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Justice and Equality in Humean and Lockean Political Theories

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Abstract
This paper examines the idea of justice and equality from the perspectives of David Hume and John Locke. It contends that although both philosophers differ in their conceptions of the ideas, due to the prevailing economic ideas of their times and the problem they were trying to solve, they however agreed that the ultimate end of society is justice and that a society where people can relate with one another on basis of equality is a desirable one. The paper concludes by agreeing with both philosophers that as far as human nature continues to be what it is, equality of persons and property is only a facade.

Keywords: Justice, Equality, Passions, Private Property.

INTRODUCTION

Hume and Locke's treatises on human nature were an attempt to respond to the specific questions of their time, particularly, the perennial issues of power, distribution of advantages in situations of scarcity and conflicting claims, issues of stability and change, justice, equality, liberty etc. One of the most recurrent themes in political philosophy is the concern for justice and equality in society. Issues of justice and equality often arise from the need to address competing claims over scarce or limited goods, property and resources. The rules and tools by which these

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contradictions are resolved therefore constitute important questions for political philosophy. In other words, what are the correct moral and legal criteria by which to decide who should get what, when and how?

Hume argues that the rules for determination are not natural but borne out human artifice and convention. Justice as a virtue is not natural because it arises from the circumstances and necessity of mankind and that human passions are origin of partiality in the that inequality in society is a natural phenomenon in that nature's distribution of its bounty have made men desire the acquisition and ownership of more property for themselves by applying or adding their labour to the objects of nature. However, both theorists are agreed that nature's limited provision (bounty) and man's passions have been the sources of all conflicts in society. The quest to take for one's use more than what is necessary creates inequality and injustice. To resolve this contradiction therefore, the rules for the determination of who owns what have to be prescribed. This is achieved only by human artifice, compact, convention and agreement. Thus, the sole aim of justice is the maximization of public utility.

David Hume on Justice and Equality

Hume begins his contribution on justice and equality with an exposition on human nature- the relationship between passion, reason and impression. According to Hume, intentional actions are the immediate product of passions, in particular the direct passions, including the instincts. The motivating passions, in their turn, are produced in the mind by specific causes. In the 'Treatise' he first explains the dichotomy between impressions of sensation and impressions of reflection in what follows:

> *We perceive heat or cold, thirst or hunger, pleasure or pain, of some kind or other as a first impression that strikes upon our senses. Of this impression there is a copy taken by the mind, which remains after the impression ceases, and this we call an idea. This idea of pleasure or pain, when it returns upon the soul, produces the new impressions of desire and aversion, hope and fear, which may properly be called impress ions of reflection, because it is derived from it. (Hume, Treatise 1.1.2.2).*

Thus, ideas of pleasure or pain are the causes of these motivating passions. Not just any ideas of pleasure or pain give rise to motivating passions, however, but only ideas of those pleasures or pains we believe exist or will exist (T 1.3.10.3).

More generally, the motivating passions of desire and aversion, hope and fear, joy and grief, and a few others are impressions produced by the occurrence in the mind either of a feeling of pleasure or pain, whether physical or psychological, or of a believed idea of pleasure or pain to come (T 2.1.1.4, T 2.3.9.2). These passions, together with the instincts (hunger, lust, and so on), are all the motivating passions that trigger action.

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The will, Hume claims, is an immediate effect of pain or pleasure (T 2.3.1.2) and "exerts itself' when either pleasure or the absence of pain can be attained by any action of the mind or body (T 2.3.9.7). The will, however, is merely that impression we feel when we knowingly give rise to an action (T 2.3.1.2); It seems that Hume does not regard the 'will' as itself a (separate) cause of action. The causes of action he describes are those he identified as the instincts and the other direct passions.

