

## THE HUMEAN APPROACH TO MORAL DIVERSITY

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### ABSTRACT

In ‘A Dialogue’, Hume offers an important reply to the moral skeptic. Skeptics traditionally point to instances of moral diversity in support of the claim that our core values are fixed by enculturation. Hume argues that the skeptic exaggerates the amount of variation in moral codes, however, and fails to adopt an indulgent stance toward attitudes different from ours. Hume proposes a charitable interpretation of moral disagreement, moreover, which traces it back to shared principles of human nature. Contemporary philosophers attempt to locate examples of moral variability that cannot be accommodated in this way. But they are no more successful than their predecessors. Moral skeptics have not found a single case of moral diversity that is resistant to the Humean strategy.

Key Terms: Hume, honor cultures, moral disagreement, skepticism, pluralism

### I. INTRODUCTION

Early modern travelers returned home with shocking tales of the moral codes of distant societies. The Portuguese missionary Jean De Lery warned his readers, for example, that practices considered permissible by the Tupinamba tribes of Brazil—such as cannibalism and revenge killings—would make their ‘hair stand on end’ (De Lery 1990: 131). It was difficult to reconcile this cross-cultural evidence with the notion that moral principles are universally shared. The discovery of widespread disagreement suggested, rather, that our core values are shaped by custom and education.

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These travel reports were dismissed as the attitudes of ‘monsters’ and ‘madmen’ (Carey 2006: 60). But the problem is that moral diversity, as John Locke pointed out, can also be found within the borders of Europe.

Have there not been whole nations, and those of the most civilized people, amongst whom the exposing their children, and leaving them in the fields to perish by want or wild beasts has been the practice; as little condemned or scrupled as the begetting them? . . . And are there not places where, at a certain age, they kill or expose their parents, without any remorse at all? (Locke 1975: 70–1)

Practices such as infanticide and geronticide were considered permissible in some European nations but forbidden in others. These conflicting judgments involve ‘civilized people’, moreover, and cannot be brushed aside as barbarism or savagery.

Hume provides further evidence of variation in European moral codes in ‘A Dialogue’.<sup>1</sup> Ancient sources reveal that the Greeks considered pederasty, incest, and suicide to be morally acceptable (D 13–17; SBN 328–329). Modern Europeans regard these actions, however, with feelings of ‘horror and execration’ (D 17; SBN 330).

[An] Athenian man of merit might be such a one as with us would pass for incestuous, a parricide, an assassin, an ungrateful, perjured traitor, and something else too abominable to be named . . . And notwithstanding all this, he shall have statues, if not alters, erected to his memory . . . (D 17; SBN 329)

These reports strike modern ears, according to Hume, as ‘scarcely compatible with human nature’; they appear even more abhorrent, indeed, than the practices of the Tupinambas (D 12; SBN 328).

The same point applies in the reverse direction. Ancient Greeks would have regarded the moral exemplars of Modern France with the ‘highest contempt’ (D 25; SBN 333). Adulterous conquests were not only applauded by the French, after all, but they were assigned a value comparable to Olympic victories (D 19; SBN 330). The Athenians would have also been shocked to learn about French attitudes toward insults. One must never, according to their ‘maxims of honour’, forgive personal affronts. It was considered a moral imperative to revenge these indignities with violent duels, even when the source of the offense was the closest of friends (D 21; SBN 331).

The existence of widespread disagreement between these ‘civilized’ and ‘intelligent’ people—and not only the rude and uncultivated—indicates to the skeptic that ‘fashion, vogue, custom, and law, [are] the chief foundations of all moral determinations’ (D 25, SBN 333; cf. Hume 1998: 105). The fact that

moral judgments depend on cultural upbringing, moreover, implies that these disagreements will be rationally irresolvable. Brutus was a hero to the Romans, but a traitor in our modern eyes (D 15; SBN 328–9). There are no culture-neutral principles, however, that can be used to adjudicate this controversy. The lack of a ‘universal standard of morals’ leaves us without a ‘rule’, it seems, for reconciling the ‘contrary sentiments of mankind’ (D 56, SBN 343; cf. D 25, SBN 333).

## 2. INDULGING DIVERSITY

Hume maintains that moral skeptics are guilty of exaggeration. They draw attention to the differences between the Greeks and French, after all, but ignore the numerous areas of overlap in their moral codes.

