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Does Reid Have Anything to Say to (the New) Hume?

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1 Introduction

Thomas Reid is partially responsible for an interpretation of Hume according to which Hume is an epistemological skeptic, harbors idealist sympathies, and rejects the existence of robust causation in the world. While Reid's interpretation has powerfully shaped our present-day understanding of Hume, it has come under increasing pressure from Hume scholars. According to these philosophers, the traditional Reidian interpretation misrepresents Hume's views. A close and sympathetic reading of Hume, these philosophers contend, would reveal that Hume is neither a skeptic nor a metaphysical antirealist. Rather, Hume is merely an epistemological fallibilist who believes that there is a ready-made world stitched together by robust causal connections.¹

This disagreement is recapitulated in discussions of Hume's metaethics. According to the traditional Reidian interpretation, Hume's metaethical views are also broadly skeptical and antirealist. Under this reading, Hume is a noncognitivist regarding ethical judgments, an instrumentalist about practical reason, and a proponent of the claim that evaluative judgments cannot be deduced from any set of purely factual premises. While deeply influential, this reading of Hume has also come under attack from Hume scholars. A close and careful look at Hume's moral philosophy, these philosophers maintain, would reveal a Hume very different from that presented by the traditional Reidian reading. Far from being a moral skeptic or a robust ethical antirealist, advocates of the "new" Hume claim, Hume believes in the existence of genuine moral properties that we can directly apprehend.²

My concern in this essay is Reid's understanding of Hume's metaethical views. I am not, however, primarily interested in defending Reid's interpretation of Hume's

¹ See, among others, Kemp Smith (1941), Strawson (1989), and Wright (1983). A nice introduction to the issues is in Read and Richman (2000).

² See, for example, Cohon (2008), Kail (2007), Norton (1982) and Sturgeon (2008).

metaethical views. In fact, on this occasion, I am going to grant that advocates of the new Hume are correct in their contention that it is largely mistaken, assuming that Reid misrepresents fundamental aspects of Hume's position. Does it follow that Reid's engagement with Hume is merely a historical curiosity, a dramatic example of how one excellent philosopher can misunderstand another? Or do there remain important points of disagreement between Hume and Reid that Reid himself recognized—points of disagreement in which Reid has something to say to Hume? That is my topic.

2 The Common Reading

Philosophers have long grumbled about Reid's interpretation of Hume. In the early 1940s, for example, Norman Kemp Smith began his now classic *The Philosophy of David Hume* by vigorously arguing that the traditional Reidian interpretation of Hume is fundamentally mistaken. The key to understanding Hume, argued Kemp Smith, is to see his views as a variant of Hutcheson's sentimentalism.³ Kemp Smith's suggestion that we should situate Hume within the broadly sentimentalist tradition is central to recent attempts to rescue Hume's metaethical views from the reading that Reid championed. By far and away the most sustained and probing of such attempts is Rachel Cohon's recent book *Hume's Morality*.⁴ Let us begin, then, by having the core components of the interpretation that Cohon wishes to reject—what she calls the "common reading" of Hume—before us.

According to the common reading, Hume endorses these three theses:

Inertness. Mere cognitive states such as beliefs cannot move us to action; motivation requires the presence of an affective state, which is not itself entirely generated by a belief.

Noncognitivism. Moral judgments do not express moral propositions but mere feelings, which themselves cannot be true or false.

Fact/Value Gap. Evaluative judgments cannot be inferred or deduced from any set of purely factual premises.

To these three claims, we can add another that is commonly attributed to Hume and which Cohon discusses, namely:

No Moral Motives. For every virtue, there is some non-moral motive—some motivating passion distinct from moral approval and disapproval—that

³ Kemp Smith (1941, ch. 1).

⁴ Cohon (2008). I will insert page references to Cohon's book in the text. In her discussion, Cohon is primarily interested in developing her own interpretation of Hume. So, Cohon herself does not emphasize the extent to which Hume's views mirror Hutcheson's, although at various points she calls attention to similarities between their views. Kail (2007)—whose interpretation of Hume is very close to Cohon's—does, however. Moreover, Cohon does not delve into the history of the common reading of Hume and, so, does not explicitly attribute it to Reid. Reid is, however, the first to endorse the common reading, or at least central elements of it.

characteristically produces actions expressive of that virtue and that, by eliciting our approval, renders virtuous the actions that are so motivated.⁵

Reid does not attribute the first claim, Inertness, to Hume; he has relatively little to say about Hume's views regarding the motivational role of beliefs. But Reid does attribute the other three claims to Hume. For example, in Essay V of *Essays on the Active Powers of Man*, Reid explicitly attributes Noncognitivism to Hume, writing that, in Hume's view, "moral approbation and disapprobation are not judgments, which must be true or false, but barely, agreeable and uneasy feelings or sensations" (EAP V vii, 345). Later in this same essay, Reid maintains that Hume not only accepts Fact/Value Gap but also charges rationalists with having violated this principle by attempting to derive normative conclusions from merely descriptive premises (EAP V vii, 354–5). Finally, Reid attributes to Hume No Moral Motives, maintaining that Hume endorses the "maxim that no action can be virtuous or morally good, unless there be, in human nature, some motive to produce it distinct from its morality" (EAP V vi, 337).

Reid believes these claims, which constitute the common reading of Hume, to imply "shocking absurdities" (EAP V vi, 337). However that may be, the common reading has proven to be both alluring and influential—so much so that Cohon says that one of the main challenges of writing her book was to free herself of it.⁶ Still, Cohon claims, this reading is mistaken. For when read with care and charity, we can see that Hume endorses none of the four claims stated above.

