Utilitarian? Virtue Ethicist? Kantian? Locating Adam Smith as a Moral Philosopher

By

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“Adam Smith’s *Theory of Moral Sentiments* is apt to confuse … the modern reader who approaches it with expectations formed by recent moral philosophy.” (Haakonssen, 2002, p. vii) So begins Knud Haakonssen’s “Introduction” to his edition of Smith’s theory (TMS). He goes on to explain why: “In other words, modern moral philosophy is primarily the hunt for a universally normative doctrine, a theory of what is right or good for humanity as such. … For Smith the most basic task of moral philosophy is one of explanation; it is to provide an understanding of those practices which traditionally are called moral.” (*ibid.*) Thus, Smith’s purpose sets him off from utilitarianism, Kantianism, and virtue ethics; his theory seemingly stands alone as a unique achievement in the history of moral philosophy. Yet, as Haakonssen shortly notes, Smith’s book is at least indirectly normative (viii), and, I would add, since we are trying to explain “ought” type statements, a correct explanation would end up with an “ought” that universally commands. Moral philosophy, even of Smith’s science of morals variety, cannot help but be normative as well as descriptive. One cannot describe the character of virtue, for example, without conveying the sense that this would be a good character to have. Nor does one do so unless he wants to elicit such a response in the audience.

Yet there is an important point here. TMS is not easy to classify. A casual perusal of Schneewind’s *Moral Philosophy* (2003) reader might suggest that TMS barely even rates a mention in the history of 18th century moral philosophy. This is reinforced in Schneewind’s history where he notes that

> “Even philosophers have paid less attention to Smith's ethics than to Price's, and most historians, if they have discussed Smith's moral treatise, have done so only for the light it sheds on the ideologically crucial economic work.” (Schneewind, 1998, p. 388)

Schneewind does go on to a respectful treatment of TMS as the last and best Sentimentalist work: “Sentimentalism has never gotten a more sophisticated exposition than Smith gave it. After Smith, indeed, it received no major reformulations at all. That kind of theory ceased to be influential …” (*ibid.*) And in Germany:

> Carl Friedrich Stäudlin…In his treatment of the British moral philosophers… assembled, I believe for the first time, those we now consider canonical, though his emphases - two pages on Hobbes, seventeen on Adam Smith - are not ours. (P. 285)

In a sense, then, Smith seems to have led the sentimentalist approach into a dead-end; constituting a second or third-rank place in the history of moral philosophy.

However, this may be it has not resolved the problem of where, or whether, Smith’s theory belongs among the now three distinct moral philosophy traditions. Historically utilitarians have considered Smith to be one of them, although, once again he is not accorded significant rank as a moral philosopher. And this view has recently been reinforced by Rawls (1971) and Rosen (2003) and probably many more. Thus, TMS is usually viewed as a treatise of classical utilitarianism.
This is by no means universally accepted. With the rebirth of virtue ethics as a distinct third way Deirdre McCloskey (2009) and Ryan Patrick Hanley (2009), for example, have treated him as a virtue ethicist, and D. D. Raphael (1972-73, 2001, 2007) has argued for years that Smith is not a utilitarian. Rather he has argued Smith deserves the rather unique role as an empiricist natural law theorist (see also Young, 2008). Following this suggestion, as well as Samuel Fleishacker’s work on Smith and Kant, in this paper I argue that Smith really belongs with Kant as a deontologist. However, we must first clear the way by considering the case for Smith as a utilitarian and as a virtue ethicist—the subject matter of the next two sections.

1.0 Smith the Utilitarian

Historically Smith was surrounded by utilitarians. Hutcheson and Hume, his teacher and best friend are considered utilitarians before the doctrine had a name. The great classical economists who built on Smith’s economics were utilitarians. Malthus, Ricardo and Mill were utilitarians. Sidgwick explicitly classified him among the utilitarians, and there are important affinities between Hume, Smith, Bentham, Mill, and Sidgwick. They all accorded an important role for sympathy, and they all spoke about happiness or pleasure as a top-level criterion for judging social policy. Utilitarianism seems to be Smith’s natural home. The problem with this is that Smith repeatedly contradicts it.

For first of all, 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.

