

Adam Smith and David Hume agree that rules of justice are necessary for a society to form and thrive. Their approaches to justice differ, however. The key difference is Hume proposes an artificial, observer based theory based upon a convention, while Smith proposes an impartial projectionist theory based upon warranted resentment.

Examination of Hume's Justice Theory

David Hume's theory regarding evaluation of actions proposes that actions are judged on motivation, not performance - "When we praise any actions, we regard only the motives that produc'd them, and consider the actions as signs or indications of certain principles in the mind and temper. The external performance has no merit." If it is the case that motivation is the underlying factor in judging an action, "all virtuous actions derive their merit only from virtuous motives, and are consider'd merely as signs of these motives." As stated previously, a virtuous action must be motivated by a virtuous motive. Likewise, a non-virtuous action must be motivated by a non-virtuous motive. Note the difference between motivation and outcome. A man cannot commit a virtuous action and receive merit if he is motivated by a non-virtuous intention. It is not the outcome, it is the motive behind the action- "A virtuous motive is requisite to render an action virtuous."

At this point Hume begins to question the motivation for justice. What is the motivation behind rules of justice in a society? "Self-love...is the source of all injustice and violence." In order to form a society, self-love must be tempered for public interest, i.e. public benevolence. However, three roadblocks, according to Hume, exist which prevents a natural affinity of justice for public interest. First, the rules of justice are not

natural and only arise after an artificial convention establishing the rules of justice. Second, the public, as a whole, will be unaware of many infractions against the rules of justice that might occur in private or between two persons. For example, Hume cites a secret loan between two men. Nobody but those two will be aware of the conditions or status of the loan. Third, public interest is too abstract and distant for men to consider it in their daily business and decision making processes.

Private benevolence, “or a regard to the interests of the party concern’d”, cannot be the motivation for justice either. Hume contradicts private benevolence as a motive with examples. What if a man has given me just cause to hate him or what if the guy is an overall jerk, who deserves the hatred of society? “In all these cases, the original motive to justice wou’d fail; and consequently the justice itself, and along with it all property, right and obligation...Private benevolence, therefore, is not the original motive of justice.”

If private benevolence and public benevolence are not reasons for justice than “the sense of justice and injustice is not deriv’d from nature, but arises artificially, tho’ necessarily from education, and human conventions.” Justice, according to Hume, is not a part of our nature, but rather derives from artificial conventions. Contradicting Hobbes, the rules of justice are not arbitrary, however.

Why is justice necessary? Rules of justice are required for man to build a society, to be on par with other creatures. Society compensates man for what he lacks. A human being lacks many of the advantages of other animals. For example, humans do not have long hair or fur to keep warm. We lack claws and teeth necessary to catch and kill prey. Compared to other animals, we are naked and defenseless. Society is the great equalizer.

“When every individual person labours apart, and only for himself, his force is too small to execute any considerable work...Society provides a remedy...’Tis by this additional force, ability, and security, that society becomes advantageous.” Society forms a larger group of humans, increasing our force while allowing for economic specialization, which increases ability and output. Finally, through a larger group, with a collective spirit, the group is stronger and “less expos’d to fortune and accidents.”

The advantages of society appear obvious. Why is it then not natural to form a society? According to Hume, “there are other particulars in our natural temper, and in our outward circumstances, which are very incommodious and are even contrary to the requisite conjunction. Among the former, we may justly esteem selfishness to be the most considerable.” Formation of a society requires give and take. An individual must relinquish some power to the state. A man might question- Why should I relinquish my freedom? I am perfectly able to take care of myself and family without the help of others.

Hume provides a counter. Man possesses three types of goods- Mind, body, and possessions. Our mind is secure from others. Nobody can steal it from you. Your body cannot be taken but it can be damaged. For example, someone can cut off your hand but it is of no use to that other person. Finally, possessions can be transferred without losing any value and likewise, possessions can be taken by another. The scarcity of possessions makes them valuable, as “there is not a sufficient quantity of them to supply every one’s desires and necessities.” The ownership of more goods is desired in society. “As the improvement, therefore, of these goods is the chief advantage of society, so the instability of their possession, along with their scarcity, is the chief impediments.” Not everyone can possess equal amounts of goods though. There is only so much gold in the

world. Why work hard for goods if you cannot guarantee their safety and you could just steal them from a neighbor? A safeguard is needed to ensure safety of your possessions.

Hume proposes society as the answer to securing goods. The very advantage of possessions is its downfall. Because possessions are so easily transferred, a remedy is required to safeguard them from theft. “By putting these goods, as far as possible, on the same footing with the fix’d and constant advantages of the mind and body. This can be done after no other manner, than by a convention enter’d into by all the members of the society to bestow stability on the possession of those external goods, and leave every one in the peaceable enjoyment of what he may acquire by his fortune and industry.” Creating rules of justice makes possessions equivalent with a person’s mind and body. Just as your mind and body cannot be taken and used by another, so too should your possessions have the same protection.

