

Justice: Whether a Natural or Artificial Virtue? Deleuzian Implications of Hume's Philosophy of Justice

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Abstract

In this paper, the nature of justice in accordance with Hume's and Deleuze's approaches is examined. In the history of philosophy, the bases of justice are questioned; some claim that it has divine origins, some claim that justice requires some universal obligations whereas others claim that it is merely an outcome of social contracts. Hume from the perspective of Deleuze tries to dissolve these dualities or binary oppositions belong to the nature of justice by simply acknowledging both the natural and artificial characteristic of justice. Hume binds these dualities ascribed to justice through the concept of "sympathy". Hume presented us justice as an empirical issue, which fascinates Deleuze who repeats Hume's view: "justice is an artificial virtue". But Deleuze emphasizes that, what is artificial is not hierarchically below than what is natural. Thus, they both disallow divine grounds and universality of justice.

Keywords: Justice, Hume, Deleuze, sympathy, practice, morality

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Adalet Doğal mı Yoksa Yapay mı Bir Erdemdir? Hume'un Adalet Üzerine Felsefesinden Deleuzeyen Çıkarımlar

Özet

Bu makalede, Hume'un ve Deleuze'ün yaklaşımlarıyla adaletin doğası incelenmiştir. Felsefe tarihinde, adaletin temelleri sorgulana gelmiştir: Kimi düşünürler ilahi temelleri olduğunu iddia etmiş, kimileri evrensel yükümlülükler gerektirdiğini söylemiş, kimileri de adaleti toplumsal sözleşmelerin bir ürünü olarak ele almıştır. Deleuze'ün bakış açısından Hume adaletin doğasına ilişkin bu ikilikleri ve çifte karşıtlıkları, adaletin hem doğal hem de yapay karakterini kabul ederek çözümlemeye çalışır. Hume adaletle atfedilen bu ikilikleri "sempati" kavramıyla bir araya getirir. Hume'un adaleti ampirik bir konu olarak sunması Deleuze'ü cezbeder ve Hume'un görüşünü yineler: "Adalet yapay bir erdemdir". Ancak Deleuze'ün de vurguladığı gibi yapay olan doğal olandan hiyerarşik olarak aşağıda değildir. Böylelikle, adalet konusunda ilahi temellere ve adaletin evrenselliğine felsefelerinde geçit verilmemiş olur.

Anahtar Kelimeler: Adalet, Hume, Deleuze, sempati, kılıgı, ahlak.

I. Introduction

The recent global problems, which human beings all over the world are subject to, impel us to hope for help from justice which lies at the heart of ethics and political philosophy. In our century, justice is a critical concept binding ethical and political realms, besides it ensures some connections of philosophy with practice. Since the ancient ages, justice has been a significant and problematic issue for philosophers and politicians as well as legislators and lawyers. Hence, justice is considered as a realm, where standing on between philosophy, politics and law, which means that justice is related with not only ethics but also with power. According to the definition in *Webster's Dictionary*, justice has generally two meanings. The first is that "the quality of being just"; "moral rightness", and the second is that "the administrating of deserved punishment or reward", or, "the administration of what is just according to law" (see the definitions of "justice" in *Webster's Desk Dictionary* p. 248). Looking at these definitions, we can conclude that justice is some kind of issue that might be defined as making an ethical decision in accordance with the law. Therefore, we meet the two challenges: on the one hand the general law and on the other hand individual decisions which leads to correspondence problems and several dilemmas. Any decision making process in accordance with a rule consists of dilemmas and contradictions or binary oppositions such as the well-known angle between theory and practice.

Moreover, one can add other binary oppositions immanent in the nature of justice: such as individuality and universality, natural and artificial, moral and power, and so on. Since justice consists of these dual characters, we feel justice, on the one hand, as in ourselves or very internal, on the other hand, as it is at the highest

position, that is, very external to us. However, David Hume is one of the philosophers who try to solve or more precisely dissolve these dualities or binary oppositions belong to the nature of justice. Hume admits both the natural and artificial characteristic of justice and besides he explains its individuality and universality. In a nutshell, he binds these dualities through the concept of “sympathy”.

