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Ethical Utilitarianism and *The Theory of Moral Sentiments*: Adam Smith in Relation to Hume and Bentham

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Does *The Theory of Moral Sentiments* reveal Adam Smith to be an "ethical utilitarian"? I approach the question by elucidating David Hume's qualifications to his own utility doctrine and the qualifications by Smith to his critique of that doctrine. I demonstrate Smith's acceptance of "happiness" as maximand, reject a narrow interpretation of the happiness entity frequently attributed to Jeremy Bentham, and confirm the role Bentham, no less than Smith and Hume, accords motivation in ethical evaluation. I conclude that the agreement amongst the three is such that to deny Smith the designation "ethical utilitarian" implies similar treatment of Hume and Bentham.
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INTRODUCTION

In his *Principles of Morals and Legislation*, Jeremy Bentham designates as the most influential of principles opposed to that of utility the principle which "approves or disapproves of certain actions, not on account of their tending to augment the happiness, nor yet on account of their tending to diminish the happiness of the party whose interest is in question, but merely because a man finds himself disposed to approve or disapprove of them: holding up that approbation or disapprobation as a sufficient reason for itself, and disclaiming the necessity of looking out for any extrinsic ground" [Bentham (1789) 1982, pp. 21, 25)].

Insertions made in 1819 by Bentham himself into a lengthy note to the *Principles* surveying objectionable alternatives to utility – the insertions were first printed in the Bowring edition of *The Works* [Bentham (1789) 1859, p. 8n] – specify the authors intended: "One man [Lord Shaftesbury, Hutchinson (sic), Hume, &c.] says, he has a thing made on purpose to tell him what is right and what is wrong; and that it is called a *moral sense*: and then he goes to work at his ease, and says, such a thing is right, and such a thing is wrong – why? 'because my moral sense tells me it is'" [Bentham (1789) 1982, p. 26]. One is initially taken aback by the inclusion of David Hume amongst those appealing to "*a moral sense*" rather than utility, since *A Fragment on Government* – where Bentham first stated his axiom that "*It is the greatest happiness of the greatest number that is the measure of right and wrong*" [Bentham (1776) 1859, p. 227] – describes Book III of Hume's *Treatise on Human Nature* 1740 ("Of Morals") as the text from which he had learned "that the foundations of all *virtue* are laid in *utility*", and that "utility was the test and measure of all virtue", notwithstanding "a few exceptions" discerned by Hume which Bentham himself dismissed as such [p. 268n]. "I felt", he famously declared, "as if scales had fallen from my eyes". It is, in fact, precisely because

Bentham was so attracted by Humean utility that he regretted features that seemed to be in conflict.[1] Bentham was unnecessarily concerned since Hume, we shall see, did not intend by his "moral sense" – or "conscience" as he sometimes expressed it – an innate ability to sense what is right and wrong independently of circumstances; to the contrary, the moral sense was put at ease by observing conduct reflecting concern with the general good, that is satisfying the benevolent sentiment of "sympathy".

Presumably, Hume's admired utility analysis is not attended to in the survey of the literature Bentham provided in his note to *Morals and Legislation* because he is there concerned with formulations *opposed* to the utility principle in ethical evaluation. But how are we to interpret his silence regarding *The Theory of Moral Sentiments*? Would he not have mentioned Smith amongst the *non-utilitarian* ethicists if he understood *TMS* in this manner, especially since he never hesitated to protest Smith's appeals in the *Wealth of Nations* to "natural liberty"? This possibility will immediately be discounted by those who maintain that Smith rejected "ethical utilitarianism". I shall briefly review a selection of modern commentaries to this effect, having in mind a recent allusion to "a fairly standard view among philosophers that *TMS* is a book in the Utilitarian tradition" [Witztum and Young 2013, p. 573]. One might equally well talk of a "fairly standard view" to the contrary.

Lionel Robbins expressed himself reticently regarding the utilitarian component in *TMS* relating to personal ethics, though he clearly had his doubts. The Utilitarian doctrine itself – "the habit of judging actions and policies by their consequences rather than by reference to some intuitive norm", contrasting with that of the Continental metaphysicians – Robbins attributed to the entire classical school "from its beginnings in Hume's *Essays* right through to Cairnes and Sidgwick", holding good "even for Adam Smith whose explicit moral philosophy had a somewhat different complexion" [Robbins 1970, p. 56]. Adam Smith is singled out as "the only possible exception" to the general run of "classical" economists, for he "had a moral philosophy of his own which in some respects appears to be in contrast with the utilitarian outlook" [Robbins 1952, p. 178]. With the terminology in mind of "Deistic philosophy" and of *Naturrecht* embellishing even the analysis of the market in the *Wealth of Nations*, Robbins cautioned against judging that work by reference to the *Theory of Moral Sentiments* "rather than by examining the merits of the arguments by which they are supported in the contexts in which they appear" [p. 25; also p. 48].

Bonar maintained that "Adam Smith is less Utilitarian than Hume; regard for consequences is always secondary to immediate regard to virtue for its own sake" [Bonar 1922, p. 169]; and "immediate sympathy is... antecedent to any consideration of utility, personal or social" [p. 165]. Macfie argued to similar effect: "So far... as Smith defined intrinsic value, he placed it especially in virtue and beauty. Utility itself had only instrumental value, except in so far as it partook of the beautiful in the 'system'. And the exercise of any virtue had 'many agreeable effects'. In this sense, good or pleasing consequences were essentially associated with and coloured by the exercise of the values from which they were derived" [Macfie 1967, p. 48]. "Smith then", Macfie concludes, "was not a utilitarian, even in Hume's sense. Utility for him was not basic". More recently, Montes has elaborated this theme, his purpose being "to show that if Hutcheson and Hume prepared the ground for Bentham, Smith paved the road for some of Kant's ideas on ethics", referring to evaluation of moral good by reference to *intention* rather than *consequences* [Montes 2004, p. 114]. He prefers, however, to say that Smith "is not a proto-utilitarian" rather than that he is an "antiutilitarian", while (like a successful general occupying all positions) he allows that "some passages in the *TMS* definitively have a pre-utilitarian tone", and that "the importance [Smith] attributes to motives does

not necessarily exclude the significance of effects" [pp. 115–117]. It is Smith's position whereby "the sentiment of approbation always involves in it a sense of propriety quite distinct from the perception of utility" that "completely invalidates any attempt to describe Adam Smith as a forbear of utilitarianism" [p. 117].

Raphael asserts strongly that "[f]ar from being a utilitarian, Adam Smith was a severe critic of utilitarianism in many parts of his ethics and Jurisprudence" [Raphael 2007, p. 46]. Similarly, "Hume is by and large a utilitarian. Adam Smith is an antiutilitarian, indeed a natural-law theorist ..." [Raphael 1972/1973, p. 88]; and he reiterates the theme that while Smith "was prepared to allow that moral actions do in fact tend, as a whole, to promote the general happiness, and that this is the end intended by God", he opposed Hume's view "that utility is the one and only standard of right action. In practice, he argued, the thought of utility has a subordinate role in the formation of moral judgement"; for while "the pleasure which attends the thought of utility" is taken into account, it is the least important "in its contribution to the final judgement of approval" [Raphael 1985, p. 38]. In brief, "we do not in practice decide what is right by reference to utility". Along these lines, Raphael and Macfie wrote in their bicentenary edition of *TMS*: "Smith continually insists that considerations of utility are the last, not the first, determinants of moral judgement. Our basic judgment of right and wrong is concerned with the agent's motive, not with the effect of his action. Our more complex judgements of merit and demerit, justice and injustice, depend on the reactions of gratitude and resentment to benefit and harm respectively, not simply on the benefit and harm themselves" [Smith (1759) 1976, p. *13*]. Moreover, "even though the pleasant or painful effects of action are relevant to the moral judgement passed upon it, they are primarily the effects of this particular action upon particular individuals, not the more remote effects upon society at large. Considerations of general social utility are an afterthought, not a foundation" [pp. *12–13*]. Elsewhere in their commentary, the editors represent Smith simply as "an opponent of utilitarianism" [p. 305n].