A society, by entering into a convention of rules, stabilizes possession of goods amongst a society. The convention is 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.” Mutual respect is created. I will not take my neighbors possessions and in turn, he will not take my possessions. The convention creates mutual benefits too. Hume compares it thus, “Two men, who pull the oars of a boat, do it by an agreement or convention, tho’ they have never given promises to each other.” The two men in the boat recognize the necessity to cooperate in rowing or suffer for lack of cooperation. Neither will be advantaged if he rows less than the other. It is only through cooperation that the two can advance.

Conventions do not arise suddenly and triumphantly. “Nor is the rule concerning the stability of possessions the less deriv’d from human conventions, that it arises gradually, and acquires force by a slow progression, and by our repeated experience of the inconveniences of transgressing it.” Conventions arise from repeated cooperation, similar to a prisoner’s dilemma game. As society starts, mutual trust is limited because of limited interaction and cooperation. As interaction and trust increases, people see the value of repeated games of prisoner’s dilemma. A man will be more likely to cheat if he knows he will not have to play the game again because there will be no opportunity for revenge. However, if the man knows he must play the game repeatedly, he will be less likely to cheat because the other man will have the chance for revenge. Perpetual cheating and punishments creates suboptimal outcomes. A convention of justice arises in like manner because we learn the advantages of fair play, trust, and the punishment for breaking the trust of others. Hume further clarifies a convention by comparing it to the adoption of a language. A group of people did not formally establish a language. Instead group interactions formed a language over time.

Hume asserts as certain, “That ‘tis only from the selfishness and confin’d generosity of man, along with the scanty provision nature has made for his wants, that justice derives its origins.” Hume contends that justice is an artificial virtue that can only exist because of men’s self-love. It requires man to realize that he can improve his position by establishing a society. He presents a multi-point argument to defend his claim.

First, as proved before, our motive for justice does not come from a regard to benevolence or public interest. If man were naturally born with these sentiments, no rules of justice would be necessary.

Second, justice is not founded on reason. Hume does relent “that the sense of virtue is deriv’d from reason.” Justice is founded on our impressions. It was out of a concern for our own and the public interest that the laws of justice were established.

Third, Hume argues “that those impressions, which give rise to this sense of justice, are not natural to the mind of man, but arise from artifice and human conventions.” Hume provides further explanation. “A single act of justice is frequently contrary to public interest; and were it to stand alone, without being follow’d by other acts, may, in itself, be very prejudicial to society.” An individual man has no purpose for justice nor does a single rule of justice prove effective. Collective rules of justice and a collective society prove necessary for justice to be effective. “Without justice, society must immediately dissolve, and every one must fall into that savage and solitary condition, which is infinitely worse than the worst situation that can possibly be suppose’d in society...yet the whole system of actions, concurr’d in by the whole society, is infinitely advantageous to the whole, and to every part.” Man must set-aside feelings of self-love in order to form society. He recognizes his life will be improved by abdicating some selfishness in order to achieve a greater outcome.

The moral obligations to justice have yet to be answered. Hume asks, “Why we annex the idea of virtue to justice, and of vice to injustice?” According to Hume, moral sentiment is “the sentiment of right and wrong.” He defines vice as “every thing, which gives uneasiness in human actions” and virtue as “whatever produces satisfaction.” Sympathy with the public interest is the source of moral approbation. Hume presents feelings of moral approbation for following justice as a tool by politicians to strengthen society. “As public praise and blame encrease our esteem for justice; so private

education and instruction contribute to the same effect.” Society needs people to “buy-into” the system and establish rules of justice as norms of action. Reputation is used as a further tool to increase societal pressure to follow rules of justice. “There is nothing, which touches us more nearly than our reputation, and nothing on which our reputation more depends than our conduct, with relation to the property of others. Societal considerations of a man’s reputation weigh heavily on his daily life and success. It brings a clear effect of the rules of justice to a man’s everyday life. Justice is not abstract rules.

Examination of Smith’s Justice Theory

Adam Smith defines justice as a virtue. However, distinctions are drawn between justice and other virtues. Unlike other virtues, observation of justice is not up to us and “may be extorted by force”. The most important distinction occurs if rules of justice are violated. Violation of justice draws resentment because it causes a disapproved injury to another and is deserving of punishment.

