
- buyer and seller,
- debtor and creditor,
- benefactor and beneficiary,
- friend and friend,
- enemy and enemy.

[Reid collapses the last two into 'friend and enemy', but that can't be what he meant.] It comprehends every duty of charity and humanity, and even of courtesy and good manners.

Indeed, we don't have to force or stretch it to get it to cover even to the duties of self-government. Everyone approves in others the virtues of prudence, temperance, self-control and fortitude, so he must see that what is right in others must be right in himself in similar circumstances.

Anyone who invariably acts by this rule will never deviate from the path of his duty except through an error of judgment. And his errors will all be curable, because he'll feel [Reid's verb] the obligation that everyone is under to use the best means in his power to have his judgment well-informed in matters of duty.

You'll have noticed that this axiom presupposes than man has a faculty by which he can distinguish right conduct from wrong. It also presupposes that •by this faculty we easily see what is right and the wrong in •the conduct of• other men

that we have no special relation to, and that •we're very apt to be blinded by the bias of selfish passions when the case concerns ourselves. Every claim we have against others is apt to be magnified by self-love; a change of persons removes this prejudice, and makes the claim to appear in its right size.

**5.** To every man who believes in the existence, the perfections, and the providence of God it's self-evident that we owe him reverence and obedience. Correct opinions about the Deity and his works make the duty we owe to him obvious to every intelligent being, and also add the authority of a divine law to every rule of right conduct.

There's another class of axioms in morals by which we determine what choice to make when there seems to be a conflict between the actions that different virtues lead to.

There can't be any conflicts amongst **the different virtues**, because they are dispositions of mind (or determinations of will) to act according to a certain general rule. They dwell together most amicably, and give mutual aid with no possibility of hostility or opposition; taken altogether, they make one uniform and consistent rule of conduct. But between **particular actions that different virtues would lead to** there may be conflict. For example: a man is in his heart, generous, grateful and just; these dispositions positively strengthen one another; but on a particular occasion an action that generosity or gratitude calls for is forbidden by justice.

It's self-evident •that in all such cases unmerited generosity should give way to gratitude, and both should give way to justice. And also •that unmerited beneficence to people who aren't in distress should give way to compassion toward those who are miserable, and acts of piety should give way to works of mercy because God loves mercy more than sacrifice. [The implied equation of 'acts of piety' with 'sacrifice' is Reid's.]

At the same time we see that the acts of virtue that ought to take second place when there is a potential conflict have most intrinsic worth when there is no competition. It's obvious that there is more worth in pure and unmerited benevolence than in compassion, more in compassion than in gratitude, and more in gratitude than in justice.

I call these 'first principles', because they seem to me to have an intuitive evidentness that I can't resist. I can express them in other words. I can illustrate them by examples and authorities, and perhaps can deduce one of them from another. But I can't deduce •any of• them from other principles that are more evident. And I find that the best moral reasonings of authors I have read, ancient and modern, heathen and Christian, are based on one or more of them.

Men don't see the evidentness of mathematical axioms until they reach a certain degree of maturity of understanding. Before a boy can see the evidentness of the mathematical axiom that *equal quantities added to equal quantities make equal sums*, he must •form the general conception of *quantity*, and of *more* and *less* and *equal*, and of *sum* and *difference*, and have •have become accustomed to judge of these relations in matters of common life.

Similarly, our moral judgment (i.e. conscience) grows to maturity from an imperceptible seed planted by our Creator. When we have become able to contemplate the actions of other men, or to reflect on our own actions coolly and calmly, we begin to see in them the qualities of honest and dishonest, honourable and base, right and wrong, and to feel the sentiments [see Glossary] of moral approval and disapproval.

At first these sentiments are feeble, easily warped by passions and prejudices and apt to yield to authority. But in morals as in other matters, our judgment becomes stronger and more vigorous through use and the passage of time.



We begin to distinguish the dictates of passion from those of cool reason, and to see that it's not always safe to rely on the judgment of others. By an impulse of nature we venture to judge for ourselves, as we venture to walk by ourselves.

There's a strong analogy between •the body's progress from infancy to maturity and •the progress of all the powers of the mind. Each progression is the work of nature, and in each it can be greatly helped or harmed by proper education. It's natural for a man to be able to walk or run or jump, but if his limbs had been kept in chains from his birth, he wouldn't have been able to do any of those things. And for a man who has been trained in society and accustomed to judge his own actions and those of other men, it's equally natural for him to perceive right and wrong, honourable and base, in human conduct; and to such a man, I think, the principles of morals I have set out will appear self-evident. But there may be individual human beings who are so little accustomed to think or judge concerning anything but how to gratify their

animal appetites that they have hardly any conception of right or wrong in conduct, or any moral judgment; just as there certainly are some who don't have the conceptions and the judgment needed to understand the axioms of geometry.

From the principles I have presented the whole system of moral conduct follows so easily, and with so little help from reasoning, that every man of common understanding who *wants to know his duty can know it*. The path of duty is a plain one that isn't often missed by those who are upright in heart. It has to be like that because every man is obliged to walk along it. In some tricky moral cases there is room for dispute; but these seldom occur in practice; and when they do occur the learned disputant has no great advantage. The unlearned man who does the best he can to know his duty, and acts according to his knowledge, is innocent in the sight of God and man. He may err, but he is not guilty of immorality.

## Chapter 2: Systems of morals

If the knowledge of our duty is so available to all men, as I have been maintaining, it may seem hardly to deserve to be called a 'science' [see Glossary]. It may seem that there is no need for instruction in morals.

Then how does it come about that •we have many large and learned systems of moral philosophy, and systems of natural jurisprudence (i.e. the law of nature and nations), and that •in modern times most places of education have set

up public professions [see Glossary] for instructing youth in these branches of knowledge?

I think these facts can be explained, and the usefulness of such systems and professions can be justified, without supposing any difficulty or intricacy in the knowledge of our duty.

I am far from thinking that there's no need for instruction in morals. It's possible for a man to be ignorant of self-evident

truths throughout his life; to believe gross absurdities throughout his life. We know from experience that this often happens over things that don't matter much. It is even more likely to happen in contexts where ·self-interest, passion, prejudice and fashion are so apt to pervert the judgment.

Some ripeness of judgment is needed for seeing even the most obvious truths. Children can be made to believe anything, however absurd. Our judgment about things of a certain kind are ripened partly by time but much more by being exercised about things of that kind.

Judgment requires a clear, distinct and steady conception of the things about which we are judging, even if they are self-evident. Our conceptions are at first obscure and wavering. To make them distinct and steady we need the habit of attending to them; and this requires an exertion of mind to which many of our animal principles are unfriendly.

The love of •truth calls for •it; but this still voice is often drowned by the louder call of some passion, or we are hindered from listening to it by laziness and desultoriness [= 'intellectual flightiness']. So men often remain throughout their lives ignorant of things that they could have known if they had merely opened their eyes and paid attention. . . .

I'm much inclined to think that if a man were reared from infancy without any society of his fellow-creatures, he would hardly ever show any sign of •moral judgment or of •the power of reasoning. His own actions would be directed by his animal appetites and passions, without cool reflection, and he couldn't improve himself by observing the conduct of other beings like himself.

The rational and moral powers of man might lie dormant without instruction and example, yet these powers are a part, and the noblest part, of his ·natural· constitution. ·There's no contradiction in this·. A seed's power of vegetation is part of its natural constitution, but it would lie dormant for ever

if it didn't have heat and moisture.

We probably get our first moral conceptions by attending coolly to the conduct of others, and observing what moves our approval and what moves our indignation. These sentiments spring from our moral faculty as naturally as the sensations of sweet and bitter spring from the faculty of taste. They have their natural objects. But most human actions are of a mixed nature, and look different depending on what angle they are viewed from. Prejudice for or against the person in question is apt to warp our opinion. Attention and candour are needed if we are to •distinguish good from bad, and without favour or prejudice to •form a clear and impartial judgment. We can be greatly aided in this by instruction. . . .

You'd have to be very ignorant of human nature not to see that the seed of virtue in the mind of man, like that of a tender plant in an unkindly soil, requires •care and culture [see Glossary] in the first period of life as well as •our own exertion when we come to maturity.

If the irregularities of passion and appetite are checked in good time, and good habits are planted; if we are aroused by good examples and shown examples in their proper colour; if our attention is prudently directed to the precepts of wisdom and virtue; . . . we'll nearly always be able to distinguish good from bad in our own conduct without the labour of reasoning.

Most people have little of this culture at the right time, and what they do have is often unskilfully applied; with the result that bad habits gather strength, and the mind is occupied with false notions of pleasure, of honour, and of interest. These people give little attention to what is right and honest. Conscience is seldom consulted, and so little exercised that its decisions are weak and wavering. Thus, although most truths in morals will appear self-evident to a mature understanding that is free from prejudice and

accustomed to judging the morality of actions, it doesn't follow that moral instruction is unnecessary in the first part of life or that it can't be very profitable later on.

The history of past ages shows that nations that are highly civilized and greatly enlightened in many arts and sciences may for centuries accept the grossest absurdities not only •with regard to the Deity and his worship but •with regard to the duty we owe to our fellow-men, and especially to children, to servants, to strangers, to enemies, and to those who differ from us in religious opinions.

Such corruptions in religion and in morals had spread so widely among mankind, and were so firmly settled by custom, that a light from heaven was needed to correct them. Revelation was intended not to supersede our natural faculties but to help us to use them. And I'm sure that the attention given to moral truths in *systems* of the kind I have mentioned has done a lot to correct the errors and prejudices of former ages, and may continue to have the same good effect in time to come.

Systems of morals can swell to an enormous size, but that's not surprising: the •general principles are few and simple, but the ••particular• application of them extends to every part of human conduct, in every condition, every relation, and every transaction of life. They're the rule of life to the magistrate [see Glossary] and to the subject, to the master and to the servant, to the parent and to the child, to the fellow-citizen and to the alien, to the friend and to the enemy, to the buyer and to the seller, to the borrower and to the lender. Every human creature is subject to their authority in his actions and words, and even in his thoughts. The principles of morals are in this respect like the laws of motion in the natural world: they are few and simple, but serve to regulate an infinite variety of operations throughout the universe.

And just as the beauty of the laws of motion is displayed most strikingly when we trace them through all the variety of their effects, so too the divine beauty and sanctity of the principles of morals appear grandest when we look comprehensively at their application to every condition and relation, and to every transaction of human society.

That is what systems of morals ought to aim at. They can be made more or less extensive, because their only natural limit is the wide circle of •human transactions. When the principles are applied to •these in detail, the detail is pleasant and profitable. It requires no profound reasoning, (except perhaps in a few disputable points). It can be agreeably illustrated by examples and •quotations from• authorities; it exercises •our faculty of• moral judgment and thereby strengthens it. And anyone who has given much attention to the duty of man in all the various relations and circumstances of life will probably be more enlightened about his own duty and more able to enlighten others.

The earliest writers on morals that we know delivered their moral instructions not in systems but in short unconnected sentences, i.e. aphorisms. They saw no need for processes of reasoning because the truths they delivered *had to be accepted* by anyone honest and attentive.

Later writers, wanting to improve the way of treating this subject, gave method and arrangement to moral truths by dividing them up into divisions and subdivisions, as parts of one whole. This procedure makes the whole easier to understand and remember; and it's this procedure that brings in the labels 'system' and 'science'.

A system of morals isn't like a system of geometry, where the later parts get their evidentness from the earlier ones, and a single chain of reasoning is carried on from the beginning, so that if the arrangement is changed the chain is broken and the evidentness is lost. It's more like a system

of botany or mineralogy, where the later parts don't depend for their evidentness on the earlier ones, and the whole arrangement is made to aid understanding and memory, not to make things evident.

Morals have been methodised [Reid's word] in different ways. The ancients commonly arranged them under the four cardinal virtues of

- prudence,
- temperance,
- fortitude, and
- justice.

Christian writers, I think more properly, put them under the three heads of

- our duty to God,
- our duty to ourselves, and
- our duty to our neighbour.

One division may be more comprehensive, or more natural, than another; but the truths arranged are the same, and their evidentness is the same in all.

One final point about systems of morals: they have been made more bulky and more complex than they should be, in two different ways: •by mixing political questions with morals, which I think is improper because political issues belong to a different science and are based on different principles; and •by making the system include what is commonly (though I think improperly) called 'the theory

of morals'.

By the theory of morals is meant a sound account of the structure of our moral powers—i.e. of the powers of the mind by which we •have our moral conceptions and •distinguish right from wrong in human actions. This is indeed a complex subject, and there have been various theories and much controversy about it in ancient and in modern times. But it has little connection with the knowledge of our duty; and those who differ most over the theory of our moral powers agree over the practical rules of morals that those powers dictate.

You can be a good judge of colours and of the other visible qualities of objects while knowing nothing about the anatomy of the eye or the theory of vision; and you can have a very clear and comprehensive knowledge of what is right and what is wrong in human conduct without ever studying the structure of our moral powers. . . .

I don't mean to depreciate this branch of knowledge. It's a very important part of the philosophy of the human mind, and ought to be considered as such, but not as any part of morals. By calling it the 'theory of morals', and by making it a part of every system of morals, men may be led into a gross mistake that I wish to head off, namely thinking that a man must be a philosopher and a metaphysician if he is to understand his duty.

## Chapter 3: Systems of natural jurisprudence

Systems of •natural jurisprudence, of •the rights of peace and war, or of •the law of nature and law of nations, are a modern invention which soon acquired such a reputation that many public establishments [here = ‘university departments’] were set up for teaching it along with the other sciences. It has such a close relation to morals that it could serve as a system of morals, and is commonly put in the place of it, at least with regard to our duty [see Glossary] to our fellow-men. Systems of natural jurisprudence differ in name and form from systems of morals, but the substance is the same. This can be seen by giving a little attention to the nature of each.

The immediate purpose of morals is to teach the **duty** of men; the immediate purpose of natural jurisprudence is to teach the **rights** of men. Right and duty are very different things, which even have a kind of opposition ·to one another·; but they are related in such a way that neither can even be conceived without the other—to understand either of them you must understand the other.

They are inter-related in the way that credit relates to debt [meaning: ‘in the way that being-a-creditor relates to being-a-debtor’]. All credit presupposes an equivalent debt, and similarly every right presupposes a corresponding duty. . . .

A **right action** is an action that conforms to our duty. But when we speak of **the rights of men** the word ‘right’ has a different and a more artificial meaning. It is a legal technical term which stands for all that a man may lawfully **(i)** do or **(ii)** possess and use or **(iii)** require someone else to do.

This comprehensive meaning of ‘right’ and of the Latin equivalent *jus*, though long adopted into common language, is too artificial to have been in common language from its beginning. It is a term of art [= ‘technical term’] invented by

students of •civil law when •that became a profession [see Glossary].

The whole end and object of law is to protect the subjects in everything that they can lawfully **(i)** do, or **(ii)** possess, or **(iii)** demand. The professionals have brought this threefold object of law under the word *jus* or ‘right’ . . . . Of these three, **(i)** can be called the ‘right of liberty’, **(ii)** can be called the ‘right of property’, and **(iii)** is called ‘personal right’, because it concerns some particular person(s) of whom the demand may be made.

It’s easy to see what the duties are corresponding to the various kinds of rights. What I have a right to do, you have a duty not to prevent me from doing. If I have a right to some property, you ought not to take it from me or interfere with my use and enjoyment of it. And if I have a right to demand that you do x, you have a duty to do x. Rights and duties are not just necessarily connected; in fact they are only different expressions of the same meaning, comparable with

- I am your debtor, you are my creditor;
- I am your father, you are my son.

So men’s rights and duties correspond so tightly that. . . .you could substitute a system of one for a system of the other.

It might be objected:

‘Although every right implies a duty, not every duty implies a right. It could be my duty to give humane help to someone who doesn’t have any right to demand that I do so. So a system of the rights of men, though it teaches all the duties of •strict justice, omits the duties of •charity and •humanity; and it’s a very lame system of morals that omits those!’

Well, there is a strict notion of •justice in which it is distinguished from •humanity and •charity, but it also has a more extensive meaning in which it includes those virtues. The ancient moralists, both Greek and Roman, included beneficence in the cardinal virtue of 'justice'; and the word is often used in this extended sense in common language. It's also common enough for 'right' to be used in an extended sense in which it covers every proper claim of •humanity and •charity as well as the claims of •strict justice. But it's as well to have different names for these two kinds of claims; so writers on natural jurisprudence have used 'perfect rights' as a label for the claims of strict justice, and 'imperfect rights' as a label for the claims of charity and humanity. Thus, all the duties of humanity have imperfect rights corresponding to them, as those of strict justice have perfect rights.

Another objection that may be brought:

'There is still a class of duties to which no right, perfect or imperfect, corresponds. We are duty-bound to pay due respect not only to •what someone else truly has a right to but also to •something that we mistakenly think he has a right to. If someone has a horse that he stole and therefore has no right to, while I believe the horse to be really his, it's my duty to pay the same respect to this conceived right as if it were real. So here's a moral obligation on one party with no corresponding right for the other.'

To fill this gap in the system of rights, so that right and duty always correspond, writers in jurisprudence have resorted to something like what is called a 'legal fiction'. They give the name 'right' to the claim that even the thief has to the goods he has stolen, while the theft is unknown, and to all similar claims based on the ignorance or mistake of the people concerned. And to distinguish this from a genuine right, perfect or imperfect, they call it an 'external right'.

Thus it appears that although a system of the •perfect rights of men, or the rights of strict justice, would be a lame substitute for a system of human duty, when we add to it •imperfect and •external rights it comprehends the whole duty we owe to our fellow-men.

But it may be asked, Why should men be taught their •duty in this indirect way, by reflection, as it were, from the •rights of other men?

Well, this indirect way may be thought to be more agreeable to the pride of man, because we do see that men of rank would rather hear of their obligations of honour than of their obligations of duty (although the dictates of true honour and of duty are the same); the reason for this preference being that 'honour' puts a man in mind of what he owes to himself whereas 'duty' is a more humbling idea. For a similar reason, men may attend more willingly to their rights that put them in mind of their dignity than to their duties that suggest their dependence. And we do see that men who don't attend much to their duty give great attention to their rights.

