

did not, in truth, alter the nature of justice, as Hume seemed to believe, but only the particular form of obligation which applied to each single case⁵⁴.

This objection reflected the preoccupation that 'violations' of natural justice might prove that the latter is not as universal and necessary as the natural lawyers held it to be⁵⁵. In fact, when dealing with such situations, they usually insisted that the exceptions did not prove natural justice to be wrong, but that other principles instead intervened to change the kind of obligation that justice required. Although the principles that were usually advocated were as diverse as either the intervention of interpretation and equity in correcting law, the conflict between various obligations, or the existence of extraordinary rights, natural lawyers certainly agreed that there was *no* situation in which natural justice would altogether fail. This they maintained against those who considered justice to have come from contractual agreement, and hence to have no meaning previous to human rules. Their contention was that the perfect obligation which ensues from 'suum cuique tribuere' represents the true, universal *origin* of justice, which no social arrangement can alter. On the contrary, since Hume believed that 'suum cuique' is meaningless outside particular social conditions, he firmly held that justice is ultimately based on the naked perception that society needs *stability*.

3. *Social conventions.*

Hume was therefore interested in a strict, realistic theory of justice that would provide for a strong obligation towards justice itself; but he did not believe that such a theory resulted from a naturalistic approach, which, on this particular question, he instead found to be both philosophically untenable and politically feeble.

It may be that the origin of Hume's disagreement with the 'writers of the law of nature' is to be found in his thorough secularism, but this does not significantly alter the fact that Hume founded his theory on concepts such as interest, utility and artificiality which natural lawyers regarded with great suspicion. Moreover, in Hume's work there was a style of writing that frankly displeased many of the supporters of natural law. For, whilst they wished to clear up and systematize the principles

54. BALFOUR, *A delineation* cit., pp. 56-57.

55. Cf. SUAREZ, *De legibus* cit., II, xvi; and HUTCHESON, *A short* cit., II, xvi.