What separates a virtue, such as benevolence, from justice? If violating justice is worthy of resentment and punishment, should a non-benevolent person also be the object of resentment? Smith disagrees and draws a distinction between hatred and resentment. Hatred is not on par with resentment. When discussing benevolence, an expression of hatred should be reserved for someone who does not injure someone, but rather disappoints by not being as benevolent as the “average”. A man who is not benevolent or less so than an average man, is the proper recipient of hatred. His lack of benevolence towards others, while selfish, does not directly injure a specific person.

Consider now the purpose of resentment- “Resentment seems to have been given us by nature for defense, and for defense only”. Resentment is a proper sentiment to feel while attacked. How dare this person attack me and intend to hurt me? He is disrespecting my space and body. Resentment aims to fix the feeling of disrespect brought about by another’s actions. Recognizing someone else as responsible is an important part of gaining your respect back. Reputation building is an additional result. “Others, through fear of the like punishment, may be terrified from being guilty of the like offence.”

If the virtue of justice must be observed, should not virtues, like benevolence, be enforceable by others? Justice involves a violation of rights and laws, not just falling short of another’s ideals. Other virtues are measured differently- “That seems blamable which falls short of that ordinary degree of proper beneficence which experience teaches us to expect of every body; and on the contrary, that seems praise-worthy which goes beyond it. The ordinary degree itself seems neither blamable nor praise-worthy.” In other words, we expect a certain degree of charity, for example, from someone. When a butcher donates money to charity, we make a judgment that his contribution was appropriate, considering his income. This is an ordinary amount, expected of men. However, if the butcher did not donate any money, we would find him blamable for not meeting our definition of “ordinary”. Likewise, if the butcher donated an incredible amount of money, going above-and-beyond what is ordinary, we would find it praise-worthy. Should a person, who, compared to the ordinary, is not charitable, be forced to be more so? Smith argues “no”; “the spectator can intermeddle no other way than by advice and persuasion. Upon all such occasions, for equals to use force against one

another, would be thought the highest degree of insolence and presumption.” Using force to make an equal do as you wish is an injury to their independence and rights.

A paradox exists between justice and other virtues. As explained previously, we would praise someone whose actions are above-and-beyond. However, observing the rules of justice cannot be morally praise worthy. It is only violators of justice who are condemned. In fact, “we may often fulfill all the rules of justice by sitting still and doing nothing.” Merely not violating the rules does not deserve praise. One cannot observe the rules of justice better than another- I cannot not murder someone more than my neighbor. I either break a rule of justice or I follow the rules of justice.

A man does have a reasonable expectation if he follows the rules of justice. “As every man doth, so shall it be done to him...” This is the classic Golden Rule- Do unto others as they would do unto you. If a man follows the rules of justice, no more, he should expect similar treatment from others. By following the rules of justice, he should not injure any others. Therefore, no one should feel resentment towards him.

Smith has established a principle of justice regarding private individuals’ actions towards each other. His focus shifts towards framing justice as necessary for the creation of a working society. Smith creates an argument that we are all intertwined with one another. Smith recognizes, “Every man is, no doubt, by nature, first and principally recommended to his own care; and as he is fitter to take care of himself than of any other person, it is fit and right that it should be so.” A person knows themselves better than another; therefore, he should know better his own needs and how to achieve them. However, to satisfy those needs, a man cannot interfere with the rights of another. Acknowledging that we care more about our immediate needs than another’s, Smith

argues “though the ruin of our neighbor may affect us much less than a very small misfortune of our own, we must not ruin him to prevent that small misfortune, nor even to prevent our own ruin.” Even if the pains of a neighbor do not affect us as much as him, this does not give us the right to cause pains to him in order to satisfy our needs, even if our needs will destroy us. For example, say I owed money on my mortgage. I need money fast but this does not give me the right to steal from my neighbor. This action is disrespectful and injurious to the neighbor. He would have every right to feel resentment towards me, as I injured him.

“As the greater and more irreparable the evil that is done, the resentment of the sufferer runs naturally the higher; so does likewise the sympathetic indignation of the spectator, as well as the sense of guilt in the agent.” Smith recognizes an obvious difference in the injuries done to man. He recognizes death as the worst evil- “Murder, therefore, is the most atrocious of all crimes which affect individuals only.” Following his chain, theft and robbery are the greater crimes than breach of contract. Smith recognizes that, “to be deprived of that which we are possessed of, is a greater evil than to be disappointed of what we have only the expectation.” The worst crimes, which require the most “sacred laws of justice”, are crimes against life and person.

Smith presents society as a necessity and protection from crimes. “It is thus that man, who can subsist only in society, was fitted by nature to that situation for which he was made. All the members of human society stand in need of each others assistance, and are likewise exposed to mutual injuries.” Society is possible because of justice and Smith’s previous conception of the Golden Rule. “Society, however, cannot subsist among those who are at all times ready to hurt and injure one another.” If a man does

not feel that their neighbor will respect them for following the rules of justice, he has no incentive to follow the rules of justice himself. Why should he be a “sucker” and respect others only to be taken advantage of by those who he respects? In a society, an understanding must exist between members that mutual respect will prevail.