But if the common reading of Hume is mistaken, what positive views does Hume defend? Under Cohon's interpretation, Hume develops a position that she calls the moral sensing view (Cohon, 2008, ch. 4). For our purposes, we can think of the moral sensing view as including two central claims, both of which concern the role of affect.

The first claim is that our basic awareness of vice and virtue—these being the primary ethical categories with which Hume works—is a direct apprehension by feeling. Feelings, under this reading, function as intermediaries between moral qualities and the agents that apprehend them; they provide epistemic access to the moral facts. When all goes well, these feelings produce moral ideas or judgments, which themselves can be corrected by taking up what Hume calls "the common point of view"—this being, roughly, a suitable standpoint from which we can revise and correct our moral judgments. The second claim constitutive of the moral sensing view is that the moral properties sensed just are dispositions to produce these feelings. In contemporary parlance, they are response-dependent qualities.⁷

⁵ See Cohon (2008). I've modified Cohon's own wording.

⁶ See Cohon (2008, 5). Elsewhere, Cohon writes: "Like others who were trained as academic philosophers, I was educated to take the common reading of Hume's metaethics for granted. I have found it very hard to break free of its hold, and can slip back into reading Hume that way without noticing it" (13).

⁷ "We will find that in the *Treatise* Hume says only a little about what moral good and evil themselves are, and most of that is about what they are not. But one crucial passage shows him to believe that moral properties are essentially reaction-dependent properties: they depend for their existence on the emotional responses of sensitive beings" (100; see also 112, 115, 124). Cohon discusses the common point of view in ch. 5. See also Cohon's discussion of Hume's account of moral properties (113–25).

The implications of attributing the moral sensing view to Hume should be apparent. If Hume embraces this position, then he is not an ethical noncognitivist, since moral judgments have genuine moral propositional content. Nor is Hume a moral nihilist, since he believes that there are moral properties. Once we see this, says Cohon, other features of Hume's view fall into place. Consider, for example, the third thesis presented above, Fact/Value Gap. Scholars have long thought that, in the famous is–ought paragraph from the *Treatise*, Hume advocates the view that an ought cannot be validly inferred from is.⁸ But, says Cohon, when Hume attacks the "vulgar moralists" in this passage, he is not making a point about the logical relationship between descriptive and evaluative concepts. Rather, he is making an epistemic point. Hume is simply telling us that we apprehend moral features not by reasoning but by feeling. In so doing, Hume is pointing us to an important difference between his view and those of the rationalists (Cohon 2008, 92–5).

But this is not the only important difference between Hume's view and those of the rationalists. Rationalists have typically claimed not only that we grasp moral truths via reason, but also that this grasp is sufficient to motivate us to virtuous action. According to the fourth thesis stated above, No Moral Motive, Hume rejects this claim, telling us that the virtuous are motivated not by moral judgments but cognitive states that do not have moral propositional content, such as the conviction that by acting in a certain way would benefit others. Understandably, Hume's commentators have long puzzled over the claim that the virtuous are motivated by only their non-moral convictions.⁹ Take the virtue of honesty with respect to property—what Hume calls justice—for example. What would be the non-moral motive that characteristically motivates just people? It might make sense to say that the benevolent person is characteristically motivated by a concern for the welfare of others. But, on the face of things, this is not the sort of motive that would express the virtue of justice. Rather often we must abide by rules of fairness with respect to the distribution of goods even when we know that it will not benefit anyone. This leaves Hume with a problem.

According to Cohon, however, Hume's commentators needn't puzzle so. For a close reading reveals that Hume does not embrace No Moral Motive. Rather, he endorses a weaker thesis that concerns only the so-called natural virtues—these being, roughly, those traits that are not socially invented but are the manifestation of a familiar feature of human nature (Cohon 2008, 162). According to this weaker thesis, every natural virtue is such that there is some non-moral motive that characteristically produces actions expressive of that virtue. However, with regard to the so-called artificial virtues, such as honesty and justice, Hume's view is different. With regard to actions expressive of these virtues, he allows that agents can be motivated by their moral convictions.

⁸ Hume (2007), 3.1.1.27. In his discussion of Fact/Value Gap in EAP V vii, Reid quotes this passage.

⁹ Cohon discusses the attempts of several commentators, such as Darwall and Gauthier, to make sense of Hume's views (2008, 183–9).

Return, once again, to the virtue of justice (or honesty with respect to property). Hume's account of the genesis of this virtue, Cohon contends, falls into two parts. In the first part, Hume hypothesizes that the effects of greed and self-interest induce us to invent a system of rules for the distribution of goods and evils, benefits and burdens, rewards and punishments. We realize soon enough that conformance to this system of rules is in our best interest. In the second part, Hume claims that the mechanism of sympathy naturally leads the members of society to feel approval for behavior that conforms to the rules and disapproval for behavior that doesn't. Through an elaborate process of social conditioning, this "sympathy with the public interest" is transformed into a deeply rooted abhorrence of rule-breaking behavior. This abhorrence is so strong, in fact, that it is not readily overcome in any particular instance of greed or self-interest (Cohon 2008, 173–5).

In short, when social conditioning has done its work, we develop what Hume calls a "sense of honor." This sense of honor, moreover, is not only expressive of the virtue of justice, but also reliably produces just actions. Under the moral sensing view, this motive counts as virtuous since it is the sort of thing that elicits our approval from the common point of view. If this is right, Hume can say that, with regard to the artificial virtues—roughly, those virtues that are socially invented—there are moral motives that are expressive of those virtues. An unqualified version of No Moral Motive, in Hume's view, is false.