Whereas Haakonssen allows that utility in *TMS* "is a real source of moral judgement, although a secondary one", which, only when afterwards recognized, "comes to have an influence on moral judgement and behaviour" [Haakonssen 1981, p. 73], he also insists that "Smith's concept of utility cannot be taken in any Benthamite sense of uniform happiness" [p. 135]. He allows too that, for Smith, "the laws of justice are *useful* in the sense that they serve as a *means to an end*, the end being the public interest", but maintains that "this idea of 'means-utility'...is clearly different from the idea of utility which we find in the later utilitarian theorists. For them utility is more or less identified with pleasure or happiness of a kind, and is thus the end towards which actions should aspire" [pp. 40–1]. Thus, utility considerations are recognized in the context of justice, but "do not form the foundation of justice [since] social utility is rarely thought of by the bulk of mankind", but pertain rather to "how philosophers...interpret human morality" [p. 88]. To the same effect, Witztum and Young conclude that "under no circumstances can Smith be considered as part of the Utilitarian tradition. For this to happen we should have seen the search for happiness as a motivator of human actions and of human moral judgment. We found neither" [Witztum and Young 2013, p. 600]. For what Smith intended by "utility" was either "the simple colloquial notion of usefulness or, the more complex notion of social usefulness or, a pleasure from harmony" – alluding to Smithian "propriety" – "rather than the idea of "happiness" in any form". These authors further maintain that colloquial "utility" is "foreign to utilitarianism" [p. 602]. They allow that "utility maximization is [for Smith] appropriate in some cases", although – like

Haakonssen – only as a matter of "philosophical judgment", and this they take to be "consistent with Smith's non-utilitarian moral theory and non-utilitarian theory of individual motivation" [p. 596; on the "philosophical spectator", see also p. 600]. Muller too perceives a fundamental clash with Bentham: "While Smith's deistic humanism had judged commercial society according to the standards of the civilizing project, Bentham's utilitarianism eliminated the possibility of standards beyond sensual pleasure for judging character. Indeed, it tended to discredit qualitative distinctions, to make them appear as intellectually suspect and morally sinister, and promoted a model of moral thinking which tries to do without them altogether" [Muller 1993, p. 190].

It is a feature of Raphael's account that "utilitarianism" supposes right behaviour by an individual to be behaviour motivated by a desire to enhance *social* happiness: "the proper standard is maximum promotion of the general happiness", not his own [Raphael 1985, p. 38]. McCloskey also perceives Smith as opposed to Hume and utilitarianism, but her conception of the category is diametrically opposed to that of Raphael. Thus, she contends that Smith "sharply opposed, the reduction of what is good to what causes pleasure, that is, utilitarianism", though "not quite in the form of the 'chaos of precise ideas'" [McCloskey 2009, p. 4];[2] but it was opposition to the opinion of those – including Hume as Smith understood him – who maintained that "virtue consists in prudence" or, more precisely, "prudence only". McCloskey in fact regards "prudence suffices" and "greed is good" as synonymous; and she represents nineteenth-century utilitarianism – and later the "new" welfare economics – as "attempting to build judgments about the economy" on the basis of an identification of virtue with "prudence only", with justice taken as sheer taste. If all are benefited, or could be benefited, the proposed policy is good. That is all ye know of ethics, and all ye need to know" [pp. 4–5]. Her perception of utilitarianism incorporates the simplistic textbook reading of the *Wealth of Nations* whereby people guided by self-interest nonetheless act (unwittingly) to enhance social wellbeing, for she cites Smith's "book on prudence" to the effect that "what is prudence in the conduct of every private family can scarce be folly in that of a great kingdom" [Smith (1776) 1976, p. 457]. Other virtues, she writes, are recognized by Smith elsewhere, especially "temperance" and "justice" in Smith's *Lectures*, while *TMS* allows a range of "moral sentiments" divorced from any sort of self-interest, and there Smith's "grounds for opposing utilitarianism" are based on observed behaviour similarly divorced [McCloskey 2009, p. 7].

In much the same vein, Hanley refers to Smith's "argument against utilitarianism" in *TMS* designed "not simply to counter the claim that the proper standard for evaluating actions is their capacity for utility-maximizing effects", since "Smith does not deny the goodness of utility maximization, but rather suggests that to posit utility maximization as either the sole or the ultimate standard of ethical value ... precludes a comprehensive understanding of the multiple phenomena involved in moral judgment" [Hanley 2009, pp. 68–69]. Smith's concern, in brief, was "to resist the reductionism characteristic of utilitarianism", since – in Smith's terms – "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" [Smith (1759) 1976, p. 188]; again: "any theory of our admiration of [men's] virtue must not only account for their utility, but also for "the unexpected, and on that account the great, the noble, and exalted propriety of such actions" [p. 192].

We shall evaluate the foregoing opinions as we proceed, noting at this point that any concessions they allow to the presence in Smith of a utility dimension insist on its

secondary character. My own approach emphasizes the qualifications both Hume and Smith made to their respective doctrines, and the complexity of Bentham's position, the utility dimension to *TMS* emerging as a result in much brighter colours. As for modern commentaries, my results corroborate Raynor's position "that there is much in *TMS* that Hume could heartily accept. It is not so very surprising that Hume composed a complimentary notice of Smith's book" for the *Critical Review* of 1757 [Raynor 1984, p. 64]. Any understanding of *TMS* as hostile to the utility principle would have to account for this positive reaction.

Other moderns forwarding this sort of reading, if not in every detail, would include: Rawls, who places Smith within a Shaftesbury–Hutcheson–Hume–Bentham tradition [Rawls (1971) 1999, p. 20n]; Campbell, according to whom "[d]espite all that Smith has to say against utility as the explanation for the ordinary person's moral and political attitudes, his own normative moral and political philosophy turns out to be, in the end, a form of utilitarianism.... Utility, or the production of happiness, is ... the principle by reference to which he judges that both the natural moral sentiments and the system of natural liberty are desirable" [Campbell 1971, pp. 205–206], or again: "Utility is ... very much *the* meta-principle for Smith. It is to be found at the basis of his whole moral outlook", although Campbell opines that "it operates most typically at the level of contemplation, when men adopt a God's-eye-view of society, enter into His universal benevolence and feel admiration and approval for what they observe" [p. 219; also Campbell 1975, pp. 76–77]; Schneewind, who argues that, notwithstanding his criticisms of Hume, "[u]tility does play a major part in Smith's view of morals" [Schneewind 1998, pp. 390–391]; and Alvey who recognizes the utilitarian dimension in Smith's discussion of "the virtue of prudence" [Alvey 2003, p. 60]. Finally, my study amply confirms Rosen's case for a close Hume–Smith connection [Rosen 2000, 2003], which includes a denial that whenever Smith in *TMS* "discusses utility, he intends to diminish its importance" [Rosen 2000, p. 82]. Indeed, Rosen properly maintains that "in several respects Smith gives greater scope and importance to utility than Hume".

Of prime importance, of course, is the "utilitarian" standard itself. As for the alleged absence in *TMS* of the Benthamite idea of "happiness", we shall show that the "*real happiness of human life*" constitutes Smith's justification for population expansion – implying no less than the *greatest happiness of the greatest number*. In any event, when Smith talks of the "welfare of society" it is (we shall show) frequently "happiness" that he intends, as with Bentham who made use of synonyms for happiness, including "public interest" and "general good". And the remarks in *A Table of the Springs of Action* relating to "*self-regarding* prudence" – considered as a virtue when perceived in terms of pleasure and pain – in response to "want, need, demand, exigency, necessity" [Bentham (1815) 1859, pp. 208, 211] point away from the contention, noted above, that the "colloquial" notion of "utility" as "usefulness" is "foreign to utilitarianism", since the colloquial version would fall within "necessity" and perhaps even "exigency". Furthermore, the view of Smith as "non-Utilitarian" reflects in many instances an unjustifiably narrow reading of Bentham, while Muller's view of Bentham is a caricature [Hollander 2015, pp. 34–42]. And while confirming Rosen's interpretation of the Smith–Hume relation, I would qualify his reading of the Smith-Bentham which asserts, following Schneewind, that "Bentham firmly rejected the idea of moral sentiments as the foundation of morals" [Rosen 2000 p. 101; 2003, p. 81]. It is a "moral sense" understood as precluding the utility criterion of ethics that he firmly rejected.

ON MOTIVATION *VERSUS* CONSEQUENCES, THE "MORAL SENSE" AND SYMPATHY

We turn now to the substantive issues, commencing with the contention that, in evaluating merit, Hume focuses on the end of utility and Smith on proper motivation. This contrast is to be avoided since there is too much overlap, as I shall explain.

Hutcheson had maintained that where the *intention* of the agent did not entail the public good, his action must be considered morally defective even if social advantage happened to result [Hutcheson 1729, pp. 119–20]. Where did Hume stand on this issue? In his essay "Of Refinement in the Arts" (first published in 1752), Hume objected to Mandeville that "it seems upon any system of morality, little less than a contradiction in terms, to talk of a vice, which is in general beneficial to society" [Hume (1777) 1994, p. 280]. In the *Enquiry*, we encounter the inference that consequences alone matter in the contention that "what promotes their happiness is good, what tends to their misery is evil, without any farther regard or consideration" [Hume (1751) 1927, p. 230]. But Bonar has pointed out that "Hume himself has to make similar concessions" to those made by Hutcheson, which "seem fatal to his reply to Mandeville. Private vices might be public benefits, and yet remain vices" [Bonar 1922, p. 109). Bonar did not elaborate, but that motivation mattered greatly for Hume, so that utility is a necessary but insufficient condition for according full meritorious status, is clear from the *Treatise*:

> 'Tis evident, that when we praise any actions, we regard only the motives that produced them, and consider the actions as signs or indications of certain principles in the mind and temper. The external performance has no merit. We must look within to find the moral quality.... After the same manner, when we require any action, or blame a person for not performing it, we always suppose, that one in that situation shou'd be influenc'd by the proper motive of that action, and we esteem it vicious in him to be regardless of it [Hume (1740) 1978, p. 477].

