

Just Sentiments
Justice and Sympathy in David
Hume and Adam Smith

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Abstract

This thesis concerns the role of sympathy in the accounts of the approbation of justice offered by David Hume and Adam Smith. I argue for four main claims. Firstly, that Hume's view of justice undergoes substantive revision in between his two major works in moral philosophy (Book III of the *Treatise* and the *Enquiry Concerning the Principles of Morals*). Second, I hold that a number of these revisions serve both to displace the importance of sympathy in Hume's system and to make him more liable to criticisms of the view offered subsequently by Smith. Thirdly, that Smith provides a viable alternative account, which reinstates the centrality of sympathy. And fourthly, that it provides a fruitful perspective on the disagreement between Hume and Smith to consider the opposition between their two views as one over Hume's affirmation and Smith's rejection of the artificiality of our just sentiments.

Impact Statement

This thesis is intended as a contribution to ongoing developments in philosophical research programmes on the moral views of David Hume and Adam Smith, on moral sentimentalism, on the basis of our approbation of justice, and on the role of sympathy in moral life.

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Introduction

While Adam Smith's work in political economy has been hugely influential, his innovations in moral philosophy have often been overlooked. Recent years have seen a resurgence in Smith scholarship, but many interesting areas of Smith's thought remain underexplored or underappreciated. A central contention of this thesis is that Smith's objections to Hume's view of justice is one such area. The purpose of this thesis to give a more extensive consideration to a number of these objections and to the alternative view Smith proposes in its place.

There are several reasons for the relative neglect of this topic¹. Firstly, appreciating the force of Smith's criticisms of Hume's view of justice of course requires that we have at least a somewhat clear conception of what this view is. However, as a wealth of Hume scholarship on this topic attests to, this is no simple or straightforward task. If there is plenty of interest to untangle and understand in Hume's own texts, it is no surprise less attention will be paid to criticisms from Hume's contemporaries, who had their own conflicting philosophical positions to advance.

But it should also be acknowledged that Smith is no ordinary critic of Hume. Anyone who devotes time to reading Smith's *Theory of Moral Sentiments* will find there a thoroughgoing sensitivity to and interaction with the views Hume advanced. Of course, the greatest value of Smith's work lies in his independent and original philosophical developments, but it should be appreciated that Smith was amongst the foremost critics of Hume's view, and that much can be learned by attending to his criticisms, not least because of Smith's extensive sympathy² with Hume's philosophical project. So while I acknowledge that making Hume's position clear will be a significant challenge faced by this

¹ I do want to underscore that the neglect has of course not been total. Knud Haakonssen has written a book length treatment on the issue, and there are a number of interesting papers specifically about Hume and Smith's disagreement over justice from e.g. Martin (1990), Pack & Schliesser (2006), and most recently, Paul Sagar (2017). Added to this are valuable contributions from works the main concern of which laid elsewhere.

² Please excuse the pun. I am of course referring to the shared project of explaining moral evaluations by appeal to a notion of sympathy.

project, my hope is that having Smith's criticisms in view might prove an aid, rather than a distraction or obstruction from that task.

A second reason Smith's criticisms have been insufficiently appreciated is that, as I shall argue, some commentators have simply failed to appreciate their force. Smith's arguments are often quite subtly expressed, and his affinity for talking about philosophical matters "like a man of the world"³ can obscure his true meaning. However, it also strikes me that his statements have sometimes been received with an unreasonable lack of charity or willingness to understand, and this merits rectification.

Finally, owing partly to the consequence of Smith's style already mentioned, and partly to the extensive complexity of his own system, it can be difficult to ascertain quite how Smith's own account is supposed to steer clear of the worries and objections he raises for Hume and to determine what is in fact the core of the disagreement between them.

Over the course of the three chapters of this thesis I take on the task of each of these three issues. In Chapter I, I turn my attention to Hume's view, or as I shall argue, views of justice as presented in his two great works of moral philosophy, Book III of the *Treatise* and the *Enquiry Concerning the Principles of Morals*. I argue that a wide range of changes to Hume's position occur in between these two and offer my suggested explanations of each.

This chapter serves to set up my discussion in Chapter II, where I directly address three specific criticisms Smith offers of Hume's view of justice. I argue that these all most directly target Hume's position in the *Enquiry*, and even suggest that in the case of some of the criticisms, Hume's position in the *Treatise* would have been a great deal more resistant to Smith's challenges, whereas the position defended in the *Enquiry* lacks adequate responses.

Finally, in Chapter III, I turn my attention to a presentation and assessment of Smith's own position, showing in particular how Smith's different conception of the nature and role of sympathy is essential to his alternative position on the three points of disagreement identified and considered in Chapter II.

³ Hume gives this description of his friend's style in his anonymous abstract for the *TMS* (quoted in Raynor, 1984, 78).

Chapter One

Preliminaries – Hume’s account of the artificial origins of justice

Imagine a person living before the invention of justice. Call him Natural Man. Natural Man lives a solitary life and provides for himself. Life in society would be highly advantageous to Natural Man; by pooling his energies with others, distributing the tasks so each could specialise his labour and hone an expertise, Natural Man would increase his force, his ability, and his security. When you do not have to provide for all your needs on your own, you are less exposed to misfortune. Failure at undertaking particular tasks is less likely to be ruinous.

The trouble is that Natural Man does not realise all this. He does not have the knowledge or the foresight to discover the great advantages he could reap by joining forces with others. Fortunately, however, in addition to his limited powers, both physical and mental, Natural Man is furnished with an instinctive desire for the opposite sex. As Hume playfully suggests, this instinct “may justly be regarded as the first and original principle of human society” (T III.II.4, SBN 486). The natural attraction, which draws Natural Man to Natural Woman, gives rise to a new bond, the bond between parent and offspring. From these foundations, the basic unit of Hume’s theory of justice, the family, is brought into existence.

In the family, children learn about the benefits of cooperation, and by “rubbing off those rough corners and untoward affections” (Ibid.) that might stand in its way, their parents train them to be good co-operators. What, then, stands in the way of the immediate establishment of a harmonious society? Now that the next generation have learnt about its advantages, what prevents family groups from joining together into larger communities? The obstruction arises from the combination of two circumstances. The first is another feature of man’s natural emotional constitution, or perhaps rather, the flipside of the feature we already considered, that first and original principle of human society. It is the strong concern and generosity we feel for all and only our near and dear, or, as it is also sometimes described, our natural selfishness or self-interestedness, our preference for ourselves and our own.

Joined to this aspect of human nature is “a peculiarity in our *outward circumstances*, which affords it an opportunity of exerting itself” (T 3.2.2.7, SBN 487), which peculiarity really consists of the coincidence of two conditions. The first is the transferability of material goods. Material goods are mobile and can be apprehended by force from one’s peers (or from oneself) to the advantage of the taker without “suffering any loss or alteration” (T 3.2.2.7, SBN 487). In this respect material goods are different from other human goods, such as one’s peace of mind, or physical abilities, which either cannot be taken from us, or, according to Hume, cannot confer any benefit on the one who deprives us of them⁴. The second relevant feature of our ‘outward circumstances’ is that these desired material goods are scarce relative to human wants and needs. We cannot simply all have as much as we would like.

Together these aspects of our natures and circumstances pose a great obstacle to the possibility of the peaceful, stable society we have been taught to view as beneficial. Our selfishness will motivate us to try to acquire more than we have, the mobility of material goods will make this possible, and their scarcity will mean taking them is not inconsequential for the one who suffers the loss. The loser will seek to regain the goods once in their possession, or else to compensate by taking goods from someone else, and in this manner a cycle of violent instability is established.

How is this undesirable situation overcome? Hume proposes that this is achieved by instituting a convention of property, which will stabilise, regulate and protect possession, leaving each person secure in the secure possession of what he currently enjoys.

This convention is not settled by an explicit contract or agreement. Rather, it arises gradually, tacitly, and “acquires force by a slow progression” (T 3.2.2.10,

⁴ This last point of Hume’s does not appear to me to be entirely correct. Imagine that you and I are both hunters with the need to provide game to sustain our families. Unless there is an abundance of game in our environment (which, by Hume’s supposition there is not – relative scarcity is the second feature of our outward circumstances Hume mentions), it may well be to my advantage to impair your ability to hunt effectively by crushing your foot, say. Similarly, if your fantastic crop will drive down the prices of mine at the market, it is to my advantage to prevent you from harvesting it, or else prevent you from getting to the market on time. Of course, such acts of knavery can be risky in that I might incur your revenge, but it is not clear that they are never advantageous, even balancing the disadvantage of the risk of retribution.

SBN 490), like the eventual coordination of two people rowing a boat together, starting with present occupation or possession, and eventually introducing rules for transfers of property and promissory agreements. The last invention is magistrates with the power to uphold these rules by the use of force or sanction. Once property has been established in this manner, the ideas of justice and injustice, and the connected notions of rights, dues, obligations, and the distinction between mine and thine, immediately arise. Without the antecedent establishment of property, neither of these notions would be intelligible, Hume holds.

Abiding by these conventions is what best serves our long-term interests. Not only have we become conscious of the benefits a stable society promises, we have also “acquir’d a new affection” for the company of our fellows (T 3.2.2.9, SBN 489). The restraint required to quell our immediate desire to seize the possessions of others for our own advantage is therefore not in fact contrary to the self-interested passion from which that desire springs, it is only contrary to its “heedless and impetuous movement” (Ibid.). The best way to serve the interest we have in providing for ourselves and our loved ones is by the establishment of the convention of property, for “it is by that means that we maintain society, which is so necessary to their well-being and subsistence, as well as to our own” (Ibid.)

Thus, Hume concludes:

“The remedy [against the instability of goods generated by their scarcity and our limited generosity] is not deriv’d from nature, but from *artifice*; or more properly speaking, nature provides a remedy in the judgement and understanding, for what is irregular and incommodious in the affections.” (T 3.2.2.9, SBN 489)

This remedy is the invention of property, and with it the introduction of notions of justice and injustice. This expression of the view is telling, for it both gives clear expression to Hume’s notorious claim about the artificiality of justice, but also immediately shows why too much should not be made of that label. As Hume himself takes pains to emphasise, in calling justice artificial, he means merely that it is a result of human invention and planning, not that it is unnatural in the sense of being either *uncommon* or *contrary to human*

nature. As Hume pointed out, in just the same sense as some virtues are natural and some not, “Sucking is an Action natural to Man, and Speech is artificial”⁵. What, indeed, could be so pernicious about such a doctrine?⁶

Hume’s contemporaries did not seem to see the matter in this way, however. We know from Hume’s letter exchanges that he struggled to make his true meaning on this point understood.⁷ It is therefore unsurprising to see that when we turn our attention to Hume’s account of justice in the second *Enquiry*, a work Hume considered a recasting of the third book of his earlier work⁸, and described as “of all my writings, historical, philosophical, or literary, incomparably the best”⁹, the emphasis on artificiality is much toned down. In fact, in the second *Enquiry* the mention of justice’s artificiality is relegated to a single footnote in the third appendix, and furthermore the matter is described as a “merely verbal” dispute (E 258n, SBN 307-8).

However, if the letter of the artificiality doctrine is not preserved, its spirit arguably is. We find the same claim that the concepts of justice, such as *mine* and *thine* are initially “foreign” to our “uninstructed natures” (E 156, SBN 195), a similar story about the natural attraction of the sexes and establishment of the family as the first step on the way to justice (E 153, 191-192), and the same basic characterisation of justice as the necessary remedy against the concurrence of scarce external resources and limited natural generosity (E 145-149, SBN 183-8). Thus, in the *Enquiry* we find:

⁵ Hume, 1745

⁶ As I see it, there are two aspects to the artificiality of justice, namely the invented conventions themselves and the enlarged or redirected sentiments. On Hume’s analogy with language, this amounts to saying there are the strings of letters and words on the one hand, and impressions of grammaticality on the other.

⁷ In a letter to Hutcheson, Hume makes much the same point as in the abstract, underscoring again that by calling justice ‘artificial’, he does not mean to say that the virtue is ‘unnatural’ (Hume, 1745).

⁸ Hume, 1777. In fact, Hume says only that it is a recasting of the parts of the *Treatise*, not that it is a recasting of Book III specifically or exclusively. Nevertheless, it often considered as such, with the Dissertation on the Passions being viewed as the recasting of Book II, due to the relatively close correspondence of the content between the members of each of those pairs. See e.g. Selby-Bigge’s comparative index and his Introduction to the *Enquiries* (Selby-Bigge, 1973).

⁹ Hume, 1777

“History, experience, reason sufficiently instruct us in this natural progress of human sentiments and in the gradual enlargement of our regards to justice, in proportion as we become acquainted with the extensive utility of that virtue.”(E 153, SBN 192)

A more cautious Hume now underscores that this process is a “natural progress”, but the core of the view is preserved. Our natural sentiments have a narrow, self-interested focus, but when they come under the guidance of reason and judgement, as they do once experience is accumulated and conventions gradually introduced, they gradually become increasingly ‘enlarged’. This enlargement corrects their ‘incommodious irregularities’, something Hume now explicitly explains in terms of becoming acquainted with the ‘utility’ of justice. The natural sentiments are redirected towards respecting and upholding the rules of justice, since this turns out to be the means that are ultimately most conducive to their ends¹⁰.

But perhaps we were too quick to conclude from this initial survey that, barring caution about employing the word ‘artifice’ itself, nothing much has changed. For although I have argued that despite first appearances the core of the artificiality doctrine is still present in the *Enquiry*, I want to suggest that there are also some noteworthy absentees in the later work, as well as some remarkable new-comers. When we get to considering Smith’s objections to Hume, we will see that it is important to register a number of these changes and to consider why Hume might have found them necessary or desirable.

I suggested above that in both the early and the late account, we find the following story: The partiality of our natural, selfish passions proves impractical and ultimately self-defeating, since their free, impetuous reign drives us to conflict over scarce transferable goods. This leads to a chaotic situation of all against all, where cooperation is impossible. The remedy against this natural condition is the establishment of conventions stabilising

¹⁰ For further support for the claim that justice preserves its artificiality in the *Enquiry*, see also (E 257, SBN 306), where Hume explicitly states that “justice arises from human conventions”.

property. Abiding by such a convention in fact satisfies our natural passions more efficiently by providing the necessary means for a stable society.

But there is an aspect of Hume's account I have avoided addressing up to this point, namely the question of how acceptance of the conventions comes about? What motivates the originators of justice to their first just actions? My suggestion in this chapter will be that once we start to consider Hume's answer to this question, a divergence between his view in the *Treatise* and in the second *Enquiry* starts to become apparent, and it extends well beyond the question of the first motive to the establishment of justice. In particular, the changed view of motive is connected with, and somewhat explanative of, a change in the aspect of Hume's account that is my main concern: the nature and basis of our moral approbation of justice.