In how many circumstances would an ATHENIAN and a FRENCH man of merit certainly resemble each other? Good sense, knowledge, wit, eloquence, humanity, fidelity, truth, justice, courage, temperance, constancy, dignity of mind: These you have all omitted; in order to insist only on the points, in which they may, by accident, differ. (D 26; SBN 333–334)

The skeptical position relies, then, on a distortion of the facts. A fair and comprehensive examination of the evidence reveals that moral diversity is the exception rather than the norm.

Hume acknowledges that there are some cases—such as infanticide and dueling—where attitudes diverge across societies. But the crucial question concerns the proper interpretation of this limited range of variation. The moral skeptic takes them to show that our core values are fixed by enculturation. Hume maintains that there is, however, a deeper account available to us. His strategy is to show that moral diversity is *superficial* in the sense that it can be explained away in terms of different beliefs or material contexts.

Consider the case of infanticide. The fact that the Athenians approved of this practice, according to the skeptic, indicates that they operated with different moral axioms. But Hume regards this as a hasty and uncharitable inference; it fails to consider the reasons, after all, why the Athenians regarded these actions as permissible.

Had you asked a parent at ATHENS, why he bereaved his child of that life, which he had so lately given it. It is because I love it, he would reply; and regard the poverty which it must inherit from me, as a greater evil than death, which it is not capable of dreading, feeling, or resenting. (D 30; SBN 192)

The Ancient Greeks held different attitudes toward infanticide, in other words, but we nevertheless share the same fundamental moral principles. The Greeks justified their policies, after all, in terms of basic values – such as concern for pain and suffering – that are common to every society.

The problem with the skeptical interpretation of moral diversity, according to Hume, is that it fails to exhibit ‘indulgence’ to those whose attitudes differ from ours (D 18; SBN 330). Adopting an indulgent stance requires one to consider judgments from the perspective of those who make them. One must imagine how someone who disagrees with us, as Hume puts it, would attempt to ‘defend himself by his own maxims’ (D 18; SBN 330). One must also take into consideration the material context in which these opinions took shape. This stance enables us to recognize the shared humanity of those who might initially strike us as grotesque. Everyone agrees that it is morally wrong to kill infants, for example, when resources are available to support them. It is just that the Athenians did not always find themselves in these circumstances.

Hume makes a similar point about other variations in moral codes. Labeo was condemned for the ‘same qualities’ of judicial independence that were later applauded in Cato (D 40; SBN 337). But this does not imply that judgments of character, like fashion statements, depend on what is in vogue. The Romans believed, like everyone else, that useful traits are virtuous; it is merely that independence is only perceived to have utility in some political contexts. The same can be said of military virtues such as courage and valor. Martial qualities are held in greater esteem during times of war than peace; but this does not entail that our core values are fixed by enculturation; rather, it only shows that some character traits ‘may better suit the circumstances’ of one age than another (D 40, SBN 337; cf. D 38; SBN 336).

The indulgent stance does not prevent us from criticizing the attitudes of others. Moral diversity arises when universal principles are applied to particular conditions. But this does not mean that everyone applies these principles equally well (D36, SBN 335–6). Consider the case of dueling. The skeptic argues that there are no shared values that could settle disputes about the merit of this practice. But Hume regards this as a failure to probe deeply enough into the sources of the controversy. It was considered morally obligatory, according to French codes, to run a sword through anyone who insulted you (D 21; SBN 331). They justified these violent reprisals, however, in terms of their social utility. They believed that dueling, in particular, ‘begets civility and good-manners’ (D 34; SBN 335). The question of whether their permissive attitude is reasonable, therefore, turns on whether dueling really has these useful consequences (Hume 1998: 75–6).

Moral disagreements often reduce, in other words, to factual disagreements. And this means that they are rationally resolvable. The Athenians approved of tyrannicide because they viewed it as a safeguard of liberty; the lessons of history, however, have proven them wrong (D 31, SBN 334–345; Hume 1998: 81).

Polygamy is considered morally permissible in some parts of the world, but monogamy actually results in greater advantages (Hume 1985a: 184–7). Luxury was initially thought to be a moral vice, but further reflection taught us otherwise (Hume 1998: 82). Conflicting attitudes are not, then, always on all fours. One moral judgment can be said to be preferable to another, as Hume puts it, if it is better informed about the ‘true interests of mankind’ (ibid: 81).