Whatever truth there may be in this, I think that better reasons can be given why systems of natural jurisprudence have been developed and put in the place of systems of morals.

Systems of civil law were invented centuries before we had any system of natural jurisprudence; and the former seem to have suggested the idea of the latter.

Because of the weakness of human understanding, no large body of knowledge can be easily grasped and remembered unless it's arranged and methodised, i.e. reduced to a system. When the laws of the Roman people were greatly multiplied and the study of them became an honourable and lucrative profession, it became necessary for them to be methodised into a system. And the most natural and obvious way of methodising law was found to be according

to the divisions and subdivisions of men's rights that the law aims to protect.

The study of law produced not only systems of law, but a language proper for expressing them. Every art [see Glossary] has its terms of art—its technical terms—for expressing the conceptions that belong to it; and the civil-law specialist must have terms for expressing accurately the divisions and subdivisions of rights, and the various ways in which they can be acquired, transferred, or extinguished, in the various transactions of civil society. He must have precisely defined terms for

- the various crimes by which men's rights are violated,
- the different types of legal actions, and
- the various steps in the procedure of law-courts.

Those who have for years been immersed in a profession are very apt to use its technical terms when speaking or writing on subjects are in any way like it. And this can be useful, because terms of art are usually better defined and more precise in their meaning than the words of ordinary language. These people also find it very natural to shape and arrange other subjects, as far as their nature permits, into a method similar to that of the system that fills their minds.

So it is to be expected that a civil-law specialist, wanting to give a detailed system of morals, would use many of the terms of civil law, and mould morality as far as possible into the form of a system of law or of human rights.

This was justified by the necessary and close relation of rights to duty that I have pointed out. And moral duty had long been thought of in a legal way, being considered as a •law of nature, a •law written not on tablets of stone or brass but on the heart of man, a •law of greater antiquity and higher authority than the laws of particular states, a •law that is binding on all men of all nations, which is why Cicero called it 'the law of nature and of nations'.

The idea of a system of this law was worthy of the genius of the immortal Hugo Grotius, who was the first who •carried it out in such a way as to draw the attention of the learned in all the European nations, and •led several monarchs and states to establish public professions for the teaching of this law.

The multitude of commentators and annotators on this work of Grotius, and the public establishments to which it gave rise, are sufficient guarantees of its merit.

It is indeed so well designed and so skilfully carried through, so free from the scholastic jargon that infected the learned at that time [early 17th century], so thoroughly aimed at the common sense and moral judgment of mankind, and so agreeably illustrated by examples from ancient history and by authorities from the sentiments of ancient authors, heathen and Christian, that it must always be admired as the chief work of a great genius on a most important subject.

[In this paragraph, the numbering is Reid's.] The usefulness of a sound system of natural jurisprudence can be seen in the following half-dozen facts. **(1)** The terms and divisions of the civil law enable writers on natural jurisprudence to expound the moral duty we owe to men in more detail and more systematically than before. **(2)** It is the best preparation for the study of law, because. . . it uses and explains many of the terms of the civil law that is the basis for the law of most of the European nations. **(3)** It is useful to lawgivers, who ought to make their laws conform as much as possible to the law of nature. And it points out the errors and imperfections of human laws (there are bound to be some, as in everything that men make). **(4)** It is useful to judges and interpreters of the law, because when there are rival interpretations preference should go to the interpretation based on the law of nature. **(5)** It is of use in civil controversies between states, or between individuals who have no common superior. In

such controversies the appeal must be made to the law of nature; and the standard systems of that, especially that of Grotius, have great authority. **(6)** For sovereigns and states who are above all human laws it is very useful to be solemnly reminded of the conduct they are morally bound to observe towards their own subjects, towards the subjects of other states, and towards one another, in peace and in war. The better and the more generally the law of nature is understood, the more each violation of it will bring disgrace.

Some authors have thought that systems of natural jurisprudence ought to be confined to the perfect rights of men because the duties corresponding to the imperfect rights—the duties of charity and humanity—can't be enforced by human laws, but must be left to men's judgment and conscience, with no compulsion. But the systems that have won the greatest public applause haven't followed this plan, and I think there are good reasons for that. **(1)** Because a system of perfect rights couldn't serve the purpose of a system of morals, which surely is an important purpose of any system of natural jurisprudence. **(2)** Because in many cases it is hardly possible to fix the precise limit between justice and humanity, between perfect and imperfect rights.

Like the colours in a prismatic image, they run into each other so that the best eye can't fix the precise boundary between them. **(3)** As wise legislators and magistrates ought to aim at making the citizens good as well as just, all civilized nations have laws that are intended to encourage the duties of humanity. Where human laws can't enforce them by punishments, they may encourage them by rewards. The wisest legislators have given examples of this; and no-one can tell how far this branch of legislation may go.

\* \* \* \* \*

The substance of the four following chapters—i.e. the remainder of this work—was written long ago and read in a literary society. I wanted in them to justify some points of morals from metaphysical objections urged against them in the writings of David Hume. If they succeed in that, and at the same time serve to illustrate the account I have given of our moral powers, I hope you won't think it is improper to place them here, and that you'll forgive some repetitions, and perhaps anachronisms, caused by their being written at different times and on different occasions.



## Chapter 4: For my action to deserve moral approval, must I believe that it is morally good?

No part of philosophy is more fine-spun and complex than the so-called '**theory** of morals'. In ancient times, the Epicurean, the Aristotelian and the Stoic each had a different theory of morals, and almost every notable modern author has a system of his own.

And no part of philosophy is plainer and easier to understand than the **practical** part of morals. There is indeed no branch of human knowledge in which there is such general agreement among ancients and moderns, learned and unlearned.

From this disagreement over theory and agreement about the practical part we can infer that the 'practical' rules of morality have a firmer foundation than the theory does. And it's easy to see why this is so.

To know what is right and what is wrong in human conduct, all we need is to •listen to the dictates of our conscience when the mind is calm and unruffled, or •attend to the judgment we form about other people in similar circumstances. But to judge concerning the various theories of morals we have to analyse and dissect (so to speak) the active powers of the human mind, and especially to analyse accurately the conscience or moral power by which we tell right from wrong.

(The conscience is like the eye in many ways including this: learned people and unlearned ones see objects equally clearly. The learned are in no position to dictate to the unlearned in matters where the eye is judge; and there isn't any disagreement about such matters. But to dissect the eye and lay out the theory of vision is a hard thing to do, and even the most skillful people have disagreed about it.)

From this remarkable disparity between our conclusion in the theory of morals and in the rules of morality we can I think infer that wherever we find any disagreement between •the practical rules of morality that have been received all down the centuries and •the principles of any of the theories advanced on this subject, the practical rules ought to be the standard by which the theory is to be corrected. It is unsafe and unphilosophical to bend the practical rules so as to make them fit a favourite theory.

The question to be considered in this chapter can be settled relatively easily and certainly because it belongs to the practical part of morals. And if it is answered in the affirmative, I think it may serve as a touchstone to test some celebrated theories that are inconsistent with •that answer and that have led the theorists to oppose •it by very subtle metaphysical arguments.

Every question about what is or isn't a proper object of moral approval belongs to practical morals, and I want to such a question raise here: To deserve moral approval must an action be done in the belief that it is morally good? . . .

When a moral agent does something, his conscience either

- (1) says that his action is good, or
- (2) says that it is bad, or
- (3) says that it is indifferent [= 'neither good nor bad'], or is entirely silent about it

That's a complete list, I think. If his conscience is perfectly silent, the action must be very trivial, or appear to be so. That's because conscience—in those who *have* a working conscience—is a practical faculty that busies itself with every

part of our conduct, whether or not we want to hear from it. ·So I shan't say much about the silent-conscience case, and will lump it in with the judgment-of-indifference case.·

(3) If a man does something in perfect simplicity—no moral pros or cons, he just *does* it—without the least suspicion of its being bad, his heart cannot condemn him for it, nor will anyone who knows his heart. If his action resulted from a false opinion which came from some previous blameworthy carelessness or inattention, I don't clear him from blame regarding that earlier episode. I'm talking about the •present action and the frame of mind in which it is done; •past events don't come into it. And in this present action there's nothing that merits moral disapproval or moral approval, because the person didn't intend anything good or anything bad. And this holds also when the man's conscience pronounces the action to be indifferent.

(2) If I do something that my conscience declares to be bad or dubious, I am guilty in my own eyes and deserve the disapproval of others. If it turns out that what I thought to be bad was really good or neither-good-nor-bad, that doesn't make me less guilty because I did it believing it to be bad, and this is immoral.

(1) If I do what my conscience says is right and my [see Glossary], that will have contributed to my willingness to do it. (What if I hear my conscience but give no weight to what it says? That isn't conceivable: no man, I think, is so morally adrift that believing something to be his duty doesn't increase *somewhat* his speed and confidence in doing it.) The more weight the rightness of the action has in getting me to do it, the more I approve of my own conduct. And if my worldly ·self-interest, my appetites or my inclinations pull me strongly in the opposite direction, my defying them and following the dictates of my conscience adds to the moral worth of the action.

When a man acts on the basis of a wrong belief, if his error is invincible moralists all agree that he isn't to blame. ['invincible' = 'incurable', but Reid's real topic here is not ways of getting out of the error but ways of not getting into it.] If his error is due to some previous carelessness or inattention, the moralists seem to differ. But this apparent disagreement isn't real. For where does the fault lie in this case? Everyone must agree that the *only* fault was that the man didn't work hard enough to have his judgment well informed. So moralists who look at the action and the previous conduct that led to it as one whole find something to blame in the whole; and they are entirely right about that. Moralists who take this whole to pieces, and consider what is blameworthy and what is right in each piece, attach blame to what preceded this wrong judgment and is approval to what followed it; ·and they are entirely right too.·

[Reid now gives a couple of examples as intuitive support for the thesis he has been arguing for up to this place in the chapter, namely that (i) believing your action to be right is **sufficient** for your being right to perform it. This chapter's title, however, is the question whether (ii) believing your action to be right is **necessary** for your being right to perform it; and in the next paragraph Reid switches, abruptly and without comment, from (i) to (ii). Of the three ensuing objections that he answers, (a) is an objection to (i), whereas (b) and (c) are objections to (ii). And the chapter's closing page clearly takes 'the principle I have tried to establish' to be (ii) and not (i).]

These judgments strike me as being as intuitively evident as mathematical axioms. Anyone who has reached years of understanding, and who has exercised his faculties in judgments concerning right and wrong, sees their truth as he sees daylight. Metaphysical arguments brought against them have the same effect as arguments casting doubt on

the senses: they may puzzle and confuse us, but they don't convince us. It seems evident—obvious—therefore that the only actions that can truly be called virtuous, or deserving of moral approval, are ones that the agent believed to be right, and which he performed at least partly because of that belief.

(a) It may be objected that this principle implies that it makes no difference to a man's morals what his opinions are, provided he acts in conformity with them. It is easy to answer this. Morality requires not only that a man should •act according to his judgment but that he should •do his best to ensure that his judgment is according to truth. If he fails in either of those, he deserves blame; but if he doesn't fail in either of them, I don't see what he can be blamed for.

When a man must act and has no more time to deliberate, he ought to act by the light of his conscience even when he is in an error. When he has time to deliberate, he ought to do what he can to be rightly informed. When he has done so, he may still be in an error; but it is an invincible error and oughtn't to be charged against him as a fault.

(b) A second objection is that we *immediately* approve of benevolence, gratitude, and other primary virtues, without considering whether they are motivated by a belief that they are our duty. And the laws of God place the sum of virtue in •loving God and •loving our neighbour, without specifying that we do it from a conviction that we ought to do so.

The answer to this objection is that the primary virtues such as

- the love of God,
- the love of our neighbour,
- justice, and
- gratitude

are by the constitution of human nature *necessarily* accompanied by the conviction that they are morally good. So we

can safely assume that these things are never separated, and that every man who practises these virtues does so with a good conscience. In judging men's conduct we don't suppose things that can't happen; and God's laws don't give decisions regarding impossible cases, which is what they would be doing if they said anything about a man who thought it contrary to his duty to love God or to love mankind. [Reid then quotes some fragments from the New Testament in support of this thesis. Then:]

(c) The last objection I shall mention is a metaphysical one urged by Hume. A prominent thesis in his system of morals is that *justice is not a natural virtue but an artificial one*. To prove this he has exerted the whole strength of his reason and eloquence. The principle we are now considering stood in his way, so he takes trouble to refute it.

He writes [the quotations are all from *Treatise* III.ii.1]:

'Suppose someone lends me a sum of money on condition that it be repaid in a few days. After the few days have passed he asks for his money back. I ask: What reason or motive do I have to restore the money? Perhaps it will be said that my •regard for justice and •hatred of villainy and knavery are sufficient reasons for me.'

And this, he agrees, would be a satisfactory answer to a civilized man who has been trained up according to a certain discipline and education. But, he says, 'If you gave this answer to a man in his rough and more natural condition (if you're willing to call such a condition "natural") he would reject it as perfectly unintelligible and sophistical.'

'For what do this honesty and justice consist in? Not surely in the external action. So it must consist in the motive with which the external action is performed. This motive can't be a respect for the honesty of the action, because it's a plain fallacy to say that

- a virtuous motive is required to make an action honest, *and*
- a respect for its honesty is the motive for the action.

We can't have a respect for the virtue of an action unless the action is already virtuous.'

And in another place he writes:

'To suppose that the mere respect for the virtue of the action is what made it virtuous is to reason in a circle. An action must be virtuous *before* we can have a respect for its virtue. So there must be some virtuous motive antecedent to that respect. This isn't merely a metaphysical subtlety.'

I'm not concerned here with how this reasoning is used to support Hume's opinion that justice is not a natural but an artificial virtue. I'm considering only its role as opposition to the principle I have been trying to establish, namely that for an action to be truly virtuous the agent must have some respect for its rightness.

The whole force of the reasoning seems to amount to this:

When we judge an action to be good or bad, it must have *been* good or bad in its own nature before that judgment was made; otherwise the judgment is false. But if the action is good in its nature, the agent's judgment can't make it bad, and if it is bad in its nature, the agent's judgment can't make it good. To deny either of these would be to credit our judgment with a strange magical power to transform the nature of things; it would be to say that my judging a thing to be what it isn't makes it really to be what I erroneously judge it to be.

I think that that gives the objection in its full strength. In answer to it I have two things to say.

(1) If we couldn't *untie* this metaphysical knot I think we might fairly and honestly *cut* it, because it ties an absurdity onto the clearest and most indisputable principles of morals and of common sense. For I appeal to any man whether any principle of morality, or any principle of common sense, is clearer and more indisputable than what the apostle Paul wrote: *There is nothing unclean of itself; but to him that esteemeth [see Glossary] any thing to be unclean, to him it is unclean* [from the King James version, *Romans 14:14*]. But the metaphysical argument makes this absurd. For, says the metaphysician ·Hume·, if the thing was not unclean in itself you judged wrongly in esteeming it to be unclean; and what can be more absurd than that your esteeming a thing to be what it is not should make it be what you erroneously esteem it to be?

Let us try the edge of this on another example. Nothing is more evident than that *an action doesn't deserve to be called 'benevolent' unless it is motivated by a belief that it tends to promote the good of our neighbour*. But this is absurd, says the metaphysician. If it isn't benevolent in itself, your belief about its tendency can't change its nature. It's absurd ·to suggest· that your erroneous belief could make the action be what you believe it to be. Nothing is more evident than that *a man who tells the truth, believing it to be a lie, is guilty of falsehood*, but the metaphysician holds that this is absurd.

In short: if there's any strength in this argument ·of Hume's·, it follows that a man might be highly virtuous without having the least respect for virtue; very benevolent without ever intending to help anyone; very malicious without ever intending any hurt; very vengeful without ever intending to retaliate for an injury; very grateful without ever intending to return a benefit; and strictly truthful while intending to lie. So we could reject this reasoning, as inconsistent with self-evident truths, even if we couldn't

point out where it goes wrong—i.e. we could cut the knot if we couldn't untie it.

**(2)** But let us see whether we *can* discover the fallacy of this argument.

We ascribe moral goodness to actions considered abstractly, without any relation to the agent. We likewise ascribe moral goodness to an agent on account of an action he has done; we call it a good *action*, though in this case the goodness is really in the *man* and is ascribed to the action only in a figure of speech. Now, when we describe an action, considered abstractly, as morally 'good', and then describe the agent as morally 'good' because of that action, are we giving the word 'good' the same meaning both times? or do we unconsciously change its meaning depending on whether we are applying it to the action or to the man?

The action considered abstractly doesn't have understanding or will, isn't accountable, and can't be under any moral obligation. But all these things are essential to the moral goodness of a man—if a man didn't have understanding and will he couldn't have moral goodness. From this it strictly follows that the moral 'goodness' we ascribe to an action considered abstractly is *not* the same as the moral 'goodness' we ascribe to the person for performing that action. The meaning of 'good' is changed when it is applied to these different subjects.

This will be more evident when we consider what the two meanings are. A good action in a man [Reid ought to have said: 'An action in respect of which a man qualifies as good'] is one in which he applies his intellectual powers properly in order to judge what he ought to do, and acts according to his best judgment. This is all that can be required of a moral agent; it's what his moral goodness with respect to a good action consists in. But is this the goodness we ascribe to an action considered abstractly? Surely not! The action considered

abstractly doesn't have judgment or active power, so it can't have the goodness that we ascribe to the man because he performs it.

What do we mean by goodness in an action considered abstractly? It seems to me to consist in this and *only* in this:

It is an action of a kind that ought to be done by those who have the power and opportunity to do it, and are capable of seeing their obligation to do it.

(If you think that moral goodness in an action considered abstractly can be anything other than this, tell me about it!) And this goodness is inherent in the action's nature, and is inseparable from it. No opinion or judgment of an agent can alter it in the least.

Suppose the action to be that of rescuing an innocent person from great distress. This surely has all the moral goodness that an action considered abstractly can have. but obviously an agent in rescuing a person in distress may **(a)** have no moral quality, may **(b)** have great demerit, or may **(c)** have great merit.

