

The Obligation and Value of Justice in Humeⁱ

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Penultimate Version

Abstract: This paper develops an interpretation of Hume's accounts of the obligation and value of justice. According to my interpretation, Hume takes the obligation of justice to depend (in part) on the conventions that define the rules of justice realizing a distinctive form of value, which I call functional value. Properly understanding Hume's accounts, I argue, requires revisionary understandings of his accounts of both the set of things susceptible to fundamental moral evaluation and his view of the nature of utility.

What is the relationship between the obligation to do as justice demands and the value that justice has? Some philosophers, especially some of those in both the natural rights tradition and the contractarian tradition, completely detach the obligation of justice from its value. They think that our obligation to abide by the demands of justice has nothing at all to do with the social value or values that just institutions promote and instead depends on the necessity of respecting rights or the promotion of our individual self-interest, respectively. Other philosophers, particularly those in the utilitarian tradition, think that the obligation of justice is a straightforward deduction from the value of doing as justice demands.

Hume, I will argue, doesn't fall neatly into either of these camps.ⁱⁱ While the obligation to abide by the demands of justice is, on his view, a function of the value of the conventions from which these demands emerge, the value that these conventions have is not best understood in a utilitarian way. My aim in this paper is to defend an interpretation of Hume's account of the obligation of justice, his account of the value of justice, and the relationship that obtains between the two. Defending this interpretation is worthwhile for two main reasons. First, the interpretation is, as far as I can tell, novel, and, towards the end of the paper, I make a point of distinguishing it from its closest cousin in the literature (namely, Geoffrey Sayre-McCord's reading of Hume's ethical

theory as the Bauhaus theory of ethics). Second, my interpretation relies on some potentially revisionary claims about Hume's ethics more generally. For example, along the way, I develop a nonstandard account of what, for Hume, the possible fundamental objects of moral evaluation are.

I begin, in Section I, with Hume's general account of moral obligation. Explaining this account will involve a discussion of Hume's general point of view, which sets the standard of moral evaluation, and the objects of moral evaluation that we can consider from the general point of view. In Section II, I discuss how this account applies to the case of justice. The view I will defend is that the obligation to act in accordance with the demands of justice depends, for Hume, on the value of the conventions from which these demands emerge. In Section III, I explain what kind of value these conventions must possess in order to give rise to demands of justice. I will defend the view that for Hume, the conventions of justice are valuable, in part, because they realize a distinctive form of value, which I call functional value. This is a form of non-instrumental value that something (in this case, a social convention) possesses when it is *well-suited* to serving a particular function (in this case, solving certain kinds of problems in a certain way, both of which I explain in more depth later in the paper).

Section I: Hume on Moral Obligation

Hume presents his account of moral obligation at T 3.2.5. He writes:

All morality depends upon our sentiments; and when any action, or quality of the mind, pleases us *after a certain manner*, we say it is virtuous; and when the neglect, or non-performance of it, displeases us *after a like manner*, we say that we lie under an obligation to perform it. A change of the obligation supposes a change of the sentiment; and a creation of a new obligation supposes some new sentiment to arise (T 3.2.5.4).ⁱⁱⁱ

For Hume, obligations are a product of *disapprobation*. We are obligated to do something when failing to do it would generate disapprobation. The kind of disapprobation in question here is not merely a feeling of disapproval. People disapprove of things all the time without their disapprovals properly tracking the demands of morality. Instead, the disapproval in question must be disapproval in accordance with the moral standard, which, for Hume, emerges from what Hume refers to variously as the general or common point of view (GPV), about which more shortly.^{iv} So then altogether, Hume's view is that one is morally obligated to do X just in case we would disapprove of one failing to do X were we to consider such failure from the GPV.

This much is fairly uncontroversial, but we quickly run into some important interpretive controversies. First, what are we (ultimately) evaluating when we take up the GPV? Actions? Motives? Character traits? Social conventions? Second, what is it to take up the GPV anyway? What exactly is this perspective and what are our sentiments sensitive to when we make evaluations from it?

A. Objects of evaluation

Hume scholars commonly answer the first question, the question of what we evaluate when we take up the GPV, with *character traits*.^v And there is certainly textual evidence for this restriction. For example, Hume writes, "We are never to consider any single action in our enquiries concerning the origin of morals; but only the quality or character from which the action proceeded. These alone are *durable* enough to affect our sentiments concerning the person" (T 3.3.1.5). Hume's idea is that particular actions are too transient to affect our sentiments, at least when we know that a person is acting out of character. Actions are nonetheless useful in making moral determinations because they provide evidence for the person's underlying character. Hume writes, "Actions are, indeed,

better indications of a character than words, or even wishes and sentiments; but 'tis only so far as they are such indications, that they are attended with love or hatred, praise or blame” (Ibid). Thus, the ultimate object of evaluation is the character trait that produced the action, not the action itself.

This interpretation in some ways harmonizes but also appears to fit somewhat uncomfortably with a passage from earlier in the *Treatise*. Hume writes:

'Tis evident, that when we praise any actions, we regard only the motives that produced them, and consider the actions as signs or indications of certain principles in the mind and temper. The external performance has no merit. We must look within to find the moral quality. This we cannot do directly; and therefore fix our attention on actions, as on external signs. But these actions are still considered as signs; and the ultimate object of our praise and approbation is the motive, that produc'd them (T 3.2.1.2).

Here Hume again says that actions are not our ultimate object of evaluation despite their utility as evidence. But he also says that the ultimate object of our evaluations is the motive from which the action is performed. Unless he is using “motive” as a synonym for “character trait,” he seems to be allowing that more than character traits can be the object of moral appraisal.

There’s good reason to think that Hume is not using “motive” as a synonym for “character trait.” Hume equates a motive with an “actuating passion” (T 3.2.5.6). An actuating passion is simply a passion that moves us to action, and such passions need not be reflective of character traits. We can have fleeting passions.

But here we have reason to question Hume’s suggestion that motives *in general* are among the objects of moral evaluation. After all, given that motives can be fleeting, they can lack precisely the durability that Hume claims is important for proper moral evaluation. This, I believe, gives us

reason to interpret Hume's appeal to motives in the 3.2.1 passage not as an appeal to *any* motive but rather to those motives constitutive of a character trait. A motive is constitutive of a character trait when a person has a stable disposition to act on it.

Up to this point, we can still safely interpret Hume as claiming that character traits are the only ultimate objects of moral evaluation. But I'd like to consider another possible object, one that is, I think, essential to making sense of Hume's account of obligations of justice: social conventions. We ought, I suggest, to read Hume as thinking that social conventions can be an ultimate object of moral evaluation as well. If this is right, it is important for the following reason. There is a long tradition of thinking of Hume's ethics as being some form of virtue ethics, which seeks to ground all features of ethical life ultimately in virtues and vices, character traits of people.^{vi} If I'm right that Hume thinks (or should think) of social conventions also as ultimate objects of moral evaluation, then Hume can't think that all ethical evaluation ultimately bottoms out in the evaluation of character traits, and so he can't be a complete virtue ethicist.

I'll note first that Hume never explicitly countenances this possibility. So my argument doesn't appeal to a part of Hume's texts in which he makes or appears to make this claim. Defenders of the virtue ethical reading of Hume's ethics are certainly not guilty of simply missing a passage. Instead, my argument is that Hume needs it to be the case that we can morally evaluate social conventions independent of character traits because otherwise he can't explain why we are morally obligated to abide by the demands of justice.

