

**On Empathy in Adam Smith's *The Theory of Moral Sentiments*
and its Role within a Contractualist Framework**

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I. Introducing the Philosophical Smith

In the eighteenth century, Scottish Enlightenment thinkers emphasized the importance of sympathy in the construction of the moral self. Among this group of philosophers, Adam Smith's moral account is especially astute.

Though traditionally Smith's moral philosophy has been cast in the shadows of other Scottish philosophers, namely those of Francis Hutcheson and David Hume, Smith's *The Theory of Moral Sentiments* presents an exposition of moral psychology that differs from his contemporaries in important ways. A modest reading of *The Theory of Moral Sentiments* (hereafter the *TMS*) reveals a moral account that depends on a firm understanding of sympathy; it is in fact Smith's emphasis on the notion of sympathy that leads to the belief that his work merely reiterates other moral accounts that seem to rest on the very same principle. However, a close reading of the text will show that Smith's sympathy, when fully appreciated, distinguishes his account from any other. Hume, for example, offers a notion of sympathy through which we can make moral judgments from an impartial standpoint. And while Smith still uses the term 'sympathy', and also coincidentally uses the word 'impartial', his use of the terms is not equivalent to Hume's—far from it. In contrast, the *TMS* presents a notion of sympathy that is better described as *empathy*¹.

Clarifying Smith's language is critical in assessing the *TMS*. Smith's use of the word 'sympathy' itself may tempt one to classify him as presenting a version of sentimentalism about morality; however, understanding the notion of *empathy* within the *TMS* is central to

1. I get this idea from several of Stephen Darwall's texts. I will go on to discuss this difference in detail in Sections III and IV. For a thorough treatment of this issue, see: Stephen Darwall, "Empathy, Sympathy, Care," *Philosophical Studies* 89 (1998).

comprehending true Smithean morality. This distinction between sympathy and empathy leads Smith away from his fellow sentimentalists, and provides the foundations for a distinctively egalitarian moral framework, in which moral judgment is based on a rich understanding of the self as one among others. For Smith, the human capacity to empathize induces a moral self-awareness that provides each individual with a fundamental connection to other individuals. This connection is one that allows individuals to judge the moral propriety of action.

Therefore, it is Smith's empathy that has substantial implications for the interpretation of the *TMS*. This paper will first briefly outline the way in which Smith's view differs decisively from Hume. By breaking Smith free from his Humean caricature, I hope to shed light on the *TMS* as a comprehensive piece of moral philosophy worthy of our consideration. I will then explain how we should interpret Smith's moral theory in light of understanding Smithean empathy. Clarifying Smith's language in the *TMS* will illustrate the impact of an empathy-based moral theory, which will allow us to see that Smith is not merely engaged in a project of descriptive moral psychology, but rather is laying the groundwork for a rich normative ethical theory. I will argue that Smith's moral account arrives at principles of equal dignity, mutual respect, and moral accountability based on standards set forth by what any reasonable, impartial, agent would do in the situation. Moreover, and in conclusion, I will argue that Smith's arrival at these standards is consistent with and can be seen as a worthy precursor to a type of contractualist account, in which one arrives at judgments of moral propriety by applying hypothetical regulatory principles based on standards that no one could reasonably reject.

II. Smith vs. Hume on Sympathy

At the outset of the *TMS* Smith describes the human propensity to sympathize with others. Our capacity to engage in fellow-feeling is shared by all humans, and it is the sole means by which we relate to one another and share in each other's sentiments:

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 like in the situation...By the imagination we place ourselves in his situation, we conceive ourselves enduring all the same torments...and become in some measure the same person with him.²

When we sympathize, we conceive of how we would expect to feel in the situation of another. Smith begins the *TMS* in this way in order to provide a descriptive basis for his moral account. The act of sympathizing, he contends, is one of the most basic human operations, and it is the only way through which we can hope to understand each other and our motivations. It is because sympathy informs us in this way—by forging a link between different human beings' experiences—that our sympathetic tendencies also provide the basis for judgments of propriety: We judge the appropriateness of an another person's actions and reactions by the same standards we use to judge ourselves. By establishing a method of arriving at judgments that applies to both ourselves and to others, Smith establishes an impartiality to our moral assessments. I will later describe this more fully, but what is important in distinguishing Smith's account from an account such as Hume's is the way his account achieves impartiality. As I argue, this is a defining feature of Smith's account.

To illustrate the manner in which we judge the sentiments of others, both Hume and Smith make use of what I will call the 'Actor/Spectator' (henceforth A/S) relationship. The A/S relationship consists of an actor, who is, as we might expect, the agent performing the action or the agent principally concerned with some situation, and the spectator, who is the individual viewing the action and judging the propriety of the action. The A/S relationship is characterized

2. Adam Smith, *The Theory of Moral Sentiments*, (Mineola: Dover Publications Inc., 2006) 3.

as one that is purposefully unbalanced—one character is involved in the action while the other is not; one is invested in the action and its propriety while the other is, in a sense, impartial. While both Hume and Smith make use of the A/S relationship, the manner in which their spectators judge the propriety of action is where the two diverge, ultimately leading to two different sorts of moral theories.³

Hume's approach to moral judgments made by the spectator is one of impartiality in the true sense of the word. The spectator and her personal sentiments remain largely uninvolved in the moral judgment of action. The spectator, or observer, views the actor's passions as manifestations of her character traits, and judges based on an impartial understanding of whether those traits are good, or beneficial, for that agent to possess by evaluating the extent to which those closest to the agent, including the agent herself and the agent's friends and acquaintances, would have reason to find the actor's character traits agreeable or disagreeable to herself or to others.⁴ The spectator evaluates the extent to which her character traits are desirable based on what she observes *strictly from outside the actor*. On Hume's view, we evaluate an actor's character traits by observing her actions and how they are viewed by those of her closest friends and acquaintances, and reaching a decision about whether a specific trait is agreeable, useful, or not. Loyalty, for example, is a character trait we would approve of, because the actor being loyal is beneficial both to the actor and to her close circle; if the actor is loyal, she is capable of expressing firm support on behalf of her friends, which allows her to cultivate dedicated friendships.

3. Stephen Darwall, *The British Moralists and the Internal 'Ought'*, (Cambridge: Cambridge University Press, 1995). The book discusses Locke, Hobbes, Hutcheson, and Hume (among others) and how their various accounts relate to one another. Curiously, Adam Smith is almost entirely absent from the book, though Darwall develops Smith's moral philosophy in other works.

4. Darwall, *The British Moralists and the Internal 'Ought'*, 287. See also Hume, David, *A Treatise of Human Nature*, (Oxford philosophical texts. Oxford: Oxford University Press, 2000) 387-395.

By judging the actor based on whether or not her character traits are beneficial, Hume creates an account that incorporates objective, or *impartial*, standards. By creating a standard of impartiality, he attempts to explain how our moral assessments are not subjective, but that the method of judgment is universal and can be applied such that we will each arrive at the same assessment of an actor's character traits. Regardless of whether or not we know the actor well, or even if we strongly dislike the actor, we can nevertheless judge the actor based on the impartial standards of 'agreeableness' and whether specific character traits are or are not agreeable by sympathizing with those who interact most with the actor. Evaluating an agent at such an 'aesthetic' distance accounts for this objectivity.

Hume's account, however, does not incorporate an understanding of the actor's first-person perspective. In order to make assessments, there is no need to put ourselves in the shoes of the person we are judging and attempt to identify with her deliberation; what we are evaluating is simply whether the agent's traits and motives are "useful or agreeable" to herself or to others—a view that is, by contrast, third-personal. Hume's judgments are preoccupied with an assessment of 'usefulness' or 'agreeableness' such that we evaluate a person's traits in much the same way we might evaluate a house, a car, or a work of art. A house, a car, or a work of art each may be useful and agreeable in certain ways that we can judge from an impartial point of view as having traits that are desirable or not, *useful* or not. So why not use this model to make the same sort of assessments about human beings?

A person is quite different from a car, about which we might arrive at such assessments of 'usefulness' or 'agreeableness'. Unlike a car, a person is engaged in a *normative deliberation*, and further, she views herself in such a light. An evaluation that fails to take up the actor's point of view seems to be missing this deliberative standpoint, which has particular relevance in moral

evaluation specifically. Darwall claims that Hume's detached approach to sympathy limits the degree of moral apprehension on the personal and interpersonal levels: "So considered, morality has nothing essentially to do with judgments we render from within the moral life as agents and patients interacting with each other."⁵ He goes on to claim, most importantly, that "[Hume's spectator judgment] is not concerned, in any fundamental way, with reciprocity between equals or with any mutual accountability."⁶ Hume's spectator takes up an impersonal standpoint that establishes a so-called 'aesthetic distance' between the actor and the spectator that allows the spectator to judge only from a state of agent-neutrality.⁷ The circumstances and motives of the actor are contemplated in terms of character traits at this sort of 'aesthetic' distance, from the perspective of a true outsider. For Hume, a spectator is strictly a spectator.