**(a)** Suppose that mice rescue the distressed person by chewing through the cords that bound him. Is there moral goodness in this act of the mice?

**(b)** Or suppose that a man maliciously rescues the distressed person so as to plunge him into greater distress. There's surely no moral goodness in this action, but there is much malice and inhumanity.

**(c)** Suppose that a person, acting from real sympathy and humanity, rescues a distressed person at considerable expense or danger to himself: here is an action of real worth, which every heart approves and every tongue praises. But what are the features of it that give it that worth? They aren't features of the action considered by itself, because that was common to all the three—the mice, the sadist, and this benevolent hero. The worth lies in *the man* who on this

occasion acted as a good man should. He did what his heart approved, and therefore he is approved by God and man.

To summarize: if we distinguish •the goodness that can be ascribed to an action considered by itself from •the goodness that we ascribe to a man when he performs the action, we find a key to this metaphysical lock ·or, returning to the earlier metaphor, a way of untying this metaphysical knot·. We admit that the goodness of an action considered abstractly can't depend on the agent's belief-state, any more than the truth of a proposition can depend on our believing it to be true. But when a man exerts his active power well or badly, there is a moral goodness or baseness which we *figuratively* attribute to the action but which is truly and *literally* attributable only to the man; and this goodness or baseness depends very much on the man's intention and on what he believed about his action.

[Reid now has a paragraph saying that the distinction he is drawing has been understood 'in all ages by those who gave any attention to morals'. He gives Greek words for it, then Latin ones. Then:] In the scholastic ages an action good in itself was said to be *materially* good, and an action done with a right intention was called *formally* good. This last way of expressing the distinction is still familiar among theologians, but it seems that Hume •didn't attend to it or •thought it to be words without any meaning.

Hume tells us with great assurance: 'In short, it may be established as an undoubted maxim that no action can be virtuous or morally good unless there is in human nature some motive to produce it other than a sense of its morality' [again *Treatise* III.ii.1]. And this maxim is the basis for many of his reasonings on the subject of morals.

Does Hume's own system *require* that an action can't be produced merely from the sense of its morality, without any motive of agreeableness or usefulness? I shan't go into this

here. But if it does, and I think it's evident to every man of common understanding that

a judge or decision-maker acts most virtuously when his sentence is produced by no motive except a concern for justice and a good conscience, indeed when he has set aside all motives but this,

then Hume's 'undoubted maxim' must be false, and all the conclusions built on it must fall to the ground.

I think that two consequences for the theory of morals can be drawn from the principle I have tried to establish.

(1) If there is no virtue without the belief that what we do is right, it follows that a moral faculty—i.e. a power of detecting moral goodness and baseness in human conduct—is essential for any being to be capable of virtue or vice. A being who has no more conception of moral goodness and baseness, of right and wrong, than a blind man has of colours, can't have respect for it in his conduct and therefore can't be either virtuous or vicious.

He can have qualities that are agreeable or disagreeable, useful or harmful; so can a plant or a machine. And we sometimes use the word 'virtue' so broadly that it can signify any agreeable or useful quality, as when we speak of the 'virtues' of plants. But my present topic is *virtue* in the strict and literal sense of the word, in which it signifies the quality in a man that is the object of moral approval.

A man couldn't have this virtue unless he had a power of seeing right and wrong in human conduct and being influenced by what he sees. For he is virtuous only to the extent that he is guided in his conduct by that part of his constitution. Brutes [see Glossary] appear to have no such power, and therefore are not moral or accountable agents. They are capable of training and discipline, but not of virtuous or criminal conduct. Even human creatures in their early years are not moral agents, because their moral

faculty hasn't yet unfolded. These views are supported by the common sense of mankind, which has always held that neither brutes nor infants can be indicted for crimes.

It doesn't matter much *what* name we give to this moral power of the human mind; but it's such an important part of our constitution that it deserve to have some name of its own. The name *conscience* is the most common one, and it seems to me as proper as any other name that has been given to it. I have no objection to the name *moral sense*, though I think it has led to some mistakes about the nature of our moral power. Modern philosophers have thought of the external senses as having no role except giving us certain sensations or simple conceptions that we couldn't have without them; and this notion has been applied to the moral sense. But it seems to me to be a mistaken notion in both of those applications. By the sense of seeing I not only have the conception of the different colours but I see that one body has this colour and another has that. Similarly, by my moral sense I not only have the conceptions of right and wrong in conduct but I perceive that this conduct is right, that that conduct is wrong, and that this other is indifferent. All our senses are *judging* faculties, and so is conscience. And this power it not only a judge of our own actions and those of

others; it is also a principle [see Glossary] of action in all good men, and our conduct can be called 'virtuous' only to the extent that it is influenced by this principle.

(2) A second consequence of the principle laid down in this chapter is that the essential nature of the virtue that is the object of moral approval does not consist in

- a prudent pursuit of self-interest, or
- benevolent affections towards others, or
- qualities that are useful or agreeable to ourselves or to others, or
- sympathizing with the passions and affections of others, and getting our own conduct to harmonize with other men's passions.

Rather, it consists in living in all good conscience [Reid's phrase], i.e. •using the best means in our power to know our duty and •acting accordingly.

Prudence is a virtue, benevolence is a virtue, fortitude is a virtue; but the essential nature of virtue must lie in something that is common to all these and to every other virtue. And I don't think this can be anything but the rightness of such conduct and baseness of the contrary that a good man discerns. And he is virtuous just to the extent that he pursues what's right and avoids what's base.

## Chapter 5: Is justice a natural virtue or an artificial one?

Hume's philosophy concerning morals was first presented to the world in the third volume of his *Treatise of Human Nature* (1740) and later in his *Enquiry concerning the Principles of Morals* (1758). . . . In these two works on morals the system is the same. The later one has been more widely liked, because of features of the presentation and the omission of some metaphysical reasonings; but I can't find in it any new principles or any new arguments in support of the system that is common to both.

According to Hume's system, the proper object of moral approval is not •actions or any voluntary effort but •qualities of mind—i.e. natural affections or passions that are involuntary, a part of the constitution of the man, and common to us with many brute-animals. When we praise or blame a voluntary action we are regarding it as a sign of the natural affection from which it flows, and which is the source of all its merit or demerit.

Moral approval or disapproval is not something that must be true or false; so it isn't a •judgment, but rather a •feeling that occurs, because of the constitution of human nature, when we coolly and impartially contemplate certain characters or qualities of mind.

When this feeling is agreeable, it is moral approval; when disagreeable, it is disapproval. The qualities of mind that produce this agreeable feeling are the moral virtues, and those that produce the disagreeable feeling are the vices.

Once these preliminaries have been granted, the question about the foundation of morals comes down to a simple question of fact, namely: What are the qualities of mind that produce the feeling of approval or the contrary feeling in the disinterested [see Glossary] observer?

In answer to this question Hume tries to prove, by a very copious induction [= 'by an enormous array of examples'] that all personal merit, all virtue, all that is the object of moral approval, consists in the qualities of mind that are agreeable or useful either to the person who has them or to others.

[The three italicised words in this paragraph are all Latin.] The *dulce* and the *utile*—or in English the •pleasurable and the •useful—make up the whole sum of merit in every character, quality of mind, and action. There's no room left for the *honestum* that Cicero defines thus: 'By *honestum* we understand that which is of such a nature that although it isn't in any way useful it can rightly be commended just for itself, apart from any profit or reward.'

Among the ancient moralists, the Epicureans were the only sect who denied that there is any such thing as *honestum*, or moral worth, distinct from pleasure. In this Hume's system agrees with theirs. He offers a foundation for morals that includes usefulness as well as pleasure, but this is only a verbal difference, not a real one, between his system and the Epicurean one. What is merely useful has no value in itself and gets all its merit from the end for which it is useful; and in Hume's system the end or aim is always agreeableness, i.e. pleasure. So that in both systems, pleasure is the only end, the only thing that is good in itself, and desirable for its own sake; and virtue gets all its merit from its tendency to produce pleasure.

Agreeableness and usefulness are not moral conceptions—they don't have any connection with morality. What a man does merely because it is agreeable, or useful for procuring what is agreeable, is not virtue. So Cicero and the best moralists among the ancients were right to hold that the



Epicurean system subverts morality and substitutes another principle in place of it; and Hume's system is open to the same criticism.

In one respect, however, it differs remarkably from that of Epicurus.

It allows that there are disinterested affections in human nature; that the love of children and relatives, friendship, gratitude, compassion and humaneness are not, as Epicurus maintained, •different versions of self-love, but •simple and basic parts of the human constitution; and that when •self-interest or envy or revenge don't twist our characters we are inclined to want and be pleased with the happiness of the human race. This is an expression of our *natural* love of mankind.

Hume maintains all this, in opposition to the Epicurean system, with great strength of reason and eloquence, and in this respect his system is more liberal and disinterested than that of the Greek philosopher. According to Epicurus, virtue is whatever is agreeable to *ourselves*. According to Hume, it is every quality of mind that is agreeable or useful to *ourselves* or *others*.

This theory of the nature of virtue greatly enlarges the catalogue of moral virtues by including in it *every* quality of •mind that is useful or agreeable. And there seems to be no good reason why this system shouldn't also count as moral virtues the useful and agreeable qualities of •body and of •fortune. They have the essence of virtue, i.e. agreeableness and usefulness, so why shouldn't they have the name?

But to counterbalance this addition to the moral virtues, one class of them seems to be demoted and deprived of all intrinsic merit. The useful virtues, as I said, are only servants of the agreeable ones. . . ., so they must be so much inferior to them in dignity that they hardly deserve the same name.

But Hume gives the name 'virtue' to both; and to distinguish them calls the agreeable qualities 'natural virtues' and the useful ones 'artificial virtues'.

The natural virtues are the natural affections of the human constitution that give immediate pleasure in their exercise. Such are all the benevolent affections. Nature disposes us to them, and their own nature makes them agreeable when we exercise them ourselves and when we contemplate their exercise in others.

The artificial virtues are valued solely because of their usefulness •in promoting the good of society, such as justice, fidelity, honour, truthfulness, allegiance, chastity; or their usefulness •to the person who has them, such as industry, discretion, frugality, secrecy, order, perseverance, forethought, judgment, and others that Hume says couldn't be listed in many pages.

I had to present this general view of Hume's system concerning the foundation of morals so that you could have a clear understanding of a principle of his that is my subject in this chapter, and to which he has devoted much labour, namely that justice is an artificial virtue, not a natural one.

This system of the foundation of virtue is so contradictory in many essential points to my account of the active powers of human nature that if either is true the other must be false.

I believe that these things are true:

- God has given man a power that we call  
conscience,  
the moral faculty,  
the sense of duty,

by which when he reaches maturity he perceives certain things that depend on his will to be his duty, and others to be base and unworthy;

- the notion of duty is a simple conception of its own kind [i.e. not a special case of something more general or basic],

and is of a different nature from the conceptions of usefulness and agreeableness, of ·self·-interest or reputation;

- this moral faculty is the privilege of man, and no trace of it is found in brute-animals;
- it is given us by God to regulate all our animal affections and passions;
- to be governed by it is the glory of man and the image of God in his soul, and to disregard its dictates is his dishonour and depravity.

If these things are so, then to seek the foundation of morality in the affections [see Glossary] we share with the brutes is •to seek the living among the dead, and •to change the glory of man and the image of God in his soul into something resembling a grazing ox.

If virtue and vice are a matter of choice, they must consist in voluntary actions, or in fixed intentions to act according to a certain rule when there's an opportunity to do so, and not in qualities of mind that are involuntary.

It's true that every virtue is extremely agreeable and useful, and that any quality's being agreeable or useful gives it a certain merit. But virtue has a merit all of its own—a merit that comes not from its being useful or agreeable but from its being virtue! This merit is discerned by the same faculty by which we discern it to be virtue, and by no other.

We give the name 'esteem' [see Glossary] both to our respect for useful and agreeable things and to our respect for virtue; but these are different kinds of esteem. 'I esteem him for his ingenuity and learning.' 'I esteem him for his moral worth.' The sound of 'esteem' is the same in both these speeches, but its meaning is very different.

Good breeding is a very amiable quality; and even if I knew that the well-bred man had no motive for it but its pleasure and usefulness to himself and others, I would still

like it, but in that case I wouldn't call it a moral virtue.

A dog has a tender concern for her puppies; so has a man for his children. The natural affection is the same in both, and is amiable in both. But why do we credit the man with moral virtue because of his concern but not take the same view of the dog? The reason surely is that the man's natural affection is accompanied by a sense of duty, whereas the dog's isn't. The same thing may be said of all the kind affections common to us with the brutes. They are amiable qualities, but they are not moral virtues ·when they occur unaccompanied by any thought of duty·.

This has been about Hume's system in •general. I now turn to his view about the •particular virtue of justice, namely that its merit consists wholly in its usefulness to society.

Of course justice is highly useful and necessary in society, and for that reason should be loved and esteemed by all who love mankind. And because it is a social virtue, we couldn't exercise it—and perhaps couldn't conceive of it—without society. But this is equally true of the natural affections of benevolence, gratitude, friendship and compassion that Hume says are natural virtues.

We can grant Hume that men have no conception of the virtue of justice until they have lived some time in society. It's purely a moral conception, and our moral conceptions and moral judgments aren't born with us: they grow up gradually, as our reason does. I don't claim to know how early or in what order we acquire our conceptions of the various virtues. The conception of justice involves some exercise of •the moral faculty, and •that, being the noblest part of the human constitution and the one to which its other parts are subservient, appears latest.

We can also grant that human nature doesn't contain any animal affection that immediately pushes us to acts of justice, as such. We have natural affections of the animal

kind that immediately prompt us to acts of •kindness; but I don't know of any that has that relation to •justice. The very conception of justice presupposes a moral faculty, but our natural kind affections don't; if they did we would have to allow that brutes have a moral faculty.

I maintain two things. **(i)** When men come to the exercise of their moral faculty, they see a baseness in injustice, as they do in other crimes [see Glossary], and this shows them that justice is obligatory quite apart from any consideration of its usefulness. **(ii)** As soon as men have any rational conception of a •favour and of an •injury [see Glossary] they must •have the conception of justice, and •see that it is obligatory apart from its usefulness. I shall address **(i)** now, and **(ii)** on page 25.

**(i)** The first thesis hardly admits of any proof except an appeal to the sentiments [see Glossary] of every honest man, and every man of honour: Isn't your indignation immediately inflamed against an atrocious act of villainy, without any cool thoughts about its long-term effects on the good of society?

We might appeal even to robbers and pirates: Didn't you have great struggles with your conscience when you first decided to break through all the rules of justice? And haven't you often, at solitary and serious times, felt the pangs of guilt? Such men have very often confessed this at a time when all disguise had been laid aside.

Although the common good of society is a pleasing object to all men when they think about it, the great majority of people hardly ever *do* think about it. If a concern for it was the sole motive to justice, the number of honest men would have to be small indeed! It would be confined to the higher ranks, whose education or official positions lead them to think about and work for the public good; and I don't think anyone will venture to assert that it is so confined.

The temptations to injustice are strongest in the lowest class of men. If nature had provided no motive to oppose those temptations except a sense of public good, there wouldn't be an honest man in that class.

To all men who aren't greatly corrupted, •injustice is an object of disapproval on its own account, just as cruelty and ingratitude are. There's a voice within us that declares •it to be base, unworthy, and deserving of punishment.

[The phrase 'sensible knave', which we are about to encounter, is a kind of technical term in the writings of Hume and of many writers since. It refers to a bad man who gives some thought to what he is doing.] That all honest natures are hostile to roguery and treachery, and reluctant to consider acting in a villainous and base way, is testified to by Hume himself. He expresses it very strongly, and I don't doubt that he *felt* it very strongly. Near the end of his *Enquiry Concerning the Principles of Morals* he acknowledges that in some cases a 'sensible knave' who didn't have this reluctance and hostility towards dishonesty would find no sufficient motive from public good to be honest. Here is the passage:

'Treating vice with the utmost fairness and making all possible concessions to it, we must acknowledge that there is never the slightest pretext—from the point of view of self-interest—for preferring it to virtue; except perhaps in the case of justice, where a man may often seem to be a loser by his integrity. It is agreed that no society could survive without a respect for *property*; but because of the imperfect way in which human affairs are conducted, it could happen in a particular case that a sensible knave thinks that a dishonest or treacherous act will make a considerable addition to his fortune without greatly weakening the bonds that hold society together. The thesis that honesty is the best policy is a good general rule, but there are

many exceptions to it; and it might be thought that the wisest person is the one who obeys the general rule except for taking advantage of all the exceptions.

'I must confess that if someone thinks that this line of thought needs an answer, it won't be easy to find one that will convince him. If his heart doesn't rebel against such harmful maxims, if he doesn't shrink from the thought of villainy or baseness, he has indeed lost a considerable motive to virtue; and we may expect that his behaviour will fit in with his doctrine that he should be honest except where it is better *for him* to be dishonest. But in all openly honest natures, the dislike for treachery and roguery is too strong to be counter-balanced by any views of personal profit or monetary advantage. Inward peace of mind, consciousness of integrity, a satisfactory review of our own conduct—these are all very much required for happiness, and will be cherished and cultivated by every honest man who feels the importance of them.'

The reasoning of the 'sensible knave' in this passage, seems to me to be soundly based on the principles of the *Enquiry* and of the *Treatise of Human Nature*, so it's not surprising that Hume should find it a little difficult to give any answer that would convince such a man. To counterbalance this reasoning he puts in the other scale a reluctance, a hostility, a rebellion of the honest heart against such pernicious maxims.

Let us consider the force of Hume's answer to this sensible knave who reasons on his [Hume's] own principles. I think either •it acknowledges that the human conscience naturally judges that injustice and treachery are base and unworthy practice, which is what I am arguing for, or •it has no force to convince either the knave or an honest man.

A clear and intuitive judgment resulting from the constitution of human nature outweighs a subtle line of reasoning on the other side. Thus, the testimony of our senses outweighs all the subtle arguments brought against their testimony. And if there's a similar testimony of conscience in favour of honesty, all the subtle reasoning of the knave against it ought to be *rejected without examination* as fallacious and sophistical, because its conclusion conflicts with a self-evident principle; just as we reject the subtle reasoning of the metaphysician against the evidentness of the senses.

