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Hume on the Moral Obligation to Justice: the argument of Treatise 3.2.2

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ABSTRACT

I argue that Hume's account of the moral obligation to justice in *Treatise* 3.2.2 is best understood as leading to a rejection on Hume's part of the maxim that the virtue of an action lies in a motive different and distinct from the conviction that that action is what is morally required. By the end of 3.2.1 Hume has set up the kind of puzzle that he delights in solving: it appears to be both undeniable and unaccountable that we take there to be an obligation to respect rules regarding property. The question, then, is why we praise justice and blame injustice, when the usual basis of praise and blame, a non-moral motive, is not to be found. I put forward some proposals as to how to understand the answer given by Hume to this question in *Treatise* 3.2.2. I then address the concerns of those who believe that Hume could not dispense with the maxim without ceasing to be the kind of moral philosopher they believe he is: I argue that, when it comes to justice, Hume is not helpfully regarded as a virtue ethicist at all. I conclude by situating Hume's account of justice in the context of the project of replacing Hutchesonian moral sense theory with a sympathy-based theory of moral judgment, and shall suggest that seeing the matter in that context helps with the question of whether and to what extent Hume's moral philosophy is Epicurean in character.

1. At the opening of his account of justice in the *Treatise*, Hume appears to commit himself to three inconsistent propositions:

(I) Justice is a virtue.

(II) The virtue of an action lies in a motive different and distinct from the conviction that that action is what is morally required.

(III) There is no motive to acts of justice other than the conviction that such actions are what is morally required.

Hume does not argue for (I), but simply takes it for granted. His argument for (II) is that there is a vicious circularity to the idea that the virtue of an action lies in acting from the conviction that that action is what is morally required. His argument for (III) proceeds by eliminating all likely rival candidates for the role of being a natural motive to acts of justice. I shall assume for present purposes that the arguments for (II) and (III) are familiar and do not need to be rehearsed.¹

Some interpreters have argued that of these three inconsistent propositions, (I) is the one that Hume turns out not to believe to be true. Thus Marcia Baron and David

¹ See David Hume, *A Treatise of Human Nature*, ed. David Fate Norton and Mary Norton, Oxford University Press, 2007, 3.2.1.1-17.

Gauthier have suggested that Hume's view is that in fact there is no obligation to justice. Other interpreters have argued that Hume is not really committed to (III).² Some -- for instance, Annette Baier -- have suggested that Hume's view of self-interest is elastic enough to provide a non-moral motive to justice when 'redirected' by the assurance that others will act likewise.³ Others -- for instance, Stephen Darwall and Don Garrett -- have suggested that Hume's view is (or at least could be) that the emergence of conventions regarding property gives rise to a new kind of non-moral motive to justice, in the form of a disposition to regulate one's conduct by the relevant rules.⁴ Only a very few interpreters have argued that Hume's position is that, in the case of justice and the other 'artificial' virtues, (II) does not hold. John Mackie made such a suggestion, and Rachel Cohon has since developed it at greater length, but it is definitely a minority view.⁵ Nevertheless, it is, or so I shall argue here, the right view.

By the end of 3.2.1 Hume has set up the kind of puzzle that in the *Treatise* he delights in solving: just as it is both undeniable and apparently unaccountable that we believe in the uniformity of nature and in the continued and distinct existence of objects of perception and in personal identity through time, so also it is both undeniable and apparently unaccountable that we take there to be an obligation to respect rules regarding property. It is undeniable that ordinarily we applaud justice and regard injustice with abhorrence. That we do so is unaccountable given that there appears to be no non-moral motive to justice: that is, no motive other than the belief that such actions are what is morally required. The question, then, is why we praise justice and blame injustice, when the usual basis of praise and blame, a non-moral motive, is not to be found. In this paper I shall put forward some proposals as to how to understand the answer given by Hume to this question in *Treatise* 3.2.2, 'Of the origin of justice and property'. I take these proposals to be in the spirit of Cohon's way of reading Hume on justice, though I do not know whether she would endorse them all. I shall then address the concerns of those who believe that Hume could not dispense with (II) without ceasing to be the kind of moral philosopher they believe he is: I shall argue that, when it comes to justice, Hume is not helpfully regarded as a virtue ethicist at all. And I shall conclude by situating Hume's account of justice in the context of the project of replacing Hutchesonian moral sense theory with a sympathy-based theory of moral judgment, and shall suggest that seeing the matter in that context helps with the question of whether and to what extent Hume's moral philosophy is Epicurean in character.