Hume's argument of reason-passion relationship stands in opposition to most moral philosophers, ancient and modem, who talk of the combat of passion and reason, and who urge human beings to regulate their actions by reason and to grant it dominion over their contrary passions. He claims to prove that "reason alone can never be a motive to any action of the will," and that reason alone "can never oppose passion in the direction of the will" (T 4.1.3). His view is not that reason plays no role in the generation of action; he agrees rather that reason provides information, in particular about means to our ends, which makes a difference to the direction of the will. His argument is that reason alone cannot move us to action; the impulse to act itself must come from passion. The doctrine that reason alone is merely the "slave of the passions," i.e., that reason pursues knowledge of abstract and causal relations solely in order to achieve passions' goals and provides no impulse of its own, is defended in the Treatise. Hume advances three arguments in the Treatise for the motivational "inertia" of reason alone.

The first deals with empirical argument based on the two rational functions of the understanding. The understanding discovers the abstract relations of ideas by demonstration (a process of comparing ideas and finding congruencies and incongruencies); and it also discovers the causal (and other probabilistic) relations of objects that are revealed in experience. Demonstrative reasoning is never the cause of any action by itself: it deals in ideas rather than realities, and we only find it useful in action when we have some purpose in view and intend to use its discoveries to inform our inferences about causes and effects. When we anticipate pain or pleasure from some source, we feel aversion or propensity to that object and "are carry'd to avoid or embrace what will give us" the pain or pleasure (T 2.3.3.3). Our aversion or propensity makes us seek the causes of the expected source of pain or pleasure, and we use causal reasoning to discover what they are. Once we do, our impulse naturally extends itself to those causes, and we act to avoid or embrace them. Plainly the impulse to act does not arise from the reasoning but is only directed by it. "Tis from the prospect of pain or pleasure that the aversion or propensity arises..." (ibid.).

The second argument follows from the first. It concludes that reason alone cannot prevent action or resist passion in controlling the will because as Hume tells us, "reason is, and should be a slave of passion". Bodily pains and pleasures are the source of many passions, both when felt and considered by the mind: but arise originally in the soul, or in the body without any preceding thought or perception. It takes as a premise the conclusion of the previous argument, that reason alone cannot produce any impulse to act. What is required to arrest a tendency or retard the impulse of an existing passion is a

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contrary impulse. If reason alone were to resist a passion, it would need to give rise to such a contrary impulse. Thus, reason alone cannot resist any impulse to act. Therefore, whatever it may be in the mind that offers resistance to our passions, it cannot be reason of itself. Hume later proposes that when we restrain our immoral impulses, the contrary impulse comes also from passion, but often from a passion so "calm" that we confuse it with reason.

Under the third argument, Hume offers it initially only to show that a passion cannot be opposed by or be contradictory to "truth and reason"; later (T 3.1.1.9), he repeats and expands it to argue that volitions and actions as well cannot be so. This may seem as if Hume is about to give another argument to show that reason alone cannot provide a force to resist passion or volition. Hume allows that, speaking imprecisely, we often say a passion is unreasonable because it arises in response to a mistaken judgment or opinion, either that something (a source of pleasure or uneasiness) exists, or that it may be obtained or avoided by a certain means. In just these two cases a passion may be called unreasonable, but strictly speaking even here it is not the passion but the judgment that is so. Once we correct the mistaken judgment, "our passions yield to our reason without any opposition," so there is still no combat of passion and reason (T 2.3.3.7). And there is no other instance of passion contrary to reason. Hume declaims that::

> *Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger. Tis not contrary to reason for me to chuse my total ruin, to prevent the least uneasiness of an Indian or person wholly unknown to me. Tis as little contrary to reason to prefer even my own acknowledg'd lesser good to my greater, and have a more ardent affection for the former than for the latter. (T2.3.3.6)*

Hume denies that reason can evaluate the ends people set themselves; only passions can select ends, and reason cannot evaluate passions. Instrumentalists understand the claim that reason is the slave of the passions to allow that reason not only discovers the causal means to our ends but also requires us to take them. If Hume regards the failure to take the known means to one's end as contrary to reason, then on Hume's view reason has a genuinely practical aspect; it can indeed classify some actions as unreasonable. Skeptical interpreters read Hume, instead, as denying that reason imposes any requirements on action, even the requirement to take the known, available means to one's end. They point to the list of extreme actions that are not contrary to reason (such as preferring one's own lesser good to one's greater), and to the Representation Argument, which denies that any passions, volitions, or actions are of such a nature as to be contrary to reason. Hume never says explicitly that failing to take the known means to one's end is either contrary to reason or not contrary to reason.