So if the 'reluctance', 'hostility', and 'rebellion of the heart' against injustice, which Hume sets against the reasoning of the knave, include in their meaning a natural intuitive judgment of conscience that injustice is base and unworthy, then the knave's reasoning is convincingly answered; but the principle that justice is an artificial virtue, approved solely for its usefulness, is given up.

If, on the other hand, the 'hostility', 'reluctance', and 'rebellion of the heart' don't imply any judgment but merely an uneasy feeling—one that is acquired and artificial, not natural—the answer •is indeed perfectly in line with the principles of the *Enquiry*, but •has no force to convince the knave or anyone else.

Hume takes the knave to have no such feelings, and therefore the answer doesn't touch his situation in the least and thus leaves him in full possession of his line of argument. And 'ingenuous natures' who do have these feelings are left to think about whether to give way to acquired and artificial feelings in opposition to rules of conduct that to their best judgment appear wise and prudent.

**(ii)** [Following on **(i)** on page 24.] The second thing I proposed to show was that as soon as men have any rational conception of a favour and of an injury [see Glossary], they must •have the conception of justice and •see that it is obligatory.

The power the Author of nature has given us can be employed either to do good to our fellow-men or to hurt them. When we use our power to promote the good and happiness of others, this is a benefit or favour; when we use it to hurt them, that is an injury. Justice fills up the middle between these two. It is conduct that doesn't •harm anyone else but doesn't involve •doing them any favours.

The notions of *favour* and of *injury* show up in the mind of man as early as any rational notion whatever. They are revealed not only through language but also through certain affections [see Glossary] of mind of which they are the natural objects. A favour naturally produces gratitude. An injury done to ourselves produces resentment, and an injury to someone else produces indignation.

I take it for granted that the affections *gratitude* and *resentment* are •as natural to the human mind as the appetites *hunger* and *thirst*, and •as naturally excited by their proper objects and occasions as hunger and thirst are.

It's equally obvious that the strictly proper object of gratitude is a person who has done us a favour; and of resentment, a person who has done us an injury.

Before the use of reason, the distinction between •doing someone a favour and •doing something agreeable for someone is not perceived. *Every* action of another person that gives pleasure produces love and good will towards the agent. Every action that gives pain or uneasiness produces resentment. This is common to man before the use of reason, and to the more intelligent brutes; and it shows no conception of justice in either.

But as we grow up to the use of reason, the notions of **favour** and **injury** become clearer and better defined. It is not enough that good help is given; it must be done from good will and with a good intention; otherwise it isn't a **favour** and doesn't produce gratitude. [Reid illustrates this with an

anecdote about a physician who tried to poison a patient but inadvertently cured him.]

Another fact about the nature of a favour: you aren't doing someone a favour if what you do for him is *due*, .i.e. something you owe, something you are obliged to do. A man may rescue me from bankruptcy by paying what he owes me: this tends to my benefit, may have been done with that intention; but it isn't a favour because it's only what he was obliged to do. . . .

I infer from this that every adult's conception of *favour* includes the conception of things that *are not due*, and consequently it involves also the conception of things that *are due*. A •negative can't be conceived by someone who has no conception of the corresponding •positive. [Reid could have said 'an item can't be conceived by someone who has no conception of its negation or logical opposite'; the terms 'positive' and 'negative' could have been left out.] Not being due is the negative of being due; and he who conceives one of them must conceive both. The conception of *things due* and *things not due* must therefore be found in every mind that has any rational conception of a favour, or any rational sentiment of gratitude.

And if we now consider what an **injury** is—that being the object of the natural passion of resentment—everyone who can think sees that an injury implies more than being hurt. If I am hurt by a stone falling out of the wall, or by a flash of lightning, or by a convulsive and involuntary movement of someone's arm, no injury is done, so if I am capable of thinking at all I won't resent what has happened. In this, as in all moral actions, there must be the agent's will and intention to cause the harm.

And that is still not enough to qualify what happens as an injury. Take a case where

a man breaks my fences, or treads down my corn; it's the only way he can preserve himself from destruction;

he has no injurious intention and is willing to compensate me for the harm that he was led to do, not by ill will but by necessity.

What this man does to me is not injurious, and isn't an appropriate object of resentment.

The executioner who does his duty by cutting off the head of a condemned criminal is not an object of resentment. He does nothing unjust, and therefore nothing injurious.

This makes it evident that the notion of an injury, the object of the natural passion of resentment, involves the notion of injustice. And it's equally evident that no-one can have a notion of injustice without having the notion of justice.

Summing up on this point: A favour, an act of justice and an injury are so related to one another that anyone who conceives any one of them must conceive the other two. They lie in a single line, as it were, and resemble the relations of greater, less and equal. Someone who understands what is meant by one line being greater or less than another must be able to understand what is meant by its being equal to the other; for if it is neither greater nor less it must be equal. [That sentence is almost verbatim from Reid. He speaks of what is 'meant by' this or that, but he isn't—or shouldn't be—talking about what is meant by bits of language, because of course knowing the meanings of 'greater' and 'less' doesn't guarantee knowing the meaning of 'equal'.]

Similarly, of the actions by which we profit or hurt other men, a favour is more than justice, an injury is less; and a just action is one that is neither a favour nor an injury.

Thus, as soon as men come to have any proper notion of a favour and of an injury; as soon as they have any rational exercise of gratitude and of resentment; so soon they must have the conception of justice and of injustice; and if gratitude and resentment are natural to man, which

Hume says they are, then the notion of justice must be no less natural.

The notion of justice carries inseparably along with it a perception of its moral obligatoriness. To say of a given action that

- it is an act of justice,
- it is due,
- it ought to be done,
- we are under a moral obligation to do it,

are only different ways of expressing the same thing. It's true that we don't see any high degree of moral worth in an action that is merely just, unless it's not opposed by self-interest or passion; but we see a high degree of baseness and demerit in unjust actions, or in failures to do what justice requires.

Indeed, if there were no other argument to prove that the obligatoriness of justice doesn't come solely from its usefulness in getting results that are agreeable to ourselves or to society, this one would be sufficient: the very conception of justice implies that it is obligatory. The morality of justice is included in the very idea of it; it's *impossible* for any human mind to contain the conception of justice without associating it with the conception of duty and moral obligation. So its obligatoriness is inseparable from its nature, and is not derived solely from its usefulness to ourselves or to society.

A further point about justice: no action can properly be called an act of 'justice' unless it is done from a regard to justice. This is one part of the more general truth that *all* moral characterizations of actions come from the motive that produced them.

If a man pays his debt only because he doesn't want to be thrown into the debtors' prison, he is not a just man in this action, because his motive is prudence and not justice. And if a man x, acting from benevolence and charity, gives to someone else y something that he really *owes* to

y though he (x) doesn't realise this, this act of charity or benevolence is not an act of justice in him because it isn't done from a motive of justice. These are self-evident truths; and here's something equally evident: what a man does merely to procure something agreeable for himself or for others is not an act of justice and doesn't have the merit of justice.

Good music and good cookery have the merit of being useful in bringing pleasure to ourselves and to society, but no-one ever called them 'moral virtues'. Indeed, if Hume's system is sound, great injustice has been done to them on that account!

\* \* \* \* \*

I shall now say some things about Hume's reasoning in defence of his favourite principle that justice is not a natural virtue but an artificial one; or, as he puts it in the *Enquiry*, that public usefulness is the sole origin of justice, and that reflections on the beneficial consequences of this virtue are the sole foundation of its merit. [The 1–2–3 numbering is Reid's.]

(1) This principle has a necessary connection with Hume's system concerning the foundation of all virtue, so it's no wonder that he has taken so much trouble to support it. His whole system must stand or fall with it.

If the *dulce* and the *utile*—i.e. pleasure and what is useful for procuring pleasure—are the whole merit of virtue in general, then justice in particular can't have any merit beyond its usefulness in procuring pleasure. If on the other hand an intrinsic worth in justice and demerit in injustice is seen by every man that has a conscience—if there's a natural principle in the human constitution by which justice is approved and injustice disapproved and condemned—then the whole of this intricate system must fall to the ground.

(2) Because justice is directly opposed to injury, and there are various ways in which a man can be injured, there must be various strands in justice opposed to the different kinds of injury.

A man may be injured

- (i) in his person, by wounding, maiming or killing him;
- (ii) in his family, by robbing him of his children or any way injuring those he is bound to protect;
- (iii) in his liberty, by confinement;
- (iv) in his reputation;
- (v) in his goods or property; and lastly
- (vi) in the violation of contracts or engagements made with him.

This enumeration, whether or not it is complete, is sufficient for the present purpose.

The different branches of justice, opposed to these different kinds of injury, are commonly expressed by saying that an innocent man has

- (i) a right to the safety of his person,
- (ii) a right to the safety of his family,
- (iii) a right to his liberty,
- (iv) a right to his reputation,
- (v) a right to his goods, and
- (vi) a right to others' keeping to engagements they have made with him.

To say that he has a **right** to these things is precisely the same as saying that **justice** requires that he be permitted to enjoy them, or that it is **unjust** to violate them. Injustice is the violation of right, and justice is letting every man have what he has a right to.

These things being understood as the simplest and most common ways of expressing the various branches of justice, we are to consider how far Hume's reasoning proves any or all of them to be artificial, or grounded solely on public

usefulness. The last of them, keeping one's word, is to be the subject of the next chapter, so I'll say nothing about it here.

Writers on jurisprudence call **(i)–(iv)** *natural rights* of man because they are grounded in the nature of man as a rational and moral agent, and are committed to his care by his Creator. [Reid presumably meant to say not that *the rights* but rather *what they are rights to have or keep* are things that God gave into man's care.] By being called 'natural' or 'innate' [see Glossary], they are distinguished from *acquired* rights, which presuppose some previous human act by which they are acquired, whereas natural rights presuppose nothing like that.

When a man's natural rights are violated, he •sees intuitively and •feels that he is injured. The feeling of his heart arises from the judgment of his understanding: if he didn't •believe that the hurt was unjustly intended he wouldn't have that •feeling. He sees that an injury has been done to himself, and that he has a right to redress [i.e. to compensation and/or revenge and/or apology—anything that will somehow make things right again]. The natural principle of resentment is set going by the view of •injury•, its proper object, and arouses him to defend his right. Even the offender is aware that he is inflicting an injury; he dreads a just retaliation; and if it's in the power of the injured person to retaliate, the offender expects it as due and deserved.

That these sentiments spring up in the mind of man as naturally as his body grows to its proper height; they aren't a product of instruction by parents, priests, philosophers or politicians; they arise purely from natural growth. To deny this would be absurd and insulting. These sentiments are equally strong in the most savage and in the most civilized tribes of mankind; and nothing can weaken them except an enduring habit of plunder and bloodshed that numbs the conscience and turns men into wild beasts.

When a judge is ordering punishment for a private injury, he very properly considers the public good, but it's not often that the injured person does so. In all criminal law, the redress due to the private sufferer is distinguished from the redress due to the public; and this distinction would collapse if the demerit of injustice arose solely from its harming the public. And everyone is conscious of a difference of kind between his •resentment for an injury done to himself and his •indignation against a wrong done to the public.

So I think it is evident that of the six branches of justice that I mentioned the first four are in the strict sense *natural*—founded on the constitution of man, and independent of all deeds and conventions of society—so that if there were only two men on the earth, one could be unjust and injurious and the other could be injured.

But does Hume maintain the contrary?

I answer that his doctrine seems to imply it, but I hope that it wasn't his opinion.

He says in a general way that justice is not a natural virtue, that it comes solely from public usefulness, and that the whole basis for its merit lies in its beneficial consequences. He doesn't mention any particular branch of justice as an exception to this general rule; but, according to ordinary language and all the writers on jurisprudence that I know, 'justice' covers all of **(i)–(iv)** in my list. So his doctrine, taking its words in their ordinary meanings, extends to those four as well as to **(v)–(vi)**.

On the other hand, if we attend to his long and laboured proof of this doctrine it seems obvious that he was thinking only about two particular branches of justice, namely **(v)** and **(vi)**. No part of his reasoning applies to the other four. He seems—I don't know why—to have taken on board a narrow notion of justice, restricted to •regard for property and •fidelity in contracts. As for other branches •of justice•



he is silent. He nowhere *says* that it isn't naturally criminal to rob an innocent man of his life, of his children, of his liberty, or of his reputation; and I'm inclined to think he never *meant* it.

The only philosopher I know of who has had the assurance to maintain this is Hobbes, according to whom the state of nature is a state of war of every man against every man—war such that every man has a right to do anything he has the power to do, i.e. a state in which neither right nor injury, justice nor injustice, can possibly exist.

Hume mentions this system of Hobbes but doesn't adopt it, though he cites the authority of Cicero in its favour. [Reid has two short paragraphs discussing whether Hume had understood Cicero correctly on this matter. Then [completing the 1–2–3 announced on page 28]:]

(3) As Hume has said nothing to prove that the four branches of justice involving the innate rights of men—namely (i)–(iv)—are artificial, or come solely from considerations of public usefulness, I proceed to (v) the fifth branch, which requires us not to take another man's property.

The right of property is not innate, but acquired. It isn't grounded in the •constitution of man, but is based on his •actions. Writers on jurisprudence have explained its origin in a manner that should satisfy everyone who has plain common sense.

Through the generosity of *Heaven*, the earth is given to men in common for the purposes of life. Dividing it up so that the benefits of one part of it go to one man and of another part to another—that has to be the work of *men* who have been given power and understanding so that every man can meet his own needs without harming anyone else.

This common right of every man to what the earth produces before it is occupied and taken over by others was rightly compared by ancient moralists to the right that

every citizen had to the public theatre, where each man could occupy an empty seat and thereby acquire a right to it while the entertainment lasted; but no-one had a right to turn anyone out of a seat.

The earth is a great theatre which the Almighty, with perfect wisdom and goodness, has provided for the entertainment and employment of all mankind. Here every man has a right to take his seat as a spectator and to perform his part as an actor, but without harming anyone else.

Someone who does that is a **just** man, and thereby entitled to some degree of moral approval; and someone who not only does no harm but uses his power to do good is a **good** man, and is thereby entitled to a higher degree of moral approval. But anyone who aggressively molests his neighbour, depriving him of something that his industry has provided without harming anyone else, is **unjust** and a proper object of resentment.

So it's true that property starts from the actions of men who occupy (and perhaps improve by their work) what was naturally common to all. And it's true that the branch of justice and injustice that concerns property can't exist until property exists. But it's also true that where there are men there will very soon be property of one kind or another, and consequently there will be the branch of justice that stands guard over property.

We can distinguish two kinds of property; •what must be consumed soon to sustain life; and •what can be set aside and stored to meet future needs. [The phrase 'two kinds of property' doesn't distinguish •two kinds of stuff, perishable and durable, but rather •two ways of relating to something you own, wanting it for present consumption or wanting it to store for future use.]

Some of nature's gifts must be used and consumed by individuals for the daily support of life; but they can't be used until they have been occupied and appropriated. If someone

can without injustice rob me of what I have innocently taken for my present subsistence, it follows necessarily that he can without injustice rob me of my life.

A right to life implies a right to the necessary means of life. And the justice that forbids taking an innocent man's life equally strongly forbids taking from him the necessary means of life. He has the same right to defend one as to defend the other, and nature inspires him with the same just resentment of one injury as of the other.

The natural right to liberty implies a right to such innocent labour as a man chooses to do, and to the products of that labour. •Hindering another man's innocent labour and depriving him of its products is an injustice of the same kind as •putting him in chains or in prison; the two have the same effect, and they are equally just objects of resentment.

Thus it appears that •some kind of property—or some degree of property—must exist wherever men exist, and that •the right to such property is a necessary consequence of the natural right of men to life and liberty. [Reid doesn't explain 'degree of property'.]

God has made man an intelligent and provident [see Glossary] animal, led by his constitution to take and use what nature has provided, not only for meeting his present wants and necessities but for meeting foreseen future wants; and not only for himself but for his family, his friends and connections.

So he acts in perfect conformity to his nature when he

- stores such of the products of his labour as may later be useful to himself or to others;
- invents and makes tools or machines to make his labour easier and more productive;
- exchanges commodities or labour with his fellow-men, for his convenience and theirs.

These are the natural and innocent exertions of man's un-

derstanding that his Maker has given him; so he has a right to exercise them, and to enjoy the products of them. Anyone who impedes him in making such exertions or deprives him of their products is injurious and unjust, and an object of just resentment.

Many brute-animals are led by instinct to provide for the future and to defend their store and their store-house against all invaders. It seems that man before the use of reason has an instinct of the same kind.

When reason and conscience grow up, they approve and justify this provident care and condemn as unjust every invasion of others that may frustrate it.

Two instances of this provident intelligence seem to be exclusively human. I mean •the invention of tools and machines for facilitating labour, and •the making of exchanges with his fellow-men for mutual benefit. No known tribe of men is so primitive that it doesn't practise these things in some degree. And I don't know of any tribe of brutes that was ever observed to practise them. The brutes don't invent or use tools or machines, and they don't make exchanges.

All this, I think, makes it obvious that even in the state of nature man can, by his powers of body and mind, acquire permanent property (what we call 'riches') by which •his own and his family's wants are more liberally met and •his power enlarged to repay his benefactors, to help people for whom he has compassion, to make friends, and to defend his property against potential robbers. And we know from history that men who had no superior on earth and no connection with any public beyond their own family have acquired property and had definite notions of the justice and injustice that concern property.

Every man, as a thinking creature, has a right to gratify his natural and innocent desires without harming others. No desire is more natural or more reasonable than a man's

desire to provide for his wants. If he is doing this without harm to any man, it would be an unjust violation of his natural liberty to hinder or frustrate his innocent labour. Private usefulness leads a man to desire property, and to work to get it; and his right to it is only his right to work for his own benefit.