And secondly, it will be found, upon examination, that the usefulness of any disposition of mind is seldom the first ground of our approbation; and that the sentiment of approbation always involves in it a sense of propriety quite distinct from the perception of utility. (TMS IV.2.4-5, p. 188)

That system which places virtue in utility, coincides too with that which makes it consist in propriety. According to this system, all those qualities of the mind which are agreeable or advantageous, either to the person himself or to others, are approved of as virtuous, and the contrary disapproved of as vicious. But the agreeableness or utility of any affection depends upon the degree which it is allowed to subsist in. Every affection is useful when it is confined to a certain degree of moderation; and every affection is disadvantageous when it exceeds the proper bounds. According to this system therefore, virtue consists not in anyone affection, but in the proper degree of all the affections. The only difference between it and that which I have been endeavouring to establish, is, that it makes utility, and not sympathy, or the correspondent affection of the spectator, the natural and original measure of this proper degree. (TMS VII.ii.3.21, pp. 305-306; emphasis added)

There is another system which attempts to account for the origin of our moral sentiments from sympathy, distinct from that which I have been endeavouring to establish. It is that which places virtue in utility, and accounts for the pleasure
with which the spectator surveys the utility of any quality from sympathy with the happiness of those who are affected by it. This sympathy is different both from that by which we enter into the motives of the agent, and from that by which we go along with the gratitude of the persons who are benefited by his actions. It is the same principle with that by which we approve of a well-contrived machine. But no machine can be the object of either of those two last mentioned sympathies. I have already, in the fourth part of this discourse, given some account of this system (TMS VII.iii.3.17).

Smith has identified a twofold problem, which I contend has caused subsequent philosophers to conflate Smith with classical utilitarianism. First, his doctrine, which locates virtue principally in propriety (hence Part I “Of the Propriety of Action), coincides to a certain extent with utility, however, only in the sense of “utility” as “fitness” as indicated by his reference to Part IV. Second, the distinctive feature of his system is its treatment of sympathy. However, Smithian sympathy should not be confused with utilitarian sympathy. The sympathy by which we enter into the happiness of people affected by an action is not the same as the sympathy by which we identify with the motives of the agent and the reaction of the agent acted upon.

David Hume had famously argued that the moral authority of the artificial virtue of justice derived from “a sympathy with public interest (2000 [1739/40: 3.2.2.24; emphasis in original). It is Hume’s doctrine to which Smith is responding above.¹ Referencing his original account of utility in moral evaluation, Smith notes that the utilitarian sympathy is the same as that by which we evaluate the usefulness of fitness of a chest of drawers: a type of sympathy which produces no moral evaluation. This, to repeat, is not the sense of utility in classical utilitarianism, although sympathy as counting the pleasures and pains of others sympathetically experienced by the agent as part of the overall pleasure/pain calculus does seem to correspond to its meaning in classical utilitarianism.

¹ We might also note what Smith has to say about the idea of sympathizing with a whole group of people:

In neither case does our regard for the individuals arise from our regard for the multitude: but in both cases our regard for the multitude is compounded and made up of the particular regards which we feel for the different individuals of which it is composed. (TMS II.ii.3.10, pp. 89-90)

It may also be worth noting that this argument is found supporting an explicitly anti-utilitarian case that the preservation of society is not what “originally interests us” in punishing those guilty of crimes. (ibid.)
Thus, there are two sources of confusion, which mistakenly align Smith with classical utilitarianism. First, Smith does accord a significant role in moral evaluation for what he calls “utility”, and, second, classical utilitarianism requires a sympathy concept to elicit the sort of benevolence in self-interested agents that is necessary to guide action to maximum net pleasure for the group as a whole. Smith and the utilitarians deploy the same vocabulary to express rather different things. Added to the confusion is the fact that Smith does occasionally invoke classical utilitarian standards in both TMS and WN. I take up “utility” and “sympathy” in the following subsections.

1.1 Utility in Smith and in Utilitarianism (This section draws on Witztum and Young, 2013)

Given the ambiguity that inevitably surrounds the use of philosophical terms and defining schools of thought, we begin with a short section on definitions of concepts. Thus, initially we may identify three types of utility. First there is the Utilitarian conception of utility as a measurable (whether ordinal or cardinal) degree of satisfaction, which individuals derive from their situation. It is essentially consequentialist in that the pleasure is derived from the outcomes rather than from any process. Individuals are assumed to maximize their own utility, and social policy is judged according to that which maximizes social utility. It is a top level good to which all other goods are means.

Second, utility also has its more direct and simple meaning of ‘usefulness’; something we use as a means to an end, and, thirdly, utility is a form of the pleasure derived from harmony. This arises out of an aesthetic sense of the fitness of the means for the ends they promote, or appear to promote, and the desire to experience the pleasures of harmony, of which this sort of utility is one. It not only provides an alternative basis for certain types of moral judgments, it is also foundational in Smith’s view of human motivation.

While the first is associated with classical utilitarianism, the second and third are the types found in Smith’s account of the moral sentiments.

According to Bentham:

> By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness.” (Bentham, 1823, pp. 2-3).