To aid the reader in keeping track of the 'long chain of reasoning' which will follow, I will offer a short anticipatory summary of the results I take my investigation to establish. Hume's early position is effectively characterised by the two sentences he offers on p. 499-500 of the *Treatise*, stating that "*self-interest is the original motive to the establishment of justice: but a sympathy with public interest is the source of the moral approbation, which attends that virtue*" (T 3.2.2.24). However, I argue, both aspects of the view are revised in the *Enquiry*. The motive to the establishment of justice has there become a concern for public interest, a possibility Hume previously rejected, claiming that such a motive would be too remote. This change signals a lessened resistance to rationalistic explanation in the *Enquiry*, which I suggest may be connected with Hume's loss of confidence in his *Treatise* doctrine of impressions and ideas. The absence of this doctrine may in turn be explained in part by a problem with the *Treatise's* account of approbation of justice as resting on sympathy with public interest, which Hume eventually acknowledged and sought to avoid. My eventual proposal is that in the *Enquiry* Hume reconstructs certain central aspects of his view at least in part to circumvent this problem, but his revision is costly, as it involves undermining and displacing his original conception of sympathy.

A rationalistic or an evolutionary account?

Let us start with a closer look at the *Treatise* account of the first motive to justice in the *Treatise*. Since it will serve my eventual comparison with Hume's later presentation of his position in the second *Enquiry*, I propose to approach this issue by assessing the case for two available, but opposed, interpretive hypotheses of the motivational basis for the establishment of the conventions of justice. We can think of the first of these as a more broadly rationalistic or contractarian interpretation. On this view, not only does justice in fact serve the purpose of securing a stable society, it was also *built for* and *with a view to* this result by its inventors. The second interpretation is 'evolutionary'. On this view, the benefits of justice for the general public are a happy, but initially unintended consequence of slowly spreading, local practices of abstaining from other people's property out of self-interest¹¹. On the former interpretation, justice is created out of concern for the public interest, whereas on the latter, serving the public interest is merely a side-effect of a mode of behaviour adopted for another reason – that it serves self-interest.

The rationalistic interpretation has some textual support, for instance from Hume's occasional descriptions of the conventions on which justice is based as

“only a general sense of common interest; *which all members of society express to one another*, and which induces them to regulate their conduct by certain rules.” (T SBN 490, emphasis added)

Taken at face value, this description does indeed make it sound as if Hume's conventions of justice rest on something like universal assent to a social contract, which we all accept out of an awareness of our shared interest in doing so. However, there are also clear difficulties with accepting this interpretation. Firstly, as Haakonssen remarks, such a view in itself sounds “rather un-Humean” (Haakonssen, 1981, 18). It is a recurring result in Hume's science of moral subjects that patterns of human thought and behaviour do not rest on careful, well-grounded reflections, but are rather the product of unthinking, automatic influences from e.g. the relations of the imagination.

¹¹ I take these characterisations, as well as their names, from Haakonssen, 18pp.

Secondly, the proposed rationalistic interpretation is also in tension with many parts of the text, including the description of justice as arising ‘gradually’ via a ‘slow progression’ which Hume gives later on the very same page as the passage quoted above. That description is much more suited to imagining justice as arising from individual acts (or rather, individual inactions, i.e. occasions of abstaining from taking the property of others), which are eventually imitated by others. This construal also tallies well with Hume’s claims that justice was not a “very abstruse” and “difficult invention” requiring extensive reasoning (e.g. about plausible long-term consequences of various patterns of collective action) but rather something “simple”, “obvious”, and “evident”, which could easily have occurred to men in a “savage condition” (T 3.2.2.14, SBN 493).

Finally, Hume at several points explicitly disavows the rationalistic explanation, most clearly in passages like the following:

“Tis self-love which is [the] real origin [of the laws of justice]; and as the self-love of one person is naturally contrary to that of another, these several interested passions are oblig’d to adjust themselves after such a manner as to concur in some system of conduct and behaviour. This system, therefore, comprehending the interest of each individual, is of course advantageous to the public; tho’ it be not intended for that purpose by the inventors. (T 3.2.6.6, SBN 529)¹²

Further support for this interpretation is added by noting that on individual occasions in the *Treatise* where Hume initially appeared to be suggesting that that public interest is the sole motive, he subsequently added clauses also implicating self-interest as if to clarify this real meaning. To “All these [i.e.

¹² But also at (T 3.2.2.24, SBN 499) or (T 3.2.8.5, SBN 543): “The same self-love, therefore, which renders men so incommodious to each other, taking a new and more convenient direction, produces the rules of justice, and is the *first* motive of their observance.” (T 3.2.8.5, SBN 543)

justice, allegiance and laws of nations] are mere contrivances for the interest of society” (T 3.3.1.9, SBN 577), Hume later added:

“The Inventors of them had chiefly in view their own Interest. But we carry Approbation of them into the most distant Countreys and Ages, and much beyond our own Interest.” (Ibid.)

And similarly, to the passage

“The whole scheme, however, of law and justice is advantageous to the society; and 'twas with a view to this advantage, that men, by their voluntary conventions, establish'd it.” (T 3.3.1.12, SBN 579)

Hume subsequently added “and to every individual” after ‘society’, making the anaphoric ‘this advantage’ ambiguous – was the scheme established with a view to the advantage to society, to the individual or to both? Without this addition, only the first interpretation would be available, and in light of the foregoing arguments, it seems likely that Hume did not want to let this impression stand.

This wealth of evidence shows that the evolutionary view must be Hume’s considered position. Moreover, as Haakonssen argues, this allows Hume to point to an interesting and paradoxical disparity between the causes and effects of justice: the rules of justice are formed on the basis of enlarged self-interest and limited benevolence towards others, but they result in structures that are vital for the existence of society, and therefore for the individual as well, although they may frequently appear contrary to both public and private interest in individual cases (Haakonssen, 1981, 19). Thus, although there is clearly a connection between private and public interest, Hume makes a point of emphasising that the former is the first motive to the establishment of justice and does so for good reasons:

“The level of reason involved in the origin of justice is low, but its operations *result* unwittingly in an institution which looks as if it had involved a very high level of rationality because it is directed towards

a certain goal, in the sense that it has a definite function. The individual actions in which justice originates have one conscious end, namely a safer satisfaction of the ‘interested passions’, that is, self-interest, but they result in the rules of justice which have *public* interest (or utility) as their ‘end’. And this public interest, of course, comprises each individual’s private interest; but *qua* public interest it could originally be nobody’s *aim* and, indeed, it is properly nothing but a natural tendency.” (Haakonssen, 1981, 25)

Public interest could not be anyone’s aim, for at the point when justice is established, that interest is too difficult to identify. To suppose that a view to public interest was the first motive would be to impute an implausible level of reflection to the inventors of justice. Moreover, to Haakonssen’s claim that a view to public interest would require too much reflection, we can add a further reason, which Hume himself offers us: no ‘affection of the human mind’ but self-interest itself has sufficient force to restrain that passion:

“Tis certain, that no affection of the human mind has both a sufficient force, and a proper direction to counter-balance the love of gain, and render men fit members of society, by making them abstain from the possessions of others. Benevolence to strangers is too weak for this purpose; and as to the other passions, they rather inflame this avidity, when we observe, that the larger our possessions are, the more ability we have of gratifying all our appetites. There is no passion, therefore, capable of controlling the interested affection, but the very affection it self, by an alteration of its direction.” (T 3.2.2.13, SBN 492)

We have no “love of mankind, merely as such” (T 3.2.1.12, SBN 481), but even if we did, it would not be forceful enough to counter our self-interested affection. When Hume says that a concern for public interest is “a motive too remote and too sublime to affect the generality of mankind”, and claims that it cannot “operate with any force in actions so contrary to private interest as are frequently those of justice and common honesty” (T 3.2.1.11, SBN 481), we can take him to say both that the public is too complex and involved to occur

to us without too much reflection, *and* that it is at any rate too far removed to have the requisite strength to affect our conduct.

We are now in a position to see how Hume's view of the first motive to justice influences his account of our moral approbation of it. Specifically, the fact that Hume makes self-interest the ground for the establishment of justice in the *Treatise* has the consequence of generating a separation between the first motive for justice and our moral approbation of it. For when I consider some action to be morally good, rather than just good for myself, I must consider it "in general, without reference to [my own] particular interest." (T 3.1.2.4, SBN 472)¹³ If, when viewed in this light, the action gives rise to a feeling of pleasure, I consider it morally good, whereas if it gives rise to pain, I consider it morally bad. Thus, Hume writes, our distinctions we draw between justice and injustice have

"two different foundations, viz. that of *self-interest*, when men observe, that 'tis impossible to live in society without restraining themselves by certain rules; and that of *morality*, when this interest is once observ'd to be common to all mankind, and men receive a pleasure from the view of such actions as tend to the peace of society, and an uneasiness from such as are contrary to it." (T 3.2.6.11, SBN 533)

Hume at one time puts the same point in terms of a distinction between the "*natural*" or interested obligation to justice and the "*moral*" or disinterested obligation (T 3.2.2.23, SBN 498), the latter of which arises by viewing the matter in from 'a general point of view' or as the result of a 'general survey'. What does viewing something in this manner involve, and how does this distinctive feeling of pleasure or pain arise? Hume holds that both rest on a mechanism he terms 'sympathy'.

¹³ In fact, as Hume specifies, what we evaluate is properly speaking not the action itself, but the motive and ultimately the persistent human character of which it is taken as indication. (T 3.2.1.2, SBN 475)

Hume's account of sympathy

The explication of sympathy, along with its first invocation, occurs in Part I of Book II of the *Treatise*. We learn that sympathy is not the name of any particular feeling, e.g. of pity or compassion, but rather a principle or mechanism for the interpersonal transfer and coordination of sentiments. The process spans several stages. In the first stage, I acquire the idea of someone else's sentiment. Such an idea usually arises from the presentation with (i.e. in Hume's taxonomy the impression of) the other's expression of that sentiment. This can be a facial expression, such as a drooping mouth and teary eyes or an excited smile, but it can also be a certain bodily countenance, or even the person's explicit verbal communication of their feelings (T 2.1.11.3, SBN 317).

Recall that for Hume, the main distinction between impressions and their idea-copies is their degree of force and vivacity. Ideas are generally speaking fainter versions of the impressions from which they derive. Consequently, idea can *become* an impression, we learn, by being enlivened. Thus we can sometimes make ourselves feel unwell by imagining undergoing some uncomfortable experience and even "make a malady real by often thinking of it" (T 2.1.11.7, SBN 319).

What can enliven an idea in this way is its association with some other impression which itself has extensive force and vivacity. This is precisely what happens in the second stage of the sympathy process. My idea of the sentiment of another becomes associated with my highly vivacious and forceful impression of myself, an impression which "is always intimately present with us" (T 2.1.11.4, SBN 317). By this enlivening effect, my idea of the other's sentiment eventually becomes *my impression*, i.e. it becomes a corresponding sentiment of mine.

Various factors can influence this procedure. In Book I, we have learned that vivacity transfers between ideas related to one another by resemblance, contiguity or causality, and the closer these connections, the more readily the imagination moves between them and transfers its influence. Thus, it is the general likeness of all human beings that makes sympathy with every other person possible (by facilitating the enlivening association with the impression of oneself), but any further "similarity in our manners, or character, or

country, or language” can increase the effect, generating a more forceful impression within us. Similar increases in vivacity transfer occur via contiguity, i.e. if the person sympathised with is in greater proximity to us, or even causation, of which “relations of blood” is a species (T 2.1.11.6, 318).

Hume holds that it is “a sympathy with public interest” (T 3.2.2.24, SBN 499-500, emphasis omitted) which gives rise to the pleasurable feeling that constitutes our moral approbation of justice. Contemplating the benefits conferred on the public by abiding by and upholding just rules gives rise to a sensible pleasure in each of us when this idea is enlivened into a pleasurable impression via sympathy.

Sympathy figures in Hume’s account of moral approbation because it is what enables us to perform the disinterested general survey requisite for morally evaluating an action. By sympathising, we gain access to other people’s reactions and thereby to standards of evaluation independent of our own interests – standards which are interpersonal, rather than personal¹⁴. This does not mean that the moral standard by which something is judged is merely a reflection of whatever the person or people closest to us are feeling at that time. There are various corrective influences in place to ensure consistency across contexts. We have already considered one source of reasons why such correction is necessary. As we saw when considering the details of Hume’s account of sympathy, the facility and force with which the sympathetic emotion is brought about depends on the resemblance, contiguity or causal connections between the sympathiser and the person sympathised with. Consequently, it will be easier for me to share the reactions of those who are similar, or related, or close to myself. Hume compares these differences of feeling to distortions of sense perception and aesthetic experience. Objects look differently sized or more or less beautiful depending on our proximity to them, but we correct these impressions by relying on experience and reflection¹⁵. Knowing how tall the tower will look from over there, or how beautiful the paintwork is up close, we immediately adjust our judgements

¹⁴ The moral standpoint is therefore still a distinctively human standpoint for Hume, not a view from nowhere or perspective of the universe.

¹⁵ See (T 3.3.1.16, SBN 582) and (T 3.3.3.2, SBN 603)

accordingly, ensuring that they retain constancy in the face of experiential variation.

Our moral judgements, Hume holds, are corrected in a similar manner. Finding that my stronger concern for those who are related or similar to myself is not shared by my peers, or finding that my own care for someone diminishes or increases with their proximity to me, I will seek a “some other standard of merit and demerit, which may not admit of so great variation.” (T SBN 583). In forming this standard, we draw on our sympathy-derived knowledge of the reactions of our peers, but also we rely on experiences of variations in our own evaluations. Although Hume admits the emotions themselves may be recalcitrant to the corrections recommended by these reflections, they do at least tend to influence our explicit moral pronouncements.

It is worth remarking that Hume also mentions a number of secondary influences, such as education and upbringing and the influence of politicians, which can add force to our sentiments of approbation by affording us “a sense of honour and duty” in the observation of the rules of justice (T 3.2.6.11, SBN 534), and can even extend these attitudes to new actions, which we then start to conceive of as just and proper. However, the influence of these secondary sources must be limited and rest upon the availability of standards of justice antecedently and independently established in the manner explained above (T 3.2.2.25, SBN 500).

Before turning to the promised comparison with the *Enquiry*, let us briefly sum up our findings so far. I argued that the motive to the establishment of justice in the *Treatise* is enlarged self-interest, with benefits to the general public arising as an unintended additional consequence. I thus agreed with Haakonssen in finding Hume’s *Treatise* account to present an evolutionary, rather than a rationalistic, account of the origins of justice. I argued that this interpretation is a better fit with Hume’s general approach in the *Treatise*, but also clearly best supported by the textual evidence. However, we also saw that this understanding of the motive to the establishment of justice led Hume to a separation between the interested motive to justice and the disinterested moral approbation of it. The moral approbation of justice is a pleasurable feeling which arises via sympathy with the public interest, that is, by having

the idea of the happiness of the general public enlivened into an impression of happiness in the evaluating subject.