I began our discussion by noting that the scholarly literature presents us with two Humes: the old, traditional Hume and the new Hume. Reid's Hume, we saw, is the old Hume, a noncognitivist who endorses both Fact/Value Gap and No Moral Motive. Reid, arguably, has some telling points to make against the old Hume, criticisms that have been developed with increasing sophistication by more contemporary philosophers. But if Cohon's interpretation of Hume is correct—and let me register my own conviction that she makes a powerful case in its favor—then many of Reid's objections lie wide of the mark. And, so, we return to our leading question: suppose that Reid's interpretation of Hume's metaethical views is largely mistaken. Does Reid have anything to say to Hume, at least with regard to broadly metaethical issues? Or should we view the last part of *Essays on the Active Powers* as an especially vivid example of one philosopher failing to understand another?

3 Reid on Hume

It would be miraculous—a lucky fluke—if Reid has something to say to Hume but nonetheless misinterpreted him on nearly every point of importance. If so, our task is to look for points of agreement between Reid's interpretation of Hume and that offered by advocates of the new Hume, such as Cohon. Are there any such points?

There are. Reid begins chapter V of *Essays on the Active Powers* by noting that, for Hume,

moral approbation or disapprobation is not an act of the judgment . . . it is only a certain feeling, which, from the constitution of human nature, arises upon contemplating certain qualities of mind coolly and impartially.

This feeling, when agreeable, is moral approbation; when disagreeable, disapprobation. The qualities of mind which produce this agreeable feeling are the moral virtues, and those that produce the disagreeable, the vices. (EAP V v, 301–2)

In this passage, Reid presents Hume as a virtue theorist. It is "qualities of mind" or character traits, in Hume's view, that elicit states of moral approbation and disapprobation. Reid then claims that, for Hume, "all personal merit, all virtue, all that is the object of moral approbation, consists in the qualities of mind which are agreeable or useful to the person who possesses them, or to others" (EAP V v, 302). But, Reid continues,

the addition of utility to pleasure, as a foundation of morals, makes only a verbal, but no real difference. What is useful only has not value in itself, but derives all its merit from the end for which it is useful. That end, in this system, is agreeableness or pleasure. (EAP V v, 302)

It follows that, in Hume's view, "pleasure is the only end, the only thing that is good in itself, and desirable for its own sake; and virtue derives all its merit from its tendency to produce pleasure" (EAP V v, 302).

Reid, then, interprets Hume as a hedonist. Under Reid's interpretation, when Hume offers his account of the artificial virtues, he is not simply doing descriptive psychology, telling us that states of pleasure and pain move the virtuous agent. Rather, Hume is telling us that pleasure and pain are genuine values, the sorts of things that warrant our acquiring and possessing traits of certain kinds. It is easy to imagine that this marks a difference between Reid's interpretation of Hume and that of advocates of the new Hume, such as Cohon. But it doesn't. Reid and Cohon agree that Hume is a hedonist.¹⁰ Since this aspect of Hume's view lies at the core of the dispute between Reid and Hume, it is worth taking a closer look at it.

Run your mind over the various states and activities that are goods or evils in an ordinary human life—goods such as bodily freedom and health, on the one hand, and evils such as forced confinement and illness, on the other. According to Reid, Hume's view is that a state or activity counts as a life-good in virtue of its either being a state of pleasure or being such as to elicit a state of pleasure in someone who considers it "coolly and impartially." Correlatively, a state or activity counts as a life-evil in virtue of its either being a state of pain or being such as to elicit a state of pain in someone who considers it in the right conditions. How do we distinguish the various life-goods and life-evils from one another? How, for example, do we distinguish those life-goods that are virtues from other life-goods? And how do we distinguish those

¹⁰ Here is Cohon: "Hume is a hedonist, in the sense that he takes the good in life to be pleasure and the evil to be pain or uneasiness; and in the end, the only warrant for any motivating passion, any reaction and any quality of mind we have is its role in the generation of pleasure and the avoidance of pain" (2008, 158; see also 33ff.).

life-evils that are vices from other life-evils? Under Reid's interpretation of Hume, what distinguishes those life-goods that are virtues from others is the type of pleasure sensation they elicit. Likewise, what distinguishes those life-evils that are vices from others is the type of pain sensation they evoke. The difference, in Hume's view, is primarily phenomenological.¹¹

Reid is deeply out of sympathy with this way of individuating virtues and vices. But rather than develop his misgivings, he focuses his critical attention on what Hume says about the artificial virtues in particular, among which Hume includes the virtue of justice. Reid, it should be noted, expresses uncertainty about whether Hume intends to offer an account of justice broadly understood or merely certain dimensions of justice, such as honesty and fidelity to contracts (EAP V v, 314–15).¹² What he does say about Hume's account, however, resembles the interpretation offered by Cohon. This interpretation attributes to Hume a two-part thesis. The first is that implementing rules for such things as the distribution of property—call them the *rules of distributive justice*—is justified by the fact that conformance to them has considerable utility. It allows us to avoid serious evils, such as societal chaos, and enjoy goods, such as harmonious societal conditions. These goods and evils, in turn, are to be understood along hedonist lines, as either being hedonic states themselves or being such as to elicit them in suitable observers. The second thesis is that conformance to these rules counts as a virtue because it elicits approbation from the common point of view.