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2 Naturally, there is a substantial difference between thinking of utility in a cardinal or ordinal fashion. Cardinal utility is much more in line with utilitarianism as there is a clear measure of one’s degree of satisfaction. In the ordinal case, there is no obvious way of measuring one’s satisfaction, but while representation of preferences may be invariant to monotonic transformations, the marginal utility in real terms is unique. Hence, even if we just follow ordinal utility, there is a way of generating the cardinality needed to associate it with Utilitarianism. In any case, the key feature we identify here is that of consequentialism which both ordinal and cardinal utility share.
It is difficult to see how this corresponds to anything which Smith proposes in his analysis. While it is true that there is a certain pleasure in the experience of ‘fellow feeling’ it is by no means this pleasure which is the sole arbitrator of the good from the bad nor is it, a motive to act.

The third possible definition of utility is that which is based on pleasure but of a very specific kind: that which people derive from beauty or harmony. We take the cue here from Smith’s own writings where pleasure appears both as part of his analysis of sympathy and as part of the consequence of observing a well-contrived machine.

But can such a pleasure be associated with the conception of utility in Utilitarianism? The answer, we feel, must be a negative one. Firstly, the fact that people may derive some pleasure from feeling harmony of sentiments or observing a beautiful construct does not mean that it is this pleasure which is the only motive which drives people’s action. In fact, more likely, this is an after thought rather than a motive to act. The fact that we have an interest in others does not necessarily mean that we will always choose to act in such a way as to fulfill our desire, such that it is, to experience the pleasure of harmony. Equally, having the capacity to experience pleasure from beautiful constructions does not mean that this would motivate our actions. Thus, we cannot see how the pleasure of harmony corresponds to the first element of what we defined as Utilitarianism.

A similar problem arises when we wish to consider this kind of pleasure as a consequence of actions. According to the Utilitarian definition, the pleasure of action must be derived from its consequences. However, while the harmony of sentiments may indeed be derived from the consequent of an action (once we see how it affected different people), the love of beauty may be satisfied by merely seeing the action rather than observing its consequence.

As the sole arbitrator of good and bad, this kind of sentiment is also quite problematic. The mere fact that a sense of harmony can be derived from such diverse sources as the coincidence of feelings on the one hand and the beauty of systems on the other, suggests that there is nothing quite unique about the application of this kind of pleasure. Indeed, we have already quoted Smith above to the effect that the sentiment by which we judge the beauty of virtue surely cannot be of the same sort as that by which we judge the beauty of a chest of drawers.

In short, we believe that on the face of it, the three conceptions of utility which we listed at the beginning suggest that the use of the word may mean very different things. Certainly the scope of their application is by no means obvious. We know what utilitarians had in mind when they contemplated utility. Examining what exactly Smith had in mind when he employed the other notions of utility, which do not, immediately, seem to coincide with the utilitarian notion of pleasure is a needless digression for the argument of the present paper. For the full treatment I simply refer the reader to Witztum/Young.

At it’s first mention in TMS utility appears as an after-thought in moral evaluation. We approve of another’s judgment, not because having good judgment is useful to a person, but because we find it is, “agreeable to truth and reality: and it is evident we attribute
those qualities to it for no other reason but because we find that it agrees with our own. … The idea of the utility of all qualities of this kind, is plainly an after-thought, …” (TMS I.i.4.4, p. 20).

While moral evaluation normally proceeds on non-utilitarian grounds (even consequences are brought under judgments of propriety in Part II on merit and demerit), Smith recognizes exceptions. Upon some occasions, indeed, we both punish and approve of punishment, merely from a view to the general interest of society, which, we imagine, cannot otherwise be secured. Of this kind are all punishments inflicted for breaches of what is called either civil police, or military discipline. (TMS II.ii.3.11)

In the case of military discipline

A centinel, for example, who falls asleep upon his watch, suffers death by the laws of war, because such carelessness might endanger the whole army. This severity may, upon many occasions, appear necessary, and for that reason, just and proper. When the preservation of an individual is inconsistent with the safety of a multitude, nothing can be more just than that the many should be preferred to the one. (TMS II.ii.3.11)

As Raphael has shown, though, this is the exception that proves the rule, because the spectator feels differently about this case compared to the norm, even though he approves of the punishment. (1972, p. 95) As Smith explains:

Yet this punishment, how necessary soever, always appears to be excessively severe. The natural atrocity of the crime seems to be so little, and the punishment so great, that it is with great difficulty that our heart can reconcile itself to it. Though such carelessness appears blamable, yet the thought of this crime does not naturally excite any such resentment, as would prompt us to take such dreadful revenge. A man of humanity must recollect himself, must make an effort, and exert his whole firmness and resolution, before he can bring himself either to inflict it, or to go along with it when it is inflicted by others. (TMS II.ii.3.11; emphasis added)

Left to their own volition the natural sentiments of mankind would not punish the sentinel so severely. Consequently sentinels would become lazier and armies would be lost. Here is an example of the utilitarian judgment of the impartial spectator operating as a check to make sure that ultimately the interests of the society (in this case the army) are preserved.

