



UNIVERSITY OF ILLINOIS PRESS

## North American Philosophical Publications

---

Smith on Moral Sentiment and Moral Luck

Author(s): Paul Russell

Reviewed work(s):

Source: *History of Philosophy Quarterly*, Vol. 16, No. 1 (Jan., 1999), pp. 37-58

Published by: [University of Illinois Press](#) on behalf of [North American Philosophical Publications](#)

Stable URL: <http://www.jstor.org/stable/27744804>

Accessed: 26/07/2012 18:46

---

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at

<http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).



University of Illinois Press and North American Philosophical Publications are collaborating with JSTOR to digitize, preserve and extend access to *History of Philosophy Quarterly*.

<http://www.jstor.org>

## SMITH ON MORAL SENTIMENT AND MORAL LUCK

Paul Russell

Such is the effect of the good or bad consequences of actions upon the sentiments both of the person who performs them, and of others; and thus, Fortune, which governs the world, has some influence where we should be least willing to allow her any, and directs in some measure the sentiments of mankind, with regard to the character and conduct both of themselves and others. — Smith, *The Theory of Moral Sentiments*, 104

Smith's views on moral luck have attracted little attention in the relevant contemporary literature on this subject.<sup>1</sup> More surprising, perhaps, the material in the secondary literature directly concerned with Smith's moral philosophy is rather thin on this aspect of his thought.<sup>2</sup> In this paper my particular concern is to provide an interpretation and critical assessment of Smith on moral luck. I begin with a description of the basic features of Smith's position; then I criticize two particularly important claims that are fundamental to his position; and I conclude with an examination of the significance of Smith's discussion in relation to the contemporary debate.

### I

Smith's most detailed discussion of the problem of moral luck is presented in the section of *The Theory of Moral Sentiments* entitled "Of the Influence of Fortune upon the Sentiments of Mankind, with regard to the Merit or Demerit of Actions" (Pt. II, sec. 3). Following Nagel I will refer to the form of moral luck that Smith is specifically concerned with as "consequential luck."<sup>3</sup> Consequential luck is concerned with the way in which the moral evaluation of an agent varies depending on actual results or effects of her actions. Whether or not an agent secures or realizes the effects or objectives aimed at depends, in large measure, on factors independent

of her will and intentions. Nevertheless, the agent is liable to be morally assessed in very different ways depending on how things actually turn out. Smith cites several examples, such as a person who “fires a pistol at his enemy but misses him” (TMS, 100). The law, as Smith points out, distinguishes between attempted murder and murder, even though the agents’ intentions in both cases are “equally criminal.” Clearly, then, in a wide range of cases what the agent is held accountable for depends on the (actual) consequences or effects of his actions, and thus may vary without any variation in the agent’s intentions or motives.

Smith addresses the specific problem of consequential luck within the wider framework of his general analysis of merit and demerit in Part II of *Moral Sentiments*. It is, Smith maintains, the sentiment of gratitude that “immediately and directly prompts us to reward”; and the sentiment of resentment that “immediately and directly prompts us to punish” (TMS, 68). An action deserves reward when it is the proper object of gratitude, and deserves punishment when it is the proper object of resentment. Rewards and punishments are just and deserved in those circumstances where the impartial spectator entirely sympathizes with the gratitude or resentment of the party affected by the action (i.e., the person who has received some actual benefit or injury).<sup>4</sup> Smith suggests that in the case of gratitude we are “delighted to find a person who values us as we value ourselves” (TMS, 95). In the case of resentment “what chiefly enrages us against the man who injures or insults us, is the little account which he seems to make of us” (TMS, 96). It is “one of the chief ends” of gratitude to maintain “the agreeable and flattering sentiments” of our benefactor, and “the principal end proposed in our revenge” to return the person who injures us “to a more just sense of what is due to other people” (TMS, 95, 96).

