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Philosophy 770-2
Philosophy of David Hume
Instructor: Landy
May 19, 2013
Updated January 2022

David Hume on the Origin of Justice

In Book 3, Part 2 of his "Treatise of Human Nature," Hume is concerned with arguing how Justice and by extension, promise keeping, fall under the category of artificial virtues. Hume does this by way of showing how our reasoning about the underlying motives for displaying these virtues is ultimately circular and without direct origin in our sentiments, a criterion necessary to for making a virtue "natural." However, in placing Justice and promise-keeping in this artificial category, Hume must still explain not only why we regard them to be characteristics worth having at all, but also how it is that they come to be virtues. Hume does this by constructing a narrative about the origins of society which he thinks will answer these two questions and in doing so properly identify the sentiment which, in a contrived way, gives rise to these virtues.

In the first part of my paper I will be summarizing Hume's argument for the artificiality of the virtues of Justice viz. the circularity problem, after which I will unpack his narrative about the origins of society, which he thinks adequately explains the origin of Justice and also its byproduct, promise-keeping.

The second part of my paper will consist of examining how contemporary philosophers have interpreted Hume's account about the origins of Justice, with the main point of controversy being what exactly the underlying motive is that Hume is identify. While Hume begins his reconstruction of the origin of Justice with the apparent aim of identifying one single sentiment, it quickly becomes clear that there are a variety of forces at work in shaping this virtue. Gauthier, for example, takes it to be self-interest, which prima facia seems to be what Hume has in mind also. But self-interest on its own is

not enough to account for cases in which we act justly and keep our promises despite the fact that we do not directly benefit. Gauthier takes this to imply that Hume's account of Justice must fundamentally be a qualified form of the original contract theory, one that relies on self-imposed coercion and manipulation.

But Hume doesn't completely rely on self-interest to drive the rules of the social project. And he is explicit about this at least. So the question now becomes what other motive could there be aside from self-interest to drive our regard for the artificial virtues in all cases. Krauser and Darwall take the motive underlying these virtues to instead be a general disposition by human beings to treat the virtues of Justice and promise-keeping as reasons-in-themselves to act. However, this interpretation pushes Hume's entire philosophical project out of the Empiricist naturalist tradition and into the realm of Idealism, as argued by Tate. While this solution seems to bypass some problems of Hume's account, it also seems at odds with Hume's proposed aim to ground his moral theory on natural sentiments.

In the third part, I aim to show that these interpretations are only problematic when we take Hume's story of the origin of Justice in the Treatise to be definitive and final. This is not something which I think he does. Instead, I aim to show that his constructed narrative is only a likely story, or preliminary account, and should not be considered his definitive theory of Justice. In doing so I think I will keep Hume's project well within the naturalistic confines he has in mind as well as accommodating the various interpretations about why we are so motivated by Justice.

Part One: The Circularity Problem & The Genealogy of Justice

As Hume has already proposed earlier in the Treatise, the moral distinctions that we make are not derived from reason in any way whatsoever. When we assign praise or blame to an agent, or in Hume's terminology, when we make a distinction between a virtuous action or a vicious one, we do so

by, "means of some impression or sentiment they occasion."[1] Morality cannot ever be rationally justified or shown to have its origins in anywhere else but in our sentiments. All that we can really say is that if we find something to be virtuous, it is because we find it to be agreeable and if we find something to make us uneasy, then it must proceed from vice.

But Hume, ever the naturalist, is careful to explain that there is no inference involved in the identification of virtue or vice from a given impression and that to go farther into enquiring about the causes of our feeling pleasure or unease is mistaken. As he puts it, "We do not infer a character to be virtuous, because it pleases: But in feeling that it pleases after such a particular manner, we in effect feel that it is virtuous."[2] So to Hume, a virtuous act simply is pleasurable and a vicious one, simply unpleasant. To suppose that there is some rational operation at work in determining the inherent virtue or viciousness of some impression is to presume too much. In effect, their moral character is decided by our first reaction. Reasoning simply articulates the connection.

