

INSTITUTIONS AND
INSTITUTIONAL DESIGN

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Part IIIb: Some notes on Hume and justice

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Recall these two important theses

- Important parts of institutions – even the most formal - exist only in the minds of people (Searle 1995)
- The strongest institutions exist **only** in the minds of people (Douglas 1986)
 - Usually at a subconscious level
 - Disguised as “nature”

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David Hume (1888:483)

- ...it follows, that we have naturally no real or universal motive for observing the laws of equity, ...
- ...we must allow, that the sense of justice and injustice is not deriv'd from nature, but **arises artificially**, tho' necessarily from education, and human conventions.
(my emphasis)

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Hume: justice as artificial virtue (1)

- Part of a radical attack on
 - Idea of causality: all we see are frequencies
 - Natural law and Private Property : all we can know is the need for coordination
- Ideas of justice are not a natural response (as to an emotion or to an appetite)
- It is a necessary condition human society fabricated precisely for the purpose of justifying and stabilizing institutions.

Hume: justice as artificial virtue (2)

- A functional society depends on some degree of coherence and an abstract summary of the interlocking principles on which it works promotes coordination.
- Our ideas of justice provides this summary
- Once formulated this artifice acquires venerability.
- It appears old and immutable as one of nature’s fixtures, above challenge

Durkheim’s theory of the sacred

- It is dangerous
- Any attack on the sacred rouses emotions to its defence
- The sacred is invoked explicitly

Problems

- Moral relativism?
- What about individual choice and responsibility?
- Are all ideas of justice generated by our own social institutions?
- Do we have to accept different ideas of justice as equal to our own?