Hume's changed view of motive

I said above that I believe Hume's view of the motive to the establishment of justice has changed in the second *Enquiry*, and moreover, that I believe this change is the first indication of a wider divergence between the two accounts. Let us now turn to a closer examination of the *Enquiry* to assess this claim.

That Hume now makes a concern for public interest the motive for the establishment of justice is evident not just in the oft-quoted slogan from Section III "Of Justice" that "public utility is the sole origin of justice", but in a wide variety of passages across the *Enquiry*:

"this virtue derives its existence entirely from its necessary *use* to the intercourse and social state of mankind"(E 146, SBN 186)

"the rules of equity and justice ... owe their origin and existence to that utility, which results *to the public* from their strict and regular observance". (E 149, SBN 188, emphasis added)

"Does any one scruple, in extraordinary cases, to violate all regard to the private property of individuals, and sacrifice to public interest a distinction, which had been established for the sake of that interest?" (E 157, SBN 196)

"nothing but the general interests *of society* can make us form the connexion [on which the convention of property rests]" (E 156, SBN 195, emphasis added)

"*What is a man's property?* Anything which it is lawful for him, and for him alone, to use. *But what rule have we, by which we can distinguish these objects?* Here we must have recourse to statutes, customs, precedents, analogies, and a hundred other circumstances; some of which are constant and inflexible, some variable and arbitrary. But the

ultimate point, in which they all professedly terminate, is the interest and happiness of human society.” (E 158, SBN 198)

“Property is allowed to be dependent on civil laws; civil laws are allowed to have no other object, but the interest of society. This therefore must be allowed to be the sole foundation of property and justice.” (E 158n, SBN 197)

“All these contradictions are easily accounted for, if justice arises entirely from its usefulness to society; but will never be explained on any other hypothesis”. (E 159n, SBN 200)

The sheer number of occasions on which Hume expresses his position in this way makes it unlikely he simply allowed confusion to slip in out of momentary carelessness¹⁶. Furthermore, it is worth noting that on the few occasions in the *Enquiry* where Hume does seem to consider the possibility that “private interest” might be the motive for establishing and abiding by rules of justice, it is in the otherwise wholly “immoral” communities of “[r]obbers and pirates”, where it is moreover aided by “a species of false honour” (E 170, SBN 209). This does not seem to be the model of society Hume wants to align our notion of justice with, it seems to be more like a limit case.

One might wonder whether this really signals a change of Hume’s view. Could he simply be describing the matter in more general terms in the *Enquiry*? As we considered above, serving the public interest is really a way of serving our own (enlarged, long-term) self-interest as well. Despite the appearances to the contrary, could Hume’s view of the motive be unchanged after all? When he says public interest in the *Enquiry*, does he really mean the sum-total of individual private interests of all the members of the community?

A couple of factors count against this proposal. Firstly, Hume himself seems to explicitly disavow it:

¹⁶ This is what Haakonssen suggests, since he holds that Hume maintains the ‘evolutionary’ position on justice’s origin in both works, but this strikes me as a bad interpretation for reasons I indicate below.

“It has been asserted, that, as every man has a strong connexion with society, and perceives the impossibility of his solitary subsistence, he becomes, on that account, favourable to all those habits or principles, which promote order in society, and insure to him the quiet possession of so inestimable a blessing. ... [However] the voice of nature and experience seems plainly to oppose the selfish theory.” (E 174, SBN 215)

Hume now states that since the interest of each individual is so closely tied to that of the whole community “those philosophers were excusable, who fancied that all our concern for the public might be resolved into a concern for our own happiness and preservation.” (E 178, SBN 218) Perhaps Hume here means also to excuse his former self, the author of Book III of the *Treatise*, but that this can no longer be Hume’s own view seems clear. The public interest now has some further value, not reducible to the sum of its parts.

Hume even offers a number of arguments against this view. Interestingly, a case he gives as an “*experimentum crucis*” (E 178, SBN 219) of the self-interest hypothesis is that the motive to do the just thing persists even when so doing is contrary to our private interest, whereas when the two concur, there is always a “sensible increase” (*ibid.*) in the attraction of the just course of action. Of course, the author of the *Treatise* would not have been troubled by this result and clearly had the means to explain it: Our enlarged self-interest can both come into conflict and concur with our immediate, narrow self-interest. We are always somewhat affected by what lies right before us, so even if pursuit of the greater, more remote interest will always have the greater hold on us, it is perfectly understandable that a concurrence of interests will add to our desire to do what justice requires.

A more promising reason why self-interest cannot be the motive to justice is given in the following passage:

“It is requisite, that there be an original propensity of some kind, in order to be a basis to self-love, by giving a relish to the objects of its

pursuit; and none more fit for this purpose than benevolence or humanity". (E 230, SBN 281)

For self-love to be the motive to the establishment of justice, there must antecedently be something about such an arrangement that makes it look attractive; and what could make a course of action more attractive than its exemplification of benevolence, i.e. of service to others? Notice that this is a total reversal of the order of influence we saw in the *Treatise*. In the earlier work, serving the self-interested passion was the first, independent aim of the conventions. This practice then subsequently turned out to have the beneficial consequence of also being a way to serve interests of our fellows. Conversely, in the *Enquiry*, Hume seems to think we serve self-interest precisely *by aiming at* the more generally beneficial aim. We must allow, Hume now holds, "that the interests of society are not, even on their own account, entirely indifferent to us" (E 178, SBN 219).

To be clear, this latter claim, that we are not indifferent to the interests of others, is by no means inconsistent with Hume's view in the *Treatise*. We care about the interests of others around us since we are affected by them via sympathy. But Hume's earlier claim that this benevolent interest is neither evident nor forceful enough to have been the *basis* of the invention of justice is nowhere to be found in the *Enquiry*, and neither, consequently, is his distinction between natural and moral obligation, between the interested and the disinterested grounds for justice. My proposal, in short, is that in the *Enquiry* Hume has moved a great deal closer to the rationalistic interpretation of the origins of justice we initially rejected as an account of his *Treatise* view¹⁷.

If it is correct that Hume has reversed his position on motive, what should we make of it? I propose two complementary explanations. The first is that Hume

¹⁷ It is surprising that Haakonssen himself did not consider this option, for when ever he considers passages from the *Enquiry* in connection with deciding between the rationalistic and evolutionary interpretations, the passages are always either neutral or firmly supportive of the rationalistic interpretation, including the passage he calls the "most rationalistic-sounding passage of all" (Haakonssen, 1981, 25), namely the note to E 258, SBN 307-8, in which Hume writes that justice and property "suppose[s] reason, forethought, design, and a social union and confederacy among men", and can perhaps therefore not be called 'natural'.

has become more optimistic about the force of benevolent motives and ‘public affection’, and no longer sees the same obstacle to our being moved by these. However, this explanation has to be complemented by another, namely that Hume has grown increasingly tolerant of the level of reason and reflection our ordinary actions involve. The second must complement the first, since we cannot merely be moved by an unreflecting public affection, for Hume still holds that rules of justice are necessary and serve a purpose¹⁸. Moreover, he still acknowledges that the fact that just acts serve the general interest may not be manifest in individual cases, and seeing its utility therefore requires considering “the whole scheme and system” (E 256, SNN 304). That is, if we are to be moved by a view to the public concern (and the respect in which that concern coincides with our private ones), reason will have to play a more substantial role in our moral motives.

This would not be the only indication that Hume has grown more tolerant of reason’s role in our moral lives in the *Enquiry*. Unlike the *Treatise*, Hume’s later work in moral philosophy does not start with a series of arguments against the view that the rules of morality “are not conclusions of our reason” (T 3.1.1.6, SBN 457), and in favour of the contrary position, that they derive from a moral sense. We do see some of these arguments resurface in an appendix, but in the *Enquiry* Hume initially allows that there are “solid and satisfactory” (E 137, SBN 172) arguments in favour of the view that reason is the source of our moral distinctions before anticipating the eventual conclusion that “*reason* and *sentiment* concur in almost all moral determinations and conclusions” (Ibid.). To be clear, it was never Hume’s position that reason has no role in moral life. We saw as much when considering his *Treatise* account of justice, which also relied on the verdicts of reflection. But it does seem he now has a more favourable view of reason’s contribution. As Baier puts it, “[i]n place of the master-slave pair, lively passion and inert reason, we now have the cooperating partners, warm sentiment and cool reason.” (Baier, 2010, 218) Hume’s opposition to rationalism appears to have worn off? Raphael suggests that Hume may have gradually lost interest in attacking rationalism, or may

¹⁸ At (E 146, SBN 185) Hume says that justice would not exist if we were perfectly benevolent creatures.

have lost confidence in the possibility of rousing the rationalists from their dogmatic slumber, or, more plausibly according to Raphael, Hume may simply have thought he would be able to reach a wider audience by emphasising the parts of his view most intelligible to laymen¹⁹. Since the ordinary reader would not have been invested in or informed about the disagreement between rationalists and moral sense theorists, starting the work with a barrage of arguments against the former and in favour of the latter may be a less desirable way to start if one is concerned with not alienating one's audience.

Another (perhaps complimentary) hypothesis is that Hume felt the critics of the *Treatise* had overstated his opposition to reason in that work, and sought to correct the impression as he recast it in the *Enquiry*. Some support for this view can perhaps be found in Hume's anonymously published abstract for the *Treatise*, where he points out that to call justice artificial merely means that it requires "along with a *natural instinct*, a certain Reflection on the general Interests of Human Society", and then remarks that

"Some Persons (tho' without any Reason, in my Opinion) are displeas'd with Mr. *Hutchison's* Philosophy, in founding all the Virtues so much on *Instinct*, and admitting so little of *Reason* and *Reflection*. Those should be pleas'd to find that so considerable a Branch of the Moral Duties are founded on that Principle."²⁰

To say a considerable branch of our duties (justice included) are *founded on* reason in the *Treatise* is arguably a bit misleading, but it is worth noting that this was the impression Hume wished to convey.

I want to suggest that there may be further reason for the lessened opposition between reason and sentiment as bases of our moral distinctions. In the *Treatise*, the vehicle for this opposition was the doctrine of impressions and ideas. To say that our moral distinctions are discoverable by means of reason

¹⁹ Raphael, 1973, 92

²⁰ Hume, 1740

would in Hume's terms be to conclude that they are ideas. And conversely, "as all perceptions are either impressions or ideas, the exclusion of the one is a convincing argument for the other." (T 3.1.2.1, SBN 470) Via the doctrine of impressions and ideas, Hume therefore gets an argument in favour of morality being based in sentiment directly out of his rejection of rationalist foundations. But Hume's taxonomy of impressions and ideas is not mentioned in the second *Enquiry*.

Once again, this change could perhaps be attributed to Hume's different literary aims in the *Enquiry* – wanting to present an accessible text to a wide audience might require doing away with unnecessary technical jargon. But there is some reason to think the doctrine is not so much suppressed as abandoned in Hume's later work. Several scholars have argued that aspects of this doctrine seem to have fallen out of Hume's favour and disappeared as he recast his unsuccessful *Treatise*²¹.

The presence or absence of the doctrine of impressions and ideas is not without importance to Hume's account of justice, for it will be recalled that his *Treatise* view of moral approbation of it rested on sympathy, and that sympathy in turn relies on vivacity transfer, i.e. conversion of an idea of a passion into that passion itself via the forceful idea of self²². Consequently, if this doctrine has indeed been abandoned, we should expect to see a change to Hume's view of approbation as well. I will argue that this is precisely what we find. Moreover, I shall suggest that the reason we do is that, owing to Hume's prior commitment to the doctrine that ideas derive from impressions, the *Treatise* view of the approbation of justice was in fact unstable.

²¹ See e.g. Baier (2008a and 2008b) for discussion and further references. See also the final chapter of Baier (2010), or Selby-Bigge's introduction to the *Enquiries*.

²² Remy Debes (2007a, 2007b) has argued that there is no significant change to Hume's position on the presence and role of sympathy in our moral evaluations in between the *Treatise* and second *Enquiry*, and that its associationist foundations are still affirmed in the latter work, only less explicitly. But Debes' argument for this conclusion is unsatisfactory, for he supports it mainly by arguing that appeals to and characteristics of *associations of ideas* are still present. But this is insufficient, for what sympathy (as we know it from the *Treatise*) requires is also the presence of impressions as the vivacious perceptions of which ideas are copies and of the mechanism of vivacity transfer, and both of these are absent from the *Enquiry*.

Hume's changed account of moral approbation

Why was Hume's earlier account of the approbation of justice unstable? I said earlier that in the *Treatise* Hume accounts for the approbation of justice via sympathy with the public interest, where sympathy in turn is a mechanism that converts an idea of some impression into that impression itself. In this specific case, the idea is that of the happiness or the misery of the general public in the case of an act of justice or injustice respectively.

The problem for this account which I want to draw attention to is that it is not clear Hume has the resources to account for this possibility if our ideas are supposed to be copies of impressions. For we do not ever encounter such a thing as the happiness or misery of the general public. Indeed the latter idea feels especially remote – in a well-established, orderly society, it is not at all clear where this idea would originate. What is more, we often take the claims of justice to be authoritative – i.e. when justice conflicts with some other interest, the former very often comes out strongest in our evaluations of what course of action is called for. This would suggest that our approbation and disapprobation of justice must be a fairly powerful feeling. But to provide us with a powerful impression of sympathetic approbation or disapprobation, the initial idea on which the sympathetic mechanism operates cannot be too faint. When discussing how difficult it can be even to sympathise with some particular person's future well-being, Hume writes:

“the extending of our sympathy [to concern for future events] depends in a great measure upon our sense of his present condition. 'Tis a great effort of imagination, to form such lively ideas even of the present sentiments of others as to feel these very sentiments; but 'tis impossible we cou'd extend this sympathy to the future, without being aided by some circumstance in the present, which strikes upon us in a lively manner.” (T 2.2.9.14, SBN 386)

It is difficult to see what 'circumstance in the present' could do this work in the case of justice and injustice. The same difficulty has been remarked upon

by other commentators. Thus, Baier agrees that sympathy with the public interest is “an odd and artificial thing” and remarks that since the public

“has no expressive face to tell us ... what it feels - indeed, since it does not feel at all - sympathy with the public interest must be a degenerate case of sympathy, perhaps best thought of as sympathy with public officials, those whose job it is to look after public interest. Since Hume believes that such officials, magistrates, and their helpers need not be invented till long after property rights are invented, it remains very unclear just what sort of sympathy is to prompt approbation of honest behaviour, and promote the natural obligation of honesty into a moral obligation” (Baier, 2010, 46-7)²³.

Indeed, when we turn back to the *Enquiry*, sympathy with the public interest is never mentioned, and Baier suggests that it “may well be that Hume saw the incoherence of that notion (2010, 47). Consequently, in the later work, moral approbation of justice is given a different basis, namely reflection on its useful tendency (E 163, SBN 204, E 188, SBN 231). The characterisation of the *Enquiry* account of approbation is not complete yet, however, since

“Usefulness is only a tendency to a certain end; and it is a contradiction in terms, that anything pleases as means to an end, where the end itself no wise affects us” (E 178, SBN 219).