By contrast, Smith accounts for the impartiality of our judgments in a much different way. Smith's spectator makes judgment of an action's propriety by taking up a point of view that is not governed by impartiality exclusively from a distance, but rather includes a sort of impartial empathy with the actor and her specific circumstances. Smith's A/S relationship entails a projection on the part of the spectator into the place or situation of the actor to judge what she, the spectator, would feel if she were in the same position.⁸ Already we see a difference between Smith's account and Hume's. Approval of an action can only occur when the spectator takes up the actor's point of view: "Smith holds that to judge whether a motive or feeling is warranted or proper, we must take up, not some external perspective, but that of the person who has the

5. Stephen Darwall, "Sympathetic Liberalism: Recent Work on Adam Smith," *Philosophy and Public Affairs* 28, no. 2 (March 1, 1999) 141.

6. Darwall, "Sympathetic Liberalism," 141.

7. Darwall, "Sympathetic Liberalism," 141.

8. Smith, *The Theory of Moral Sentiments*, 5.

motive or feeling—the agent’s standpoint, in the case of motivation.”⁹ Smith’s spectator is interested in any relevant information about the actor that is available, including any part of the actor’s motivations and circumstances: emotional, physical, or otherwise. On Smith’s view, the spectator is necessarily aware of the actor’s point of view, and she makes judgments from this actor-relative perspective.

Where, then, does impartiality come into the picture on Smith’s account? After all, it was Smith who invented the so-called ‘impartial spectator’. Smith claims that impartiality also regulates moral judgment, but not providing us with an objective standard of ‘agreeableness’ (as with Hume). For Smith, the view we take up is not impartial in the sense of ‘impersonal’ or ‘outside of any particular perspective’, but once we take up the actor’s point of view, our judgments from that standpoint, if we empathize correctly, should be impartial. To clarify, the spectator imaginatively projects herself into the actor-relative standpoint. She then makes judgments about the propriety of action not from her own point of view (that is, a spectator-relative point of view), but from what she takes to be an impartial standpoint. The spectator judges propriety not from how *she* would react in the situation, but impartially—which is to say that she should judge impartially in the way that any one of us would. Consider the following:

We are but one of the multitude, in no respect better than any other in it...It is from [the impartial spectator] *only* that we learn the real littleness of ourselves, and of whatever relates to ourselves, and the natural misrepresentations of self-love can be corrected *only* by the eye of this impartial spectator.¹⁰

9. Darwall, “Sympathetic Liberalism,” 141 Darwall elaborates on this point in a book review of *The Cambridge Companion to the Scottish Enlightenment*: “For Smith, however, judgments of propriety require a projection into the agent’s shoes in order to face her deliberative situation as she faces it and assess how one is disposed to feel and be moved from that perspective compared with how she is actually moved and feels. This is a fundamental difference... Smithian judgments involve an implicit identification with (and so, a kind of proto-respect for) the agent who is being judged that Humean spectator-judgments do not.” Stephen Darwall, “Book Review on *The Cambridge Companion to the Scottish Enlightenment* Alexander Broadie (ed.),” *The Adam Smith Review* 3, (2007) 191.

10. Smith, *The Theory of moral Sentiments*, 133. My emphasis.

As a spectator, we judge not simply as ourselves in another's shoes, we become one of many impartially regulated individuals; we lose our individual prejudices. Spectators project into the actor's circumstances in order to impartially judge from the actor's perspective, but in such a way that *anyone* could imaginatively project into the actor's point of view and also judge the propriety of her action. For example, if I were among a group of people to whom a joke was being told, afterward I might observe quite a few people laughing. Whether I, personally, find the joke amusing enough to be moved to laughter is unimportant in Smith's assessment—if I am properly projecting into another's shoes, I can see, impartially, how laughter would be an appropriate response, because any reasonable person might in fact laugh in the circumstances. Projection, therefore, is not spectator-relative; rather, every spectator judges impartially *as any one of us*.¹¹

To be 'one of the multitude' as Smith describes above, means that each of us is equally subject to judgment from any impartial spectator. What is more, each of us, as one of many, is equally equipped to judge as any impartial spectator would be. By taking up the actor's point of view, properly regulated impartially, we divorce ourselves from our biases and sympathize with another's sentiments by understanding circumstances and objects from her point of view. This allows the spectator to keep the actor's point of view in mind when judging impartially, which will consequently yield impartial standards based on how any impartial agent would react in certain situations. This is the fundamental difference between Smith's and Hume's views: Smith's spectator makes informed judgments about what is moral, not merely with regard to judgments of "usefulness and agreeableness" as Hume's does, but with the actor's deliberative point of view in mind specifically. Hume's view therefore is what we might call impersonal,

11. Darwall develops this point further in "Sympathetic Liberalism." See p. 142.

whereas Smith's view entails arriving at an impartial understanding, and ultimately also a *justification*, of an actor's reasons for acting through empathy.

This difference will have considerable effects on our interpretation of the *TMS*, specifically with regard to the language used. The word 'sympathy', used by both Smith and Hume, literally means *with* feeling. In light of the above discussion, 'sympathy' appears to be the appropriate word to use for Hume's account, because sympathy is a sentiment that requires approbation of action that is shared *only with* others who are part of the actor's closest friends and acquaintances, and involves no effort to put ourselves in the shoes of the actor, whether through an impartial standpoint or otherwise.¹² On the other hand, Smith's use of the word 'sympathy' is better described as 'empathy'. 'Empathy', by contrast, literally means *in* feeling, which refers to the maneuver Smith describes of putting oneself *in* the situation of another, and reaching approbation based on the impartial judgment of those actions. This clarification of Smith's language separates him from Hume, and will greatly impact the way we interpret the *TMS*, which I will turn to presently.

Thus far, I have established that Smith differs from Hume with regard to the A/S relationship: where Hume's spectator evaluates the actor from an impartial, aesthetic distance, Smith's spectator evaluates the actor from *within* the actor's standpoint, and this distinction redefines Smith's 'sympathy' as 'empathy'.¹³ More work must now be done to further explain Smith's notion of empathy. Because empathy plays such a large role in the *TMS*, and I hope to show how the nature of Smithean empathy will provide the framework for moral assessment, it is necessary to this project that I spend some time explaining what exactly I take Smithean empathy

12. This is not to say that Hume discounts the actor entirely. We are still concerned with whether or not the character traits of the actor are agreeable to the actor herself, but again only from a third-personal perspective: we sympathize with agents who possess desirable character traits *because* they are "useful" and "agreeable" (again, to herself).

13. To be consistent, I will hereafter use the term 'empathy' wherever Smith himself may have used the term 'sympathy' except, of course, in direct quotations.

to mean. The following discussion will include the relevant information about the empathetic maneuver, an explanation of the limitations spectators face in empathizing, the breadth of understanding that empathy adds to the A/S relationship, and an explanation of why the empathetic maneuver itself requires us to make and recognize what Stephen Darwall calls second-personal claims.

III. Empathy and the Empathetic Spectator

To empathize with another involves taking up that person's circumstances and projecting into her shoes. According to Smith, we judge propriety by doing just that. So what does that projection entail, and how does the empathetic spectator operate?

First, Smith claims that the empathetic maneuver is not selfish. By insisting that it is not "selfish", Smith is addressing the concern that empathizing is a sort of pleasure we obtain from putting ourselves in another's shoes—by imagining another's circumstances, we get a sort of excitement from attempting to determine what we might do if we were (e.g.) faced with a life-threatening decision. It is especially Smith's consistent use of the word 'imagining' when deliberating from another's circumstances that implies a concern for our own thoughts and ideas above those of others. Smith clarifies that although empathy arises out of the ability to imagine another and make an assessment of that person's actions, our capacity to empathize is not fundamentally related to self-love or a selfish want of fellow-feeling.¹⁴ Putting herself in another's position, a spectator does not fulfill her own ends by judging propriety through her own standards, or by imaginatively assuming how *her* life would be if she were in the circumstances of the actor. Smith overcomes this misperception by assuring that when we, as spectators, evaluate another's actions, we are not empathizing with the actor by imagining how

14. Smith, *The Theory of Moral Sentiments*, 316.

we would act if *we* were in the situation that the actor is in, but by truly changing perspectives with the actor entirely:

When I condole with you for the loss of your son, in order to enter into your grief, I do not consider what I, a person of such a character and profession should suffer, if I had a son, and if that son was unfortunately to die; but I consider what I should suffer if I was really you, and I not only change my circumstances with you, but I change persons and characters.¹⁵

According to Smith, empathy requires simulation of another's situation in the most genuine fashion, because we do not hold on to our own perspectives. Rather, we take up the actor's point of view completely, and when we return to ourselves, we have gained an understanding of how the actor herself is truly situated in her own circumstances, all things considered.

