

Hume's Theory of Public Reason¹

Introduction

Public reason theories— however they are developed – embrace the idea that principles, rules, or institutions have authority only if those who fall within their scope have independent reason to accept them.² On such views two claims are crucial. The first is that the authority of a principle, rule, or institution requires that those who fall within its scope have independent reason to accept and conform to it. Where such reasons are lacking the principle, rule, or institution may have an impact on what reasons people have, but will not itself be a source of reasons agents would otherwise have. The second is that the shape and substance of the principles, rules, and institutions that do have authority is sensitive to differences among people that make a difference to which principles, rules, and institutions they might have reason to accept and conform to. According to public reason theorists, these differences among people make a difference to what can legitimately be demanded of them and so to which principles, rules, and institutions have authority for them.

Against this background, our public reasons are the reasons we share with others, thanks to there being principles, rules, or institutions that have authority for us in virtue of our each having (potentially different) reason to accept and conform to them. And, public reason theorists usually argue, these public reasons reflect our respect for each other as free and equal, properly subject to demands only when those demands could, in the appropriate way, be accepted by us.

Needless to say, different public reason theories play out against a variety of views concerning the nature of the original, independent, reasons that matter. Regardless of whether they are reasons of self-interest, or of religious conviction, or of moral outlook, and whether they are practical, or moral, or theoretical reasons, the common theme is that a respect for those who differ, or an appreciation of their autonomy, or a recognition of their standing as equals, requires seeing their reasons, no less than one's own, as shaping what we all have reason in common to accept as authoritative.

“Public Reason” as a label for this view is due to John Rawls' seminal work on the nature of justice.³ His concern in that work was specifically with justice in a society in which one finds simultaneously the opportunity for cooperative ventures that offer mutual advantage and reasonable disagreement among its members about how such ventures should be structured. The basic idea, though, finds important expression in the history of political philosophy, going back to Glaucon's characterization of the nature and origin of justice in the *Republic*, figuring centrally in Hobbes' *Leviathan*, and running through the enlightenment and beyond.

David Hume is sometimes mentioned in passing in discussions of public reason. But he rarely figures prominently.⁴ This is understandable. Yet leaving Hume to one side represents an important

¹ I am extremely grateful for detailed and thoughtful comments by Piers Turner on an earlier version of this paper.

² Here and throughout the idea is not just that there is *some* reason for people to accept them but that there is *sufficient* reason, given the alternatives.

³ The fundamental ideas run through *A Theory of Justice*, especially in the role given to (what he calls) the condition of publicity, but find explicit articulation in terms of public reason starting with his *Political Liberalism*.

⁴ John Rawls appeals to “the circumstances of justice” – an idea that he explicitly takes from Hume – highlighting that certain moral principles have their place and point in contexts that offer opportunities for mutual advantage. (*A Theory of Justice*, 127-130). But Rawls quickly leaves behind Hume's own account of the nature of such principles. Gerald Gaus,

opportunity missed. After briefly highlighting why Hume rarely figures in discussions of public reason, I will turn to exploiting the missed opportunity.

Why Hume so rarely figures in discussions of public reason

Without pausing to go into detail, I'll mention several aspects of Hume's moral theory that help to explain why appeals to public reason might seem to fit uncomfortably with Hume's views.

To start with, Hume pretty clearly eschews any appeal to autonomy or to respect or to equality. Unlike Rousseau, he is not at all haunted by the observation that "*Man is born free, and everywhere he is in chains,*" nor does he set himself the task of articulating a moral theory that assumes our standing as free and equal.⁵

Indeed, Hume steers clear of moral principles more generally, working primarily to explain our moral thoughts and practices, not to justify them. As a result, Hume does not so much offer a substantive moral theory as explain the context within which such theories find their point and place. He wants to make sense of when and why we think in moral terms, not to justify thinking in one particular way rather than another.⁶ That Hume's aim is primarily explanatory and not justificatory puts him at odds, or at least out of kilter with, public reason theories across the board, all of which are aimed at identifying normative constraints on authority and then spelling out the implications of those constraints when it comes to identifying authoritative principles, rules, or institutions.⁷

Moreover, Hume explicitly takes up and rejects the idea that the legitimacy of government depends on the sort of a social contract (or agreement, or promise) that figures so prominently in the literature on public reason.⁸ Such a contract, he argues, is neither necessary nor even helpful in establishing the authority of a government.

meanwhile, cites Hume only once in his *The Order of Public Reason*, despite sharing Hume's view that the principles of justice are rightly seen as tools well suited to solving certain practical problems rather than as abstract entities to be identified or discovered. An exception, on this front, is Gerald Postema, who has taken seriously the idea that Hume might be a public reason theorist. See his "Public Practical Reason: An Archeology" *Social Philosophy and Policy*, vol 12 (1995), pp. 43-86 and his "Public Practical Reason: Political Practice," in *Theory and Practice*, edited by Ian Shapiro and Judith DeCew (New York University Press, 1996) , pp. 345-385.

⁵ Hume does offer an influential compatibilist theory of free will, according to which people are properly seen as free as long as, and to the extent that, they are able to do what they decide to do. (That their decisions – and the desires and beliefs that give rise to them – are determined by forces not under their control is, on his view, not a threat to freedom.) But Hume never turns this account to significant moral purpose as a fundamental value in light of which particular moral principles are to be evaluated. This is true even though he does, pretty clearly, value people having the power to do as they decide.

⁶ Of course Hume's success on this front depends on capturing our moral thinking accurately. This has implications I will be exploiting later in connecting Hume to public reason. But for now the important point is that Hume's efforts are primarily explanatory, not justificatory

⁷ The relevant differences among different approaches to public reason have to do with (i) the sorts of reasons – epistemic, practical, religious – that are embraced as relevant, (ii) why they are taken to be relevant – as a way of acknowledging reasonable disagreement (say because of the so-called burdens of judgment), or inevitable differences among interests that might be served, or the importance of religious freedom – and finally (iii) the domain over which the principles or institutions are taken to have authority, if they are appropriately supported by the reasons the various parties have.

⁸ See his "Of The Original Contract" in *Essays: Moral, Political and Literary*, edited by Eugene F. Miller, (Indianapolis: Liberty Classics, 1985), 465-487.

As Hume points out, a social contract's authorizing power needs as much justification as government's. Just as we might wonder why we have a duty to obey a particular government, so too we might equally wonder why we have a duty to comply with some contract we have made. The nature of the challenge in the one case is so similar to that in the other, Hume argues, that whatever might work to explain when and why contracts establish duties to comply will work directly, unmediated by contract, to establish a duty to obey government. The heart of such an explanation, Hume maintains, is found in an appeal to utility (of having and enforcing a practice of promising, by contract or otherwise, and of having and enforcing expectations of allegiance to a government). Exactly how this (expected) utility works to explain our duties -- whether duties to keep our promises (or comply with our contracts) or duties to show allegiance to our government -- turns out to be a complex and interesting story (more about which, below).⁹ The key point here is that Hume explicitly rejects as inadequate an appeal to a social contract as a means of establishing the authority of a government. Understandably, that contributes to the thought that Hume's own allegiance is not with public reason.