What makes us ‘affected’ by the happiness or misery of others is still occasionally called ‘sympathy’ in the *Enquiry*, but this word now names “a sentiment” (E 191, 234), rather than a mechanism for emotional transfer, and is seemingly used interchangeably with “humanity” (E 188, SBN 231) or even “natural philanthropy” (E 184, SBN 227).²⁴ Moreover, if this was not sufficient evidence Hume has abandoned his previous account of sympathy, further

²³ The same problem is identified by Haakonssen, 1981, 35-6

²⁴ In my discussion of Hume’s view of motive in the *Enquiry* given above, I suggested that some of the changes to his view may be explained by a greater confidence in the presence of public affections and feelings of benevolence for our fellows in the later work. In fact, if what I am suggesting here is correct, these benevolent affections may have been the new guise of Hume’s notion of sympathy.

support can be found in a footnote, where he claims that it is “needless” to ask “why we have humanity or a fellow-feeling with others” and that

“it is not probable that these principles can be resolved into principles more simple and universal, whatever attempts may have been made to that purpose.” (E 178n, SBN 219-20)

Of course resolving this mechanism into its simpler operations was precisely what Hume was attempting in the *Treatise*. The statement here looks quite a bit like an admission of the failure of that project, and if it is, the problem pertaining to sympathy with the public interest may be to blame.

If Hume’s joint commitments in the *Treatise* led him into trouble on this point, it also seems that the various changes to his position introduced in the *Enquiry* together provided a way out. If it is no longer required that ideas arise from impressions, if sympathy now means a generalised feeling of interest in the well-being of others, the mechanism behind which cannot be explained, and if Hume no longer finds it problematic to require a fairly extensive amount of reflection in his explanation of approbation, then this problem can be avoided. But, if I am right, its avoidance rests on fairly substantial reconstructions of Hume’s initial position, which comes at a significant cost. Selby-Bigge puts the point well by saying:

Hume may have felt that the machinery assigned to sympathy in Bk. II of the *Treatise* did not work well, and so have decided to get rid of it, but in so doing he may be said to have abandoned perhaps the most distinctive feature of his moral system as expounded in the *Treatise*, so that in the *Enquiry* there is little to distinguish his theory from the ordinary moral-sense theory, except perhaps a more destructive use of ‘utility’. In the *Treatise* his difference from the moral-sense school lay precisely in his attempt to resolve social feeling into a simple sensitivity to pleasure and pain, which has become complicated and transformed by sympathy.” (Selby-Bigge, 1975, xxvi, reference omitted)

Chapter Two

I have two main objectives in the present chapter. My first aim will be to present three of Smith's objections against Hume's view of justice. The three objections I focus on are not the only criticisms Smith offers, but they are, I hold, three of the most central and interesting points of disagreement. As will emerge over the course of the discussion, not all commentators have thought this was so, so establishing that all three objections are worthy of serious attention will in itself be a valuable result. However, I think there is a further reason to draw attention to precisely these three issues and to considering them together.

Over the course of this chapter and the next, I hope to show not only that each of the three objections merits consideration on its own, but also that an important perspective on Smith's disagreement with Hume will be made available by examining them together. For although the objections are superficially aimed at distinct features of Hume's view, they have a common core. At face value, they concern Hume's view of the source of the moral approbation of justice, his account of the moral standard, and his ability to account for the distinctiveness of moral evaluation, respectively. However, I will eventually argue that each criticism ultimately, if indirectly, concerns the nature and role of sympathy in the moral theory Hume is putting forward. This final result will not emerge until we compare Hume's view with Smith's alternative account in the next chapter, at which point we will see that Smith infuses a crucial role for sympathy in all three aspects of his own account. For now, let us turn to the criticisms themselves.

First objection: Psychological implausibility

The first criticism I will consider charges Hume's account with offering a construal of the basis for our moral approbation of justice which is psychologically implausible. As we have learned in the foregoing chapter, Smith's position in the *Enquiry* was that the sole basis of our approbation of justice was reflection on its utility, i.e. on its beneficial tendency to support and uphold a stable society.

Against this claim, Smith argued:

“[T]hough it commonly requires no great discernment to see the destructive tendency of all licentious practices to the welfare of society, it is seldom this consideration which first animates us against them. All men, even the most stupid and unthinking, abhor fraud, perfidity, and injustice, and delight to see them punished. But few men have reflected upon the necessity of justice to the existence of society, how obvious soever that necessity may appear to be.” (*TMS*, II.ii.3.9, 89)

While the usefulness of certain actions for sustaining society “when we come to view it, bestows on them [i.e. the actions], undoubtedly, a *new beauty*” and thereby “*still further* recommends them to our approbation”, for “the bulk of mankind” this is not the quality that initially gives rise to our approbation (*TMS*, IV.2.11, emphases added). Smith thus held that there must be another, more immediate source of our approbation, for the beneficial tendency of actions “is chiefly perceived by men of reflection and speculation” (*Ibid.*).

The core of the first objection, then, is not that perceiving the useful tendency of certain actions *could not* influence our moral evaluations of them, not even that it *does not* do so in many cases. It is merely that this consideration cannot be the first source of our approbation, since ordinary men do not reflect on such tendencies before passing their judgements. Only ‘men of reflection and speculation’ consider such tendencies and make them primary and decisive to their estimations of actions.

Of the three I consider here, this is arguably the single objection that has received the most serious and favourable attention²⁵. There are several reasons why this is so. First, to a reader of Hume’s *Enquiry*, it should be clear that this is an objection that goes to the heart of Hume’s project. Hume’s self-described aim was to discover “the true origins of morals” (E 173, SBN 173), trying to “find those universal principles, from which all censure or approbation is ultimately derived” (E 138, SBN 174), and Smith’s first objection is a plain rejection that this has been achieved. Smith denies that the view of an action’s “utility or

²⁵ In particular from Martin (1993), Pack and Schliesser (2006), and Sagar (2017).

hurtfulness” is “either the first or principal source of our approbation and disapprobation” (*TMS* IV.2.3, 188)

The second reason this objection is so remarkable is its manifest ‘Humean’ character. In accusing Hume of giving an explanation that is more suited for ‘men of reflection and speculation’ than for the common person, the ‘vulgar man’ on the street, this objection turns one of Hume’s favoured styles of criticism back on himself. Smith is essentially suggesting that Hume is offering an explanation from the philosopher’s study, and as a consequence failing to accurately depict the moral evaluations of ordinary agents.

Moreover, the Humean character of this objection is not just in the charge itself. It is also in its basis. Smith argues that the reason why reflection on the utility is neither the first nor principal source of our approbation and disapprobation is that Nature would not have entrusted this important function to so imperfect a faculty as human reason:

“The oeconomy of nature is in this respect exactly of a piece with what it is upon many other occasions. With regard to all those ends which, upon account of their peculiar importance, may be regarded, if such an expression is allowable, as the favourite ends of nature, she has constantly in this manner not only endowed mankind with an appetite for the end which she proposes, but likewise with an appetite for the means by which alone this end can be brought about, for their own sakes and independent of their tendency to produce it. ... [Although we have a strong desire for the ends themselves,] it has not been intrusted to the slow and uncertain determinations of our reason, to find the proper means for bringing them about. Nature has directed us to the greater part of these by original and immediate instincts” (*TMS* II.i.5.10, 77)

This passage has an obvious resemblance with the following quote from Hume’s first *Enquiry*²⁶:

“as this operation of the mind, by which we infer like effects from like causes, and vice versa, is so essential to the subsistence of all human

²⁶ This similarity was noted by Martin (1990, 114).

creatures, it is not probable, that it could be trusted to the fallacious deductions of our reason, which is slow in its operations; appears not, in any degree, during the first years of infancy; and at best is, in every age and period of human life, extremely liable to error and mistake. It is more conformable to the ordinary wisdom of nature to secure so necessary an act of the mind, by some instinct or mechanical tendency, which may be infallible in its operations, may discover itself at the first appearance of life and thought, and may be independent of all the laboured deductions of the understanding.” (E 45, SBN 55)

Smith can therefore be seen as extending the account Hume offers of our judgements about e.g. causation or the belief in body to the moral realm.

How might Hume respond to this objection? The first point I want to note is how much more directly the objection targets the *Enquiry* than the *Treatise* rendition of Hume’s account. To repeat what has been established in the previous chapter, in the *Treatise*, Hume held that moral approbation of justice arose from a *sympathy with the public interest*, i.e. by having an idea of the happiness (or misery) of the public enlivened and transformed into an impression of happiness (or misery) of one’s own. If we are to understand this on a model of ordinary, interpersonal instances of sympathetic transfer of emotion, then it is far from clear that the process would require a psychologically implausible amount of reflection to be the source of approbation for most ordinary people.

To be clear, the sympathy-caused sentiments in Hume’s account are no mere “raw feels”, for while they are impressions, they are impressions of reflection indirect passions, which is to say they are passions arising from other passions via the interposition of an idea. As such, the sentiments require thought and understanding for their occurrence²⁷. As Sayre-McCord rightly points out, this is what accounts for the respect in which feeling approbation for something can ‘make sense’ or ‘seem appropriate’ from the perspective of the agent (2015, 226).

²⁷ Baier emphasises this point (Baier, 1991, 180-1).

However, the involvement of the understanding the *Treatise* account would require is not what Smith is objecting to. Sympathy, as that notion figured in the *Treatise*, did not require much of an effort of the understanding to arrive at the idea of the other's emotion when presented with their countenance²⁸, nor did the transfer of vivacity converting the idea into its resultant sympathetic sentiment rest on a process of reflection²⁹. The role for reason in the *Treatise* account is sub-personal, whereas Smith's objection is launched at appeals to explicit, conscious reflection as the source of sentiments of approbation.

However, I also argued that Hume moved away from his earlier position with good reason, for the process of sympathising with the public interest on which the *Treatise* account relied could not ultimately be made to work. In short, sympathy, as that notion is understood in the *Treatise*, requires an idea of someone's emotion as its input in order to produce its effect, i.e. the corresponding emotion in the sympathising agent. In the case of the public interest, it does not seem the requisite idea could exist, since there is no impression from which it could derive. In short, Hume's earlier position might have seemed more resistant to Smith's first criticism, but suffered from fatal internal incoherencies, and therefore cannot be retreated to in response to Smith's criticism.

I also suggested that various changes in the *Enquiry* appear to be acknowledgements of this problematic deficiency in Hume's earlier account: Hume no longer advances his empiricist doctrine that all our perceptions are either ideas or impressions, with the former being fainter copies derived from the latter; he now rejects the possibility of explaining how the sympathetic transfer of emotion works; and he emphasises that the idea of public utility is derived from reflection. In fact, I suggested that by the time of the *Enquiry*,

²⁸ Hume does at one point say that we "infer the passion" (T 3.3.1.7, SBN 576) from its sensible causes or effects, but does not appear to envision this to be a conscious, somewhat effortful process of actually carrying out the steps of an inference, at least in normal cases. Indeed, as he describes it, the mind "immediately passes" (Ibid.) from the effects of the passion to the passion itself.

²⁹ Indeed, if it did, it is difficult to see why we would be doing it. Why should I connect the idea of someone else's happiness or misery to myself? If this connection is a mere habit of the imagination, no such explanation is needed, for the unconscious operations of the imagination are not subject to standards of justification the way our explicit, conscious reasoning is.

Hume has generally become a great deal more permissive of appeals to reason and reflection, both in accounting for the motives of our actions and to explain our moral evaluations. But these changes make Hume's view in the *Enquiry* all the more liable to Smith's first objection.

If Hume cannot revert to his resistant earlier position, and indeed has now committed himself to a position that makes him an even clearer target for Smith's objection, how might he respond to the charge? It will not do simply to insist, as Hume does, that seeing the beneficial tendency in certain acts and the adverse tendency others requires only "vulgar sense and slight experience" (E 156, SBN 195), for firstly, it is not clear that this statement is consistent with other claims Hume makes, such as his assertion that the concerns of justice are "infinitely complicated" (E 161, SBN 202). Secondly, as has already been mentioned, Smith's claim is not that the utility of our actions is always too obscure to make any difference, but simply that it is implausible that utility is the first or principal ground of approbation.

Another response Hume could make to Smith's criticism is to appeal to the role of general rules of the imagination. General rules of the imagination establish connections between pairs of things which have frequently been found in experience to be connected. Thus, if I have experienced a constant conjunction between A's and B's, the thought of an A will lead to the thought of a B, and vice versa. Appeals to such rules are a recurring feature of Hume's explanations across his philosophical writings, including within his account of the virtues, and his account of justice in particular. Thus, Hume writes that although his official position is that reflection on utility is the source of our approbation of justice, a certain role must also be acknowledged for

"the influence of education and acquired habits, by which we are so accustomed to blame injustice, that we are not, in every instance, conscious of any immediate reflection on the pernicious consequences of it. The views the most familiar to us are apt, for that very reason, to escape us; and what we have very frequently performed from certain motives, we are apt likewise to continue mechanically, without recalling, on every occasion, the reflections, which first determined us." (E 162, SBN 203)

Hume is here acknowledging and attempting to explain the fact that it may often *seem* to us that we do not arrive at our approbation of justice by reflecting on the tendencies of such actions. Over time, the imagination establishes a general rule by which we connect the idea of justice with the idea of public interest, and eventually the connection is second nature. We leap directly from one to the other without the mediation of reflection.

However, this response to Smith's objection is not satisfactory. Although the appeal to the role of general rules may explain the appearance that our approbation of justice sometimes arises directly without the involvement of reflection, it still requires a reflection on utility to have taken place in the first instance in order for the general rule to have been established. That is, it still requires not just that each judging subject has reflected on the conduciveness of just acts to the public interest, but that they have done so often enough that the imagination has established a bond between the two.

Second criticism: Utility as the moral standard

Smith's second objection also concerns the place of utility in Hume's system, but more specifically addresses the fact that Hume makes an action's public usefulness the standard of its virtue. Before giving a further characterisation of the issue, let us start by reminding ourselves of Hume's position.

According to Hume's *Enquiry* view, when making assessments of justice, we judge actions by the public usefulness of the characters of which those actions are taken as expressions. However, Hume also holds that we never value the utility of something but by valuing the end which is thereby promoted. The utility of just actions is thus not valued in itself, but because it suggests to us the idea of the happiness of others. Consequently, what ultimately set the moral standard on Hume's view is our feelings of humanity, of benevolent concern for the welfare of our fellows. The more humane the action, the greater approbation it excites, and correspondingly, the more detrimental the action is to society, the greater our disapprobation.

