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ON HARRISON'S INTERPRETATION OF TREATISE III ii 1

In Treatise III ii 1, Hume is concerned to argue that justice is an artificial virtue, not a natural one. Commenting on this Section, Jonathan Harrison<sup>1</sup> has pointed out that, on his reading and interpretation, Hume's argument runs into many difficulties. I shall argue in this paper that a more sympathetic reading of Hume will show that his argument is a whole lot more plausible than Harrison takes it to be.

Harrison raises many separate points, but instead of taking up these points one by one, I shall concentrate on one that seems to be most serious, and to lie at the heart of his criticism. The point is as follows. Hume's argument, designed to prove that justice is an artificial virtue as opposed to natural, proves too much: '(It) proves that justice is not a virtue at all' (HTJ 6). According to Harrison, Hume's first premise is

- [1] That actions are not duties unless there is in the mind of man a motive which normally prompts him to perform them,

and the second premise is

- [2] That there is in the mind of man no motive which normally prompts him to perform just actions (ibid.)

Harrison goes on to argue that we can derive from these two premises the 'embarrassing conclusion' that 'it cannot be a duty to perform just actions,' or that 'justice is not a virtue at all.'

If Hume did indeed assert [1] and [2], the embarrassing conclusion would seem to follow. I shall argue that there is more than meets the eye as regards [1], and that Hume does not assert [2].

## I

It would appear that in attributing [1] to Hume, Harrison has the following passage in mind:

(It) may be establish'd as an undoubted maxim, that no action can be virtuous, or morally good, unless there be in human nature some motive to produce it, distinct from the sense of its morality (T 479).

As I interpret this passage, the main point of the maxim is that the virtuousness of an action resides not in the sense of the morality of the action, as this is clearly circular, but in some other motive. This maxim does imply [1] above provided that we take Harrison's 'actions are not duties' to mean 'actions are not virtuous,' and his 'motive' to mean 'motive other than a sense of duty or morality.' In general, however, Harrison's way of rendering the passage above is quite unsatisfactory because it obscures what Hume means by 'duty' and what for Hume renders an action virtuous. To clarify matters, we need to look more closely at Hume's maxim.

The first thing to note is that, while it is not clear what Harrison means by 'motive,' Hume clearly uses the term 'motive' to mean 'passion.' Hume talks about 'the motives that produced' actions (T 477, my emphasis). Given Hume's psychology of actions, it is obvious that Hume is talking about the passions that produced actions. The sense of morality or duty, or the moral sentiment, is itself a passion which is capable of producing actions, and can do so 'without any other motive' (T 479). However, what Hume stresses in the passage above is that it is not the sense of duty that gives an action a good moral character, but some other motive, or passion. Hume is saying that the sense of duty is a derivative passion: an action has to

be established as virtuous in the first place for there to be a sense of duty concerning that action, or a sense of its morality; and it has to be so established by some other motive of which the sense of duty can be said to be derivative. Hume spells this out explicitly when he talks about humane actions. Thus, it is the humanity that 'bestows a merit on the actions' (T 478), not a regard to this merit, or a sense of duty concerning the actions, which is 'deriv'd from the antecedent principle of humanity' (*ibid.*, my emphasis).

Now a sense of duty or obligation has to be distinguished from the duty itself, which is the action that one is bound or obliged, either naturally (as in the case of caring for one's children) or artificially (as in the case of just actions), to perform. Calling an action a duty is saying that there is a separate principle (or motive, or passion), normally producing that action, that is virtuous. Natural affection for one's children is a virtuous passion producing the caring of children or the showing of such affection. Such caring is thus a duty, and it is a duty because there exists a separate passion, namely the natural affection itself. From the cognizance that caring for children is a duty, there may arise another passion, namely the sense of the duty of caring for children. Without natural affection, there is no duty (of caring) and hence no sense of (this) duty. Now usually one cares for one's children because one has a natural affection for them, but occasionally one may find that one does not have any natural affection, in which case one may still care for one's children out of a sense of duty. This, I believe, is the only natural way of reading the following passage:

We blame a father for neglecting his child. Why? because it shews a want of natural affection, which is the duty of every parent. Were not natural

affection a duty, the care of children cou'd not be a duty; and 'twere impossible we cou'd have the duty in our eye in the attention we give to our offspring. In this case, therefore, all men suppose a motive to the action distinct from a sense of duty (T 478).