In the 'Treatise', Hume emphasizes that:

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> *our sense of every kind of virtue is not natural; but ... there are some virtues, that produce pleasure and approbation by means of an artifice or contrivance, which arises from the circumstances and necessities of mankind (T 3.2.1.1).*

He divides the virtues into those that are natural — in that our approval of them does not depend upon any cultural inventions or jointly-made social rules — and those that are artificial (dependent both for their existence as character traits and for their ethical merit on the presence of conventional rules for the common good), and he gives separate accounts of the two kinds. The traits he calls natural virtues are more refined and completed forms of those human sentiments we could expect to find even in people who belonged to no society but cooperated only within small familial groups. The traits he calls artificial virtues are the ones we need for successful impersonal cooperation; our natural sentiments are too partial to give rise to these without intervention. In the 'Treatise' Hume includes among the artificial virtues honesty with respect to property which he often calls equity or "justice," fidelity to promises (sometimes also listed under "justice"), allegiance to one's government, conformity to the laws of nations (for princes), chastity (refraining from non-marital sex) and modesty (both primarily for women and girls), and good manners. A great number of individual character traits are listed as natural virtues, but the main types discussed in detail are greatness of mind ("a hearty pride, or self-esteem, if well-concealed and well-founded," T 3.2.2.11), goodness or benevolence (an umbrella category covering generosity, gratitude, friendship, and more), and such natural abilities as prudence and wit, which, Hume argues, have a reasonably good claim to be included under the title moral virtue, though traditionally they are not. Hume does not explicitly draw a distinction between artificial and natural virtues in the moral Enquiry. In the Treatise Hume argues in turn that the virtues of material honesty and of faithfulness to promises and contracts are artificial, not natural virtues.

Hume talks about Honesty as an element of justice and equality with respect to Property. He argues that our approval of material honesty must be the product of collaborative human effort (convention). When we approve an action, he says, we regard it merely as the sign of the motivating passion in the agent's "mind and temper" that produced it; our evaluation of the action is derived from our assessment of this inner motive. Therefore all actions deemed virtuous derive their goodness only from virtuous motives — motives we approve. It follows from this that the motive that originally "bestows a merit on any action" can never be moral approval of that action (awareness of its virtue), but must be a non-moral, motivating psychological state — that is, a state distinct from the "regard to the virtue" of an action (moral approval or disapproval) (T 3.2.1.4). For if the virtue- bestowing motive of the action were the agent's sense that the act would be virtuous to do — if that were why he did it, and why we approved it — then we would be reasoning in a vicious circle: we would approve of the action derivatively, because we approve of the agent's motive, and this motive would

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consist of approval of the action, which can only be based on approval of a motive... The basis of our approval could not be specified. For every virtue, therefore, there must be some non-moral motive that characteristically motivates actions expressive of that virtue, which motive, by eliciting our approval, makes the actions so motivated virtuous. The virtue of an action of this species would be established by its being done from this non-moral motive, and only then could an agent also or alternatively be moved so to act by her derivative regard to the virtue of the act. However, Hume observes that there is no morally approved, non-moral motive of honest action. The only approved, reliable motive that we can find for acts of "equity" is a moral one, the sense of virtue or "regard to the honesty" of the actions. The honest individual repays a loan not (merely) out of self-interest or concern for the well-being of the lender (who may be a "profligate debauchee" who will reap only harm from his possessions), but from a "regard to justice, and abhorrence of villainy and knavery" (T 3.2.1.9, 13). This, however, is "evident sophistry and reasoning in a circle..." Now nature cannot have "established a sophistry, and rendered it necessary and unavoidable..."; therefore, "the sense of justice and injustice is not deriv'd from nature, but arises artificially... from education, and human conventions" (T 3.2.1.17). Whatever, exactly, the logic of this argument is supposed to be, Hume's intent is to show that if we imagine equity to be a natural virtue we commit ourselves to a sophistry, and therefore honesty is instead man-made.