2. Hume has in fact set up two puzzles by the end of 3.2.1. First, given the lack of a natural, non-moral, motive to respect for rules regarding property, how was it that such rules came to be developed at all? How is it that there is such a thing as a 'sense of justice'? This Hume describes as a question '*concerning the manner, in which the rules of justice are establish'd by the artifice of men*' (3.2.2.1). Secondly, given the lack of a natural, non-moral, motive to respect rules regarding property (and given principle (II), that the virtue of an action lies in a motive different and distinct from the conviction that that action is what is morally required), how is that we regard being just as a *moral* matter -- as opposed to being, for example, merely a matter of prudence? This Hume describes as a question

² Marcia Baron, 'Hume's Noble Lie: An Account of his Artificial Virtues', *Canadian Journal of Philosophy* 12 (1982): 539-55; David Gauthier, 'Artificial Virtues and the Sensible Knave', *Hume Studies* 18 (1992): 401-27.

³ Annette Baier, *A Progress of Sentiments*, Harvard University Press, 1994, ch. 10, and 'Artificial Virtues and the Equally Sensible Non-Knaves: A Response to Gauthier', *Hume Studies* 18 (1992): 429-39.

⁴ Stephen Darwall, *The British Moralists and the Internal 'Ought'*: 1640-1740, Cambridge University Press, 1995, ch. 10; Don Garrett, 'The First Motive to Justice: Hume's Circle Argument Squared', unpublished MS.

⁵ J. L. Mackie, *Hume's Moral Theory*, Routledge and Kegan Paul, 1980, pp. 79-81; Rachel Cohon, 'Hume's Difficulty with the Virtue of Honesty', *Hume Studies* 23 (1997): 91-112.

'concerning the reasons, which determine us to attribute to the observance or neglect of these rules [i.e., the rules of justice] a moral beauty and deformity' (3.2.2.1). I believe that, contrary to what most interpreters have assumed, the answer given to the first question is irrelevant to answering the second. When it comes to explaining why we regard justice as a moral virtue, I suggest, it just does not matter how it was that the conventions of justice were established. Here are five reasons for such a reading.

Hume's first question is sometimes rephrased as if it were a question about why any human being, regardless of time and place, might find reason to obey the rules of justice. Thus Marcia Baron construes it as the question, 'Why are we motivated to act justly?'⁶ But the answer Hume gives to his question makes it plain that the question is a historical one, to be answered by a series of conjectures about human beings as they were in the state of nature and how such beings might have learned to live in society with one another. The conclusion he takes himself to establish is '*that 'tis only from the selfishness and confin'd generosity of man, along with the scanty provision nature has made for his wants, that justice derives its origin*' (3.2.2.18). The 'origin' in question is the origin of justice as such. Hume is presenting a hypothesis as to how human beings first devised rules by means of which possession is turned into property. There is no sign that he takes himself to be describing a process of thought that each of us goes through as we come to grasp the concept of justice and its proper application. The development described is that of human beings considered as a species, of 'men', not of each of us individually. And the development described took place a long time ago. The society whose conditions of possibility Hume is analyzing is the very most basic form of society. This is society prior to the development of promising and contracts, and prior also to the development of government and magistracy. There is no reason to assume that Hume holds that the motive which generated the creation of such society is what we take people to act on now when they respect the rules of justice.

Closely related to this is a second reason to keep Hume's account of the origins of justice separate from his account of its moral obligation. The origins of justice lie in self-interest and recognition, first, that we human beings need to live in society with others, and, secondly, that society is only possible where there are laws protecting property. The 'natural' -- that is, the selfish -- obligation to justice is very salient at the beginning of society. But in society as we know it now, where the conventions of justice are well entrenched, to the extent that almost all people follow them more or less unthinkingly, it is no longer obvious that it is in every one's interests all the time to obey the rules of justice. As Hume says, 'when society has become numerous, and has increas'd to a tribe or nation, this interest is more remote; nor do men so readily perceive, that disorder and confusion follow upon every breach of these rules, as in a more narrow and contracted society' (3.2.2.24). And yet for the most part they respect those rules, even while they lack an understanding of the connection between the rules and self-interest. What explains general adherence to the rules of justice is a matter we will return to below, but the important point for present purposes is the distinction being drawn between motives acted upon at the origin of society and those acted upon now. It may remain true that there is a standing obligation to justice imposed by self-interest, but it is surely not true that recognition of such an obligation is what prompts each and every just act. Nor do we condemn the unjust because they fail to understand how it is that acting justly is really in their interests.