This position is also implicit in the key proposition of the *Enquiry* that although "reason" might indicate "the pernicious or useful tendency of qualities and actions; it is not *alone* sufficient to produce any moral blame or approbation" [Hume (1751) 1927, p. 286; emphasis added]. For, in addition, "[i]t is requisite a *sentiment* should here display itself, in order to give a preference to the useful above the pernicious tendencies", namely a "feeling for the happiness of mankind, and a resentment of their misery", alluding to the benevolent sentiment of "sympathy". Here is affirmed the complementarity of sympathy and utility, the latter requiring support from the sentiment to assure ethical approval. A reverse linkage too is suggested when Hume writes of "[t]he merit of benevolence, *arising from* ... utility" [p. 257; emphasis added].

Hume's stance regarding the "moral sense", a category easily confused with "moral sentiment", requires attention. Specifically, Hume allowed that "[t]hose who resolve the sense of morals into original instincts of the human mind may defend the cause of virtue with sufficient authority, but want the advantage which those possess, who account for that sense by an extensive sympathy with mankind" [Hume (1740) 1978, p. 619], for "sympathy" was "the chief source of moral distinction*s*" [p. 618], or, as later expressed, "benevolence in human nature, where no *real* interest bind us to the object" [Hume (1751) 1927, p. 300].

Hume does not positively reject the moral sense, sometimes identified with "conscience" [Hume (1740) 1978, p. 458], for he writes at one point of the morality of actions "felt by an internal sense, and by means of some sentiment, which the reflecting on such an action naturally occasions" [p. 466]. But he disdains the notion of a

"sense of morals" yielding self-evident and unqualified verdicts regarding the "multitude of precepts commonly designated as ethical" [p. 473]. For "[s]uch a method of proceeding is not conformable to the usual maxims, by which nature is conducted, where a few principles produce all that variety we observe in the universe, and every thing is carry'd on in the easiest and most simple manner. 'Tis necessary, therefore, to abridge these primary impulses, and find some more general principles, upon which all our notions of morals are founded". As Bonar represented the matter, Hume's ethical doctrine "involves a rejection of the view of Shaftesbury and Hutcheson, that man distinguishes moral good from moral evil through a 'moral sense', by showing the elements into which the alleged 'sense' may be analysed" [Bonar 1922, p.109].[3] Yet more strongly, the moral sense "fared ill at the hands of Hume, its professed defender" [Bonar 1930, p. 241], for Hume "explained [it] away", leaving it "with little to do", the sentiment of *sympathy* providing the key [pp. 16–17, 131, 134]. All this is valid with, I believe, one qualification – that what Bonar says of Hume applies equally to Hutcheson, as will presently emerge.

What though of Hume's recognition of a source of ethical approval provided by "particular *original* principles of human nature" [Hume (1740) 1978, p. 590]? Even if direct appeal to the moral sense is thereby intended, this source is said to apply to "cases of less moment", whereas in "all the great lines of our duty", consequences – "their tendency to the happiness of mankind, and of particular persons" – have "by far the greatest influence, and determine all the great lines of our duty". Thus, "a considerable part of the merit ascribed to humanity, benevolence, friendship, public spirit, and other social virtues of that stamp" [Hume (1751) 1927, p. 204]; and similarly, "[t]he merit of benevolence, arising from its utility…is, no doubt, the source of a *considerable* part of that esteem, which is so universally paid to it", although not all, taking into account feelings and emotions [p. 257]. "Cases of less moment" may have been understood when Hume wrote in "Of the Original Contract" (first published in 1752) that "[a]ll *moral* duties may be divided into two kinds", the first being "those, to which men are impelled by a natural instinct or immediate propensity, which operates on them, independent of all ideas of obligation, and of all views, either to public or private utility. Of this nature are, love of children, gratitude to benefactors, pity to the unfortunate" [Hume (1777) 1994, p. 479]. Even so, the "natural instinct" in such cases is secondary to consequences in moral evaluation, since their moral content derives from *social utility*: "When we reflect on the advantage, which results from society from such human instincts, we pay them the just tribute of moral approbation and esteem", notwithstanding that "the person, actuated by them, feels their power and influence, antecedent to any such reflection". A second category of moral rules entails *justice* with regard to property, *fidelity* with regard to the observance of promises, and "obedience to magistrates" or *political allegiance*, and duties of this nature are said to be "performed *entirely* from a sense of obligation, when we consider the necessities of human society, and the impossibility of supporting it, if these duties were neglected" [p. 480; emphasis added]. In the *Enquiry*, he had similarly represented utility as the *sole* source of moral approbation regarding "fidelity, justice, veracity, integrity and those other estimable and useful qualities and principles" [Hume (1751) 1927, p. 204].

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Smith too objected to strict renditions of the "moral sense" such as he attributed to Hutcheson:

> According to some the principle of approbation is founded upon a sentiment of a peculiar nature, upon a particular power of perception exerted by the mind at the view of certain actions or affections; some of which affecting this faculty in an

> agreeable and others in a disagreeable manner, the former are stamped with the characters of right, laudable, and virtuous; the latter with those of wrong, blamable, and vicious. This sentiment being of a peculiar nature distinct from every other, and the effect of a particular power of perception, they give it a particular name, and call it a moral sense [Smith (1759) 1976, p. 321].

Smith's "confutation" of Hutcheson covers only the "moral sense", since he approves the exclusion of "self-love" and of "reason" as foundation of the principle of approbation, on Humean grounds.[4] And we shall presently confirm Smith's appreciation that Hutcheson's "moral sense", despite first appearance, in fact went hand in hand with the position that "virtue consists in benevolence" and hence with concern for social welfare, Smith objecting only that Hutcheson went too far by asserting that virtue consists in benevolence *alone*. On this reading, Hutcheson himself, and not only Hume as Bonar maintained, "showed the elements into which the alleged 'sense' may be analysed". And, of course, disinterested "benevolence" famously dictated for Hutcheson "[a]ction...which procures the greatest Happiness for the greatest Numbers" [Hutcheson 1729, p. 180].

Now in an anonymously written review of *TMS* in May 1759 Hume writes in accommodating fashion that "[i]t is sufficient to [Smith's] purpose, if sympathy, whence ever it proceeds, be allowed to be a principle in human nature, which surely, without the greatest obstinacy, cannot be denied" [Hume (1759) 1984, p. 67]. For his part, Smith credited Hume with "attempt[ing] to account for the origin of our moral sentiments from sympathy", but distinguished between their perceptions of sympathy [Smith (1759) 1976, p. 327].[5] For Hume's system "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", whereas his own system entailed two categories: "that by which we enter into the motives of the agent, and ... that by which we go along with gratitude of the persons who are benefited by his actions". Hume's was "the same principle with that by which we approve of a well-contrived machine", whereas "no machine can be the object of either of those last two mentioned sympathies". I question whether we are justified in discerning in these objections to Hume a substantive contrast regarding the tendencies of actions relative to the motives of agents.

Firstly, as we have indicated, for Hume an action is morally defective even should social advantage result therefrom where the *intention* of the agent does not entail the public good. As for Smith, good motivation accompanied by "disagreeable" consequences would not merit wholehearted approval. That this is so emerges at several junctures in his account.

The chapter "On Propriety" defines "two different aspects" of moral approval or disapproval, one relating to *motive* and the other to *consequences*: "In the suitableness or unsuitableness, in the proportion or disproportion which the affection seems to bear to the cause or object which excites it, consists the propriety or impropriety, the decency or ungracefulness of the consequent action.[6] In the beneficial or hurtful nature of the effects which the affection aims at, or tends to produce, consist the merit or demerit of the action, the qualities by which it is entitled to reward, or is deserving of profit" [Smith (1759) 1976, p. 18]. In a recapitulation, Smith insists on the satisfaction of *both* "aspects" to justify wholehearted applause:

> We do not...thoroughly and heartily sympathize with the gratitude of one man towards another, merely because this other has been the cause of his good fortune, unless he has been the cause of it from motives which we entirely go along with....

> If in the conduct of the benefactor there appears to have been no propriety, how beneficial soever its effects, it does not seem to demand, or necessarily to require, any proportionable recompense.
> But when to the beneficent tendency of the action is joined the propriety of the affection from which it proceeds, when we entirely sympathize and go along with the motives of the agent, the love which we conceive for him upon his own account, enhances and enlivens our fellow-feeling with the gratitude of those who owe their prosperity to his good conduct [p. 73].