Adopting the indulgent stance blocks the move from moral diversity to skepticism. One must acknowledge that there is some variation in moral codes. But this evidence is most charitably interpreted in terms of either (a) the adaptation of shared values to different material circumstances or (b) different beliefs about how to apply these shared values. The existence of diversity does not entail that morality is artificial, then, or that ethical debates are exercises in futility. Indeed, if there is any ‘artifice’ in this area, it should be ascribed to the skeptics (D 18; SBN 330). They are the ones who distort the facts, after all, and resort to sophisticated techniques in order to make ‘innocent and reasonable’ attitudes appear ‘odious and ridiculous’ (D 19; SBN 330).<sup>2</sup>

One might question the sincerity of Hume’s critique, of course, given his embrace of mitigated epistemological skepticism. Hume makes his allegiances clear, however, in a private letter to James Balfour, who had mistakenly ascribed to him the character of the skeptic in ‘A Dialogue’.

I have endeavoured to refute the Sceptic with all the force of which I am master; and my refutation must be allowed to be sincere, because drawn from the capital principles of my system. (Greig 1932: 172–3)

There should be little doubt, therefore, about Hume’s intentions. The only remaining question concerns the adequacy of his reply to the skeptic. Hume succeeds in explaining away traditional examples of moral diversity. But contemporary philosophers claim to have discovered novel instances of moral disagreement that are resistant to his approach. Let us turn to these new cases. They serve as a perfect test for the Humean strategy.

### 3. THE RETURN OF THE MORAL SKEPTICS

Cultural anthropologists have documented the existence of moral diversity (Sumner 1907; Westermarck 1932). But their research methods prevent them from finding any ‘ultimate’ moral disagreements (Brandt 1959: 102). We can define ultimate disagreements as those which persist through complete consensus on non-moral facts (ibid: 103). Discovering this type of fundamental disagreement, then, requires more than a mere description of conflicting attitudes. One must

also establish that these evaluative differences cannot be reduced to cognitive disagreements. And anthropologists are simply not concerned with this issue.

Brandt maintains that his own ethnographical approach, however, allowed him to locate an ultimate moral disagreement. In his fieldwork on Hopi reservations in the 1940's, Brandt did not only ask informants whether particular types of conduct were right or wrong; he also asked them why they held the opinions they did. When Brandt examined Hopi justifications for their permissive attitude toward animal cruelty, moreover, he could not find any factual disagreements – such as different beliefs about the capacity of animals to suffer – which could account for their divergent judgments (Brandt 1954: 214–5; cf. 245–6). This appears to be an instance of a 'basic difference of attitude' (ibid: 245), as Brandt puts it, or 'ultimate difference of ethical principle' (Brandt 1959: 103).

There are reasons to doubt, however, that this is the case. For one thing, it is unclear that Hopi moral codes actually permit cruelty toward animals. Brandt observed that Hopi children often kill their pet birds by playing rough with them, but he acknowledged that adults frequently scold them for doing so (Brandt 1954: 213–4). To the extent that the Hopi do tolerate cruelty toward animals, moreover, their attitudes would not differ substantially from those of non-native populations, where factory farms and other brutal practices are widely tolerated (Moody-Adams 1997: 41). Brandt appears to be caught, then, in a dilemma: it is doubtful that the Hopi regard animal cruelty as morally permissible, and to the extent that they do, their attitudes would resemble those of others in the United States.

Several philosophers have recently attempted to improve on Brandt's strategy (Doris and Stich 2005: 132; Doris and Plakias 2008: 316). They point to work from cultural psychology on 'cultures of honor', in particular, which describes regional variation in opinions about interpersonal violence (Nisbett and Cohen 1996). The crucial piece of evidence involves attitude surveys of rural populations in the Midwest and South. Participants were given a series of vignettes depicting personal affronts and were asked to judge whether violent reprisals are morally permissible. The results of these studies are striking: Southerners were almost twice as likely to say that violence in these scenarios is 'extremely justified' (Nisbett and Cohen 1996: 31–32).