It is not true that public usefulness is the sole origin of the branch of justice that concerns property, let alone the other branches. Indeed it's so far from being true that when men come together to constitute a 'public' under laws and government, each individual's right to his property is abridged and limited by that act of confederation. In the state of nature every man's property was solely at his own disposal, because he had no superior. In civil society his property must be subject to the laws of the society. He gives up to the public some part of the property-right that he had in the state of nature, as the price he must pay for the protection and security that he receives from civil society. In the state of nature he was the sole judge in his own cause, and had a right to do whatever he could to defend his property, his liberty, and his life. In the state of civil society he must submit to the judgment of the society, going along with its sentence even if he thinks it to be unjust.

What I have said about every man's natural right to acquire permanent property, and to dispose of it, holds only on condition that no other man is thereby deprived of the necessary means of life. An innocent man's right to the necessities of life is in its nature superior to the rich man's right to his riches, even if they were honestly acquired. The use of riches—i.e. permanent property—is to provide for •future and •unpredictable wants, which ought to yield to •present and •certain necessity.

In a family, justice requires that children who are unable to labour, or who are disabled by sickness, should have their

needs provided for out of the common stock; and in God's great family in which all mankind are the children, I think that justice as well as charity requires that the needs of those whom God's providence has disabled from providing for themselves should be provided for out of what might otherwise be stored for future wants.

So the right of acquiring property and of disposing of it may be subject to limitations and restrictions, even in the state of nature and much more in civil society. In the latter, the public has what writers in jurisprudence call an 'eminent dominion' over the property, as well as over the lives of the subjects, as far as the public good requires.

If these principles are well founded, Hume's arguments to prove that justice is an artificial virtue, or that its public usefulness is the sole basis for its merit, are easy to answer. I shall deal first with the seven arguments that he advances in the first half of the section on justice in the *Enquiry*.

**1.** He supposes a state in which nature has given the human race such an abundance of external goods that every man is provided with whatever he can wish or desire, without care or industry. It is evident, he says, that in such a state the cautious jealous virtue of justice wouldn't even have been dreamed of.

**(a)** This argument applies to only one of the six branches of justice listed on page 28. The other five are not in the least affected by it; and you'll easily see that this applies to almost all his arguments, so I shan't keep repeating it.

**(b)** All that this argument of Hume's proves is that there's a conceivable state of the human race in which no property exists, so that in that state there can't be any exercise of the branch of justice that concerns property. But does it follow from this that where property does exist and must exist no respect should be paid to it?

**2.** He next supposes that with the needs of the human

race being as they actually are, the mind came to be so enlarged with friendship and generosity that every man would feel as much tenderness and concern for the interests of everyone else as he would for his own interests. It seems obvious, he says, that the use of justice would be suspended by such an extensive benevolence, and the divisions and barriers of property and obligation would never been thought of.

I answer, **(a)** if the conduct that this extensive benevolence would lead to involved injustice, then the use of justice would not be suspended. Its obligatoriness is superior to that of benevolence, and being benevolent to one at the expense of injustice to another is immoral. **(b)** Supposing that no such case of injustice could happen, the use of justice would still not be suspended, because by justice we must distinguish help to which the beneficiary had a right from help to which he had no right and for which he ought to have gratitude. **(b)** Supposing the use of justice to be suspended, as it must be in every case where it can't be exercised, does it follow that its obligatoriness is suspended where it can be exercised?

**3.** Hume's third supposition is the reverse of his first: he supposes a society suffering from an extreme shortage of the necessities of life. Suppose that in such a situation food is shared out equally, without regard to private property, and that this is done by power and even by violence: would that be regarded as criminal and injurious? Hume thinks that it wouldn't, and he also thinks that it would be a suspension of the strict laws of justice.

I answer that such an equal partition is so far from being criminal or injurious that justice *requires* it; and surely no act of justice can be a suspension of the laws of justice! All that the strictest justice requires in such a case is that the man whose life is preserved at the expense of someone else and without his consent should compensate his benefactor

when he can. His case is like that of a debtor who is insolvent without any fault on his part: justice requires that he be let off until he is able to pay. It's strange that Hume should think that an action that isn't criminal or injurious should be a suspension of the laws of justice. This seems to me a contradiction, for 'justice' and 'injury' are contradictory terms.

**4.** Here is Hume's next argument:

'When any man commits crimes that make him obnoxious to the public, he is punished by the laws in his goods and in his person. This means that the ordinary rules of justice are briefly suspended with regard to him, and it becomes fair to inflict on him things it would otherwise be wrong or injurious to inflict.'

This argument, like the third one, refutes itself. An action suspends the rules of justice and at the same time is fair?—that seems to me a contradiction. It's possible that fairness may interfere with the letter of human laws, because we can't foresee all the cases that may fall under those law; but it's *not* possible that fairness should interfere with justice. It's strange that Hume should think that justice requires treating a criminal in the same way as an innocent man.

**5.** Hume takes another argument from public war. What is war, he asks rhetorically, but a suspension of justice among the warring parties? The laws of war, which then take over from the laws of fairness and justice, are rules calculated for the advantage and usefulness of the particular state in which men are now place.

I answer, when war is undertaken for self-defence or for reparation of intolerable injuries, justice authorises it. The laws of war that many judicious moralists have described are all drawn from the fountain of justice and fairness; and everything contrary to justice is contrary to the laws of war. The justice that prescribes

- one rule of conduct to a master, another to a servant;
- one to a parent, another to a child;

also prescribes

- one rule of conduct towards a friend, another towards an enemy.

I don't understand what Hume means by the advantage and usefulness of a state of war, for which he says the laws of war are calculated, taking over from the laws of justice and fairness. I don't know of any laws of war that are not calculated for justice and fairness.

**6.** The next argument is this:

'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.'

If Hume hadn't presented this view as a consequence of his theory of morals, I would have thought it very uncharitable to attribute it to him. However, we can judge the theory by its avowed consequences. When a theory of morals or of any particular virtue subverts the practical rules of morals, that's the best evidence there can be that it is false. This defenceless species of rational creatures is doomed by Hume to have no rights. Why? Because they have no power to defend themselves. Isn't this to say that •right has its origin from •power? That indeed was the doctrine of Hobbes. And to illustrate this doctrine Hume adds that as no inconvenience ever results from the exercise of a power

so firmly established in nature, the restraints of justice and property—being totally useless—could never have place in such an unequal confederacy ·as that of men and the fictional weaker creatures·. And he adds that the female part of our own species owe their share in the rights of society to the power that their skill and charms give them. If this is sound morals, Hume's theory of justice may be true!

Although in other places Hume bases the obligatoriness of justice on its usefulness to ourselves *or to others*, in this argument he bases it solely on its usefulness to ourselves. For surely to be treated with justice would be highly useful to the defenceless species he here supposes to exist. But as no inconvenience to ourselves can ever result from our treatment of them, he concludes that justice would be useless and therefore can have no place. Hobbes could have said no more.

**7.** In the last place Hume supposes a state of human nature in which all society and intercourse [see Glossary] is cut off between man and man. It's obvious, he says, that such a solitary being would be no more capable of •justice than of •social discourse and conversation.

And wouldn't such a solitary being be as incapable of •friendship, •generosity and •compassion as of justice? If this argument proves justice to be an artificial virtue, it will with equal force prove every social virtue to be artificial.

These are the arguments that Hume advanced in his *Enquiry*, in the first part of a long section on justice.

\* \* \* \* \*

In the section's second part, the arguments are less clearly distinguished. . . . I shall offer some remarks on what seems most plausible in this second part. [The letter-heading of the arguments is not Reid's; but it follows what seems to be his understanding of where one argument ends and another begins.]

**A.** Hume begins thus: '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 easy to see where the stress of this argument lies.

**(1)** The good of mankind is the object of all the laws and regulations by which justice is directed and property determined;

therefore

**(3)** Justice is not a natural virtue, but has its origin solely from public usefulness, and its beneficial consequences are the sole foundation of its merit.

Something seems to be needed to connect this premise with this conclusion, and I think it must be one or other of these:

**(2a)** All the rules of justice tend to public usefulness;

**(2b)** Public usefulness is the only standard of justice, and all its rules must be derived from that.

If the argument is **(2a)** that all the rules of justice tend to public usefulness, and therefore **(3)** justice must have its origin solely from public usefulness, I can't admit the inference, and if Hume admits it he'll be overturning his own system. For the rules of benevolence and humanity also all tend to public usefulness, yet in his system they have another foundation, namely a foundation in human nature; so perhaps the rules of justice do too.

So I'm inclined to think that the argument is to be taken as being this: **(2b)** public usefulness is the only standard of justice, from which all its rules must be derived, and therefore **(3)** justice has its origin solely from public usefulness.

This seems to be Hume's meaning, because in what follows he observes that in order to establish laws for the regulation of property we must •be acquainted with the nature and situation of man, •reject appearances that may be false though plausible, and •search for the rules that are over-all most useful and beneficial; and he tries to show that the established rules concerning property are more for the public good than the system of the religious fanatics of the last age who held that •only the saints will inherit the earth, and than the system of the political fanatics who claimed that •all property should be divided equally.

Here again Hume's conclusion concerns justice in general but his argument is confined to one branch of it, namely the right of property; and we all know that to conclude from a part to the whole is not good reasoning!

And anyway the proposition from which his conclusion is inferred is unacceptable, both with regard to property and with regard to the other branches of justice.

I have tried to show that •although property is an acquired right, not an innate one, it can be acquired in the state of nature in conformity with the laws of nature; and that •this right doesn't originate in human laws that were made for the public good, though when a political society has been formed it can and ought to be regulated by such laws.

If there were only two men on the face of the earth, each might have his own property and know his right to defend it and his obligation not to take any of the property of the other. He wouldn't need to resort to *reasoning from public good* in order to know •when he was injured in his property or in any of his natural rights, or to know •what rules of justice he ought to observe towards his neighbour.

The simple rule *Don't do to your neighbour what you would think wrong to be done to yourself* would lead him to the knowledge of every branch of justice, without any

thoughts about public good or laws and statutes made to promote it.

So it isn't true that public usefulness is the only standard of justice, and that the rules of justice can be derived only from their public usefulness.

Aristides surely had another notion of justice when he told the people of Athens that a military project proposed by Themistocles (they didn't know what it was) was *highly useful, but unjust*; and on this basis the assembled people rejected the proposal unheard. [The proposal involved treachery against Athens's allies.] These honest citizens, though subject to no laws but their own, far from making usefulness the standard of justice made justice to be the standard of usefulness.

**B.** Hume writes:

*'What is a man's property? Anything that it is lawful for him, and for him alone, to use. But what rule have we by which we can distinguish these objects? Here we must resort to statutes, customs, precedents, analogies, etc.'*

Doesn't this imply that in the state of nature there can be no distinction of property? If so, Hume's state of nature is the same as Hobbes's.

It's true that when men become members of a political society they bring their property and themselves under the laws, and must either accept what the laws determine or leave the society. But justice, and even the particular branch that Hume always supposes to be the whole of it, is more basic than political societies and their laws. What these laws are *for* is to be the guardians of justice and to redress injuries.

Because all men's works are imperfect, human laws can be unjust; but they couldn't be unjust if justice had its origin from law, as Hume seems to imply here.

Justice requires that a member of a state should submit to the laws of the state if they don't require anything unjust or impious. So there can be statutory rights and statutory crimes, .i.e. rights and crimes that get their status from some human law. A statute can create a right that didn't exist before, or make something criminal that wasn't so before. But this couldn't happen if the subjects weren't antecedently obliged to obey the statutes. Similarly, the command of a master can make something be the servant's duty that wasn't his duty until then, and the servant can be charged with injustice if he disobeys, because he was under an antecedent obligation to obey his master's lawful commands.

So I acknowledge that particular laws may direct justice and determine property, sometimes on very slight reasons and analogies, and sometimes for no reason except that such a point is better determined by law than left as a dubious subject of contention. But this, far from establishing Hume's conclusion, presents us with a contrary conclusion; for all these particular laws and statutes get their whole obligatoriness from a general rule of justice that underlies them, namely that subjects ought to obey the laws of their country.

**C.** Hume compares the rules of justice with the most frivolous superstitions, and can find no foundation for moral sentiment in the one more than in the other, except that justice is required for the existence and well-being of society.

It's very true that if we examine *mine* and *thine* by the senses of sight, smell or touch, or scrutinize them by the sciences of medicine, chemistry or physics, we find no difference. But that's because none of these senses or sciences are the judges of right or wrong, or can give any conception of them, any more than the ear can give a conception of colour, or the eye of sound. Everyone with common sense, and every savage, when he applies his moral faculty to those objects,

perceives a difference as clearly as he perceives daylight. When that sense or faculty is not consulted in a question of right and wrong, it's pointless looking to the other senses for help.

Our seeing that justice tends to the good of mankind wouldn't place us under a moral obligation to be just unless we're conscious of a moral obligation •to do what tends to the good of mankind. If such a moral obligation is admitted, why can't we admit a stronger obligation •to do no harm to anyone? That obligation is as conceivable as the other, and there's as good evidence of its existence in human nature.

**D.** The last argument is a dilemma, which Hume expresses thus:

'The dilemma seems obvious: Justice evidently tends to promote public usefulness and to support civil society. The sentiment of justice could be **(a)** 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—**(b)** arises from a simple basic instinct in the human constitution, implanted there by nature for similar salutary purposes. If **(b)** is the case, it follows that *property*—which is what *justice* is about—is also marked off by a simple basic instinct, and is not ascertained by any argument or reflection. But who ever heard of such an instinct?' And so on.

I'm sure Hume had heard of a principle [see Glossary] called *conscience* that nature has implanted in the human breast. (Whether he will call it a 'simple basic instinct' I don't know, because he gives that name to all our appetites and all our passions.) It's from this principle, I think, that we derive the

sentiment of justice.

·Three parallel facts·:

- The eye not only gives us the conception of colours, but makes us perceive one body to have one colour and another body another;
- Our reason not only gives us the conception of true and false, but makes us perceive one proposition to be true and another false;
- Our conscience (i.e. moral faculty) not only gives us the conception of honest and dishonest, but makes us perceive one kind of conduct to be honest and another to be dishonest.

It's by this moral faculty that we perceive merit in honest conduct and demerit in dishonest; thoughts about public usefulness don't come into it.

We have the same reason to conclude that •these sentiments aren't an effect of education or of acquired habits as we have to conclude that •our perception of what is true and what false isn't an effect of education or of acquired habits. ·The former conclusion may be the *better* confirmed of the two·. Some men have claimed to believe that there's no reason to assent to any proposition rather than to its contrary, but I've never heard of a man's impudently declaring himself to be under no obligation of honour or honesty, of truth or justice, in his dealings with men.

This faculty of conscience doesn't require innate ideas of property or of the various ways of acquiring and transferring it, or innate ideas of kings and senators, of praetors and chancellors and juries, any more than the faculty of seeing requires innate ideas of colours, or than the faculty of reasoning requires innate ideas of cones, cylinders and spheres.



## Chapter 6: The nature and obligatoriness of a contract

The bindingness of contracts and promises is so sacred and so important to human society that any speculations that have a tendency to weaken that obligation and confuse men's notions on this plain and important subject ought to meet with the disapproval of all honest men.

I think we have some such speculations in the third Book of Hume's *Treatise of Human Nature* and in his *Enquiry concerning the Principles of Morals*; and in this chapter I shall offer some observations on the nature of a contract or promise, and on two passages by Hume on this subject.

I am far from saying or thinking that Hume *meant* to weaken men's obligations to honesty and fair dealing, or that he didn't himself have a sense of these obligations. What I am criticising is not the man but his writings. Let us think of the man as charitably as we can while we freely examine the import and tendency of the writings.

Although the nature of a contract and of a promise is perfectly understood by all men of common understanding, it will be worthwhile for us to attend to the operations of mind signified by these words [i.e. the words 'I promise to . . .' etc.], because this will help us to judge the metaphysical subtleties that have been raised about them. A promise and a contract differ so little in the respects we are concerned with here that the same reasoning (as Hume rightly says) covers both. In a promise, one party only comes under the obligation, and the other acquires a right to whatever was promised. We give the name 'contract' to a transaction in which each party comes under an obligation to the other, and each acquires a right to what the other promised.

[Reid quotes a Latin definition of *pactum* = 'promise or contract', which he translates as:] 'a contract is the

consent of two or more persons in the same thing, given with the intention of constituting or dissolving lawfully some obligation'. This definition may be as good as we can get, but I don't think anyone will say that it gives him a clearer notion of *contract* than he had before. Considered as a strictly logical definition, I think it is open to some objections; but I shan't go into that because I believe that similar objections could be made to any definition of a contract that can be given.

Don't infer from the lack of a fully satisfactory definition that the notion of *contract* is not perfectly clear in the mind of every man of mature years. There are many operations of the mind that we understand perfectly and are in no danger of confusing with anything else, but which we can't define according to the rules of logic by a genus and a specific difference, and when we try to we cast more darkness than light. [Reid is talking about a definition like: "'circle' means 'plane closed figure [genus] with every point on its perimeter equidistant from some one point [specific difference]'".]

Is anything more clearly understood by all men than what it is to see, to hear, to remember, to judge? Yet it's the hardest thing in the world to define these operations according to the rules of logical definition. But it isn't more difficult than it is useless! Sometimes philosophers try to define them; but their definitions turn out to amount to no more than giving one synonymous word for another, and often a worse for a better. So when we define 'contract' by equating it with 'consent', 'convention', 'agreement', what is this but replacing it by a synonymous word that is neither more expressive nor better understood?

[Describing a deal between two boys, Reid says that ‘this is a contract perfectly understood by both parties’, who don’t need help from text-books of Roman law. Then he moves on:]

The operations of the human mind can be divided into the *solitary* and the *social*. Because promises and contracts belong to the social class, I should explain this division.

I call an operation ‘solitary’ if it can be performed by a man in solitude, without intercourse [see Glossary] with any other thinking being. A man can

- see,
- hear,
- remember,
- judge
- reason,
- deliberate and form purposes, and execute them,

without the intervention of any other thinking being. They are solitary acts.

I call an operation ‘social’ if it necessarily involves social intercourse with some other thinking being who has a part in it. When a man

- asks a question for information,
- testifies to a fact,
- gives a command to his servant,
- makes a promise, or
- enters into a contract,

these are social acts of the mind that can’t happen without the involvement of some other thinking being who plays a part in them.