Motivation satisfying "propriety" does not therefore alone suffice since consequences are no less relevant for full moral approval. Even a passage sometimes said (as by Montes 2004, p. 77) to prove the centrality of motivation rather than consequences can be read as insisting upon the latter:

> But in our approbation of the virtues of self-command, complacency with their effects sometimes constitutes no part, and frequently but a small part of that approbation. Those effects may sometimes be agreeable, and sometimes disagreeable; and though *our approbation is no doubt stronger in the former case*, it is by no means altogether destroyed in the latter. The most heroic valour may be employed indifferently in the case either of justice or of injustice; and *though it is no doubt much more loved and admired in the former case*, it still appears a great and respectable quality even in the latter [p.264; emphasis added].

Evidently, consequences *do* matter for moral evaluation – even apparently for the general run of humanity and not merely an élite – approbation being "stronger", and "much more loved and admired" where the effects are "agreeable". It must be admitted, however, that Smith seems to be riding two horses since he immediately goes on to maintain that "[i]n that, and in all the other virtues of self-command, the splendid and dazzling quality seems always to be the greatness and steadiness of the exertion, and the strong sense of propriety which is necessary in order to make and to maintain that exertion. The effects are too often but too little regarded".

MORE ON "PROPRIETY" AND UTILITY

Two particular passages in *TMS* objecting to Hume – frequently said to demonstrate a *non-utilitarian* ethical stance – must be addressed. The first is from the outset of the work discussing judgments made by an individual of the "propriety of other men's affections", where Smith relegates "utility" to second place in favour of what is "right...accurate...agreeable to truth and reality" and, furthermore, fits in with the observer's prejudices:

> The utility of those qualities [judgments generally considered eminently praiseworthy], it may be thought, is what first recommended them to us;[7] and no doubt, the consideration of this, when we come to attend to it, gives them a new value. Originally, however, we approve of another man's judgement, *not as something useful, but as right, as accurate, as 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* [Smith (1759) 1976, p. 20; emphasis added].[8]

Smith extends to "taste" the general complaint that Hume had neglected the "propriety" component of moral approval: "Taste, in the same manner, is originally approved of, not as useful, but as just, as delicate, and as precisely suited to its object. The idea of the

utility of all qualities of this kind, is plainly an afterthought, and not what first recommends them to our approbation". We read similarly of "the suitableness of the affection from which we act to the object which excites it" [Smith (1759) 1976, p. 267]. For future reference, we note here that Smithian "propriety" sense understood as that which is "just...delicate, and...precisely suited to its object", would accommodate Humean "fitness".

In our extract treating *utility* as a secondary consideration, Smith defines the term as "something useful". Now, the so-called water-diamonds "paradox" of *The Wealth of Nations* may easily be misunderstood as rejecting a "utility" dimension to price formation for, to the contrary, it asserts the relevance for value determination of "desirability" – which may, but need not, entail "usefulness" in the sense that water is "useful" [Hollander 1973, pp. 137–138]. Correspondingly, in the present context Smith does not necessarily downplay "utility" except in the popular sense of "*usefulness*". Indeed, elsewhere we shall find Smith explicitly admitting into the moral calculus "utility" identified as "agreeableness" or "advantageousness" quite generally.

The second extract, from Part IV, "Of the Effect of UTILITY upon the Sentiment of Approbation", points out that "[t]he same ingenious and agreeable author who first explained why utility pleases" resolves "our whole approbation of virtue into a perception of this species of beauty which results from the appearance of utility. No qualities of mind, he observes, are approved of as virtuous, but such as are useful or agreeable either to the person himself or to others; and no qualities are disapproved of as vicious but such as have a contrary tendency" [Smith (1759) 1976, p. 188].[9] To be underscored is the fact that Smith does not dispute the *principle of utility* as such, since he goes on immediately to affirm that "[n]ature, indeed, seems to have so happily adjusted our sentiments of approbation and disapprobation, to the conveniency both of the individual and of the society, that after the strictest examination it will be found, I believe, that this is universally the case"; and he further allows that the sentiments of approval and disapproval "are no doubt enhanced and enlivened by the perception of the beauty or deformity which results from this utility or hurtfulness". His point of contention is that "it is not the view of this utility or hurtfulness which is either the first or principal source of our approbation and disapprobation". What precisely we are to understand by this declaration requires consideration of the importance Smith accords "propriety".

In the first place, Smith objects to identifying the "approbation of virtue" with that of a building or piece of furniture – in the manner attributed to Hume [see (Hume (1759) 1976, p. 188]. Different sentiments are at play, and in the case of character evaluation, "the sentiment of approbation always involves in it *a sense of propriety quite distinct from the perception of utility*. We may observe this with regard to all the qualities which are approved of as virtuous, both those which, according to this system, are originally valued as useful to ourselves, as well as those which are esteemed on account of their usefulness to others" [Smith (1759) 1976, pp. 188–189; emphasis added].

Consider next Smith's assumption that Hume limits his utility argument to qualities "valued as useful to ourselves" or "to others". The first category Smith identifies with the virtue of "prudence", prudential conduct entailing two primary components: "superior reason and understanding, by which we are capable of discerning the remote consequences of all our actions, and of foreseeing the advantage or detriment which is likely to result from them"; and "self-command, by which we are enabled to abstain from present pleasure or to endure present pain, in order to obtain a greater pleasure or to avoid a greater pain in some future time" [Smith (1759) 1976, p. 189].[10] The first component of "prudence" entails qualities "originally approved of as just and right and

accurate" – approved of, we understand, as satisfying the "propriety" sense – "not merely as useful or advantageous"; and the second component is said similarly "to be approved of, *as much under the aspect of propriety, as under that of utility*" (emphasis added). When we act prudentially, "the sentiments which influence our conduct" – preeminently that of propriety – "seem exactly to coincide with those of the spectator [who] does not feel the solicitations of our present appetites" [p. 190]. For the natural power of time preference is so strong that it would always prevail in practice "*unless it was supported by the sense of propriety*, by the consciousness that we merited the esteem and approbation of every body, by acting in the one way, and that we become the proper objects of their contempt and derision by behaving in the other" (emphasis added).

"Propriety" intrudes even with respect to qualities "approved of as virtuous", and "originally valued as usefulness to others" – "Humanity, justice, generosity, and public spirit" are the prime candidates. For, Smith explains, "our admiration is not so much founded upon the utility, as upon the unexpected [sacrifices made], and on that account the great, the noble, and exalted propriety of such actions" [Smith (1759) 1976, p. 192]. He allows that "utility, when we come to view it, bestows upon them, undoubtedly, a new beauty, and upon that account still further recommends them to our approbation", but adds the qualification that "[t]his beauty ... is chiefly perceived by men of reflection and speculation, and is by no means the quality which first recommends such actions to the natural sentiments of the bulk of mankind". This restriction be it noted is very flexible, since *in the final resort* even the "bulk of mankind" is not immune.

What seems to have been frequently overlooked in the commentaries is that notwithstanding Smith's declaration that "the sentiment of approbation always involves in it a sense of propriety *quite distinct from the perception of utility*", he himself admitted that "[i]n our approbation of all those virtues [prudence, justice, and beneficence], our sense *of their agreeable effects, of their utility*, either to the person who exercises them, or to some other persons, *joins with our sense of their propriety*", and "*constitutes always a considerable part of that approbation*" [Smith (1759) 1976, p. 264; emphasis added]. There is certainly no rejection of the utility component governing ethical merit.[11]

Smith goes yet further, maintaining a "*coincidence*" of utility and propriety, and underscoring a proper *balance* of ethical considerations, no single one going too far (or falling short) of the "proper degree":

> 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 viscous. 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 any one affection, but in the proper degree of all the affections [Smith (1759) 1976, pp. 305–306].

Now, Smith is happy with the so-called "propriety" view – here said to "coincide" with the utility view – subject to one qualification: "The only difference between [the "propriety" system] and that which I have been endeavouring to establish, is, that it makes utility, and not sympathy, or the corresponding affection of the spectator, the natural and original measure of this proper degree" [p. 306].

What does all this imply for the validity of Smith's critique of Hume? The principle that "[e]very affection is useful when it is confined to a certain degree of moderation; and every affection is disadvantageous when it exceeds the proper bounds" – a feature of "propriety" – is in fact conveyed by Hume's contention that even meritorious "public spirit", such as alms-giving, might be taken too far rendering the excess no longer "useful" [Hume (1751) 1927, p. 180]. As for Smith's qualification that the utility system "makes utility, and not sympathy, or the corresponding affection of the spectator" the measure of the requisite balance of affections, recall that Smith himself in fact credited Hume with "attempt[ing] to account for the origin of our moral sentiments from *sympathy*", and that the distinction there drawn between his own and Hume's perception of "sympathy" – the former focusing on the *motive* of agents and the latter on *consequences* or tendencies of actions – does not, so we have argued, indicate a definitive contrast between the two systems. And, needless to say, Hume's system, no less than Smith's, accords the spectator a central role.[12]

We turn to the matter of "self-command". That "superior reasoning", incorporating "prudence", by which we are capable of discerning the remote consequences of all our actions" – identified by Smith as "originally approved of as just and right and accurate", a feature of "propriety" – had been expressed by Hume when he wrote of "views of utility or of future beneficial consequences" as "enter[ing] into this sentiment of approbation" [Hume (1751) 1927, p. 260]. It is confirmed by a comment on the esteem for natural ability: "The principal reason why natural abilities are esteem'd, is because of their tendency to be useful to the person, who is possess'd of them. 'Tis impossible to execute any design with success, where it is not conducted with *prudence and discretion*; nor will the goodness of our intentions alone suffice to procure us a happy issue to our enterprizes" [Hume (1740) 1978, p. 610; emphasis added]. There is no substantive difference between the Smith and Hume formulations.