A third reason to take the answer to Hume's first question about justice to be irrelevant to his second question is that Hume makes it very clear that there is nothing morally admirable about the motive that resulted in the development of conventions

⁶ Baron, 'Hume's Noble Lie', p. 540.

regarding property. Note the 'only' in "*tis only from the selfishness and confin'd generosity of man, along with the scanty provision nature has made for his wants, that justice derives its origin*", and the 'merely' in 'the rules of justice are establish'd merely by interest' (3.2.2.22). Of course it is not true that Hume thinks that human beings at the beginning of the history of society, or at any other time, are purely selfish: they are generous to a degree, but in a 'confin'd' manner, only to those they take themselves to be related to, and the generosity here is of a kind that (given the scanty provision nature has made for our wants) sets families against each other and causes them to steal from each other and worse. Even if someone acts justly out of a perception of the manner in which justice serves his interests (and those of his dependents), it is hard to see how such an action manifests anything more than the virtue of prudence, and, as Rachel Cohen has pointed out, there is no sign that Hume regards what is morally admirable in a just person to be his prudence.⁷

A fourth reason to take the origins of justice as irrelevant to the moral obligation to justice is that to do so connects Hume's account of justice with his account of the equally artificial virtue of allegiance. Hume's agenda in his treatment of political obligation, in the *Treatise* and in the essays, is explicitly that of severing the question of how there came to be such a thing as political society from the question of the ground of our obligation to obey our governors. Both those who defend the absolute rights of the monarch and those who ground political right in the consent of the people claim that their position finds its justification in how government was first instituted, whether in a divine donation of power, or in an original contract. Hume's message is that it does not matter how government came into existence when it comes to understanding our obligation to obey it. Most forms of government in fact have their origins in conquest, and are afforded legitimacy by a combination of sheer endurance and the capacity of governors to provide conditions of peace and stability. By the same token, there would be a moral obligation to respect the rules of justice were those rules not, as a matter of historical fact, the end-result of gradually developing conventions, but instead revealed by God or laid down by some kind of quasi-divine Rousseauian legislator.

It might be wondered why, if I am right, Hume thought he needed to explain how justice came into existence before he explained why it is a virtue. I think Hume came to see that he did not in fact need to do the first thing before he did the second, and that that is why, in the account of the morality of justice given in Section 3 of the second *Enquiry*, no mention is made of the origins of justice in artifice and convention. The origins of justice are described in Appendix 3, of course, but there is no suggestion that anything said in the main body of the text hangs on what is said in the Appendix. This is the fifth reason to take the answer to the first question raised in *Treatise* 3.2.2, concerning the natural obligation to justice, to be irrelevant to the answer to the second question, the question of the moral obligation to justice.

3. If I am right, then the moral obligation to justice as Hume understands it need not be regarded, as it has been by interpreters such as Baron and Gauthier, as hostage to the fortunes of an attempt to show how justice really is in the interests of a rational deliberators. The existence of a moral obligation to justice does not depend on the ability of refined or 'redirected' self-interest to supply a constant natural motive to justice. What, then, is the source of that obligation? I have already mentioned Hume's first move when he comes to address this question, in 3.2.2.24: his drawing attention to the fact that in large societies we tend to find it less than obvious why we ourselves should always in every case obey the rules of justice. Hume then notes that this never prevents us from

⁷ Cohen, 'Hume's Difficulty with the Virtue of Honesty', pp. 104-5.

finding it very obvious indeed that *other* people should obey those rules, especially when our own interests are damaged as a result, but also when they are not. Why is it that we are 'displeased' by an action 'so distant from us, as no way to affect our interest'? Hume's answer is that it is 'because we consider it as prejudicial to human society, and pernicious to every one that approaches the person guilty of it'. Why is it that we are affected by this? Hume's answer is that it is because '[w]e partake of their uneasiness by *sympathy*'. Sympathy with how people are harmed by injustice gives rise to an uneasiness in us, and since anything that gives that produces uneasiness 'upon the general survey' is naturally regarded as vicious, the injustice is condemned as a moral evil. In the same way, we partake through sympathy of the satisfaction produced by justice, and, so long as that satisfaction is one that we believe would be generally shared, the just act is praised as a moral good.