Hume offers an account of the genesis of the social convention that on his view creates honesty with respect to property. Hume next poses two questions about the rules of ownership of property and the associated virtue of material honesty: "what is the artifice by which human beings create them, and why do we attribute moral goodness and evil to the observance and neglect of these rules?"

By nature human beings have many desires but are individually ill-equipped with strength, natural weapons, or natural skills to satisfy them. We can remedy these natural defects by means of social cooperation: combination of strength, division of labor, and mutual aid in times of individual weakness. It occurs to people to form a society as a consequence of their experience with the small family groups into which they are born, groups united initially by sexual attraction and familial love, but in time demonstrating the many practical advantages of working together with others. However, in the conditions of moderate scarcity in which we find ourselves, and given the portable nature of the goods we desire, our untrammeled greed and naturally "confined generosity" (generosity to those dear to us in preference to others) tends to create conflict or undermine cooperation, destroying collaborative arrangements among people who are not united by ties of affection, and leaving us all materially poor. No remedy for this natural partiality is to be found in "our natural uncultivated ideas of morality" (T 3.2.2.8); an invention is needed.

Hume argues that we create the rules of ownership of property originally in order to satisfy our avidity for possessions for ourselves and our loved ones, by linking material goods more securely to particular individuals so as to avoid conflict. Within small groups of

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cooperators, individuals signal to one another a willingness to conform to a simple rule: to refrain from the material goods others come to possess by labor or good fortune, provided those others will observe the same restraint toward them. (This rule will in time require more detail: specific rules determining who may enjoy which goods initially and how goods may be transferred.) This signaling is not a promise (which cannot occur without another, similar convention), but an expression of conditional intention. The usefulness of such a custom is so obvious that others will soon catch on and express a similar intention, and the rest will fall in line. The convention develops tacitly, as do conventions of language and money. When an individual within such a small society violates this rule, the others are aware of it and exclude the offender from their cooperative activities. Once the convention is in place, justice (of this sort) is defined as conformity with the convention, injustice as violation of it; indeed, the convention defines property rights, ownership, financial obligation, theft, and related concepts, which had no application before the convention was introduced. So useful and obvious is this invention that human beings would not live for long in isolated family groups or in fluctuating larger groups with unstable possession of goods; their ingenuity would quickly enable them to invent property, so as to reap the substantial economic benefits of cooperation in larger groups in which there would be reliable possession of the product, and they would thus better satisfy their powerful natural greed by regulating it with rules of justice. Thus, Hume avers that:

> *Greed, and more broadly, self-interest, is the motive for inventing property; but we need a further explanation why we think of justice (adherence to the rules of ownership) as virtuous, and injustice (their violation) as vicious. Hume accounts for the moralization of property in what follows. As our society grows larger, we may cease to see our own property violations as a threat to the continued existence of a stable economic community, and this reduces our incentive to conform. But when we consider violations by others, we partake by sympathy in the uneasiness these violations cause to their victims and all of society. Such disinterested uneasiness, and the concomitant pleasure we feel on contemplating the public benefits of adherence, are instances of moral disapproval and approval. We extend these feelings to our own behavior as a result of general rules. This process is 'forwarded by the art/Ice of politicians (T 3.2.2.25).*

Hume's central idea here is that the development of the rules of justice responds to a sense of common interest that progressively tames the destructiveness of natural self-love and the action of natural moral sentiments in

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a condition of scarce or limited external resources.

In the 'Treatise' and the 'Enquiry Concerning the Principles of Morals' (Hume, 1978; 1983) respectively, discusses the morality of justice by considering the basis of justice within the context of social utility and the progression of mankind. In section I, part I, book III of the 'Treatise', Hume makes the argument that 'moral distinctions are not derived from reason'. He also rejects the notion of self-interest as a basis for explaining social relationships because "[I]t is certain that self-love, when it acts at its liberty, instead of engaging us to honest actions is the source of all injustice and violence" (T, 480).
Accordingly, arguing for what constitutes the basis for justice, Hume surmises that:

> *Justice arises from human conventions and proceeds from the voluntary choice, consent, or combination of mankind. If by convention be here meant a kind of promise (which is the most usual sense of the word) nothing can be more absurd than this position. The observance of promises is itself one of the most considerable parts of justice and we not surely bound to keep our word, because we have given our word to keep it. But if by convention be meant a sense of common interest; which sense each man feels in his own breast, which he remarks in his fellows, and which carries him, in concurrence with others, into a general plan or system of actions which tends to public utility; it must be owned, that in this sense, justice arises from human conventions.(Hume, E:95).*

Hume's theory of justice is concerned with the social artificiality of the virtue of justice, the mechanisms through which this artificiality is constructed. It seeks to provide a naturalistic, non-political explanation of the patterns of behavior that are required by the conventions of justice. It also attempts to explain why we call those patterns of behavior morally virtuous and why they are adjudged as morally praiseworthy. In other words, Hume's notion of justice is intrinsically normative (what ought to be). More so, this system of justice, the conventions of property or constant possession, its transference by voluntary agreement and the undertaking of promissory obligations, Hume argues are the gradual latent outcome of individual decisions guided by a sense of common interest.

In his attempt to prove that justice obligations are artificial rather that natural, Hume avails himself of a logical method for disclosing the artificiality of justice.

Accordingly, our obligation as citizens is to obey the laws which we have previously agreed to sign because we know and believe that they are totally in

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accordance with the interests of the society. Hume states that "public interest is not naturally attached to the observation of the rules of justice; but is only connected with it, after an artificial convention for the establishment of these rules (T, 450).

For Hume, laws are formed in order to provide justice whose sole origin is to maximize the public utility.

Hume explains the idea that justice is useless in a happy state with a given example. He indicated that "let us suppose, that nature has bestowed on the human race such profuse abundance of all external conveniences every individual finds himself fully provided with whatever his most voracious appetites can want, or luxurious imagination wish or desire (M.83). Under these conditions, Hume believes that every other social virtue would flourish however 'virtue of justice' would never once have been 'dreamed of' that is why according to Hume, justice would become totally useless in such a happy state with abundance of all 'external conveniences'. In other words, in such a situation there would be no need for justice in such a society when a state is completely happy because man will have more.

According to Hume, 'Public utility' is the sole origin of justice. Hume asserts that... the rules of equity or justice depend entirely on the particular state and condition in which men are placed, and owe their origin and existence to that utility which results to the public from their strict and regular observance" (M.86). This corresponds to the sophist ideas of reality. According to Protagoras, "man is the measure of all things". For him, goodness, truth, justice, beauty, virtue, morality etc are relative to the needs and interest of man himself. By this account there can be only particular morals, truths goodness etc that are valid for a given place, time and men. There are no absolute canons of right and wrong eternally decreed in the heavens to fit all case. Men alone determine what is good or evil.

Also, Thrasymachus stated that "law and justice are merely the expression of the will of the strongest and powerful in the society of men"(Stumpf, 1966).

In conclusion, Hume believes that justice is based on convention which aims to provide public utility through using the sanctions of the law. Here for Hume, education and social virtues (benevolence, justice, fidelity, honour, chastity, mercy, moderation, generosity, humanity etc) acquires great importance in order to form mutual agreements, human conventions and contracts that are carefully fulfilled in order to maximize this utility. Hume indicates that "the sense of justice and injustice is not derived from nature, but arises artificially, the necessarily from education, and human conventions" (T, 483).

Locke on Justice and Equality

For John Locke (1632-1704), the concept of justice in relation to property is a major underlying theme throughout his political thought as a whole. For him, natural justice sets the limits and provides the direction for civic justice via the concept of natural rights. Moreover, at its most basic level, Locke's theory of justice is a natural law theory even more than a natural rights theory. Whereas individual rights are inalienable, they are nevertheless based upon, and limited by, the law of nature.

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According to Locke, justice is inconceivable without personal property—where there is no property, there is no justice. The essence of Lockean justice is the security of each person's personal possessions as a right based on the law of nature.

John Locke, was an ardent supporter of equal rights. He espoused the natural rights of man, namely the right to life, liberty and property, and articulated that every government's purpose is to secure these rights for its nationals.