However, it is important to emphasize that this is an exceptional case. In his treatment of this case Raphael has argued that Smith concedes too much to Hume by asserting that the utility of the punishment makes it just. (1972, p. 96) Rosen has also taken up this case, but accepts Smith’s assertion that the utility of the punishment makes it just. Thus, he concludes that, “Smith recognized that such a sentence would be based on an understanding that justice was concerned with more than responding to particular injuries and must take into account public utility as well as private injury”. (2003, p. 64)
In my view, Raphael is correct. Smith overstepped himself when he conceded that the punishment was just. Perhaps a somewhat related case from WN can be used to shed light on Smith’s considered position here. In Book II Smith discusses the regulations which forbid issuing small denomination bank notes. In the absence of such regulations, “many mean people are both enabled and encouraged to become bankers.” (WN II.i.90)

The result is a system that is less secure, more prone to bank failure with attendant harm to the general public. Shortly thereafter Smith lays down a general rule:

Such regulations may, no doubt, be considered as in some respect a violation of natural liberty. But those exertions of the natural liberty of a few individuals, which might endanger the security of the whole society, are, and ought to be, restrained by the laws of all governments; of the most free, as well as of the most despotical. The obligation of building party walls, in order to prevent the communication of fire, is a violation of natural liberty, exactly of the same kind with the regulations of the banking trade which are here proposed. (WN II.i.94)

These two cases are similar in that the natural tendency of the spectator is to sympathize, first, with the sentinel and, second, with the natural liberty of individuals to pursue their own interests. However, in both cases the result is detrimental to the good of the whole. However, unlike the discussion of the sentinel in TMS, there is no indication here that the social good of the regulation makes it just.

Another instance of what might appear to be a utilitarian standard is Smith’s reference to happiness as a possible welfare indicator. In another paper, agreeing with Malthus, Peart, Levy and a growing (?) list of others, I show that by happiness of the nation Smith means the non-rich majority of the population. (Young, 2015) Here we consider the following: “All constitutions of government, however, are valued only in proportion as they tend to promote the happiness of those who live under them” (TMS IV.1.11, p. 185) And in WN concerning the liberal reward of labor, Smith famously notes that, "No society can . . . be flourishing and happy, of which the far greater part of the members are poor and miserable" (I.viii.36, p. 96).

Samuel Fleischacker has debunked any notion that these statements imply a utilitarian standard. First, he notes, that,

I think there is good evidence in Smith's writing that he found the question ‘What is the end for man?’ endlessly vexing if not unsolvable, and attempted to come up with a politics that would finesse that question. … So instead of attributing such a view to him, we may regard his economic writings as abstracting from the higher purposes in human life, taking those purposes out of the realm of legitimate policy concerns. … Consequently, Smith never defines "happiness" as the satisfaction of the desires we happen to have. (1999, p. 145)

Specifically referring to the “happiness” claim in WN, but also applicable to its counterpart in TMS he argues that:

… we should hesitate more than a little before reading utilitarian content into this claim. The sentence before it tells us that "what improves the circumstances of the greater part of society can never be regarded as an inconveniency to the whole”
and it is clear that “improves the circumstances” is to be equated with lifting people out of misery is a good thing, a criterion, indeed, of any society's success. But the cautious wording, the double negatives in two successive sentences, and the term "flourishing" with which he pairs "happy," allow Smith to avoid committing himself to happiness as the be-all and end-all of human life. Not being unhappy is clearly one of our ends; being happy, in the sense in which that means having "improved circumstances," is not clearly our total or final end. 146-147

Furthermore, there is no sense in which “happiness” can be thought of as a quantity that could be maximized, and as Fleischacker suggests, there is no attempt to make other goods commensurate with happiness. Nor does he make benevolence, or something like the good of society into an over-arching moral imperative. Indeed, “I have”, says Smith, “never known much good done by those who affected to trade for the publick good” (WN IV.ii.9, p. 456). In TMS Providence, Nature, or God aligns individual action with beneficial social outcomes. (TMS IV.1.11; II.ii.4-5) Forgetting this, Henry Sidgwick unreservedly treats TMS as espousing a utilitarian morality because of this alignment of utility the operation of the moral sentiments in establishing and maintaining social order: “And we may observe that the most penetrating among Hume's contemporary critics, Adam Smith, admits unreservedly the objective coincidence of Rightness or Approvedness and Utility …” (p. 420).