Finally, Hume famously holds reason – public or otherwise – in low regard, as being at most a handmaiden to the passions in practical matters. Reason's role, he claims, is to serve as the slave of the passions, charged simply with determining effective means to the ends set by our passions, not with setting ends or establishing the legitimacy of anything, let alone standards for evaluating principles or institutions. Hume's general views concerning reason strike many as almost trivially implying that he would see any candidate conception of public reason as nothing more than passions dressed in elegant robes but lacking any distinctive claim to reign.

Each of these considerations -- and especially all of them taken together -- make Hume's absence from the public reason literature more than understandable. They suggest that any defense of public reason as a standard of authority will be worlds away from anything Hume would defend or embrace.

Yet, as I argue below, to follow this suggestion is to be led far afield. Hume's account of justice (which covers the virtues of respect for property, fidelity to promises, and allegiance to government) is, at its heart, an account *of* public reason. This is true, I will argue, even though (importantly) his is not an account that appeals in the first instance *to* public reason. Hume offers a theory of public reason, which is not itself a public reason theory.

Hume does not begin with a commitment to people being autonomous or free and equal, nor does he offer a substantive normative argument for any specific principles or institutions as authoritative, nor does he appeal directly to anything he would recognize as reason, public or otherwise. Rather, what Hume provides is an account of moral judgment that makes sense of why appeals to autonomy, freedom, and equality play the central roles they do in moral deliberation and argument. The explanation Hume offers of our judgments of justice concerning property, of the obligation to

⁹ By way of foreshadowing though: It is the expectation of advantage for each, given the cooperation of others, that underwrites the duty to keep one's promises and the authority of a state. Where there is no expectation of mutual advantage from a practice of giving and keeping one's word, or an established government, there is no duty and no authority. Thus, when a practice of giving and keeping one's word is predictably and consistently exploited by others to one's disadvantage, or government provides no expected benefit to its citizens, the corresponding duties evaporate. Needless to say, risk of exploitation is always present. The question is whether that risk, combined with its expected cost when it happens, outweighs the benefits of being able to rely generally on the advantages of having a practice of making and keeping promises and a government in place.

keep one's promises, and of civic obligations, invokes an explanatory architecture that provides a natural home for the substantive normative views public reason theories advance. This architecture has it that the substantive principles, rules, and institutions that emerge as moral, and so as having authority over those who are subject to them, are all properly shaped and constrained by the reasons each has to accept them.

Still, the concerns that animate public reason theories have their impact only indirectly. They stand not as the grounds offered by Hume for a particular moral view, but as crucial aspects of moral thought that need to be accommodated by any adequate explanation of what we are doing in thinking morally. Thus, Hume does not defend the concerns. What he does is offer an explanation of our moral judgments that makes sense of those concerns having an impact on our judgments regarding our duties of justice, fidelity to promises, and allegiance to government.¹⁰

Significantly, the impact of these concerns is not restricted to respect for property, fidelity to promises and allegiance to government, all of which Hume saw as "artificial virtues" that depend on conventions. Far from it. Hume's account of the standard that informs all of our moral judgments, not just those regarding the artificial virtues but of all the others as well, is isomorphic to his account of our judgments of the artificial virtues – to such a degree (I'll argue) that Hume's explanation of the general standard of moral judgment itself underwrites public reason's core commitment to the idea that the authority of a principle, rule, or institution depends on whether those subject to it have reason to accept it.

Hume sees not just the artificial virtues, but the practice of making moral judgments *tout court*, as a solution to a shared practical problem – a solution that has a claim on our allegiance when, but only when, and then because, we each have reason to embrace its guidance. And the authority of the standard that practice embodies depends on it itself meeting that standard.¹¹

To make the case, I will begin with a description of Hume's general account of the virtues, natural and artificial alike. Along the way, though, I will be especially concerned to bring out the extent to which, in the case of the artificial virtues, Hume

- (i) first characterizes the salient shared problem that gives the virtues their point,
- (ii) then argues that an appreciation of the problem predictably leads people (often, but not necessarily, consciously) to establish certain conventions,
- (iii) all while maintaining that if but only if these conventions meet certain conditions – including solving the shared problem for those who fall under the convention – will complying with the convention itself secure moral approval and, in light of that, provide new (shared) reasons to act in accord with the conventions, reasons that are over and above those (convention-independent) reasons people would otherwise have.

This last aspect of Hume's view in effect allows that the standards of the convention may be authoritative, but only if complying with the convention works for each to solve a problem that each

¹⁰ It is no accident that when Hume is referred to in the public reason literature, his account of justice and the circumstances that give rise to our interest in it and shape its demands is what gets attention.

¹¹ This is a non-trivial requirement since any particular standard that we might be relying on in making moral judgments might well fail to meet the standard it sets. In the case of moral judgments, Hume takes such a failure as decisive grounds for revising the standard.

would otherwise face. What matters to the authority of the convention is that those who are subject to it have reason (in light of the problems solved by it) to accept its requirements.

Against that background, I will turn to the standard of moral judgment on which Hume relies to account for all the virtues and argue that his explanation of that standard mirrors precisely the structure and point of his earlier account of the artificial virtues. Hume in effect argues that the disposition to regulate one's actions and decisions by the standard of morality is an artificial virtue. And, as with all the artificial virtues, he holds that the authority of the standard depends on all who fall within its scope having reason (in light of the problems it solves and the opportunities it affords) to accept it, since only then will it secure its own endorsement.

The Virtues

Hume's moral theory plays out against the observation that the moral standing of an action depends on why it was performed – that the very same behavior might be virtuous or vicious depending on the agent's motive:

'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. (*Treatise*, 3.2.1.2, SBN 477)

So the question Hume treats as central is “What explains the difference between virtuous and vicious motives?” His answer to this question, in broad outline, is that the virtuous motives are those that would secure our approval were we to take up what he calls the “General Point of View” (*Treatise* 3.3.1.15-16, SBN 581-2), from which we are suitably informed and appropriately impartial, whereas the vicious motives are those that would secure our disapproval were we to take up that point of view. Just which motives secure this approval (or disapproval) turns, Hume argues, on whether acting on them is “*useful or agreeable to the person himself or to others.*”¹² In taking up the General Point of View we leave behind our own particular interests and limit ourselves to the feelings of approbation or disapprobation caused by our sympathy with the pleasures and pains caused by the motives in question. As a result, on thinking of the usefulness or agreeableness of certain actions, we find ourselves (thanks to sympathy with those affected) approving of the motives that produce those actions. (Similarly, and as a result of the same mechanism, we find ourselves disapproving of the motives that lead to dis-utile or disagreeable actions.)¹³

Hume ends up using his account to explain a broad range of virtues. Just to mention a few: beneficence, charity, generosity, clemency, moderation, and equity are all among those that are useful to others (*Treatise* 3.3.1.11, SBN 578–9), while prudence, temperance, frugality, industry, assiduity, enterprize, and dexterity are primarily useful to those who possess them (*Treatise* 3.3.1.24,

¹² *Enquiry*, SBN 268-269 and also SBN 276-278. Hume offers a careful explanation of why such actions, and not others, would secure the relevant approval. Some of the details will be important to understanding the way in which the General Point of View speaks to, and reflects, the concerns animating public reason, as will become clear later.