This may appear to be a dangerously strong claim—that we exchange *entire* persons and characters with the actor. If this were so, then there would be no standard of impartiality to speak of on Smith's account. If, in judging her actions, we put ourselves in the place and mindset of the actor entirely, we would always approve of her actions, since we would be taking up her exact point of view—the empathetic maneuver would be no more than a practice of experiencing others' decisions. However, Smith claims that when we perform the empathetic maneuver, we project with an understanding the “general outlines” of the actor's circumstances—that is the relevant information about the actor's circumstances for making assessments. There is no way to understand every sentiment and situation of every person, but only to appeal to a modification of the actor's circumstances, entering into those which we approve of and failing to enter into those which we do not.¹⁶ It is Smith's insistence on the priority of the empathetic maneuver, entering into another person's situation rather than simply of entering into another person's feelings, is an important feature of Smith's moral account in three ways: first by allowing for a measure of

15. Smith, *The Theory of Moral Sentiments*, 316-317.

16. Smith, *The Theory of Moral Sentiments*, 17. See Part I, Chapter IV.

objectivity, which we established in the previous section; second by accounting for where we have a false sense of empathy, which I address later in this section; and third, by offering a measure of understanding justice within situations, which I discuss in the next section.¹⁷

Thus, Smith claims, we are not concerned merely with judging the action the actor performs, but the action with regard to the actor's motivation in those circumstances: "Sympathy, therefore, does not arise so much from the view of the passion, as from that of the situation which excites it."¹⁸ We are not so much interested in the action itself, but in *why* the action took place and what caused the actions and emotions to come about. Thus, as spectators, when we change places, we are not attempting to feel the same emotions as the actor, but we are trying to imagine the actor's circumstances and respond properly. We need to know any relevant information about the agent's circumstances in order to make an accurate judgment of the propriety of the action. For example, according to Smith it would not be fair to make a judgment of a man who is crying on the street unless we also knew that he just received news that his son died, that his relationship with his son is a loving one, etc. The more a spectator knows about the actor and her circumstances, the more accurate the spectator will be in her projection into the actor's situation, and therefore the more accurate and informed a judgment of approbation will be made.

It is important here to say that Smith recognizes that the A/S relationship will always be an imperfect one.¹⁹ It will always be the case that we know more about our own circumstances in our own lives that we *directly* experience than we do another's. We can never perfectly

17. Charles L. Griswold Jr *Adam Smith and the Virtues of the Enlightenment*, (Cambridge: Cambridge University Press, 1999) 86-89. In his section entitled "Sympathy, Separateness, Self-Love, and Spectatorial Imagination," Griswold does an exceptional job of explaining how Smith's spectator offers an advantageous way of judging propriety by becoming a part of the actor's situation.

18. Smith, *The Theory of Moral Sentiments*, 6.

19. Smith, *The Theory of Moral Sentiments*, 6.

understand another's situation; no matter how similar to our own experience, it will never be *identical* to an experience we have had ourselves. It may be a concern, then, that we may never be able to make *any* accurate judgments of approbation, because no one can ever fully understand another person's situation, let alone another person's character. No experience is identical, and if we can only empathize with those to whom we can relate directly, then empathy will not take us very far.

Smith claims this is not how we should view the A/S relationship, although he does admit there are some situations in which we cannot adequately empathize with another based on limitations in the spectator's ability to project into the actor's circumstances; there are constraints on our empathetic abilities. Smith addresses some of these concerns, most notably through what he calls "illusive sympathy."²⁰ "Illusive sympathy" occurs when our physical and emotional abilities limit us from entering the actor's point of view, but we nevertheless work ourselves up into feeling the same sort of understanding as when we perform the empathetic maneuver. For example, we might attempt to empathize with dead persons, unborn persons, animals, or even inanimate objects, whose position we cannot enter into and with whom we therefore cannot properly empathize.

So what, then, are the proper objects of empathy? These limitations considered it is only circumstances that primarily elicit emotional or moral dispositions of the actor that allow spectators to empathize completely with her circumstances.²¹ Emotions, or actions insofar as they express emotions, which will include emotional or moral dispositions, are the proper

20. Smith, *The Theory of Moral Sentiments*, 69.

21. Griswold, *Adam Smith and the Virtues of the Enlightenment*, 102. Charles Griswold offers an interesting explanation of our empathetic limitations based on when we are or are not 'selfish' in performing the maneuver.

objects of the empathetic maneuver.²² However, even with regard to emotional responses, Smith claims that in order to empathize with an actor she must be expressing an emotion that falls within a certain “pitch”. The pitch of an emotion relates to the level of intensity or accessibility of the emotion. Smith first mentions the pitch of emotions early on in the *TMS* claiming that judging an action’s propriety involves an understanding of emotion, which may fall short of, or exceed, the spectator’s expectation:

There are some situations which bear so hard upon human nature, that the greatest degree of self-government, which can belong to so imperfect a creature as man, is not able to stifle, altogether, the voice of human weakness, or reduce the violence of the passions to that pitch of moderation, in which the impartial spectator can entirely enter into them.²³

Smith claims that humans are unable to control their emotions entirely, and the degree of harshness of emotion—whether it be because the emotion appears too harsh or too modest, though in either case seemingly insensible to the spectator—the spectator cannot entirely understand the behavior of the actor in that moment. Therefore, “the propriety of every passion...the pitch which the spectator can go along with, must lie, it is evident, in a certain mediocrity.”²⁴ Again, to consider the father who has lost his son, upon hearing the unfortunate news, he may cry out with emotional pain, attempting to express the internal torment which the situation forces him to face. However, this man might express this emotion in strange ways, verbally or otherwise, that *any one of us* might not be able to understand. The spectator’s empathy with the emotion of the actor will always be, as we have said, imperfect; what the spectator will imagine the actor will feel will undoubtedly be a different measure or of a different sort than that of the actor herself. But if the degree of feeling is too high, then the actor is too inaccessible to the spectator, and may be grounds for a judgment of impropriety.

22. There is an important clarification to be made about what sort of moral dispositions we are most concerned with, which is made clearer in sections IV and V.

23. Smith, *The Theory of Moral Sentiments*, 21.

24. Smith, *The Theory of Moral Sentiments*, 23.

We may still worry that the necessity of expressing a ‘pitch’ of emotion on the part of the actor is a fundamental defect in Smith’s account. Let us consider the objection fully: If there is no way for a spectator to fully comprehend the moral and emotional situations of another, and to understand the actor, even just in part, the emotion can only be expressed within a small frame of emotional pitch, then it certainly cannot be the case that *any one of us* would be able to enter into an actor’s point of view.

However, this is not detrimental to Smith’s account—in fact, quite the opposite. Smith addresses this concern by adjusting his framework to regulate our judgments impartially, through which his account is actually more universal and *less subjective* than it would be otherwise. Smith accounts for the impartiality of our moral assessments by allowing impartiality to *regulate* our empathy. According to Smith, judgments of approbation require not that our emotions be in perfect unison with one another, but only in concord.²⁵ Though he believes that there are some limitations in fully entering into another’s point of view, each of us is regulated impartially such that we will always be able to understand the deliberative point of view that other humans face in moral situations. The subjectivity of the actor’s point of view, therefore, becomes the basis on which we make judgments of propriety that are strengthened by the fact that if anyone were to enter the situation and pass judgment, it would be in concord with what we ourselves would judge, and further, what the actor herself would judge if she were a spectator. So although we may be empathizing with the actor’s subjective deliberative point of view, and we are limited by

25. Smith, *The Theory of Moral Sentiments*, 17. The idea here is that in every case of projection into another’s circumstances, the assumption of another’s situation not only changes, or modifies the circumstances so that they are more accessible to the spectator, but the projection also changes the *sort of understanding* into an impartial judgment, the emotions about which will never perfectly match with how the actor herself understood the situation in her own, subjective understanding. Thus although we may feel out of ‘unison’ with the actor about the circumstances, or even with any other spectator, the approbation will still be in concord, such that our emotions will not always be identical, but they will never conflict or inhibit our judgment of approbation.

what are, in some sense, subjective inabilities to empathize entirely, our judgments are still nevertheless governed by standards that are not merely subjective, but impartial.