In this paper, my aim is to question the nature of justice, with the help of two important figures in philosophy, Hume and Deleuze, respectively. David Hume is a very interesting philosopher whom hard to classify within the history of philosophy and his theory on justice is very distinctive. And, Gilles Deleuze’s approach to justice is mainly based on Hume’s understanding of justice. Both for Hume and Deleuze, justice can only be grasped in practice. In contrast to the general tendency in the history of philosophy, for them neither justice has divine grounds nor does it transcend human practice.

Therefore, in this study, first I describe that how Hume comprehends human nature and under which conditions justice has arisen. In this part, one of the most important concept of Humean philosophy “sympathy” is exposed in contrast to the “social contract theories”. Then, Hume’s philosophy of justice based on the concept of sympathy is analyzed. In addition, looking through the perspective of Hume, I try to answer the question whether justice is artificial or natural virtue. Afterwards, how Deleuze followed Humean philosophy of justice is handled, and how Deleuze transferred Hume’s concepts of sympathy and justice into his philosophy is argued. And as a final point, I attempt to derive some conclusions about the contemporary implications of Humean-Deleuzian philosophy of justice.

II – Sympathy versus Social Contract

Hume, as a skeptical philosopher, does not put aside neither absolute rules nor a definite human nature. Similar to his epistemology, his moral philosophy is not based on natural and/or universal laws. On the contrary, Hume tries to explain profound problems of philosophy with the help of very simple concepts; such as, habit, belief, tendency and sympathy, which are later utilized by Deleuze to approach to the problem of self. Accordingly, Deleuze formulates the self as follows: “We are habits, nothing but habits—the habit of saying ‘I’. Perhaps, there is no more striking answer to the problem of the Self” (Deleuze, 1991: x). Likewise, Hume’s ethical views are also based on such a simple concept or an idea, which is “sympathy”.

Sympathy is a core concept in Humean philosophy, which provides to construct a positive and practical morality. Hume approaches to the concept of sympathy as an attitude to the questions of morality or ethics: One of the basic question of ethics is how we can judge when we are in a particular situation with a reference to a general rule, or with the words of Deleuze “what can make us take hold of

something and live in it, because it is useful or agreeable to the Other or to persons in general?” (Deleuze, 1991: 37). Hume answers the question with the help of his theory of sympathy he uses which also to explain both moral issues and justice. “To this principle we ought to ascribe the great uniformity we may observe in the humours and turn of thinking of those of the same nation; and ’tis much more probable, that this resemblance arises from sympathy, than from any influence of the soil and climate” (Hume, 1978: 317).

In other words, Hume claims that we have a relationship with other people on the ground of resemblance, which provides us to feel their sentiments, so that we can communicate with others. As a result of this resemblance and feeling sympathy, we reach the idea of generality. Human beings represent both selfish and altruistic behaviors as Aydın claims: “Although people behave selfishly or out of their own interests, they exhibit some behaviors, though occasionally, which benefit others and we can still call them altruistic” (Aydın, 2009: 3). So, one should not jump into the conclusion that human beings have wicked nature, in contrary, in some situations, they sacrifice themselves for others. It is important to note, however that Deleuze talks about “inequality of affections” (Deleuze, 1991: 38) in Hume’s philosophy, that is, our affections cannot be the same with other persons. The theory of inequality of affections provides an explanation for contradiction and violence. Then, we conclude that sympathy is also partiality. Actually, sympathy arises in different degrees in accordance with its vivacity.

’Tis evident, that the idea, or rather impression of ourselves is always immediately present with us, and that our consciousness gives us so lively a conception of our own person, that ’tis not possible to imagine, that any thing can in particular go beyond it. Whatever object, therefore, is related to ourselves must be conceived with a like vivacity of conception, according to the foregoing principles; ...Resemblance and contiguity are relations not to be neglected... Accordingly we find, that where, beside the general resemblance of our natures, there is any peculiar similarity in our manners, or character, or country, or language, it facilitates the sympathy (Hume, 1978: 317-318).

Nevertheless, partial and unequal characteristic of sympathy does not lead to “egoism”. In a society, there would be wicked practices that are not because we are egoist beings but because our degree of sympathies is unequal. “One of Hume’s simplest but most important ideas is this: human beings are much less egoistic than they are partial” (Deleuze, 1991: 38). The idea that human beings have an egoistic nature attributes a negative character both to human beings and to its institutions. For Hume, contrary to the social contract theorists such as Hobbes, Locke, and Rousseau, society is not a negative totality limiting individuals’ egoistic manners. Whereas in social contract theories individuals are considered as egoist beings, demanding a limitless freedom and the society is naturally regarded as a

negative construction, limiting the individuals' free will; in Hume's understanding of society, which is positive totality, is composed by sympathy between individuals.