It is tempting to respond that this evidence is easily handled by the Humean strategy. The standard view among social scientists, after all, is that traditional honor cultures – such as those in the Mediterranean and Iceland – can be explained in terms of the adaptation of universal principles to conditions of material scarcity. The tribal people of Montenegro, for example, consider revenge killings to be morally legitimate; but they justify this practice on the grounds that it reduces interpersonal conflict and increases group harmony (Boehm 1984: 86–7). These harsh retributive codes are regarded as useful deterrents in societies without legal

institutions: one must think carefully before doing anything that might start an intergenerational blood feud.

A similar point can be made about the Netsilik Eskimos, whose moral codes obligate relatives of murder victims to carry out revenge killings on the kin of perpetrators (Balicki 1970: 184–5). These practices strike outsiders as horrific. The Netsilik justify revenge killings, however, in terms of their social utility. There is a scarcity of females in their populations, and as a result, a proclivity toward wife stealing and murder.<sup>3</sup> The honor codes of the Netsilik serve as a useful restraint, then, by requiring severe punitive remedies for these transgressions (ibid: 147).

The research conducted by Nisbett and Cohen, however, cannot be accommodated in this way. Their attitude surveys involved populations, after all, who live in ‘similar economic conditions’ (Doris and Stich 2005: 135n; Doris and Plakias 2008: 319n). The researchers controlled for every demographic variable, moreover, other than geographic region (Nisbett and Cohen 1996: 30–31). The moral disagreement over how one should respond to insults, therefore, cannot be explained away in terms of contrasting material conditions: all the participants surveyed by Nisbett and Cohen inhabited commercial societies governed by rule of law.

It is difficult to see how this case of moral diversity, moreover, could be reduced to a cognitive disagreement. The respondents in the surveys presumably agree, after all, about what happens in the vignettes.

[W]e can readily imagine that northerners and southerners might be in full agreement on the relevant non-moral facts in the cases described. Members of both groups would presumably agree . . . that calling someone an ‘asshole’ is an insult. (Doris and Stich 2005: 136; Doris and Plakias 2008: 320)

Midwesterners and Southerners agree on the facts, then, but disagree about what is appropriate. It seems that this moral dispute must be explained, then, in terms of their respective cultural upbringings. Southerners are socialized from a young age to regard violence as a legitimate way to preserve order (Nisbett and Cohen 1996: 32–35). Their attitudes toward the vignettes are more permissive, in short, because a ‘culture of honor’ persists in their region (Doris and Stich 2005: 133; Doris and Plakias 2008: 317).

Cultural psychologists appear to have discovered a moral disagreement that is resistant to the Humean strategy. Hume assumes that disinterested spectators would converge in their judgments (Hume 1998: 147). But this empirical assumption has been called into question. Impartial spectators will disagree, it seems, when raised in different cultures (Harman 1977: 45; Darwall et al. 1996: 60). The Nisbett and Cohen studies serve to ‘refute Hume’s argument’, therefore,

that our core moral values are fixed by human nature (Prinz 2008: 194–5). This research appears to leave us, moreover, with either meta-ethical skepticism or relativism. Violent reprisals would be neither right nor wrong if we take ‘X is wrong’ to mean that it is disapproved by all qualified judges; they would be Midwest-wrong but South-right if we take ‘X is wrong’ to refer to the attitudes of some of them (Doris and Stich 2005: 129).

#### 4. REVISITING THE HUMEAN STRATEGY

Southerners and Midwesterners exhibit divergent attitudes toward interpersonal violence. But this survey data does not establish that their disagreement is ultimate or that individuals in these regions operate with different moral axioms. Respondents in the surveys presumably agreed that the vignettes involve personal affronts; but they might have disagreed about the meaning and significance of these events (cf. Duncker 1939). This is precisely what Nisbett and Cohen discovered, in fact, when debriefing participants in their studies.

[A]n insult simply has a fundamentally different meaning for northerners and southerners: For the southerner, the insult has something to do with himself and his reputation; for the northerner, the insult has something to do only with the person who delivered the insult. (Nisbett and Cohen 1996: 52)

Southerners and Midwesterners have different thoughts, moreover, about what is at stake in these vignettes. Southerners are more likely than Northerners to believe that individuals would ‘suffer social loss’, for example, if they fail to display physical toughness in the face of insults (Nisbett and Cohen 1996: 92; cf. 31, 50). Southerners are also more likely to believe that honor norms serve as a useful ‘tool’ for maintaining social order (ibid: 32). It is a widely shared commitment in this region, as one writer puts it, that an ‘armed society is a polite society’ (ibid: 38). Just as the French justified dueling in terms of its social utility, then, Southerners believe that a culture of honor improves their general welfare.