The effect of the impartiality of the A/S relationship, has a broad range of implications for moral understanding, implications that Smith describes in terms of something I will call the empathy equilibrium:

As [spectators] are continually placing themselves in the situation, and thence conceiving emotions similar to what he feels; so he is as constantly placing himself in theirs, and... sensible that they will view it. As they are constantly considering what they themselves would feel, if they actually were the sufferers, so he is as constantly led to imagine in what manner he would be affected if he was only one of the spectators of his own situation. As their sympathy makes them look at it in some measure with his eyes, so his sympathy makes him look at it, in some measure, with theirs ...and view his situation in this candid and impartial light.²⁶

As the equilibrium shows, because we are all at some point both an actor and a spectator, our understanding of the A/S relationship is such that even when we are actors, we are very much aware that others may view our actions and will have cause to approve or disapprove of them. Thus the spectator's spectating is an action to which the actor becomes a spectator, in some ways offering a twice-removed, impartial view of the approbation of her own actions. Moreover, since it then may be assumed that every actor is something of her own spectator, and therefore a regulator of her own actions, the spectator becomes something of an actor, whose judgments may be empathized with and approved of by the actor herself.

The empathy equilibrium offers an understanding of the manner in which we enter into another's perspective by expanding what we take to be relevant information in our judgments. Because every spectator is also, at some point, an actor herself, and every actor is also a spectator, every evaluation we make is reinforced by our presumption of any actor's or any spectator's approval of the judgment we make. And since we view our own actions and others'

26. Smith, *The Theory of Moral Sentiments*, 17.

actions in this way, our ability to empathize is much more immediately embedded with various degrees of human moral understanding than we may have assumed previously. For example, we would never expect that a man *would* be crying on the street to begin with unless something had occurred that would warrant that action. Thus, as spectators, we are already prepared to take up the man's circumstances and offer our approval (of course, not until we are actually made aware of his situation), because we assume that if he were his own spectator, he would approve of his own action. What is more, the equilibrium suggests that even if it were the case that no one were around, since we act as our own spectators to a degree, we assume the presence of an impartial spectator, regardless of whether or not one is actually physically present.

This infinite reflection that the empathy equilibrium proposes is what Darwall argues characterizes Smith's moral theory as one based on "intersubjectivity."²⁷ Understanding that another person is in a reciprocal relationship with me, one like the A/S relationship where the spectator is authorized to make judgments of propriety, entails an understanding of her awareness of me, an awareness of her awareness of my awareness of her, and so on. The A/S relationship is one that Darwall would say requires both parties, that is both the actor and the spectator, to see the other as a 'you' while simultaneously recognizing that the self is a 'me' who the other views as a 'you'. Thus, the A/S relationship is a reciprocal relationship based on a mutual understanding using 'you' and 'me' language, which allows us to interact *second-personally*.²⁸

According to Darwall, Smith's account is one that is fundamentally second-personal. By 'second-personal', Darwall means that the relationship among individuals is based on mutual recognition that can be expressed using 'you' and 'me' language. 'You' and 'me' language is

27. *The Second Person Standpoint* (Cambridge: Harvard University Press, 2006) 102. Not strictly subjective, but intersubjective, again, regulated impartially.

28. Darwall, *The Second-Person Standpoint*, 43-48.

only possible if the relationship between persons is on an equal footing—that is, based on the assumption of respect and authority among individuals to make such statements. A second-personal relationship exists among individuals who are, therefore, equal moral agents. This is an important aspect of a second-personal relationship, because it clarifies where we are unable to make second-personal *claims*.

Darwall defines a second-personal claim as one “whose validity depends on presupposed authority and accountability relations between persons and, therefore, on the possibility of the reason’s being addressed person-to-person.”²⁹ Second-personal claims are based on what any agent would believe she is justified in asking of another; they are related to specific agents, they are not general or agent-neutral claims. By contrast, a third-personal claim takes up an external point of view in determining what one ought or ought not to do based on whether or not the action will produce a desired outcome. If it will not, then there exists a third-personal reason not to perform the action. For example, the fact that some action will produce more unhappiness than happiness might count as a third-personal reason not to do it. Second-personal claims, too, can be distinguished from first-personal claims where one might have a reason not to act certain ways for the sake of one’s pursuits based on external reasons that are not agent neutral. If I am executing a task, and the completion of that task requires that I perform a certain action (independent of third or second personal reasons to perform that action), then there exists a first-personal reason for me to perform that action.³⁰

In terms of the A/S relationship, Darwall argues that it is distinctly our second-personal perspective of one another as actors and spectators that allows us to interact *second-personally*.

Empathy itself is a maneuver that requires understanding of second-personal relationships,

29. Darwall, *The Second-Person Standpoint*, 8.

30. For a description of the differences between first-personal, second-personal, and third-personal relationships, see: Darwall, *The Second-Person Standpoint*, 5-10.

because it is based on the capacity to put oneself in other's situation, which is only possible if we assume a relationship that has this sort of 'presupposed authority' among individuals to make these second-personal claims. This accounts for why we cannot make second-personal claims against (e.g.) animals, and likewise, under Smith's view, we cannot properly empathize with animals either. Our arrival at approbation on Smith's account is done so in such a way that we will provide reasons that are comprehensible to any person with whom we are interacting, because our judgments will be in concord with those of assignable others—that is, for Smith, *any* other.

The empathetic maneuver required in Smith's A/S relationship enriches our understanding of other human beings and their motivations for acting through the lens of an impartial agent. Despite various situations where the spectator is inhibited from fully empathizing with the actor, situations with moral relevance remain accessible to the spectator, and therefore Smith's account is not jeopardized by any inability of the spectator to comprehend the actor. Up to this point, I have consistently mentioned what Smith calls judgments of propriety, what we understand as an action's fitness in a given set of circumstances as judged by an impartial spectator. However, I have yet to draw a connection between judgments of propriety, and what I take to be Smith's moral account as a whole. In the following section, I will elaborate on what Smith requires of us *morally*, maintaining the use of the A/S relationship and terms I have already established. However, I will show how Smith's moral account also offers us a normative ethical view that provides us with reasons for acting based on Darwall's interpretation of the A/S relationship as a second-personal relationship. The second-personal point of view will provide the basis for claims made among individuals, which will expand from

simply the two-person (that is, A/S) description, and it will crucially include empathizing with the patient perspective.

IV. Empathy as the Foundation for Smith's Moral Account

For Smith, performing the empathetic maneuver is what first determines whether an action is proper or not. If we can empathize with the actor, and thereby successfully empathize with the actor's behavior, then she is said to have acted properly, or acceptably. Likewise, if we fail to empathize with the actor, then she is said to have acted improperly. Because empathy (as Smith describes it) is universal and decidedly impartial, such that any one of us would make the same assessment about the action, empathy becomes the foundation for Smith's moral account in a fundamental way; our success in completing the empathetic maneuver, in a manner of speaking, indicates the success of the action performed.

By empathizing, or failing to empathize, we therefore make *moral* judgments about actions—when we are successful in completing the empathetic maneuver, we judge that the action is morally permissible, and when we fail, we judge that the action is morally impermissible. As Smith claims, “when we approve of, and go along with, the affection from which the action proceeds, we must necessarily approve of the action, and regard the person towards whom it is directed as its proper and suitable object... unless he has been the cause of it from motives which we cannot enter into.”³¹ If the position, circumstances, and motives of the actor are such that we can ‘enter into’ or ‘go along’ with the action, then we are able to empathize, and the action is deemed proper. Since empathizing itself requires that we approve of the action, and further, that we agree that the person toward whom the action is directed is in fact

31. Smith, *The Theory of Moral Sentiments*, 73.

the 'proper object' of it, then to fail to empathize is indicative that something about the actor and her behavior has gone wrong.

It is important to distinguish that Smith's moral account incorporates a distinction between different scopes of morality:

1. The first scope includes all actions that warrant the empathetic maneuver. Actions of this sort yield judgments that are termed either 'proper' or 'improper'.
2. A subset of [1], this scope includes actions that involve other human beings. Actions of this sort yield judgments that appeal to reasonable and impartial standards, and are termed 'right' or 'wrong', and 'permissible' or 'impermissible'.

Until this point, I have only considered actions and situations that apply the broader scope of morality, [1] above. At this point, we will consider the scope of morality on Smith's account covered by [2] above, or actions that involve other human beings. I will hereafter focus on these actions, which I will show are critically determined by our judgments of justice and injustice.