Hume next moves on to identifying all of the virtues and vices and the sentiments from which they originate. But he also points out that, "there are some virtues, that produce pleasure and approbation by means of an artifice or contrivance."[3] Hume initially identifies the virtue of Justice as one such product of artifice and proceeds to show why it does not quite fit into his previously articulated "naturalist" explanation.

A virtuous motive, to Hume, compels a virtuous action. An agent's actions then, cannot be considered virtuous if they stem from any other motivation aside from sentiment.[4] One example that Hume uses to explain this position is the case of a man that does many benevolent actions who we

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[1] Treatise 3.2.1.1

[2] Treatise 3.2.3.1

[3] Treatise 3.2.1.3

[4] Treatis 3.2.1.4

would consider to be virtuous, or praise-worthy. The benevolent man is motivated by his humanity to care for the poor and feed the needy. As Hume puts it, it is the benevolent man's "humanity" that is praise-worthy, not the fact that his actions are found to be virtuous or praise-worthy or that the consideration of their virtue was what motivated him. From this Hume draws the 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."[5] It is within the context of this principle that Hume finds the virtue of Justice to be contrived.

Hume's conception of Justice is primarily restricted to material honesty. However, this does not mean that Hume's account is limited to cases in which financial transactions are the only subject matter. Rather, Hume is conceiving of Justice, as he puts it, as the "abhorrence of villainy and knavery,"[6] and ultimately, his account should cover all cases that keep this definition in mind, something which I think his interpreters sometimes ignore.

When Hume considers what it is that should motivate him to maintain his promise to pay back a debt, he first considers that it is his regard for justice that motivates his material honesty. And he initially accepts this as, "just and satisfactory to man in his civiliz'd state, and when train'd up according to a certain discipline and education."[7] Immediately Hume rejects this reply on the basis that he has already established that a motive for an action must not be founded on a regard for the given virtue of an action. And in the case of Justice, he finds his actions to be prescribed by a consideration of the status that they have as virtues in-themselves. But this is not a virtuous motive on Hume's previously given "naturalist" account, otherwise it would have to precede the regard to the virtue. A

[5] Treatise 3.2.1.7

[6] Treatise 3.2.1.9

[7] Treatise 3.2.1.9

regard for the virtue-of-being-just will not do for Hume as a "natural" motivation to be just. If he did accept it as the basis for his being just, he would find himself in a vicious circle of reasoning.

Hume initially offers self-interest as a possible motive for Justice but quickly finds that if "a concern for our private interest or reputation is the legitimate motive to all honest [Just] actions; it wou'd follow, that wherever that concern ceases, honesty [Justice] can no longer have place."[8] This short statement will come back to haunt us later as we attempt to place the precise motivation for Justice within the natural sentiments, but very quickly I want to reiterate that Hume has offered self-interest as the main motive for Justice but immediately rejected it because self-interest does not always motivate us to be just. In fact, Hume goes as far as to say of it that it, that is, our self-interest, "is the source of all injustice and violence,"[9] and that if we knew we could get away with it, we would not hesitate to act unjustly.

Hume's second stab at finding a natural motive outside of the regard for the virtue of Justice is a regard to public interest. He brings three objections to this reply, the first being that public interest, like the virtue of Justice, is an artificial convention. Second, he points out that, in the case of a loan, if that loan were to be secret, and it were paid back, it would not have any effect on the public interest. Third, experience shows that public interest is usually not what is on our minds when we are considering whether or not to be just. As Hume puts it, "that is a motive too remote and too sublime to affect the generality of mankind."[10] Hume finally attempts to place the motivating sentiment for Justice in "private benevolence, or a regard to the interests of the party concern'd."[11] But there can be many cases in which we would not have any regard for those we owe a debt to, such as misers, or

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[8] Treatise 3.2.1.10

[9] Treatise 3.2.1.10

[10] Treatise 3.2.1.12

[11] Treatise 3.2.1.13

debauchees. Or maybe it would cost us too much to pay back the debt, maybe we wouldn't be able to feed our families if we did. In those cases our own self-interest would override the benefit to others quite easily. So this final sentiment also fails to account for our sense of Justice in all cases.