The complaint that Hume identified the "approbation of virtue" with that of a building or piece of furniture – or that Hume's principle was the same as "that by which we approve of a well-contrived machine" – has little justification. For Hume had responded to this sort of objection: "We ought not to imagine, because an inanimate object may be useful as well as a man, that therefore it ought also, according to this system, to merit the appellation of *virtuous*. The sentiments, excited by utility, are, in the two cases, very different; and the one is mixed with affection, esteem, approbation, &c, and not the other" [Hume (1751) 1927, p. 213n]. The same point is made in his anonymously written contribution to the *Critical Review* [Hume (1759) 1984, p. 74]. Again, there are no differences between Hume and Smith regarding this particular.

What though of Smith's relegation of the utility component of merit to an élite? We would mark this as an important contrast with Hume, were it not that Smith himself qualified the restriction, allowing that even the "bulk of mankind" is affected in the final resort.

Finally, whereas Smith understood that for Hume "utility" is the *sole* source of moral approval, Hume's position is actually more complex. In a narrow range of cases, he recognized a source of approval provided by "particular *original* principles of human nature". And as we there indicated, he represented utility as the *sole* source of moral approbation regarding "fidelity, justice, veracity, integrity and those other estimable and useful qualities and principles", but only as the source of "a *considerable part* of the merit ascribed to humanity, benevolence, friendship, public spirit, and other social virtues of that stamp" (emphasis added).

ON JUSTICE AND PUNISHMENT

As we have seen, motivation enters into Smith's view of ethical merit as it does for Hume. We now focus on the importance to Smith of motivation reflecting concern with public welfare. Thus, man is "naturally endowed with *a desire of the welfare and preservation of society*", although "the Author of nature has not entrusted it to his reason to find out that a certain application of punishments is the proper means of attaining this end; but has endowed him with an immediate and instinctive approbation of that very application which is most proper to attain it" [Smith (1759) 1976, p. 77; emphasis added]. Now, we must not overlook that concern for public welfare is said *to supersede all others*, as becomes clear in a case against Hutcheson's proposition that virtue consisted in benevolence alone [p. 265]. It was not true, Smith maintained, that "a regard to the welfare of society should be the *sole* virtuous motive of action, *but only that, in any competition, it ought to cast the balance against all other motives*" [pp. 304–5; emphasis added]. Now to this Raphael and Macfie append the comment: "The view expressed in the last clause of this sentence is an unusual one for an opponent of utilitarianism to accept" [305n]. Unusual indeed. Surely, a more natural reaction would be to conclude that Smith clearly reveals himself *not* to be an opponent.

All this must be kept in mind when we consider Smith's reaction to Hume's strong proposition in the *Enquiry* that "public utility is the *sole* origin of justice, and ... reflections on the beneficial consequences of this virtue are the *sole* foundation of its merit" justifying private property where scarcity rules [Hume (1751) 1927, p. 183].[13] Now Smith agreed that "society cannot subsist unless the laws of justice are tolerably observed" [Smith (1759) 1976, p. 87], but he denied that "consideration of this necessity ... was the ground upon which we approved of the enforcement of the laws of justice by the punishment of those who violated them".[14] A reformulation reiterates the concern with social stability, but (as always) not as man's "first" consideration: "it is seldom this consideration which *first* animates us against [licentious practices]. All men, even the most stupid and unthinking, abhor fraud, perfidy, and injustice, and delight to see them punished. But few man have reflected on the necessity of justice to the existence of society, how obvious soever that necessity may appear to be" [p. 89]. And he proceeds: "that it is not a regard to the preservation of society, which *originally* interests us in the punishment of crimes committed against individuals, may be demonstrated by many obvious considerations", including the fact that "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" [p. 90; emphasis added].

But we must allow here for considerations that radically affect the interpretation of Smith. In cases where particular persons are directly hurt by a crime, Smith seeks to prove that punishment is not justified "merely" in utilitarian terms, that is "on account of the order of society", by suggesting that any such appeal does not provide a sufficient guarantee that it will achieve the desired objective. This he does by pointing to the reinforcement provided by religion: "Nature teaches us to hope, and *religion, we suppose*, authorizes [eds 1, 2: *religion authorizes*] us to expect, that it will be punished, even in a life to come" [Smith (1759) 1976, p. 91, emphasis added]. The textual amendment suggests a weakening of Smith's religious conviction. Similarly: "The justice of God, *we think*, still requires, that he should hereafter avenge the injuries of the widow and the fatherless, who are here so often insulted with impunity. In every *religion, in every superstition*, there is a hell as well as a paradise" (emphasis added). The last sentence appears in 1790 at the end of a chapter considering the extent the sense of

justice depends upon utility. It replaces a lengthy text in the first five editions *rejecting*, as unacceptable, indeed as unnatural, the opinion that the Deity loves virtue and hates vice because the former promotes the happiness of society and the latter misery, rather than for their own sakes: it "is not the doctrine of nature, but of an artificial, though ingenious, refinement of philosophy. All our natural sentiments prompt us to believe" in a sort of "perfect virtue...for its own sake" [p. 91n].

The omission in 1790 of this strong assertion would appear to strengthen the utility component allowed by Smith, and also to weaken the appeal to something rather close to a "moral sense" dictating what is self-evidently virtuous. In any event, elsewhere in all editions Smith himself confirms his adherence to the Deity's utilitarian objective, and this he also ascribes to *the man in the street*: "by acting according to the dictates of our moral faculties, we necessarily pursue the most effectual means for promoting the happiness of mankind, and may therefore be said, in some sense to co-operate with the Deity, and to advance as far as in our power the plan of Providence" [Smith (1759) 1976, p. 166].[15]

Smith's editors, we may conclude, correctly allow that "Smith gives partial support to a utilitarian theory of justice" [Smith (1759) 1976, p. 398]. But such support is yet stronger than has appeared thus far. For Smith has been concerned with the motive behind approval of punishment in cases where *crimes affecting particular persons* are involved and the moral sentiments are awakened by sympathy with those persons. Justice is required to preserve society, but in cases of this sort such utilitarian grounds are secondary in men's moral evaluations. However, where crimes are involved which "do not immediately or directly hurt any particular person", then, Smith allows, *extra-utilitarian considerations become irrelevant or at the least are overwhelmed*:

> 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 the punishments inflicted for breaches of what is called either civil police, or military discipline. Such crimes do not immediately or directly hurt any particular person; *but their remote consequences, it is supposed, do produce, or might produce, either a considerable inconveniency, or a great disorder in the society....* When the preservation of an individual [sentinel] is inconsistent with the safety of a multitude, nothing can be more just than that the many should be preferred to the one [p. 90; emphasis added].

Thus, while an observer might feel pity for a sentinel who sleeps while on duty, "the interest of the many" is to his mind the overriding consideration and the sentinel must bear the consequences [p. 91]. This case is said by Raphael to have been considered by Smith himself as the exception that proves the rule [Raphael 1972/1973, p. 95].[16] But the entire domain of "civil police" can scarcely be said to be quantitatively insignificant. For it is greatly broadened, and with it application of the utility criterion in the guise of the promotion of public welfare, when account is taken of "[t]he perfection of police, the extension of trade and manufactures", as part of "the great system of government" [Smith (1759) 1976, p. 185].[17] Rosen, with the present case in mind, similarly points out that "justice was concerned with more than responding to particular injuries and must take into account public utility as well as private injury" [Rosen 2003, p. 64].

SMITH'S "GREATEST HAPPINESS" PRINCIPLE

In discussing a person's judgment of his fellow's actions, Smith, we have seen, underplays utilitarian considerations but only where *particular individuals* are affected

by those actions. The topic is expanded in Part IV: "Of the Effect of Utility upon the Sentiment of Approbation", and in the course of this discussion it becomes clear that whatever the character of approbation, the end of social intercourse and activity is *happiness*. All this bears upon social policy, and Robbins's concerns regarding the place of *TMS* within the classical utilitarian tradition in this regard, as well as those more recently of Witztum and Young, seem to be overstated.