Between the operations of the mind that I call ‘solitary’ and those I call ‘social’ there is a notable difference: the solitary don’t have to be expressed by words or any other sensible sign; they can exist and be complete without being expressed, without being known to any other person;

whereas in the social operations the expression is essential. They can’t happen without being •expressed by words or signs, and •known to the other party.

If nature hadn’t made man capable of such social operations of mind and equipped him with a language to express them, he could still

- think, and reason, and deliberate, and will,
- have desires and aversions, joy and sorrow

—in short he could perform all the mental operations that the writers in logic and psychology have so copiously described; but he would still be a solitary being, even when in a crowd; he couldn’t ask a question, give a command, ask for a favour, testify to a fact, make a promise or a bargain.

Philosophers seem generally to hold that the social operations of the human mind are not radically different in kind from the solitary ones—that they are only •special cases of solitary operations or •complexes of which solitary operations are elements, and can be explained entirely in term of them.

That is probably the reason why in enumerations the operations of the mind only the solitary ones are mentioned, with no notice being taken of the social operations, though they are familiar to everyone and have names in all languages.

But I think that •it will be extremely difficult if not impossible to analyse our social operations as variants of or compositions out of solitary ones, and that •any attempt to do this would fail as completely as have the attempts that have been made to analyse all our social affections in terms of the selfish ones. The social operations appear to be as simple in their nature as the solitary, •which means that they can’t be complexes or composites of which solitary operations are parts. They are found in every individual of the species, even before the use of reason.

Man's power to have social intercourse with his kind, by asking and refusing, threatening and pleading, commanding and obeying, testifying and promising, must either be •a distinct faculty given by our Maker, a part of our constitution like the powers of seeing and hearing, or •a human invention. If men have invented this art of social intercourse, each individual of the species must have invented it for himself. It can't be *taught*. . . ., because all teaching presupposes social intercourse and language already established between the teacher and the learner. This intercourse must from the outset be carried on by sensible signs, because that's the only way the thoughts of other men can be discovered. I think it is likewise evident that this intercourse, at least at the beginning, must be carried on by natural signs whose meaning is understood by both parties, previous to all compact or agreement. For there can be no compact without signs and social intercourse. (I specify 'at the beginning' because after social intercourse has begun and reached a certain level of competence, it could be *improved* by teaching.)

So I take it that •human social intercourse is the exercise of a faculty given to us by God specifically for that purpose, just like the powers of seeing and hearing. And that •God has given to man a natural language by which his social operations are expressed and without which the artificial languages of articulate sounds and of writing could never have been invented by human art [= 'by human skill'; but Reid wants to express the God-given/man-made difference in terms of 'nature'/'art' and 'natural'/'artificial'.]

The signs in this natural language are looks, changes of the features, modulations of the voice, and gestures of the body. All men understand this language without instruction, and all men can use it in some degree. But those who use it most are the ones who are best at it. It forms a great part of the language of savages, who are therefore more expert in

the use of natural signs than civilized people are.

The language of dumb persons consists mostly of natural signs, and they are all very skilled in this language of nature. Everything that we call *style* and *pronunciation* in the most perfect orator and the most admired actor is nothing but the addition of the language of nature to the language of articulate sounds. The pantomimes of the ancient Romans carried it to the highest pitch of perfection. They could act parts of comedies and tragedies in dumb-show, so as to be understood not only by those who were accustomed to this entertainment but also by visitors to Rome from all the corners of the earth.

A noteworthy fact about this natural language—and one that clearly shows it to be a part of the human constitution—is that although a man can't perfectly express his sentiments by it without practice and study, there's no need for study or practice for the spectator to understand it. Knowledge of it is latent in our minds in advance; and when we see it we immediately recognise it. It's like recognising an acquaintance whom we hadn't thought about for years and couldn't have described—no sooner do we see him than we know for certain that he is the very man.

This knowledge in all mankind of the natural signs of men's thoughts and sentiments is indeed so similar to reminiscence that it seems to have led Plato to think of all human knowledge as a kind of remembering.

It's not by reasoning that everyone knows that an open countenance and a calm eye is a sign of friendliness, that a furrowed brow and a fierce look is the sign of anger. It's not from reason that we learn to know the natural signs of consenting and refusing, of affirming and denying, of threatening and pleading.

No-one can see any necessary connection between •those operations and •the signs of them. It's just that we are so

constructed by the Author of our nature that the operations themselves become visible, so to speak, by their natural signs. This knowledge is like reminiscence in its immediacy: we form the conclusion with great assurance, without knowing any premises from which it could be inferred by reasoning.

To what extent is social intercourse natural and a part of our constitution, and to what extent is it a human invention? This is a good question, but to tackle this in detail would lead us too far from the intended scope of the present enquiry.

It is sufficient to observe that this intercourse of human minds, by which their thoughts and sentiments are exchanged and their souls mingle together as it were, is common to the whole species from infancy.

Its first beginnings—like those of our other powers—are weak and scarcely perceptible. But it is a certain fact that we can see some communication of sentiments between the nurse and her nursling before it is a month old. And I'm sure that if both had grown out of the earth and had never seen another human face, they would be able in a few years to converse together.

There seems indeed to be some degree of social intercourse among brute-animals, and between some of them and man. A dog rejoices in the caresses of his master, and is humbled by his displeasure. But there are two social operations that brute-animals seem to be altogether incapable of. They can't be truthful in things they say, they can't keep their promises. If nature had made them capable of these operations, they would have had a language to express them by, as man has; but we see no evidence of this.

A fox is said to use tricks, but he can't lie because he can't give testimony. . . . A dog is said to be 'faithful' to his master, but that means only that he is affectionate, not that

he is keeping some engagement that he has made. I see no evidence that any brute-animal is capable of either giving testimony or making a promise.

A dumb man can't speak, any more than a fox or a dog can; but he can give his testimony by signs as early in life as other men can do by words. He knows what a lie is as early as other men, and hates it as much. He can give his word, and is aware of the obligatoriness of a promise or contract.

So it is man's special privilege that he can communicate his knowledge of facts by testimony, and enter into engagements by promise or contract. God has given him these powers by a part of his constitution that distinguishes him from all brute-animals. And whether they are basic powers or analysable in terms of other powers that are basic, it's obvious that they spring up in the human mind at an early period of life, and are found in every human being, whether savage or civilized.

These privileged powers of man, like all his other powers, must have been given for some purpose—some good purpose. And if we look a little further into how nature organises things in relation to this part of the human constitution we'll see the wisdom of nature in the structure of •it and discover clearly our duty in consequence of •it. [The first 'it' presumably refers to this part of our constitution; the second 'it' seems to refer to the structure of this part of our constitution.]

**(a)** It is obvious that if no credit was given to testimony, if there was no reliance on promises, they wouldn't serve any purpose, even that of deceiving.

**(b)** Suppose that some drive in human nature led men to make declarations and promises, but men found by experience that declarations were usually false and promises were seldom kept, no sensible man would trust to them and so they would become useless.

(c) So we find that this power of giving testimony and of promising can't serve any purpose in society unless there is a considerable degree of (b) fidelity on one side and (a) trust on the other. These two must stand or fall together; neither can possibly exist without the other.

(d) Fidelity in statements and promises, and corresponding trust and reliance on them, form a system of social intercourse—the most amiable and useful that men can have. Without fidelity and trust, there can be no human society. There never was a society, even of savages—indeed even of robbers or pirates—in which there wasn't a high degree of truthfulness and trustworthiness among themselves. Without this, man would be the most unsocial animal that God has made. His state would be an actual case of what Hobbes conceived the state of nature to be: a state of war of every man against every man, with no way of ending this war in peace.

(e) Man is obviously made for living in society. His social •affections make this fact as evident as the fact that the eye was made for seeing. His social •operations, especially those of testifying and promising, also make it evident.

It follows from all this that if nature hadn't arranged to get men to be faithful in their statements and promises, human nature would be self-contradictory—made for a purpose but not given the needed means to attain it. As though they had been provided with good eyes but with no way of raising their eyelids. There are no blunders of this kind in the works of God. Wherever some purpose is intended, the means are admirably fitted for achieving it—which is what we find in the case before us, •i.e. in the matter of truthfulness and trust in statements, and fidelity and trust in promises•.

We see that as soon as children come to be able to understand statements and promises, they are led by their constitution to rely on them. Their constitution equally leads

them to truthfulness and candour [here = 'sincerity in promising'] on their own part. And they don't ever deviate from this road of truth and sincerity until they have been corrupted by bad example and bad company. This disposition to be sincere, and to believe others to be so, must be regarded as an effect of their constitution—call it an instinct, or what you will.

Thus, things that are essential to human society—good faith on one side and trust on the other—are formed by nature in children's minds before they are capable of •knowing their usefulness or •being influenced by thoughts of duty or of •self•-interest.

When we have matured enough to have the conception of right and wrong in conduct, we see the baseness of lying, falsehood and dishonesty, not by any chain of reasoning but by an immediate perception. For we see that all men—even those who are conscious of it in themselves—disapprove of it in others.

Every man who is taken in by a falsehood thinks himself injured and badly treated, and feels resentment. Every man takes it as a reproach when falsehood is attributed to him. These are the clearest bits of evidence that all men disapprove of falsehood when their judgment isn't biased.

Has any nation been rough and crude enough not to have these sentiments? Not that I have heard of. Dumb people certainly have them, and reveal them at about the same time in their lives as in those who speak. And it's reasonable to suspect that dumb persons, at that time of life, have had as little help in morals from their education as the greatest savages.

When a mature adult offers a statement or a promise, he thinks he has a right to be trusted and feels insulted if he isn't. But there can't be a shadow of right to be trusted unless there's also an obligation to be trustworthy. For right on one hand necessarily implies obligation on the other.

In the most savage state that ever was known of the human race, men have always lived in larger or smaller societies; and this fact is solid evidence that they have had that sense of their obligation to fidelity, without which no human society can subsist.

So I think it is obvious that just as fidelity (on one side) and trust (on the other) are essential to interactions that we call 'human society', so the Author of our nature has wisely provided for them to be perpetuated among men, to the extent needed for human society, at all periods of individual life and at all stages of human improvement and degeneracy.

In early years, we have an innate disposition to fidelity and trust; and later on we feel our obligation to fidelity as much as to any moral duty whatsoever.

[Reid says that there's no need for him to mention the advantages of fidelity; and then he briefly mentions some. Then:]

A few remarks about the nature of a contract will be sufficient for present purposes.

Obviously both parties to a promise have to understand *what* is being promised. . . . An undertaking to do one doesn't-know-what can't be made or accepted.

It's equally obvious that a contract is a voluntary transaction. But let's be clear and careful about what act of the will is involved here. When I promise you that I will do A, it may be the case both that

**(i)** I am resolving to make myself bound or obliged to do A, and

**(ii)** I am resolving to do A.

But only **(i)** is essential to a contract ·or promise·, and it mustn't be confused with **(ii)**. The latter is only my intention and fixed purpose to do A, and it's no part of the contract ·or promise·. My will to become bound, and to confer a right on

you, is the very essence of the contract; my intention to keep my side of the contract is no *part* of the contract.

That purpose of mine is a solitary act of my mind that lays no obligation on me and confers no right on you. A fraudulent person may contract to do A with a fixed purpose of not doing A; but this purpose doesn't affect his obligation. He is as much bound as the honest man who contracts with a fixed purpose of performing.

Just as a contract is binding whatever the promiser's purpose is, so also there may be a purpose without any contract. A purpose isn't a contract, even when it is declared to the person for whose benefit it is intended. I may say to you 'I intend to do A for your benefit, but I'm not engaging myself to' [more bluntly: 'I'll do A for you, but this isn't a promise']; everyone understands the meaning of this and sees no contradiction in it. If a declared purpose were the same thing as a contract ·or promise·, it would be a contradiction, equivalent to saying 'I promise to do A but I don't promise'.

All this is so obvious to every man of common sense that I wouldn't have seen any need to mention it if Hume—acute as he was—hadn't based some of his contradictory theses about contracts a confusion of •the will to engage in a contract to do A with •the will or purpose to do A.

\* \* \* \* \*

I shall now consider Hume's theorising regarding contracts.

To support his cherished thesis that *justice is not a natural but an artificial virtue, and derives its whole merit from its usefulness*, he has laid down some principles which I think have a tendency to subvert all faith and fair-dealing among mankind.

In his *Treatise of Human Nature* III.ii.1 he lays it down as an 'undoubted maxim' that no action can be virtuous or

morally good unless there is in human nature some motive to produce it other than its morality. Applying this ‘undoubted maxim’ to a few examples, we get the result that if

- a man keeps his word with only the motive that he ought to do so,
- a man pays his debt from the motive that justice requires this of him,
- a judge makes a certain decision in a lawsuit from no motive except respect for justice,

none of these is a virtuous or morally good action. These strike me as shocking absurdities which no metaphysical subtlety could justify.

It is perfectly obvious that every human action gets its label and its moral nature from the motive from which it is performed. A benevolent action is done from benevolence. An act of gratitude is done from a sentiment of gratitude. An act of obedience to God is done from a respect for his command. And quite generally an act of virtue is done from a respect for virtue.

Hume’s thesis that

virtuous actions have merit only if they have motives other than their being virtuous

is so far from the truth that it is the direct opposite of the truth; i.e. a virtuous action is greatest and most conspicuous when every motive that can be put in the opposite scale is outweighed by the sole consideration of the action’s being our duty. So Hume’s ‘undoubtedly true’ thesis is undoubtedly false! I don’t think it was ever maintained by any moralist except the Epicureans, and it smacks of the dregs of that sect. It agrees well with the principles of those who maintained that *virtue* is an empty name that is entitled to no respect except insofar as it serves pleasure or profit.

I believe that Hume *acted* on moral principles that were better than the ones he proclaimed in his writings, and that

what Cicero said of Epicurus is also applicable to him:

‘He is his own refutation; his writings are disproved by the uprightness of his character. . . . Most men’s words are thought to be better than their deeds; his deeds on the contrary seem to me better than his words.’ [Reid quotes this in Latin.]

But let us see how Hume applies this maxim to contracts. I give you his own words:

‘Someone has lent me a sum of money, on condition that I return it in a few days; and at the end of those few days he demands his money back. I ask, What reason or motive have I to return the money to him? You may answer:

“If you have the least grain of honesty, or sense of duty and obligation, your respect for justice and your hatred for villainy and knavery provide you with enough reasons to return the money.”

And this answer is certainly true and satisfactory for a man in his civilized state, one who has been brought up according to a certain discipline. But as addressed to a man who is in a crude and more natural condition—if you’ll allow that such a condition can be called ‘natural’—this answer would be rejected as perfectly unintelligible and sophistical.’

The doctrine we are taught in this passage is this: A man in a civilized state, having been brought up according to a certain discipline, may have respect for justice, a hatred of villainy and knavery, and some sense of duty and obligation; but to a man in his crude and more natural condition the considerations of honesty, justice, duty and obligation will be perfectly unintelligible and sophistical. And this is offered as an argument to show that justice is not a natural but an artificial virtue.

I shall offer three observations on this argument. [In the first of them, Reid takes Hume's word 'sophistical' in one of its meanings, as = 'an example of invalid reasoning'. It seems highly likely that Hume meant it rather as = 'an attempt to confuse or deceive'.]

**A.** What is unintelligible to man in his crude state may be intelligible to him in his civilized state, but how could something •sophistical in the crude state become •sound reasoning when man is more improved? What is a sophism, will always be so. . . . Hume's argument requires that to man in his crude state the motives for justice and honesty should not only appear to be sophistical but should really be so. If the motives were just in themselves, then justice would be a natural virtue although the crude man erroneously thought otherwise. But if justice is not a natural virtue—which is what Hume aims to prove—then every argument by which man in his natural state may be urged to it must really *be* a sophism and not merely seem to be so; and the effect of discipline and upbringing in the civilized state can only be to make motives to justice that are really sophistical appear to be just and satisfactory.

**B.** I wish Hume had shown us why the state of man in which the obligation to honesty and the abhorrence of villainy appear unintelligible and sophistical is his *more natural* state.

It is the nature of human •society as much as of the •individual to be progressive. In the individual, infancy leads to childhood, childhood to youth, youth to manhood, and manhood to old age. If someone said 'The state of infancy is more natural than that of manhood', I'm inclined to think this would be meaningless. Similarly in human society there's a natural progress from crudeness to civilization, from ignorance to knowledge. What period in this progress shall we call man's natural state? They seem to me to be equally natural. . . .

Hume, indeed, shows some caution about affirming the crude state to be the more natural state of man, because he adds the qualifying parenthesis 'if you'll allow that such a condition can be called "natural"'.

But if the premises of his argument are to be weakened by this clause, that weakness must be passed on to the conclusion; and the conclusion, according to the rules of good reasoning, ought to be that 'justice is an artificial virtue, if you'll allow that it can be called "artificial"'.

**C.** Hume ought to have produced factual evidence that there ever was a state of man of the sort he calls man's more 'natural' state. It's a state in which

a man borrows a sum of money on condition that he repays it in a few days; yet when the time for repayment comes, his obligation to repay what he has borrowed is 'perfectly unintelligible and sophistical'.

Hume ought to have given at least *one* example of a human tribe that was found to be in this 'natural' state. If no such example can be given, the 'natural state' is probably imaginary—like the state that some have imagined in which men were apes, or fishes with tails.

Indeed, such a state seems impossible. That a man should lend without any conception of his having a right to be repaid; or that a man should borrow on the condition of paying in a few days and yet have no conception of his obligation, seems to me to involve a contradiction. . . .

In *Enquiry into the Principles of Morals*, section 3, dealing with the same subject, Hume has the following note:

'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. Someone who uttered the words without knowing their meaning wouldn't have made a binding promise. 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. 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 usefulness to society; they'll never be explained on any other basis.'