They might, of course, be wrong. Adopting the indulgent stance requires one to examine why violent reprisals to insult appear useful to populations in the South. But one need not conclude that they really are beneficial. An ethic of self-defense might have had adaptive value in the herding societies of their Irish and Scottish ancestors, yet it could serve to reduce utility in the context of modern commercial societies. Indeed, the whole point of the Nisbett and Cohen studies is that the culture of honor is primarily responsible for the relatively high homicide rates in the South (ibid: 81–83; cf. Brown et al. 2009). Individuals who feel obligated to protect their reputations when challenged are also more likely to engage in



risky behavior and succumb to accidental deaths (Barnes et al. 2012). ‘Life in honor-oriented societies’, according to these researchers, is ‘more treacherous than previously recognized’ (ibid: 107).<sup>4</sup>

Fully informed spectators would converge in their judgments, therefore, about how one should respond to insults. Northerners and Southerners arrive at different answers to this question when their judgements are based on their cultural upbringings. But the crucial point is that the moral standpoint requires us to bracket our idiosyncratic beliefs.<sup>5</sup> Doris and Plakias object that this restriction merely trades one problem for another. If both sides of a moral controversy must suspend their ‘background theories’, they maintain, one could no longer regard their disagreement as taking place between different cultures (Doris and Plakias 2008: 325). But this is a moot point. It is true that we would not make moral judgments *qua* member of this or that cultural group. But this is precisely the point of adopting the moral perspective: it is a standpoint that everyone can adopt. When we make moral pronouncements, as Hume puts it, we expect others to go along with us (Hume 1998: 148). This would be impossible, however, if our attitudes reflected our peculiar cultural training.

## 5. UNIVERSAL VALUES, LOCAL PRIORITIES

This is not to say that every moral disagreement can be rationally resolved. Hume acknowledges that some disputes will be difficult if not impossible to settle. Ultimate disagreements inevitably arise, on his account, because the standard of morality is disjunctive: we naturally approve of qualities that are useful or agreeable to ourselves or others (D 37, SBN 336; cf. EPM 9.1, SBN 268). These core values will occasionally, then, pull in opposite directions. And it follows that there are not always uniquely correct answers to moral questions.

Consider the disagreement between the Ancient Greeks and Modern French, for example, over the proper amount of modesty and reserve in commerce between the sexes. Each side would presumably agree that free and open interactions are pleasant; but they would also acknowledge that such relationships produce scandalous affairs. This creates a tension, according to Hume, between our basic values. ‘We must sacrifice somewhat of the useful’, as he puts it, ‘if we be very anxious to obtain all the agreeable qualities, and cannot pretend to reach alike every kind of advantage’. (D 47; SBN 339) One simply cannot have it both ways. *Liaisons*, as the saying goes, are dangerous.

There are alternative ways to prioritize moral principles when they come into conflict. The French opted for the *dulce* over the *utile*, for example, whereas the Greeks leaned in the opposite direction. But these rankings, as far as we can tell, are equally reasonable.

[O]ur neighbours, it seems, have resolved to sacrifice some of the domestic to the sociable pleasures; and to prefer ease, freedom, and an open commerce to a strict fidelity and constancy. These ends are both good, and are somewhat difficult to reconcile; nor need we be surprised, if the customs of nations incline too much, sometimes to the one side, sometimes to the other. (D 32; SBN 335)

This is not to deny that there is a universal standard of morality. It is merely to point out that this standard does not provide us with sufficient guidance about which of our core values should take precedence in the face of moral dilemmas. Each culture is allowed, as it were, to make discretionary choices.<sup>6</sup>

This concession offers no help, however, to the moral skeptic. Culture plays a secondary role by indexing moral principles when they come into conflict. But this does not entail that morality is artificial; the influence of culture is contained at the periphery, as it were, and does not penetrate our core values (D 42; SBN 338). The fact that we cannot resolve moral dilemmas does not, moreover, collapse the distinction between right and wrong or reveal the ‘uncertainty of all [moral] judgments’ (D 25; SBN 333). It merely leaves us with a plurality of right choices (Abramson 1999: 180).

