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HUME'S HUMANITY AND THE PROTECTION OF THE VULNERABLE

– Ivana Zagorac –

Abstract. It is well known that Hume excluded inferior rational beings, who are incapable of resistance and weak resentment, from his concept of justice. This resulted in a critique of Hume's theory of justice, as it would not protect those who were the most vulnerable against ill treatment. The typical answer to this critique is that Hume excluded inferior rational beings from the concept of justice, but not from that of morality, and that he considered their protection to be the task of humanity. The subject of this text is the range of Hume's humanity. What manner of protection does Hume's humanity truly offer? Despite the conclusion that this manner of protection of the vulnerable is insufficient, Hume's humanity contains valuable characteristics worthy of re-evaluation in modern debate – both on the limits of humanity and on the conditions and models of protecting the vulnerable.

Keywords: David Hume, humanity, justice, vulnerability, protection of the vulnerable.

Introduction

Hume famously stated that if there was either an extreme abundance of, or an extreme necessity for resources, or if everyone were either ultimately generous or utterly wicked, justice would be useless. However, these conditions do not describe “the common situation of society,” which is actually between these extremes. For Hume, the rules of justice are useful when balanced physical (moderate scarcity) and psychological (moderate selfishness) circumstances are at hand. These circumstances of justice concern the instability of possessions, or more precisely, they are designed to secure the possession of external goods (Hume excludes both goods of the mind and goods of the body; T 3.2.2.7, SBN 487–488).¹ In addition to this, there is another circumstance of justice implicit in *A Treatise of Human Nature*, which is more clearly presented in *An Enquiry Concerning the Prin-*

¹ The citations take the following abbreviations: M = *An Enquiry Concerning the Principles of Morals* (followed by section and paragraph numbers); T = *A Treatise of Human Nature* (followed by book, part, section, and paragraph numbers); A = *An Abstract of a Treatise of Human Nature* (followed by paragraph number); SBN = Selby-Bigge/Nidditch edition (followed by page numbers). Multiple references are separated by a semicolon.

principles of Morals: the rough equality of power. In a controversial paragraph from the *Enquiry*, Hume states:

Were there a species of creatures, intermingled with men, which, though rational, were possessed of such inferior strength, both of body and mind, that they were incapable of all resistance, and could never, upon the highest provocation, make us feel the effects of their resentment; the necessary consequence, I think, is, that we should be bound, by the laws of humanity, to give gentle usage to these creatures but should not, properly speaking, lie under any restraint of justice with regard to them, nor could they possess any right or property, exclusive of such arbitrary lords. Our intercourse with them could not be called society, which supposes a degree of equality; but absolute command on the one side, and servile obedience on the other. Whatever we covet, they must instantly resign: Our permission is the only tenure, by which they hold their possessions: Our compassion and kindness the only check, by which they curb our lawless will: And as no inconvenience ever results from the exercise of a power, so firmly established in nature, the restraints of justice and property, being totally *useless*, would never have place in so unequal a confederacy. (M 3.18, SBN 190–191)

Who are these powerless creatures Hume discusses here? What seems clear is that they are rational, yet of inferior strength of both body and mind, and that they are left out of the reach of justice. Moreover, it is that very inequality of power between them and the other, superior group that renders the restraints of justice useless. Here lies the critique of Hume's theory of justice regarding vulnerable individuals and groups: those who are the most vulnerable and require the highest level of protection against abuse are left out of the protective mechanisms of justice. According to Hume's understanding, the way the superior creatures treat the inferior ones can be declared neither just nor unjust; rational inferior beings have no rights, no property, and they are at best members of a "quasi-society" (of those who are "intermingled with men"), not of "real society", which endorses the concept of justice and all it entails.² Here, I propose to avoid an analysis concerning which subjects might fit into Hume's description of the "rational inferior being". It is not crucial for the purposes of this text to determine where exactly Hume set the threshold between superior and inferior beings, however I shall assume that such a threshold must exist. Rational inferior creatures, whoever they might be (depending on the interpretation of Hume's criteria, they could be animals, women,

² I owe the distinction between society and quasi-society to Baier [1980].