On the basis this account of gratitude and resentment, Smith analyses our sense of merit and demerit as “compounded sentiments” (TMS, 74–5). In the case of merit we must, from the perspective of the impartial spectator, feel a direct sympathy with both the sentiment which motivated the action of the agent *and* an indirect sympathy with the gratitude which the person who has benefited from that action feels towards the agent. In the case of demerit we must feel both a direct antipathy to the sentiment which motivated the harmful or injurious action *and* an indirect sympathy with the resentment felt by the person who has been injured or harmed. In this way, our sense of merit is standardly aroused in circumstances where an action secures some benefit to another

person and we recognize the propriety of the agent's motives. Similarly, our sense of demerit is aroused when an action causes some injury to another and we recognize the impropriety of the agent's motives.

In theory, or in the abstract, Smith claims, we all accept the following "equitable maxim" (hereafter EM):

To the intention or affection of the heart, therefore, to the propriety or impropriety, to the beneficence or hurtfulness of the design, all praise or blame, all approbation or disapprobation, of any kind, which can *justly* be bestowed upon any action, must ultimately belong. (TMS, 93, my emphasis)

On this account merit and demerit depends *entirely* on the intention with which we were acting. The self-evident justice of this maxim, Smith maintains, is "acknowledged by all the world, and there is not a dissenting voice among all mankind." However, when we come to particular cases, says Smith, the actual consequences of actions sway and alter our sentiments. Moreover, the consequences of actions, he maintains, "are altogether under the empire of Fortune, hence arises her influence upon the sentiments of mankind with regard to merit and demerit" (TMS, 97). Smith's first concern, therefore, is to *explain* this "irregularity of sentiment" (TMS, 93) and to describe the extent of its influence.

Before any thing "can be the complete and proper object" of either gratitude or resentment it must: (1) be the cause of pleasure or pain; (2) be capable of feeling pleasure or pain; and (3) it must have produced the pleasure or pain intentionally in a manner that we either approve of or disapprove of (TMS, 96).<sup>5</sup> The first sort of irregularity to be considered is that which results when we attempt but fail to produce some intended effect. In these circumstances, Smith argues, the cause is "incomplete" (TMS, 97-101). That is to say, the benefit or injury required to produce gratitude or resentment is (in some degree) missing or absent. The result is that our sense of merit or demerit is *diminished*—less gratitude, or less resentment, is felt in these circumstances than would have been had the intention been realized or achieved in action. However much we may approve of good intentions, without good effects or results, our sense of merit is weakened. Similarly, however much we may disapprove and condemn evil intentions, where they fail in execution, our sense of demerit is also weakened.<sup>6</sup> In short, gratitude and resentment require some actual benefit or injury, and are not generated solely by the intention or design.

This irregularity of our sentiments takes another form. Good or bad consequences accidentally or inadvertently produced by an agent, without any relevant design or intention, may nevertheless arouse our sense of merit and demerit in some degree. A “shadow” of merit or demerit falls on the agent in these circumstances even though the agent embraces no intention that in itself carries or conveys any such merit or demerit (TMS, 101–104). The good or bad consequences of an action tend, of themselves, irrespective of the agent’s intention, to trigger our sense of merit and demerit. Smith claims, for example, that even when we accidentally injure or harm someone else, and the injury is not the result of any blameworthy negligence, we nevertheless have a real sense of our own ill-desert and naturally have a desire to compensate the injured party. Such compensation is itself, he says, a “real punishment” (TMS, 103–04).

It would seem, then, that on Smith’s account just as a failure to produce or realize good or bad consequences diminishes our sense of merit or demerit, so too when we accidentally or inadvertently produce or bring about good or bad consequences the sense of merit or demerit is *increased* beyond what it otherwise would be or should be (i.e., were we to consider the intention alone). Smith argues, moreover, that these irregularities are experienced not only by the individuals involved in the action (i.e., the agent and those directly affected) but also by the impartial spectator (TMS, 97, 98, 103, 104). Clearly, then, according to Smith, this “irregularity” and “disorder” is (naturally) built into the moral point of view itself.