On Smith's view, judging whether an action is right or wrong naturally links up to our judgments about justice. As the empathy equilibrium illustrated, individuals behave in a way such that they believe others will approve of, or empathize with, their actions. Even when we are actors, we are aware of the impartial spectator perspective, and to some extent, even act as our own spectators, as we understand that others will have reason to approve or disapprove of our behavior. The multi-faceted understanding of the impartial spectator perspective that the empathy equilibrium provides guides behavior such that when in the presence of *actual* spectators, an actor's self-awareness is cued, critically, by her other-awareness. Because empathy is intersubjective in this way, actions are classified not as simply 'right' or 'wrong', but as decidedly *justified* or *unjustified*.

Thus, when we fail to empathize with an agent, there is some wrong that has been done insofar as someone has been acted *against*.³² The person toward whom an action is directed holds the perspective of what I will call the *patient*—that is, the perspective of the person who has been, so to speak, the victim of improper behavior. Consider Darwall’s description:

On Smith’s view...we judge injustice, not from an observer’s perspective, but by projecting ourselves impartially into the agent’s *and*, crucially, into the *patient’s* point of view. In particular, something is unjust only if it is proper to feel like retaliating against or resisting forcefully.³³

The patient’s perspective is a *reactive* perspective that we take up when we fail to empathize with the agent. If our reaction involves rejecting the actor’s behavior, then we are disposed to empathize with the patient. Upon entering the patient perspective, we find that we do in fact empathize with the patient, and our reaction is characterized as a *warranted resentment*.³⁴ Our impartial assessment is that the actor has done some wrong to the patient, and the patient has a reason, which *anyone* would go along with, to resent the behavior.

For example, let us suppose that our two friends, Jill and Jane, are in a minor dispute. If Jane decides to punch Jill in the face in order to resolve the problem, the action will present an opportunity to practice the empathetic maneuver—both from the actor’s perspective and the patient’s perspective. We put ourselves in Jane’s point of view, taking up her circumstances, and we determine whether or not her action is acceptable based on whether or not any impartial spectator would be able to go along with her actions. In this case, we cannot go along with Jane’s behavior, because to punch Jill is to impose a physical harm that is an unreasonable reaction to the dispute. Therefore, we cannot empathize with Jane. We fail to empathize with Jane, because in her circumstances, physical abuse was an unwarranted reaction to the minor dispute, and it is

32. The scope of morality with which we are concerned here is only when there are others to act against: justification can only occur when we are encountering another person in some capacity.

33. Darwall, “Sympathetic Liberalism”, 143.

34. Smith, *The Theory of Moral Sentiments*, 73.

not the case that *any one of us* would be able to go along with the action. However, failing to empathize with Jane implies that we *are* in fact disposed to empathize with Jill. Having been the victim of inappropriate behavior, we empathize with Jill's resentment, because any one of us would reasonably resent the discomfort, humiliation, disrespect, etc. that has been brought about by Jane's improper response.

In the example with Jill and Jane, we should consider their behaviors as *responsive*. Jane was responding to her situation, albeit improperly, and Jill, resenting Jane, was also reacting, and thereby responding to Jane's behavior. Smith's account relies on the perception of actions as responses to circumstances. Actors and patients respond to their circumstances in either justified or unjustified ways, which is how we assess reactive behavior as either just or unjust:

"Judgments of justice are about warranted 'reactive attitudes'... We judge an action unjust when we project ourselves into the standpoint of a victim and find ourselves disposed to resent and hold the agent responsible. This connects up, in Smith's framework, with matters of dignity and respect in a fundamental way."³⁵ The spectator plays the crucial role of determining whether or not the reactive attitude is warranted, and in so doing, the spectator determines whether or not either of the agents involved has infringed on any second-personal expectations, and further, whether either of the agents has reason to make second-personal claims against the other.

Let us pause for a moment to examine the relevance of second-personal claims in relation to Smith's idea of warranted resentment. Consider the following:

We should resent more from a sense of the propriety of resentment, from a sense that mankind expect and require it of us, than because we feel in ourselves the furies of that disagreeable passion. There is no passion of which the human mind is capable, concerning whose justness we ought to be so doubtful, concerning whose indulgence we ought so carefully to consult our natural sense of propriety, or so diligently to consider what will be the sentiments of the cool and impartial spectator.³⁶

35. Darwall, "Equal Dignity in Adam Smith," 192.

36. Smith, *The Theory of Moral Sentiments*, 35.

According to Smith, resentment is only genuine if it comes from a sense of propriety. If we, not from our own passions, but from those of the impartial spectator, are disposed to think that others *expect* and *require* that we *ought* to resent another, then our resentment is justified and warranted. Just as Darwall's definition of second-personal claims requires presupposed authority and accountability among individuals, Smith's idea of warranted resentment relies on the same presupposition; when there is an actor and a patient perspective, we can make assessments about actions as 'justified' or 'unjustified' by using language that indicates the warranted presence of or infringement on second-personal claims.

Warranted resentment expresses second-personal claims, because the foundation for the warranted resentment is based on the fact that 'I' should have a justified reason to make 'you' feel my dignity, observe my authority, and acknowledge that 'I' am deserving of 'your' respect. This view is only possible if we believe that the actor/spectator relationship, the patient/spectator relationship, and (importantly) the actor/patient relationship are the sorts of relationships among people that will allow one to understand and empathize with one another through an agent-relative standpoint according to certain impartial standards. And this is precisely what Smith argues. On Smith's view, the impartially regulated standpoint from which we judge the propriety of actions is, as I have suggested above, neither a generic, an agent-neutral, nor a third-personal perspective; rather, Smith's moral judgment is made through an intersubjective understanding of relationships that is distinctively *second-personal*. On Smith's view, claims concerning what one is justified in asking of others, what one is justified in expecting of others, and claims against others based on the infringement of those expectations,

allow individual agents within those relationships to make impartial assessments about those claims (and to make the claims themselves) using ‘you’ and ‘me’ language.³⁷

Our understanding of second-personal claims crucially informs Smithean morality, especially with regards to what Smith calls the ‘*supposed* impartial spectator’.³⁸ In second-personal interactions where no *actual* spectator is present, Smith claims that there will always be a supposed spectator, or an idea of what any impartial spectator would go along with—this is a sort of ghost spectator, or an *implied* spectator. The implied, or supposed spectator serves as the impartial perspective that sets the standards and expectations for actions of the agents involved. To violate those expectations—not just the expectations of the actor or the patient specifically, but of *any* supposed spectator—would be to give cause for warranted resentment, and therefore give rise to second-personal claims, regardless of whether or not any second-personal claims are actually made. The important point here is that even if no spectator exists *per se*, and even if both an actor and a patient go along with a certain behavior, if the behavior is such that any supposed impartial spectator should expect warranted resentment toward an agent involved, then the behavior is still considered impermissible on Smith’s account.

This idea of second-personal claims being the result of a *warranted* or *justified* reactive attitude links up with Smith’s ideas about punishment. Smith claims that our reason for resenting others prompts us to want to punish others, not merely because we want to ‘even out’ the wrongdoing, or even cause pain to the perpetrator; rather resentment arises from a desire to instill within the offender an attitude of remorse stemming from an acknowledgement that she has done wrong to another:

37. Darwall, *The Second-Person Standpoint*, 8.

38. Smith, *The Theory of Moral Sentiments*, 127. Smith appears to use the terms ‘the impartial spectator’, ‘the supposed impartial spectator’, ‘the indifferent spectator’, and ‘the indifferent bystander’ interchangeably, though there are conceivably important differences between the uses of these terms, one of which I address here.

The object...which resentment is chiefly intent upon, is not so much to make our enemy feel pain in his turn, as 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 or insults us, is the little account which he seems to make of us, *the unreasonable preference which he gives 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 humor.³⁹

Our resentment arises from what we take to be the attitude of the perpetrator when she violates our personhood. The sentiment that prompts us to punish then aims to make the offender sensible of the wrong she has done, as she has made a ‘little account’ of another person. It is the actor’s *unreasonable* preference for herself—what we might say is a failure to properly consider other perspectives—that the impartial spectator cannot go along with, and which therefore gives rise to second-personal claims to dignity, respect, etc.