If mutual respect makes a society, then should a society based not upon justice but rather benevolence be as successful? Smith counters that, “Beneficence, therefore, is less essential to the existence of a society than justice. Society may subsist...without beneficence; but the prevalence of injustice must utterly destroy it.” Imagine a ship of pirates. It is their mission to rob, rape, pillage and steal; obviously, not benevolent intentions. However, a society must develop on board their ship to be successful. Even among a group of scoundrels, order must exist. This society is not based upon beneficence, but rather a concept of justice. Even among law breakers, rules of justice must be created. For example, among pirates, rules must be created to respect the captain and how to split the booty. Without simple rules such as these, the ship will be chaos and no plundering will be done, not an ideal outcome for any pirate on the ship.

Smith provides a selfish reason for man to “buy-in” to society. “He is sensible too that his own interest is connected with the prosperity of society, and that the happiness, perhaps the preservation of his existence, depends upon its preservation.” In an organized society, a man’s life will be easier and more prosperous. Living among a society provides economic incentives and greater protection. He has vested interest in the success of the society- “Every appearance of injustice, therefore, alarms him.” Who wants to live in a society with an ineffective police force, allowing murder, theft, and assaults? A man’s safety is threatened along with his economic interests.

Punishment for crime is not motivated for preservation of society, but rather for a desire to punish the wrong that occurred. “So when a single man is injured, or destroyed, we demand the punishment of the wrong that has been done to him, not so much from a concern for the general interest of society, as from a concern for that very individual who has been injured.” Again, this is a reiteration of the belief that resentment is not about revenge, but rather regaining respect.

Comparison of Hume and Smith

The major difference between Hume and Smith lies in the perspective in which the rules of justice are considered. Hume believes justice is based on a mutually advantageous convention between men, taking into account and providing for man’s limited generosity and the scarcity of possessions. Hume believes that the convention works through a man’s inherent self-love. He believes a man to be able to step-back and realize that the convention works to his advantage, even if he must restrain his selfish desires. Referring back to the oar boat example, two men in the boat working together are able to go further in less time and effort than one man alone. Each man has incentive to cooperate, knowing that the other has equal incentive to cooperate. Smith’s disposes of the idea of a convention. His theory of justice is based upon impartially projecting ourselves into another agent’s perspective and viewing the problem from their situation. If that person’s actions match what we feel or would do in the same situation, as an impartial projection, then we find the person to have acted properly. So what makes an act unjust when we project ourselves? Injustice is linked to feelings of resentment. Resentment is felt when we are injured. It affixes blame and culpability onto someone else; however, it is not a desire for revenge. Nor is it a desire to inflict

injury upon the other. Resentment seeks to gain back respect. So projecting ourselves into the perspective of another, we must ask whether that person ought to feel resentment towards another and whether they can resist or demand punishment or compensation.

Accountability then, is a central theme of Smith's theory of justice. A person ought to be accountable for their actions and recognize the right of another to feel resentment towards them for causing injury. There ought to be recognition that a reaction from another is caused by a lack of respect for them. Hume recognizes the need for accountability as well. A moral obligation to follow justice is necessary. Hume hinges his argument upon following the rules of justice as a virtuous pursuit. The moral obligation to follow the rules of justice is a function of a moral sentiment of what is right. Establishing social costs to not following the rules of justice, such as damage to a violator's reputation, makes rules of justice as a social norm.

Hume and Smith have similar thoughts about whether an action is virtuous. Their general theory is that an action is virtuous if it proceeds from a virtuous motive. The action's result cannot be judged as blamable. According to Smith, "He who shoots a bird, and he who shoots a man, both of them perform the same external movement; each of them draws the trigger of a gun. The consequences...are...still more indifferent either to praise or blame, than even the external movement of the body. As they depend, not upon the agent, but upon fortune. The only consequences for which he can be answerable, or...deserve either approbation or disapprobation...are those which were somehow or other intended." The virtuous intentions of the man must be judged for the actions of him shooting the gun are identical, whether he intends to kill man or bird. It

is his intention that matters. Smith's theory is echoed by Hume- "When we praise any actions, we regard only the motives that produc'd them, and consider the actions as signs or indications of certain principles in the mind and temper. The external performance has no merit."

The theories of Smith and Hume emphasize the importance of justice to society. Smith best describes the importance of justice to society thus- "Justice, on the contrary, is the main pillar that upholds the whole edifice. If it is removed, the great, the immense fabric of human society, that fabric which to raise and support seems in this world, if I may say so, to have been the peculiar and darling care of Nature, must in a moment crumble into atoms."

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