Without a doubt, society is in the beginning a collection of families; but a collection families is not a family reunion. Of course, families are social units; but the characteristic of these units is that they are not added to one another. ... The problem of society, in this sense, is not a problem of limitation, but rather a problem of integration. To integrate sympathies is to make sympathy transcend its contradiction and natural partiality. Such an integration implies a positive moral world, and is brought about by the positive invention of such a world (Deleuze, 1991: 39-40).

In addition to construction of society around the sympathy, Hume also derives origins of morality, justice and other institutions from sympathy. When our particular interests coincide with other people's, we create units, beginning from the simplest unit such as family to the most complex one like governmental organizations. The tendency can be observed in our time, too. Özdağ summarizes it as follows: "Yet social inequalities feed these tendencies, since the fundamentalist tendencies justify themselves against an enemy, against the Evil deeds of a conspirator minority, or against that of an outsider, implying that there is no insider threatening society and that all the collaborators of this outsider are also outsiders" (Özdağ, 125). We feel sympathy for our folks and kins and provide moral justification for our practices on the basis of this feeling. Therefore, sympathy becomes an artificial construction, while it is a natural sentiment in us. Anyway, our partiality and particular interests do not lend themselves easily to generalizations, in other words, this case excludes totality. Nevertheless, we invent them; we create all those institutions, because as Deleuze claims: "The truth is that an individual always belongs to a clan or a community." and even "family, friendship, and neighbors are, in Hume's work, the natural determinants of sympathy" (Deleuze, 1991: 38). As a result of the necessity being in a social unit and feeling sympathy to other members of this unit, all those artificial institutions become at the same time natural. To put it more accurately, we believe that they are natural, since we must survive through all the inventions.

Afterwards, the concept of sympathy provides some explanations for our moral behaviors and sense of justice; whereas it rather produces other problems. As sympathy does not guarantee the ground for (generality or) universality for Hume, neither does justice. On the contrary, Deleuze claims that sympathy is paradoxical term; "it (sympathy) opens up for us a moral space and generality, but the space has no extension, nor does the generality have quantity" (Deleuze, 1991: 37). In other words, our individual sympathies construct a moral realm, which would be a realm of generality; but which still keeps its individuality. Therefore, the realm of generality is actually an artificial realm, since natural sentiments do not extend as far as universality.

III – Hume’s Understanding of Justice: Whether Natural or Artificial

Hume’s understanding of justice is quite different from the previous philosophers. For Hume justice is a mere construction, an artifice but at the same time, the need for some kind of justice is natural. Hume’s formation of his philosophy around “what is natural and what is artificial” fascinates Deleuze who occupies himself to dissolve binary oppositions that classical philosophy set before. Hume has a different language game, which might be difficult to penetrate at the beginning since Hume’s philosophy progresses with a succession of opposite concepts and ideas. That is, while someone is trying to totalize Hume’s philosophy, Hume puts an opposite concept or idea and then the totality is divided into two parts. Therefore, it becomes difficult to bind these two opposite parts. However, after a while, Hume’s clear language and convictive philosophy open itself to the reader’s eyes.

Hume formulates his moral philosophy and understanding of justice in the third Book, “Of Morals”, in his famous *A Treatise of Human Nature*. Hume, too, constructs a close relation between justice and morality. Actually, at the beginning of the third Book, Hume defines justice as a kind of virtue, not natural but something which is necessary: “...our sense of every kind of virtue is not natural; but that 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. Of this kind I assert *justice* to be...” (Hume, 1978: 414).

It will be explained later those kind of virtues and answered why justice is seen as that kind of virtue. However, it is important to sense that the main problem of Hume, as it is seen in the quotation above, is a question of whether morality and justice are natural or merely artificial. Beginning from the question, Hume investigates the origins of morality and justice. He begins with the morality and asks the basic question: what makes an action to be moral. At first, he presents the Kantian view that “that no action can be virtuous, or morally good, unless there be in human nature some motive to produce it, distinct the sense of its morality” (Hume, 1978: 415). Then, however, Hume admits that motivation behind the action cannot be either moral or immoral, since the motivation is completely practical, not universal; it arises in the moment, and in particular relations.