Let's start with social conventions. Hume is rightly celebrated as a pioneer of theorizing about social conventions, and his theory has had enormous impacts on many areas of social inquiry. Hume defines a convention as "only a general sense of common interest; which sense all the

members of the society express to one another, and which induces them to regulate their conduct by certain rules” (3.2.2.10). Despite Hume’s phrasing, it seems more natural to think of the convention as the rule-governed practice that we establish *on the basis of* our general sense of common interest than as the general sense of common interest itself. Our sense of common interest is what motivates us to establish the convention, but the convention itself is the social practice that we establish.

Hume goes on to describe how these conventions arise. He writes, “I observe, that it will be for my interest to leave another in the possession of his goods, *provided* he will act in the same manner with regard to me. He is sensible of a like interest in the regulation of his conduct. When this common sense of interest is mutually express’d, and is known to both, it produces a suitable resolution and behaviour” (Ibid). You and I share a common interest. To use Hume’s example, we’re in a boat in the middle of a lake, and we share an interest in getting back to shore. We express this interest to one another, perhaps verbally, perhaps through behavior. And this leads us to match our oar strokes and, importantly, to come to expect that each will continue rowing. We have solved our problem by establishing a convention. The convention itself is the practice we establish with one another. What leads us to establish this practice is our mutual interest, which we mutually express to one another. What sustains the practice is our conditional motive to do our part so long as the other does his part as well.

Returning to justice, why, according to Hume, does justice demand that we do this rather than that? Hume’s answer is that the demands of justice stem from certain active social conventions, so the reason to do this rather than that is that there is a rule, partially constitutive of a social convention, that requires that you do this rather than that. The reason that you are morally required,

as a matter of justice, not to steal my property is that my property is *mine* under the property conventions active in our society.

Crucially, however, not just any convention can generate demands of justice. The conventions must be such that they generate benefits for the community as a whole and for each individual whose interests are affected by them. Hume writes, “But however single acts of justice may be contrary, either to public or private interest, 'tis certain, that the whole plan or scheme is highly conducive, or indeed absolutely requisite, *both to the support of society, and the well-being of every individual*” (T 3.2.2.22, my emphasis). I read Hume here as establishing a moral standard that conventions must meet. Building on this point and regarding our obligation to obey the law, Hume writes, “Government is a mere human invention for the interest of society. Where the tyranny of the governor removes this interest, it also removes the natural obligation to obedience. The moral obligation is founded on the natural, and therefore must cease where *that ceases*” (T 3.2.9.4). Where the government becomes sufficiently oppressive, and in particular when the oppression compromises the convention’s provision of benefits to the whole of society and to each individual, the moral obligation ceases.^{vii} The first passage establishes the moral requirement that the conventions must meet, and the second passage tells us that when these standards are not met, we no longer have obligations of justice. Taken together, these passages support the claim that social conventions themselves must meet the relevant moral standards in order to generate obligations of justice (namely, the standards that the conventions must benefit society as a whole and each individual) in order to generate obligations of justice.

But if that’s right, then social conventions must be a proper object of evaluation from the GPV. But why think that the conventions must be a *fundamental* object of moral evaluation from

the GPV? Why not think, instead, that our evaluations of the conventions ultimately reduce to an evaluation of the character of the just person? One might, for instance, argue that the conventions inherit their moral status from the fact that the just person is disposed to abide by them. The problem is that if we were to go this way, then we'd have no way of distinguishing the moral quality of the character trait constituted by the motive to do as any old convention demands and the character trait constituted by the motive that is sensitive to the moral quality of the convention making the demand. The just person does not do whatever her local conventions happen to require. The just person does what only conventions that meet the requisite moral criteria demand. But that means that we can't explain what makes a person just until we have an account of the moral criteria that the relevant conventions must meet. For this reason, we can't make sense of justice in Hume by appeal fundamentally to the virtue of justice. The conventions and the moral criteria that they must meet are explanatorily prior to the just person, which means that, at least in the case of justice, the *virtue* of justice does not provide the explanatory tools to make sense of the *demands* of justice. It is, instead, the other way around. That is a problem for reading Hume as a complete virtue theorist.^{viii}

One objection to this argument might be that the requirements I've pointed to that conventions must meet in order to generate demands of justice need not be understood as *moral* requirements. Perhaps they could, instead, be understood as simply prudential requirements. We would then not need my revisionary view that conventions are proper objects of moral evaluation because we would then not be forced to conclude that the conventions must meet *moral* requirements (that aren't somehow reducible to evaluative facts about character traits).

For this objection to work, the requirement that the convention generate benefits for the society as a whole and each individual couldn't be a moral requirement. I take it that the only other plausible alternative is a prudential requirement. But I don't think that that view could plausibly be sustained. We could take one of two prudential standpoints, the standpoint of a particular individual or the standpoint of the society understood as a whole. Either way, it wouldn't be clear why prudence would demand that the conventions be beneficial to *each* individual. From the perspective of individual prudence, it doesn't matter (to me, say) if some other person is not benefitted as long as the failure of that person to be benefitted doesn't compromise my benefit. From the perspective of society as a whole, it also doesn't matter if some particular person is not benefitted as long as that person's failure to be benefitted doesn't compromise the benefits to society as a whole.^{ix} For this reason, I reject the interpretation according to which the requirement that the conventions must meet is merely a prudential requirement. If that's right, then it must be a moral requirement. Hume must think a convention that benefits the society as a whole and each individual merits, for that reason, our moral approval (or, perhaps, one that fails to deliver these two benefits merits our disapproval).

Another objection to my argument here is that it opens up a can of worms that ought to remain closed. If social conventions can be ultimate objects of moral evaluation and they can be approved in virtue of their provision of certain benefits, then why not allow that anything that provides benefits can be an object of moral evaluation? Surely the Grand Canyon provides all sorts of benefits to people who see it. So then perhaps I could sympathize with the people who benefit from viewing the Grand Canyon and thereby come to approve morally of the Grand Canyon. But it seems absurd to approve morally of an inanimate object.

I agree that we don't want to have to interpret Hume (or, ideally, anyone) as allowing that we can morally approve or disapprove of anything and everything that provides benefits. Of course, our *aesthetic* evaluation of the Grand Canyon does, on Hume's view, work via a similar mechanism to the mechanism of moral evaluation. But it would be nice if we had a way of clearly distinguishing the moral and the aesthetic domains, even if the mechanism of approval in each is similar. And the traditional interpretation of Hume as requiring all moral evaluations to be ultimately reducible to character traits can do that since character traits are, after all, qualities of people and not of other sorts of things. The Grand Canyon, lovely as it is, has no character traits.