children, people with disabilities, future generations, etc.),³ share the feature of vulnerability: in comparison with the superior beings with whom they are “intermingled”, they are weak, powerless, and exposed to harm and injury as they lack the strength to work to protect their own interests (“incapable of all resistance”, “could never upon the highest provocation make us feel the effects of their resentment”).⁴ This is not to say that members of the superior group cannot find themselves in situations that make them vulnerable. However, unlike members of Hume’s inferior groups, their vulnerability is not considered inherent to their existence, so they still match the criterion of rough equality of power and fall within the reach of Hume’s concept of justice: as opposed to members of the inferior group, they have the right to claim protection against abuse. According to Hume, “the necessary consequence” of the inferior beings’ powerlessness is that beings superior to them should treat them gently under the “laws of humanity”. The laws

³ Hume’s own example are animals, however he also mentions “barbarous Indians” and women. Hume seems to separate the unjust and even inhumane treatment that Indians and the “female sex in many nations” received at the hands of “civilized Europeans” and “lordly masters” from the treatment of animals. When it comes to Indians, Hume states that “we were tempted to imagine ourselves” as superior, while he says of women that they are “commonly able to break the [tyrannical] confederacy” (M 3.19, SBN 191). In her criticism of the Humean/Rawlsian theory of justice, Martha Nussbaum argues that Hume’s criteria exclude people with physical and mental disabilities, women, and animals from society (Nussbaum [2006]). Simon Hope, on the other hand, suggests that “rough equality of power highlights the interdependence of human agents”, and that by mentioning ‘species’, Hume excludes the possibility of such a great imbalance between human beings themselves. The only real inequality would then be that between humans and animals (Hope [2010] p. 136–138). Jacqueline Taylor claims it to be incorrect to consider all of Hume’s rational beings autonomous: her standpoint is that only human beings are autonomous and can make their resentment felt, however she adds “except in extreme cases” (Taylor [2015] p. 176). Brian Barry comments that our own species could match these criteria in an encounter with a species with advanced technology. According to Hume’s position, the result would be the immediate suspension of justice, even among human beings themselves (Barry [1989] p. 162).

⁴ The modern debate on vulnerability, which is especially heated in the field of medical research, most often focuses on criteria for defining vulnerable individuals and groups worthy of “special protection”. As early as the *Belmont Report* [1979], the vulnerable were described as those who were in “dependent status” or were “easy to manipulate”, the *CIOMS Guidelines* [2002] speak of “those who are relatively (or absolutely) incapable of protecting their own interests [...] they may have insufficient [...] attributes to protect their own interests” (Guideline 13), while the newest revision of the *Declaration of Helsinki* [2013] speaks of “those who may have an increased likelihood of being wronged or of incurring additional harm” (Article 19). Researchers in the field of medical ethics have not reached a consensus on exactly which groups fit these criteria (the list of possible groups most often consists of persons with serious diseases; persons with mental disorders; persons with disabilities; the institutionalized; prisoners; children; pregnant and nursing women; the poor, etc.). More importantly to the purpose of the present text, the modern debate on the vulnerable seems to focus on the classification of vulnerable groups while marginalizing the question of their protection: it remains unclear what is meant by “special protection”. In the case that we do agree in a given moment on who the vulnerable are, what should we do next? Here is where I take Hume’s work to be relevant to modern discussions of the vulnerable: it offers a suggestion on the mechanisms that serve to protect the vulnerable, whoever they may be.

of humanity thus (should) serve as a safeguard against the abuse of ultimately powerless creatures. Such creatures cannot be the victims of injustice, however, they can be the victims of inhumanity. Justice thus acts among those who are vulnerable to each other, while humanity determines how we should act towards those we are not vulnerable to.

It could be claimed that it was unimportant as to what kind of restraints prevented the ill treatment of the powerless, so long as they were effective. This raises the question: what manner of protection does Hume's humanity truly offer? As opposed to those frequent debates on the range of Hume's concept of justice, the subject of this text is the range of Hume's humanity. I shall, in particular, consider the reliability and effectiveness of the protection Hume's humanity provides to those who have fallen out of the reach of justice, i.e. to those who are ultimately vulnerable. My thesis is that Hume's humanity does not offer sufficient protection to them, and I shall support this thesis through an examination of the characteristics Hume applied to humanity (the first part of the text), followed by a contextual consideration of their strength in protecting the vulnerable (the second part of the text). However, this means that the range of this text is limited: many other layers of Hume's humanity will necessarily remain unmentioned or merely indicated.