A person who performs an action out of a sense of duty alone may still be praised, but it must be regarded as a deficiency if that person lacks whatever passion that renders the action virtuous. The sense of duty, being derivative of a virtuous passion, does not render an action virtuous. Hume would have said that doing something out of a sense of duty alone is far less praiseworthy than doing it out of some principle which makes the action a duty. This, I believe, is quite in accord with our intuition. We do indeed qualify the goodness of an action by attributing it to a sense of duty or obligation rather than some other "purer" motive ('He didn't really want to do it, but felt obliged to.'). As a passion, the sense of duty may be judged virtuous, but its virtuousness must be derivative of the virtuousness of some other passion, as I have pointed out. Furthermore, the virtuousness of these other passions influences the development of the sense of duty. Hume says that 'since no action can be laudable or blameable, without some motives or impelling passions, distinct from the sense of morals, these distinct passions must have a great influence on that sense' (T 483).

What makes a motive, or passion, virtuous? Harrison's interpretation of Hume's answer to this question is curious, to say the least. Harrison attributes to Hume the view that 'a motive is virtuous if it is one that is usual for human beings to have,' and that 'not only is it virtuous to have a motive that men usually have, but that it is virtuous to have this motive in its usual strength' (HTJ 2). Having thus

interpreted Hume, he goes on to criticize Hume in the following way. Being normal or usual has nothing to do with being right or wrong: 'Men can, obviously, deviate from the normal in ways which are admirable, as well as in ways which are wrong' (HTJ 3). On Hume's view, Harrison argues, 'courage, to take just one example, would not be a virtue if men were very rarely courageous, (and) an unusual motive must be reprehensible, and ... having more than the usual amount of humanity, as well as having less, are both to be deplored' (HTJ 2). Harrison has in mind the following passage:

'Tis according to (the passions') general force in human nature, that we blame or praise. ... (We) always consider the natural and usual force of the passions, when we determine concerning vice and virtue; and if the passions depart very much from the common measures on either side, they are always disapprov'd as vicious (T 483).

Now Hume does not say that having a passion that is usual, and in its usual strength, is what makes it (and any action it produces) virtuous. What makes a passion virtuous is its tendency to cause pleasure, and vicious, pain. We look on the former with approbation, and the latter with disapproval. The former gives rise to satisfaction, the latter uneasiness. This is clearly spelt out in the preceding Section (III i 2). In the passage above, Hume is merely offering an observation of human psychology. He is saying that excesses of any kind tend to cause pain and uneasiness. Affection for one's children is fine, but too much (as well as too little) of it can cause pain and anguish in the parent concerned, in the child, and in others. Through sympathy (or rather empathy), we feel this pain and this anguish, and judge the responsible, excessive, passion to be vicious. As an observation of human

psychology, what Hume says is most plausible. It does not imply, as Harrison claims, that 'an unusual motive must be reprehensible.' The test is whether that unusual motive causes uneasiness in others (and indeed in the agent himself or herself). Nor does it imply that 'courage would not be a virtue if men were very rarely courageous.' For having a virtuous passion, or motive, is one thing, performing an action out of this motive is another. Hume says elsewhere that ('tis) one thing to know virtue, and another to conform the will to it' (T 465). While it is usual for us to feel like saving the child trapped inside a burning house, not many of us have the courage to obey this passion. When we do, the action is to be praised, not condemned as Harrison claims Hume's view implies. Again, this is clearly spelt out in the following Section (T 475) where Hume contrasts 'usual' with 'natural' and 'unusual' with 'unnatural,' and says that in this sense, 'perhaps virtue will be found to be the most unnatural [meaning 'unusual'],' or at least that 'heroic virtue, being as unusual, is as little natural as the most brutal barbarity.' Harrison later refers to this passage in a different context (HTJ 12) but makes no attempt to reconcile it with his earlier interpretation.

We have seen then, that the first premise that Harrison attributes to Hume ([1] above) is at best a gross over-simplification of Hume's view. To the extent that it contains Harrison's interpretations of what Hume means by 'duty' and 'normal (or usual),' interpretations that are subject to the objections above, we must be at least wary of the claim that Hume actually asserts what Harrison calls the first premise. As for the second premise ([2] above), we can say something a little stronger. We can say that Hume does not assert it.