That said, I think that accepting my view is in the spirit of Hume's discussion of the evaluation of character traits in T 3.3.1. Social conventions, no less than character traits, have the property of durability that Hume thinks is necessary to stir our sentiments. We can sympathize with those who are affected by a convention, no less than by a character trait. Of course, the same could be said of the Grand Canyon. So the crucial distinguishing feature is this: Since social conventions, for Hume, are constituted by convergent behavior among groups of people (and the expectations to which this convergent behavior gives rise), we can have some of the distinctively moral attitudes such as praise or blame, love or hatred, pride or humility, towards them. Praising (or loving or taking pride in)^x a social convention, on this view, amounts to praising (or loving or taking pride in) the people, as a group, whose behavior and expectations sustain it. Blaming (or hating or being humiliated by) a social convention amounts to blaming (or loving or being humiliated by) the people, as a group, whose behavior and expectations sustain it. The same cannot be said for the Grand Canyon. Praising it (or loving it or taking pride in it) for giving pleasure and blaming it (or hating it or being humiliated by it) for killing those who die in it make no sense. Hume never discusses

this idea, but my hypothesis is that he thinks these attitudes make sense only when the object of the attitude is something that can be affected by our attitudes towards it. Our engagement with the Grand Canyon is one-way. It couldn't react to our praise of it. But we can mutually engage with groups of people. Groups can change in the face of blame and strengthen in the face of praise.^{xi} This fits nicely with Hume's emphasis throughout his philosophical works on social passions and relations. Social conventions, it seems, are ripe for moral evaluation, from Hume's perspective. And given that I've already argued that we simply can't make sense of the virtue of justice without first being in a position to evaluate the social conventions themselves, social conventions must be a fundamental object of moral evaluation for Hume (lest his whole theory fall apart).

That said, one might still wonder how it would be possible to evaluate the convention, given Hume's emphasis on the claim that we evaluate characters rather than actions. If conventions are constituted by *behavior* and *expectations*, then how are we not just ultimately evaluating actions when we evaluate a convention? This is, again, not something Hume discusses, but I think that though conventions are constituted by the behavior and expectations of individuals, when individuals behave in the relevant ways and assert and enforce their expectations, they can create emergent properties. The convention, when well-structured, comes to have durable traits that are analogous to character traits in an individual, even when, in principle, no individual person participating in the convention has those traits. A convention can be, for example, generous, even when no individual participating in the convention is generous. A well-designed charity, for example, would, I think, rightly be described as generous even if all of the people who work for it and who donate to it are in it for a paycheck and prestige, respectively. For this reason, I don't think there's a barrier to thinking that social conventions can serve as fundamental objects of moral evaluation, for Hume.

And that's a good thing because, as I've argued, the plausibility of his theory of justice depends on it.

I'll end this discussion by reemphasizing the key point in this argument. The main reason to accept that Hume does (or should) think of social conventions as an ultimate object of moral approval is that he can't explain either the obligation to do as justice demands or the content of the just person's motivation without doing so. I'll say more about exactly where the obligation of justice comes from later. But before moving on, I'll note another interpretive route available here, namely, to argue that Hume has simply made a mistake. This way of explaining the obligation to do as justice demands simply isn't open to him, given his virtue ethics, because it would require him to give up the virtue ethical ambition of explaining all of ethics in terms of virtue and vice. I prefer my interpretive path both because it does not attribute a mistake to Hume and because this insistence that Hume must be committed to the virtue ethical program strikes me as a bit anachronistic. Hume does, of course, emphasize virtue and vice in his ethics, but the ambition to explain other ethical concepts in terms of virtue and vice is a feature of contemporary virtue ethics, not typically its history, and the attribution of the "virtue ethics" label to Hume's ethics, even when (as is often the case) Hume scholars who impute this label to Hume have subtler interpretations than this, is more apt to mislead than illuminate.

B. The GPV

I should note up front that the precise nature of the GPV is highly controversial among Hume scholars. Some think that the GPV is the perspective of an ideal observer, one endowed with complete and perfect knowledge of all relevant non-moral facts and a kind of omni-benevolence.^{xii} Others think that the GPV is not the perspective of an ideal observer because it must be *accessible*.^{xiii}

We must be able to *take up* the GPV. Some think that the GPV is a perspective that we construct through a social process of discussion and deliberation,^{xiv} while others think that the point of view and our ability to access it simply falls out of some of the capacities that constitute human nature.^{xv} Some think that the GPV is merely a part of a descriptive theory of how we in fact make evaluative judgments.^{xvi} Others think that Hume intends it as a genuinely normative standard of evaluation.^{xvii} Since this isn't a paper about the GPV in particular, I'd like to avoid these debates as much as possible. What follows is a description of the GPV, mostly tracking the view as developed in the *Treatise*, that explains what it is and why Hume thinks we need it that attempts to stay as neutral as possible on some of these more controversial issues.

We adopt the GPV, according to Hume, because we need a shareable perspective from which to make evaluative judgments. If we didn't have such a perspective, then evaluative communication would be impossible, and without evaluative communication, we could never settle on a shared, justifiable way of life.^{xviii} Hume writes:

'tis impossible we cou'd ever converse together on any reasonable terms, were each of us to consider characters and persons, only as they appear from his peculiar point of view. In order, therefore, to prevent those continual *contradictions*, and arrive at a more *stable* judgment of things, we fix on some *steady* and *general* points of view; and always, in our thoughts, place ourselves in them, whatever may be our present situation" (T 3.3.1.15).

What is the problem with sticking to each of our individual points of view? The problem is that our central capacity necessary for evaluation, sympathy, gets distorted when we view things only from our own individual points of view. From within our individual points of view, our sympathy is much

more strongly activated by those closer to us in time, space, and relation. This would naturally lead to grossly divergent evaluations across people.

In order to get out of this problem, we instead take up a point of view that others can share and from which we can all make reasonably convergent moral judgments (whether this point of view is constructed or simply accessible without being constructed is, as I've noted, a controversial issue). This is the GPV. Sympathy, of course, still plays an important role in this perspective, but when we occupy it and make evaluations from it, we dispense with those biases in sympathy that cause the problem to which the GPV is the solution. Hume writes, "tho' sympathy be much fainter than our concern for ourselves, and a sympathy with persons remote from us much fainter than that with persons near and contiguous; yet we neglect all these differences in our calm judgments concerning the characters of men" (T 3.3.3.2). In this way, we allow our sympathy to work in a way that is relevantly neutral, namely, in a way that regards each person without reference to that person's relationship to us or to our own interests. As a result, the basis of our evaluations from the GPV are those things that activate our sympathy—the needs, interests, and feelings (in a convenient but not fully encompassing word, the well-being)—of each person connected with the thing (character trait, social convention) being evaluated.^{xix}

In the *Enquiry Concerning the Principles of Morals*, Hume de-emphasizes the role of sympathy, but the account there looks, at least at some key points, consistent with the *Treatise* account that I've just presented. There, Hume claims that the GPV is to be understood as a perspective from which we can "move some universal principle of the human frame, and touch a string, to which all mankind have an accord and symphony" (EPM 3.6). Hume again emphasizes here the importance of a shared perspective from which we should expect some significant degree of evaluative convergence.^{xx}

To reiterate, then, moral obligation is, for Hume, a result of disapproval, from the GPV, of the failure to perform some action.^{xxi} More precisely, you are morally obligated to do X if we would disapprove of you failing to do X were we to consider such failure from the GPV, which is a shared, neutral perspective that ultimately sets the standard of moral judgment.^{xxii}

Section II: Hume on the Moral Obligation of Justice

Now that we have a firm understanding of Hume's account of moral obligation, let's see how it works in the case of justice. In light of my discussion of the possible objects of evaluation, we might fundamentally be evaluating either of two different things when we make judgments about the moral obligation of justice, character traits or social conventions. First, we might be evaluating the virtue of justice, a character trait. Such an evaluation would involve taking up the GPV and then sympathizing with those who interact with the just person. From what's been said so far, here's how we should expect the account to go. A person is morally obligated to be just (in motive and action) if we would disapprove of that person failing to be just after sympathizing, from the GPV, with those with whom the just person interacts. We would disapprove of the person failing to be just if, upon sympathizing with these people, we experienced pain, as we would if interacting with the just person made them worse off.