Hume's humanity

Hume's concept of humanity is closely connected to his concepts of sympathy and benevolence; in fact, these concepts are so intertwined that they are still the subject of intense debate among their interpreters. In his early work, *A Treatise of Human Nature*, Hume describes sympathy as our capacity to receive the feelings, passions, or even beliefs of others (T 2.1.11.2, SBN 316–317). Sympathy itself is neither a passion, nor an emotion, nor a motive – instead, it is a mechanism that explains how sentiments are communicated from one “thinking being” to another (T 2.2.5.15, SBN 362–363). In the *Treatise*, Hume builds a case for associationism (which relies on resemblance, contiguity, and causation). He seems to be very proud of the innovative way in which he uses it to explain what “binds the parts of the universe together, or connects us with any person or object exterior to ourselves” (A 35, SBN 661–662). The associational mechanism is central to Hume's concept of sympathy as well, given that it provides an explanation of how sympathy works. Much has been made of the fact that, in his late work *An Enquiry Concerning the Principles of Morals*, Hume seems to have abandoned associationism as it was presented in the *Treatise*, apart from marginalising the concept of sympathy and promoting the concept of humanity in its place. Some interpreters claim that “humanity” in the *Enquiry* simply replaced “sympathy” in the *Treatise*, while oth-

ers claim that these are two functions of the same principle, while yet others claim that they are two closely connected but different concepts. The detailed textual analysis of Hume's concepts of sympathy and humanity provided by Remy Debes seems to point convincingly to the fact that Hume's humanity is dependent on sympathy to the extent that it cannot even be attained without sympathy. Sympathy, Debes claims, is what "touches" humanity and extends it; we must first participate sympathetically in the passions and motivations of others in order for our humanity to be "touched".⁵ Humanity, as presented in Hume's second *Enquiry*, thus requires sympathy as a necessary "representational mediator" (I shall adopt this standpoint in the coming text). In turn, this explanation of Hume's concept of humanity and the ways it operates provides grounds for the claim that Hume did not change the essential role played by sympathy in the generation of our moral sentiments in his later work.⁶

Another puzzling element of Hume's concept of humanity is its relation to the concept of benevolence. Hume describes humanity as a "fellow-feeling" with a positive connotation: our humanity is aimed at others such that we choose the happiness of others when we would be equally able to choose their misery: humanity is the disinterested preference for the well-being of others (M 5.39, SBN 225–226). Hume sees humanity as the characteristic of human nature that leads us out of ourselves and causes us to promote the interests of mankind and society, orienting ourselves towards a general unalterable standard that is primarily founded on general usefulness (M [EE].1, SBN 229; M 9.8, SBN 273–274). This is the disposition and inclination to do good that is innate to human nature, "infused in our bosom" (M 9.4, SBN 270–271). Hume limited humanity, although not entirely clearly, to three forms: humanity as a principle, humanity as a sentiment, and humanity as a virtue.⁷ When speaking of it as a virtue,⁸ Hume believed it to be a natural virtue, which he also describes as benevolence. Benevolence for Hume shares many common features with humanity (M 2.22, SBN 181–182; M 5.43, SBN 230; M 7.19, SBN 257; M 9.21, SBN 281–282), but when it comes to the virtue of humanity and the virtue of benevolence, he seems to make no distinction between

⁵ Debes [2007a] p. 46.

⁶ Debes [2007b] p. 320.

⁷ For an exhaustive analysis, see Vitz [2004] and Debes [2007a]. The division I call upon here is taken from Debes [2007a].

⁸ For example, while Hume considers the heart of Nero "savage" because he neglected "the sentiments of duty and humanity" (M App1.12, SBN 290–291), the character of Bacon is highly virtuous because of Bacon's expressed humanity.

the two. At this level, Hume's humanity is benevolence, which corresponds to the typical understanding of humanity as benevolence in Hume's time.⁹