Smith provides two arguments against this picture. The first turns on a rejection of the principle that we only value utility insofar as we value the end it serves. In fact, Smith argues, we often take a liking in orderly, systematic

arrangements of things, or in contrivances that are well-designed and suited for their purpose independently of the value we place on that arrangement or purpose itself. Smith provides many examples of this sort of behaviour; going through great lengths to improve the accuracy of one's watch, when its inaccuracy is too small to make a difference to its functionality (*TMS* VI.1.4, 180); or burdening oneself with a large number of toys and trinkets, the uses of which are far less significant and the inconveniency of carrying them (*TMS* VI.1.6, 180). Human beings are liable to a certain 'love of system', Smith holds, and while this affection sometimes serves the end of promoting the welfare of society, we act on it

“rather from a view to perfect and improve a certain beautiful and orderly system, than from any immediate sense or feeling of what [our fellows] either suffer or enjoy”. (*TMS* VI.1.11, 185)

Consequently, if one wishes to inspire a statesman to public virtue,

“it will often be no purpose to tell him what superior advantages the subjects of a well-governed state enjoy; that they are better lodged, that they are better clothed, that they are better fed. These considerations will commonly make no great impression. You will be more likely to persuade, if you describe the great system of public police which procures these advantages, if you explain the connexions and dependencies of its several parts, their mutual subordination to one another, and their general subserviency to the happiness of society.” (*TMS*, IV.1.11, 186)

Smith is arguing that, contra Hume, when we take pleasure in publicly useful conduct, it is not the thought of the wellbeing such measures will secure that animates us, but rather the independent beauty of something's fitness for its purpose, like the functionality of a well-adjusted cog in a great machinery.

The force of this argument is not only to show that Hume gives the wrong account of the motive of many of the “serious and important pursuits of both private and public life” (*TMS* VI.1.7, 181). It also serves to sever the connection between utility and humanity on which Hume was relying. Since it is indeed possible to value something's utility without valuing the aim it is useful for

promoting, the standard of utility does not refer back to another, more fundamental standard, i.e. that set by our feelings of benevolent concern. It is thus not clear that in praising an action for its public utility we are praising its humanity, rather than simply its efficiency as such.

This is a conclusion of some consequence, for it means we cannot confidently depend on using a preference for utility as a rule of thumb, which will lead us to the most humanly desirable outcome. If we are relying on judging on the basis of utility, we are liable to be seduced by the grand plans of ‘men of system’, who eloquently convince us of the elegance and systematicity of their schemes, even when these schemes are not conducive to public welfare.

Smith’s second argument against the idea of utility as the standard of justice is independent of the first. Whereas the first argument aims to demonstrate a problem for the psychology Hume’s view relies upon, by sowing doubts about the principle that we value utility only insofar as we value its effects, the second argument serves to question whether it is in any case only the effects of an action we care about in judging of its justice or injustice. That is, even if we could rely on the standard of utility to reliably recommend to us the actions with most publicly beneficial consequences, this would not be an accurate representation of our standards of justice, for the value of outcomes is not the only factor we care about.

In support of this claim, Smith invites us to compare our judgements about two cases. The first concerns a sentinel, who falls asleep at his post and as a result is convicted to death. The second is a case of a coldblooded murderer sentenced to a similar punishment. In the first case, Smith holds, the punishment will appear excessively severe. If a sentiment of disapprobation proportional to the sentence given ever arises in one’s breast, it will not be until one has “called to [one’s] assistance the consideration of the general interest of society” (*TMS* II.ii.3.7, 88) and undergone extensive reflection on the necessity of severe punishment for such actions. Even then, it is only “with great difficulty that our heart can reconcile itself to it” (*TMS* II.ii.3.7, 90). However, this is not the way we respond to the “ungrateful murderer” (*Ibid.*). In this case, our heart “applauds with ardour, and even with transport, the just retaliation which seems due to such detestable crimes” (*TMS* II.ii.3.11, 90-91).

Similarly, if the sentinel should be pardoned or escape his punishment, we would be happy with this outcome, whereas if the murderer did the same, we would be highly indignant and unsatisfied. Smith concludes:

“The very different sentiments with which the spectator views those different punishments, is a proof that his approbation of the one is far from being founded on the same principles with that of the other.”
(*TMS* II.ii.3.11, 90)

If the (dis)utility of the action was the measure of appropriate (dis)approbation for it, then we should immediately feel strong disapprobation for the sentinel. Indeed, we should feel that he was more deserving of punishment than the murderer, since the sentinel’s behaviour endangered the lives of many, whereas the murderer’s may only have cost one³⁰.

In assessing how Hume might respond to these criticisms, it is once again worth noting that they are clearly most directly targeted at the *Enquiry* account, for it is only in Hume’s later work that the emphasis on utility has taken centre stage in Hume account of the approbation of justice. Hume does not have an answer to Smith’s first argument against this feature of his view, since, as we saw in the preceding chapter, he considered it a “contradiction in terms” (E 178, SBN 219) that usefulness could cause pleasure independently of our interest in its end, and therefore will have seen no point in supporting the contrary claim. However, he is not entirely without resources to respond to the second argument, i.e. to the problem of accounting for our differing responses in the cases of the sentinel and the murderer. For Hume does acknowledge that it is “the tendencies of actions and characters, not their real accidental consequences” which are “regarded in our moral determinations or general judgments” (E 185n, SBN 228). This gives him some scope to provide the right responses to cases of unlucky but virtuous agents and lucky but vicious ones, i.e. to cases where we would want to say the consequences are

³⁰ It is not an adequate response to say that our diverging sentiments here are explained by the fact that the sentinel did not in fact cause anyone’s death, whereas the murderer did, for we can change the example, imagining that the murderer was caught plotting his heinous crime before carrying it out, or that the sentinel’s inattention cost the life of another soldier. Our sentiments are not substantially altered in these cases.

not indicative of the virtue of the outcome that results. However, once again, the answer cannot be fully satisfactory, for in the same passage Hume also still maintains that “in our real feeling and sentiment” (Ibid.), we cannot help but to feel greater affection for those who produce good outcomes, and conversely, greater displeasure for those who do cause real harm. According to Hume, then, it is only the corrections of the understanding that take account of characters, whereas our sentiments of approbation still track outcomes. But Smith’s description of our reactions to the case of the sentinel, if correct, show that this is not the case. Moreover, it is not clear that the influence of the correction of the understanding can provide the right verdict in the sentinel’s case either, for even these corrective principles track the *tendencies* of actions and characters to produce valued outcomes, rather than the moral worth of someone’s motives. Consequently, since a negligent and careless person can cause greater harm than an inefficient, malevolent one, Hume’s corrective principles would suggest that the former is most vicious. Even our corrective reflections are on Hume’s view “founded chiefly on general usefulness” (E 186, SBN 229).

It is worth noting that in the *Treatise*, Hume does at certain points seem to hold that the motive and not just the tendency of an action makes a difference to our estimation of it. Thus, in connection with the highly perplexing and much discussed puzzle about the motive to justice in Section II of Book III, Hume claims that it is the “moral beauty” of the motive which “renders the action meritorious.” (T 3.2.1.8, SBN 479). However, it is far from clear how this claim can be squared with the account of approbation Hume goes on to provide, which clearly rests on sympathetic approval of the action’s consequences. This has led some commentators to argue that, even in the *Treatise*, Hume ultimately rejects the idea that the moral value of just acts depends on the motives from which the actions are performed³¹. Thus, although the objection about utility most clearly targets the *Enquiry* view, it is not clear Hume’s earlier account would stand any better.

³¹ According to Harris, on Hume’s view “We will approve, simply, of whatever kind of motive, and disposition of character, reliably causes actions with consequences beneficial to society at large.” (2010, 41)

Smith's two-pronged argument against Hume's reliance on utility as the standard of justice has not often been recognised for the interesting and effective objection it poses. Some commentators have tended either to ignore or downplay its significance for two reasons. First, it has been argued that the objection rests on a misunderstanding or else an unfair misrepresentation of Hume's view on Smith's part. Thus, David Raynor argues that when Smith claims that Hume "resolve[s] our whole approbation of virtue into a perception of this species of beauty which results from the appearance of utility" (*TMS*, IV.2.3), Smith "evidently misrepresents Hume's moral philosophy, which ... identifies four independent sources of value, only two of which involve utility" (1984, 59). The same issue is noted by Rasmussen, who clearly expresses his surprise that Smith should have made so elementary a mistake in describing Hume's view³². The impression that Smith is not at home with this central feature of Hume's account seems to have struck some commentators as sufficient reason to dismiss the potential significance of the criticism Smith is pressing³³.

There are several responses to make to this. The first is a methodological point. When engaging with the work of a philosopher known to be so intimately acquainted with and inspired by Hume's view, and moreover known to have been a close long-time friend of his, the appearance of a blatant misunderstanding or misrepresentation ought not to be taken at face value. That Hume has four categories of virtuous action is one of the most obvious and uncontroversial features of his view (of which there are not very many), so an explanation that requires us to think that Smith would either have failed to realise this, or realised it, but decided to try to get away with an unfavourable caricature of his close friend's account should not be our first response. Indeed, as an interpretation, it should strike us as highly uncharitable.

³² Rasmussen, 2017, 89-90. Unlike Raynor, Rasmussen holds that Smith's "error" (*ibid*) does not affect the main lines of his critique, but "does raise the question of how his [Smith's] understanding of his closest friend's moral theory could have been so one-sided."

³³ See Raynor, 61, where he argues that Smith's arguments against the reliance on utility in Hume's account could not possibly be taken as conclusive, since "their force depends upon the very misrepresentation that the reviewer has silently corrected", i.e. the claim the virtue consists only in utility.

Moreover, and this is the second response, not much charity is needed to reject Raynor's misrepresentation claim. We need look no further than the sentence immediately following the quote Raynor refers to, to find Smith stating that the "ingenious and agreeable author" he is talking about, i.e. Hume, holds that "[n]o qualities of mind are approved of as virtuous, but such as are useful or agreeable either to the person himself or to others" (*TMS* IV.2.3, 188). This clearly shows Smith's familiarity with all four categories of virtue in Hume, and is an obvious acknowledgement on Smith's part that Hume's account does not *only* place virtue in utility³⁴. Raynor claims that Hume "silently corrected" Smith's misrepresentation in his abstract for the *TMS*, but clearly no such correction is needed³⁵.

Finally, whether or not Smith can be seen to be misrepresenting Hume's moral system *as a whole* in certain carefully selected quotes, the objection should at least be taken seriously where it obviously applies, namely to the case of justice. Of this virtue Hume is clearly stating that its whole merit consists in its utility, so on this issue Smith's criticisms should not be dismissed.

The second reason insufficient heed has been paid to this criticism seems to be that some commentators have thought Smith himself is not in a position to make much of it, since Smith also affords a central role to the utility of actions in his own account of moral evaluation. Thus, Tom Campbell holds that Smith's opposition to the emphasis on utility in Hume's account is "somewhat misleading" (Campbell, 1971, 118), since Smith's own view also leaves a role for the consequences of actions in our approbation of them. Campbell emphasises Smith's claim to agree with Hume that someone's conduct or character is only considered virtuous if it is in fact "useful or agreeable either to the person himself or to others" (*TMS* IV.2.3, 188). Accordingly, Campbell concludes that "the only difference between them is that Smith considers this to be the result of nature's plan and not man's calculations." (Campbell, 1971, 118) When we turn to a presentation and assessment of Smith's own view in the next chapter, we will see why this final

³⁴ Nor is it the only one. See e.g. *TMS* VII.ii.3.21, 306.

³⁵ A further point that counts against Raynor's interpretation is that Hume's purported 'correction' appeared in 1759, but Smith nonetheless neglected to incorporate it into any of the subsequent five editions of the *TMS*, despite incorporating and responding to another of Hume's objections.

criticism is misplaced, but to anticipate, it will become manifest that it is far from true that the only difference between the reliance on utility in Hume's account and in Smith's is its source, for Smith makes our approbation of the consequences of actions *dependent upon* our approval or disapproval of the motive that brought those consequences about. Moreover, although Smith may agree that virtue perfectly coincides with that which is "fitted... to promote... the happiness both of the individual and of the society" (*TMS*, VI.2.1, 187), he clearly denies that it is utility which *determines* the moral standard of justice which we ordinarily operate with. In other words, if virtue in fact coincides with utility, then that coincidence is for Smith a mere coincidence.

Third criticism: The distinctiveness of moral approbation

The third and final criticism I want to consider holds that Hume's view makes it impossible for him to distinguish moral approbation from the sort of approval one might feel for an inanimate object. Smith writes:

"it seems impossible that the approbation of virtue should be a sentiment of the same kind with that by which we approve of a convenient and well-contrived building; or that we should have no other reason for praising a man than that for which we commend a chest of drawers." (*TMS* IV.2.4, 188)

If moral approbation rests on a recognition of the utility of a person's character as Hume supposes, i.e. on its tendency to promote public interest, then what distinguishes it from our approbation of a well-contrived machine, or building, or chest of drawers? Nothing, Smith argues, and this cannot be correct.

Like the foregoing, I believe this criticism has been unduly neglected. Again, there are several different causes of this neglect. Some commentators dismiss the objection, because Hume already seems to have provided us with his response to it³⁶, whereas others have thought it rests on a misrepresentation of

³⁶ See e.g. Martin (1990, 110) or Raynor (1984, 60-61).

Hume's position³⁷. Some may simply have paid little attention to it because it concerns a point on which, it seems, not much hangs. If Hume's response is found to be unsatisfactory and we therefore conclude that he cannot adequately account for the distinctiveness of moral approbation, this will hardly amount to a devastating objection for his account.

However, once again, I want to caution against underestimating the true message of Smith's criticism. Just as we should not expect him to mischaracterise Hume, it should give us pause to see Smith continue pressing a seemingly trivial objection to which Hume already appears to have given his answer. Instead we should consider why Smith was dissatisfied with Hume's response and saw fit to include this objection in his own account³⁸.

So let us turn to Hume's response. In the *Enquiry*, Hume writes:

“We ought not to imagine, because an inanimate object may be useful as well as a man, that therefore it ought also, according to this system, to merit the appellation of *virtuous*. The sentiments, excited by utility, are, in the two cases, very different; and the one is mixed with affection, esteem, approbation, &c. and not the other. In like manner, an inanimate object may have good colour and proportions as well as a human figure. But can we ever be in love with the former? There are a numerous set of passions and sentiments, of which thinking rational beings are, by the original constitution of nature, the only proper objects: And though the very same qualities be transferred to an insensible, inanimate being, they will not excite the same sentiments.

³⁷ Thus, Campbell thinks that the objection is “rather unfair”, since Hume “does not rely on the perception of the nice adjustment of means to end to provide *his* explanation of the appeal which utility has for the sentiments of mankind” (Campbell, 1971, 118). But that is simply not the point of the objection we are currently considering. Smith's final objection is that *even though* moral approbation on Hume's account relies on sympathising with the beneficiaries or victims of some action, it cannot be distinguished from approval of inanimate objects. Campbell seems to be confusing this objection with the foregoing one.