Smith argues that the irregularity in human sentiments “can render the same character the object, either of general love and admiration, or of universal hatred and contempt” (TMS, 252–53). Nevertheless, this “great disorder in our moral sentiments,” he says, “is by no means without its utility.” Nature has implanted the “seeds of this irregularity in the human breast” in such a manner that it works to the advantage of our species (TMS, 105).<sup>7</sup> Clearly this general claim regarding the (hidden) benefits secured by the “irregularities” in our sense of merit and demerit can be assimilated to Smith’s other “invisible hand” explanations. These concern the benefits that are unintentionally secured by human motives and actions that do not aim at such ends (see esp. TMS, 77–78, and also TMS, 184).

The general utility of these irregularities of sentiment take two forms according to Smith. First, it restricts the scope of our sense of merit and demerit to the sphere of *action* (and its attendant

consequences) (TMS, 105). This restriction is of value primarily as it affects the passion of resentment and the associated disposition of retribution. If intentions could of themselves give rise to resentment and retribution then, it is argued, mere thoughts, intentions, sentiments, alone would suffice to render us liable to *punishment*. In these circumstances no individual would be free or safe from the suspicion of others, and innocence would never be secure. Smith suggests that if sentiments, thoughts, intentions, could become objects of resentment and punishment, then “every court of judicature would become a real inquisition” (TMS, 105).<sup>8</sup> By restricting our sense of merit and demerit to actions “which either produce actual evil, or attempt to produce it,” our irregularity of sentiments saves us from the prospect of being punished for evil intentions alone. In other words, by restricting and limiting our sense of merit and demerit in these ways this natural irregularity of sentiment leaves us a sphere free from fear of retribution—free to think and feel as we please.

The second form this utility takes is that it encourages all of us to take consequences seriously: in particular, good intentions alone will not suffice to secure the honor and esteem of others (or the impartial spectator)—something which we all naturally covet and aim at (TMS, 39, 41, 61–62, 110–114, 213, 297–298). Man, Smith maintains, “was made for action” and thus must not be left satisfied with mere good intentions which secure no (actual) happiness and realize no good effects (TMS, 106). Good intentions remain in themselves “imperfect” (TMS, 97–9); they must be perfected through achievement in actions. Where there is nothing accomplished all those involved must remain dissatisfied and esteem and honor must be suitably diminished.<sup>9</sup>

The upshot of Smith’s analysis and explanatory account of the influence of fortune on our sense of merit and demerit seems to be this. At first glance, neither rational reflection, nor our (intuitive) sense of justice or equity, recommend an irregularity of this nature. On the contrary, to allow the actual consequences of action to sway and alter our sense of merit and demerit leaves us all vulnerable to the influence of fortune and this tends to “discourage virtue” (TMS, 105) and leaves it, on occasion, poorly rewarded. Nevertheless, on closer observation, Smith maintains these apparent shortcomings are more than compensated for by the considerable *social utility* of this irregularity of sentiment. Without it, humankind would, on the one hand, be rendered unfit for action, and, on the other, would be left vulnerable to resentment and retribution

for mere thoughts and feelings. In these circumstances we would all be vulnerable to the suspicions of others and would, consequently, suffer a loss of security along with our freedom to think and feel as we please. Nature, then, it is said, prevents us from following the demands of EM in this sphere; but this is entirely for the good of our species—however unfortunate for some individuals.

## II

Two important claims lie at the heart of Smith's analysis of the influence of fortune on the sense of merit and demerit. The first claim, which I will refer to as the "Utility Claim," suggests that the irregularities in our sense of merit and demerit are "useful" and secure important social ends. The second, which I refer to as the "Naturalistic Claim," suggests that these irregularities are an inherent and universal feature of human nature. How plausible are these two claims?

### Utility Claim

There are two modes of irregularity to consider: (a) where the sense of merit or demerit is *diminished* because the intention fails to produce its proposed effects, and (b) where the sense of merit or demerit is *increased* "beyond what is due to the motives or affections from which they proceed, when they accidentally give occasion either to extraordinary pleasure or pain" (TMS, 97).<sup>10</sup>

(a) In the first circumstance, as Smith points out, a tendency to withhold or limit our esteem and rewards where noble or good actions fail to secure their intended effect will tend to "discourage virtue" (TMS, 104–05). Where virtue goes unrewarded and does not receive its due, it may be tempting to abandon it, given that the esteem of our fellows is a spur to virtue and one of its great supports. Similarly, where bad or evil attempts which do not realize their malicious intentions are treated with relative leniency or humanity, criminals may take advantage of such "loopholes," thus allowing dangerous characters to evade effective and appropriate punishment. These observations suggest that there may be a social cost of some weight attached to any tendency to diminish our sense of merit or demerit in these circumstances.