## II

According to Harrison, Hume 'tries to prove that there is no motive which leads us to justice, independently of a sense that it is our duty to be just, even after human conventions have been set up' (HTJ 7). He takes Hume's arguments (T 480-3) as being 'designed to show that in society (as it is at the moment) there is no motive for justice' (ibid.) Later, Harrison claims that it is obvious that 'there are many such motives, all of which Hume could quite consistently have recognized' (HTJ 13), such as fear of the consequences for not obeying the rules of justice. I shall argue that this is not a fair interpretation of Hume, and it does not justify attributing [2] to Hume ('That there is in the mind of man no motive which normally prompts him to perform just actions').

Concerning a just action, we must bear in mind Hume's distinction between the sense of its morality and some other principle which renders it virtuous in the first place (hence giving rise to this sense of morality). Just actions are duties because of this antecedent principle, not because of a regard to the virtue of just actions. For to suppose 'that the mere regard to the virtue of the action, may be the first motive, which produc'd the action, and render'd it virtuous, is to reason in a circle' (T 478). The motive that produces the honest action (of repaying a debt, say) 'can never be a regard to the honesty of the action' (T 480). The action has to be 'antecedently virtuous,' or honest, that is, by some other antecedent principle, or motive. This other principle is referred to by Hume as the sense, or sentiment, of justice, which must be distinguished from the sense of the morality of just actions (or, as Harrison puts it, 'the sense that it is a duty to be just'). Now as I have

argued before, Hume regards the latter as derivative of the former. Clearly, then, it cannot be the case that Hume 'tries to prove that there is no motive which leads us to justice.' If there is a sense that it is our duty to be just, or the sense of morality of just actions, then there must be some other motive antecedent to it, wherefrom the former is derived. Indeed, it is Hume's view that there is one by a kind of necessity. Hume argues in the following Section that for there to be a society at all, hence for there to be survival at all (since humankind cannot survive without society), there must be a general passion in the human mind that produces actions in conformity with the rules of justice. The only question is what can this passion, this principle, be, and the ultimate aim of III ii 1 is to show that this passion, or principle, is not naturally implanted in human nature, but arises out of human artifice.

What Harrison takes to be Hume's arguments that there is no motive which leads us to justice are in fact arguments that there are no natural passions having this effect. It cannot be, as pointed out above, the sense of duty concerning just actions, or our regard to the merit or morality of just actions, which is natural enough as we shall see later. Hume then considers other possibilities such as (1) a concern for private interest, or self-love, (2) a regard to public interest, and (3) private benevolence, or a regard to the interests of the party concerned. But Hume dismisses all three possibilities. His dismissal of the first two is straightforward enough, and seems most plausible. However, his handling of (3) is somewhat more tortuous, and Harrison is rightly critical of Hume on this point. Nevertheless, the general line of reasoning is clear enough, as I now try to show.

First, Hume says that regard to the interests of the other party would fail when I have 'just cause to hate him,' when 'he (is) a vicious man, and deserves the hatred of all mankind,' etc. (T 482). Private benevolence will not guide us to observing the rules of justice in these cases. Second, the other party's interest is restricted to what he or she possesses, and as long as I respect his or her property, and repay him or her what I owe, I have satisfied the rule of private benevolence (as Hume defines it, i.e. regard to the interests of the party concerned). Thus, were private benevolence 'the original motive to justice, a man wou'd not be oblig'd to leave others in the possession of more than he is oblig'd to give them' (T 482). But, Hume asks, 'who will assert, that this is the only foundation of justice?' For a rich person does lie under 'a moral obligation to communicate to those in necessity a share of his superfluities.' Regard to the interests of others cannot give rise to this obligation, because such interests do not extend to what they do not possess. (By contrast, Harrison interprets Hume as saying that 'if justice were just a special case of benevolence, our duty to abstain from taking what other people possess would not be more stringent, or not much more stringent, than our duty to give to others what they do not already possess,' (HTJ 10).

Hume says that people 'generally fix their affections more on what they are possess'd of, than on what they never enjoy'd' (ibid.) I take this to mean that a person's interest is confined largely to what he or she possesses, and a regard to such interest merely makes us respect his or her property, and does not induce us to give more than what we are obliged to. This is consistent with what I have said above. Incidentally, Harrison takes issue with Hume over this

point, saying that 'men lose more by being deprived of what they have than by not gaining something they do not have is true only when goods are fairly evenly distributed' (HTJ 11). This statement is actually false. Harrison supports his claim by saying that, given equal distribution, 'the principle of diminishing utility implies that a man will lose more from having his fifth sheep taken away from him than another man will gain from acquiring a sixth sheep' (ibid.) Now this latter claim is correct, but it does not support the former. For the same principle of diminishing utility implies that any one person will lose more by being deprived of what he or she has than by gaining the same amount, irrespective of distribution. (Irrespective of how many sheep I have in comparison with others, the utility of the fifth sheep that I have is larger than the utility of the sixth sheep that I may gain.)