Fundamental to Reid's engagement with Hume's metaethical views is the contention that this two-part thesis is false. It will not function, as Reid puts it, as a "foundation for morals" (EAP V v, 302). Admittedly, Reid's attempts to articulate what he finds unsatisfactory about this dimension of Hume's views can appear less than compelling. As an opening objection, Reid writes that "agreeableness and utility are not moral conceptions, nor have they any connection with morality. What a man does, merely because it is agreeable, or useful to procure what is agreeable, is not virtue" (EAP V v, 302). But, Reid continues, "every action takes its denomination from the motive that produces it; so no action can properly be denominated an act of justice, unless it be done from a regard to justice" (EAP V v, 311). Since, however, "the notion of duty be a simple conception, of its own kind, and of a different nature from the conceptions of utility and agreeableness" (EAP V v, 304), it follows that, if Hume's view were right, we could never perform just actions. Ultimately, we could perform actions only in light of the fact that they are agreeable or useful.

¹¹ What exactly is the phenomenological difference? Hume sheds little light on the matter—although see Cohon's discussion (2008, 105).

¹² This uncertainty does not, however, prevent Reid from pressing Hume. Charitably reconstructed, Reid's full worry is this. Either Hume is offering us an account of justice that is supposed to generalize to matters commonly thought of as falling under the domain of justice or he isn't. If he is, his view is deficient, as what he says about fidelity to contracts and property does not generalize, even to such "property-ish" things such as one's reputation. If he isn't giving us a complete account, then his view is also deficient because substantially incomplete. Either way, Hume has left us in the lurch concerning a central component of the moral life. See EAP V v, 324.

Reid supplements this objection with a second argument. According to this argument,

if there were no other argument to prove, that the obligation of justice is not solely derived from its utility to procure what is agreeable either to ourselves or to society, this would be sufficient, that the very conception of justice implies its obligation. The morality of justice is included in the very idea of it: nor is it possible that the conception of justice can enter into the human mind, without carrying along with it the conception of duty and moral obligation. Its obligation, therefore, is inseparable from its nature, and is not derived entirely from its utility, either to ourselves or to society. (EAP V v, 311)

Neither of these objections appears to be particularly powerful. Consider the first. The problem in this case is that the objection appears not to make contact with Hume's views. For suppose we distinguish a motive for action from its justification. A motive is that in light of which an agent acts, his reason for acting. Motives are that of which an agent is ordinarily aware when acting. A justification for a motive, by contrast, is what justifies an agent to act from a type of motive. A justification for a motive is often such that an agent is not aware of it when acting.

According to philosophers such as Cohon, when presenting his views regarding the artificial virtues, Hume offers an account of both motives and their justification. The just person's motive is a sense of honor, an abhorrence of breaking the rules of distributive justice. The justification for having motives of that type, however, is that acting from such motives has tremendous utility. Reid, in effect, objects that if an agent is just, the justification that Hume offers cannot function as an agent's motive to be just. But the obvious reply is that Hume doesn't intend it to so function. In general, the grounds or justification for a motive needn't itself be an agent's motive.

The second argument appears not to fare much better. In this argument, Reid points to an apparent conceptual connection between an action's being just for an agent and her having an obligation to perform it. He then goes on to claim that if the rules of justice were grounded in utility, then this connection would not hold. This may be so, of course. But in the passage quoted, Reid provides no argument for this claim. In other places, however, Reid seems to indicate that any attempt to offer an account of justice in terms of utility must come to grief, since the "notion of duty" is "simple" and "of a different nature from the conceptions of utility and agreeableness" (EAP V v, 304). But if this is Reid's point, it is difficult to see why Hume would be moved by it. Charitably understood, Hume is not claiming that our notion of justice is identical with that which produces utility. His claim is that considerations of utility are what account for our formulating the rules of distributive justice. Hume's story about the emergence of justice is primarily a genealogical one.

In sum, we have discovered an important point of agreement between Reid's interpretation of Hume and that offered by advocates of the new Hume, such as Cohon. Both maintain that Hume is a hedonist. Both maintain, moreover, that Hume offers an account of the rules of distributive justice—these rules being justified by the fact

that conformance to them allows us to avoid considerable evils and enjoy important goods. Finally, both agree that, according to Hume, an agent's tendency to conform to these rules counts as a virtue because it elicits approval from the common point of view. Still, when articulating his reasons for rejecting this position, Reid does not look at his best. Reid seems to overlook important nuances in Hume's view, such as the fact that, according to Hume, just agents do not act from the conviction that their actions tend to have considerable utility.

We need, however, to take a more careful look at what Reid is up to. For when we situate the passages quoted above against the larger tapestry of argument in *Essays on the Active Powers*, a rather different interpretation of the source of Reid's dissatisfaction emerges.

4 Where the Difference Lies

Reid has bold and ambitious claims to defend in the *Essays on the Active Powers*, claims about the nature of active power and moral reality. We, his readers, expect him to support these bold and ambitious claims with bold and ambitious arguments. However, rather often Reid appears not to oblige. Instead of furnishing novel arguments, he seems more interested in getting us to see how a range of interlocking normative concepts fits together.