¹³ Hume offers a detailed account of how it is that sympathy works to transform the idea of someone's pleasure or pain into corresponding feelings of approval or disapproval of those who are taken to be causes of those pleasures and pains. There are a lot of complexities to his story; one of its signal virtues is that it makes room for the idea that approbation and disapprobation are responsive to considerations that serve as grounds for the person feeling as she does. But these details can, for our purposes, be left to one side.

SBN 587–8), and good humor, wit, and eloquence all tend to be immediately agreeable either to those who have them or to others (*Treatise* 3.3.4.8, SBN 611).

For all of these virtues Hume thinks it is easy both (i) to identify the motives characteristic of people with these traits and (ii) to explain why those motives secure approval from the General Point of View and so count as virtuous.¹⁴ The relevant motives as well as our approval of those motives from the General Point of View, are, he maintains “entirely natural, and have no dependance on the artifice and contrivance of men” (*Treatise*, 3.3.1.1, SBN 574). Consequently, Hume thinks of them as “natural virtues.”

These virtues stand in sharp contrast, Hume maintains, with (what he calls) the artificial virtues of justice, which include respect for property, fidelity to promises, and allegiance to government: the relevant motives of those who have these traits, as well as our approval of them from the General Point of View, are entirely dependent “on the artifice and contrivance of men.” The dependence on artifice is two-fold:

First, the motives distinctive of those who have the artificial virtues cannot even be identified without appeal to the presence of an appropriate artifice or contrivance – specifically a convention. It is only once conventions are in place, Hume holds, that we can even identify actions as instances of respecting the property of others, or of keeping one’s promise, or of showing allegiance to one’s country. Absent the conventions, people have no property to respect, no promises to keep, and no countries to which to give their allegiance. The very possibility of performing the relevant virtuous actions depends, on Hume’s view, on the existence of conventions.¹⁵ When does “mixing your labor” with something make it yours? How might you transfer ownership of what is yours to someone else? By what act or form of words do you commit yourself to some future performance (as opposed, say, merely to predicting that performance)? What counts as a country to which one might give allegiance? In each case, Hume maintains, there is no answer unless relevant conventions are in place.

Second, the artificial virtues depend on “artifice and the contrivances of men” – that is, on conventions – even once the relevant motives and corresponding actions can be identified since their usefulness, which is what garners them approval from the General Point of View, is “somewhat singular” in that it can be understood only by seeing their place within the conventions that make them possible:

A single act of justice is frequently contrary to *public interest*, and were it to stand alone, without being followed by other acts, may, in itself, be very prejudicial to society... Nor is every single act of justice, considered apart, more conducive to private interest, than to public... But however single acts of justice may be contrary, either to public or private interest, it is 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. [*Treatise* 3.2.2.22, SBN 497-8]

¹⁴ Some of these motives (e.g. benevolence) are approvable however strong they might be, while others (e.g. self-interest) are virtuous only in limited supply.

¹⁵ In advancing this view he is rejecting the idea that there are laws of nature in light of which, for instance, the land is all the property of the king or people own whatever they happen to be able to control.

That the usefulness of the acts turns on the whole plan or scheme – that is, on the convention – of which they are a part means that their role in the plan or scheme is crucial to our approval (from the General Point of View) of the motives that give rise to them. In thinking about the motives of those with these virtues Hume argues that we will miss the target entirely unless and until we appreciate the conventions within which people with the virtues are acting.

With this all in mind, Hume offers a lovely explanation of how conventions concerning property could emerge spontaneously, and be sustained, without coercion or deception.

Hume starts his explanation by highlighting all the problems we would face, and all the opportunities we would forego, if we had no shared understanding of property (of who owned what and how that ownership might be transferred) or if we exercised no restraint concerning the taking of what we understood to belong to others. To appreciate these problems and opportunities, he points out, is to recognize that we would all be better off if only we were to coordinate around an appropriate understanding of what counts as whose property and restrain ourselves accordingly. Once this “common sense of interest is mutually express’d, and is known...,” Hume observes, “it produces a suitable resolution and behaviour” (*Treatise*, 3.2.2.10, SBN 490). We will each, on the condition that others will as well, establish rules of property and resolve to abstain from taking what (in light of those rules) belongs to others.¹⁶

Hume offers an analogous story for the emergence of conventions that allow us to make promises, and to count on each other to keep them. We of course might not have such conventions. But in their absence we would all be worse off than if we made promising possible. To appreciate this is to recognize that we could all be better off if only we were to coordinate around an appropriate understanding of what counts as giving a promise and then act so as to keep promises made, resisting opportunities to profit from breaking them. And once this “common sense of interest is mutually express’d, and is known...,” Hume observes, “it produces a suitable resolution and behaviour.” We will each, on the condition that others will as well, settle on ways of making commitments to each other and resolve subsequently to act to keep them.

So too, on Hume’s account, for all the other artificial virtues. In each case there are salient shared problems that could be effectively addressed if only we had in place certain conventions. And it is no surprise that for each case it would be possible for conventions that solve the shared problems to arise spontaneously, without coercion or deception. In each case, the recognition of mutual interest can, even absent a concern for the interest of others, lead intelligent people to put such conventions in place.

That is not to say that the relevant problems are always addressed without coercion or deception. As Hume knows well, plenty of conventions concerning property, promise, etc. emerge and are sustained only thanks to coercion and deception. But the conventions that matter to the artificial virtues are, on Hume’s view, restricted to those that at least could in principle emerge and be sustained without recourse to either. That possibility indicates that the convention in question is one with which all have independent reason to comply. (Compliance with a convention that can only be maintained by force or deception is not, on Hume’s account, required by justice. It may still

¹⁶ The importance of which rules might be put in place pales, he thinks, in comparison to the importance of getting some rules or others: none of the benefits are available to anyone until specific rules are in place and mutually recognized. In “Of the Rules Which Determine Property,” in the *Treatise*, Hume maintains that just which rules will play the required role turns largely on custom and imagination, not on any sort of calculated determination of utility.

be virtuous to comply with such a convention, though, since proper regard to one's own interest, and to the interests of others, are virtuous. But acting from these motives reflects the virtues of prudence or benevolence, not justice.)

Even when the appropriate conventions are in place, of course, all sorts of motives lead people to perform the actions required by the conventions in question, not always ones that are distinctive of the artificial virtue in question. It is one thing to refrain from theft from a fear of punishment, quite another to do so for the motive that would animate a person who respects property. Similarly, it is one thing to keep one's promise out of a concern for a future reward, quite another to do so for the motive that animates a person who is true to her word. So too, whether we are considering property or promises, it is one thing to act from an admittedly virtuous concern for overall welfare, another to act from the motives that animate those who are just or true to their word.