There are two problems with spelling out the account in this way. The first is, very simply, that there's a gap between having the virtue of justice and doing what justice requires. For example, one might refrain from theft (and so do what justice requires) but only from the motive of narrow self-interest (and so not from the virtue of justice). Assuming that people can, at least quite often, do what justice requires even if they don't have the virtue of justice (which is surely true of most people), we won't experience pain upon sympathizing with those who interact with the person who

does what justice requires but not from the virtue of justice. What this suggests is that the virtue of justice is not something that we are morally obligated to have because we don't disapprove of the mere failure to have it. Thus, looking to the virtue of justice as the foundation of the moral obligation to do as justice demands doesn't look promising.

The second problem is one that Hume recognizes and that, in some ways, is the central motivation for his view that justice is an artificial virtue: Justice often demands that we do things that make people worse off and no one (in any significant way) better off. Hume notices that, in the name of justice, "Judges take from a poor man to give to a rich; they bestow on the dissolute the labour of the industrious; and put into the hands of the vicious the means of harming both themselves and others" (T 3.3.1.12). If that's right, then, at least in these circumstances, wouldn't we, upon sympathizing with the relevant people, *disapprove* of being just? And then wouldn't we, by Hume's lights, be morally obligated *not* to do as justice demands?

Hume does not accept this conclusion. But then how are we to understand the moral obligation of justice? I think that the only way to make Hume's account consistent is to attribute to him the view that it is our evaluations of the social conventions that generate the demands of justice that ultimately explain the moral obligation of justice. When it comes to justice, the conventions are fundamental, and the value of the actions and motives of justice must be explained in terms of the value of the conventions. Here's how.

For Hume, when it comes to justice, what's in the public interest and so what gives us pleasure when we sympathize with the members of the public from the GPV, is consistent adherence to the conventions of justice, rather than particular actions in accordance with the demands of justice. Hume writes, "Whereas a single act of justice, consider'd in itself, may often be contrary to

the public good; and 'tis only the concurrence of mankind, in a general scheme or system of action, which is advantageous" (Ibid). Thus, when evaluating some particular instance of a person, say, paying back a loan, we don't sympathize with those impacted by the particular action but rather more generally with those who live under the convention of loans and repayment. Though I'll qualify this in moment, we can, as a first pass, simply ask this question: Does the public (as a whole and each individual) benefit from the availability of the practice of lending and repayment? If so, then we approve of the convention. And if we approve of the convention, then we will disapprove of the violation of the rules of the convention. As a result, we will disapprove of failing to pay back a loan, even if the borrower is made worse off and the lender wouldn't miss the money, thus making no one better off in the particular case.

The obligation of justice, then, stems from our disapproval of failing to abide by the rules of those conventions of justice of which we approve. I suggested above, as a first pass, that we approve of those conventions that benefit the public as a whole and each individual. On this view, the value of the conventions would be a product of the benefits they in fact deliver to those impacted by them. This, however, is not quite right, as I explain in the next section.

Section III: Humean Functionalism about Value

As we've just seen, what grounds the obligation to abide by the demands of justice is the value of the relevant conventions. This section addresses the question of what this value consists in.

Hume thinks that a good part of the value of the conventions of justice consists in the benefits they deliver to the public. Secure and productive social life is, of course, valuable, and the conventions of justice help us to achieve that end. Thus, the conventions of justice clearly have instrumental value, for both the individual and society as a whole. But no one is surprised by that.

The question is whether the value of the conventions is *merely* instrumental. As I argue in this section, Hume shows that these conventions have a form of value that I call functional value, which I take to be a form of value that is not merely instrumental, though it has an interesting relationship with instrumental value.^{xxiii}

Functional value consists in the value that something has just in virtue of its being well-suited to fulfill a certain function. A perfectly-tuned sports car that no one will ever drive is valuable because it is well-designed, even if it never realizes its capability. This kind of value is not merely instrumental; it is a form of non-instrumental value. We approve of this sports car not because of what it brings about but because of how its parts are arranged to enable it to fulfill its function. That is, we approve of its structure. The value is to be found in the thing's structure rather than in its actual or typical effects, though this value is related to instrumental value in that the functional organization of an object (i.e., its structure) is a part of the explanation of its instrumental value when it has such value.

One might initially worry that something could have functional value and yet not be valuable *simpliciter*, i.e., such that it would secure our overall approval. For example, a chemical weapon might be good as an instance of its kind (that is, as something well-suited to fulfill the function of a chemical weapon) and yet not be good *simpliciter*. If that's right, then showing that justice has functional value would not show that it is valuable *simpliciter*. I agree. But I think that something with functional value is valuable *simpliciter* if the function that it is well-suited to fulfill is itself good. And Hume agrees: "where any object, in all its parts, is fitted to attain any *agreeable* end, it naturally gives us pleasure, and is esteem'd beautiful, even tho' some external circumstances be wanting to render it altogether effectual" (T 3.3.1.20, my emphasis). A well-tuned sports car is good *simpliciter* in virtue

of being well-suited to fulfill the function of helping us drive fast and look cool while we do it (let's just suppose that that's valuable for the moment). In the case of justice, the conventions are good *simpliciter* in virtue of being well-suited to fulfill the function of helping us solve important social problems, and this function is itself valuable.

One might wonder if something being functionally valuable contributes in any sense to its overall value. Consider the chemical weapon again. One might think that the chemical weapon's structure actually contributes to its *disvalue*, not its value. Hume can explain this. Though we can recognize the good construction of a chemical weapon, we nonetheless disapprove of it because when we engage sympathetically with those who would be harmed by chemical weapons and associate the quality of the construction with the harm, we come, as a result of a double relation of impressions and ideas to disapprove of the good construction.^{xxiv} I believe, however, that we retain our approval of the construction of the chemical weapon in one sense. It is well-suited to fulfill its function, and we approve, in the functional sense, of things that we recognize as well-suited to fulfilling their functions. And yet, in this instance, the thing's *moral* value is not a function of its *functional* value. Its functional value contributes to its moral *disvalue*. The functional value of a thing contributes to its moral value only when the end at which it aims is itself morally good. That's why, in the quoted passage, Hume ties functional value and beauty (of which moral beauty is a subset) when the thing in question "is fitted to attain any *agreeable* end."

Adam Smith also notices that things can have functional value (though he, like Hume, doesn't use this term). He writes:

But that this fitness, this happy contrivance of any production of art, should often be more valued, than the very end for which it was intended; and that the exact adjustment of the

means for attaining any conveniency or pleasure, should frequently be more regarded, than that very conveniency or pleasure, in the attainment of which their whole merit would seem to consist, has not, so far as I know, been yet taken notice of by any body. That this however is very frequently the case, may be observed in a thousand instances, both in the most frivolous and in the most important concerns of human life.^{xxv}

We do, of course, value things for what they do for us. But we also value them, and often value them even more, for their *fitness* for doing things for us. What engages our sentiments is the *fitness* (i.e., the thing's being well-suited to fulfilling its function), often even more than the end itself.