**Smithian vs. Utilitarian Sympathy**

Since Smith himself has already told us that his concept of “sympathy” is not the same as that implied in Hume’s sympathy with public interest, perhaps we need not elaborate on Smithian sympathy in detail. Suffice it to say that sympathy in his sense of the imaginative change of place between agent and spectator and experiencing the concord of sentiments is equivalent to moral approval. It is essentially a process or mechanism by which we moral judgments. It is not itself a sentiment or feeling, but the awareness of agreement produces a pleasurable sensation even when the sentiment immediately involved my be painful. Its status as a motive to action is problematic as Raphael has argued “no” (1976, p. 21-22) while Montes has launched a powerful refutation. It is a technical concept, and all would (or should) agree that it is not the same thing as benevolence, compassion, or pity. Smith’s usage is also unique in that he invokes it for the concord of feeling for any passion or sentiment. (TMS I.i.1.5)

Now in utilitarianism as Smith also has noted, sympathy is the pleasure of a spectator which he experiences when he, “surveys the utility of any quality from sympathy with the happiness of those who are affected by it” (TMS VII.iii.3.17). It is a feeling, not the technical concept, which does the philosophical work of supporting moral judgment in Smith’s system. The utilitarian spectator seems to vicariously feel the pleasures and pains of those affected by an action.

I would suggest that we see the same kind of sympathy in Sidgwick, for example:

But if my refutation of this doctrine [referring to his critique of Mill] is valid, we have carefully to distinguish two ways in which sympathy operates: it no doubt generates sympathetic pleasures and pains, which must of course be taken into
account in the calculations of Egoistic Hedonism: but it also causes impulses to altruistic action, of which the force is quite out of proportion to the sympathetic pleasure (or relief from pain) which such action seems likely to secure to the agent. So that even if the average man ever should reach such a pitch of sympathetic development, as never to feel prompted to sacrifice the general good to his own, still this will not prove that it is egoistically reasonable for him to behave in this way. (495-496)

Given the second, Mill’s most famous statement of the over-arching utilitarian guide for individual action becomes clear:

As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality. (p. 218)

Sympathetic pleasures and pains count in the aggregation of pleasure and pain to determine the best course of action. The ability to sympathize in this sense also serves as a motive to benevolent action, and perfect benevolence is the essence of ideal utilitarian morality. Utilitarian sympathy is closely associated with the virtue of benevolence, which in turn takes its place as the only guide to action that will tend to maximize the aggregate pleasure, happiness, or utility.

In the most important modern work in political philosophy John Rawls, reasoning along the same lines as Mill and Sidgwick, views the impartial spectator as a device for achieving the maximization of social utility:

The most natural way, then, of arriving at utilitarianism…is to adopt for society as a whole the principle of rational choice for one man. Once this is recognized, the place of the impartial spectator and the emphasis on sympathy in the history of utilitarian thought is readily understood. For it is by the conception of the impartial spectator and the use of sympathetic identification in guiding our imagination that the principle for one man is applied to society. It is this spectator who is conceived as carrying out the required organization of the desires of all persons into one coherent system of desire; it is by this construction that many persons are fused into one. Endowed with ideal powers of sympathy and imagination, the impartial spectator is the perfectly rational individual who identifies with and experiences the desires of others as if these desires were his own. In this way he ascertains the intensity of these desires and assigns them their appropriate weight in the one system of desire satisfaction of which the ideal legislator then tries to maximize by adjusting the rules of the social system. (p. 27; see also Glossop, 1976)

While this passage does not refer immediately to Smith we are told later in the text this represents the “classical view” of utilitarianism where Rawls gives
the following definition reminiscent of Hume and Adam Smith. Something is right, a social system say, when an ideally rational and impartial spectator would approve of it from a general point of view should he possess all the relevant knowledge of the circumstances. A rightly ordered society is one meeting the approval of such an ideal observer. (p. 184)

It is clear that Rawls is following a fairly standard view among philosophers that TMS is a book in the Utilitarian tradition. Moreover, he conflates Smith’s and Hume’s moral theory despite Smith’s arguments to the contrary. Given their shared terminology, mistakenly assumed to also signify a shared philosophical position, utilitarians perhaps even more so than the German inventors of Das Adam Smith Problem, forced TMS into a mold that Smith had already told them not to do. As I have argued in this section, Smithian utility is not utilitarian utility and Smithian sympathy is not utilitarian sympathy.

So if TMS is not utilitarian what is it? We turn now to examine the possibility that it is a treatise of virtue ethics.