Self-interest, a concern for one's family, and general benevolence, Hume recognizes, do often lead people to act in the ways people with the artificial virtues would act. And these motives play an essential role in establishing the relevant conventions in the first place and, in many cases, in helping to sustain them. But, Hume argues, they are not the motives characteristic of a just person, of a person who is good for her word, or of a person loyal to her government. Indeed, he maintains that no natural motive – no motive people might have absent a relevant convention – qualifies as motives characteristic of such people.

Yet, Hume holds, in order for us to understand these artificial virtues as distinctive virtues, we need to identify the motives characteristic of those who have them and explain why those motives would be approved of from the General Point of View.

What are the relevant motives, if not self-interest, limited benevolence, or general benevolence? One candidate Hume considers is the motive of duty or, as he sometimes puts it, “a regard to the virtue of the action” (*Treatise*, 3.2.1.4, SBN 478). To act from a sense of duty is indeed virtuous, Hume acknowledges. And this is a motive that might well often cause people to act justly, or to keep their word, or to obey their government, in a way that is markedly different from being moved by self-interest, or a concern for one's family, or even general benevolence.¹⁷

Yet, Hume argues, the motive of duty or “a regard to the virtue” of an action cannot be the motive in light of which the artificial virtues count as virtues. This is because some action counts as our duty (on Hume's account) only if some motive for it would secure approval from the General Point of View. So there needs to be some such “original” or “first” motive for that kind of action before we could then be moved by the recognition that acting on *that* motive would secure approval.¹⁸

To suppose, that the mere regard to the virtue of the action, may be the first motive, which produc'd the action, and render'd it virtuous, is to reason in a circle. Before we can have such a regard, the action must be really virtuous; and this virtue must be deriv'd from some

¹⁷ Significantly, although the motive of duty is different from these others, all of them, Hume recognizes, may be such that a person might perform the actions a person with those motives would perform, but do so from duty rather than from the virtuous motive in question (*Treatise*, 3.2.1.8, SBN 479). The one virtue the motive of duty is characteristic of is the virtue of dutifulness, which is not, on Hume's view, a free-standing virtue, but instead a virtue, when it is one, that is parasitic on there being others.

¹⁸ For a detailed discussion of this argument see my “Hume on the Artificial Virtues,” in the *Oxford Handbook of David Hume*, edited by Paul Russell (Oxford University Press, 2016), pp. 435-469.

virtuous motive: And consequently the virtuous motive must be different from the regard to the virtue of the action. (*Treatise*, 3.2.1.4, SBN 478).¹⁹

When we are talking about the natural virtues, finding that “first motive” is no challenge; nature has provided it.²⁰ But we are talking about the artificial virtues here and we are trying to identify the motive on which those with the relevant virtue would be acting in performing the action that we (and they) might, then, recognize as their duty. The sense of duty, or a regard to the virtue of the action, Hume maintains, cannot play that role.

Strikingly, Hume seems never to identify explicitly the particular motives that do play this role for the artificial virtues. Given the importance he places on the existence of a first virtuous motive for each kind of virtuous action, this is surprising, to say the least.

Predictably, a number of suggestions have been made. According to some, Hume identifies no first virtuous motive because there is no such motive, which shows (they argue) either that Hume’s actual view is that the artificial virtues are not really virtues at all (because there is no first virtuous motive) or that he abandoned the idea that the status of actions as virtuous depends on there being a virtuous motive to prompt them.²¹ Others have held that Hume does in fact identify the virtuous motive and that it is the motive – enlightened self-interest – that he highlights in his accounts of the origin of the conventions that make the artificial virtues possible.²² Still others, though, reject self-interest, enlightened or otherwise, as not plausibly motives of justice (for the reasons Hume himself seems to identify) and have argued that the relevant motives depend on which conventions are in place and involve the recognition of the actions as required by the relevant conventions.²³ There is a fair amount that can be said on behalf of each of these interpretations.

My own view is that the last is the closest to the truth. But its defense and development calls for some care, not least because, put the way I have put it, the proposal risks mis-identifying as a virtue what is really a vice – fetishizing conventions, as if the fact that a convention requires something by itself justifies doing what it requires. This sort of convention-fetishism, which involves taking “that is how things are done” reasoning as sufficient, is no part of Hume’s view.

Not just any convention that establishes property, or creates a way to make a promise to others, or defines what allegiance requires, works, on Hume’s view, to make conformity with the convention a virtue. To respect property, for instance, without regard to whether and how coercion or deception

¹⁹ Hume is here supposing that in acting on the motive of duty, at least when doing so is virtuous, we are right that acting in this way is our duty. Otherwise, it would be possible for there to be no original motive that would secure the appropriate approval, even though acting on the thought that there were such a motive did secure that approval.

²⁰ Thus it is easy to make sense of someone who feels no concern for the welfare of others nonetheless giving to charity (that is, performing a benevolent action) from a sense of duty. The recognition of giving to charity as a duty is the recognition that those who act from the motive of benevolence are acting on a motive that would secure approval from the general point a view, in a context where failing to act in that way would garner disapproval.

²¹ Marcia Baron, “Hume’s Noble Lie: An Account of His Artificial Virtues.” *Canadian Journal of Philosophy* 12(3/September 1982), 539–55; Rachel Cohon, “Hume’s Difficulty with the Virtue of Justice.” *Hume Studies* 23(1/1997), 91–112; *Hume’s Morality: Feeling and Fabrication*. Oxford: Oxford University Press, 2008.

²² David Gauthier, “Artificial Virtues and the Sensible Knave.” *Hume Studies* 18(2/November, 1992), 401–428.

²³ Stephen Darwall, *The British Moralists and the Internal ‘Ought.’* Cambridge: Cambridge University Press, 1995; Don Garrett, “The First Motive to Justice; Hume’s Circle Argument Squared.” *Hume Studies* 33(2/2007), 257–288. That Hume never explicitly identifies a single motive of justice might, on this view, be explained by noting that the relevant motives vary with the conventions.

figures in the maintenance of the convention, is no virtue.²⁴ Hume is clear that the relevant conventions must offer the prospect of advantage, through cooperation, to all who fall within their compass, and do so without recourse to coercion or deception. Where those conditions are not met, Hume thinks the conventions that are in place do not work to define the virtue of justice, and justice does not demand what they require.²⁵

The artificial virtues are, on Hume's view, essentially reciprocal, reflecting what people owe to each other in light of their mutually restricting what they willingly do in light of others similarly imposing such restrictions on themselves.²⁶ Central to Hume's account of the artificial virtues is that they involve a *conditional* willingness to comply with the relevant conventions, where the conditions involved concern (i) whether the convention provides the prospect of mutual advantage without coercion or deception and (ii) others being similarly conditionally willing to comply. Only when these conditions are met will the convention be solving the relevant problems appropriately – that is, in a way that means *being motivated by the recognition that the convention requires one to perform an action* will secure approval from the General Point of View.