³⁸ A further indication of the significance of this criticism to Smith's rejection of Hume's position is that it is the single objection Smith repeats when he mentions Hume's view in his list of rival accounts of moral approbation. Admittedly, this may also be because it is the only objection that can be stated with suitable brevity, but it should at least be a sign that Smith saw this as a significant issue rather than as an unimportant curiosity of Hume's account which it would not be worth mentioning again.

The beneficial qualities of herbs and minerals are, indeed, sometimes called their *virtues*; but this is an effect of the caprice of language, which ought not to be regarded in reasoning. For though there be a species of approbation attending even inanimate objects, when beneficial, yet this sentiment is so weak, and so different from that which is directed to beneficent magistrates or statesman; that they ought not to be ranked under the same class or appellation.”

Several claims of differentiation are made in this section. First, moral approbation is different in that it has distinctive constituents, being mixed with affection and esteem. Second, it is different in virtue of being weaker.

Let us start by considering the latter. This condition does not appear to be a very good basis of distinction. When we compare the ‘virtuous qualities’ of a herb with those of a beneficent statesman, we clearly have a stronger feeling of approbation for the latter, but this is easily explained by reference to the difference in the value of the effects each produces – one relieves a cold, say, whereas the other ensures the well-being of a whole nation. In other words, this comparison appears to be a bit of an intuition pump. If we consider other examples, it is far from clear that the usefulness of a person’s just character will *always* produce a stronger sentiment than the usefulness of some inanimate object. Will a person who repays a loan excite a stronger feeling of approval than an ingenious medical contraption, which enables us to save the lives of many people?

Hume’s other claim of differentiation is more promising. We might try to make sense of it as follows. Certain human sentiments have a specified range of proper objects, such that objects outside of the set do not excite them, even if they bear the same qualities as objects within it. For instance, I can only be ashamed by something that has to do with myself, or someone related to me. I can be ashamed that I was late, for instance, or ashamed at my stinky breath, but I cannot be ashamed at *your* lateness or *your* stinky breath. In the case of moral approbation, the objects within the range are exactly those towards which one can also feel esteem and affection, that is, rational beings.

But in itself this response is not entirely persuasive. If, discounting Ovid’s Pygmalion, we accept that one cannot be in love with an inanimate object, at

least part of the reason will surely be that it is not merely 'good colour and proportions' that we love. What we love when we love another person is qualities inanimate objects do not and could not possess; qualities like a certain complex character and behaviour, for instance or of having taken part in various forms of reciprocal exchanges and shared experiences. While it is true that there are certain sentiments of which human beings are the only appropriate objects, such as romantic love, or resentment, or gratitude, we can in all of these cases give at least some kind of explanation of the restriction: It is because all of these sentiments or passions are sensitive to the presence of what an inanimate object could not possess. While we should certainly agree that there are certain forms of appreciation, including moral approbation (or disapprobation), which can only be properly directed at human beings, Hume's focus on their utility for public benefit cannot bring out why this is so.

It is worth pointing out that Hume seemed to have more to say in response to this objection in the *Treatise*. On a prominent interpretation defended by Páll Árdal (1966), Hume's position in that work is that moral approbation is a calmer variant of the indirect passions of love and hate. These impressions have a particular causal aetiology; their excitation requires a "double relation of impressions and ideas" (T 2.1.7.4, SBN 295-6). One is first affected by a pleasurable or painful sentiment by contemplating a certain quality; then, when this pleasurable or painful quality is related to the idea of either oneself or another person, a second sentiment arises. If the first sentiment was pleasurable and the quality was related to oneself, the second sentiment will be pride, whereas if the quality was related to another, it will be love. If the first sentiment was painful the second sentiment will be humility if related to oneself, and hate if related to another. Thus, in the *Treatise*, Hume can maintain that just as love, hate, pride and humility are excited only "when there is any thing presented to us, that both bears a relation to the object of the passion, and produces a separate sensation related to the sensation of the passion" (T 3.2.1.5, SBN 473), so too are virtue and vice:

"They must necessarily be plac'd either in ourselves or others, and excite either pleasure or uneasiness; and therefore must give rise to one of these four passions; which clearly distinguishes them from the

pleasure and pain arising from inanimate objects, that often bear no relation to us.” (Ibid.)

Inanimate objects lack the relation to an idea of self or other upon which the second sentiment arises. A nice quality in an object can therefore only give rise to the secondary moral sentiment by being connected with an idea of its inventor.

The comparison with the restriction on objects of love in the *Enquiry* quote is therefore not accidental, but rather an invocation of Hume’s earlier position. However, when the *Enquiry* view is stripped of its impressions-taxonomy and of the account of indirect passions on which the distinctiveness of the impressions of love and hate rested, it is not clear that Hume has the resources to substantiate his insistence that sympathising with the beneficial effects of the characters of people is distinctive from approval of the usefulness of objects³⁹.

³⁹ The objection Smith is pressing here is arguably not a million miles away from anti-utilitarian arguments from the 20th century based on the separateness of persons. Although the objection is not developed in this direction, Smith’s opposition to the idea that we evaluate persons and their characters merely as utility-contributors resonates well with this line of thought. If the moral worth of a person is determined by the utility their characters could produce, then it becomes difficult to see why the life of one person could not be traded off for that of another, or perhaps even for a really useful object.

Chapter Three

In the previous chapter, I presented Smith's three objections to the account of justice Hume sets forth in the *Enquiry*. I argued firstly, that these objections do not rest on misunderstandings or misrepresentations of Hume's views, and secondly, that Hume lacks adequate responses to each of them. Moreover, I suggested that in several cases, the objections Smith is launching would not afflict Hume's view of justice in the *Treatise* in the same damaging way. In the case of both the first and last objection I considered, Hume's *Treatise* account is either resistant to Smith's objections, or provides him with better resources to meet the challenges they raise. However, as I argued in an earlier chapter, Hume had good independent reasons to abandon his original *Treatise* position. Consequently, he could not simply revert to his earlier position in response to Smith's charges either. If this much is right, Smith's three objections pose a serious challenge.

However, Smith's greatest challenge to Hume's view of justice is arguably his ability to offer a better alternative. The objective of this chapter is to assess Smith's claim to doing exactly this. In a phrase, Smith's view is that to feel approbation or disapprobation for the justice or injustice of some action is to share the actual or imagined feelings of the person acted upon – or if I am the person acted upon, it is to feel gratitude or resentment towards the agent, which I believe a well-informed, impartial spectator would share. Clearly, several features of this claim require further elaboration and assessment, and the criticisms we considered in the preceding chapter will aid us in this task. These were launched at the following three features of Hume's view of justice: its source of moral approbation, its standard of virtue, and its characterisation of the nature of moral approbation itself. In what follows, I will consider Smith's alternative construal of each of these parts of an account of justice. In particular, I will show the distinctive way Smith invokes his distinctive notion⁴⁰ of sympathy in each. I will start with the former two, i.e the source and standard of approbation of justice, which cannot easily be separated in Smith's account, and will also address various

⁴⁰ Or perhaps we should say "notions" – see the section on Smith's varieties of sympathy below.

problems the proposal seems to face. Drawing on these results I then turn to Smith's account of the distinctive character and purpose of moral approbation. I end by returning to the topic with which this thesis started, namely the issue of the naturalness or artificiality of our just sentiments.

Justice and resentment

We already saw from his criticism of Hume's view that Smith argued reflection could not be the first or primary source of our approbation of justice since the author of nature would not have left such an important task to the slow and uncertain determinations of our reason. Our pursuit of all the most basic necessities of human life – nature's favourite ends, as Smith tends to call them – have been secured for us in a more direct manner: by providing us with original instinctual attractions towards both the ends themselves and the means to their attainment. Thus we find ourselves with sexual attraction towards people we can procreate with, desires for food and drink, and an aversion to pain (*TMS* II.i.5.10, 78)⁴¹. In all these cases, we have an affinity for the means “for their own sakes, and without any consideration of their tendency to those beneficent ends which the great Director of nature intended to produce by them” (*Ibid.*). The same thing goes for the case of justice, Smith holds, and the ‘original and immediate instinct’ we rely on in this case is resentment.

Most of the virtues are left to the freedom of our wills. For instance, it is up to us to decide how much benevolence to show one another, and although one may be disappointed not to receive the kindness one expected, it may never be extorted by force and it would be inappropriate to resent the person who withheld their good offices from one. The virtue of justice is different, however:

“the violation of justice is injury: it does real and positive hurt to some particular persons, from motives which are naturally

⁴¹ Smith's list of simple, original instincts invokes Hume's similar description in section 160 of the *Enquiry* (SBN 201). Hume even includes the natural instinct for resentment on his list, thereby inviting Smith's solution to his purported ‘dilemma’ about the source of the sentiment of justice. Pack and Schliesser (2006) also take note of this connection.

disapproved of. It is, therefore, the proper object of resentment, and of punishment, which is the natural consequence of resentment" (*TMS* II.ii.1.5, 79).

This asymmetry between our responses to a lack of benevolence and a lack of justice reflects their difference of importance to what Smith, like Hume, considers an essential means to human well-being: society. Society can subsist in the absence of bonds of love and affection merely "from a sense of its utility" (*TMS*, II.ii.3.3, 86). However, it cannot subsist without justice, i.e. in a state where people are ready and willing to cause injury to one another. Thus, "[I]f there is any society among robbers and murderers, they must at least, according to the trite observation, abstain from murdering one another." (*Ibid.*)

Consequently, while nature has built us with some desire for "the consciousness of deserved reward" we acquire from acts of benevolence, she has instilled in us a much greater, more forceful "terror of merited punishment" to keep us on the path of justice (*TMS* II.ii.3.4, 86). Since merited punishment is the 'natural consequence' of resentment, Smith holds that it is ultimately our natural instinct for resentment which is "the safeguard of justice" (*TMS*, II.ii.1.4, 79). In this manner, "man, who can only subsist in society, was fitted by nature to that situation for which he was made" (*TMS* II.ii.3.1, 85).

It is worth noting at this stage that Smith mainly considers our reactions to *injustice*, rather than justice. Although justice is a virtue, very often just actions do not merit much praise, for they may not "do any real positive good" (*TMS* II.ii.1.10, 82): abstaining from harming, stealing, or cheating, for instance, are not considered by us to be especially praiseworthy. As Smith remarks, "We may often fulfil all the rules of justice by sitting still and doing nothing" (*Ibid.*). It is also worth noting that Smith's conception of what justice is is more inclusive than Hume's. It encompasses harms to someone's

person, estate or reputation, with the former being the most and the latter the least significant forms of injury⁴².

So far, we have seen the connections Smith posits between injustice, injury, resentment and punishment. For someone to injure me is for them to violate the demands of justice that protect my person, property or reputation; the appropriate reaction to such injury is resentment; and resentment signals a judgement that punishment is merited. It is an interesting and difficult question whether, on Smith's view, once we have been provided with this description of a situation of action (i.e. injury) and reaction (i.e. resentment), we already have a moral sentiment in view. I.e. is my resentment towards the person who caused me injury a case of moral disapprobation? Or is something further required to make a *personal* evaluation into a *moral* one? Most commentators would hold that something further is indeed required, and that this further thing has to do with what Smith calls sympathy, but the details of Smith's proposal on this score are, for reasons we will turn to soon, not quite clear.

Smith's varieties of sympathy

It is crucial to recognise that, although he never spells this out, Smith uses the term 'sympathy' for a range of different things, including various different states and processes that either take place during or form part of our moral evaluations. The objective of this section is to untangle these and present a clearer view of each.

Why is such untangling necessary? Why did Smith not specify these different senses himself? Griswold attributes Smith's unfortunate lack of clarity on this point and others to his preference for a style of communication

⁴² *TMS* VII.ii.1.10, 269. Smith holds this sense coincides with Aristotle's 'commutative justice', as well as Grotius' *justitia expletrix* (although see Griswold (1999, 231) for doubts about the accuracy of the former attribution). Smith also recognises two other notions of justice. The first is 'distributive' in a broad sense, encompassing such things as affording someone the love and respect they deserve, something Smith also calls "proper beneficence" (*TMS* VII.ii.1.11, 270). The last notion is even more inclusive and comprehends both of the two former as well as extending beyond them. In this sense, one can be unjust by failing to value an object to the degree it is "fitted for exciting" (*ibid.*). However, since only the first of the three is Smith's usual meaning when he talks of justice in the *TMS*, I restrict my attention to that notion.

which would suit a non-scholarly audience, a style Hume praised in his anonymous abstract for the *TMS*⁴³. This hypothesis is further corroborated by looking to passages in the *TMS* where Smith's discontentment with moral views which introduce specialised terminology is on clear display. In a passage devoted to demonstrating the shortfalls of Hutcheson's moral sense view, Smith writes:

“Against every account of the principle of approbation, which makes it depend upon a peculiar sentiment, distinct from every other, I would object; that it is strange that this sentiment, which Providence undoubtedly intended to be the governing principle of human nature, should hitherto have been so little taken notice of, as to not have got a name in any language. The word moral sense is of very late formation, and cannot yet be considered as making part of the English tongue.” (*TMS*, VII.iii.15, 326)

Is it not strange to believe, Smith further asks, that love, and hate, and joy, and sorrow, and gratitude and resentment and many other passions have “made themselves considerable enough to get titles to know them by”, and yet that the principle, which is supposed to be “the sovereign of them all”, would “hitherto have been so little heeded, that, a few philosophes excepted, nobody has yet thought it worth while to bestow a name upon it?” (*TMS*, VII.iii.15.326). Smith not only thinks morality is a ‘domestic affair’ (*TMS*, VII.iii.intro.1, 314), he also objects in principle to any account that would require a foreign tongue to describe it.

To sustain this criticism and avoid falling victim to it himself, it is clear that Smith has to provide his own account without giving any technical definitions or introducing into his methodological toolbox anything his reader would find unfamiliar. Thus, at the very beginning of the work, what we find is not a formal characterisation of terms, but a description of those

⁴³ Hume described the style of the *TMS* as “perspicuous”, “lively”, “unaffected”, and even “manly” (!), and wrote of Smith that “[t]hough he penetrates into the depths of philosophy, he still talks like a man of the world” (full text in Raynor, 1984, 78), and unlike the second “merit” Hume describes the work to have, i.e. a “strict regard” to preserving the principles of religion, it seems likely that this bit of praise was genuine. Talking like a man of the world will certainly have been an ambition of Smith's in composing the *TMS*, one it is likely his close friend would have known about.

well-known experiences, ranging from “pity and compassion” for the misery of others, via our feeling for our brother “upon the rack” and our instinctive retraction of our own limbs when we see others struck, to “our fellow-feeling” for “heroes of tragedy or romance”, which feeling extends to many other passions, such as their happiness or gratitude (*TMS*, I.i.1.1-4, 9-10). Within the first five short sections of the book at the bottom of its second page, we have arrived at sympathy itself:

“Pity and compassion are words appropriated to signify our fellow-feeling with the sorrow of others. Sympathy, though its meaning was perhaps originally the same, may now, however, without much impropriety, be made use of to denote our fellow-felling with any passion whatever.” (*TMS*, I.i.1.5)

This set-up is designed to invoke not just the assent but the recognition of its readers, the thought that what is described is no philosopher’s invention, but a perfectly commonplace phenomenon, something we all already know about.