The first chapter of Part IV concerns aesthetics or "the productions of art" and cites Hume's position that "the utility of any object pleases the master by perpetually suggesting to him the pleasure or conveniency which it is fitted to promote" [Smith (1759) 1976, p. 179]. Smith might here be referring to the discussion of "Why Utility Pleases" in the *Enquiry* or to the formulations in the *Treatise*. But he points out – the context clarifies that his concern extends beyond aesthetics to moral approval generally – that "the fitness of any system or machine to produce the end for which it was intended, bestows a certain propriety and beauty upon the whole, and renders the very thought and contemplation of it agreeable, is so very obvious that nobody has overlooked it". Smith thus maintains that the sense of "propriety" requires that "fitness" should complement utility, implying that *the means must take account of the end* – as Hume maintained. He then famously raises the need to explain why

> this fitness, this happy contrivance of any production of art, should often be more valued, than the very end for which it was intended; and that the exact adjustment of the means for attaining any conveniency or pleasure, should frequently be more regarded, than that very conveniency or pleasure, in the attainment of which their whole merit would seem to consist... That this however is very frequently the case may be observed in a thousand instances, both in the most frivolous and in the most important concerns of human life [pp. 179–180].

Smith's explanation for the phenomenon in question runs in terms of the attraction exerted by love of "system" as such, independently of any particular end purpose, *"fitness" taking on a life of its own*. For all that, Smith does not turn his back on "utility" and Humean "fitness" with its focus on the final end; for the final end is throughout taken for granted, which must necessarily be the case since any pleasure derived from observing, for example, the workings of a highly sophisticated watch (one of Smith's "trivial" instances) would evidently be erased if the timepiece failed to tell the time accurately. *Presupposing* an end purpose, Smith simply adds the complexity that the machinery employed in its achievement is admired for its own sake in some cases – "often", "frequently, even "very frequently", but also, we shall see, "sometimes".

We turn now from aesthetics and "trivial" applications to Smith's primary application. It is his contention that wealth is admired and sought after not to the end of achieving "happiness", but because of the attraction exerted by the devices at play in the quest for happiness:

> If we examine...why the spectator distinguishes with such admiration the condition of the rich and the great, we shall find that it is not so much upon account of the superior ease or pleasure which they are supposed to enjoy, as of the numberless artificial and elegant contrivances for promoting this ease or pleasure. He does not even imagine that they are really happier than other people; but he imagines that they possess more means of happiness. And it is *the ingenious and artful adjustment of those means to the end for which they are intended, that is the principle source of his admiration* [Smith (1759) 1976, p. 182; emphasis added].

Here, as the italicized phrases indicate, Smith amply confirms that "fitness" cannot be understood independently of end purpose – namely "happiness", albeit an *imaginary* happiness. It is an imaginary happiness since "[i]f we consider the real satisfaction which all these things [accommodation, possessions] are capable of affording, by itself and separated from the beauty of that arrangement which is fitted to promote it, it will always appear in the highest degree contemptible and trifling" [p. 183]. "But", Smith proceeds, "we rarely view [wealth] in this abstract and philosophical light. We naturally confound it in our imagination with the order, the regular and harmonious movement of the system, the machine or oeconomy by means of which it is produced. The pleasures of wealth and greatness, when considered in this complex view, strike the imagination as something grand and beautiful and noble, of which the attainment is well worth all the toil and anxiety which we are so apt to bestow upon it". Here "the pleasures of wealth and greatness" with an eye to happiness – the end point – ultimately proves illusory, a providential "deception" assuring that people are motivated to effort: "it is well that nature imposes upon us in this manner. It is this deception which rouses and keeps in continual motion the industry of mankind".

The social advantage referred to relates specifically to population increase, the aforementioned "deception" assuring "a new fund of subsistence" and the means "to maintain a greater multitude of inhabitants" [Smith (1759) 1976, pp. 183–4]. If we ask *why* population growth is desirable, the answer provided is that the "*real happiness of human life*" is thereby expanded since the celebrated "invisible hand" assures an egalitarian "distribution of the necessaries of life" if not of luxuries [pp.184–5; emphasis added].[18] We may say then that we have here an instance of the "greatest happiness of the greatest number" in a quite literal sense.

This outcome gainsays the view that Smith's notion of "deception" in the quest for wealth proves the secondary status accorded the utilitarian standard [Witztum and Young 2013, p. 575].[19] In addition, we recall what Smith himself apparently missed – that "deception" is equally a feature of Hume's *Enquiry*, which posits that "the honest man, if he has any tincture of philosophy, or even common observation and reflection, will discover that they themselves are, in the end, the greatest dupes, and have sacrificed the invaluable enjoyment of a character, with themselves at least, for the acquisition of worthless toys and gewgaws. How little is requisite to supply the *necessities* of nature?" [Hume (1751) 1927, p. 283]. This accords with the representation of "vanity" in *A Treatise of Human Nature* – albeit a "secondary satisfaction" – as "the chief reason why we either desire [riches] for ourselves, or esteem them in others" [Hume and David (1739) 1978, p. 365].

Now, Bonar maintained that "[u]nlike Adam Smith, Hume by no means regarded the desire of wealth as a force which shaped society, in any good sense. It is rather a disintegrating influence which needs to be counteracted" – the latter being an allusion to rules of justice [Bonar 1922, p. 116]. But provided that the quest for wealth was effectively "counteracted" Hume did discern the beneficial social effects of such "deception". And Smith too did not conceive of social benefit as deriving from *unregulated* activity, arguing the case for usury laws as essential to growth [Hollander 2013]. Furthermore, there is, needless to say, the broad case for justice, for while "[s]ociety may subsist among different men ... from a sense of its utility, without any mutual love or affection" – without, that is, "beneficence" – "the prevalence of injustice must utterly destroy it" [Smith (1759) 1976, p. 86].

The notion of "deception" is extended further. Smith takes for granted that "[a]ll constitutions of government ... are valued only in proportion as they tend to promote the happiness of those who live under them. This is their sole use and end" [Smith (1759)

1976, p. 185]. Fortunately, he avers, "the same love of system, the same regard to the beauty of order, of art and contrivance" as described earlier "frequently serves to recommend those institutions which tend to promote the public welfare". The main illustration of the theme whereby "we sometimes seem to value the means more than the end" pertains to economic policy programmes designed to increase real income by the removal of mercantilist-type obstacles,[20] Smith advising the reformist politician to base his argument rather more by reference to "the great system of public police which procures these advantages" – "explain[ing] the connections and dependencies of its several parts, their mutual subordination to one another", than by explicit promotion of societal happiness [p. 186]. Even so, a persuasive campaign would culminate in explaining to the public "their general subserviency to the happiness of society". The end is to be kept in sight – even of the public, and not merely of "philosophers" as is sometimes asserted.

THE BENTHAM CONNECTION

We turn finally to Bentham's perspectives on Hume and Smith. The latter exercise is obviously essential for evaluating the alleged divorce of Smith from Benthamite utilitarianism. But Bentham's reaction to Hume is also relevant in the light of the case we have advanced of a closer Hume–Smith correspondence than is often imagined. For a close Bentham–Hume relation would constitute a presumption – though no more than a presumption – of a positive response on Bentham's part to *TMS*.

Bentham and Hume

We recall Hume's position that "[t]hose who resolve the sense of morals into original instincts of the human mind, may defend the cause of virtue with sufficient authority; but want the advantage, which those possess, who account for that sense by an extensive sympathy with mankind". We are asked not to entertain a "sense of morals" yielding immediate verdicts regarding that "multitude of precepts" commonly designated as ethical. Rather, the benevolent sentiment of "sympathy" must be stimulated by the pertinent social consequences relevant to each specific application and precept; conversely, that sentiment gives "a preference to the useful above the pernicious tendencies". This mutual relation assures the equivalence of the proposition that "the foundations of all *virtue* are laid in *utility*" (in Bentham's rendition of Hume as we have seen in our Introduction) and Hume's proposition that "sympathy is the chief source of moral distinction*s*". Bentham too, we shall now show, represents benevolence as a natural sentiment, and the interpretation we have offered of Hume applies equally to his account.

To be avoided is the common practice of confusing Bentham's ethical utilitarianism with selfishness, thereby distinguishing it from the Humean variety. Personal ethics, for Bentham, include not only a moral duty towards others – partly negative ("*probity*") to avoid reducing their happiness, and partly positive ("*beneficence*") to increase their happiness – but also a moral duty towards oneself, a manifestation of the quality of "*prudence*" [Bentham (1789) 1982, p. 284]. Allowing, as he does, a peculiar force to the self-interest motive – that "the only interests which a man at all times and upon all occasions is sure to find *adequate* motives for consulting, are his own" – he raises the query: "What motives (independent of such as legislation and religion may chance to furnish) can one man have to consult the happiness of another?" The answer turns on "the purely social motive of sympathy or benevolence" – which applies "on all

occasions" and acts "according to the *bias* of his sensibility – and also on "the semi-social motives of love of amity and love of reputation" – which apply "on most occasions" depending on the "strength of his intellectual powers, the firmness and steadiness of his mind, the quantum of his moral sensibility, and the character of the people he has to deal with" [pp. 284–285].