Smith, as is evident from the passage, thinks that he has noticed an original point, and given Smith's knowledge of Hume's works, this might cast doubt upon my interpretation of Hume as having noticed the same point. I think that Smith simply misread Hume. Hume continues the T 3.3.1.20 passage as follows:

A house, that is contriv'd with great judgment for all the commodities of life, pleases us upon that account; tho' perhaps we are sensible, that no-one will ever dwell in it. A fertile soil, and a happy climate, delight us by a reflection on the happiness which they wou'd afford the inhabitants, tho' at present the country be desart and uninhabited. A man, whose limbs and shape promise strength and activity, is esteem'd handsome, tho' condemn'd to perpetual imprisonment (T 3.3.1.20).

In each case, Hume says that the value of the thing in question is a function not of the good effects that it actually achieves or that we anticipate that it will achieve but rather the way in which the thing is arranged such that it is fit to achieve good effects.^{xxvi}

Moreover, in “Of the Standard of Taste,” Hume clearly indicates that moral and aesthetic judgment have similar foundations and writes:

It appears then, that, amidst all the variety and caprice of taste, there are certain general principles of approbation or blame, whose influence a careful eye may trace in all operations of the mind. Some particular forms or qualities, *from the original structure of the internal fabric*, are calculated to please, and others to displease; and if they fail of their effect in any particular instance, it is from some apparent defect or imperfection in the organ (E-ST 185, my emphasis).

A thing’s structure is that which makes it fit for certain purposes or the achievement of certain ends. Here Hume says that certain things please or displease us “from the original structure of the internal fabric.” This is ambiguous between two (non-exclusive) readings. Hume might be saying that some things please us because they have properties that emerge from their structure, and these properties please us. Or he might be saying that some things please us (at least in part) simply because of the way they are structured. The ambiguity is one of what our approvals and disapprovals latch on to, a thing’s properties that emerge from its internal structure or the internal structure itself. I think that Hume clearly means at least the first. But does he also mean the second?

Given that moral and aesthetic judgment have a similar foundation in Hume, we should expect that where our aesthetic judgments are sensitive to a feature of a thing, and where that feature is also present in a moral case, our moral judgments would be sensitive to this feature in much the way that our aesthetic judgments are. What features of things are we sensitive to in the aesthetic case?

As an initial point, it is worth noting that the term Hume typically uses as a contrast for “beauty” is “deformity.” “Deformity” suggests a bad internal structure. The implied contrast, then, would suggest that “beauty” picks out a good internal structure.^{xxvii} And one sensitivity that Hume thinks is characteristic of the “true judge” (the person whose aesthetic judgments, along with the other true judges, establish the standard of taste) is a sensitivity (at least in part) to the structure of a thing. In particular, Hume defines “delicacy of taste” as follows: “Where the organs are so fine, as to allow nothing to escape them; and at the same time so exact as to perceive every ingredient in the composition: This we call *delicacy of taste*” (E-ST 187). Delicacy involves a sensitivity to “every ingredient in the composition” of the thing being judged. And the good aesthetic judge does not merely judge the ingredients themselves but also how they combine to create the composition. Thus, Hume writes:

In all the nobler productions of genius, there is a mutual relation and correspondence of parts; nor can either the beauties or blemishes be perceived by him, whose thought is not capacious enough to comprehend all those parts, and compare them with each other, in order to perceive the consistence and uniformity of the whole” (E-ST 190).

Hume seems to think that our judgments of the aesthetic value of a thing are sensitive to the thing’s structure itself and so its functional value, as I’m calling it. And because our capacities for aesthetic and moral judgment are so deeply intertwined, it would make sense that structure would affect our moral judgments as well. In the particular case of justice, then, Hume’s view must be that at least part of what drives our approbation of the relevant conventions is their *fitness* for solving certain important shared problems (i.e., those that give rise to the need for conventions of property,

promising, etc.). We approve not only of the benefits that come from social conventions but also of the way that the conventions are structured so as to bring about those benefits.

But how can we square this reading of Hume with his claim in the second *Enquiry* that “public utility is the *sole* origin of justice, and that reflections on the beneficial consequences of this virtue are the *sole* foundation of its merit” (EPM 3.1)? This does not seem to leave room for the conventions of justice being valuable in virtue of their being well-suited to fulfilling a function because Hume here seems to be claiming that the conventions of justice are valuable only in virtue of their consequences, in particular, their promoting public utility.

On the other hand, Hume is clear that “virtue in rags is still virtue” (T 3.3.1.19). Even if a person were locked up and could never produce any good effects through action, we would still approve of her character in light of its *fitness* to produce good effects in the right circumstances. The point of this claim is that the value of a virtue does not consist only in its promotion of good ends. It consists also in its being well-suited to promote good ends. And, to repeat the passage from earlier, “where any object, in all its parts, is fitted to attain any agreeable end, it naturally gives us pleasure, and is esteem'd beautiful, even tho' some external circumstances be wanting to render it altogether effectual” (T 3.3.1.20). Here Hume claims that our approval of things is tied at least in part to their being “*fitted* to attain any agreeable end” (my emphasis), and not entirely to their actually attaining that end. Excluding conventions of justice from the scope of these general claims would be ad hoc. How can we reconcile these passages with Hume's claim that public utility is the sole origin of justice?

One might initially think that what we have here is a change in doctrine from the *Treatise* to the *Enquiry*. Perhaps in the earlier work Hume accepted that being fit to fulfill a valuable function is sufficient for being valuable, but he changed his mind by the time he wrote the *Enquiry*. This

explanation fails. Hume makes the *Treatise* point in the *Enquiry* as well. Hume writes, “the tendencies of actions and characters, not their real accidental consequences, are alone regarded in our moral determinations or general judgments” (EPM 5.41n24.1).^{xxviii} What matters is the tendency of something to fulfill its function, even if it does not or cannot fulfill its function in certain conditions.

So we can't explain the apparent inconsistency here by appeal to a change in doctrine. But Hume's use of the word “tendency” helps to point the way. Given the “virtue in rags” passage, Hume can't mean by “tendency” the usual effects of actions or characters. A virtuous person who is locked up cannot and will not produce good effects through her actions or character. Thus, when Hume highlights the “tendency” of actions and characters, he must be referring to the way that the person's character is organized so as to achieve her ends through action in hospitable circumstances. Now, when Hume refers to “public utility,” he is referring not (directly) to happiness or well-being, as is common in the utilitarian tradition, but rather to usefulness. Usefulness, Hume writes, “is only a tendency to a certain end” (EPM 5.17). Thus, when Hume writes that “public utility is the sole origin of justice,” he must mean that the tendency or fitness of the conventions of justice to fulfill their function is the sole origin of justice. In other words, the conventions of justice have functional value.