Since none of these attempts have been able to explain where our sentiment towards Justice comes from, Hume concludes that, "we have naturally no real or universal motive for observing the laws of equity, but the very equity and merit of that observance."[12] Justice *is a virtue* so I will act justly. But as Hume has already shown, this is to reason in a circle. Hume is left with no other choice but to judge that, "the sense of justice and injustice is not deriv'd from nature, but arises artificially, tho' necessarily from education, and human conventions." But we are compelled to be abide by this virtue in some sense. So it can't merely be arbitrary, it must have some use, some need that it fulfills for the human species. The next portion of Hume's argument will attempt to establish the origins of Justice and also the reason why we are motivated by it.

Hume now moves on to answer two questions: One, what is the manner in which the rules of Justice are established, and two, what reasons do we have for observing these rules? Hume begins by establishing the following conditions which the human species finds itself in. First, we are given, by Nature, "numberless wants and necessities,"[13] and second, with "slender means, which she affords to the relieving of those necessities." Other animals don't have it so rough. It is only in the human species that, as Hume puts it, "this unnatural conjunction of infirmity, and of necessity, may be observ'd in its greatest perfection." But by entering into society we are able to compensate for this.

But we don't quite enter into society through a rational reflection on these conditions. Instead

[12] Treatise 3.2.1.17

[13] Treatise 3.2.2.2

we sort of just find ourselves in it through the "natural appetite betwixt the sexes,"[14] which brings humans together, unites them, and through offspring, allows them to form small social groups that eventually give rise to larger societies. Through custom and habit, Hume theorizes, the offspring of the people who first came together in small groups, see in some hazy way that there is an advantage to society and so continue on the tradition.

But there are aspects of human nature that would seem to be contrary to this union of people. Hume identifies it as selfishness, or self-interest. But he doesn't conceive of this self-interest to be purely for oneself as in ethical egoism, it is also an interest for the well-being of those which are one's closest relations. So this qualified form of self-interest produces, for Hume, "an opposition of passions, and a consequent opposition of actions; which cannot but be dangerous to the new establish'd union."[15] It is for this reason that our prevalence to act in our self-interests is so dangerous for society. We will always choose our individual self-interest, or, in the qualified sense of self-interest, the well-being own family and friends over that of the larger society we are in. We will choose to hoard food and supplies where we can for this reason, and in doing so, unintentionally propogate a scarcity of external goods and resources.

The remedy, to Hume, is a convention that arises in the judgment and understanding, which bestows, "stability on the possession of […] external goods, and leave[s] everyone in the peaceable enjoyment of what he may acquire by his fortune and industry."[16] Hume thinks that this resolves the problem posed by our self-interests and the scarcity of resources. But Hume doesn't consider it a promise, or a contract of any sort but rather it is a, "general sense of common interest; which sense all

[14] Treatise 3.2.2.4

[15] Treatise 3.2.2.6

[16] Treatise 3.2.2.9

the members of the society express to one another, and which induces them to regulate their conduct by certain rules."[17] So the rules of society originate in this hazy sense of common interest, not some solidly fleshed out contract between members: We abstain from trying to take someone else's goods so that we can secure the stability of the goods that we own. Within this context, ideas of Justice and injustice become more and more fixed, and property rights, obligations, promising, honest, become intelligible concepts.

Hume explains the intelligibility of these contextualized concepts by way of a thought experiment in which he asks us to consider what would happen if all our wants and desires were satisfied. Take any object which we claim to have ownership of, increase its abundance, and the value that we apply to it immediately drops. Hume, using the example of air and water points out that, "if men were supply'd with everything in the same abundance…Justice and injustice wou'd be equally unknown among mankind."[18] But Hume also points out that the alternative, that if we were not so selfish with our generosity, Justice and injustice would also not make any sense whatsoever.