2.0 Smith and Virtue Ethics

I will be scandalously brief in this section, since much more work needs to be done. Virtue ethics, as I imperfectly understand it, is a throwback to Plato’s and Aristotle’s approach to morality. Aristotle’s Nichmachean Ethics seems to be the seminal text. Utilitarianism and Kantianism dominated moral philosophy in the 19th and 20th century, until writers such as MacIntyre, Foote, Hursthouse, began a revival of virtue ethics in the Aristotelian tradition of focusing on excellences of character rather than on determining a single criterion for right action. My understanding is that it is now recognized as a distinctly different, third way, in moral philosophy.

Recently McCloskey and Hanley have both claimed Smith as a virtue ethicist. At this stage in my research I have three problems with this. First, in some sense it seems to me that all of the moral philosophers of the 18th and 19th centuries, which I have been discussing gave an account of the virtues, and explicitly thought in terms of the virtues and believed that their task as moral philosophers was to give an account of the virtues. This is particularly clear in Smith:

In treating of the principles of morals there are two questions to be considered. First, wherein does virtue consist? Or what is the tone of temper, and tenour of conduct, which constitutes the excellent and praise-worthy character, the character which is the natural object of esteem, honour, and approbation? And, secondly, by what power or faculty in the mind is it, that this character, whatever it be, is recommended to us? Or in other words, how and by what means does it come to pass, that the mind prefers one ten our of conduct to another, denominates the one right and the other wrong; considers the one as the object of

3 In his most recent book, Raphael explains in a footnote that he pointed out this error to Rawls in private correspondence, and that Rawls promised (but failed) to fix it. “No doubt he had forgotten about this when he prepared the revised edition.” (2007, p. 46)
approbation, honour, and reward, and the other of blame, censure, and punishment? (TMS VII.i.2)

In other words what constitutes virtue and how to we come to know what is virtuous and what is vicious? So in some sense everyone is a virtue ethicist.

Second, when I read statements such as the following coming from self-proclaimed virtue ethicists I wonder what it is that I have missed, because it seems to me that virtue ethics does not stand in its own:

According to virtue ethics—and in this book—what is wrong with lying, when it is wrong, is not that it is unjust (because it violates someone’s ‘right to truth’ or their ‘right to be treated with respect’) but that it is dishonest, and dishonesty is a vice. (Hursthouse, p. 6)

How does the virtuous person know when lying is wrong and when it’s not? Worse the whole statement is circular. What’s wrong with lying is that lying is a vice. Virtue is that which is non-vicious, and that which is non-vicious is virtuous.

Third, and more significantly, I believe that we can place Smith into one of the two great traditions, so in the sequel I argue that Smith most closely resembles a Kantian deontologist.

3. 0 Smith and Kant

Alec Macfie and Raphael, the editors of the Glasgow Edition of TMS and Fleischacker have examined such evidence as there is for a Smithian influence running from TMS to Kant’s moral philosophy. We know Kant read WN, but, says Fleischacker, “More difficult to establish … is whether Kant read the Theory of Moral Sentiments. (1991, p. 249).

It seems that Kant knew and valued TMS, judging from a letter of 177x written to him by one Markus Herz. A passage in this letter speaks of 'the Englishman Smith, who, Mr. Friedländer tells me, is your favourite' (Liebling), and then goes on to compare the work of Smith with 'the first part' of 'Home, Kritik', no doubt meaning Elements of Criticism by Henry Home, Lord Kames. As Eckstein points out, the date of 1771 (too early for WN and one year after the publication of the first German translation of TMS) and the comparison with Kames show that the writer must have had TMS in mind. (Raphael, 1976, p. 31)

Fleischacker has done a more recent, thorough, presentation and evaluation of the evidence that Kant had indeed studied TMS. Although not conclusive, the evidence is very strong that Kant read and valued TMS.

We also have some internal evidence given by “the remarkable verbal parallels Oncken points out between the accounts Smith and Kant give of conscience and moral laws” (1991, p. 253). There are, for example, two explicit references to the “impartial rational spectator” in the Groundwork (AK 4:393, 1997a, p. 7), and to “impartial reason” in the second Critique (AK 5: 124, 1997b, p. 104) Reading Kant with a knowledge of Smith
yields a remarkable number of similarities of style and argumentation. Fleischacker again notes similarity of thought on major issues such as the role of God and conscience in morality:

I would add that viewing moral law as if they issued from God - rather than, with rationalists and natural law theorists, as in fact issuing from God, or, with most empiricists, as having little or nothing to do with God - was highly unusual in the eighteenth century, and that it is precisely in the matter of rules, conscience and judgment that Smith most deeply looks forward to Kant. (254)

However, my purpose is not to establish Kant’s Smithian credentials so much as it is to establish Smith’s Kantian credentials. Since there is no question of direct filiation of ideas from Kant to Smith similarity of language and the content of the ideas is all that counts.