On punishment, Smith claims, “To bring him back to *a more just sense of what is due to other people*, to make him sensible of what he owes us, and of the wrong that he has done to us, is frequently the principle end proposed.”⁴⁰ Smith emphasizes that one who infringes on our second-personal claims must be made aware of *why* we are so enraged, and our resentment and punishment must attempt to correct the offender’s improper sense of what is a just and right and to clarify what sort of relationship exists among people—one where certain things, as Smith says, are ‘owed’ and ‘due’.⁴¹

Thus, for Smith, proper resentment and punishment is something we believe to be *deserved*. Because any impartial spectator will be able to empathize with warranted resentment, there is the understanding that we ourselves should empathize in the same way. On Smith’s view, each agent serves to some extent as her own impartial spectator and filter on her own

39. Smith, *The Theory of Moral Sentiments*, 95. My emphasis.

40. Smith, *The Theory of Moral Sentiments*, 95. My emphasis.

41. This will be important when I later discuss Smith and contractualism.

actions *before* she acts. Retrospectively, each agent also may view her own actions *afterward* through the impartial spectator's lens, making an assessment about whether the action performed was such that anyone could go along with it. Therefore, when we wrong another, we are not entirely unaware of why we should be the object of warranted resentment:

By sympathizing with the hatred and abhorrence which other men must entertain for him, he becomes in some measure the object of his own hatred and abhorrence. The situation of the person, who suffered by his injustice, now calls upon his pity. He is grieved at the thought of it; regrets the unhappy effects of his own conduct, and feels at the same time that they have rendered him the *proper* object of the resentment and indignation of mankind, and of what is the natural consequence of resentment, vengeance and punishment.⁴²

When we have infringed on another's second personal claims, we are still nevertheless engaged in the empathy equilibrium, and by performing the empathetic maneuver with others' reactive attitudes toward her own misconduct, the offender will find *herself* to be the proper object of resentment. An agent who knows that she has wronged another also knows that she is the proper object of their resentment, and that she cannot hope for empathy from her fellows, because she does not deserve it. Since knowing that oneself is the proper object of resentment is a result of empathizing with others who have reason to resent 'me', on Smith's view, we will want avoid situations that will cause warranted resentment.⁴³

Similarly, Smith claims that praise is something that we do not want merely because we view it as advantageous, but because we view it as a deserved admiration. We only truly want genuine praise, which comes from doing that which 'I', and 'you', and any other will believe is truly praise-worthy. Since Smith's view allows us to empathize with our own actions, and

42. Smith, *The Theory of Moral Sentiments*, 84. My emphasis.

43. Aside from avoiding infringement on others' second-personal claims, we can also, albeit only illusively, empathize with our future selves, and we will foresee the displeasing emotions that accompany our poor behavior, i.e. feeling separate and rejected from our fellows.

thereby make assessments about them, the actions we impartially judge to be praiseworthy will be what others will as well:

The man who... from proper motives, has performed a generous action, when he looks forward to those whom he has served, feels himself to be the natural object of their love and gratitude, and, by sympathy with them, of the esteem and approbation of *all mankind*. And when he looks backward to the motive from which he acted, and surveys it in the light in which the indifferent spectator will survey it, he still continues to enter into it, and applauds himself by sympathy with the approbation of this supposed impartial judge. In both these points of view, his own conduct appears to him every way agreeable.⁴⁴

When we believe we have done well, or done right, we will evaluate our motives and our actions from other perspectives. We view our behavior in the light through which others will view it, and further we will determine what the impartial spectator will judge of our actions. Seeing the two points of view in concord with one another will reaffirm our own proper motives, and we will feel worthy of others' admiration; according to Smith, this is the "consciousness of merit, or deserved reward."⁴⁵

Praise that is undeserved will feel illusive and unsatisfying to the agent who is being praised, because she will be unable to empathize with others' behavior toward her. Imagine that you are in a competition, and you know that you have earned second-place. However, by some miscommunication or misunderstanding, everyone else believes that you have earned first-place, and accordingly you are awarded with the prizes and admiration that go to the first-place contestant. Smith's moral theory can help explain why such undeserved praise will feel hollow to those who are morally upright. First, you will empathize with the person who was the true winner of the competition as someone who *deserved* to be awarded the praise, and who therefore (albeit unknowingly) has second-personal claims against you that 'you' have infringed on 'her' rightful claim to the prize in a fair competition. Secondly, you will fail to empathize with the

44. Smith, *The Theory of Moral Sentiments*, 85. My emphasis.

45. Smith, *The Theory of Moral Sentiments*, 85.

multitude's reactive attitude of praise and esteem, because you know that their reactions are unreasonable or ill founded. If you are properly considering others' perspectives and justified attitudes through the empathetic maneuver, you will be made aware of the unjustifiability of your action, to accept the first-prize when you know you do not deserve it. In this situation, it is clear that wrong has been done, and your enjoyment of the rewards of your false triumph will, so long as you reasonably accept the fact that you are undeserving, be illusive—that is you will know you do not *deserve* the rewards, and your knowledge of another's second-personal claims against your acceptance of the rewards will be unsatisfying. Smith insists that although some individuals may engage in illusive or deceptive ways of garnering praise where it is not due, such as in the above example, ultimately we do not merely want praise, but we want to be worthy of it.⁴⁶

We are now beginning to see how Smith's moral theory is not merely descriptive, but normative. The reasons for acting on Smith's account are not explanations as to why we behave in certain ways, but they provide a justificatory basis for how one *ought* to act. If we consider the impartial spectator as an agent who sets the standards of behavior by modeling an impartial perspective such that any of us would be able to go along with the behavior with which the impartial spectator empathizes, then it is the impartial spectator perspective that we consult and adopt in determining what behavior is suitable in a given set of circumstances. We may say, then, that Smith's normative view, simply put, is that an agent should act such that the impartial spectator will entirely empathize with her behavior.

Let us, however, consider more fully who the impartial spectator really is and why we should want the impartial spectator to empathize with our behavior. As I have said, it is not necessary that any impartial spectator actually observe our actions, but only that we understand

46. The point here is that even those who engage in deceit to gain unwarranted praise do not want to be viewed only as recipients of praise, but as an individual who is praise-worthy. See Darwall, "Sympathetic Liberalism," 149 and Smith, *The Theory of Moral Sentiments*, 84-5.

what the impartial spectator perspective provides—standards that everyone will be able go along with, and a perspective that everyone will be able enter into. We have also established that any person may be a spectator, so long as she is not hindered by her own biases or what is considered to be an unreasonable perspective or preference. Therefore, when we characterize Smith’s view as recommending actions that ‘the impartial spectator will entirely empathize with’, what we really mean is that Smith recommends actions that others, and crucially *any other*, would empathize and go along with; and what anyone would go along with are the reasonable, impartial standards with which we are all in fact readily able to empathize.

Smith maintains this normative position throughout the *TMS*. Early on in the *TMS*, Smith argues that we should keep our behavior “within the bounds of moderation or render [ourselves] the object of the complete sympathy and approbation of the spectators.”⁴⁷ This is where he begins to suggest that the actions we ought to perform must be in accordance with the impartial standards set forth by others (again, all others). Soon after Part I, Section 3, Smith frequently uses the word ‘equals’ to refer to an agent’s fellows. This emphasis on equality and mutual standards reinforces the later ideas of warranted resentment and second-personal claims, which as I have said is the foundation for individuals’ reasons for acting. While frequently using the word ‘sensibility’ to refer to the attitude that we should adopt when acting, reacting, and assessing behavior, it is not until three sections later in *Of the proper objects of gratitude and resentment*, that Smith introduces the idea of ‘reasonableness’ with regard to how we develop our impartial standards: “[those appear] to deserve punishment, who, in the same manner, is to some person or persons the natural object of a resentment, *which the breast of every reasonable man is ready to adopt and sympathize with.*”⁴⁸ Smith claims that what the impartial spectator

47. Smith, *The Theory of Moral Sentiments*, 45.

48. Smith, *The Theory of Moral Sentiments*, 68. My emphasis.

empathizes with is what every reasonable person will also readily empathize with. He adds further that it is when everyone believes an action *deserves* reward, or when everybody believes an action *deserves* punishment, based on the impartial and decidedly reasonable standards, that the action is truly characterized as either one or the other.