But this characterisation, ‘our fellow-feeling with any passion whatever’, i.e. something just like compassion and pity, but for other emotions than sorrow, has the deceptive effect of making the notion seem much simpler and more clear-cut than it is. Arguably, it is already ambiguous between different readings Smith goes on to rely upon, namely between a state of shared emotion and a process of coming into that state. In fact, there are as many as four different things the term ‘sympathy’ is occasionally used to denote in the *TMS*. I shall go over each below.

First, sympathy can name the *process or mechanism* by which the feeling of one person in a given situation is communicated to someone else in a different situation. On Smith’s account this involves an imaginative changing of places, i.e. putting oneself into another’s position ‘in fancy’⁴⁴.

⁴⁴ It is something of an open question quite how much the sympathiser takes with her when she effects this ‘move’. In particular, Smith sometimes seems to accept, and at others to deny, that we import our own preferences or traits of character. Compare e.g. his denial that we can enter into someone’s feelings of romantic love, especially the powerful feelings of a young person, since for us, the lover’s affection is “entirely disproportioned to the value of the object” (*TMS* I.ii.2.1, 31) with his emphatic

Second, sympathy can name the result of this process, sometimes also called the *sympathetic feeling*, i.e. the feeling arising in the sympathising agent after engaging in the sympathetic process. Third, Smith occasionally uses sympathy as the name for a *perfect harmony* between your feeling and mine, i.e. the circumstance that arises if my sympathetic feeling sufficiently closely resembles your original sentiment⁴⁵. Contrary to ‘sympathy’ in this sense is something Smith on a small number of occasions calls ‘antipathy’, i.e. a discord of emotions. Fourth, there is *our awareness of (or belief in) this harmony*, which is attended with a further pleasurable feeling. When I become aware that I am perfectly sharing in your level and type of feeling, I derive a pleasure from it. If I observe there is no such harmony, I feel pain.

These forms of sympathy and sympathising can of course come apart, and understanding this is crucial for appreciating the relation between sympathy and approbation and for understanding what it means to say that I can or cannot sympathise with something. This will be clearer by considering an example. Imagine you are feeling furiously angry as a result of something that happened to you. I may sympathise with you, in the first sense, merely in that I may try to imaginatively place myself in your situation in order to understand how you feel. The outcome of this process will amount to sympathy in the third sense if the sympathetic feeling I get out of this process is a corresponding feeling of fury. Alternatively, I may find that when I imagine being in your situation, I cannot go along with your fury. Your response may seem to me an unreasonable overreaction, for instance. In this case, I cannot sympathise in the third sense. Finally, when I attend to this resultant correspondence or divergence of sentiments, I will either feel a further pleasure or a further pain. It is sympathy (or its opposite) in this final sense is identified by Smith with approbation (or disapprobation)⁴⁶.

affirmation that when sympathising with someone’s grief over the loss of a child, I “change persons and characters”, rather than consider what *I* myself would suffer (*TMS* VII.iii.1.4, 317).

⁴⁵ It is of course important that this harmony has the right aetiology. You and I may be equally angry about the same thing, but this would not in itself be a case of the sort of sympathetic harmony under consideration here.

⁴⁶ See (*TMS* I.iii.1.9n, 46) or (*TMS* II.i.5.11, 78) where Smith underscores this point.

The full range of this set of distinct meanings and usages for ‘sympathy’ and its cognates is very rarely explicitly recognised by commentators⁴⁷, and while it is often clear from the context which sense Smith has in mind, there are also occasions on which it is not. However, once the full scope of usages is acknowledged, traditional objections to Smith’s account can easily be responded to. Amongst them is one pressed by Hume, who argued that Smith’s claim that sympathy is “necessarily Agreeable” – Hume calls this the ‘hinge’ of Smith’s system – could not be reconciled with the fact that the sympathetic passion “is a reflex Image of the principal” and must therefore “partake of its Qualities, and be painful where that is so”⁴⁸. Once it is appreciated that there is a distinction between the sympathetic emotion that results from occupying someone’s position (sense two) and the sympathetic emotion that arises from observing a concord of sentiments (sense four), this reconciliation is not problematic.

Qualifications of the basic account

As if this picture was not already complicated enough, Smith adds a number of further qualifications which merit our attention. The first is that not all sentiments are sympathetically approved of in the same manner. In particular, approval of sentiments which arise in response to other people’s actions, such as gratitude or resentment, are *dependent upon* approval or disapproval of the motives or causes of those actions themselves⁴⁹. Smith describes this by saying that our approbation of an action has two components, an assessment of its propriety and an assessment of its merit.

An action’s propriety is a measure of the reasonableness of its motive or causes given the situation the agent was in. Consequently, an apparently

⁴⁷ For instance, Campbell only recognises the first and fourth sense (1971, 96), while Griswold identifies a ‘narrow’ and ‘broad’ usage, the latter coinciding with my first, whereas the former is equivalent to compassion or pity – on this construal “sympathy is an emotion” (1999, 79), but this is not Smith’s usual sense. The editors of the Glasgow edition neglect the distinctions entirely. Knud Haakonssen (1981, 51) is a notable exception.

⁴⁸ Hume, Letter 36 dated 28 July 1759, printed in *TMS*, 46.

⁴⁹ Strictly speaking, it is not the action itself, but the “sentiment or affection of the heart, from which [the] action proceeds” (*TMS* II.i.1.1, 67) which is subject to these two forms of approbation, since it is technically only sentiments we can sympathise with and so approve of.

morally bad action can turn out to be appropriate (or more appropriate) in this sense if proceeding from motives fitting for the circumstances, whereas an apparently morally good action can turn out to be less appropriate if proceeding from a less estimable motive. For instance, angrily sneering at someone may be (more) appropriate if that person has just insulted one, whereas the performance of helpful gestures may be less appropriate if done only from a sense of duty, rather than out of generosity or kindness (*TMS*, III.6.3, 172). The merit or demerit of an action is a measure of the quality of its consequences for the people it affects. If an action is harmful, its consequence for others will typically be reactions of anger or resentment. If the action is beneficial, its consequences for others will typically be reactions of gratitude. The measure of both propriety and merit of actions is the extent to which we are able to 'go along with them', i.e. the extent to which our own sentiments harmonise with either the motive or the reaction when we imaginatively occupy the situation of the agent or the person acted upon. However, Smith includes the important condition that in the latter case, i.e. the case of sympathy with the reactions caused by someone's action, our approval is indirect, i.e. conditional on our reaction to the agent's motive⁵⁰. That is, I can only sympathise with (i.e. approve of) resentment if I disapprove of the motive of the action which brought that resentment about, and I can only sympathise with (i.e. approve of) gratitude, if I approve of the motive which brought it about.

The second qualification is that approval of some sentiment does not in fact require an actual harmony of sentiments, but merely a belief that such a harmony would occur under certain circumstances. Smith's presentation somewhat obscures this fact, since he characterises the pleasurable sentiment of approbation as arising from the *observation* of a harmony of sentiments, which seems to require the de facto convergence of actual sentiments. But this cannot be quite right. For firstly, Smith also holds that we can feel "illusive sympathy", i.e. that we can be in sympathetic harmony with "an emotion which the person principally concerned is incapable of feeling"

⁵⁰ Not to be confused with Smith's notion of "conditional sympathy", which I discuss below.

(*TMS* II.1.3.1, 71). Thus, we can become sympathetically affected with feelings of embarrassment for someone who does not realise she is making a fool of herself (*TMS* I.i.1.10, 12) or with feelings of dread for the dead (*TMS*, I.i.1.13), but more importantly for our purposes, we can feel resentment or gratitude for a villain or benefactor even when the person directly affected by their actions cannot or does not. This is clearly an important addition to the picture, for without it, many key instances of sympathetic resentment would be impossible. It would be impossible to resent the actions of a killer, for instance, or a person who successfully gaslighted the victim of their abuse. Secondly, in addition to approving by illusive sympathy of a non-existent sentiment, we can also have non-actual or “conditional sympathy” (*TMS*, I.i.3.5, 18) for an existing sentiment. I may recognise that some sentiment is proper and meritorious, and thus deserving of my sympathetic approval, but for independent and morally irrelevant reasons be unable to produce that sentiment of approbation myself at the time. For instance, I may be too diverted by my own suffering to go along with your appropriate happiness, or even too busy to fully imaginatively enter your situation and approve of your grief, but nevertheless judge that it is appropriate.

The consideration of this qualification therefore leads us onto the next, for we are now led to wonder what it is that enables us to ‘fill in the blanks’ when we have approval without an actual coexistence of harmonious sentiments. How do I judge what the murder victim would have felt if she had still been around, or what I would have felt, if I had not been so caught up with my own concerns? Smith holds that in these situations we fall back on “general rules derived from our preceding experience” (*TMS* I.i.3.5, 18), i.e. “upon experience of what, in particular instances, our moral faculties our natural sense of merit and propriety, approve or disapprove of” (*TMS* III.4.7, 159), but also experiences of the judgements others make of us.⁵¹ These judgements are highly useful for compensating for natural irregularities in our circumstances of judgements, too important in fact “to the happiness of mankind, for nature to leave it dependent upon the slowness and

⁵¹ See e.g. (*TMS* III.3.20, 145) for Smith’s description of how we “enter the great school of self-command” when we start to socialise with our peers as young children.

uncertainty of philosophical researches" (*TMS*, III.5.4, 164) and nature therefore provides us with a propensity to grow to think of the general rules of morality as "laws of the Deity" (*TMS* III.5.2, 163). In this manner, the patterns of evaluation which were ultimately founded on our tendency to imaginatively enter into the situations of others eventually become ratified and gain independent authority. Smith conceives of the presence of this authority in our moral reasoning in a remarkable manner, namely as embodied in an internalised judge or 'inmate of the breast' (*TMS*, VI.concl.1, 262). This figure is the constant spectator of both our conduct towards and our evaluations of others, and will loudly "call us to account" (*Ibid.*) for our wrong-doing, or our inattention and indifference to others. Since being sympathised with is attended with a pleasure and its absence with pain, and since the verdicts of this inner judge has been given the highest authority as the internal "vice-regents" of the Deity (*TMS*, III.5.6, 165), this has an extensive influence not just on our evaluations, but on our willingness to perform moral actions as well⁵².

Addressing a worry: The possibility of comparison

An apparent problem with the viability of Smith's account of 'approbation via sympathy' is worth addressing at this stage. It is sometimes argued that there is a lacuna in Smith's account, since the assessment of harmony or discord between sentiments requires a comparison between two things; what the person one is assessing actually feels and what one thinks they ought to feel in that situation. This was the case in the example I considered above in which I could not sympathise with your anger. When I placed myself in your situation, I found that your response to it seemed to me to be

⁵² It is sometimes argued that the impartial spectator figure infuses Smith's moral standards with greater objectivity, allowing them to overcome the narrowness of each person's individual perspective. Amongst one of the most optimistic commentators is Griswold, who takes the impartial spectator to have a "superior grasp of truth and reality" (1999, 371). Others such as Forman-Barzilai counter this position, arguing that the perspective of the spectator is not superior, for it "is "ours," a product of ordinary moral experience, a representation of what "we" already know. On this score, the promise of spectatoral detachment, reflexivity, and objectivity seems quite empty." (2000, 218). Forman-Barzilai discusses this situatedness and inescapable partiality of sympathy as a basis of moral standards at length in (Forman-Barzilai, 2010).

an overreaction. The question is where the objects for this comparison are supposed to come from.

This problem arises because Smith directly rejects the idea that we simply *perceive* what others are actually experiencing:

“As we have no immediate experience of what other men feel, we can form no idea of the manner in which they are affected, but by conceiving what we ourselves should feel in the like situation. Though our brother is upon the rack, as long as we ourselves are at our ease, our senses will never inform us of what he suffers. They never did, and never can carry us beyond our own person, and it is by imagination only that we can form any conception of what are his sensations. Neither can that faculty help us to this in any other way, than by representing to us what would be our own, if we were in his case.” (*TMS*, I.i.1.2, 9)

The only way we can understand the sufferer, Smith claims, is by imaginatively “plac[ing] ourselves in his situation” (*Ibid.*), for our senses cannot ‘carry us beyond our own person’. This fairly clearly suggests that we must be gaining access to the first object of comparison, i.e. what the other person *actually feels* by sympathising in the first sense, i.e. by imaginative occupation of his experiential position. And indeed, in my description of the anger case above, I suggested that when I undertake to sympathise in the first sense, i.e. when I try to imaginatively place myself in your shoes, I do this to understand what you are feeling.

However, if this is right, how will I get the other object of comparison, i.e. the idea of what you ought to feel? In short, how can putting myself in your position give rise to both of the objects of comparison, as it seems it must? Fleischacker puts the objection as follows:

“It doesn’t matter what people do or how they look, according to the second paragraph of *TMS* [quoted above]: Unless we enter into their situation with our own imaginations, we can’t get any idea of how they feel. If so, however, we can’t make a comparison between our sympathy for them and what they actually feel, and the whole

structure of Smith's normative view falls apart." (Fleishacker, 2016, 296)

According to Fleischacker, to respond to this problem, Smith will be forced to smuggle in parts of the Humean view, on which ideas of other's feelings can be arrived at from observations of their expressions, i.e. to walk back on his rejection that ideas of other people's feelings can be acquired from observation.⁵³

This argument rests on a false dichotomy, however. We need not think that there are two distinct and mutually exclusive ways of arriving at a conception of what someone else is feeling, sympathetic identification on the one hand and inference from overt expressions on the other. We can allow that the latter influences and informs the former. It is often pointed out that Smith places great emphasis on the situation from which some emotion with which we are sympathising arose – as Smith rightly states, I cannot determine whether your anger is reasonable without knowing what excited it (*TMS* I.i.1.7, 11). However, we do not take a situation into account merely by holding in mind a certain combinations of facts about it, we consider a situation by imaginatively occupying it. But there are arguably different ways in which one might do this. In particular, the amount of one's own person and character one 'imports' in this process can vary⁵⁴ depending on the imaginative activity one is engaging in. If I am just trying to imagine what it would be like to be in some situation, say 'on the rack', my default will likely be to imagine what that situation would be like *for me*. However, if I am trying to discover what being on the rack is like for my brother, I will very likely try to take evidence provided by his facial expressions, his bodily movements, etc., into account. That is, the same basic procedure of imaginative occupation of some situation can be modified in various ways, each of which produces different ideas of the nature of the experience.