Turn, for example, to Reid's defense of the claim that we are endowed with active power. Central to Reid's case is the thesis that a being has active power just in case it is the sort of thing that can rightly be held morally accountable for its actions and omissions (EAP IV vii, 239). What is it for an agent to be such that he or she can rightly be held morally accountable? In his discussion of accountability, Reid says little explicitly about the matter. But it is not difficult to see how he is thinking, as he picks up the matter later in his discussion of justice. Here Reid tells us that accountability is closely related to justice. "The notion of justice," in turn,

carries inseparably along with it, a perception of its moral obligation. For to say that such an action is an act of justice, that it is due, that it ought to be done, that we are under a moral obligation to do it, are only different ways of expressing the same thing. (EAP V v, 311)

So far, Reid has told us that the notions of active power, accountability, moral obligation, and justice bear intimate relations with one another—relations that allow us to recognize important constraints on what could count as an adequate account of justice. We can, Reid suggests, expand the circle of normative concepts yet wider. For consider the notion of being an injury. "A man," says Reid, can be injured in numerous ways, including "in his person, by wounding, maiming, or killing him" and "in his liberty, by confinement" (EAP V v, 312). When Reid says that a man can be injured, he is at pains to emphasize that this does not mean that a man can be hurt (EAP V v, 310). The difference between these concepts is that the former is a normative notion, while the latter is not. To harm someone is to cause that person pain, but to injure him is to render him less than what he is due; it is to violate a moral right that he has against

you (EAP III ii.v, 132). (Notably, Reid does not claim that something is an injury only if it involves causing pain. Reid does not rule out there being a category of painless injuries.) Referring to states such as enjoying the liberty to move one's body as one pleases, Reid says:

To say that he has a right to these things, has precisely the same meaning as to say, that justice requires that he should be permitted to enjoy them, or that it is unjust to violate them. For injustice is the violation of right, and justice is to yield to every man what is his right . . . what is really due to him. (EAP V v, 313, 311–12)

Reid is not content to stop here, however. The explicitly normative notions of 'being accountable' and 'being a right,' he says, are paired with affective states of certain kinds. To be accountable, Reid says, is to be the sort of thing that can be the proper object of attitudes such as resentment and indignation.¹³ Important for our purposes is Reid's observation that the immediate objects of resentment and indignation are not "things" such as propositions or states of affairs but persons (EAP III ii.iii, 108). If we keep in mind that, in Reid's view, one can be the rightful object of resentment, this is just another way for Reid to make the point that rights are always rights against other persons. Those obligations that are the correlatives of these rights, in turn, are always obligations to other persons. Rights and their correlative obligations are normative relations that people bear to one another.

Reid, then, has led us around a circle of moral concepts. 'Being accountable,' 'having a right,' 'being due another,' 'being obligated,' 'being just,' 'being injured,' 'being liable to resentment'—all these notions, Reid claims, can be understood in terms of one another. "They lie," says Reid, "as it were, in one line, and resemble the relations of greater, less, and equal. If one understands what is meant by one line being greater or less than another, he can be at no loss to understand what is meant by its being equal to the other" (EAP V v, 311). Reid, it should be noted, is not telling us that all normative notions are related in this way. Notions of prudence and benevolence, for example, are notably absent from Reid's circle. Rather, Reid is claiming that those concepts that cluster around our notion of justice are related in these ways. Suppose we shift away from Reid's own geometrical metaphor and instead think of these concepts as nodes in a network of normative notions, all of which reveal various dimensions of justice. Call this constellation of concepts the *network of primary justice*.¹⁴ Reid, in *Essays on the Active Powers*, is concerned to help us see the shape of this network. But why? Why does Reid go through the trouble of tracing the conceptual relations between the various members of our network of justice? What is the theoretical payoff of doing so?

The payoff, if Reid is right, is that once we have done so, we will have identified the parameters of any adequate account of justice. We can better see why Reid proceeds in the way he does by returning to what Hume says about justice.

¹³ At EAP III i.v, 167 Reid distinguishes "sudden" from "deliberate" resentment. In his discussion of justice, it is the latter notion that he has in mind.

¹⁴ I borrow the term "primary justice" from Wolterstorff (2008, Introduction), which uses the term to refer to both distributive and commutative but not rectifying justice.

Suppose we distinguish those actions that are required by justice, on the one hand, from the ground of these requirements, on the other. For present purposes, think of those actions that are required by justice as those actions such that an agent's performing (or, as the case may be, failing to perform) them would imply that he had thereby wronged another party. Alternatively, they are those actions such that someone has a right against an agent's performing (or, as the case may be, failing to perform) them. An example of such an action would be my preventing you from voicing your opinion in an ordinary conversation. The ground of such a requirement, by contrast, is that which accounts (at least in part) for an agent's being required to not act in this way or, alternatively, her having a right against an agent's acting in that way. In the example just used, a ground of your having a right against my preventing you from voicing your opinion might be that doing so would express profound disrespect towards you. In principle, different positions could offer different accounts of the grounds for the requirements of justice. Under Reid's interpretation, the account Hume offers is complex. It specifies that the ground of the requirements of justice consists in the implementation of certain conventional arrangements, those that specify that actions of certain types are required, forbidden, or permitted within a given domain. These conventional arrangements, in turn, are implemented on the basis of their being such that conformance to them yields (to those whom they apply) a highly favorable distribution of pains and pleasures. In short, under this interpretation, Hume is a rule-utilitarian of a certain kind with regard to justice.

Reid sometimes writes as if the problem with Hume's view is that it identifies the concept of 'being just' with that of 'being such as to produce the most utility' (EAP V v, 304).¹⁵ Earlier we saw that Hume would probably be unmoved by such a charge, as Hume's primary concern is not to offer an account of the concept 'being just' but rather to indicate how it is that the rules of justice emerged and how we might be motivated to conform to them. Charitably understood, however, Reid's charge is not that Hume has offered us an inadequate account of the meaning expressed by the phrase "being just." It is rather that Hume fails to offer us a satisfactory account of the grounds of justice. Any account of the grounds of justice, says Reid, must be such that not only is it compatible with the ways in which the various members of the network of justice are related. It should also shed light on why these relations hold, explaining such things as why it makes sense to resent those who have violated the rights of others. Hume's position, according to Reid, does not.