What about Hume's claim that “reflections on the beneficial consequences of [justice] are the sole foundation of its merit”? To interpret this claim, we need to ask ourselves what we are doing when we are reflecting on the beneficial consequences of the conventions of justice. Are we thinking only about the consequences themselves, or are we thinking about the tendency of the conventions of justice to produce these consequences? That is, are we thinking about the ends, or are we thinking

about how the conventions are well-suited to produce the ends? If the latter, then this claim is also consistent with my suggestion that Hume thinks of the conventions of justice as having functional value. I would favor this reading for two reasons. First, it fits better with the other passages I've highlighted, in particular those that appeal to the "fitness" and "tendency" of things to achieve their ends. Second, this passage is genuinely ambiguous between the two readings. If the passage is ambiguous and my reading both lands Hume with a more plausible view and fits better with other passages, then we ought to accept my reading.

Finally, how can I square my reading with Hume's claim, in the *Treatise*, that "a sympathy with the public interest is the source of the moral approbation" (T 3.2.2.24) of justice? A sympathy with the public interest is simply a sympathy with each individual person whose interests are affected by the conventions, on the basis of which we evaluate the conventions (from the GPV).^{xxix} This passage makes the point that *the source* of our moral approbation of the conventions is to be found in the benefits they deliver for the public. And as I said earlier, no one denies that part of the value of the conventions of justice consists in the benefits they deliver, and it is plausible that these benefits are the original source of our moral approbation of the conventions. But my point is that Hume's emphasis on functional value shows that the conventions have *an additional* form of value beyond the original source of their value. Once the conventions are operative, we appreciate not only their benefits, but also the way that they are arranged so as to generate these benefits.^{xxx}

Thus, we have reason to suppose that Hume thinks that the conventions of justice (e.g., of property, promising, law, etc.) have functional value.^{xxxi} They have this kind of value when they are well-suited to solve the problems that they are meant to solve. But as my example of the chemical weapon suggests, there's a gap between being functionally valuable and valuable *simpliciter*. There's

a difference between being approved in virtue of being well-suited for some purpose and being approved *tout court*. In order for a convention to be valuable *simpliciter*, it must secure approval from the GPV. What is the relationship between a convention's functional value and its ability to secure approval from the GPV?

The answer, in my view, is this. A convention has functional value if it is fit to solve a problem. The convention secures approval from the general point of view if 1) the problem the convention attempts to solve is genuine (i.e., human welfare is genuinely at stake in whether we can solve the problem or not), and 2) the way that the convention is structured so as to solve the problem itself secures approval from the general point of view.^{xxxii}

How must a convention be structured so as to solve the problem in order to secure approval from the GPV? On my interpretation of Hume, they must be such that they are well-suited to generate overall expected benefits for each person subject to them. I say *overall* benefits because participating in a convention may, in particular instances, not benefit a person, as when the time comes to repay a loan. But the person is nonetheless made overall better off by participating in the convention. I say *expected* because one can be obligated to abide by the demands of a convention even if, because of some unfortunate twist of fate, one is not, in fact, benefitted by the convention. For example, if one moved to a new country and so became subject to new conventions but then almost immediately got hit by a car and died, that wouldn't mean that one wasn't obligated to abide by the new country's conventions in the (short) time one was there.^{xxxiii} Finally, these benefits must accrue to *each person* subject to the convention. Hume writes, "When therefore men have had experience enough to observe, that whatever may be the consequence of any single act of justice, perform'd by a single person, yet the whole system of actions, concurr'd in by the whole society, is

infinitely advantageous to the whole, *and to every part*” (my emphasis) (T 3.2.2.22). The conventions that successfully generate obligations of justice are those that are beneficial not just to the aggregate of people, but to each person.

So then altogether, the idea is that, for Hume, part of the value of the conventions of justice consists in the way they are structured so as to solve the problems that they address. This is their functional value. But the functional value of a convention makes the convention valuable *simpliciter* when the problem it addresses is genuine and the way it goes about solving the problem itself secures approval from the GPV. When these conditions are met, the GPV, we might say, *ratifies* the convention, and we properly value it in part for its fitness to solve the problem(s) it aims to solve. It is these conventions that, in virtue of their value, generate moral obligations to abide by their demands.

The view I defend here is very similar to Sayre-McCord’s (1995) reading of Hume as endorsing what Sayre-McCord calls the “Bauhaus theory of ethics.” He writes, “The guiding idea of the Bauhaus Theory is that something (a chair, a house, or when it comes to ethics, a durable feature of mind or character) commands approbation, when it does, in virtue of its being well suited for the achieving of certain ends or the solving of certain problems.”^{xxxiv} Sayre-McCord emphasizes, as I do, the significance of something’s being *well-suited* to solving certain problems and not (only) the thing’s actual effects.

Despite these similarities, I should highlight some points of contrast between his view and mine. First, Sayre-McCord’s emphasis is on *virtues* (i.e., approved durable character traits) whereas mine is on conventions. In this way, Sayre-McCord’s reading accords better with the virtue ethical reading of Hume, from which I have already distanced myself. But I can, at this point, increase that

distance. There is something odd and implausible about thinking of one or more of the *virtues* as solving (or being well-suited to solve) the problems that justice addresses. Hume, as far as I can see, does not think that most people possess the virtue of justice. We don't stabilize possession or enable contract and exchange by inducing a virtue in everyone (or even most people). We solve these problems by establishing certain social conventions and then using a variety of techniques to get people to abide by them. Education from our parents and political leaders helps to induce a habit of obedience or a sense of duty (T 3.2.6.11). We establish penalties for violations of the demands of justice in order to engage people's self-interest (T 3.2.7.6). A habit of obedience and a concern for our self-interest are not virtues. Being disposed to act from a sense of duty may be a virtue, but it is not, for Hume, the virtue of justice.^{xxxv} The point is that at least when it comes to the solving of problems, conventions are a better object of analysis than character traits, a point that, I believe, Hume recognizes.

Second, on my reading, what, in part, activates our sentiments is the very structure of our social conventions. The Bauhaus theory doesn't obviously take the structure of a thing to be one of the things that activates our sentiments but instead it takes the effects that a thing would have if placed in certain situations to be what activates our sentiments. I certainly agree with Sayre-McCord that this is exactly what happens in the case of the virtues. But as I've argued, there's reason to think that in the case of social conventions, Hume thinks that we admire structure as much as usual or possible effects, just as this is what we value in the case of a well-designed house that no one will ever live in (T 3.3.1.20). I think we miss something crucial if we fail to attend, as Hume does, to the structure of our conventional practices themselves. Hume, in his ethics, is concerned not only with

our character traits being well-suited to solving certain problems or bringing about certain effects, but also with the fitness of our social institutions for these same purposes.

Section VI: Conclusion

My goal in this paper has been to defend an interpretation of Hume's accounts of the obligation to abide by the demands of justice and the value of the conventions that give rise to these demands. He thinks that our obligations stem from the value of the relevant conventions, and their value consists (partly) in their being well-suited to solve certain social problems in a way that would be approved from the GPV. This view stands in sharp contrast with the more common contractarian and utilitarian interpretations of Hume's theory of justice. Unlike the contractarian, Hume thinks that there is an intimate connection between the value that justice has and the obligation to abide by the demands of justice. On this point, Hume is in agreement with the utilitarian tradition. But Hume's account of the value of justice (and value more generally) is markedly distinct from that of the utilitarians. Hume is instead, I've argued, a *functionalist*.