Duty, the regard for rules, thus forms the apex of Smith’s system of moral judgment, directing "reason" or "conscience," which in turn encourages or restrains our immediate selfish and benevolent passions. And it is this placement of duty, and this conception of rules, that comes so startlingly close to Kant. (Fleischacker, 1991, p. 261)

Similarly, Raphael now places Smith above Hume as a moral philosopher, and unsurpassed in his account of the conscience (2007). Given this it would not be surprising if Kant arrived at a similar conclusion and built his own theory of the conscience on a Smithian foundation.

Before turning their respective accounts of conscience, duty, and the regard for rules, we need to note an important difference between the two. Smith’s is an empiricist and his approach to morals is empirical. As we saw above his desire to explain morality scientifically is one aspect of TMS which sets him apart from the trajectory moral philosophy took in the 19th and 20th centuries. Kant, however, is a rationalist and he repeatedly asserts the need to eschew all empirical determinations of the agent to establish his concept of the freedom of the will.

Since my aim here is directed properly to moral philosophy, I limit the question proposed only to this: is it not thought to be of the utmost necessity to work out for once a pure moral philosophy, completely cleansed of everything that may be only empirical and that belongs to anthropology? For, that there must be such a philosophy is clear of itself from the common idea of duty and of moral laws (AK 4:389, 1997a, p. 2)

In fact, it is absolutely impossible by means of experience to make out with complete certainty a single case in which the maxim of an action otherwise in conformity with duty rested simply on moral grounds and on the representation of one's duty (AK 4:407, ibid., p. 19).

We shall thus have to investigate entirely a priori the possibility of a categorical imperative, since we do not here have the advantage of its reality being given in experience (AK 4:420, ibid., p. 30; emphasis in original)
This principle of humanity, and in general of every rational nature, as an end in itself (which is the supreme limiting condition of the freedom of action of every human being) is not borrowed from experience; (AK 4: 431, ibid., p. 39)

Smith, however, says:

It is thus that the general rules of morality are formed. They are ultimately founded upon experience of what, in particular instances, our moral faculties, our natural sense of merit and propriety, approve or disapprove of. … The general rule, on the contrary, is formed, by finding from experience, that all actions of a certain kind, or circumstanced in a certain manner, are approved or disapproved of (TMS III. 4.8, p. 159).

While Kant the metaphysician needs to strip away all empirical phenomena that determine the self in order to arrive at the noumenon of the thing in itself, which has a free will, Smith has the self proceeding inductively from experience to the formation of rules of conduct. These rules, then, perform a similar function in Smith, namely the correction of the bias of self-centeredness. Rather than view Smithian empiricism and Kantian metaphysics as opposing view points, I would suggest that we view them as complimenting each other.

The two also deploy remarkably similar accounts of the process of self-evaluation and the formation of the moral conscience. Kant on conscience:

Every concept of duty involves objective constraint through a law (a moral I imperative limiting our freedom) and belongs to practical understanding, which But the internal imputation of a deed, as a case falling under a law (in meritum aut demeritum), belongs to the faculty of judgment (iudicium), which, as the subjective principle of imputing an action, judges with rightful force whether the action as a deed (an action coming under a law) has occurred or not. Upon it follows the conclusion of reason (the verdict), that is, the connecting of the rightful result with the action (condemnation or acquittal). All of this takes place before a tribunal (coram iudicio), which, as a moral person giving effect to the law, is called a court (forum). - Consciousness of an internal court in man ("before which his thoughts accuse or excuse one another") is conscience.

Every human being has a conscience and finds himself observed, threatened, and, in general, kept in awe (respect coupled with fear) by an internal judge; and this authority watching over the law in him is not something that he himself (voluntarily) makes, but something incorporated in his being. …

For all duties a human being's conscience will, accordingly, have to think of someone other than himself (i.e., other than the human being as such) as the judge of his actions, if conscience is not to be in contradiction with itself. This other may be an actual person or a merely ideal person that reason creates for itself (AK 6:438, 1996, p. 189).

A human being who accuses and judges himself in conscience must think of a dual personality in himself, a doubled self which, on the one hand, has to stand
trembling at the bar of a court that is yet entrusted to him, but which, on the other hand, itself administers the office of judge that it holds by innate authority (p. 189n).