Crucially, a proper understanding of the relevant problems involves seeing that a convention might adequately solve them only if it involves the willing participation of those subject to the convention, where their willingness does not depend on coercion or deception. From the General Point of View, it is the recognition that the convention does solve a salient shared problem that leads to approval of those who are willing (conditionally) to act in accord with the convention.

Needless to say, relevant conventions are not always in place. When they are not, those concerned with an artificial virtue find themselves at a loss when it comes to determining what the virtue requires. Other times, there may be conventions in place, but bad ones that do not work well to solve the relevant problems.²⁷ In this case too, Hume thinks, those concerned with an artificial virtue find themselves at a loss when it comes to determining what the virtue requires. The bad conventions may shape expectations and direct action, but to the extent that they do not address well the relevant problems, compliance with them will not secure approval from the General Point of View as a useful way to address the problems that give rise to a concern for justice.²⁸ It is only in contexts where there are established and effective conventions, well designed to address the relevant problems, that the artificial virtues find a home as virtues. And when they do, the shape they take

²⁴ Whether and how it might matter that coercion or deception figured in the establishment of the convention turns on whether that history has an impact on the reasons those currently subject to the convention have for complying. If, for instance, complying now, with, say, a coercively established convention, would introduce incentives to future exploitation that outweigh the benefits expected from complying, then that history matters. But if, alternatively, all still have reason, absent coercion and deception, to comply now, then the history of coercion will not, on Hume's account, undermine the authority of the convention established.

²⁵ Of course, self-interest or benevolence might still demand doing as the convention requires, when so acting is in one's interest or in the interest of others.

²⁶ As Hume recognizes, not all conventions involve restraint. But the conventions that are central to solving the problems that give place and point to the artificial virtues all do, even as they sometime prompt behavior (say, keeping one's promise) even where there is no particular temptation otherwise that needs to be restrained.

²⁷ Conventions count as being bad, in this context, by failing to solve the problems they are meant to solve.

²⁸ Hume emphasizes that his point is not that absent the conventions injustice is not a vice: in claiming "that in the state of nature, or that imaginary state, which preceded society, there be neither justice nor injustice," he is not claiming "that it was allowable, in such a state, to violate the property of others" but rather "that there was no such thing as property; and consequently could be no such thing as justice or injustice." (*Treatise* 3.2.2.28, SBN 501)

turns critically on the specific conventions, which in turn reflect what each has reason to embrace (given what others have reason to embrace).

That others show a like restraint is crucial, according to Hume. The *conditional* willingness to comply with a mutually advantageous convention, in a context where others are similarly willing, offers tremendous advantages, both in avoiding otherwise inevitable conflicts and in offering beneficial opportunities that otherwise are simply not available. Yet it is important that the willingness be just conditional, and specifically conditional on others likewise being willing, since the important benefits from one person complying with the convention depend on others complying with it as well. As a result, Hume notes, if a just person should fall among thieves “his particular regard to justice being no longer of use to his own safety or that of others, he must consult the dictates of self-preservation alone, without concern for those who no longer merit his care and attention” (*Enquiry*, SBN 187). An unconditional willingness to comply with a convention specifying the demands of justice would simply set one up as a “cully” of one’s integrity and would not secure approval from the General Point of View.²⁹

Importantly, a general conditional willingness to comply with a mutually advantageous convention, free of coercion and deception, taken alone, provides no motive to do anything in particular. Until there is a convention in place, and so a specified way to act in order to comply, there is nothing in particular for a person who is conditionally willing to comply to do. She will have no motive to act at all, despite being primed to have one. When it comes to the artificial virtues, the relevant conditional willingness turns into an effective motive only in contexts where, in fact, conventions are in place to settle how one is to act when the conditions are met.

The original or first virtuous motives of the artificial virtues are, on this understanding of Hume’s account, the motives that those with the conditional willingness to comply with appropriate conventions have, when they find themselves in a context where the conditions are met. These people act as they do *because the convention requires it* but only given that the convention in question offers the prospect of mutual advantage free of coercion and deception, and only given that others too are willing to comply if they do.

The story of the emergence of the required conventions will be a story of people acting on *other* motives, not the motives distinctive of the virtue the convention makes possible. In general, Hume suggests, self-interest plays this role, providing the initial motives for people to establish and then conform to conventions. Yet other natural motives (e.g. a concern for others, the desire for approval, fear of punishment) as well as mindless imitation and habit all have their roles to play in getting conventions up and running and then in sustaining them. It is only once the conventions are in place that an appropriately conditional willingness to comply with a convention, if others will similarly comply, will provide a motive to act in any particular way.

While the original reasons for establishing the relevant conventions that make respecting property, keeping your promise, showing allegiance, possible, are found in the interests of each that might be served, the range and scope of the duty those reasons put in place are, Hume holds, determined by an appropriate convention, which itself establishes what is one’s fair share of the burden that comes with trying, together, to satisfy those interests.

²⁹ *Treatise*, 3.2.7.3, SBN 535. It might be that so acting, for the benefit of one’s compatriots, might secure approval, if that is why one was doing it, but as benevolent, not as just.

Central to Hume's view is that the relevant conventions offer the prospect of *mutual advantage* (however the people involved might measure advantage); the conventions that help to constitute the virtues are restricted to those of which it is true that each stands to gain and so has reason to comply.³⁰ This is a serious and substantive restriction, though what its implications are depends crucially on what the world is like, both in terms of what our individual interests happen to be and what opportunities we might have for beneficial cooperation.

As interests and opportunities shift across populations or through time, so too will the rules of the conventions that count as mutually advantageous, and so too will the actions of a person concerned with justice. The demands of justice, and so a just person's actions, will vary in response to which conventions are in place, and in response to whether those conventions are such that the people subject to them have reason to comply with the conventions in question.

We can, in an abstract way, say what the conditions are under which a just person will be motivated to act, and so the conditions under which an action will count as just. But without knowing which conventions are in place, there is no saying what the specific motives of a person with an artificial virtue will be. It is fair enough here to note that she will be motivated by a concern for justice – for doing her share within a convention or practice, assuming both that others are too and that the convention or practice offers the prospect of benefit to all expected to comply, absent coercion or deception. But there is no fact of the matter about what that will involve unless and until a convention is in place.

It is worth noting the difference between asking whether compliance with a convention offers you advantages, and whether compliance with it is a virtue or a duty (or is even allowed by virtue or duty). The first may well get a positive answer even when the second gets a negative one. Or the first may get a negative answer even when the second gets a positive answer. But, when it comes to the artificial virtues, a positive answer to the second depends on the convention being one that has offered you and others advantages and with which others have willingly complied.

As Hume emphasizes, while *the relevant conventions* must promise mutual advantage, complying with their demands, and so with the demands of virtue, can be individually costly. The benefits on offer, the prospect of which lead to approval from the General Point of View, come not from the particular actions one might be required to perform, but from the convention that requires them. Moreover, from the General Point of View what matters is that the conventions are well suited to solving the problems that give them point and purpose. Their success on this front is not a matter of whether they promise the best consequences overall, but in whether and for whom they offer a solution. What secures approval from the General Point of View, and so counts as virtuous, is willingly playing one's part in an existing convention that has provided (or promises to provide) one with benefits thanks to the willing cooperation of others. The benefits that matter to approval from the General Point of View are the benefits to each that the conventions make possible.