Reid offers two lines of argument that develop this charge, both of which converge on the claim that Hume's view provides the wrong reasons to be just. According to the first, we begin by considering the various ways in which a person can be injured:

A man may be injured, 1st, in his person, by wounding, maiming, or killing him; 2ndly, in his family, by robbing him of his children, or any way injuring those he is bound to protect; 3rdly, in

¹⁵ Smith (2002) levels the same complaint in Part IV of *The Theory of Moral Sentiments*: "the sentiment of approbation always involves in it a sense of propriety quite distinct from the perception of utility" (220).

his liberty, by confinement; 4thly, in his reputation; 5thly, in his goods or property; and, lastly, in the violation of contracts or engagements made with him. (EAP V v, 312)

An innocent person, Reid continues,

has a right to the safety of his person and family, a right to his liberty and reputation, a right to his goods, and to fidelity to engagements made with him. To say that he has a right to these things, has precisely the same meaning as to say, that justice requires that he should be permitted to enjoy them, or that it is unjust to violate them. For injustice is the violation of right, and justice is, to yield to every man what is his right. (EAP V v, 313)

Consider, for illustration's sake, a particular injury closely connected with a violation of honesty with regard to property, such as a case in which I slander you behind your back, thereby ruining your reputation. According to Reid, anyone competent with the concept of justice will recognize that I have wronged you (cf. what Reid says regarding promising at EAP V vi, 342). For there is a life-good to which you have a right—namely, that others refrain from destroying your reputation.

But if so, Reid says, it is difficult to see what role considerations of pleasure and utility could play in grounding such a right. By saying this, it should be noted, Reid does not deny that "justice is highly useful and necessary in society, and, on that account, ought to be loved and esteemed" (EAP V v, 305). Still, if Reid is right, it is not as if the slanderer wrongs his victim on account of the fact that were people to act in this way, then they would probably bring about an unfavorable distribution of pains and pleasures. For even if my slandering were to contribute to an unfavorable distribution of pleasures and pains, this would not account for why I have wronged you. Your resentment would rightly be directed at me not because I have failed to do my part to contribute to some global generic good. Rather, it would be properly directed at me because I have mistreated you by demeaning you. Nor, it should be added, have I wronged you because there is some conventional arrangement in place whose justification consists in the fact that slandering tends to bring about an unfavorable distribution of pains and pleasures (EAP V v, 324). For it is not as if were there no such convention in place, there would have been no wronging. The fact that actions of certain types tend to contribute to unfavorable distributions of pleasures and pains, says Reid, is simply not the right sort of thing to explain why agents have rights to goods of certain types (EAP V v, 324). The reference here to "goods of certain types" is important. In principle, the utilitarian justification could ground certain types of rights—rights, perhaps, that members enjoy upon joining an organization such as a baseball team. Reid's point is that the utilitarian justification could not ground the sorts of rights in which he is interested, which concern injuries of a certain range (see EAP V v, 325).

Reid develops a second argument designed to complement this last point. This second argument appeals not simply to the irrelevance of considerations of utility to issues of basic justice but only to the nature of motives. To see the shape of Reid's argument, return for a moment to Hume's broadly genealogical account of the

emergence of justice. This account, recall, comes in two parts. In the first part, Hume hypothesizes that the effects of greed and self-interest induce us to invent a system of rules for the distribution of goods and harms. Conforming to this system of rules, we recognize, is in our long-term best interest. According to the second part, the mechanism of sympathy naturally leads the members of society to feel approval for behavior that conforms to the rules and disapproval for behavior that doesn't. Through an elaborate process of social conditioning, this "sympathy with the public interest" is transformed into a deeply rooted abhorrence of rule-breaking behavior.

Reid begins by noting that the "common good of society, though a pleasing object to all men . . . hardly even enters into the thoughts of the far greatest part of mankind" (EAP V v, 306). Perhaps more importantly, Reid emphasizes, such considerations do not enter into the thoughts of "the man of honor." For the man of honor ascertains that an agent has the right to life-goods such as the good that others refrain from destroying his reputation "abstracting from the consideration of utility" (EAP V v, 306). Yet, Reid emphasizes, "every action takes its denomination from the motive that produces it; so no action can properly be denominated an act of justice, unless it be done from a regard to justice" (EAP V v, 311). I've already pointed out that Reid often gives the impression that, by making these points, he is identifying a difference between his view and Hume's. But we've seen that under Cohon's interpretation, Hume does not disagree with what Reid says. Hume does not claim that the just person is motivated by considerations of utility. The just person is motivated by a sense of honor.

Charitably understood, however, Reid's claim is not that, in Hume's view, a just person would have to be moved by considerations of utility. Rather, he is making a more subtle point, which is that if considerations of pleasure and utility were the grounds of the requirements of justice, then they would have to be the *sort* of thing that could in principle properly motivate a person to perform acts of justice. The grounds of the requirements of justice must be able to function as motives. Reid contends that, if Hume's view were correct, the grounds of the requirements of justice would not be the right sort of thing to function as motives.

