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**Annette C. Baier**, *The Cautious Jealous Virtue. Hume on Justice* (Cambridge, Massachusetts, Harvard University Press, 2010), pp. xii + 261.

Annette Baier is one of the leading philosophers publishing on David Hume. She possesses a versatile pen and a sensible grasp of Hume's thinking ranging from his philosophical works to what Hume himself referred to as 'polite literature written in a more easy style and manner' – not to forget Hume's *History of England*. Her previous works have changed the way we think about Hume, and her latest is a thought-provoking book.

Hume's account of justice includes aspects of genius and features that have been a source of frustration and interpretive problems for his contemporaries and notably for his readers during the last 50 years of growing Hume scholarship.

A widely acknowledged merit of Hume concerns the origin of justice and the role of conventions, issues that have preoccupied Baier's thinking throughout her career. Hume's idea in his *Treatise of Human Nature* (THN) – resembling Bernard Mandeville's account – is that the security of private property, after it has first been invented, serves everyone's self-interest. Baier is comfortable detecting Hobbesian and Mandevillean echoes in Hume and part of her title, *The Cautious Jealous Virtue*, means that rules of justice determine what is mine and thine, and compared to generosity or benevolence this 'conformity to cooperative schemes' is cautious and jealous (p. 227).

Several commentators, including John Rawls have been impressed by Hume's account of the 'circumstances' of justice. Many scholars have also been taken by the subtleness of Hume's idea of artificial virtues and convention making in general. Annette Baier has an ability to turn these complicated issues into an approachable topic while maintaining the coherence of her argument, namely that we need to understand justice in accordance with Hume's general account of human social conventions (including marriage

and chastity). Her strong emphasis and careful analysis of the role of promises in Hume's ethics made at least this reader acquire some new Baierian beliefs about Hume.

Baier has quite a remarkable philosophical ability to effortlessly put her finger on vital problems. For example, her insistence on the importance of trust (and lack of it) for Hume's moral philosophy is often ignored. In Baier's care it becomes understandable how fellow-members of any given society are the makers and breakers of one's reputation for Hume, and at the same time the possibility of never being trusted again plays a fundamental role in Hume's theory of justice, expanding its core beyond simple questions of private property and rule obedience.

Some problematic parts of Hume's account concern nature of justice. Hume's contemporaries were already puzzled over his idea that moral approbation of justice is sympathy with public interest. Hume introduces justice as an artificial virtue and there seem to be additional problems when it comes to fitting this account with his overall definition of virtue as requiring non-moral motivation that causes circularity in the argument. As mentioned, these puzzles have always fascinated Baier. Her renowned *Progress of Sentiments* (1991) discussed social artifices at length. While this earlier work was also more interested in governors and legislators changing people's motives with reward and punishment (an aspect almost altogether abandoned in this latest book), many of the themes regarding justice there have now been either recast or expanded (including crucial symbolic transfer of property, promise and trust, and the restricted view of justice in THN). In her more recent prose, it turns out that she has adopted quite strong views of what Hume should have been doing. Metaphorically speaking, her voice now is also sharper and louder.

The most pressing puzzle that Baier attempts to fix is Hume's narrow conception of justice in THN. Even when today we think that social justice and modern ideas of distribution are fundamental aspects of justice, Hume seems confined to private property,

its transference, promises and allegiance to government. In THN, he appears to operate with an even more restricted conception because, according to Baier, it does not include the most basic parts of what we understand as jurisprudence, namely, criminal justice and prohibitions against bodily harm.

Baier sees the narrowness of justice in THN to consist largely in the formal absence of equality and desert. Baier sees a way out of this problem because Hume discusses his artificial justice together with what is sometimes taken as the natural virtue of equity. Baier underlines a change in Hume over time also emphasising the importance of desert for justice present in a short paragraph in Hume's *Enquiry Concerning Principles of Morals*. Baier heavily stresses equity and what resemble modern notions of social justice in Hume. This is an interesting aspect, opening new doors to evaluate Hume. At the same time, it is a slightly awkward perspective and a very personal reading of Hume. Baier shows little concern for the ongoing debate concerning the fact that it is problematic to discuss social justice in the Rawlsian sense in eighteenth-century texts. The close connection between justice and equity expands into one of Baier's main themes and while she has been able to uncover some new evidence for her case – especially when she sees Hume's account of justice developing throughout his publishing career – much is still based on speculation.

Baier further expands her argument towards what she considers a more complete idea of justice by introducing material from Hume's *History of England* also bringing criminal justice and questions of bodily harm into the discussion. Her conclusion is that by the time of writing his late essay 'Of the origin of government', Hume should have considered rewriting the entire account of justice because he had finally come to emphasise that governments exist 'to maintain twelve judges, and so protect all the rights the courts protect' (p. 86), and justice includes aspects of criminal justice and prohibitions of murder and assault. Hence, property rights are included in the concept, but justice is not based upon

private property. This is an intriguing idea, but it leaves one wondering what relevance this solution will have for future scholarship. Baier offers a luminous analysis of Hume's idea of corrected sentiments and reflectively approved customs and conventions, but it does not undo the narrowness of justice in THN.

Baier's *Hume on Justice* is structured so that her new case, the solution to how Hume's conception of justice expanded over time, is put forward in the first part of the book. The second part, her previously published essays partly supporting the case and extending to related matters, functions in a form of appendixes. All these articles are good and substantial and the one entitled 'Promises, Promises, Promises' is simply brilliant. The problem with the structure is that the first part turns out to be more polemical while the second part remains as a series of self-contained philosophical essays, even when it is clear that the material there could have easily functioned as the backbone for a monograph.

The ethics of Baier's Hume is radical and reformist in spirit rejecting authority systems of church and patriarchal families while preaching for liberation. She puts quite a lot of weight on the idea that in Hume's system there is at least a theoretical choice for rejecting disadvantageous schemes of action (e.g. tyranny). She is particularly fierce in discarding attempts to link the approved motive of justice to anything resembling Kant or some form of deontology. For Baier a list of duties is simply un-Humean. This is mostly visible in the first part of the book opposing the idea of Hume as a proto game-theorist. She goes on to state that 'Hume's theory of justice is part of his moral philosophy, not part of his political philosophy' (pp. 52-3).

Baier's perception of Hume is clear and at best superbly devoid of prejudice. Hence, the rejection of political seems somewhat odd and unnecessary. Some of her articles engage with the Natural Law tradition, but a fuller treatment would have benefited the reader already in the first part of the book. For example, at times the idea of equality for Hume

seems to border on overstatement (e.g. in the case of Hume's supposed positive view of the Levellers that is brought up more than once). In the second part of the book she clearly draws out the differences between Hume's theory of human artifice and the voluntarist accounts of Pufendorf and Locke and how Hume's account of promises uses the terminology of Natural Law tradition but empties it of its theological and rationalist implications. Yet, her treatment would noticeably have benefited from considering Hume's theory of justice also as part of his political philosophy in the early modern context. A sharp distinction between moral and political is rather arbitrary in history of early modern philosophy.

Baier's account of Hume's theory of social artifice (including justice) is original and useful, perhaps the best we have got. For this, as well as for other reasons her work will make a lasting impression on future scholarship. This book is part of that legacy.

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