Finally, Hume observes that the passion for private benevolence varies in strength from person to person, and in many persons 'it must absolutely fail' (T 483). Yet, a person's property 'is suppos'd to be fenc'd against every mortal, in every possible case.' If the passion of private benevolence can fail, not every mortal can be expected to respect the interests of others in every possible case. This, and others above, are the reasons why private benevolence 'is not the original motive of justice.'

Having dismissed the obvious possibilities, Hume comes to the conclusion that there is 'no real or universal motive for observing the laws of equity' (ibid.) Harrison takes this to be saying that there is no motive whatsoever, hence his attribution of premise [2] to Hume. But this cannot be right, as I have pointed out. Justice is necessary for society, which is necessary for survival. There is a human society,

and the human race is thriving. So there must be a motive to justice. By dismissing the obvious candidates for such a motive, Hume deliberately creates an apparent contradiction, 'an evident sophistry and reasoning in a circle' (ibid.) But this is only his way of forcefully concluding 'that the sense of justice and injustice is not deriv'd from nature, but arises artificially, tho' necessarily from education, and human conventions' (ibid.)

Incidentally, Hume would have dismissed Harrison's suggestion that motives such as fear of the consequences of not obeying the rules of justice would serve as a universal and reliable regulator of human behaviour. Later, Hume points out that in his society (and more so ours) where there are numerous people interacting in a reasonably strong and stable society, the consequences of not obeying rules are often not obvious, and often, singly, not very serious either. The fear of consequences cannot be strong and universal enough to do the job required. On the whole, Hume looks upon human nature rather positively, and would probably object to the idea that justice should be found upon such a negative principle as fear. Besides, one may ask, What makes people decide in the first place to instill such fear in their children? Why would they do it (at the beginning at least) unless they have some prior, positive, sentiment of justice? Hume settles instead on the sense or sentiment of justice and injustice.

Hume says later that the sense of justice and injustice is ingrained early in the human mind through education. The process is assisted '(Most) fortunately' by the natural passion of 'appetite betwixt the sexes,' and the affection parents have for their offspring (T 486). Thus, the sense of justice is artificial, and since it is this sense of justice

that makes people perform just actions, just actions are artificial duties, and justice an artificial virtue (but only in so far as just actions are virtuous, i.e. they produce pleasure and approbation of the right kind). This interpretation contrasts sharply with Harrison's, which is the view that 'it is, according to Hume, only the rules that are artificial; the sentiments which favour obeying the rules spring up of themselves, out of sympathy with the pleasure they produce' (HTJ 16). Harrison goes on to say that this view (i.e. what he takes Hume's view to be) is 'only partially true,' because those sentiments 'can be strengthened by education and the artifices of politicians.' Harrison concludes that there is an inconsistency in Hume. But I believe that this charge is totally unwarranted. Hume consistently asserts that the sentiments of justice and injustice are artificial. There seems to be a confusion in Harrison between the sense or sentiment of justice and injustice on the one hand, and, on the other, the sense that it is a duty to be just, or the sense of morality concerning just acts, or the regard to the merit of just acts. Throughout III ii 1, Hume is at pains to make the distinction between the two, but Harrison seems to be conflating them. Now, it is the latter that may be regarded as natural, arising out of sympathy.

The picture that Hume envisages is as follows. Through education at the early stages of life, we acquire a sense of justice. But it is possible that some lack this education, and do not have this sense of justice. Such persons could still perform just actions out of a sense of duty, seeing that most others do behave justly, and having an empathy (sympathy) with them. It is the (artificial) sense of justice that bestows merit on just actions, not the latter passion (or motive, or principle). The latter does spring up,

as Harrison says, of itself out of sympathy with others. It is the latter that could be regarded as natural, though perhaps capable of being strengthened further through education. To say this about the latter passion is not inconsistent with holding that the sense or sentiment of justice and injustice is artificial.

I conclude that Hume does not assert that 'there is in the mind of man no motive which normally prompts him to perform just actions.' Hume is therefore in no way committed to the 'embarrassing conclusion' that 'it cannot be a duty to perform just actions,' or that 'justice is not a virtue at all.'

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1. Jonathan Harrison, Hume's Theory of Justice (Oxford: Clarendon Press, 1981). Hereafter HTJ.