Here we have the opinion of this solemn moralist and sharp metaphysician that the principles of honesty and fidelity are basically a bundle of contradictions. This is one part of his moral system that I can't help thinking borders on licentiousness [see Glossary]. It surely tends to give a very unfavourable notion of the cardinal virtue without which no man has a claim to be called 'honest'. What respect can a man have for the virtue of fidelity if he believes that its essential rules contradict each other? A man can't be bound by contradictory rules of conduct, any more than he can be bound to believe contradictory propositions.

Hume tells us that 'all these contradictions are easily accounted for, if justice arises entirely from its usefulness to society; they'll never be explained on any other basis'.

I don't know what is meant by 'accounting for' or 'explaining contradictions'. What I do know is that no hypothesis

can make a contradiction *not* be a contradiction. However, without trying to 'account for these contradictions' on his own hypothesis, Hume announces in a decisive tone that they will never be explained on the basis of any other hypothesis.

What if it turns out that •the contradictions mentioned in this paragraph arise from two crucial mistakes Hume has made concerning the nature of promises and contracts, and that •when these are corrected there's not a trace of contradiction in the cases he presents?

The first mistake is that a promise is some kind of will, consent or intention that may but needn't be expressed. This is just wrong about the nature of a promise, for no will or consent or intention that isn't expressed is a promise. A promise is a social transaction between two people; so if it isn't expressed it doesn't exist.

Another mistake that runs through the quoted passage is that the will, consent or intention that constitutes a promise is a will or intention to perform what we promise. Everyone knows that there can be a fraudulent promise, made by someone who has no intention of keeping it. A promise to do A doesn't include an intention to do A or not to do A; such an intention is a solitary act of the mind, and can't create or dissolve an obligation. What makes something a *promise* is its being •expressed to the other person with understanding and with an intention to become bound, and its being •accepted by him.

With these remarks in hand, let us review the quoted passage.

First, Hume observes that the will or consent alone does not cause the obligatoriness of a promise, but it must be expressed.

I answer: The will that isn't expressed isn't a promise; so something that isn't a promise doesn't cause the

obligatoriness of a promise—is *that* a contradiction? He goes on: ‘The words initially come in as subservient to the will, but before long they become the principal part of the promise.’ He is supposing that originally the verbal expression wasn’t a constituent part of the promise, but it soon becomes such; it is brought in to aid and be subservient to the promise that was originally made by the will. He wouldn’t have said this if he had realised that what *constitutes* a promise is the expression accompanied by understanding and will to become bound.

He adds, ‘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.’ We need to be told more about what situation Hume has in mind here. The man knowingly and voluntarily gives his word, without intending. . . *what?* If it’s **(a)** . . . without intending to **keep the promise**, to do what he promises to do, that is a possible case, and I think it is what Hume means. But I repeat what I have said before: the intention to do A is no part of the promise to do A, and its absence doesn’t affect the obligatoriness of the promise in the slightest.

If Hume meant **(b)** . . . without intending to **give his word**, this is impossible. It’s of the nature of all social acts of the mind that just as they can’t exist without being expressed, they can’t be expressed knowingly and willingly without existing. If a man puts a question knowingly and willingly, it is impossible that he should at the same time will not to

put it. If he gives a command knowingly and willingly, it is impossible that he should at the same time will not to give it. We can’t have contrary wills at the same time. And, similarly, if a man knowingly and willingly becomes bound by a promise it is impossible that he should at the same time will not to be bound. . . .

He adds: ‘Though in most cases the expression is the whole promise, it isn’t always so.’ I answer that if the expression isn’t accompanied by understanding and a will to engage, it never makes a promise. Hume here assumes something that nobody ever accepted, something that must be based on the impossible supposition made in the preceding sentence. . . .

Hume’s final case concerns x who fraudulently makes to y a promise that he doesn’t intend to keep, and y detects the fraudulent intent but accepts the promise anyway. In this case, says Hume, x is bound by his verbal promise. I agree with this, of course, for a reason that I have already stated several times.

No-one who attends to the nature of a promise or contract will see the faintest evidence that there’s a contradiction in the principles of morality relating to contracts. It would be astonishing that a man like Hume should have deceived himself on such a plain topic, if we didn’t often see cases where able men zealously defend a favourite hypothesis in a way that darkens their understanding and blocks them from seeing what is before their eyes.

## Chapter 7: Moral approval implies a real judgment

The approval of good actions and disapproval of bad ones are so familiar to every adult person that it seems strange there should be any dispute about their nature.

Whether we reflect on our own conduct, or attend to the conduct of others that we see or hear and read about, we can't help approving of some things, disapproving of others, and regarding many with perfect indifference.

We're conscious of these operations of our minds every day, almost every hour. Maturely thoughtful people can look in on themselves and attend to what happens in their own thoughts on such occasions. Yet for half a century philosophers have seriously disagreed about what this approval and disapproval is: Does it include a real judgment that must, like all other judgments, be true or false? Or does it include only some agreeable or uneasy feeling in the person who approves or disapproves?

Hume rightly says that this controversy started 'of late' [i.e. fairly recently]. Before the modern system of ideas and impressions was introduced, nothing would have seemed more absurd than to say that when I condemn a man for what he has done I am not passing any judgment on the man, but only expressing an uneasy feeling in myself.

The modern system didn't produce this 'discovery' at once, but gradually, stepwise, as the system's consequences were more precisely traced and its spirit more thoroughly imbibed by successive philosophers.

Descartes and Locke went no further than to maintain that the secondary qualities of body—heat and cold, sound, colour, taste and smell—that we perceive and judge to be in the external object are mere feelings or sensations in our minds. . . ., and that the job of the external senses is not to

judge concerning external things but only to give us ideas or sensations from which we are to do our best to *infer* the existence of a material world external to us.

Arthur Collier and Bishop Berkeley revealed from the same principles [i.e. the same 'modern system'] that not only the secondary but also the *primary* qualities of bodies—including extension, shape, solidity and motion—are only sensations in our minds; and therefore that there is no material world external to us at all.

When that same philosophy came to be applied to matters of taste, it revealed that beauty and ugliness are not anything in the objects that men have ascribed them to from the beginning of the world, but merely certain feelings in the mind of the spectator.

From all of that it was easy to take the next step of inferring that moral approval and disapproval are not judgments that must be true or false, but merely agreeable and uneasy feelings or sensations.

Hume took the last step along this path, and crowned the system by what he calls his 'hypothesis', namely that strictly speaking belief is an act of the sensitive rather than the cogitative part of our nature [i.e. the feeling part rather than the thinking part]. . . .

I have had occasion to consider each of these paradoxes except the one about morals, in my *Essays on the Intellectual Powers of Man*; and though they are strictly connected with each other and with the 'modern' system that has produced them, I haven't attacked them all in one lump, but have tried to show that they are inconsistent with sound notions of our intellectual powers, no less than they are with the common sense and common language of mankind. And the

same thing will be seen to hold with regard to the conclusion relating to morals, namely that moral approval is only •an agreeable feeling and not •a real judgment.

In the hope of avoiding ambiguity, let us attend to the meanings of 'feeling' and 'judgment'. Perhaps these operations of the mind can't be logically defined, but they are well understood, and are easily identified by their properties and by events that accompany them.

Feeling or sensation seems to be the lowest degree of animation we can conceive. We give the label 'animal' to every being that feels pain or pleasure; and this seems to be the boundary between the non-animal and animal creation.

We don't know of any being that ranks so far down in the scale of God's creation that it has only this animal power without any other.

Feeling is thinking in a broad sense of 'thinking', but we commonly distinguish it from thinking because it hardly deserves the name. Of all the kinds of thinking it's the one that is nearest to the passive and inert state of inanimate things.

A feeling must be agreeable or •uneasy or •indifferent [see Glossary on •those two words]. It may be weak or strong. It is expressed in language either by a single word, or by a combination of words that can be the subject or predicate of a proposition but doesn't by itself make a proposition. Why not? Because it doesn't imply either affirmation or negation; so it can't have the qualities *true* or *false* that distinguish propositions from all other forms of speech, and distinguish judgments from all other acts of the mind.

'I have such-and-such a feeling'—that is an affirmative proposition, expressing testimony based on an intuitive judgment. But the feeling is only one term of this proposition; to make a proposition, it has to be joined with another term by a verb affirming or denying.

Just as •feeling distinguishes the animal nature from the inanimate, so •judging seems to distinguish the rational nature from the merely animal.

We have a single **word**—'judgment'—to express this kind of operation, as we do for most of the mind's other complex operations; but a particular judgment can only be expressed by a **sentence**, specifically the kind of sentence that logicians call a 'proposition', in which there has to be a verb in the indicative mood either expressed or understood. [Here and below Reid is talking about a word that *names* a kind of operation; he calls this naming *expressing* so as to sharpen the contrast he is drawing.]

Every judgment must be true or false, and the proposition that expresses it can also be called 'true' or 'false'. The judgment is a determination of the understanding concerning what is true, or false, or dubious.

We can distinguish the •content [see Glossary] of a judgment that we make from the •act of the mind in making it. In mere feeling there's no such distinction. The content of a judgment must be expressed by a proposition, and the judgment that we form is always accompanied by belief, disbelief or doubt. If we judge the proposition to be true we must believe it; if we judge it to be false we must disbelieve it; and if we're uncertain whether it be true or false we must doubt.

The words 'toothache' and 'headache' express uneasy feelings; but to say that they express a judgment would be ridiculous.

'The sun is greater than the earth'—that's a proposition, and therefore the content of judgment; and when affirmed or denied, believed or disbelieved or doubted, it expresses a judgment; it would be ridiculous to say that it expresses only a feeling in the mind of the person who believes it.

When we consider them separately, feeling and judging are very different and easily distinguished. When we feel without judging, or judge without feeling, we would have

to be *grossly* inattentive to mistake the one for the other. When we consider them separately, feeling and judging are very different and easily distinguished. When we feel without judging, or judge without feeling, we would have to be *grossly* inattentive to mistake the one for the other.

But in many operations of the mind the two are inseparably conjoined under one name; and if we don't realise that the operation is complex, we may take one ingredient to be the whole thing and thus overlook the other.

In former ages the moral power by which human actions ought to be regulated was •called *reason*, and •regarded by philosophers and the vulgar [see Glossary] as the power of *judging* what we ought and what we ought not to do.

This is very fully expressed by Hume:

'Nothing is more usual in philosophy, and even in common life, than to talk of the combat of passion and reason, to give the preference to reason and assert that men are virtuous only when they conform themselves to its dictates. Every rational creature, it is said, is obliged to regulate his actions by reason; and if any other motive or principle [see Glossary] tries to steer him differently he ought to oppose it until it is entirely subdued, or brought into conformity with that superior principle, •reason•. Most moral philosophy, ancient and modern, seems to be based on this way of thinking.' (*Treatise of Human Nature*, II.iii.3)

That those philosophers attended chiefly to our moral faculty's *judging* power can be seen in the names they gave to its operations and in their whole way of talking about it.

The modern philosophy has led men to attend chiefly to their sensations and feelings, which has led them to regard as *mere feeling* complex mental acts of which feeling is only one ingredient.

As I pointed out in the preceding Essays: several mental

operations to which we give one name and consider as one act are made up of simpler acts inseparably united in our constitution, and that sensation or feeling is often one ingredient in these.

Thus the appetites of hunger and thirst are made up of an uneasy sensation and a desire for food or drink. Our benevolent affections contain both an agreeable feeling and a desire for the happiness of the object of our affection; and malevolent affections have ingredients of a contrary nature.

Those are cases where •sensation or feeling is inseparably conjoined with •desire. In other cases we find •sensation inseparably conjoined with •judgment or belief, and that happens in two different ways. In some cases the judgment or belief seems to result from the sensation and to be regulated by it. In others the sensation results from the judgment.

When we perceive an external object by our senses, we have a sensation conjoined with a firm belief in the existence and sensible qualities of the external object. And all the subtlety of metaphysics hasn't been able to separate items that nature has conjoined in our constitution. Descartes and Locke tried by reasoning to infer the existence of external objects from our sensations, but in vain. Later philosophers, finding no reason for this connection, tried to throw off the belief in external objects as being unreasonable; but this attempt is equally pointless. Nature has doomed us to believe the testimony of our senses, whether or not we can give a good reason for doing so.

This is a case where the belief or judgment is a result of the sensation, as the sensation is a result of the impression made on the sense-organ.

But in most of the mental operations in which judgment or belief is combined with feeling, the feeling results from the judgment and is regulated by it.

Thus, an account of the good conduct of a friend gives me a very agreeable feeling, and a contrary account would give me a very uneasy feeling; but these feelings depend entirely on my believing the report.

In hope there's an agreeable feeling that depends on believing or expecting that something good will come; fear is made up of contrary ingredients; in both, the feeling is regulated by the degree of belief.

In our respect for worthy people and in our contempt for worthless ones there's both judgment and feeling, and the feeling depends entirely on the judgment .

The same may be said of gratitude for help and resentment of injuries.

Let me now consider how I am affected when I see a man exerting himself nobly in a good cause. I am conscious that the effect of his conduct on my mind is complex, though it may be called by one name. I look up to his virtue, I approve, I admire it. In doing so I have pleasure indeed, or an agreeable feeling; this is granted. But I find myself interested [see Glossary] in his success and in his fame. This is affection; it is love and esteem, which is more than mere feeling. The man is the object of this esteem, whereas in mere feeling there is no object.

I'm also aware that this agreeable •feeling in me and this •esteem that I have for him depend entirely on the •judgment I form of his conduct. I judge that this conduct deserves esteem; and while I have that judgment I can't help esteeming him and getting pleasure from the thought of his conduct. Convince me that he was bribed, or that he acted from some mercenary or bad motive, and my esteem and my agreeable feeling will immediately vanish.

In the approval for a good action, therefore, there is indeed feeling, but there's also esteem for the agent; and both the feeling and the esteem depend on our judgment

regarding his conduct.

When I exercise my moral faculty on my own actions or those of others, I'm aware that I judge as well as feel. I accuse and excuse, I acquit and condemn, I assent and dissent, I believe and disbelieve and doubt. These are acts of judgment, and not feelings.

Every decision of the understanding concerning what is true or false is a *judgment*.

- I ought not to steal,
- I ought not to kill,
- I ought not to bear false witness

—these are *propositions*, and I'm as sure of their truth as I am of any proposition in Euclid. I am conscious that I judge them to be true propositions; and with regard to the operations of my own mind my consciousness is the final arbiter—there's nothing here to *argue* about. [What he is declaring to be beyond argument is *These mental operations are judgments*, not *These judgments are true*.]

I'm convinced that other men judge as well as feel in such cases, because they understand my expressions of moral judgments, and they express theirs using the same words.

Suppose that my friend says: **That man did well and worthily; his conduct is highly approvable.** This statement, according to all rules of interpretation [Reid's phrase], expresses his judgment of the man's conduct. This judgment may be true or false, and I may agree with it or dissent from it without giving offence—just as we can peacefully differ in other matters of judgment.

Suppose that in relation to the same case my friend says: **That man's conduct gave me a very agreeable feeling.**

If approval is nothing but an agreeable feeling, these two statements must have the very same meaning, neither of them expressing either more or less than the other. But there are two reasons why this can't be right.

(i) There is no rule in grammar or rhetoric, or any linguistic usage, by which these two statements can be construed so as to have the same meaning. The first plainly expresses an opinion or judgment concerning the man's conduct and says nothing of the speaker. The second testifies only to a fact concerning the speaker, namely that he had such a feeling.

(ii) The first statement can be contradicted without giving any reason for the speaker to take offence, because such contradiction is only a difference of opinion that no reasonable man should be offended by. But the second statement can't be contradicted without an affront: every man must know his own feelings, so denying that a man has a feeling that he says he has is accusing him of lying.

If moral approval is a real judgment that *produces* an agreeable feeling in the mind of the person who judges, both statements are perfectly intelligible in their most obvious and literal senses. Their meanings are different, but they are so related that either can be inferred from the other, as we infer an effect from its cause, or the cause from its effect. I know that what a man judges to be a very worthy action gives him pleasure; and conduct that gives him pleasure must, in his judgment, have worth. But the judgment and the feeling are different acts of his mind, though connected as cause and effect. . . .

I ask you: in conversations about human characters aren't statements like the first one as frequent, as familiar, and as well understood as anything in language? And haven't they been common in all ages that we can trace, and in all languages?

So the doctrine that moral approval is merely a feeling without judgment carries along with it the consequence that there's a form of speech which

- concerns a common topic of discourse,
- is common and familiar in all languages and in all ages of the world, yet
- is meaningless or
- has a meaning that the rules of grammar and rhetoric won't let it legitimately have, a meaning that everyone knows how to express in plain and proper language.

That consequence, I think, is sufficient to sink any philosophical opinion from which it follows!

A particular language may have some oddity or even absurdity that was introduced by the whimsy or error of some eminent man and followed by servile imitators for a while, until it is detected and dropped as an embarrassment; but that the same absurdity should pervade all languages through all ages, and after being detected and exposed still keep its unembarrassed place in language—this couldn't happen while men are capable of thinking.

Incidentally, that same argument holds equally against other paradoxical opinions of modern philosophy that I earlier mentioned as connected with this one. I mean such opinions as that

- beauty and ugliness are not at all in the objects to which language universally ascribes them, but are merely feelings in the spectator's mind;
- secondary qualities are not in external objects, but are merely feelings or sensations in the perceiver;
- quite generally our external and internal senses are faculties by which we have sensations or feelings only, but by which we do not judge.

That every form of speech that language affords to express our judgments should always and everywhere be used to express what is no judgment; and that feelings that can easily be expressed in proper language should always be expressed in an improper and absurd manner—I can't believe this. So

I have to conclude that if language expresses *thought* then men judge concerning the primary and secondary qualities of body by their external senses, concerning beauty and deformity by their taste, and concerning virtue and vice by their moral faculty.

A truth as evident as this can't be obscured and brought into doubt except by misuse of words; and words *have* been misused on this subject. I have done my best to avoid this by using the word 'judgment' on one side and 'sensation' or 'feeling' on the other; because these words have been least liable to misuse or ambiguity. But perhaps I should comment on other words that have been used in this controversy.

Hume in his *Treatise of Human Nature* has employed two sections on it, entitled 'Moral Distinctions not derived from Reason' and 'Moral Distinctions derived from a Moral Sense'.