As a social contract theorist, Locke believed that the legitimacy of government relies on consent from its citizens which is given on the basis of equality. Locke's view of equality was not limited to the political realm; he also promoted religious toleration, with atheism being the one notable exception. He supported general toleration of alternative religious beliefs but encouraged the ex-communication of non-believers.

The analysis of Locke's theory begins with the presence of equality in the 'state of nature'. This idea of natural equality transitions into the state as men leave the 'state of nature' and enter into society. Then once a government is established, the role of equality can be analyzed from a social perspective, which is when the idea of religious toleration comes into play.

Before there is a government and a nation, man lives in a state of nature where he is guided by the laws of nature as God intended. Locke begins his Second Treatise of Government establishing truths of nature mainly that God is the creator and he did not grant superiority to any individuals in modern day society, as was often argued in the past. Locke states, "In races of mankind and families of the world, there remains not to one above another, the least pretence to be the eldest house" (Locke, Treatise, 7). Here he discards the notion of royal or noble superiority that reigned supreme in his day and, more importantly, he establishes general equality of all. Thus the importance of equality comes from its existence in the state of nature. The basis of the social contract lies in mutual consent, and man, coming from a state of "perfect freedom" (Locke, Treatise, 8) and equality would not be willing to settle for less when he leaves the state of nature.

Locke describes the state of nature as one

> *of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creature of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection" (Locke, Treatise, 8).*

Because man is free and equal in the state of nature, he must be assured that he will still be so when he enters society, thus for Locke the establishment of the state occurs on the basis of assured

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equality without which there would be no incentive to enter into society.
Equality is the driving force of Locke's political theory because it is the basis for our consensual participation in society, a requisite for the establishment of any state. As such, equality is not just necessary in the establishment of government but is also a requisite in maintaining a safe and stable nation. Locke describes the responsibility of the government (specifically the legislative power) as "the preservation of the society, and of every person in it" (Locke, Treatise, 69), showing his belief that the obligations of the government are to provide safety and protection to all its citizens equally. Locke further articulates this point when he discusses his view on slavery.

To be enslaved is to be put "under the absolute, arbitrary power of another" (Locke, Treatise, 17) which puts those involved into a 'state of war'. His definition of slavery is not traditional, particularly because of its connection to the 'state of war' which is one of "enmity, malice, violence and mutual destruction" (Locke, Treatise, 15) for all involved which is in the disinterest of society and contrary to the goals of the state. More importantly, "when the actual force is over, the state of war ceases between those that are in society, and are equally on both sides subjected to the fair determination of the law" (Locke, Treatise, 15). So we see that for Locke, equality must exist in punishment as it does in protection, at all levels of society, in all aspects of government.

Again, Locke's interpretation of freedom and liberty are directly associated with equality. In his discussion of slavery, Locke describes freedom as "not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man" (Locke, Treatise, 17). This describes an equal distribution of power. Liberty is described as following "my own will in all things, where the rule prescribes not" (Locke, Treatise, 17). Both liberty and freedom only exist in a state where they are applied evenly, or else they exist for a tyrant(s) in a state of war. Most importantly, upon entering society individuals are required to alienate a modicum of freedom and liberty, but full equality can (theoretically) never be compromised.

CONCLUSION

The ultimate end of society is justice. Inequality especially with regard to the distribution of wealth and property among men, their confined benevolence, their insatiable wants and nature's limited provision are the source of conflicts and hence, injustice in society. As true as it is that society strives to attain justice for all, the rules that determine how this virtue is come about is not natural. This virtue as Hume observed is borne out of human passions. It is a product of human convention which is designed by men for the protection of their commonwealth and to engender stability among society.

As is the case with justice, a society where people can relate with one another on an equal basis a desirable end. But as far as nature is concerned, equality of persons and property is only a facade as Locke and Hume have argued, perfect equality would destroy the ideas of thrift and industry and that private property was not a natural right, people earn it by exerting their labour on those objects of nature. Accordingly, private property

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was justified because resources are limited. Thus, convention guarantees justice which maximizes public utility.

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