⁵³ Fleishacker's claim that for Smith the way people look does not make a difference to our beliefs about what they feel is in any case not correct. Smith qualifies his position by adding that certain simple emotions, which "are strongly expressed in the look and gestures" (*TMS* I.I.1.6, 11), such as grief or joy, can be more immediately transferred to a spectator simply on the basis of observation without consideration of their exciting causes.

⁵⁴ I consider some tensions in Smith's description of this point in footnote 44 above.

The distinctive nature and purpose of moral judgement

Having thus considered both the source and the standard of moral evaluation on Smith's account, let us turn to the final point of disagreement with Hume considered in the previous chapter; the distinctiveness of moral approbation. Smith objected to Hume's account of the approbation of justice that it could not account for what is distinctive about moral forms of approval. From the foregoing we already see a number of the reasons why he thought so. For Smith, moral approbation is a matter of sympathetic approval, i.e. of being able to go along with either the motive or reaction one is evaluating. Moreover, going along with someone's reaction to another's conduct is not merely a matter of sympathetically sharing the feeling they are having, as Hume envisioned it to be. On Smith's view, the sympathy we feel for someone's grateful or resentful reaction is *indirect*, i.e. conditional upon our sympathetic approval of the motive of the agent who brought them about. I can only share in, and thereby approve of, your resentment if I disapprove of the motive of the person who caused it by e.g. harming or offending you. Similarly, I can only share in, and thereby approve of, your gratitude if I approve of the motive from which it arose. If I realise that the person you consider your kind benefactor in fact only aided you accidentally in pursuit of an evil, selfish project, then your gratitude will seem to me to be foolish and misguided. However, conversely, if I detest the motive of the person who wronged you, then sympathetically sharing in your resentment will make my indignation fiercer; and if I approve of your benefactor's kindness, your gratitude will enliven by approbation. Because moral approbation ultimately rests on sympathising with motive, even when their more immediate object are consequences, i.e. reactions that resulted from an action, it is clear that only rational human beings could be their proper objects. For Smith, it is therefore not the sympathetic engagement with the reactions of the affected person that make moral evaluation distinctive, but the fact that *that* very act of sympathy, i.e. the process of sharing in someone's resentment or gratitude, depends on another prior sympathy with the motives that brought those reactions about.

But Smith provides a further interesting reason why only human beings can be the proper objects of moral approbation which I think merits our attention. In Section III of Chapter II, Smith is attending to the fact that fortune can influence our sentiments of the approbation or disapprobation due to someone for their action. In principle, Smith holds,

“the only consequences for which [a person] can be answerable, or by which he can deserve either approbation or disapprobation of any kind, are those which were somehow or another intended, or those which, at least, show some agreeable or disagreeable quality in the intention of the heart, from which he acted. To the intention or affection of the heart, therefore, to the propriety or impropriety, to the beneficence or hurtfulness of the design, all praise or blame, all approbation or disapprobation, of any kind, which can justly be bestowed upon any action, must ultimately belong.” (*TMS*, II.iii.intro.3, 93)

When presented in such abstract and general terms, Smith holds, the truth of this “equitable maxim”⁵⁵ cannot easily be doubted (*TMS*, II.iii.intro.5, 93). However, when we consider particular cases, the “actual consequences” which some action produces “have a very great effect upon our sentiments concerning its merit or demerit.” (*Ibid.*) In fact, this influence is so significant, that Smith imagines there might not be a single instance in which our sentiments are found to be “entirely regulated by this rule, which we all acknowledge ought entirely to regulate them” (*Ibid.*). In the remainder of the section, Smith takes on the task of explaining how this irregularity of sentiment comes about (chapter 1), how great its influence is (chapter 2), and why nature has provided for it (chapter 3). For our present purposes, what we want to examine is Smith’s account of the former of the three, i.e. “the causes of this Influence of Fortune” (*TMS*, II.iii.1.1., 94-97).

⁵⁵ Smith’s terminology here quite clearly recalls Hume’s purportedly “undoubted maxim” from *Treatise* Book III, section II. Smith’s remarks in this chapter can then be read as challenging Hume’s confidence that, in making moral evaluations of someone, “If we find, upon *Enquiry*, that the virtuous motive was still powerful over his breast, tho’ check’d in its operation by some circumstances unknown to us, we retract our blame, and have the same esteem for him, as if he had actually perform’d the action, which we require of him.” (T 3.2.1.3, SBN 477-8)

In this chapter, Smith explains that proper objects of gratitude or resentment need to fulfil three conditions. First, they must be the causes of either pleasure or pain. Second, they must themselves be capable of feeling those very sensations. And finally, they must have produced pleasure or pain from “a design that is approved of in the one case, and disapproved of in the other” (*TMS*, II.iii.1.6, 96). The rationale for the first condition is obvious enough – there must be some pleasure or pain to approve of or object to. But what is the basis for including conditions two and three, i.e. for requiring that the objects of resentment or gratitude can both feel pain and pleasure and produce it from design?

The reason our objects of pleasure or pain must themselves be capable of feeling the like emotions is that otherwise “those passions cannot vent themselves with any sort of satisfaction upon it” (*TMS* II.iii.1.3, 94). The “gratification” (*Ibid.*) of these sentiments, Smith holds, consists in their retaliation. For this reason, animals are less improper objects of them than inanimate objects, which is why it makes some sense to us to punish a dog that bites or reward one that served us well.

Nevertheless, animals are not entirely appropriate objects of resentment and gratitude either, and this is due to their failure to meet the third condition Smith mentions, namely the ability to cause pain and pleasure from approved or disapproved design. Why is there such a requirement on the objects of these sentiments? According to Smith, the first and foremost aim of gratitude is not only to make our benefactor feel pleasure as well, but rather to “make him conscious that he meets with this reward on account of his past conduct”, to make him pleased with it, and to “satisfy him that the person upon whom he bestowed his good offices was not unworthy of them” (*TMS* II.iii.1.4, 95). Correspondingly, the chief object of resentment is not just to make the person who wronged us suffer as well, but

“to make him conscious that he feels it upon account of his past conduct, to make him repent of that conduct, and to make him sensible, that the person whom he injured did not deserve to be treated in that manner. What chiefly enrages us against the man who injures us, is the little account which he seems to make of us, the

unreasonable preference which he seems to give to himself above us, and that absurd self-love, by which he seems to imagine, that other people may be sacrificed at any time, to his conveniency or his humour" (*TMS*, II.iii.1.5, 95-6).

We want to make our 'benefactor' or our 'enemy' know how we feel about their actions towards us and to confirm or to deny that we were worthy of them. In other words, the chief aim of our sentiments of gratitude or resentment is to communicate something, and when this cannot be accomplished, the feeling will always be "imperfect" (*Ibid.*)⁵⁶.

Something which fulfils the first of Smith's three conditions will therefore be capable of *exciting* the passions of resentment or gratitude. Smith consequently recognises that we can have these feelings, at least momentarily until we think better of it, even towards "the stone that hurts us" (*TMS* II.iii.1.1, 94). To gratify them, however, it is requisite that the second condition be fulfilled as well. But only when all three conditions are met will the sentiments reach their "complete satisfaction" (*TMS* II.iii.1.6, 96), and when this occurs, we get a pleasure or pain that is "both exquisite and peculiar" (*Ibid.*).

The acknowledgement and account of this irregularity of sentiment does not only help explain what is distinctive about moral approbation and why human beings are its only proper objects. It also adds important nuance and plausibility to Smith's account. As the account stood prior to this qualification, it would seem open to many counterexamples. We occasionally feel at least some amount of disapprobation towards the conduct of agents who were merely 'morally unlucky' rather than malicious, but clearly in such cases our sympathetic resentment cannot rest on an

⁵⁶ This conception of the ultimate purpose of gratitude and resentment in fact shares a lot in common with one recently defended by Miranda Fricker (2016). Fricker argues that at least one paradigmatic form of blame, which she terms 'communicative blame', primarily serves as a mode of communication between the blamer and the blamed, the aim of which is to increase the alignment of their moral understandings. Fricker cites Smith in her paper, but not in connection with this point.

antipathy for the wrong-doers hateful motives, since there were none⁵⁷. With the qualifications just discussed in place, Smith can easily account for these cases. Since some harm was done, and some pain can be returned by expressing as much, feelings of resentment are not wholly inappropriate in these cases.

Concluding remarks: Nature and Artifice

I started this thesis with a presentation of Hume's account of the artificial origins of justice. To end this chapter, I would like to suggest that Smith's alternative account, which I have been outlining and defending in this chapter, can be seen as a challenge specifically to Hume's affirmation of the artificiality of our just sentiments.

Like Hume, Smith believes that

“Every man is, no doubt, by nature, first and principally recommended to his own care; and as he is fitter to take care of himself than of any other person, it is fit and right that it should be so. Every man, therefore, is much more deeply interested in whatever immediately concerns himself, than in what concerns any other man.” (*TMS*, II.ii.2.1, 82)

And as it was the case for Hume, taking the affirmation of man's self-interestedness as a starting point leads Smith to a puzzle about the possibility of a peaceful society amongst men, and, more immediately, about the basis for the sort of behaviour its members engage in to sustain it: If men are naturally self-interested, why does just action exist?

“When our passive feelings are almost always so sordid and selfish, how comes it that our active principles should often be so generous and so noble?” (*TMS* III.3.5, 137)

We saw in the first chapter how Hume's solution is an appeal to 'artifice', i.e. to clever human inventions and contrivances, which enables us to restrain

⁵⁷ For influential treatments of the problems posed by moral luck, see e.g. Bernard Williams (1981). For a different view of how the connection of such cases with moral approbation should be explained, see Scanlon (2008, chapter 4).

the harmful movements of the selfish passions by redirecting them onto more appropriate objects. Reason and the understanding thereby provide the remedy against the natural impediment generated by selfishness, and once this initial obstruction is overcome and conventions for the stability of property are put in place, the arrangement sustains itself by earning our approbation:

“Tho' justice be artificial, the sense of its morality is natural. 'Tis the combination of men, in a system of conduct, which renders any act of justice beneficial to society. But when once it has that tendency, we *naturally* approve of it.” (T 3.3.6.4, SBN 619-20)

As we traced the developments of various features of Hume's view from the *Treatise* to the *Enquiry*, we saw that Hume's explanation of how both justice itself and our approval of it came about, came to rely increasingly heavily on appeals to reasoning and reflection – at least so I have tried to argue. In Hume's account of natural approbation, reason became the guide and the instructor of the sentiments.

My contention is that Smith took issue with this feature of Hume's account, and, as discussed in chapter two, with the specific aspects of his view which were indications or consequences of it. He wanted to provide remedy against the threat of natural selfishness in our natural, instinctual tendencies themselves, and his complex machinery of sympathy was brought in to serve precisely this purpose. Thus, although Smith claims he is responding to the views of the “whining and melancholy moralists” (III.3.9, 139) and the “ancient Stoics” (*TMS*, III.3.11, 140), I think we can also count Hume as a target of Smith's criticism when he writes that “it is the most artificial and refined education only, it has been said, which can correct the inequalities of our passive feelings” (*TMS*, III.3.7, 139). Smith's own conclusion is given a number of passages later:

“this control of our passive feelings must be acquired, not from the abstruse syllogisms of a quibbling dialectic, but from that great discipline which Nature has established for the acquisition of this and

of every other virtue; a regard to the sentiments of the real or supposed spectator of our conduct." (*TMS* III.3.21, 145)

It is even easier to identify Hume as the target of similar remarks about artificiality versus nature as the source of our moral principles in a passage included in the first five editions of the *TMS*, but removed for the final sixth edition. Smith is talking about how virtue appears "to the Deity", but he is aligning this view with how it appears "to us" (*TMS* II.ii.3.12n, 91-2), so we can consider his description intended as apt for the moral experience of imperfect beings, too:

"[That he loves virtue] only because it promotes the happiness of society, which his benevolence prompts him to desire; and that he hates [vice], only because it occasions the misery of mankind, which the same divine quality renders the object of his aversion; is not the doctrine of untaught nature but of an artificial refinement of reason and philosophy. Our untaught, natural sentiments all prompt us to believe, that as [perfect virtue appears] for its own sake, and without any further view, the natural and proper object of love and reward, so must vice, of hatred and resentment."⁵⁸

I therefore reject a view of the disagreement between Hume and Smith recently defended according to which Smith not only disavowed, but "fundamentally problematize[d]" (Sagar, 2017, 695) and sought to surpass Hume's distinction between natural and artificial virtue. It is not true, as Sagar holds, that "Smith never describes the virtues as artificial (or, for that matter, natural)" (Sagar, 2017, 690). While Smith does not use the specific phrases "natural virtue" and "artificial virtue", he clearly does compare the possibility of virtues arising from 'artificial refinements of reason' with their arising from 'nature' and 'our untaught natural sentiments', and he sides firmly on the side of the latter.

⁵⁸ The quote is given with its variations from editions 3-5. For further discussion of the passage and the reasons for its eventual omission from the sixth edition, see (Raphael, 1982).

Conclusion

I have compared Hume's and Smith's accounts of justice on three points; the source of moral approbation, the measure of virtue, and the nature of moral evaluation. Here is a comparative summary of my findings.

While both Hume and Smith acknowledge that there are instances of approbation of justice that involve and even require reflection, as well as instances that arise with greater immediacy without any such explicit consideration, I have argued that Hume's final view, the *Enquiry*, rests the unreasoned activity on the reasoned one. That is, the reflection-involving case, in which the moral judge reflects on the beneficial tendency of the character from which the action springs, is basic and provides, via the establishment of general rules of the imagination, for the possibility of the immediate, apparently instinctive reaction. Conversely, on Smith's picture reason and reflection serves only to confirm and supplement what we naturally, i.e. pre-reflectively, feel. The basic case on his account is a matter of sharing in the particular reaction of a particular individual to some particular injury.

Hume and Smith agree about the role justice fulfils as the guarantor of a stable society to the mutual benefit of its members. They consequently in a sense agree that its merit ultimately consists in its serving this function. However, Hume's final view also makes the utility of justice the measure of its virtue for us in our judgements of individual actions, and therefore displaces the importance of motive and character in all other respects than as reliable causes of good or bad consequences. Conversely, on Smith's view, our approbation of the consequences of just or unjust acts is dependent upon our approval or disapproval of the motives from which those acts flow. Smith thus makes approval motive central, and while his compound conception of approbation includes concern for utility, it is both temporally and normatively secondary in our ordinary judgements. For Smith, the standard is therefore first and foremost set by what we can along with. That is, it is set by sympathy itself.

Finally, and consequently, whereas Hume makes moral verdicts amount to utility estimations, Smith makes them a matter of several stages of emotional identification. This characterisation already makes clear why moral evaluations only have human beings as their proper objects, but in addition, Smith also clarifies that there is a clear reason why this is so. Moral approbation serves the further purpose of communicating the moral expectations we hold others to, and to make known to them when these expectations have not been met or have been exceeded.

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