From all this follows, that we have naturally no real or universal motive for observing the laws of equity, but the very equity and merit of that observance; and as no action can be equitable or meritorious, where it cannot arise from some separate motive, there is here an evident sophistry and reasoning in a circle. Unless, therefore, we will allow, that nature has establish’d a sophistry, and render’d it necessary and unavoidable, 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 (Hume, 1978: 419).

As Hume claims above that justice is an artifice, which is like morality a mere construction, no more than human convention. Human beings have two characteristics; believing and inventing, which leads to totalize individual parts and perception of progress. As Deleuze infers from Hume, “Nature is not a whole; the whole can no more be discovered than it can be invented. Totality is just a collection” (Deleuze, 1991: 35). To sum up, moral world and the idea of justice are simply artificial totalities. “Justice is not a principle of nature; it is rather a rule, a law of construction, and its role is to organize, within the whole, the elements, including the principles of nature. Justice is a means” (Deleuze, 1991: 40).

However, Hume rejects the idea that justice or morality is arbitrarily invented. Rather, Hume prefers to say that they are naturally invented. Nevertheless the world “natural”, here, is not used for something innate, but rather it is used for to qualify the two characteristics of human beings, believing and inventing. That is, to believe and to invent are themselves natural, so an invention or a belief becomes a natural issue which must be considered as an empirical and practical one.

... that when I deny justice to be a natural virtue, I make use of the word, *natural* only as oppos'd to *artificial*. In another sense of word; as no principle of the human mind is more natural than a sense of virtue; so no virtue is more natural than justice. Mankind is an inventive species; and where an invention is obvious absolutely necessary, it may as properly be said to be natural as anything that proceeds immediately from original principles, without the intervention of thought or reflexion. 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 (Hume, 1978: 419).

Therefore, natural and artificial is on the same plane for Hume, that is, Hume does not attribute to “what is natural” hierarchically a higher position over “what is artificial”. Being natural is considered as the same as being common to the species. As a result, justice is an artificial totality or generalization, but to formulate such a general rule is natural tendency, common to our species. Then we should ask where such a natural tendency to totalize or generalize rules and laws comes from.

In fact, the answer is immanent to all through Hume's philosophy. “All the elements of morality (sympathies) are naturally given, but they are impotent by themselves to constitute a moral world” (Deleuze, 1991: 40). Then, we invent a society, “to be in a society is first to substitute possible conversation for violence” (Deleuze, 1991: 41), therefore, we invent its rules, organizations, institutions, governments, and justice. Namely, we invent a whole. Meanwhile, Deleuze claims, “one can only invent a whole, since the only invention possible is that of the whole” (Deleuze, 1991: 40). However, then, we believe in the created or invented “whole”. To be precise, we believe in justice; “justice is”, rather than “it should be”. In sum-

mary, at first, we invent a justice, which is artificial but not arbitrary, it is necessarily and naturally invented. Then we believe what we invent and thus justice becomes a natural virtue.

IV – Deleuzian Implications of Hume’s Philosophy of Justice: Dissolution of the Dual Structure of Justice

As it is well-known, Hume “anticipates Kant” (Deleuze, 1991: ix) and although he is known as an empiricist philosopher, he includes “causality” and “habits” which are not derived from the external world. Besides, for Hume, any theories or relations are not internal to empirical reality. Therefore, Deleuze claims, “He created the first great logic of relations, showing in it that all relations (not only ‘matters of fact’ but also relations among ideas) are external to their terms.” (Deleuze, 1991: x). More precisely, we assign relations, theories, qualities to the empirical objects. Nevertheless, Hume does not exclude our relational attributes to what we have experienced from the empirical world; rather, he acknowledges them as a necessity and as a result of our natural tendency. We have to do construct relations, theories; we have to assign external relations to the mere objects of our experience. This is the simplest kind of empiricism, which is fascinated by Deleuze.

Hume’s originality—or one of Hume’s originalities—comes from the force with which he asserts that relations are external to their terms... The real empiricist world is thereby laid out for the first time to the fullest: it is a world of exteriority, a world in which thought itself exists in a fundamental relationship with the Outside, a world in which terms are veritable atoms and relations veritable external passages; a world in which the conjunction “and” dethrones the interiority of the verb “is”... (Deleuze, 2001: 38).