When speaking of humanity as a principle, Hume considered its cause or origin: in the case of humanity, the principle of humanity served as the source of the sentiment of humanity. Hume placed the principle of humanity among those ultimate principles the causes of which cannot be explored further, even going so far as to believe it likely that we would never be able to further divide them into simpler, more universal principles (M [BB].1, SBN 219–220). The principle of humanity had authority over the sentiment of humanity, and was the source of moral motivations and moral judgments (M 5.45, SBN 231; M 5.39, SBN 225–226). What “touched” the principle of humanity and activated the sentiment of humanity was the feeling of suffering or happiness of another, communicated to us through sympathy. The sentiment arising from the principle of humanity is common to all people and produces the same approbation or censure while equally encompassing all people and making them the objects of censure or approbation (M 9.7, SBN 273). Wherever they might appear, benevolent affections “engage the approbation, and good-will of mankind”, which Hume considered so evident that he declared any attempt to prove this a “superfluous task” (M 2.1, SBN 176). Hume considered humanity the foundation of morals, that which connects all human beings into a general system of moral valuation expressed in such a way that the same stimulus would cause the same effect in all those who participated in humanity (M 9.6, SBN 272–273). Humanity performs the task of moral judgment by correcting our individual sentiments, taking the good of mankind as a reference point (Hume uses the expression “cool preference”) (M 5.39, SBN 225–226). A negligible number of people, if they even exist, are insensitive to expressions of human happiness or misery. These rare insensitive people would also be the only ones indifferent towards virtue and vice. The main ingredient of care for others according to Hume is, thus, the resentment of evil done to others, or rather the approval of the well-being of others.

Reciprocity between the subjects and objects of humanity is entirely unimportant: the objects of our moral valuations can be entirely uninterested in us and distant from us – in fact, they do not even need to be aware that we exist. Hume's

⁹ Samuel Johnson's *A Dictionary of the English Language* (1755) lists four definitions of the word “humanity”: “the nature of man; the collective body of mankind; benevolence, tenderness; philology, grammatical studies.” “Benevolence” is described as “disposition to do good, kindness, charity, good will.” As an adjective, “benevolent” means “kind, having good will, or kind inclinations.” The second explanation that Johnson offers for “benevolence” concerns the product of benevolent action: “the good done; the charity given.” A benevolent individual is thus one who has good will, as well as one who displays his good will through good deeds (Johnson [1755] p. 1025, 232).

humanity crosses the borders of time and space, causing us to be unable to be entirely indifferent towards any action of any human being (M 9.7, SBN 273), regardless of whether or not they are our contemporaries, people from the past, or imagined characters from plays (M 5.24, SBN 221). What is significant is that something exists that encompasses humanity (the object of humanity), as well as some kind of influence, a “touch.” Humanity seeks an object, for in the absence of one, it is pointless. As one can read from Hume’s works, both humanity and justice have their role within society, however it is only humanity that extends beyond the boundaries of society and addresses powerless beings who are “intermingled with men” (M 3.18, SBN 190–191). As such, Hume’s humanity, in addition to participating in moral approbation and the feelings of a weaker being, would supposedly also have to entail the capacity for benevolent action. In the following section, I shall consider what Hume’s humanity has to offer to those who have fallen out of the reach of justice, i.e. to those whom I consider to be ultimately vulnerable in this text.

At the mercy of humanity

As has already been stated, “vulnerability” is here interpreted as a state in which a subject is weak, powerless, open to harm and injury. In the morally relevant sense, which is also the area where Hume’s humanity is situated, “vulnerability” marks the powerlessness of the subject to defend itself from abuse by those stronger than it or to protect its own interests in unequal relations of power. I would like to point out a few aspects that make Hume’s humanity an insufficient method for protecting the vulnerable against abuse.

(1) *The practical limitedness of extensive humanity.* From the context of Hume’s work, extensive humanity can be interpreted as a concept the range of which includes all beings encompassed by sympathy, those whose misery or pleasure provoke our humanity. Opposite this stands narrow humanity, which limits itself to subjects near to us, those with which we are connected by additional bonds. I concur with the interpretation of Hume’s humanity as one which is potentially extensive but practically limited. In other words, Hume’s humanity feels extensive, but acts narrow. I will briefly display the contents of this discrepancy, which appears as the first problematic aspect of humanity as protection.

The discrepancy I have in mind is not entirely apparent in Hume’s works. In fact, it might occasionally seem to be lacking entirely, or more precisely, it might seem that Hume is arguing for narrow humanity. This is supported by Hume’s description of humanity as “friendship for human kind” (M 9.4, SBN 270–271); a “feeling for the happiness of mankind, and a resentment of their misery”