When habits don't lead him unawares to speak of 'reason' like other men, Hume limits that word to signifying only the power of judging in purely speculative [see Glossary] matters. Thus he concludes that

- 'reason of itself is inactive and perfectly inert';
- 'actions can be praiseworthy or blameworthy, but they can't be reasonable or unreasonable';
- 'it is not contrary to reason to prefer the destruction of the whole world to the scratching of my finger';
- 'it is not contrary to reason for me to choose my total ruin to prevent the least uneasiness of. . . a person wholly unknown to me';
- 'reason is and ought only to be the slave of the passions, and can never claim to have any other role than to serve and obey them'. [All from *Treatise* II.i.1 and II.iii.3]

If we take the word 'reason' to mean what philosophers and the vulgar commonly mean by it, these maxims are not only false but licentious [see Glossary]. The only way to clear them

of this charge is to plead that he Hume has misused the words 'reason' and 'passion'.

To find what a common word means you don't go to philosophical theory but to common usage; and if a man takes the liberty of shrinking or extending the meanings of common words at his pleasure, he can—as Mandeville did—insinuate the most licentious paradoxes with the appearance of plausibility. (You might look at my 'The Will' chapter 2, and 'The Principles of Action', part II, chapter 1, where I discuss the meaning of the word 'reason'.)

When Hume derives moral distinctions from a moral sense, I agree with him in words but we differ about the meaning of 'sense'. Every power that has been labelled as a 'sense' is a power of making judgments about the objects of that sense, and that has *always* been recognised. So the moral sense is the power of judging in morals. But Hume wants the 'moral sense' to be only a power of feeling, without judging. I take this to be a misuse of a word.

Authors for whom moral approval is a mere matter of *feeling* often use the word 'sentiment' to mean *feeling without judgment*. This is another misuse of a word. Our moral judgments can properly be called moral 'sentiments', because the English word 'sentiment' always stands for judgment accompanied by feeling—never mere feeling alone.

It used to signify opinion or judgment of any kind, but more recently it has come to be restricted to opinions or judgments that have a striking effect and produces some agreeable or uneasy emotion. So we speak of sentiments of respect, of esteem, of gratitude. But I never heard the pain of gout or of any other mere feeling called a 'sentiment'. . . .

All the words most commonly used by philosophers and by the vulgar to express the operations of our moral faculty—e.g. 'decision', 'determination', 'sentence', 'approval', 'disapproval', 'applause', 'censure', 'praise', 'blame'—include



*judgment* in their meaning. So when Hume and his followers use these words to signify *feelings* and nothing else, this is a misuse of words. If these philosophers want to speak about morals plainly and properly, they should *discard* these words whose established meanings in the language don't suit their purposes.

They should also discard from morals the words 'ought' and 'ought not', which properly express judgments and can't be applied to mere feelings. Here is what Hume has said about them:

'I can't forbear adding an observation that may be found of some importance. In every system of morality I have met with I have noticed that the author •proceeds for some time reasoning in the ordinary way to establish the existence of a God, or making points about human affairs, and then he suddenly surprises me by •moving from propositions with the usual copula "is" (or "is not") to ones that are connected by "ought" (or "ought not"). This seems like a very small change but it is highly important. For as this "ought" (or "ought not") expresses some *new* relation or affirmation, **(i)** it needs to be pointed out and explained; and **(ii)** a reason should be given for how this new relation can be—inconceivably!—a deduction from others that are entirely different from it. Authors don't ordinarily take the trouble to do this, so I recommend it to you; and I'm convinced that paying attention to this one small matter will •subvert all the vulgar systems of morality and •let us see that the distinction between vice and virtue is not based merely on the relations of objects, and is not perceived by reason.'

Notice the admission that 'ought' and 'ought not' express some relation or affirmation; but a relation or affirma-

tion that Hume thought to be •inexplicable or at least •inconsistent with his system of morals. So he must have thought that they oughtn't to be used in discussions of that subject.

He also makes two demands, and taking it for granted that they can't be met he is convinced that an attention to this is sufficient to subvert all the vulgar systems of morals.

**(i)** The first demand is that 'ought' and 'ought not' be explained. For anyone who understands English, there are surely no words that require explanation *less!* Isn't everyone taught from childhood on that he ought not to lie or steal or swear falsely? But Hume thinks that men never understood what these precepts mean, or rather that they are meaningless. If that is how things stand, then all the vulgar systems of morals *are* indeed subverted.

Samuel Johnson in his Dictionary explains the word 'ought' as meaning *being obliged by duty*; and I don't think it can be explained better than that. As for the moral relation expressed by this word, you can see what I thought needed saying about that in 'The Principles of Action', part III, chapter 5.

**(ii)** Hume also demands that a reason be given why this relation should be a deduction from others that are entirely different from it.

This demands a reason for something that doesn't exist. The first principles of morals are not deduced from anything. They are self-evident; and their truth like that of other axioms is perceived without reasoning or deduction. And moral truths that aren't self-evident are deduced not from •relations quite different from them but from •the first principles of morals.

On a topic that matters as much to mankind as morality does—and is the subject of so much conversation among the learned and the unlearned—it's surely to be expected

that writers will express their judgments and their feelings *properly*, i.e. consistently with the rules of language. If some opinion implies that the language of all ages and nations on this subject is improper, i.e. contrary to all rules of language, that is enough to refute it!

Men have always understood ‘reason’ to stand for the power by which we should regulate not only our speculative opinions but also our actions; so it’s perfectly proper to say that all vice is contrary to reason, and that we should use reason to judge what we ought to do as well as what we ought to believe.

Although all vice is contrary to reason, I don’t think we can properly define ‘vice’ as ‘conduct contrary to reason’, because this definition would apply equally to *folly*, which everyone distinguishes from vice.

Other phrases that have been used on the same side of the question—‘acting contrary to . . .

- . . . the relations of things’
- . . . the reason of things’
- . . . the fitness of things’
- . . . the truth of things’
- . . . absolute fitness’

—and I see no reason for adopting any of them. In matters of language, common use has great authority, and these phrases don’t have it. They seem to have been invented by some authors who were trying to explain the nature of vice; but I don’t think they do that. If intended as definitions of vice they are wrong, because. . . they cover every kind of foolish and absurd conduct as well as conduct that is vicious.

I shall conclude this chapter with remarks about the five arguments that Hume has offered on this point in his *Enquiry*.

(1) He argues that the hypothesis he opposes can’t in any particular instance be intelligible, however plausibly it passes

itself off in general discourse. He writes: ‘Examine the crime [see Glossary] of ingratitude; anatomize all its circumstances and examine—using only your reason—what makes it bad or blameworthy. You won’t find any answer.’

I needn’t follow him through all the accounts of ingratitude that he thinks his opponents might give, because I agree with the account that he himself adopts: ‘This crime arises from a complication of circumstances which, when presented to the spectator, gets the **particular structure and fabric of his mind** to arouse the **sentiment** of blame.’

He thought this was a true and intelligible account of the criminality of ingratitude. So do I. So I think the hypothesis he opposes is intelligible when applied to a particular instance.

Hume must have thought that his account of ingratitude is inconsistent with the hypothesis he opposes, and couldn’t be accepted by those who hold that hypothesis. Why did he think this? It must have been because he took for granted one of these two things: (i) The **sentiment** of blame is only a feeling, without judgment. (ii) Whatever is aroused by the **particular fabric and structure of the mind** must be only feeling, and not judgment. I don’t agree with either of these.

It seems evident to me (i) that both sentiment and blame imply judgment; and that the sentiment of blame is a judgment accompanied by a feeling, and not a mere feeling without judgment.

And the second does no better, because (ii) every mental operation, whether judgment or feeling, has to be aroused by that particular structure and fabric of the mind that makes us capable of that operation.

It’s by the part of our fabric that we call ‘the faculty of seeing’ that we judge concerning visible objects; by taste, another part of our fabric, we judge concerning beauty and ugliness; by the part of our fabric that enables us to form

abstract conceptions, to compare them and perceive their relations, we judge concerning abstract truths; and by the part of our fabric that we call ‘the moral faculty’ we judge concerning virtue and vice. If someone had no moral faculty in his fabric, I grant that *he* couldn’t have the sentiments of blame and moral approval.

So there are judgments as well as feelings that are aroused by the particular structure and fabric of the mind. But there is this remarkable difference between them—i.e. between judgments and feelings—that every judgment is true or false; and though it depends on the fabric of a mind whether it *has* such a judgment or not, that fabric doesn’t affect whether the judgment is *true* or not. . . . Nothing like this can be said of mere feelings, because the they can’t be true or false. . . .

(2) The second argument amounts to this:

In moral deliberation, we must be acquainted beforehand with all the objects and all their relations. After these things are known, the understanding has no further room to operate. All that is left for us to do is to *feel* some sentiment of blame or approval.

Let us apply this reasoning to the work of a judge:

In a case that comes before him the judge must be made acquainted with all the objects and all their relations. After this, his understanding has no further room to operate. All that is left for him to do is to *feel* the right or the wrong; and mankind have absurdly called him a *judge* when he ought to be called a *feeler*.

To answer this argument more directly: When a man is deliberating—wondering whether to do *x*—after he knows all the objects and relations mentioned by Hume there is still something for him to do, namely to determine whether *x* ought or ought not to be done. In most cases, the answer will seem self-evident to a man who has been accustomed to

exercise his moral judgment; in some cases it may require reasoning.

Similarly, the judge after all the circumstances of the case are known has to judge whether the plaintiff has a just plea or not.

(3) The third argument is based on the analogy between moral beauty and natural beauty, i.e. between moral sentiment and taste. Just as beauty is not •a quality of the object but •a certain feeling in the spectator, so virtue and vice are not qualities in the persons to whom language ascribes them but feelings in the spectator,

But is it certain that beauty is not any quality of the object? This is indeed a paradox of modern philosophy, built on a philosophical theory; but it is so contrary to common language and common sense that it ought to overturn the theory on which it stands rather than getting any support from it. And if beauty really is a quality of the object and not a mere feeling of the spectator, the whole force of this argument goes over to the other side of the question.

Hume writes: ‘Euclid has fully explained all the qualities of the circle, but has not in any proposition said a word about its beauty. The reason is evident. The beauty is not a quality of the circle.’

By the *qualities of the circle* he must mean its properties; and there are here two mistakes.

First, Euclid has *not* fully explained all the properties of the circle. Many have been discovered and demonstrated that he never dreamt of.

Secondly, The reason why Euclid didn’t say a word about the circle’s beauty of the circle, is not that beauty isn’t a quality of the circle, but the fact Euclid never strayed from his subject. His purpose was to demonstrate the mathematical properties of the circle. Beauty is a quality of the circle, not demonstrable by mathematical reasoning but

immediately perceived by a good taste. Speaking of it would be side-tracking from his subject, and that's a fault he is never guilty of.

(4) The fourth argument says that inanimate objects can have all the same relations to each other that we observe between moral agents.

If this were true it would be very relevant, but it seems to be thrown out rashly without any attention to its plausibility. If Hume had reflected even a very little on this dogmatic assertion he would have realised that there are a thousand counter-examples to it.

Can't one animal be tamer, or more docile, or more cunning, or more fierce, or more ravenous than another? Are these relations to be found among inanimate objects? Can't one man be a better painter, or sculptor, or ship-builder, or tailor, or shoemaker than another? Are these relations **between men** to be found among inanimate objects or even among lower animals? Can't one moral agent be more just, more pious, more attentive to moral duty, or more eminent in some moral virtue than another? Aren't these relations **between moral agents** ones that can't obtain between items of any other sort?

But let us turn now to the relations that are most essential to morality. When I say that *I ought to do A*, that *it is my duty to do A*, don't these words express a relation between me and a certain action in my power? a relation **between a moral agent and his moral actions** that can't obtain between inanimate objects and is well understood by all grown men and expressed in all languages?

When deliberating about whether to do A or B—I can do either, but can't do both—I may say that A ought to be preferred to B; for example that justice ought to be preferred to generosity; this expresses a moral relation **between two actions of a moral agent**, one that is well understood and

can't exist between objects of any other kind. . . .

(5) The last argument is a chain of several propositions that deserve to be looked at separately. They can be summed up in these four:

- (a) There must be *ultimate* ends [= 'goals'] of action, beyond which it is absurd to ask a reason of acting.
- (b) The ultimate ends of human actions can never be accounted for by reason. . .
- (c) . . . but recommend themselves entirely to the sentiments and affections of mankind, without any dependence on the intellectual faculties.
- (d) As virtue is an end and is desirable just for itself, without fee or reward and merely for the immediate satisfaction it provides, there must be some sentiment that it touches—some internal taste or feeling, call it what you will—that distinguishes moral good and evil, embracing one and rejecting the other.

I entirely agree with (a). The ultimate ends of action are what I have called the 'principles of action', which in my 'Principles of Action' I tried to enumerate and to classify as •mechanical, •animal and •rational. [This is strange. In the work he refers to, Reid *of course* doesn't label ends or goals of action as 'principles'. The trio of kinds of principles [see Glossary] that he mentions here is a trio of *drives*; they concern inputs, not outputs. This strangeness occurs once more, about a page further on.]

Proposition (b) needs to be explained. I take it to mean that there can't be another end for the sake of which an ultimate end is pursued. If E is pursued as a means to F, then E is not an *ultimate* end.

You can see that this is what Hume meant by looking at his reasoning in support of it:

'Ask a man "Why do you take exercise?" and he will answer "Because I want to keep my health". Ask him "Why do you want health?" and he will readily reply

“Because sickness is painful”. If you now push on, and ask him “Why do you hate pain?”, he can’t possibly answer. This is an *ultimate* end, and is never regarded as a special case of something more general.’

To account by reason for end E, therefore, is to show another end F for the sake of which E is desired and pursued. And it’s certainly true that in this sense an ultimate end can’t be accounted for by reason, because something can’t be an ultimate end if it is pursued only for the sake of another end.

So I agree with Hume in this second proposition, which indeed is implied by the first.

The **(c)** third proposition is that ultimate ends recommend themselves entirely to the sentiments and affections of mankind, without any dependence on the intellectual faculties.

By ‘sentiments’ he must here mean feelings without judgment, and by ‘affections’ he means affections that don’t involve any judgment. Because surely any operation involving judgment can’t be independent of the intellectual faculties.

On this understanding of the proposition I can’t assent to it.

Hume seems to think that **(c)** follows from the proposition **(b)**. His thought is that because an ultimate end can’t be accounted for by reason (i.e. can’t be pursued merely for the sake of another end). therefore it can’t in any way depend on the intellectual faculties. I reject this inference, and can see no force in it.

I think that **(c)** not only doesn’t follow from **(b)** but also is contrary to truth.

A man may act from gratitude as an ultimate end; but *gratitude* involves a judgment and belief about favours’ having been received, so that it *is* dependent on the intellectual faculties. A man may act from respect for a worthy character

as an ultimate end; but this *respect* necessarily implies a judgment about the person’s worth, so that it too is dependent on the intellectual faculties.

[This paragraph contains the second occurrence of the strange equating of ‘principles’ with ‘ultimate ends’.] In my ‘Principles of Action’ I tried to show that along with

- the animal principles of our nature that require will and intention, but not judgment,
- there are also in human nature rational principles of action, or ultimate ends that have in all ages been called ‘rational’, and are entitled to that name not only from the authority of language but also because they can’t exist except in beings endowed with reason, and because in exercising them we have to use not only intention and will but also judgment or reason.

So until it is proved that an ultimate end can’t depend on the intellectual faculties, proposition **(c)** and all that hangs on it must fall to the ground.

Proposition **(d)** assumes with very good reason that virtue is an ultimate end, and desirable on its own account. If **(c)** were true, we would get from it and **(d)** that virtue has no dependence on the intellectual faculties. But as **(c)** is not granted or this conclusion is left without any support from the whole of the argument.

I wouldn’t have thought it worthwhile to spend so long on this controversy if I didn’t think that the theses I am opposing have important consequences.

If what we call ‘moral judgment’ isn’t really a judgment but merely a feeling, it follows that the moral principles that we have been taught to consider as an immutable law to all intelligent beings have no basis except an arbitrary structure and fabric in the constitution of the human mind—i.e. the structure that the human mind *happens* to have. Thus, by a change in our structure immoral things could become moral,

virtue could turn into vice, and vice into virtue. And beings with different feelings because of their different mental structures may have different—indeed *opposite*—measures of moral good and evil.

It follows that our notions of morals tell us *nothing* about the moral character of the Deity, which is the foundation of all religion and the strongest support of virtue.

Indeed, this opinion of Hume's seems to argue strongly against God's having a moral character, because a nature that is eternal, unchangeable and necessarily existent can't conceivably have any properties that are arbitrary or changeable. Hume seems perfectly consistent with himself in not accepting any evidence for God's moral attributes, whatever evidence there may be for his natural attributes.

On the other hand, if moral judgments are true and real judgments, the principles of morals stand on the unchangeable foundation of truth, and can't alter through any change in the 'fabric or structure' of those who judge concerning them. There may be—indeed there *are*—beings who aren't able to conceive moral truths or perceive the excellence of moral worth; just as there are beings who can't perceive mathematical truths; but no defect, no error of understanding, can make what is true to be false.

If it's true that

- piety, justice, benevolence, wisdom, temperance, fortitude, are in their own nature the most excellent and most amiable qualities of a human creature, and that
- vice has an inherent baseness that merits disapproval and dislike,

these truths can't be hidden from him whose understanding is unlimited, whose judgments are always true, and who must esteem everything according to its real value.

The judge of all the earth, we are sure, will act rightly. He has given us the power to perceive the right and the wrong in conduct, as far as our present state requires, and to perceive the dignity of one and the demerit of the other; and surely there can't be any real knowledge or real excellence in man that is not in his Maker.

We may therefore justly conclude that what we know in part, and see in part, of right and wrong, God sees perfectly; that the moral excellence we see and admire in some of our fellow-creatures is a faint but true copy of the moral excellence that is essential to God's nature; and that to tread the path of virtue is the true dignity of our nature, an imitation of God and the way to obtain his favour.