Moreover, Smith argues that we should *want* the impartial spectator to empathize with our actions. Based on our discussion of second-personal claims and what we believe we owe to others in respect of their personhood, we have second-personal reasons to want others to approve of, and even esteem, our behavior, and also to avoid infringing on another's second-personal claims. The empathetic maneuver itself requires a spectator to enter the deliberative situation of the agent involved, which, as Darwall claims, requires us to judge action through an "implicit identification with (and so, a kind of proto-respect for) the agent who is being judged."⁴⁹ This sort of normative moral theory incorporates mutual respect and egalitarian standards that shows concern not simply for the generic "multitude", but for the specific individuals of which the multitude is composed.⁵⁰

We have seen thus far that Smith's normative view depends largely on the impartial standards that regulate the empathetic maneuver. As I have emphasized in this section, the impartial standards themselves are fundamentally connected to second-personal claims, which are formed based on mutual accountability and respect relationships among agents as *equals*. The empathy equilibrium in the previous section illustrated how empathy informs our self and other understanding and awareness, which provides the foundation for understanding when second-personal claims are *warranted*—namely, when the impartial spectator, and thereby *any other*

49. Darwall, "Equal Dignity in Adam Smith," 191.

50. The point here is that our general want for the good of humanity is not what makes us care about individual claims; rather, individual claims made by other, mutually respectable human beings with reason to make second personal claims is what gives us concern for the multitude. See *The Theory of Moral Sentiments*, 90.

would approve of and empathize with the claims themselves. It cannot be ignored at this point that these core ideas in Smith's normative view—that the impartial standards that determine the actions we *ought* to perform are based on what all *reasonable* agents will go along with—echoes claims of modern contractualist ethical theories. In the following section, I will modestly explore the idea that Smith's normative view can be interpreted as contractualist. This will lead us to look closely at Smith's account, including a more specific detailing of how the *TMS* describes individual and society relationships. I will evaluate the extent to which Smith's theory fits into the contractualist ethical mold, specifically with the kind of view defended by T.M. Scanlon.

V. Smith and Contractualism

Although Smith has traditionally been associated with other moral theories, specifically some forms of utilitarianism, I have revealed that Smith's *TMS* has a clear affinity to a contractualist moral theory in which moral norms are determined by applying hypothetical regulatory principles based on standards that no one could reasonably reject. I will now turn our focus on Smith's moral theory to its likeness with the contractualist account that T.M. Scanlon advocates in *What We Owe to Each Other*.⁵¹

It is worth pausing here to note that Smith's relationship with contractualism is already strongly suggested by Darwall's association of contractualism with the second-person standpoint. In *The Second-Person Standpoint*, Darwall argues that second-personal relationships will provide the basis for contractualist accounts, and throughout the book, we see examples of Smith in the context of his discussions of empathy, respect, dignity, reactive sanctions, and equal accountability. However, Darwall never goes so far as to analyze Smith's moral theory as contractualist; he only uses Smith's ideas as brief illustrative examples of second-personal

51. Scanlon, T. M. *What We Owe to Each Other* (Cambridge: Belknap Press of Harvard University Press, 1998).

relationships. Also, in Darwall's earlier essay, *Sympathetic Liberalism*, he even mentions Smith's potential likeness with Scanlon, but never develops the idea beyond a mere suggestion. The reasons above serve to show that considering Smith's work along side that of Scanlon is a worthwhile pursuit. To evaluate just how worthwhile a pursuit, let us consider Scanlon's account.

What first leads to the thought that Smith's moral theory shares a general affinity with a contractualist theory are the words used throughout the *TMS*. Smith's word choice is, at times, hauntingly similar to what we find in a contractualist moral account such as Scanlon's. For example, we find Smith referring to others as 'equals', claiming that standards of 'impartiality' using 'reasons' and 'reasonability' are what create norms, and using the words 'due', 'duty' and 'owe' throughout the *TMS* with an emphasis on the individual's relationship with others. But simply using the same words does not necessarily indicate that the theories have any likeness. Many theories use the words 'reasonability' or 'duty', but with very different meanings and implications. So where do we find similarities in the theories themselves?

Scanlon's *What We Owe to Each Other* advocates a moral theory in which moral norms are reached through a hypothetical agreement, or contract, between individuals. Consider Scanlon's wording of what characterizes an action as morally wrong:

An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced general agreement.⁵²

How an agent is expected to act, therefore, is a product of what reasonable individuals will have a justificatory basis for expecting based on principles we all would find acceptable in a kind of ideal of agreement. Scanlon claims that if the action is disallowed by a set of principles that no one could reasonably reject, then the action is wrong; if someone could reasonably reject your

52. Scanlon, *What We Owe to Each Other*, 153.

behavior based on standards that have been (hypothetically) collectively agreed upon, then your action is wrong.

Scanlon's project, it is important to clarify, is not to establish the 'rightness' and 'wrongness' of everything we believe can be characterized as 'moral'; rather, he presents a limited scope of morality by showing how contractualism gives an account of what we consider to be right and wrong based on 'what we owe to each other.'⁵³ Like Smith, Scanlon appears to have two classes of what moral actions might encompass:

1. Actions that are considered 'morally wrong' or 'morally right' regardless of whether or not the action involves another individual. Scanlon will consider these judgments as accepted by some, but not necessarily by all, and in either case, not necessarily based on standards that no one could reasonably reject. Smith would call these actions 'proper' or 'improper'.
2. Actions that directly deal with other human beings. Actions of this sort allow for an assessment of 'right' and 'wrong' based on whether or not, by reasonable and impartial standards, other individuals will have good reason to reject or resent the action being performed under the circumstances.⁵⁴

The scope of morality with which we are concerned is [2], above. The moral assessments we make in both *What We Owe to Each Other* and the *TMS* are founded on individuals and their relationship with other individuals as relationships of mutual respect, accountability, and responsibility. By narrowing the scope of morality that, as Scanlon suggests, deals with 'what we owe to each other', allows us to evaluate actions based on *reasons* for acting that (theoretically) cannot be rejected. Thus, the scope of morality covered by [1] is not of interest in our present discussion.

53. Scanlon, *What We Owe to Each Other*, 178.

54. The difference between these two sorts of 'moral' is substantial. While one [2] cannot be rejected, the other [1] may be accepted by some and not by others—although even if reasonably rejected by all, does not rest on principles that no one could reasonably reject based on 'what we owe to each other'. Actions of the first kind [1] are such that Scanlon would say does not have the same moral weight as what we owe to individuals. Smith might say that these actions are viewed as 'improper', but not necessarily 'wrong' in the same way that an action is wrong in the second [2] sense. For example, how we treat animals is something that we view as a moral concern, but not in the same way we view other human beings' actions as of moral interest. See Scanlon, *What We Owe to Each Other*, 171-187.

The moral theory that Scanlon proposes, therefore, has a special connection to individual persons, their reason-giving capabilities, and their ability to make justificatory judgments about those reasons. In Scanlon's contractualism, our basis for actions, our moral motivation, is founded on *reasons*—reasons that we believe an action to be justified, a pursuit to be valuable, a cause to be worthwhile, etc.⁵⁵ In his words: "Contractualism ... locates the source of the reason-giving force of judgments of right and wrong in the importance of standing in a certain relation to others. Morality will thus include all those with respect to whom one has strong reason to want to stand in this relation and hence to give great weight to its requirements."⁵⁶ Thus, our reciprocal relation to others is the foundation for the moral theory—what sort of relationship we have with others, what that relationship requires of us if we are to be well-related, and *why* that relationship has moral force.

Because we are engaged in a reciprocal relationships with other agents, and we have reason to want to be morally accountable to those relationships, it is important to us that our actions be considered justified. Actions might be justified *actually*, but also *hypothetically*.⁵⁷ When I say 'actually' justified, what I mean is that there are assignable individuals who view the action justified, or go along with the action. If our actions are actually considered to be justified by our peers, then nothing conclusive may be said about whether or not the action is considered permissible. We tend to believe that our actions are in accordance with principles that no one could reasonably reject, and surely it is our preference that the actions we perform are agreeable to all those who actually surround us. However, it does not follow that just because others accept

55. Scanlon, *What We Owe to Each Other*, 167-8. See also p. 171. For a thorough explanation of what we take to be part of 'what we owe to each other' see Section I, Chapters 1-3 on Reasons, Values, and Well-Being.

56. Scanlon, *What We Owe to Each Other*, 177-8.

57. Scanlon, *What We Owe to Each Other*, 171.

our actions, or even view them as justified, that the action is morally correct.⁵⁸ If one of our friends is particularly giving, and views it reasonable and in fact admirable to give generously to others, when someone takes advantage of her generosity for her own benefit, our friend may view the situation as perfectly justified; however it is not the case that this other person is truly justified in taking advantage of our friend. Further, it does not follow that just because others do not accept an action does not mean that the action is morally wrong. This is only the case if they are judging from principles that no one could reasonably reject. Therefore, we are most interested in the justifiability of our actions *hypothetically*; we want to know: will *reasonable* individuals, judging from principles that no one could reasonably reject, have good reason to reject the action?

At this point, we see a clear parallel with our earlier discussion about Smith's empathetic spectator. In the same way that Scanlon's account could result in no *actual* agreement with the action (just as long as the action is in accordance with our reasonable principles), so too Smith's account does not require that any *actual* spectator be empathizing with the actor, but just that any *impartial* spectator be able to empathize with the actor. The two accounts clearly rest on claims of justifiability, but only insofar as the assessments are made using principles no one could reasonably reject and impartially regulated standards, respectively. This similar reliance on justifiability of actions leads us to strongly to consider whether or not Smith's moral theory is one that we might describe as a sort of contractualism, but in order to do so, we must determine how and *why* one might classify an action as 'right' or 'wrong' on Scanlon's view, and analogously on Smith's.