(M App1.3, SBN 286); a “tendency to promote the interests of our species, and bestow happiness on human society.” (M 2.22, SBN 181–182) This would limit the scope of humanity and confine it within the borders of humankind. However, Hume suggests an even more significant limitation when he negates the existence of something like “the love of mankind, merely as such [...] there is no proof of such an universal affection to mankind, since this concern extends itself beyond our own species.” (T 3.2.1.12, SBN 481–482) Hume is here speaking of sympathy, which causes us to get caught up in the happiness or misery of not only every human being but of every “sensible creature.” However, sympathy and humanity are not the same, and so it can still be claimed that our humanity is limited not only to the borders of humankind but to ones even smaller, those containing only a few people towards whom we have special feelings, not simply because they are people (since “the love of mankind” does not exist) but because they are special to us for some reason. This would be the narrow understanding of humanity. However, such an interpretation of Hume’s humanity is opposed by the textual evidence: Hume clearly states that the sentiments of humanity “comprehend all human creatures” (M 9.7, SBN 273), but that they also comprehend all “thinking beings,” (T 2.2.6.4, SBN 367) Hume thus, among other things, claims that animals are the objects of our compassion and kindness (M 3.18, SBN 190–191), where compassion is a part of “general benevolence.” (M [OO].1, SBN 298) When he argues against the claim that benevolence is only hidden self-love (M App2.2, SBN 296), Hume also points out that animals are “susceptible of kindness, both to their own species and to ours.” A rhetorical question follows: “[I]f we admit a disinterested benevolence in the inferior species, by what rule of analogy can we refuse it in the superior?” (M App2.8, SBN 300) The only logical conclusion¹⁰ is that, if benevolence for inferior beings can be extended to superior beings, then there is no reason to believe that benevolence for superior beings cannot also cross the boundaries of a species. Thus, Hume considers humanity extensive.

However, Hume’s humanity rarely finds its expression outside of the narrow circle. Hume sees this as a wise move by nature, which has determined that private relations usually take precedence over universal views:

... otherwise our affections and actions would be dissipated and lost, for want of a proper limited object. Thus a small benefit done to ourselves, or our near friends,

¹⁰ Vitz [2002] also points this out in his discussion on the scope of benevolence. The textual analysis offered points to the fact that there is no difference in this respect between Hume’s positions in the *Treatise* and the second *Enquiry*.

excites more lively sentiments of love and approbation than a great benefit done to a distant commonwealth. (M [EE] 1, SBN 229)

Our humanity needs an object, and if it is distant, unclear, and difficult to comprehend, this creates problems in establishing the relations of humanity. If we then observe those who are closest to us and who we can be fairly certain will be reached by our humanity, then it is obvious that these are the same ones we are connected with in some other kinds of relations, whether family relations, friendly relations, or general social relations. Despite this extensive concept of humanity, Hume's average doer of good practices his good deeds on a fairly limited scale. There is no basis upon which to label any individual vicious because he fails to extend his humanity beyond his social circle.¹¹ Within a realistic framework, practical abstinence from a benevolent action is also often supported by our belief that a distant, suffering being has others close to it who can act benevolently. Our own failure to do good has not enabled someone else to do good. On the other hand, the very circumstances of the "real world" show both that the need for protection grows as the number of those who can (or want to) offer protection falls, and that the greatest number of threats come from our closest circles.

(2) *The practical limitedness of limited humanity.* Hume's humanity is not even entirely reliable for those within a "safe circle." After admitting that people are rarely motivated to take action in the interest of strangers, "except with a view to some reciprocal advantage, which they had no hope of obtaining but by such a performance," Hume states that others cannot hope for much from our humanity either: "We shou'd perform but few actions for the advantage of others, from disinterested views; because we are naturally very limited in our kindness and affection." (T 3.2.5.8, SBN 519–520) The concepts that Hume uses frequently in his description of humanity, such as "kindness" and "tenderness," have primary meanings that enter the category of feelings, tendencies, sensibilities, which as such can be but do not necessarily have to be motives for action. Humanity is the tendency towards promoting the interests of humankind, the interests of society, or the well-being of mankind (M 2.22, SBN 181–182; M 5.46, SBN 231–232; M 7.19, SBN 257), however, this does not necessarily mean that we will always actively take the opportunity to display humanity, even within the circle of those closest to us. Hume himself is aware of this – for example, he describes an individual who undertakes many benevolent actions and "extends his bounty even to the greatest strangers," actions Hume claims prove the greatest humanity (T 3.2.1.6, SBN 478).

¹¹ Vitz [2002] p. 283–285.

Hume's humanity thus comes in degrees: from sentiment to a greater or lesser level of engagement, where a greater level of engagement portrays an individual with more virtue, one who is eminent, dignified, remarkable.

