

Morals

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

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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 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.