Lying at the core of Reid's disagreement with Hume, then, is a commitment to a principle that specifies how the grounds of the requirements of justice, on the one hand, and motives for action, on the other, should be related. We can formulate this principle, which I take Reid to rely on, as follows. Consider any act type A that is just. What we can call Reid's *Test for Grounds* tells us that

X is an adequate ground for S's Aing only if (i) X can be a motive for S's Aing (ii) were X to be S's motive when Aing, then S would not be liable to reproach for having acted from it but the proper object of esteem and (iii) were S to A from some other motive that is a putative ground for Aing but is not or does not include X, then S would be liable to correction, admonition, or resentment, all else being equal.

Test for Grounds is Reid's way of articulating a publicity constraint on grounds for motives. A ground is adequate only if it can function as a motive and satisfies certain

constraints, including being such that acting from it does not render an agent liable to reproach.

To see the work that this principle is supposed to accomplish, return to the case I offered a few paragraphs earlier. According to this case, I have slandered you behind your back, ruining your reputation. Suppose, to fill out the case somewhat, that there is a reason for my having behaved in this way. You and I, let us imagine, belong to the same academic department. I am, however, deeply averse to your assuming a position of power in the department. So, I resort to slander, expecting that this will ruin your chances of gaining power in the department. Still, there are others in the department who have desisted from slandering you, even though there was, we can suppose, pressure on them to do so.

Now imagine that you have become aware of what has happened. You ask a fellow member of the department who has desisted from slander why she has done so. Suppose that person were to appeal to general considerations of utility, citing how slanderous behavior tends to result in an unfavorable distribution of pains and pleasures. That is why there is a rule not to engage in it. The principle articulated above tells us that something has gone wrong in your colleague's thinking. The fact that she has desisted on these grounds is "not virtue" (EAP V v, 302). For considerations of utility are not the sort of thing that should move an agent to act in the way that she did. Reid puts the point by drawing a comparison between being motivated by prudence and benevolence, on the one hand, and utility, on the other:

If a man pays his debt, only that he may not be cast into prison, he is not a just man, because prudence, and not justice, is his motive. And if a man, from benevolence and charity, gives to another what is really due to him, but what he believes not to be due, this is not an act of justice in him, but of charity or benevolence, because it is not done from a motive of justice . . . what a man does, merely to procure something agreeable, either to himself or to others, is not an act of justice, nor has the merit of justice. (EAP V v, 311-12)

In acting from these considerations, Reid says, a person is not worthy of that esteem due to the person of honor. In fact, were a person to desist from slander simply because she holds that it would be imprudent, not express benevolence, or fail to conform to a system of rules the conformity to which tends to maximize utility, she would be worthy of reproach, all else being equal. Her deliberations have been blind to the worth and welfare of the person who has been wronged.

We can, Reid says, look at the matter from another angle. Suppose there were a system of rules such that conformance to them tended to eventuate in a favorable distribution of pains and pleasures. Now consider a case in which an agent deliberates by appealing to these grounds but fails to perform those actions dictated by this system of rules; he sees that following the rules will probably yield a favorable distribution of pains and pleasures but doesn't act in accordance with them. If these rules really express the requirements of justice, this agent would be liable to resentment, for she would have failed to do what justice requires of her. But, Reid contends, that is not

the case. "To perceive that justice tends to the good of mankind, would lay no moral obligation upon us to be just, unless we be conscious of a moral obligation to do what tends to the good of mankind" (EAP V v, 327).

Reid does not straightforwardly deny that there is any such moral obligation. Nor does he deny that there are obligations to look after the public good. His point, rather, concerns what we today would call the lexical priority of honoring rights to that of producing utility. Justice requires that we not injure others, treating them in a way that renders them less than they are due. The injunction not to injure has normative priority and we are liable to resentment when we fail to conform to it. But an agent's failure to perform some action that is dictated by a system of rules the conformance to which would probably eventuate in a favorable balance of pleasure to pains need not render her liable to resentment. If so, it follows that performing that action is not a requirement of justice. No one has a right against me that I perform those actions that I reasonably believe will maximize a favorable distribution of pleasures to pains.

Let me summarize: there are important respects in which Reid's interpretation of Hume fails to comport with that offered by proponents of the new Hume, such as Cohon. Still, there is at least one important point they have in common: both interpret Hume as a hedonist who defends a broadly rule utilitarian account of justice. Reid's strategy when evaluating Hume's view is to begin by identifying the network of primary justice, elucidating the grammar of the concept of justice by tracing the conceptual connections between notions such as 'being a right,' 'being just,' 'being an injury,' 'being liable to resentment,' and so forth. This provides the parameters, if Reid is correct, of an adequate account of justice. Having identified this network, Reid presses two main lines of argument against Hume's account of justice.

According to the first, considerations of utility are irrelevant to the grounding of rights of a certain range. In general, we do not wrong individuals because our actions fail to conform to a system of rules the general conformance to which would yield a favorable distribution of pains and pleasures. According to the second argument, Reid claims that the grounds of the requirements of justice must be the sort of thing that could properly motivate just actions. But, if Hume's view were correct, Reid says, they are not. Reid makes this point by appealing to a principle that I called Test for Grounds. According to this principle, were I to act from the grounds of the requirements of justice, then I could not be liable to reproach for having done so. Were I to perform an act-type that is just from some other motive that is not or does not include such grounds, by contrast, I would (all else being equal) be liable to correction or reproach. Nor would it be permissible to be aware of these grounds, fail to act from them, and not be liable to resentment. Reid contends that Hume's view fails to satisfy this test.