Hume's humanity thus does not contain the moral requirement to act benevolently towards everyone who needs it. Instead, it is an option that will make us more eminent, dignified, and remarkable. In Hume's defence, it should be said that he considers some benevolent actions towards vulnerable individuals a duty. Are we, at least in some circumstances, required to be humane? This duty (aside from some extraordinarily perverse systems) does not concern thoughts or feelings, but action. Such a behavioural guide is necessary only when instructions from natural tendencies prove deficient. If the subject spontaneously tends towards the pleasure of others and feels aversion towards the misery of others, and if such an inclination cannot be practically cast aside, then there is truly no need to introduce the obligation to do the same. Hume does not consider such mediations necessary, however he does see the need for corrections in light of the "general unalterable standard" with which our individual sentiments harmonise before we express them in the form of action. Hume's benevolent action is construed as a moral duty in the relationship between parents and children. It is natural for a father to care for his children, however he also knows that it is his duty: if his natural tendency fails him, he will adjust to the norm (T 3.2.5.6, SBN 518–519). The rich also have the obligation to share their excessive wealth with those in need (T 3.2.1.14, SBN 482).¹² Humanity thus plays a role in maintaining social confederacy. This task is also shared with justice:

As much as we value our own happiness and welfare, as much must we applaud the practice of justice and humanity, by which alone the social confederacy can be maintained, and every man reap the fruits of mutual protection and assistance.

(M 5.5, SBN 215) It could be concluded that Hume considered society to need both justice and humanity; moreover, that in this respect justice presupposes humanity (as in the case of children who should be raised to be members of society; T 3.2.2.4, SBN 486). This, however, does not enforce humanity in any way; moreover, it does not even presuppose that the acts of humanity will necessarily follow from the sentiment of humanity.

(3) *The conditions of humanity.* According to Hume, inferiority is the result of two kinds of powerlessness: powerlessness to resist and powerlessness to suffi-

¹² For a discussion of this aspect (duties and obligations), see Vanterpool [1988]; Shaver [1992]; Brown [1994]; and Schmidt Radcliffe [1996].

ciently (visibly) show resentment (M 3.18, SBN 190–191). As mentioned earlier,¹³ there is no consensus between interpreters of Hume as to which groups fit these criteria exactly, so I shall use Hume's own example of non-human animals. More precisely, he mentions non-human animals "intermingled with men," that is to say, those who come into direct contact with man. As far as the primary characteristics of inferiority are concerned, it is not entirely clear what Hume finds them on in his case with animals. His words show that he finds reasons in their inferior power of mind and body, which can lead us to conclude that animals do not display resistance (as we assume, towards people) because they lack either the intelligence to know that they are threatened, or the bodily strength to be able to resist. Neither possibility seems altogether likely, especially considering the fact that Hume admits that animals, like people, are capable of actions that "tend to self-preservation, to obtaining pleasure, and avoiding pain." (T 1.3.16.2, SBN 176) Even if we attribute their lack of resistance entirely to their inability to understand that they are in a situation that threatens them, for which reason they do not take action towards "self-preservation and avoiding pain," it is likely that Hume is aiming at the incapability of animals to offer *effective* resistance, as suggested by Kuflik.¹⁴ Another characteristic of inferiority arises from Hume's claim that inferior beings "could never, upon the highest provocation, make us feel the effects of their resentment." For Hume, resentment arises immediately from nature (A 6, SBN 647–648; T 2.3.3.8, SBN 417; M 3.40, SBN 201) and represents a violent passion that makes the affected subject desire that those who have caused an injury to it be punished (T 2.3.3.9, SBN 417–418). Resentment, therefore, presupposes an at least elementary ability to differentiate between good and bad, for which reason the subject reacts to whoever has attacked its interests, wronged it, or injured it, thus creating in it the desire to punish the perpetrator.

Hume's conventions are open to revision as a consequence of social progress, so the borders between society and quasi-society are permeable. If an inferior subject (animal or any other) were to find a way to make its resentment noticeable, then it could theoretically also fight to change the existing convention in order to further protect its interests.¹⁵ We can assume that the same would happen if it succeeded in finding a way to offer effective resistance (actually, both borders would likely be breached simultaneously). Hume's arguments from a broader context suggest that the inclusion of inferior beings could be initiated by the superior

¹³ See footnote 3.

¹⁴ Kuflik [1998] p. 62–63.