Smith on conscience:

When I endeavour to examine my own conduct, when I endeavour to pass sentence upon it, and either to approve or condemn it, it is evident that, in all such cases, I divide myself … into two persons; and that I, the examiner and judge, represent a different character from the other I, the person whose conduct is examined into and judged of. The first is the spectator, whose sentiments with regard to my own conduct I endeavour to enter into, by placing myself in his situation, and by considering how it would appear to me, when seen from that particular point of view. The second is the agent, the person whom I properly call myself, and of whose conduct, under the character of a spectator, I was endeavouring to form some opinion. (TMS III.i.6, p. 113)

Kant and Smith, as Fleischacker noted above, also attribute to the moral law which governs the conscience is if it was the Law of God:

Now since such a moral being must also have all power (in heaven and on earth) in order to give effect to his laws (as is necessarily required for the office of judge), and since such an omnipotent moral being is called God, conscience must be thought of as the subjective principle of being accountable to God for all one's deeds. In fact the latter concept is always contained (even if only in an obscure way) in the moral self-awareness of conscience (AK 6:439, 1996, p. 190).

Since in Smith the judgments of the impartial spectator are more likely correct than those of actual or partial spectators the conscience represents a higher tribunal from which moral judgments are made and from which moral authority proceeds. As such we have a natural tendency to view these rules as laws equivalent to the Law of God:

Since these, therefore, were plainly intended to be the governing principles of human nature, the rules which they prescribe are to be regarded as the commands and laws of the Deity, promulgated by those vicegerents which he has thus set up within us (TMS III.5.6, p. 165).

Both require a high level of self-government for the agent to achieve virtue. Kant on self-government:

Virtue signifies a moral strength of the will. …Virtue is, therefore, the moral strength of a human being's will in fulfilling his duty, a moral constraint through his own lawgiving reason, Insofar as this constitutes itself an authority executing the law (AK 6:406, 1996, p. 164).

Since virtue is based on inner freedom it contains a positive command to a human being, namely to bring all his capacities and inclinations under his (reason's) control and so to rule over himself, which goes beyond forbidding him to let himself be governed by his feelings and inclinations (the duty of apathy); for
unless reason holds the reins of government in its own hands, his feelings and inclinations play the master over him (AK 6:408, *ibid.*, p. 166).

As is well known self-command is the necessary virtue without which Smith’s agents will not be able to practice the other virtues. Smith on self-command:

The degree of the self-approbation with which every man, upon such occasions, surveys his own conduct, is higher or lower, exactly in proportion to the degree of self-command which is necessary in order to obtain that self-approbation (TMS III.3.26, p. 147).

The man of the most perfect virtue, the man whom we naturally love and revere the most, is he who joins, to the most perfect command of his own original and selfish feelings, the most exquisite sensibility both to the original and sympathetic feelings of others (TMS III.3.35).

The rulings of the impartial spectator or the conscience being like the laws of God are in fact moral laws. They command universally, whether they are obeyed or not. The conscience, thus, gives the agent a duty or obligation to obey the moral law. This is true for Kant and Smith. Kant on doing our duty:

The greatest perfection of a human being is to do his duty *from duty* (for the law to be not only the rule but also the incentive of his actions (AK 6:392, 1996, p. 155).

Smith on the sense of duty and on praise vs. praiseworthiness:

The regard to those general rules of conduct, is what is properly called a sense of duty, a principle of the greatest consequence in human life, and the only principle by which the bulk of mankind are capable of directing their actions (TMS III.5.1, p. 161-162).

Doing one’s duty from the desire to do one’s duty, because it is a duty seems roughly equivalent to Smith’s distinction between praise and praiseworthiness:

Nature, accordingly, has endowed him, not only with a desire of being approved of, but with a desire of being what ought to be approved of; or of being what he himself approves of in other men (TMS III.2.7, p. 117).

But though man has, in this manner, been rendered the immediate judge of mankind, he has been rendered so only in the first instance; and an appeal lies from his sentence to a much higher tribunal, to the tribunal of their own consciences, to that of the supposed impartial great judge and arbiter of their conduct. … The jurisdiction of the man without, is founded altogether in the desire of actual praise, and in the aversion to actual blame. The jurisdiction of the man within, is founded altogether in the desire of praise-worthiness, and in the aversion to blame-worthiness (TMS III. 2.32, p. 130-131)
Smith and Kant both draw an important distinction between outwardly moral behavior and the internal condition of the agent. For both truly moral behavior must rise above or reflect a deeper commitment to morality than mere external behavior. The judgment of the conscience is what really counts.

4.0 Conclusion

It is not surprising that Kant would find fertile ground in the part of TMS which represents one of the two outstanding points of originality in Smith’s system: the conscience as the internal judge, which leads to the formation of general rules and the sense of duty and the account of utility in Part IV. While there remain unanswered questions concerning direct lines of filiation from Smith to Kant, I hope to have shown that Smith’s TMS is very much at home within Kantian metaphysics. Furthermore, he has been seriously misplaced among the classical 19th and 20th century utilitarians, which has caused his original contributions to be misunderstood, under-rated, and even ignored.

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