Thus for Bentham, as for Hume, "sympathy" (or benevolence) is recognized not casually but as a *prime* social motive; and even the semi-social motives turn on the degree of "moral sensibility" pertinent to each case.[21] An observation relating to legislators identifies "the most virtuous of men" with "the most public spirited" [Bentham (1824) 2015, p. 45]. And, more generally, an "order of pre-eminence among motives" is proposed, the ranking turning on "the tendency which they appear to have to unite, or disunite" an agent's interests and those of other members of the community, with "good-will" ranked first considering that its "dictates taken in a general view, are surest of coinciding with those of the principle of utility. For the dictates of utility itself are neither more nor less than the dictates of the most extensive and enlightened (that is *well-advised*) benevolence. The dictates of the other motives may be conformable to those of utility, or repugnant, as it may happen" [Bentham (1789) 1982, pp. 116–117]. The representation of the principle of utility as satisfying *benevolent* sentiment – to the extent of identifying the dictates or purposes of utility with those of benevolence – extends to the matter of Justice: "justice, in the only sense in which it has a meaning, is an imaginary personage, feigned for the convenience of discourse, whose dictates are the dictates of utility, applied to certain particular cases" (120n). Justice, Bentham famously concludes, "is nothing more than an imaginary instrument, employed to forward on certain occasions, and by certain means, the purposes of benevolence".[22] Considering the capital role accorded benevolence and sympathy in Bentham's account as ethical sentiments of a particularly high order, it is apparent that his system is far removed from the simple-minded "reductionism" often attributed to it. This conclusion also bears directly on the validity of an alleged contrast between Humean and Benthamite Utilitarianism, the latter identifying Bentham's stance with that of James Mill [Robbins 1952, pp. 177–178; 1970, p. 56].[23]

Other common features may be noted. For Bentham, of course, concepts condemned outright by "common-place morality", such as avarice, had no meaning independent of utility and disutility [Bentham (1789) 1982, pp.114–15]. For Hume, similarly, there were no absolutes so that there could be too much of a good thing even with respect to "public utility", as in the case of alms-giving.

Now, Hume tried to understand why "the difficulty of accounting for these effects of usefulness, or its contrary, has kept philosophers from admitting them into their systems of ethics, and has induced them rather to employ any other principle, in explaining the origin of moral good and evil" [Hume (1751) 1927, p. 213]. It was, he insisted, unjustified to reject "any principle, confirmed by experience, that we cannot give a satisfactory account of its origin, nor are able to resolve it into other more general principles". And, indeed, Hume perceived the quest for pleasure and avoidance of pain as "an ultimate end, [which] is never referred to any other object" [p. 293]. Hence also his refusal to consider "why we have humanity or a fellow-feeling with others. It is sufficient, that this is experienced to be a principle of human nature. We must stop somewhere in our examination of causes.... No man is absolutely indifferent to the happiness and misery of others. The first has a natural tendency to give pleasure; the second pain" [pp. 219–20n]. Similarly, he assumed the sentiment of "general benevolence, or humanity, or sympathy" to be "real, from general experience, without any other proof" [p. 298n]. This general stance corresponds exactly to Bentham's

position that the principle of utility is not susceptible of direct proof: "that which is used to prove every thing else, cannot itself be proved: a chain of proofs must have their commencement somewhere" [Bentham (1789) 1982, p. 13].[24] For both, the utility principle was axiomatic, a "postulate". In this regard, Hume's elaboration of his second category of moral duties, which includes political allegiance or "obedience to magistrates", could scarcely be more "Benthamite" in its concern to escape circular reasoning:

> If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, *because society could not otherwise subsist.* And this answer is clear and intelligible to all mankind. Your answer is, *because we should keep our word.* But ... you find yourself embarrassed, when it is asked, *why we are bound to keep our word?* Nor can you give any answer, but what would, immediately, without any circuit, have accounted for our obligation to allegiance [Hume (1777) 1994, p. 481].

All in all, the coincidence of the two ethical perspectives is so extensive that the high praise accorded Hume in *A Fragment on Government* is easy to appreciate. We are, however, faced by the problem that in his annotations of 1819 to *Morals and Legislation* Bentham cited Hume along with Shaftesbury and Hutcheson as adopting the idea of a "moral sense", when illustrating the *rejection* of utility considerations.[25] This insertion, I surmise, must have been made in haste, Bentham neglecting that while Hume did not formally reject the moral sense, he firmly denied its relevance as providing an automatic index of the ethical status of conduct, relying on the moral sentiment of sympathy. We also recall from the outset of this paper Bentham's objection to what he refers to as Hume's "few exceptions" to the utilitarian rule. By this, he perhaps intended Hume's "cases of less moment". Yet, it is a fact that Bentham himself allowed "other considerations than those of utility [from which] we derive our notions of right and wrong", namely "a moral sentiment" which is "originally conceived from any other source than a view of utility", although he dismissed the matter as "speculation" [Bentham (1789) 1982, p. 28]. We cannot exclude that he intended here something akin to a "moral sense", since "moral sentiment" as such figures large in his ethical system so that to describe it as merely as a speculative matter would scarcely be appropriate.

I turn to differences between the two systems. Although there is common ground regarding the high weighting accorded *benevolence* or *good-will* or *sympathy* in the moral hierarchy, for Hume the empirical significance of concern for the public interest is at least as powerful as self-interest [Hume (1751) 1927, pp. 214–18], whereas Bentham was less sanguine. Furthermore, a notion of "fitness" is not to my knowledge expressed in so many words by Bentham. On the other hand, Hume incorporated within "fitness" what he refers to as "prudence and discretion", and Bentham certainly did recognize the moral approval attached to these qualities, expressed in the *Springs of Action* as "prudence, circumspection, forecast, foresight" [Bentham (1815) 1859, p. 204]. Furthermore, whereas Hume focused on the social consequences of conduct for good or bad as evaluated objectively by a "spectator" free of self-interested bias, Bentham provided (again, as far as I am aware) no formal discussion of the "spectator", although disinterested evaluation is presumably always intended.

Bentham and Smith

Bentham wrote reams on *The Wealth of Nations*, but made no corresponding analysis of *The Theory of Moral Sentiments.* We may, however, take it for granted that he was

familiar with this work. How he understood it is another matter.[26] Had he read *TMS* as opposing the utility principle would he not have addressed the matter in his lengthy note in *Morals and Legislation* enumerating objectionable positions with which we introduced this paper? His silence leaves open the possibility that he perceived the 1759 text as *favouring* the principle of utility and therefore not requiring notice. This option is reinforced by the extensive evidence of close proximity between the Hume and Smith systems of ethical utilitarianism – confirmed by Hume's complimentary notice of *TMS* in the *Critical Review* of 1757 – and between the Hume and Bentham systems.

For all that, whether Bentham indeed read *TMS* as in line with Hume remains uncertain. An observation in 1795 coupling Smith with Hume is suggestive but inconclusive since it extends too broadly: "The principle of utility, with the united powers of Bacon, Locke, Hume, Smith [and] Paley to develop it, would be nothing against one Danton bawling out natural rights" [Bentham (1795) 1952, p. 336].[27] In particular, regarding Smith Bentham may have intended "the art of legislation" rather than "private ethics", with the *Wealth of Nations* in mind, although it might perhaps be said that this is unlikely since Bentham so much opposed the *Naturrecht* concept to be found in 1776: "I leave it to Adam Smith, and the champions of the rights of man ... to talk of invasions of natural liberty, and to give as a special argument against this or that law, an argument the effect of which would be to put a negative upon all laws" [Bentham (1801) 1954, p. 258]. The matter remains in abeyance, as Rosen feared [Rosen 2003, p. 80].

Recall next how much is sometimes made of Smith's utility considerations, especially in the context of justice, as pertaining to *philosophical* interpretations of human morality and of relevance to an élite rather than the bulk of humanity, thereby allegedly indicating a divorce from Benthamite utilitarianism. Now, we have found instances where Smith does specifically address politicians seeking to persuade the public regarding matters of policy. But this is even more the case with Bentham. Thus, Viner cautioned that it was the ethics of moral leaders – attempting to influence legislation – rather than the ordinary man that mainly concerned Bentham and cited Bentham to the effect that "[t]he science whose foundations we have explored can appeal only to lofty minds with whom the public welfare has become a passion" [Viner 1958, pp. 311–312]. Nevertheless, Bentham sometimes wrote as if he was mainly concerned with private ethics, asserting for example, that "[t]here is no case in which a private man ought not to direct his own conduct to the production of his own happiness, and of that of his fellow-creatures", whereas "there are cases in which the legislator ought not ... to attempt to direct the conduct of the several other members of the community" [Bentham (1789) 1982, p. 285].[28] As for Smith, we have encountered his qualification to the exclusion of the "bulk of mankind" from his ethical propositions, and his contention that a persuasive political campaign would culminate in explaining to the public "their general subserviency to the happiness of society". To draw a sharp contrast between Smith and Bentham regarding the matters at hand is to be avoided.