According to Deleuze, Hume’s thought shut a Cartesian period and opened a new era which is a plane on which there are only AND, AND, AND, ... “Hume, in this sense, will devote himself to a concerted destruction of the three great terminal ideas of metaphysics: the Self, the World, and God” (Deleuze, 2001: 39). Deleuze takes life in the center of his philosophy and life does not welcome any empty attributes such as principles, categories, definitions and methods. On the contrary, life is non-hierarchical plane, and an accumulation of feelings and interactions (Ayıtuğ, 2016: 140). For this reason, Deleuze finds his flat plane in Hume’s philosophy.

Deleuze desires to remove the hierarchical orders among divine, natural and artificial, or between universal and local, or objective and subjective, and so on. He indicates all they are on the same plane and artificially constructed categories. Likewise, Hume presented us justice as an empirical issue, which is an invention but we need to believe in as if it is natural or divine or universal obligation. Deleuze

repeats Hume's view: "justice is an artificial virtue" (Deleuze, 1991: 35), "justice is a schema" (Deleuze, 1991: 36), no other than a convention. That is, justice or law is considered as in the same plane with an ordinary convention. Thus, its divine sense and its absolute objectivity are eliminated by Humean-Deleuzeian understanding of justice.

The question is no longer how to specify the rule, but rather how to provide it with the vividness which it lacks. The question is no longer how to distribute reinforce and enliven justice. It was not enough then to single out by means of the imagination the possible situations of the extension of justice; this extension must itself become now a real situation. ... Human beings "cannot change their natures. All they can do is to change their situation, and render the observance of justice the immediate interest of some particular persons, and its violation their more remote (Deleuze, 1991: 50).

Accordingly, Hume presents a very different conception of justice than those of ancient philosophers and social contract theorists. He removes the idea of God and the natural law from the basis of justice. Getting rid of the divine grounds of justice, he excludes also the universal character of justice. That is, justice turns out to be an invented concept derived from particular inclinations, so justice loses its natural character, too. Nevertheless, the meaning of artificial for Hume is to be kept in mind. As Deleuze emphasizes that, what is artificial is not hierarchically below than what is natural. So, there is no need to seek a natural or divine ground for justice.

Bibliography

- Aydın, A. (2009). "An Analysis Of Altruistic Behavior Practices In Terms Of Macintyre's View Of Virtue And Practice", *ETHOS: Dialogues in Philosophy and Social Sciences*, Vol. 3/4, 1-15.
- Ayıtgu, G. (2016). "Deleuze's Philosophy and 'History'". *Dört Öge: Felsefe ve Bilim Tarihi Yazıları*, Vol. 5/10, 135-145.
- Definition "Justice". (1993). *Webster's Desk Dictionary*. Random House Inc.
- Deleuze, G. (1991). *Empiricism and Subjectivity: An Essay on Hume's Theory of Human Nature*, trans. Constantin Boundas, Columbia University Press, New York.
- Deleuze, G. (1994). *Difference and Repetition*, trans. Paul Patton. Columbia University Press, New York.
- Deleuze, G. (2001). "Hume", *Pure Immanence: Essay on a Life*, trans. Anne Boyman, Zone Books, New York.
- Haakonssen, K. (1993). "The Structure of Hume's Political Theory", *The Cambridge Companion to Hume*, edit. David Fate Norton, Cambridge University Press.
- Hume, D. (1978). *A Treatise of Human Nature*, second ed., Oxford University Press.
- Norton, D. F. (1993a). "An Introduction to Hume's Thought", *The Cambridge Companion to Hume*, edit. David Fate Norton, Cambridge University Press.
- Norton, D. Fe. (1993b). "Hume, Human Nature, and The Foundations of Morality", *The*

- Cambridge Companion to Hume*, edit. David Fate Norton, Cambridge University Press.
- Özdağ, C. (2016). "Atomization of Society and Group Identities: Obstacles Against Class Solidarity," *Proceedings Book. Fourth International Philosophy Congress: Poverty, Solidarity and Justice*. Ed. Elmas and Becermen, Bursa: Asa Kitabevi, 123-127.
- Penelhum, T. (1993). "Hume's Moral Psychology", *The Cambridge Companion to Hume*, edit. David Fate Norton, Cambridge University Press.