¹⁵ Baier [1980].

beings as well: they could recognize that there is a broader public interest in protecting a certain group that currently falls outside the reach of justice, and introduce different policies to protect them. What would be needed is to show that the existing model – the “gentle usage” of inferior beings according to the “laws of humanity” – is insufficient. Here is where the conditions of humanity reveal themselves in a new light. “Gentle usage” does not aim to remove the conditions that make a given subject inferior, but rather to operate considerately within these conditions. This is a kind of self-limitation of acts of humanity realized in conditions of disproportionate distribution of power, which must be left essentially untouched as doing the opposite might bring an end to the conditions of one’s own humanity. What also seems important here is that there are no landmarks as to which of the interests of the vulnerable should be taken into consideration by our humanity. It is clear to Hume that we do not owe those outside the system of justice any protection of those of their interests that would oppose our own. Hume’s humanity operates in an area within which all of our interests have been exhausted. On the other hand, the full strength of humanity, especially when it represents the protection of the vulnerable, is shown when we consider the high-priority interests of the vulnerable over our own interests. The architecture of Hume’s humanity (the inequality of power as its strongest source, disinterested preference for the well-being of others as its main characteristic) does not seem to allow this, which simultaneously weakens it, especially when it represents the only mode of protection against abuse.

(4) *The paternalism of humanity.* Hume’s humanity, as a disinterested preference for the well-being of others, is selective in its choice of the interests of others which should be taken into consideration. Even if we discuss this and claim that our humanity will always take into account the best interests of others, we have not succeeded in avoiding the quality of humanity that Michael Ridge calls simply “paternalist.”¹⁶ The relation within which Ridge views the action of humanity is ideal by Hume’s standards. Ridge’s example thus includes rational subjects threatened by complete failure and those who can prevent it.¹⁷ The latter are led to

¹⁶ Ridge [2010].

¹⁷ This example concerns a group of people on a spaceship with advanced technology, who encounter rational beings whose planet is threatened by a large-scale ecological disaster. Their inferiority in relation to those on the spaceship consists in their having less advanced technology. They are unable to move themselves to another planet on which they would have equal living conditions as on their current planet, which is threatened by collapse, but the people with advanced technology can help them. However, although it is entirely clear what kind of disaster awaits them and that they will not live any worse on the new planet than on their current planet, they refuse to leave their current planet. The technologically superior people thus move them against their will, convinced that they are doing good.

save the former only by their humanity, through which they desire to act to protect the best interests of the former. However, both parties' definitions of these best interests differ. Variations of Ridge's example show that Hume's humanity always entails in the stronger a kind of paternalism which leads them to protect the weaker. Hume's humanity in interaction with inferior rational beings does not allow what they see as being in their own best interest (even in a hypothetical situation in which we are entirely sure as to what they consider to be in their own best interest) to overpower our assumption as to what is in their best interest. What Ridge's example shows (although he does not examine this further) is that Hume's humanity contains no inherent defence mechanism against incorrect beliefs.¹⁸ This does not deny the fact that it deals with good actions, however it also does not guarantee that these actions will be the best possible. When humanity is the only thing that can bring positive changes, as in the case of Hume's inferior rational beings, then this kind of relativism is especially visible.

Conclusion

I do accept the possibility that Hume's humanity, examined in greater detail, can oppose or weaken some of these complaints against its strength as a method of protection. I do not question its potential to perform this task, however I doubt its sufficiency in doing so. I perceive Hume's humanity as insufficient in that it is open-ended as to how much action we take and which interests of the weak we take into consideration. Furthermore, only humanity determines how far this action will develop and which forms it will take, and whether or not it will pass from moral sentiment into active protection. In other words, Hume's humanity can recommend itself to protect the vulnerable, however the range of its action remains optional. Hume's humanity is a better form of protection than no protection whatsoever. However, if my earlier conclusions are sound, it can also become an end in itself. Regardless of my earlier comments, I consider a re-evaluation of Hume's humanity necessary in the context of modern debates on the protection of the vulnerable. These debates exhaust themselves in identifying the criteria that define vulnerability, and in defining groups that can apply for some special form of protection. It is certainly vital to examine the causes of vulnerability, however it is equally important to ensure that the help we offer to the weak is not a mere demonstration of our power and a tribute to our feeling of humanity.

¹⁸ Hume's humanity as a "master moral motive" is especially interesting to view in contrast with cruelty as its inversion. Texts by Baier [1993] and Kekes [1996] are particularly instructive in this perspective.

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