One further feature of the Smith–Bentham *entente* – whether or not Bentham himself recognized the Smith branch – merits reiteration. I refer to Smith's application of the utilitarian maximand in *TMS* to justify population expansion and accordingly the "*real happiness of human life*". Bentham's counterpart reads thus: "the encrease of abundance in point of population... encrease[s] the mass of comfort by encreasing the numbers of those who enjoy comfort" [Bentham (1801–1804) 1954, p. 310]; or again: "Encrease of population is desirable, as being an encrease of 1. the beings susceptible of *enjoyment*; 2. the beings capable of being employed as *instruments of defence*"

[p. 361]. Hume's "Populousness of Ancient Nations" (first published in 1752) describes the responsibility of government to adopt policies assuring "the easy subsistence of men, and consequently... their propagation and encrease" [Hume (1777) 1994, p. 420]. But he does not here justify increase of population in terms of increase in "happiness" or "enjoyment" in the Smith–Bentham manner, saying only that "wherever there are most happiness and virtue, and the wisest institutions, there will also be most people" [p. 382].

CONCLUDING NOTE

I have not sought to *identify* the Hume and Smith ethical perspectives – allowing, for example, for their alternative perceptions of "sympathy" – but have shown that the major contrasts perceived in the literature between the two, Smith allegedly playing down markedly the utility component in ethical evaluation compared with Hume, do not survive careful examination of the extensive qualifications and elaborations made by each party to his own doctrine. Even when Smith designates utility as a "secondary" consideration, it constitutes an *essential* ingredient in ethical evaluation – a necessary condition. And Smith emerges as more "Benthamite" than does Hume by applauding a large population in terms of an increased mass of "happiness". As for Bentham, his legal, penal, and constitutional preoccupations are of course unique to him, although, even within the limited scope of the present comparative investigation, we have encountered differences with Hume regarding, for example, the empirical significance of concern for the public interest, and the absence from Bentham's accounts of formal attention to the figure of the "spectator" which distinguishes him from both Smith and Hume. These contrasts are nonetheless overwhelmed by the extent of agreement regarding the principles of ethics. If we hesitate to designate Smith as an "ethical utilitarian", then we have no choice but to treat Hume and Bentham in similar fashion.

Notes

1. Long is unjustified when he charges Bentham with *distorting* Hume by attributing to him a fully fledged utility perspective [Long 1990, pp. 23–24].
2. The term was coined by Oakeshott [1993], p. 454.
3. See also Brown [1994], p. 32n4. The same contrast was much earlier drawn by Stewart [1793] 1980, p. 279.
4. On the doctrine which "excludes all sentiment, and pretends to found everything on reason", see Hume [1751] 1927, p. 179n. On "the deduction of morals from self-love or a regard for private interests", see p. 215.
5. Valuable commentaries on Smithian "sympathy", and the related "impartial spectator", include Morrow [1923], pp. 28–44; Bonar [1922], pp.164–168; Raphael [1985], pp. 29–45 and [2007]; Raphael and Macfie, pp. *5, 7, 9–10, 12–13, 15–16*; Wilson 1976; Skinner 1979.
6. On "propriety" as relating to *motive*, see Bonar [1922], pp. 165–166. When commenting on "modern systems, according to which virtue consists in propriety", Smith complains that "[n]one of these systems either give, or even pretend to give, any precise or distinct measure by which this *fitness or propriety of affection* can be ascertained or judged of", which "can be found nowhere but in the sympathetic feelings of the impartial and well-informed spectator" [Smith (1759) 1976, p. 294].
7. Smith intended Hume [Smith (1759) 1976, pp.188–189].
8. This passage raises the complexity that by relating approval to coincidence with "propriety" understood as what is "right, accurate, agreeable to truth and reality" Smith appears to be entertaining self-evident criteria of ethical evaluation of the sort he himself condemned. Problematic too is the supplementary "because we

find that it agrees with our own" as the condition "first" attracting us, for this contravenes the objectivity in moral assessment implied by recourse to the "spectator".

9. Smith intended the following Hume passages: "every quality of the mind, which is *useful* or *agreeable* to the *person himself* or to *others*, communicates a pleasure to the spectator, engages his esteem, and is admitted under the honourable denomination of virtue or merit.... [P]ersonal merit consists entirely in the usefulness or agreeableness of qualities to the person himself possessed of them, or to others, who have any intercourse with him" [Hume (1751) 1927, pp. 277–278; see also pp. 266, 270]. And: "Every quality of the mind is denominated virtuous, which gives pleasure by the mere survey; as every quality, which produces pain, is call'd vicious. This pleasure and this pain may arise from four different sources. For we reap a pleasure from the view of a character, which is naturally fitted to be useful to others, or to the person himself, or which is agreeable to others, or to the person himself" [Hume (1740) 1978, p. 591].
10. Elsewhere "prudence" is designated as entailing "the habits of caution, vigilance, sobriety and judicious moderation" [Smith (1759) 1976, p. 307].
11. One notes here the adoption of an unrestricted understanding of "utility" as "agreeable effects".
12. See, for example, Hume [1739] 1978, p. 364; Hume [1740] 1978, p. 576; and Hume [1751] 1927, pp. 230–231, 250n, 287–289.
13. On this text, see the editorial comment to Smith [1759] 1976, p. 87. Smith's editors refer to the account of justice in the *Treatise* [Hume (1740) 1978, pp. 484f], finding there a lesser emphasis on utility.
14. In the *Lectures* regarding writers, including Grotius and Pufendorf, who "commonly alledge as the originall measure of punishments, viz. the consideration of the publick good", Smith commented that this "will not sufficiently account for the constitution of punishments" [Smith (1762–1763) 1978, pp. 104].
15. All this brings to mind the affirmation that "the Author of nature has not entrusted it to his reason to find out that a certain application of punishments is the proper means of attaining this end" – "the welfare and preservation of society" – "but has endowed him with an immediate and instinctive approbation of that very application which is most proper to attain it".
16. We have also noted Raphael and Macfie's opinion that "considerations of general social utility" were for Smith little more than an "afterthought".
17. On this matter, as indicating that in some contexts Smith took the utility principle yet further than Hume, see Rosen [2000], pp. 82, 93–94, 100.
18. The desirability of a large population, on grounds of the happiness enjoyed by a large number, does not appear in the *Wealth of Nations*. On this matter, see Ricardo [1817] 1951 pp. 348–349.
19. Our position coincides with that of Rosen [2000], p. 96.
20. In the space of a few pages, Smith has altered his stance on the desirability of real income increase, if – as seems to be the case – he now refers to average rather than aggregate income.
21. But for the contrary opinion, see Bagolini [1975], p. 109.
22. The stance of *Morals and Legislation* is reflected in the *Springs of Human Action* [1815] by the high merit accorded "extra-regarding" motives of the "social class". The charge against Bentham of ignoring qualitative differences among social goods is difficult to dislodge. For a recent instance, see Sunstein [2014], p. 20.
23. See also the following assertion that may be intended to apply to ethical as well as political matters: "any history of the social sciences which fails to confront the discontinuity marked by the transition from Scottish moral philosophy and its associated histories of civil society on the one side, to Benthamism on the other, would be guilty of sidestepping one of the most intriguing problems in that history" [Winch 1978, p.184; also p. 181].
24. On this matter, see the instructive account by Sidgwick [1877], p. 648.
25. Strangely, Leslie Stephen makes no mention of Hume as listed by Bentham [Stephen (1900), p. 240].
26. On this difficult matter, see Rosen [2000], pp. 100–1; 2003, p. 80.
27. J.S. Mill wrote of "the philosophy of Locke, Bentham, and the eighteenth century" [Mill (1859) 1969, p. 494]. But, although Locke stated the utility principle and opposed the notion of "innate ideas", he "was not a consistent Utilitarian" [Stephen (1900), pp. 237n, 242.], which fact might account for Hume citing him as an opponent [Hume (1751) 1927, p. 296].
28. On this matter, see Hart: "... throughout his analysis [in his chapters on "Human Actions in General"], Bentham adopts the viewpoint of a utilitarian legislator.... But though this utilitarian and legislative viewpoint in some instances limits the general applicability of Bentham's analysis, there is still much of value to be learned ... which is independent of this legislative viewpoint" [Hart 1982, p. lv]. More generally: "though legislation is the principal topic of *PML* the principle of utility requiring the maximization of the general welfare determines what ought to be done by individuals in the conduct of their own lives as well as what laws for the conduct of others ought to be enacted by the legislator" [p. xlix].

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