By thinking about morality in this way, Scanlon's argument is strengthened. Creating a reason-based standard for justification accounts for why we want our actions that involve others

58. Scanlon, *What We Owe to Each Other*, 155.

to be justifiable—we want to be able to be accountable for our actions and know that we are treating others in a way that no one could reasonably reject. This parallels Smith’s account, in that we want our actions to be such that any other will empathize with us and how we responded in our situation. Smith accounts for this, as I discussed above with regard to the empathy equilibrium, by showing how our view of the justification of our own actions is also cued by the extent to which others view it as justified, or warranted. When we divorce ourselves from our individual prejudices to enter into the situation of the actor, we evaluate the action based on whether or not it matches up with impartial, decidedly *reasonable*, standards; if it does not, then the action is deemed improper. Further, if we have cause for warranted resentment, which is to say that there are reasons to make claims against another person, then the action is considered wrong, and can be considered ‘reasonably rejectable’.

Reasons for acting provide the information we need in assessing moral motivation. By understanding *why* an individual was moved to act, we can assess the reasons given according to reasonable principles or impartial standards. We must note that second-personal relationships are a crucial aspect to both theories.⁵⁹ Second-personal relationships establish norms of mutual respect and accountability in ways that make assignable claims to individuals. The sort of relationship that is second-personal is one where an agent’s personhood in itself provides reasons to act a certain way, or to refrain from acting a certain way. Moreover, it gives other individuals the authority to assess reasons and claims themselves. If we recall, Smith’s moral theory is founded on the ability of others to be able to enter into the actor’s point of view and assess the action from the standpoint of the actor through an impartial lens: what we have called the

59. One of Darwall’s primary reasons for writing *The Second-Person Standpoint* is to provide the rationale for contractualist accounts. Since contractualism is fundamentally concerned with how people relate with one another, he claims that second-personal relationships, claims, reasons will provide the basis for contractualist moral theories. See 35-38, 300-320.

'empathetic maneuver'. The empathetic maneuver itself is a manifestation of second-personal claims, because if we believe that others have the ability and the authority to assess our position, and by approving of the action, provide a justificatory basis for that action. For Scanlon, the 'capacity to assess reasons' works much the same way in that if we believe that others have the capacity to assess reasons, and have reasons of their own for wanting things to go well, then we will expect them to be able to engage in a mutual performance of assessing our reasons as well.⁶⁰

This connects up with Smith's discussion of warranted resentment and punishment in important ways. Smith claims, "One individual must never prefer himself so much even to any other individual as to hurt or injure that other in order to benefit himself, though the benefit to the one should be much greater than the hurt of injury to the other."⁶¹ Although this idea would probably be accepted by many, and may not strike us as particularly contractualist, we must understand the *explanation* for this claim. Smith argues that the *reason* we must never hurt another is based on the fact that we cannot violate our 'neighbour's' personhood by harming or disgracing her—this is what he calls a "social maxim." It is for this reason that Smith claims that infringement upon these standards of socially agreed-upon norms warrants punishment in some cases. Here too we see that a Smithean moral assessment is, as is Scanlon's, rooted in the assessment of reasons for acting. We only assess an action after performing the empathetic maneuver so that we may account for the agent's reasons for acting. This is an advantage to both accounts in that their assessments of actions relies on the presence of *actual* claims. This is important, because the reason-giving force behind any action is that an individual human being is giving those reasons as a part of her discourse of action and her deliberation. And such is the

60. See Scanlon, *What We Owe to Each Other*, Chapter 6: Responsibility, pages 248-294.

61. Smith, *The Theory of Moral Sentiments*, 134.

case when a second-personal claim has been infringed upon, the reason-giving force for those claims are due to her personhood:

Our regard for the individuals [does not] arise from our regard for the multitude; but...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...When a single man is injured, or destroyed, we demand the punishment of the wrong that has been done to him, not so much from a concern for the general interest of society, as from a concern for that very individual who has been injured.⁶²

It is, for Smith, a foundational reason to act in accordance with what everyone will go along with so as not to injure another person, because wrong has been done *to that person*. Scanlon has very similar claims with this regard:

[T]he Complaint model calls attention to a central feature of contractualism that I would not want to give up: its insistence that the justifiability of a principle depends only on various *individuals'* reasons for objecting to that principle and alternatives to it. This feature is central to the guiding idea of contractualism, and also what enables it to provide a clear alternative to utilitarianism and other forms of consequentialism.⁶³

This is why Smith claims that those individuals who do not acknowledge the driving moral force behind second-personal relationships will not be cured by punishment: "If the crime does not deprive him of the respect of others, the punishment never will."⁶⁴ Those who infringe on others, Smith holds, will feel no genuine remorse, unless there is the impression that the crime itself was wrong, and likewise for those who observe an individual being punished will only lose respect for the perpetrator if the crime itself causes disrespect and warranted resentment.

Though I have established how Smith and Scanlon are foundationally similar in their theories, I do not intend to claim that the accounts are identical; there are reasons to contend that Smith and Scanlon are different. Upon reading both texts what is most noticeably different is the manner of presentation of the theories. From Scanlon, we get a clear, spelled-out description of

62. Smith, *The Theory of Moral Sentiments*, 90.

63. Scanlon, *What We Owe to Each Other*, 229.

64. Smith, *The Theory of Moral Sentiments*, 56.

what the account is, what its aims are, what he takes to be relevant in the discussion, etc. Smith's work is much more romantically composed; he uses anecdotes and metaphor often rendering the *TMS* as a work that can conceivably be read like a piece of literature rather than a clear-cut philosophical argument. I will note, too, Smith's use of a sort of third person figment—the 'Impartial Spectator'. As I have argued here, the impartial spectator should be viewed as a model of judgment—a role that we should all play in moral assessments. However, Smith often characterizes the impartial spectator as a god-like or ghost-like figure who is an actual third-person, which we might think is a significant difference that Smith and Scanlon take in their approach. Along these lines, I will also allow that we might think there to be an important difference between using the word 'impartial' and the word 'reasonable'.

Nevertheless, the likeness between the two accounts is there. Though the above points may indeed suggest important differences in the works, I will not argue these points here. Instead, my intention is to present the potential harmony between the two accounts, not the dissonance. As I have illustrated in this section, the foundation for the two accounts is the justification of actions based on the sorts of relationships in which we believe we are engaged with other people. Where Scanlon's view presents relationships based on mutual justifiability, Smith's empathetic maneuver implies the same sort of valuing others' motivations. Interpreting Smith in this way also opens the *TMS* to criticism that contractualist theories also face, especially with regard to whether or not the account gives us any good approach as a normative ethical theory—the criticism primarily being that 'reasonability' or 'impartiality' may be contestable, unattainable, and/or culturally relative. In this section, I have presented a contractualist Smith showing how, interpreted in this way, his theory can be considered an ancestor to modern

contractualist moral theory rather than as a precursor to modern utilitarianism, as his view is usually presented.

VI. Concluding Thoughts

The purpose of this paper has been to clarify the moral philosophy of Adam Smith. That Smith's moral account is notably different from those of his contemporaries should, now, be of no question. What I have suggested is an interpretation of the text of Smith's *TMS* that breaks free of the generic, Scottish Enlightenment caricature with which he is typically associated. I have presented his moral account first and foremost by explaining how Smith's use of the word 'sympathy' should really be understood as referring to a state more properly defined as 'empathy.' In so doing, I have shown how Smith's account is deeply rooted in second personal relationships as presented by Stephen Darwall. The reliance on second-personal relationships provides the basis for moral motivation in Smith's account through what I have described as the empathy equilibrium, which I contend is the same sort of reciprocal point of view that is consistent with the type of contractualism advocated by T.M. Scanlon.

What I believe is most compelling and advantageous to these two accounts is the emphasis on individual persons and their relationships with others. As Scanlon points out, morality is not fundamentally "a mechanism of control and protection, but, rather, what I call a system of co-deliberation... Seeking such principles is part of what is involved in recognizing each other's value as rational creatures."⁶⁵ There is something right about these two moral accounts, in which reasons for acting find their justification in other individuals with whom we interact and understand as our moral equals. In Smith's rich moral theory, we not only gain an understanding of our position as individuals as one among many, but in so doing we also express

65. Scanlon, *What We Owe to Each Other*, 268.

mutual respect, dignity, and accountability *normatively*, which is the lens through which I suggest we may now interpret Smith as a sort of ancestor to contractualism.

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