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ⁱⁱ The most prominent interpreter of Hume as a contractarian is David Gauthier, "David Hume, Contractarian." *The Philosophical Review* Vol. 88, no. 1 (1979), 3-38. Utilitarian interpreters of Hume include John Rawls, *A Theory of Justice Revised Edition* (Cambridge: Belknap Press, 1999) and *Lectures on the History of Political Philosophy* (Cambridge: Belknap Press, 2007); Frederick Rosen, *Classical Utilitarianism from Hume to Mill* (London: Routledge Press, 2003); Russell Hardin, *David Hume: Moral and Political Theorist* (Oxford: Oxford University Press, 2007); and C.D. Broad, *Five Types of Ethical Theory* (London: Routledge Press, 2013).

ⁱⁱⁱ This paper references the Clarendon editions of Hume's works. References to the *Treatise* have the following format: T Book.Part.Section.Paragraph. References to the *Enquiry Concerning the Principles of Morals* have the following format: EPM Section.Paragraph. I reference only one of Hume's essays, namely, "Of the Standard of Taste," which is collected in *Essays, Moral, Political, and Literary*. References to this essay have the following format: E-ST Page Number.

^{iv} I say “emerges from” to remain neutral on an issue about how to interpret the GPV, namely, the issue of whether the moral standard just is approval and disapproval from the GPV or whether it comes from a social process of discussion and argumentation that takes approvals and disapprovals from the GPV as inputs. I say “considering the matter” to remain neutral, for now, on exactly what one is evaluating.

^v See, for example, Stephen Darwall, “Motive and Obligation in Hume’s Ethics,” *Nous* 27, no. 4 (1993), 416; Charlotte Brown, “From Spectator to Agent: Hume’s Theory of Obligation,” *Hume Studies* 20, no. 1 (1994), 20; William Davie, “Hume’s General Point of View,” *Hume Studies* Vol. 24, no. 2 (1998), pp. 275-294, 276; Christine Korsgaard, “The General Point of View: Love and Moral Approval in Hume’s Ethics,” *Hume Studies* Vol. 25, no. 1-2 (1999), 3; Kate Abramson, “Correcting Our Sentiments about Hume’s Moral Point of View,” *The Southern Journal of Philosophy* Vol. 37, no. 3 (1999), 335, though note that she distinguishes between the general point of view and the moral point of view; Jacqueline Taylor, “Hume on the Standard of Virtue,” *The Journal of Ethics* Vol. 6 (2002), 45; and Nir Ben-Moshe, “Hume’s General Point of View: A Two-Stage Approach,” *Pacific Philosophical Quarterly* 101 (2020), 432.

^{vi} For explicit defenses of reading Hume as some form of virtue ethicist, see Taylor, “Virtue and the Evaluation of Character,” in *The Blackwell Guide to Hume’s Treatise*, ed. Saul Traiger (Oxford: Blackwell Publishing, 2006), 276-295; Christine Swanton, “Can Hume be Read as a Virtue Ethicist?” *Hume Studies* 33, no. 1 (2007), 91-113; Swanton, “What Kind of Virtue Theorist is Hume?” in *Hume on Motivation and Virtue*, ed. Charles Pidgen (New York: Palgrave MacMillan, 2009), 226-248; Swanton, “Reply to Baier,” in *Hume on Motivation and Virtue*, ed. Charles Pidgen (New York: Palgrave MacMillan, 2009), 259-263; Swanton, *The Virtue Ethics of Hume and Nietzsche* (Oxford: Wiley Blackwell, 2015); and Rachel Cohon, *Hume’s Morality: Feeling and Fabrication* (Oxford: Oxford University Press, 2008). Taylor doesn’t explicitly say that the concepts of virtue and vice are explanatorily fundamental for Hume, though her discussion suggests as much. Swanton claims that Hume is a “response-dependent virtue ethicist” and defines virtue ethics more generally as the view according to which, “the notion of virtue is central in the sense that conceptions of rightness, conceptions of the good life, conceptions of ‘the moral point of view’ and the appropriate demandingness of morality, cannot be understood without a conception of relevant virtues” (2015, 19). Cohon writes, “And by present-day standards as well, insofar as we have them, Hume is a virtue ethicist. For example, he endorses a version of the view that the primary object of moral evaluation is a trait of character, and he identifies a good action derivatively as what the virtuous agent (one with this trait) would do, both marks of virtue ethics according to present-day theorists” (p. 161). If the view I defend shortly is correct, then it becomes at least much more difficult to maintain that the concepts of virtue and vice are, for Hume, “primary” or “central,” at least if these are understood as conceptual or explanatory primacy and centrality.

^{vii} I defend the nonstandard interpretation that obligations of obedience to government fall within the scope of justice for Hume in Ian Cruise, “Hume’s Account of the Scope of Justice,” *Hume Studies* 46, no. 1 (2020), 101-119.

^{viii} Justice is usually taken as the central challenge to reading Hume as a virtue ethicist. I am not alone in making this point. See James A. Harris’s work for a different argument for this view: “Hume on the Moral Obligation to Justice,” *Hume Studies* 36, no. 1 (2010), 25-50. My view differs from Harris’s in several ways, though perhaps most crucial at this juncture is that I think that Hume thinks that there is a robust virtue of justice, whereas Harris thinks that the virtue of justice is, for Hume,

simply the disposition to do as the conventions demand, regardless of motive. My argument presupposes that that view is false. I defend my particular interpretation of Hume's motive of justice in Ian Cruise, "Hume's Justice and the Problem of the Missing Motive," *Ergo: An Open Access Journal of Philosophy* 11, no. 36 (2024), 977-1000.

^{ix} Of course, one might try to adopt a different view of what benefitting society as a whole means such that each individual must be benefitted in order for society as a whole to be benefitted. I don't think that this option makes sense as an interpretation of Hume, however, because he makes a point to distinguish "the support of society" and "the well-being of every individual." If he thought that they collapsed into each other, I don't think he would have separated them the way that he does. On this score, it is also worth noting that Hume also distinguishes the public interest and the interest of each person at T 3.2.2.20.

^x In the case of pride (or humility), of course, the convention would have to be one in which I participate because pride is apt only when the thing I'm proud of has a connection to me. That restriction need not apply to praise or love (or blame or hatred).

^{xi} This isn't to say that groups will change in the face of blame or strengthen in the face of praise. But those are aims of the attitudes, and the attitudes make sense as long as those effects are possible.

^{xii} See, e.g., Roderick Firth, "Ethical Absolutism and the Ideal Observer," *Philosophy and Phenomenological Research* 12, no. 3 (1952), fn. 2; and Rawls (1999, 161)

^{xiii} Geoffrey Sayre-McCord, "On Why Hume's 'General Point of View' Isn't Ideal—and Shouldn't Be," *Social Philosophy and Policy* Vol. 11, no. 1 (1994), 202-228.

^{xiv} Taylor (2002), Ben-Moshe (2020). Note that crucial to both Taylor's and Ben-Moshe's interpretations is their view that Hume's view changes in important ways between the *Treatise* and *Enquiry Concerning the Principles of Morals*.

^{xv} Sayre-McCord (1994, 210-11).

^{xvi} Cohon, "The Common Point of View in Hume's Ethics." *Philosophy and Phenomenological Research* Vol. 57, no. 4 (1997), 846-7.