(b) More serious difficulties arise for Smith's claims concerning the supposed social utility secured by holding people liable to reward or punishment on the basis of the unintended or accidental consequences that follow from their actions—*independent of considerations regarding their intentions and motivations*. It seems

evident that these claims take Smith some distance in the direction of “strict liability.” A person may, on this account, become the object of resentment even though the injury caused was wholly unintentional and could not have been avoided. That is, even when the intention is wholly innocent a “shadow of demerit,” it is claimed, falls upon a person’s actions (TMS, 101). Clearly retributive practices based on such sentiments would come with a high social cost. In these circumstances every person must be afraid and anxious that, through no fault of her own, she might become the object of resentment and retribution. Depending on the case, and the gravity of the injury involved, the consequences for the person concerned (i.e., the person who is the object of resentment) may be very severe indeed.<sup>11</sup>

Fundamental to Smith’s position is the claim that the irregularity of our sense of merit and demerit makes us aware that without actual achievement, mere good intentions appear “imperfect” and weaken our sense of merit (TMS, 98–9, 106). This, he says, serves to strengthen our exertions to secure good for others. Failing this agents would be satisfied with “indolent benevolence” or with merely “wishing well to the prosperity of the world.” On the other hand, the irregularity in our sense of demerit makes a person aware that injury without malicious intent of any kind may nevertheless arouse some measure of resentment and retribution. By this means, Smith claims, “man is thereby taught to reverence the happiness of his brethren, to tremble lest he should, even unknowingly, do anything that can hurt them” (TMS, 106). The implication of all this is that were human beings to be governed by EM, which we all reflectively endorse in the abstract, and were thus unaffected by the relevant irregularities in our sentiments, we would not exert ourselves so strenuously to ensure that good is achieved and injury avoided. The general point that Smith seeks to establish, therefore, is that these irregularities of sentiment serve the important end of ensuring that moral agents take consequences seriously.

Smith’s utility claim is unconvincing at two distinct levels. First, as indicated, Smith overlooks or underestimates the significant disutilities that result from these irregularities. The point here is not simply that he fails to take account of the costs of these irregularities, but that it is by no means evident that, when factored in, the benefits will in fact outweigh the costs (i.e., as judged by some relevant utilitarian calculus). Second, and more importantly, it is not evident that these irregularities are *required* to motivate agents to take consequences seriously. It is certainly true that we have



good reason to withhold our gratitude from individuals who fail to make any sincere effort to secure the ends of their benevolent intentions. Similarly, we have good reason to resent those who fail to take due care to avoid injuring their fellow human beings. However, the disposition to secure good or happiness is not promoted by failing to give unsuccessful benevolent efforts their due; nor will we ensure that individuals take proper care to avoid harm to others by punishing them for innocently causing injury.<sup>12</sup> The objectives which Smith claims are secured by such irregularities of sentiment are no less secured by determining the merit and demerit of conduct entirely on the basis of the beneficence or hurtfulness of the design. Indeed, for reasons explained, the irregularities that Smith describes seem to work *against* the ends that he is concerned with. When virtue is unrewarded, it is discouraged; when innocence is punished, morality and the law are discredited and become a source of anxiety and dread, rather than respect.

Another line of argument advanced by Smith is if that our retributive sentiments were attuned to "the design and affection alone" we would find ourselves subject to resentment and retribution for mere "thoughts, sentiments and intentions" (TMS, 105). The irregularities of moral sentiment, claims Smith, protect us from this kind of "barbarous tyranny" (TMS, 106). These irregularities, he says, enable us to draw an appropriate line between the sphere of thought and feeling and the sphere of action in such a way that the former is insulated from retaliatory attitudes and practices. This argument, however, is not convincing because it depends, in particular, on an inadequate theory of action.