So far I have spelled out how Hume thinks that the concept of Justice emerges, as an invention meant to resolve the problem of scarce resources in conjunction with our own predispositions to be at our worst, selfish or, at best, limited in our generosity. But why does this tie between virtue and Justice hold such sway between us? Why do we find our sentiments to be affected by wrongness or rightness of artificial virtues if they are not natural to us? In the case of a loan we must pay back, though we wish that for one moment not to have to pay it back, and we even know that there are people who don't pay back their loans, we still do so as if obligated by some sense of Justice.

Hume does allow that the initial motivations for observing the rules of a newly formed society

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[17] Treatise 3.2.2.10

[18] Treatis 3.2.2.17

are out of self-interest, but as society becomes increasingly more complex and Justice commonplace, "this interest is more remote; nor do men so readily perceive, that disorder and confusion follow upon every breach of these rules, as in a more narrow and contracted society."[19] But Hume still thinks that we are affected in some way by impressions of Justice and injustice. In cases of injustice for example, he points out that, through the sentiment of sympathy, we partake of the uneasiness of others. This "sympathy with public interest" is to Hume, "the source of the moral approbation which attends [the virtue of justice]." Furthermore, Hume does offer that politicians, who manipulate the public to esteem Justice, and education in general, which places honor in the virtue of Justice, also play an integral role in fortifying our sentiments towards Justice. Finally, Hume offers that our conduct within society in regards to the property of others determines our reputation and that anyone who wishes to live in society must play by its rules.

Having completed his account , Hume takes it that he has shown that there was no such thing as property, and by extension Justice and all of the other artificial virtues that belong with it, until there was a need for it. But because the human species is selfish and the availability of resources is never solid and fixed, there had to be devised some general agreement between members of a social group that would protect what belonged to them individually. From this custom arose stratified rules and finally a concept of Justice, a regard for those rules of property and ownership which kept society stable enough for all members to reap the benefits. Finally, through a combination of sympathy, political and pedagogical normalization of these rules, the artificial virtues became just as motivating as the natural ones.

But it seemed at first, that Hume would be offering us one motivating sentiment that would be, in general, the sentiment that drove all the artificial virtues. Instead, we have received a multitude of

[19]Treatise 3.2.2.24

possible suspects. In fact, this is where the controversy in interpreting Hume's account of the artificial virtues is.

Part Two: Is There a Single Definitive Motivation for Justice?

Gauthier takes Hume's account of the origin of Justice in the Treatise to be muddled and not completely thought out. Drawing from Hume's own self-deprecatory remarks in which he is said to have referred to the Treatise as negligent in reasoning and expression, Gauthier attempts to reconstruct a qualified-contractarian interpretation of Hume's account of Justice.[20]

First, Gauthier takes it that Hume is a conventionalist about the invention of property and Justice, that it is not a thought out process that brings it about, but a mutual interest by all persons in a social group which is also not redundant, i.e. pointless. This convention serves a utilitarian purpose, has a benefit to it. Thus, conformity to it has serious implications on the well-being of the participants. But not only this, this convention is dominant and stable, it "serves to coordinate the actions of two or more persons in situations in which […] preferences converge on the choice of a mode of behavior and on adherence to the mode chosen."[21] No explicit contract is needed in this case. It is not complex enough to require it. But human society eventually becomes much more complicated than that and Gauthier thinks that in his later writings, Hume does stand by a contractarian model of Justice to account for this added complexity.