^{xvii} Sayre-McCord (1994), Taylor (2002), Ben-Moshe (2020). Korsgaard (1999) has an intermediate view.

^{xviii} It is worth noting that some of Hume's commentators dispute this way of reading him. See Korsgaard (1999) and Dale Dorsey, "A Perfectionist Humean Constructivism," *Ethics* Vol. 128, no. 3 (2018), 574-602. In both cases, however, I think both are trying to develop accounts of the general point of view that are Humean, that build on groundwork that Hume laid, and so aren't trying to be faithful interpretations of the text. I'll note, though won't argue (for space), that I prefer Hume's motivations for the adoption of the GPV to those given by either Korsgaard or Dorsey.

^{xix} I say "connected with" in order to avoid an interpretive dispute about precisely those people we sympathize with when we evaluate things from the GPV. In the *Treatise*, Hume claims that we sympathize only with a person's "narrow circle" (T 3.3.3.2), or, in other words, those with whom the person typically interacts. But in the *Enquiry*, Hume puts much more emphasis on a broader concern for the whole of society and even the whole human species (e.g., EPM 5.39). I would recommend and endorse Annette Baier's discussion of this issue. See "How Wide is Hume's Circle?" *Hume Studies* 32, no. 1 (2006), 113-118. I am quite sympathetic to her suggestion that the proper size of the circle depends on the thing being evaluated.

^{xx} Though note Taylor and Ben-Moshe, who see some important differences between the two views, such that the *Treatise* view suffers from problems that the *Enquiry* view addresses.

^{xxi} Again, I use “result of” to remain neutral on a key issue, namely, whether the feeling of disapproval from the GPV is *sufficient* for moral obligation. Whether or not that’s the case depends on one’s more particular views of the GPV. Kate Abramson (1999), for example, distinguishes between the GPV and the moral point of view. If the GPV isn’t the moral point of view, then it is at least not obvious that disapproval from the GPV would be sufficient for moral obligation.

^{xxii} I’ll note here that Hume’s choice to frame his account of moral obligation in terms of disapproval of the failure to do something makes for some awkward formulations when we apply the account of some specific cases. The account works well, for instance, in the case of promising. You are morally obligated to keep your promises because we would disapprove of you failing to keep your promise when we evaluate such failure from the GPV. But now consider murder. Hume’s account says that you are morally obligated not to murder because we would disapprove of your failing to refrain from murder when we evaluate such failure from the GPV. “Failing to refrain” is a slightly awkward way to put the point, but it is at least not incomprehensible.

^{xxiii} Sayre-McCord also finds a functionalist core within Hume’s moral philosophy. See “Hume and the Bauhaus Theory of Ethics,” *Midwest Studies in Philosophy* Vol. 20, no. 1 (1995), 280-298. I contrast my view with his later on.

^{xxiv} See T 2.1.5 for the initial account of this mechanism.

^{xxv} Adam Smith, *The Theory of Moral Sentiments*, eds. D.D. Raphael and A.L. Macfie (Indianapolis: Liberty Fund, Inc., 1982), 179-80.

^{xxvi} See Sayre-McCord (1995), 282-3.

^{xxvii} Though I focus on the discussion in “Of the Standard of Taste” for this part of my argument, it is worth noting that Hume often uses the terms “beauty” and “deformity” specifically for our moral judgments and not just our aesthetic judgments, e.g., T 3.1.1.21 and EPM 1.4. He clearly thinks of our moral and aesthetic judgments as deeply related and likely simply applications of one and the same capacity to different, though probably partially overlapping, domains.

^{xxviii} I’m not sure that Hume should have said that the tendencies of actions and character are *alone* regarded in our moral determinations. In calling the ends that our actions and characters are fitted to attain *agreeable* (in the 3.3.1.20 passage), he seems to think that there’s value both in the fitness of the actions and characters to achieve the ends and in the ends themselves. And I would make the same point about Hume’s claim that utility is the *sole* origin of justice, given the interpretation of this claim that I endorse in the next paragraph.

^{xxix} I shall briefly back away from my official neutrality about the precise nature of the GPV for a moment to address a difficulty. The difficulty is that sympathizing with everyone affected by a convention is straightforwardly impossible, which would seem to entail that moral evaluation of the conventions of justice is impossible. My view is that the GPV is a perspective that we take up that puts certain formal constraints on the operation of our sympathy (in particular, neutrality), but that the evaluation that we get from the GPV is necessarily limited. The *standard* that emerges from evaluations from the GPV is ultimately the product of a social project of discussion and negotiation, at least among those who take up the GPV. As a result, the evaluations of any single person don’t constitute the standard of moral judgment. Rather, the standard is constructed through a social process of discussion and negotiation among those who evaluate things from the GPV (in this way, my view is similar to that of Taylor and Ben-Moshe, but my view differs from Taylor’s in that Taylor thinks that the GPV itself is constructed, whereas I only think that the standard is constructed). For this reason, I can agree that sympathizing with every person affected by a convention is literally

impossible for any single person, but the community can at least approximate this universal sympathy over time as it observes how conventions affect the community. And these observations inform the ever-evolving standard that emerges.

^{xxx} There's an interesting parallel here between functional value and the kind of value that Hume takes certain human activities such as philosophy and hunting to have (T 2.3.10.8). In this passage, Hume argues that though we value the end of these activities (philosophical knowledge and a tasty dinner), we come, through pursuing them, to value the pursuit in its own right, and not merely as a means. On my view, something similar is true of conventions. We don't just value the ends that conventions bring us. We value the way they are structured that allows for their efficient operation for its own sake.

^{xxxi} There's an interpretive dispute about how to understand the scope of justice. Some think that, for Hume, justice applies only, or almost only, to the regulation of property rights. I (2020) have defended the view that, read more charitably, the scope of justice is, for Hume, broader than this and encompasses the full swathe of the artificial virtues. But I don't insist on this point here. If you, the reader, prefer the narrower reading of Hume's account of the scope of justice, read this paper as applying to the artificial virtues as a group and not merely to justice.

^{xxxii} To give a case in which each of these conditions did not hold, consider the following. The Nazis under Hitler established a convention (the Final Solution) for what they considered a problem (what they called "The Jewish Question"). This is a situation in which a convention, though ruthlessly effective, neither addressed a genuine problem nor secured approval for the way it went about trying to address it.

^{xxxiii} The point about overall benefit is in the text. Hume says that the conventions of justice are such that "every individual person must find himself a gainer, on ballancing the account" (T 3.2.2.22). My point about expected benefit is not in the text. I make this point because I think it makes Hume's view more plausible and because it is not *inconsistent* with the text. I say more about these two dimensions of the value of the conventions in my (2020).

^{xxxiv} Sayre-McCord (1995), 282.

^{xxxv} This follows from the argument of T 3.2.1, in which Hume contends that we can't understand the virtue of justice in action by thinking about those who perform an action from "the sense of its morality." Cohon (2008) takes an opposing view on this issue, arguing that the motive of duty is the motive constitutive of the virtue of justice for Hume. See Sayre-McCord's discussion for criticism of this view. "Hume on the Artificial Virtues," in *The Oxford Handbook of Hume*, ed. Paul Russell (Oxford: Oxford University Press, 2016), 435-469.