One obvious thing to say about this explanation of why we attach moral praise and blame to how people act with respect to the property of others is that its focus is upon the *consequences* of actions. Sympathy does not, so to speak, tune us into the motives people act on when they act justly or unjustly, but rather, in the first instance, to the effects of what they do. Unjust actions are not condemned because they make manifest a particular kind of character or motivational set, or because they indicate the absence of the character or motivational set of the just person. Initially what sympathy concerns us with is how the action has affected a particular individual. Then there is the question of the consequences of the *particular* action to society at large. Then there is the question of the consequences of *actions of that type* to society at large. Harm to an individual's property is not sufficient to generate moral condemnation, nor is harm to society's interests in this particular case. The view taken when it comes to property is a very general one indeed: actions are seen as instances of conventions, and the question always concerns the value for society of such conventions. But it would seem that at no stage of this process whereby instinctual sympathetic reactions are refined and corrected does the motive of the action matter.

A further thing to draw attention to in 3.2.2.24 is how complicated the process is whereby a sense of the moral significance of justice and injustice comes reliably to influence, not how we judge others, but how we act ourselves. In large societies, an agent's first-person sense of being obliged *himself* to act justly, and refrain from injustice, has its origins in an application to self of judgments that in the first instance are directed at others. We extend the sense of moral good and evil 'even to our own actions' by means of the inherent generality of the praiseworthiness of justice and the blameworthiness of injustice. Presumably this is to say that we come to see that as a matter of rational consistency we cannot blame others for their harmful consequences of their actions and not blame ourselves when our actions have the same consequences. And at the same time sympathy ensures that we cannot help but be affected by praise and blame directed at us as a result of our actions. The result is a sense of moral obligation -- but not, Hume is careful to point out, a reliable disposition to *act* on that sense of obligation. In the next three paragraphs (3.2.2.25-27), Hume describes how 'the artifice of politicians', 'private education' and 'the interest of our reputation' are all needed to ensure that the sense of justice is able to control our passions. Mandeville was wrong about the *origins* of the ideas of virtue and vice; but, it seems, he was right about what is necessary to make us *act* in line with those ideas.

Hume sounds this variation on the Mandevillean theme again in his discussion of the moral obligation to promise keeping, where he says that "This sentiment of morality, in the performance of promises, arises from the same principles as that in the abstinence from the property of others. *Public interest, education, and the artifices of politicians*, have the same effect in both cases" (3.2.5.12). And he returns to it when summing up his account

of justice at the end of 3.2.6. Given the obvious interests of all in the maintenance of conventions of property, he says, the sense of moral obligation, as provided by sympathy, 'follows *naturally*, and of itself; tho 'tis certain, that it is also augmented by a new *artifice*, and that the public instruction of politicians, and the private education of parents, contribute to the giving us a sense of honour and duty in the strict regulation of our actions with regard to the property of others' (3.2.6.11). Getting people to refrain from the property of others is, as Hume sees it, a difficult and complicated business. It is certainly not the case that the unarguable fact of a 'natural', 'interested', obligation to justice is sufficient to make most of us respect the rules of property.

The implication of the invocation of Mandeville is, I think, that Hume holds that, in the normal case, when we refrain from the property of another, we do so out of a sense that acting that way is, simply, what we ought to do. But Hume is, of course, not saying that a just action is morally admirable just in so far as it is done out of a sense that it is obligatory. That would be to reason in a circle. A just action is morally admirable in so far as it is an instance of a convention general adherence to which brings beneficial consequences to society at large. Nor, of course, is he saying that an unjust action is morally despicable just in so far as the agent is without a disposition to act in light of his sense of the morally obligatory. Again, an unjust action is morally despicable in so far as it is a violation of a convention general adherence to which brings beneficial consequences to society at large. The consequences of just and unjust actions are sufficient to explain their praise and blame. It has turned out that no explanatory problem is created by the fact that there is usually no motive to justice other than a regard to the virtue of the action.