The prospective benefits in play, it is worth noting, are to be measured (Hume emphasizes) by the interests of each. But this is in a context in which (Hume also emphasizes) people regularly have interests that reach far beyond themselves.³¹ While justice is a "cautious, jealous virtue" (*Enquiry*,

³⁰ *Treatise* 3.2.5.10, SBN 521-522 and 3.2.10.16, SBN 563-564. That the conventions could emerge without coercion or deception is a mark, for Hume, that mutual advantage is available.

³¹ Hume is especially clear about this in his Appendix on Self-Love, but it shows up throughout the *Treatise* and the *Enquiry*.

SBN 183-184) those who are just are often cautious about the welfare of others and jealous of actions that put those they care about at a disadvantage.

Although a concern for others is among the interests Hume recognizes as a central aspect of humanity, it is important to mark the deep difference, as Hume sees it, between benevolence and justice. Consider a case in which we are all concerned with the welfare of some group of people and decide to work together to meet their needs, with the understanding that by each playing a role we will together achieve our shared end. Benevolence has us focused on the needs of others. Yet in a context where some, but not others, might end up contributing, a concern for justice finds its place. The end is a benevolent one; yet the concern of justice is not with that end, but with whether people are doing their share in their pursuit of it. The concern with justice stands even if, as things turn out, the needs of those in the group we hope to help are met unfairly by some contributing more. The benevolent person cares that the end is achieved. Just people care not (simply) that the end is achieved but that people have done their share (assuming others too are doing theirs) in pursuing that end.

Hume's focus on actual conventions being in place as a condition for justice goes with his side-lining the discussion of ideal conditions, except to note that certain ideal conditions – of say unlimited benevolence or super-abundance – would render certain conventions (say concerning property) pointless.³² This is not because he thinks actual conventions are uncriticizable, but because (on his view) substantive claims of justice depend on the nature of the conventions actually in place. These might be conventions that, if changed, would make at least some people better off, perhaps dramatically. If so, that would count as moral grounds to work for a change.³³ Yet unless and until the change is made the legitimate claims of justice, made by, on behalf of, or of, people willingly participating in the convention do not reflect those (as yet merely) possible improvements.³⁴

Given this, it is complicated to say just how conservative the view is. On the one hand, claims of justice have their content determined by existing conventions (when those conventions satisfy the relevant conditions). On the other hand, such conventions may allow internal critiques that would fund the claim that aspects of the existing convention are unjust and the conventions will in any case be open to moral evaluation and criticism on other grounds, all of which exert pressure for change.

One crucial element of Hume's view is that the content of authoritative standards of justice are not just sensitive to, but are determined by, what the people subject to them can willingly, absent coercion, embrace. Another is that participating willingly in certain conventions and practices creates reciprocal obligations towards others who do so as well. These reciprocal obligations, it is worth highlighting, reach beyond – and may actually oppose – the interests that provided reason to participate in the convention in the first place. Moreover, they remain even in the face of, though

³² He maintains that “if men were supplied with every thing in the same abundance, or if *every one* had the same affection and tender regard for *every one* as for himself; justice and injustice would be equally unknown among mankind” (*Treatise*, 3.2.2.17, SBN 495)

³³ Hume gives no space to considering either the process of negotiation nor the relevance of what the possible results might be, except as the processes actually occur and the results are in hand, in which case their impact is as direct and substantial as the resulting changes the negotiation brings.

³⁴ Of course, if the conventions in place fail to meet appropriate conditions altogether (as opposed to meeting them, but being such that we can imagine better), then the demands of justice do not apply. So, for instance, if the convention in place fails to be advantageous for part of the population subject to them, as seems often to be the case when it comes to rules of property, that convention's requirements will not be authoritative with respect to them.

often not withstanding, moral objections to the convention in question.

With this last point in mind, consider a slave owning society in which the slave owners cooperate together, to their mutual benefit, in order to exploit successfully those they treat as property. In such societies, it is clear that on Hume's view the slaves have no moral duty whatsoever of restraint or cooperation with respect to those who exploit them.³⁵ Respecting property in their society is no virtue for them. The situation with regard to those who have benefited from the convention, though, is made more complicated, I think, by their recognition that the benefits they have enjoyed depended on the willing cooperation of their fellow slave-holders in enforcing the convention. For them, there is sense to be made of owing something to those people, in light of their compliance with the convention. This is true even though other moral considerations tell decisively against the reprehensible convention and in favor of destroying it. Similarly, Hume is well placed to make sense of honor among thieves as a real possibility and a (limited) virtue, despite it being in the service of (mutually embraced but) immoral ends.

The key point, for our purposes, though, is that on Hume's account our obligations of justice exist only if the conventions in place are such that we and others subject to them have reason to accept them. If and when that is true, those who willingly participate, absent coercion and deception, acquire new, and distinctively moral, reasons to comply with the convention's rules, principles or institutions – reasons provided by the reciprocal obligations to others that their willing and uncoerced participation in a mutually advantageous convention creates. This means that public reason's core commitment, as articulated at the beginning, finds a place at the heart of Hume's account of which standards of justice we judge authoritative and why we make those judgments, albeit absent any appeal to the substantive moral commitments to mutual respect, freedom, or equality that figure in standard public reason theories.

At the same time, though, those substantive moral commitments articulate well what might be said, morally, in defense of the standards Hume's theory says would emerge as, by our lights, authoritative. In particular, if Hume is right about the conditions under which we see certain standards as authoritative for people, it will be natural to see those judgments and standards as embodying and respecting the substantive moral commitments, precisely because they are conditioned on the thought that the standards, and the obligations they establish (when they do), depend on those subject to them being able willingly, and without coercion, to accept them. That is, after all, the constraint that public reason theorists see as the proper expression of mutual respect, freedom and equality. In Hume, though, the constraint emerges from his *explanation* of why we count complying with certain conventions as virtuous, not as a substantive premise in defense of such conventions.

In evaluating Hume's account of the artificial virtues, three questions loom large: does it fit the phenomena? Are the resources it relies on legitimate? Does it expand our understanding of, or insight into, the phenomena? Needless to say, with respect to each question there is plenty to say about what exactly is being asked and also about what the right answers might be. My aim here, though, is not to offer an evaluation of Hume's account, but to bring out the ways in which it makes sense of why our moral judgments are so often well articulated by the considerations that figure prominently in the public reason literature, so I will be leaving these questions aside.

³⁵ As Hume notes, "as government is a mere human invention for mutual advantage and security, it no longer imposes any obligation, either natural or moral, when once it ceases to have that tendency" *Treatise* 3.2.10.16, SBN 563-564.