Gauthier first points out that in the opening lines of the "Enquiry Concerning the Principles of Morals," a later work, Hume appeals to a concept of mutual expected utility, a rule of practice that has usefulness if and only if each person in the group expects a given rule to be useful to them on an individual level. But Gauthier points out that mutual advantages are what drive contractarians. We are

[20] Gauthier p.3

[21] Gauthier p.8

interested in being just because we all benefit from it, and Gauthier offers that in his later writings, Hume argues for this point by first showing all the other conventions we could live by, and then concluding that none of them, in any substantial way, appeal to or are appropriate to our natures. So if we decide to stick to the current system of rules it is out of choice, founded on an interest in maintaining the rules of society, and this requires a sort of contract though it need not be explicit.

So, Gauthier is interpreting Hume as saying that the reason we are so motivated by our regard to the virtue of Justice is because it is necessary in order for the conventions of property, the rules of society, to be maintained. We are interested in society being maintained out of self-interest. Our self-interest and our moral approbation of the virtue of Justice are one and the same though Justice at times puts a stop to some things that we may think are in our interests. And, once again, this is a contractarian requirement.

What Gauthier has done is re-interpret the later Hume to be a more explicit proponent of some version of a contract theory which is fundamentally founded on self-interest. Though Hume has rejected self-interest alone as the motivator for Justice in the Treatise, in his later writings he does seem to only allow for the motivation of self-interest. So, in a sense, Gauthier is not wrong in his interpretation. But if we are reading Gauthier correctly, it is also, in a puzzling way, self-interest which brings it about that our own interests are, at times, not satisfied. And it does so through the creation of government which enforces the compliance of those rules. But compliance clearly isn't the same as motivation. One can adhere to the rules of a society, and in this way their motivation is congruent with what is demanded by the rules of that society, but compliance implies the opposite of Justice, it implies force and the threat of violence from those governing. In short, it implies injustice.

On the other hand, and working from a different vantage point, Krause identifies in Hume a divide between his conception of Justice, which appears to be a product of self-interest, and how he

thinks we are motivated, in some idealistically non-utilitarian ways, to be just.[22] To be just is not always to act in our own self-interests, and sympathy will not always motivate us in those instances when self-interest fails. But Krause takes Hume to think that there is some agreeableness to the virtue of Justice itself, some integrity of character to being a just person which we find worth having in and of itself. Although Hume stands by the passions being the originating source of our moral sentiments, this does not mean, according to Krause, that reason, in some fashion does not have a role to play in the creation of those sentiments.

So to Krause, to contemplate on the virtue or vice of a given impression, "involves the cognitive faculty of the imagination as well as ideas and beliefs." Drawing from Hume, she also says that "the passions themselves, including the moral sentiments are reflective impressions and distinguished on this basis from sensations."[23] Moral sentiment, in this interpretation, is composed of both cognitive and affective content and the generation of the artificial virtues comprises of basic moral sentiments being filtered by reason and the imagination into generalized rules. As Kraus maintains, this serves to give these virtues some measure of objectivity and so, appeal, much in the same way that Hume has argued that our notions of cause and effect are generated. Causality has to be the case, because it is so clearly an objective fact, and so Justice must also be the case, because it also fits the bill for being an objective fact.

But what this also does is attract us to two types of goods, some that are useful to us, and others that only seem to be good for us due to a general rule we have constructed.[24] And both have the exact same level of weigh on our sentiments.

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[22] Krause p.629

[23] Krause p.632

[24] Krause p.633

Krause identifies and digs into several statements by Hume in which he speaks of a "peculiar luster" that artificial virtues have, as well as a grandeur which, "seizes the spectator, and strikes him with admiration."[25] Krause's interpretation verges at this point, on making it seem as if Hume is ascribing independent qualities to moral objects themselves, but Krause does acknowledge that this is not what his happening. Instead what Hume is doing is maintaining, somewhat problematically, the elevation of the artificial virtues without keeping the metaphysical framework on which they are traditionally founded.