4. When it comes to the virtue of justice, then, Hume finds he has to dispense with (II), the principle that the virtue of an action lies in a natural motive different and distinct from the conviction that that action is what is morally required. In the normal case, a just action is done out of a conviction that that action is what is morally required; but, *pace* Baron and Gauthier, this does not mean that the just action is not *really* virtuous, for the virtue of such actions lies not in their motives but in their consequences. Rachel Cohon has suggested that Hume regards (II) as a piece of pre-philosophical common sense that applies well enough to the 'natural' virtues, but turns out not to apply to the virtues such as respect for property and promise-keeping:

The natural virtues have nonmoral motives which generate approval, just as we expect. The artificial virtues do not; they depend upon the sense of virtue or the sense of duty, which in them is generated in a different way. In the artificial virtues we do not need a nonmoral motive to give us a basis for approval. Socially beneficial conventions identify types of actions by their outward form and our approval is then directed toward these. If all goes well, this approval is then strengthened to become a motivating sentiment. So our approval of honest action, instead of depending upon the motive of honest action, ultimately provides it.⁸

This seems to me exactly right. What I want to do now is to consider two reasons why this way of reading Hume has not won general acceptance.

The first is that Hume never explicitly says that he does not in fact believe (II) to be true. On the contrary, having argued for it (using the circle argument), he says that 'it

⁸ Cohon, 'Hume's Difficulty with the Virtue of Honesty', p. 102.

may be establish'd as an undoubted maxim' (3.2.1.7). And he uses it again in his treatment of the virtue of promise-keeping. But it should be borne in mind that what drives commitment to (II) is the more general thesis 'that when we praise any actions, we regard only the motives that produc'd them' (3.2.1.2). And it should be borne in mind also that this as a thesis that Hume introduces as an item of generally-held belief, rather than as something that there is an obvious and good reason to endorse. Hume is describing what it is that we tend to regard when we praise actions: we tend to regard the motive, 'and consider the actions as signs or indications of certain principles in the mind or temper'. And for as long as we do that, we are going to find it difficult to know why we praise acts of justice, and condemn acts of injustice. This is because it has turned out that normally what motivates an act of justice is a regard to the virtue of the action, and that is not the kind of motive that we find it pleasing for people to act upon. For the same reason, there is a puzzle about why we praise people for keeping their promises and blame them for not doing so. I think that what Hume is doing is leading his reader to the conclusion that, when it comes to the artificial virtues, we do not understand very well what we are doing when we praise and blame. We might think that we regard only the motives that produce acts of honesty and fidelity, but in fact what we regard are consequences. And we misunderstand ourselves in this way because we do not appreciate why it is that these actions give us the pleasures and pains they do. That is, we do not appreciate the role played by sympathy in these moral judgments. Once sympathy is seen to be the means by which we make moral estimations of actions, there is demanded a revision of our understanding of our first-order moral attitudes.

Another reason why Hume has been taken to be committed to (II) is that it expresses a thesis apparently fundamental to Hume's kind of moral philosophy. Stephen Darwall has said that the claim 'that the direct object of moral approbation and disapprobation is always some trait of character' is 'the fundamental principle of his virtue ethics'.⁹ Similarly, Don Garrett has called (II) Hume's 'Core Virtue Ethics Thesis'.¹⁰ I am not sure, though, that when it comes to the artificial virtues, at least, Hume is helpfully regarded as a virtue ethicist of any kind. As we have seen, moral approbation of the following of rules regarding property is understood by Hume to have its source in consideration of the consequences of general adherence to those rules for society at large. As Hume says again and again, the rules define the nature of justice, in the sense that prior to the establishment of those rules, there is, quite literally, no such thing as justice and injustice. An agent is just, then, to the extent that he adheres to those rules; an agent is unjust to the extent that he violates them. What moves an agent to adhere to the rules has no bearing on the justice of the action. The implication is that justice is not, for Hume, a state of character. There are states of character -- created by the way in which educators and politicians mould our sympathetic reactions -- which make it more likely that we will obey the rules of justice. But there need be, and in most cases is in fact, nothing morally admirable in those states of character considered in themselves. Hume is thus to be seen as part of the transition from the traditional conception of justice as a state of character to the modern notion of justice as a property of institutions and laws.

There is a further point to be made in this connection. Justice, for Hume as later for Smith, is primarily a virtue of abstention. One acts justly when one does not take what belongs to another. On this view, as Knud Haakonssen has put it, just actions are 'pieces of inactivity'.¹¹ Being just does not involve doing anything at all. *A fortiori*, it does

⁹ Darwall, *The British moralists*, p. 290.

¹⁰ Garrett, 'The First Motive to Justice', p. 1.