Still, it is worth noting with respect to the first question, that Hume's account implies that all disputes concerning justice, as Hume understands it, are disputes either about what the relevant existing conventions require and allow, or about whether the conventions in place satisfy the conditions required in order to succeed in establishing (reciprocal) obligations. Arguments about which possible conventions would be better, morally or otherwise, are often, Hume is prepared to acknowledge, deeply important; answers to them properly shape efforts at reform and, potentially, offer grounds for revolution. Yet, he is committed to holding, they are not arguments about what our (reciprocal) obligations of justice actually are.³⁶

The Standard of Morality

So far the focus has been on the ways in which Hume's account of the artificial virtues provides a framework within which to understand how the substantive moral commitments of public reason would naturally emerge. That is enough, I think, to make the case that a crucial part of Hume's theory fits comfortably with, and provides the underpinnings for, public reason theory. There are, of course, all of the obstacles mentioned at the beginning, to which I will return towards the end. For now, though, let me say that if none of them constitute arguments against the reading of Hume I have offered (and I don't think they do) neither do they tell against understanding Hume as offering an account *of* public reason, even if not an account that appeals *to* public reason.

Yet this restricted focus underplays, to a dramatic degree, the extent to which Hume's over-all account of moral judgment, not just his account of our judgments of the artificial virtues, harmonizes with public reason theory. To appreciate this, the important thing is to see the extent to which Hume's account of the General Point of View, which sets the standard for all the virtues, is modeled directly on his account of the artificial virtues.

So, for instance, Hume's explanation of the General Point View plays out against an appreciation of the problems we would face and the opportunities we would forgo were we to lack a shared standard for moral judgment. Absent such a standard, people faced with conflicting interests and variable feelings (specifically though not solely of approbation and disapprobation), would have no way, through reflection and discussion, to pursue effectively a shared view of how to act in, and react to, the world in which they found themselves.

Hobbes famously highlighted the downsides of this situation with his description of the state of nature, in which (as he saw it) people would inevitably be at war, "every man against every man" with predictable results.³⁷ His view is that nothing shy of setting up an absolute political power, a Leviathan, to settle disputes and enforce peace, could possibly address the problem. Hume embraces a less draconian picture of what life would be like in the state of nature, not least because he thought people's 'humanity' would render the situation more tractable. But he shares Hobbes' view that peoples' different and often conflicting interests, and their variable affective responses, predictably and, indeed, inevitably, generate conflicts. According to Hume, "every particular man has a peculiar position with regard to others; and '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

³⁶ I mention this in particular because Hume's conception of the full reach of concerns of justice, specifically, is narrower, I think, than that of many people now. At the same time, though, I suspect that once the full resources of his moral theory are appreciated, it becomes clear it has a place for the concerns at issue, even if not distinctively as concerns of justice.

³⁷ *Leviathan*, XIII, 8

his peculiar point of view” (*Treatise*, 3.3.1.15, SBN 581-582). Fortunately, he thinks, we have found a solution:

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.
(*Treatise*, 3.3.1.15, SBN 581-582)

In contrast with Hobbes, Hume thinks that a significant amount of the problem can be, and indeed has been, addressed by adding moral concepts our intellectual repertoire. Being able to think and talk about virtue and vice, and not simply about what we happen to like or dislike, changes the situation dramatically, especially if the results of moral deliberation and discussion can be counted on to engage the heart. As Hume sees things, in regulating what we think and say about virtue and vice (at least implicitly, but quite reliably) by considering what we would approve of from the General Point of View (that is, the reactions of a suitably informed, appropriately impartial, observer) and then (often) setting ourselves to act accordingly, we avoid the need for a Hobbesian Leviathan.

This solution turns crucially on our participating in a convention that has us regulating our thoughts and actions in light of moral considerations, assuming others will as well. The details of the story Hume offers of this convention, and of the moral concepts that figure centrally in it, matter in a number of ways.

For instance, an appropriate standard for those concepts – one that will actually address the shared problems we would otherwise face – must be one that we can all, at least to a great degree, access. A standard for moral judgment that was inaccessible, say because it requires perfect information, or a set of reactions we can neither conceive, nor experience, would likely leave us with just as much disagreement and conflict as if we had no standard at all. Moreover, it must be a standard that works to deliver more or less the same results when appealed to by different people, since, again, a failure to do so would likely leave us with the sort of disagreement and conflict an appeal to them is meant to resolve.

We have crafted such a standard, Hume argues, by doing two things. The first is relying on a standard that appeals to (familiar) feelings of approbation and disapprobation that are available to all who might deliberate and act in light of moral considerations. But of course differences among us in what we find ourselves approving of is one source of the conflict that moral concepts are supposed to help address. So we come to the second thing we have done, according to Hume: we have restricted our attention to approbation and disapprobation that would be felt under circumstances that abstract away from our differences in a way that leaves the results accessible to each of us, but that fixes our attention in a way that holds the prospect of a fruitful consensus. This is accomplished, Hume argues, by restricting the approbation that counts as setting the standard for moral judgment to approbation that results from sympathy (rather than from self-interest, which would simply let the conflicts we are hoping to resolve reverberate), and then by restricting who all, under what circumstances, we are to sympathize with.

One may, perhaps, be surpriz'd, that amidst all these interests and pleasures, we shou'd forget our own, which touch us so nearly on every other occasion. But we shall easily satisfy ourselves on this head, when we consider, that every particular

person's pleasure and interest being different, 'tis impossible men cou'd ever agree in their sentiments and judgments, unless they chose some common point of view, from which they might survey their object, and which might cause it to appear the same to all of them. Now, in judging of characters, the only interest or pleasure, which appears the same to every spectator, is that of the person himself, whose character is examin'd; or that of persons, who have a connexion with him. And tho' such interests and pleasures touch us more faintly than our own, yet being more constant and universal, they counter-balance the latter even in practice, and are alone admitted in speculation as the standard of virtue and morality. (*Treatise* 3.3.1.30, SBN 590-591)

Just which people, under which circumstances, are to be considered when taking up the common point of view varies, on Hume's account, as different shared problems are considered. In each case, the underlying idea is that we focus, from the general point of view, on a set of standard conditions that capture the elements of the circumstances that generate the problems and then reflect on what motives would be such that having them would be (a part of) a solution to the problem under those circumstances. Motives that would secure approval when thus considered count as virtuous, those that would secure disapprobation count as vicious.