But how is it that the artificial virtues can even get to the point that they do retain any sort of elevated status within our moral psychology? To Kraus, Hume has made a grave mistake in his reasoning about what kind of object of contemplation an artificial virtue actually is. Hume has mistakenly treated Justice as an "enlightened form of self-interest," and has admitted that it motivates us with much the same strength as the natural virtues. But earlier in his Treatise, he has already stated that remote objects of though affect the imagination with less force and have less of an effect on the will and passions.[26] Yet, this is the opposite of what the artificial virtues actually seem to do when Hume begins to speak about them. Kraus doesn't think it can be a self-imposed coercion either as Gauthier does, since that only appeals to compliance. And neither can it be sympathy since even Hume has noted that it only has a limited scope of motivating power.

To Kraus, Hume needs to appeal to more than just our self-interest or sympathy to explain why we are so motivated to follow the rules of society. These two motivations are not always reliable for motivating us to be just and so Kraus maintains, "the normative status of the obligations comes into

[25] Krause p.635

[26] Krause p.640

question."[27] In fact, the only possible motivation left after this is the immediate agreeableness of being a just person, of having some character.

But what this has done now is made the ultimate motivating factor to Justice the pleasure that we gain from a regard to having certain characteristics, not the pleasure we get from material objects, which seems to be how Hume has founded his account of Justice. After all, the entire point of Justice is, for Hume, the stabilization of the availability of material goods. And Kraus does think that Hume's restricted sense of Justice, as primarily driven by material concerns, is what problematizes his account, what causes his mistake. Moral conceptions have a strong compelling force on us, and the restricted way in which we speak of Justice is insufficient for explaining the strength of our motivations to be just, or honest persons. Kraus' thesis is that where Hume fails is not in his sentiment-based approach for the motivating power of virtues but in his failure to clearly recognize (although there are glimmers) how natural it is for even those supposed "artificial" virtues to motivate us regardless of material concerns.

However, if we accept this interpretation of Hume we begin to verge into the realm of idealism and we begin to go against Hume's strict rule that all of our motivations are fundamentally sentiment-based, that is, the product of non-rational immediate affectation.

Philosophers like Darwall[28] have taken the implications of this type of argument and run with it. To Darwall it is very apparent that since Hume is rejecting self-interest as the main motivating force for acting justly, then the only viable option is to place that force in something like a disposition to treat those rules of society concerning Justice as motivations in-themselves. Tate makes this plain in her analysis of Darwall: "So the relevant virtue—Justice as an agent state—is realized when agents act

[27] Krause p.643

[28] Darwall 1993

because they so regard the rules—that is, from a sense of (rule) obligation."[29] But Tate also points out that Hume is adamant over and over again that this type of motive, if taken to be so naturally agreeable, violates his principle that all of our motivations are sentimental in nature.

So we come to a crossroads. Do we take Hume to be saying that the initial motivation for Justice is self-interest which, over time, we are made more and more compliant to by means of political and pedagogical indoctrination and force? But this takes away the feeling of agreeableness that we have towards that virtue doesn't it? So it couldn't be that. Or, do we say that Hume really means that while self-interest seem like the main motive, what really underlies it is a predisposition that we have to be motivated by Justice and, in accepting this, find ourselves outside the confines of naturalized skepticism, of which Hume is a proponent of?

Part Three: Foundational Motivations & Contextualized Motives

If we wind our way back to earlier in his explanation of the principles of human understanding, all the way back in Book One of his Treatise, we find that Hume considering the problem of all-encompassing skepticism. While Hume maintains that reason cannot provide an adequate basis for beliefs such as that there is an external world or that one event causes another event, he cannot deny what he calls, the "sentiments of [his] spleen and indolence." Impressions such as, there is an external world, are so constituted as to be undeniable, not on any rational basis, but on the basis of the force and vivacity with which they present themselves to consciousness. Despite this, Hume maintains that, "in all incidents of life we ought still to preserve our skepticism," when and if the skeptical attitude raises its head within our thinking about objects that are before us. So, Hume does not take it to be possible to practice a complete and total skepticism, at least aside from within the sphere of disciplined philosophical speculation. All-encompassing doubt of all beliefs is, to Hume, not possible and

[29] Tate p.33

dangerous in some ways even. Eventually, one must return to the world in order to live in it, and this means to act on sensibilities distinct from the philosophical sphere.