¹¹ Haakonssen, *The Science of a Legislator: The Natural Jurisprudence of David Hume and Adam Smith*, Cambridge University Press, 1981, p. 18.

not involve being motivated so as to act in a particular way. It involves, simply, not breaking the law. And when one acts unjustly -- which is to say, when one breaks the law -- there is no particular motive that one shows oneself to lack. One has simply given in to the various standing temptations that there are to try to get away with what the law forbids. What one shows oneself to lack, perhaps, is self-control. And there might be a sense in which justice as a state of character might be said to be a matter of self-control, in the form of an ability to master the inclination to break the law when one thinks one could do so with impunity. But this would make it the case that in order to be said to be just, one needs to be strongly tempted to be unjust. For most people most of the time, presumably, there is no such temptation as they go about their daily business within the bounds of the law; and they are surely properly said to be acting justly as they do so. Of course there is nothing very admirable about them, but that, again, is precisely the point: justice as Hume conceives of it is *not* admirable when thought of as a property of individual human beings.

5. In conclusion, I'd like to situate Hume's account of the moral obligation to justice in the context of the larger project of his moral philosophy considered as a whole. The agenda of Book 3 of the *Treatise* is the delineation of a theory of moral judgment which is, as Hume puts it in 3.1.2, 'conformable to the usual maxims, by which nature is conducted, where a few principles produce all that variety we observe in the universe, and every thing is carry'd on in the easiest and most simple manner' (3.1.2.6). Sympathy is the key to this project. What sympathy offers is a single means whereby a wide variety of moral judgments can be explained, thereby obviating recourse in every case to 'an *original* quality and *primary* constitution'. Although Hume is not explicit about it, what he is in effect trying to do is to provide a better, in the sense of more naturalistic, account of moral judgment than is provided by Hutcheson. Hutcheson tried to present all of our moral judgments as operations of an innate and instinctual moral sense: in every case, what is at work is, precisely, an original quality and primary constitution, for -- and this is the crucial point -- there is no means of explaining why the moral sense operates as it does. It is a given of our nature that we are pleased by benevolence, and every moral judgment, even the approbation of justice, is to be understood as excited by benevolence. The point of departure for Hume's theory of justice is that this is not true to the analogy of nature. He forces the argument home in 3.2.6, with its three-pronged assault on the idea that nature might have 'plac'd in the mind any peculiar original principles, to determine us to a set of actions, into which the other principles of our frame and constitution were sufficient to lead us' (3.2.6.1).

Sympathy concerns itself with the effects of actions, not with their causes. Hutcheson's moral sense concerns itself with motives, with the causes of actions, not with their effects. It is of course true that the motives it approves of are those that produce the greatest happiness for greatest number, but there is no necessary or conceptual connection between benevolence and approval. It is just a brute (which is to say, divinely ordained) fact of our nature that the actions are approved of are the ones that happen to have that effect. Actions are approved of in so far as they are signs or indications of benevolence. And there is no sense to asking what is good about benevolence: benevolence is what we must regard as good in itself. What Hume is saying about justice, by contrast, is that just actions are not good in themselves. Usually, being more often abstentions than actions, they have no moral value at all. And it is quite possible that they might be abhorrent considered in themselves, as when a poor and virtuous man is obliged by law to repay a loan to someone rich and dissolute, and when he is punished when he cannot. They are good only in light of the consequences of

general adherence to rules enjoining them, which is to say, only as means to the end of a peaceful and stable society. This is the markedly Epicurean conclusion of Hume's theory of justice. In Part 3 of 'Of Morals' Hume proceeds to extend this conclusion to the natural virtues of 'meekness, beneficence, charity, generosity, clemency, moderation, equity'. It turns out that while there are natural motives to these, those motives are also approved because of the consequences of the actions they cause, rather than giving immediate pleasure via the exercise of a moral sense.

The price of a more naturalistic moral philosophy is thus, according to Hume, an acceptance of utility as the determinant of the distinction between the just and the unjust. Hume pays this price with enthusiasm in the second *Enquiry*, where all of virtue is analyzed in terms of the useful and the agreeable, the *utile* and the *dulce*, with no place left for the *honestum*, for what is good in itself, good even if no one regards it as good. Hutcheson signalled the importance he attached to the notion of the *honestum* by putting a passage about it from Cicero's *De officiis* on the title page of his first book, the *Inquiry into the Original of Our Ideas of Beauty and Virtue*. Hume's position is that, when rigorously developed, the sentimentalism correctly espoused by Hutcheson evacuates morals of the notion of the good in itself. Not everyone agreed, of course. Smith's project in *The Theory of Moral Sentiments* is to show that this need not be where a sympathy-based moral philosophy leads.