Stephen Darwall, in his book *The Second-Person Standpoint*, provides a helpful conceptual framework to understand the pattern of Reid's thought.¹⁶ Consider once

¹⁶ Darwall (2006). Darwall himself does not speak of three standpoints, as I do here. But doing so, I believe, is in the spirit of Darwall's discussion. I should also note that Darwall himself contends that Reid's

again the distinction between the requirements of justice and their grounds. One way to think about the relation between grounds and requirements is by invoking the first-person standpoint. According to this way of proceeding, what accounts for an agent's being required to act in a certain way (or his having a reason to act in that way) is the fact that acting in that way contributes to his own well-being. Requirements of justice, according to this view, are justified by the fact that they bear the right sort of relationship to an agent's own flourishing. Another way of thinking about the relationship between grounds and requirements is by invoking the third-person standpoint. According to this way of thinking, what accounts for an agent's being required to act in a certain way (or his having a reason to act in that way) is the fact that acting in that way bears the proper relation to some abstract good, such as contributing to a favorable balance of pleasures and pains. A third way to think about the relation between grounds and requirements, however, is to invoke the second-person standpoint. This way of thinking tells us that what accounts for an agent's being required to act in a certain way (or his having a reason to act in that way) is the fact that acting in that way bears the proper relation to other agents who are bearers of worth. Specifically, according to the second-person standpoint, as bearers of worth, these agents have the authority to demand that we conform to these requirements.

In *Essays on the Active Powers*, Reid spends a considerable amount of energy arguing that first-personal accounts of moral requirements are mistaken; the fact that acting in a certain way would contribute to one's own flourishing is the wrong sort of thing to ground the requirements of respect.¹⁷ In his discussion of justice, Reid interprets Hume's view as one that appeals to the third-person perspective. For reasons we have seen, Reid thinks that abstract goods that concern the distribution of pleasures and pains are also insufficient to account for the requirements of justice. Reid's fundamental insight—to advert to Darwall's way of framing things—is that we must think of justice in terms of the second-person standpoint. The requirements of justice are conceptually tied with the rights that agents have against each other, which themselves legitimate attitudes such as resentment and indignation towards those who violate them. These rights, if Reid is correct, cannot be justified by appeal to the fact that conforming to them would contribute to an agent's own flourishing or to a favorable balance of pleasures and pains.

5 Conclusion

Suppose that Reid's interpretation of Hume is in important respects mistaken, since Hume's views do not conform to what Cohon calls the common reading. The question that has concerned me is: if this is so, does Reid have anything to say to Hume? Or

disagreement with Hume regarding the nature of promising turns on Reid's appreciation of the second-person standpoint (2006, ch. 8).

¹⁷ I explore Reid's arguments for this claim in Cuneo (2010).

does Reid's discussion of Hume in the *Active Powers* fail to make contact with Hume's actual metaethical views? I have argued that there is reason to hold that Reid does have something to say to Hume. For Reid's interpretation of Hume and that offered by advocates of the new Hume converge in at least one important respect, as both present Hume's account of justice as resting on a commitment to a blend of hedonism and rule utilitarianism. Initially, it can seem as if Reid's attempts to articulate what is unsatisfying about Hume's account of justice miss the mark. But, when charitably read, I have contended that Reid has some telling criticisms to make against Hume's view, ones which emphasize the importance of the second-person standpoint. To be sure, Reid says much less than one would like when offering his own account of the relation between the requirements of justice and their grounds. He never tells us, for example, what it is about human agents that accounts for why they have the rights they do. He hints that it is the possession of active power that grounds the rights of agents, but he never develops the point (see EAP, Introduction). In this regard, his position is considerably less developed than Kant's. Still, there may be wisdom in saying less and what is correct than in saying more and what is not.¹⁸

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¹⁸ Todd Buras, Rebecca Copenhaver, Esther Kroeker, and participants in the workshop "The Problem of Evil in the Scottish Enlightenment" at the University of Notre Dame offered helpful comments on an earlier draft of this essay. I thank them for their help.

13

Reid on Favors, Injuries, and the Natural Virtue of Justice

Lewis Powell and Gideon Yaffe

1 Introduction

David Hume famously claims that justice is morally good—worthy of moral approval—only thanks to certain social conventions. To give people the objects they deserve—i.e., those that are due to them—as when we return to someone an object that fell from his pocket, is not a natural, but an artificial virtue. In hypothetical worlds lacking social conventions, either because none is needed or because the need they serve has not yet been met through the construction of a convention, there would be nothing morally good about being disposed to distribute goods in accord with the bounds of ownership. Thomas Reid is among the many of Hume's contemporaries scandalized by this idea. Surely, thinks Reid, Hume is denigrating the grand and important virtue of justice. However, unlike some who take Hume's alleged denigration of the virtue of justice to be reason enough to reject his view of it, Reid offers a counterargument intended to show not just that the virtue is natural, but that anyone who accepts, as Hume does, that the affections of gratitude and resentment are natural is committed, also, to the claim that even in a state of nature, lacking in human conventions, justice would be morally good and approved as such. So, Reid tries to show that Hume himself is tacitly committed to what he so fervently denies.

Reid states the central ideas behind his argument as follows:

A favour, an act of justice and an injury, are so related to one another that he who conceives one must conceive the other two . . . As soon, therefore, as men come to have any proper notion of a favour and of an injury; as soon as they have any rational exercise of gratitude and of resentment; so soon they must have the conception of justice and of injustice; and if gratitude and resentment be natural to man, which Mr HUME allows, the notion of justice must be no less natural.

(EAP V v, 311)

The argument runs, roughly, as follows.¹ Gratitude and resentment are natural feelings that we have, without help from social conventions, in response to good and bad

¹ See EAP V v, esp. 306–11.