

# Contents

<i>Acknowledgements</i>	<i>page</i> vii
<i>List of abbreviations</i>	viii
<b>Chapter 1 Introduction</b>	<b>1</b>
<b>Chapter 2 Hume's theory of justice</b>	<b>4</b>
1 One theory or two?	4
2 Moral evaluation	7
3 The motive for justice – a dilemma	9
4 The origins of justice	12
5 Nature and artifice	21
6 Property	27
7 Promises	29
8 Obligation	30
9 Two difficulties	35
10 The role of history	36
11 Utility and natural justice	39
<b>Chapter 3 Smith's moral theory</b>	<b>45</b>
1 Hume and Smith on sympathy	45
2 Sympathy and moral approval	49
3 The mutuality of sympathy	52
4 Common standards, ideal standards, and social adaptation	54
5 General rules and moral value	61
6 Merit and demerit	63
7 The role of utility	67
8 The role of religion	74
9 Teleology	77
10 Moral theory and human knowledge	79
<b>Chapter 4 Smith's theory of justice and politics</b>	<b>83</b>
1 Positive and negative virtues	83
2 Justice and utility	87
3 Political theory	89
4 Politics and justice	93

<b>Chapter 5 Smith's analytical jurisprudence</b>	<b>99</b>
1 The legal system	99
2 Real rights	104
3 Personal rights	112
4 Delict, or theory of punishment	114
5 Domestic law	123
6 Public law	127
7 Laws of nations	133
<b>Chapter 6 Smith's critical jurisprudence</b>	<b>135</b>
1 Introduction	135
2 Legal reasoning	136
3 Legal criticism	139
4 The critical programme	147
5 The object of criticism	151
<b>Chapter 7 Smith's historical jurisprudence</b>	<b>154</b>
1 Introduction	154
2 Primitive society	155
3 Shepherd society	157
4 Greece and Rome	159
5 The emergence of modern Europe	165
6 The development of modern law	171
<b>Chapter 8 Natural jurisprudence in the face of history</b>	<b>178</b>
<i>Notes</i>	190
<i>Bibliography</i>	227
<i>Index</i>	231