This pluralistic approach can be applied to recent work on cross-cultural moral reasoning. Preliminary studies have shown that Chinese students are more likely than their American counterparts, for example, to judge it permissible for a magistrate to frame an innocent person in order to save a greater number of lives from an angry mob (Doris and Plakias 2008: 323–4). We need not interpret these results, however, in terms of a basic difference in attitude. Participants in these studies presumably share the same fundamental values: the welfare of individuals and society matter to everyone. They merely disagree about how to prioritize these shared values when they conflict; the ‘mob and the magistrate’ vignette, after all, is a classic moral dilemma. Such findings do not support the skeptical claim, then, that moral principles are fixed by enculturation; rather, they merely indicate that there is a range of adequate natural moralities (Wong 2006: 22–3).

## 6. CONCLUSION

Hume recognizes that moral diversity represents a serious challenge to his science of human nature. One of the main commitments of his experimental philosophy, after all, is that moral sentiments are ‘the same in all human creatures’ and ‘produce the same approbation or censure’ (Hume 1998: 148). But this proposal, it seems, does not travel well. The claim that morality is founded on human nature is difficult to square with the variation in codes that we find across space and time. Hume’s method was to carefully observe the attributions of his fellow men

(ibid: 76). But it appears that these investigations cannot be generalized; they merely reflect, as it were, the local attitudes of Scotsmen in the 1730's.

Hume's experimental philosophy, however, manages to rescue itself. Moral disagreement is a subject that is itself suitable to empirical inquiry. And it can be explained away in terms of the application of universal principles to particular contexts. Hume illustrates this point with a wonderful metaphor. Just as the Rheine and Rhone 'spring from the same mountain' but are diversified by 'different inclinations on the ground', so too moral principles flow from our shared human nature but adapt to different material circumstances (D 26; SBN 333). This strategy accounts for the travel reports of early modern voyagers, and it also accommodates recent work in cultural psychology. Skeptics have yet to identify a single instance of moral diversity, then, that is resistant to the Humean approach.

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#### NOTES

- <sup>1</sup> 'A Dialogue' refers to the freestanding essay included in Hume, David (1998) *An Enquiry concerning the Principles of Morals*, (ed.) Tom Beauchamp, hereafter abbreviated as 'D' followed by paragraph numbers; and to Hume, David (1975) *An Enquiry concerning Human Understanding and concerning the Principles of Morals*, (ed.) L.A. Selby-Bigge, hereafter cited as 'SBN' followed by page number.
- <sup>2</sup> It should come as no surprise that Hume chose the classical figure of Palamedes as the spokesperson for moral skepticism in 'A Dialogue'. Palamedes was infamous in Greek mythology, after all, for his verbal deceptions; he was also notoriously defended by Gorgias. This rhetorical device cleverly signals to the reader, then, the sophisticated nature of the skeptic's position.
- <sup>3</sup> The scarcity of females in Netsilik populations, it should be pointed out, results from the practice of infanticide. The Netsilik regard female infanticide as morally permissible on the grounds that an abundance of females in a society where only males hunt for food would endanger the survival of the group (Balicki 1970: 150). Adopting the indulgent stance in this case requires us to recognize simultaneously, then, the adaptive value of female infanticide and blood revenge in conditions of extreme scarcity.
- <sup>4</sup> It appears that a consensus, moreover, is forming around this issue. Permissive attitudes toward violence have steadily weakened over time. Homicide is no longer regarded in the South as a morally acceptable – let alone obligatory – response to personal affronts or insults. And blood feuds are in disrepute, as Nisbett and Cohen point out, even in the remotest backcountry (Nisbett and Cohen 1996: 92). The codes of the South are slowly adapting, it seems, to their material circumstances.
- <sup>5</sup> Compare Hume's aesthetics: qualified critics should disregard their cultural prejudices about works of art; it would be illegitimate to dismiss Italian operas, for example, on the grounds that one is not accustomed to them (Hume 1985b: 239).
- <sup>6</sup> Culture must also enter into the picture, according to Hume, when the borders of propriety are indeterminate. Consider the case of incest prohibitions. Every society forbids procreation between nuclear family members. But it is difficult to determine the 'precise point' where conjugal boundaries should be established (D 29; SBN 334). Some particular rules are obviously problematic. Athenian policy, for example, allowed uncles to marry nieces (Hume 1998: 101). But other restrictions are less clear. Such decisions must be settled, then, by custom and municipal law (D 29; SBN 334).