But what does this have to do with artificial virtues? In my view, Hume treats problems of skepticism and all metaphysical speculation as contrived operations of the intellect when it has divorced itself from the natural day to day affairs of being in the world. In much the same way, the artificial virtues are also contrivances, but of a much more ancient and appropriately enough, convoluted provenance. They are established from customs which themselves are invented through imagination and reasoning in order to make sense of a pre-civilized world. But human society and customs and habits are no longer exactly the same as the world prior to civilization. Different sensibilities apply and in many cases, are completely unrecognizable from their primordial progenitors. The amount of circularity involved in attempting to sift through our original motivations for artificial virtues is explainable on this account, as well as the reason why Justice as a virtue itself can be so motivating. It is, after all, so ingrained in our habitual interactions with one another, that we find reasons for regarding it in not just one, but a multitude of places.

Hume admits that in metaphysical speculation, the contrived operations of the mind can, if taken seriously, be just as strongly affective to us as the appearances which they doubt. We can actually take an idea just as seriously as an impression, we can mistake one for the other, or, given our disposition, treat one with more seriousness though it may not be substantial within Hume's naturalized conception of reality. When it comes to a natural virtue we can immediately identify the agreeable aspect of it which makes it a virtue. This is almost a hallmark of natural virtues, this clarity concerning their place of origin. But this isn't the case for an artificial virtue. Hume has identified self-interest as the *most likely sentiment* that created the conditions for the intellect to invent conventions that eventually stratified into Justice. But much in the same way that ideas, for the philosopher, take on

such concrete substance that they can be taken to be more real than our “natural” impressions, so artificial virtues do so in the moral sphere.

Hume’s much later essay, "the Sceptic," I think, helps to further my position:

> “I have long entertained a suspicion, with regard to the decisions of philosophers upon all subjects, and found in myself a greater inclination to dispute, than assent to their conclusions. There is one mistake, to which they seem liable, almost without exception; they confine too much their principles, and make no account of that vast variety, which nature has so much affected in all her operations...Almost every one has a predominant inclination, to which his other desires and affections submit, and which governs him, though, perhaps, with some intervals, through the whole course of his life. It is difficult for him to apprehend, that any thing, which appears totally indifferent to him, can ever give enjoyment to any person, or can possess charms, which altogether escape his observation. His own pursuits are always, in his account, the most engaging: The objects of his passion, the most valuable: And the road, which he pursues, the only one that leads to happiness…”[30]

The problem of Hume’s conception of Justice is deeply related to being able to account for why, in all cases, we still normally side with the rules of Justice instead of our own self interests. Another way to say this is that there are more arguments for behaving justly than behaving in an unjust manner. Hume takes it, as he should being a naturalist, and as he so eloquently puts in his essay "The Sceptic," that we all have our own subjective temperaments which determine which road we follow to a given conclusion. What Hume has done in giving a story about the origins of Justice is to give a narrative of events that can accommodate these different temperaments. He is, in a sense, allowing for the subjectivity of values and this is completely in keeping with his naturalist project. Some theorists of the more idealistic nature are strongly motivated by the virtue Justice as a contrived object of thought. But others, by the primal motive of self-interest. Still, others of weaker reasoning or easy dispositions, accept it and are motivated by it simply by having it impressed upon them by authority figures, that is, they bow to it by convention.

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[30] Essays, p.161

We take Hume to be a foundationalist about all motivations, that is, there must be some fundamental sentiment that drives our moral distinctions in a very general way. And this is true for the natural virtues, but, the entirety of Hume's argument about the composition of the natural virtues has been about how convoluted and unfounded on any solid foundation they are if taken to be ends unto themselves. I think once we have understood this, the riddle of Hume's uneven account of Justice will be fully solved.

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