As Hume points out, even when we restrict ourselves to sympathy, leaving aside the impact of self-interest on our feelings of approval and disapproval, we discover our reactions are hugely variable thanks to a range of factors, including "our acquaintance or connexion with the persons, or even by an eloquent recital of the case" (*Enquiry*, 230). Our moral judgments, in contrast, and fortunately, treat these differences as irrelevant. Thus we judge (or at least suppose we should judge) people equally virtuous who have the same character, without regard to their connection to us or to how vividly one person's character happens to be in our mind. "Our servant, if diligent and faithful," Hume observes, "may excite stronger sentiments of love and kindness than *Marcus Brutus*, as represented in history; but we say not upon that account, that the former character is more laudable than the latter" (*Treatise*, 3.3.1.16, SBN 582). In taking up the General Point of View, Hume argues, we are supposed to leave aside, or at least control, for the differences that have to do with their connection to us or our ability to sympathize with the particular people involved.³⁸

For similar reasons, Hume argues, what matters from the General Point of View are not the actual effects of the particular motives. "Virtue in rags is still virtue," Hume observes, "and the love, which it procures, attends a man into a dungeon or desert, where the virtue can no longer be exerted in action, and is lost to all the world." (*Treatise*, 3.3.1.19, SBN 584)³⁹ Taking up the General Point of View involves looking at the effects *that kind of motive has under standard conditions, on those in (what Hume calls) the "narrow circle,"* not looking at all the actual effects a particular person's motive happens to have in the circumstances in which she finds herself.^{40 41} That this is true, Hume argues, is crucial

³⁸ For discussion of Hume's account of moral thought as transcendence to the common, see also Gerald J. Postema, "Public Practical Reason: An Archeology." *Social Philosophy & Policy* 12 (1/1995), 43-86.

³⁹ Appreciating this plays a crucial role in accounting for the fact that in judging of actions we recognize that even vicious motives (and the resulting actions) sometimes have good effects and that virtuous ones the reverse. Any adequate explanation of our judgments needs to respect, and account for, this fact.

⁴⁰ In much the same way, Hume points out, in evaluating the comfort of a home, we consider not how comfortable it has actually been (no one may ever have lived in it) but instead whether, were it to be used by the people for whom it was designed, it would be comfortable.

to the General Point of View working to solve the problems a good standard of moral judgment must solve. In particular, it is only by considering the usual effects of motives under standard conditions that we might all understand in the same way that there is hope for our sympathetic responses to align. Were we to rely, for instance, on each person's estimate of what the actual effects would be of a particular person's action, we would regularly find ourselves mired in disagreement. Fixing instead on standard conditions (that we might all understand in the same way) and on a specific set of people who are usually, and more or less directly, affected by the kind of motive in question (those in the "narrow circle") works to reduce disagreements dramatically by giving people a common understanding of what to focus on.

Needless to say, disagreement is not totally eliminated, most especially because there is room to argue about just what the standard conditions are, and who all falls within the "narrow circle." Similarly, having a suitably structured legal system with courts to adjudicate disputes works to decrease conflicts significantly even though it does not come close to eliminating them entirely. That a legal system can greatly reduce them is enough to recommend having one. So too, Hume thinks, with a suitably structured system of moral evaluation.

The whole package, Hume argues, works as well as anything might to address conflicts of interest and attitude, while avoiding force, abuse, and the other dangers that would come with setting up an Hobbesian Leviathan. Yet Hume knows that moral reflection, deliberation, and discussion is no panacea. Indeed, he is vividly aware of the ways in which moral zealots can wreak havoc on individuals and across societies. Nonetheless, he holds, having the capacity to think and talk in moral terms that are governed by the General Point of View, and requiring that people act according to the results, is dramatically better than the alternatives, assuming others do so as well. If we did not already have such a practice, we would each have ample reason, grounded in our own interests, to establish it together. As Hume notes

Mankind is an inventive species; and where an invention is obvious and absolutely necessary, it may as properly be said to be natural as any thing that proceeds immediately from original principles, without the intervention of thought or reflection. Tho' the rules of justice be *artificial*, they are not *arbitrary*. Nor is the expression improper to call them *Laws of Nature*; if by natural we understand what is common to any species, or even if we confine it to mean what is inseparable from the species. (*Treatise*, 3.2.1.19, SBN 484)

This holds as well for the invention of moral concepts, and the standards we rely on in deploying them, as for the rules of justice. Though they be artificial (that is, a human contrivance) they are not arbitrary.

Conclusion

In effect, then, on Hume's view moral thought, like thought about property, promises, or allegiance, is artificial; its existence depends on a convention, and specifically, a convention that, if well designed, can work to address problems that we all would otherwise face. As with conventions concerning property, promises, and allegiance, Hume is well aware that not all moral concepts are created equal: only some will have a claim to authority, while many will not.

⁴¹ For a discussion of this aspect of Hume's theory, see my "Hume and the Bauhaus Theory of Ethics" in *Midwest Studies in Philosophy*, vol. 20. University of Notre Dame Press, 280–298.

In particular, Hume holds that “[c]elibacy, fasting, penance, mortification, self-denial, humility, silence, solitude, and the whole train of monkish virtues” all fail this requirement (*Enquiry* 9.3, SBN 270). The concepts used to characterize the “monkish virtues,” he argues, all fail to address any relevant problem and they fail to be useful, or agreeable, either to the possessor or others, in the way that is required to secure approval from the General Point of View.⁴²

Other concepts, though, do meet this requirement and have authority for us. They pick out traits that work to solve salient shared problems in ways that make those traits useful or agreeable to those who have them, and thereby secure approval from the General Point of View. What these concepts, in their application, require of us, we have moral reason to do. (Whereas we have no moral reason to do what other moral concepts, in their application, would require of us.)

In drawing this distinction among candidate virtues, and the concepts we might use to pick them out, Hume is relying, crucially, on a standard – provided by the General Point of View – that itself has authority for us only because we each have reason, absent coercion and deception, to rely on moral thought and talk to regulate our actions, assuming others are likewise willing. Only then does the General Point of View secure its own approval and thereby meet the standard of authority it sets. This feature of the General Point of View introduces internal resources for moral criticisms of what is, at any particular time, taken to constitute the relevant standard circumstances and the relevant “narrow circle.” As our actual circumstances change, so too, on Hume’s view, will the criteria for particular virtues and also for the virtue of relying on moral concepts to regulate our actions.

Thinking back to the reasons people may have had for seeing Hume and public reason theory as worlds apart, it is worth noting that, if I am right about how Hume’s theory works, there is no appeal to mutual respect, freedom, or equality, nor to any general moral principles, nor to the authorizing power of consent or contract, nor to an august faculty of reason. Peoples’ willing participation in conventions, absent coercion and deception, does play a crucial role in Hume’s explanation of our moral judgments, but that role is as setting the conditions under which certain kinds of problems might count as solved, not as themselves an expression of substantive moral requirements.

At the same time, though, once the structure of Hume’s account of our moral judgments is laid out, it both provides an explanatory structure that makes good sense of why public reason’s distinctive values and constraints would emerge as central to our moral view and articulates a standard of moral judgments that serves those values and satisfies those constraints.

My hope, here, is to have said enough about Hume’s moral theory to make the case that those interested in public reason will, perhaps to their surprise, find a hospitable home.

⁴² Of course, were our circumstances to be radically different than they are, Hume is committed to thinking that some of the monkish virtues might really be virtues. But it would take the circumstances being such that they would actually be useful or agreeable to the possessor or others.

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ABBREVIATIONS OF WORKS CITED

Enquiry *Enquiry Concerning the Principles of Morals*. Edited by Tom L. Beauchamp.
Oxford & New York: Oxford University Press, 1998.

Treatise *A Treatise of Human Nature*. Edited by D. F. Norton & M. J. Norton. Oxford:
Oxford University Press, 2000.