The line that Smith needs to draw for the purposes of this argument is not between the intention or design of action, on one hand, and its (actual) consequences on the other.<sup>13</sup> Rather, we need to distinguish between mere desires and sentiments that do not engage the will, from those desires and sentiments that *do engage the will* and lead the agent to undertake an action. That is to say, if we are to avoid subjecting individuals to retribution for mere thoughts and sentiments, what needs to be taken seriously is not (actual) consequences of action, but rather the *willings* and *choices* of the agent. Clearly there is a crucial difference between merely entertaining certain sentiments and desires, and undertaking to put them into action. In other words, it is essential that we be able to identify and distinguish those desires and sentiments which become causally effective and lead to action. It is these desires and sentiments that become our will.<sup>14</sup> The fact that we adopt and put

into practice EM does not imply that we can ignore the line between those desires and sentiments that engage the will and those that do not. On the contrary, we may insist on judging actions and attempts solely in terms of the nature of the will or intention involved, without reference to the actual consequences, and still, consistently, insist that we respect a sphere of thought and feeling, beyond the will, that is free from all retributive concerns and evaluation. Clearly, then, we must reject Smith's suggestion that if we adopt EM in practice it will lead to "thought-police" and the terrors of the inquisition (TMS, 105). The account that he gives of this depends on a failure to distinguish between punishing individuals for the nature of their will and choices and punishing individuals for merely entertaining desires or sentiments without any attempt to put them into action. We may, obviously enough, endorse the former without condoning the latter.<sup>15</sup>

### Naturalistic Claim

Smith argues that the irregularities that he has described have a natural foundation in human nature. Nature has "implanted the seeds of this irregularity in the human breast" (TMS, 105). Moreover, these irregularities are of near universal influence (TMS, 93, 100). Abstractly considered, reason would endorse EM, in terms of which our sense of merit and demerit is judged "irregular." There is, claims Smith, a hidden or underlying rationale for these deviations from EM (i.e., the "salutary and useful" benefits that we have considered). It is Smith's view, however, that this indicates not "the wisdom of man," but rather the "wisdom of God" (TMS, 87, 253). The irregularities observed appear at first sight to be "absurd and unaccountable" (TMS, 105). Smith seeks to show that this is in fact not the case, when considered with reference to the requirements of social utility and not justice. Nevertheless, these beneficial deviations are not the product of rational calculation, but of the natural principles of human feeling. Our commitment to these (irregular) attitudes and practices is not of a nature that we may abandon them because we judge them not to be useful. On the contrary, Smith's detailed description of the mechanism that produces these irregularities is intended to explain why this option is not available to us.

With respect to this strong form of naturalism (i.e., the inescapability of these irregularities of sentiment) there is reason to question Smith's position. Smith, once again, provides some weighty evidence against his own claims. First, as he points out, a "little reflection" corrects our natural disposition to feel gratitude

towards inanimate objects (TMS, 94). As a child matures, for example, the sense of merit and demerit is refined and modified in such a way that it is rendered consistent with its proper objects and its natural end (i.e., to encourage and promote conduct that shows due regard for the welfare of others). Related to this, Smith also points out that while “barbarians” punish even in circumstances where no actual injury has occurred, civilized people are disposed “either to dispense with, or to mitigate punishments whenever their natural indignation is not goaded on by the consequences of the crime” (TMS, 101). This suggests that the relevant irregularities are in some measure a function of established social practice, and are not naturally embedded in human nature in the way Smith suggests. Second, and more importantly, at the close of his discussion of the influence of fortune on our sense of merit and demerit, Smith points out that “the more candid and humane part of mankind” make some effort to resist and “correct” any irregularity of sentiment that results from the influence of fortune—specifically, when it involves resenting the innocent or lacking gratitude towards the benevolent (TMS, 108). This raises difficulties at two different levels for Smith. (i) It suggests that it *is* possible to resist and correct irregularities of this nature. (ii) It also suggests that insofar as a person belongs to the “humane part of mankind” that person will endeavor to correct her sentiments in line with EM. Any such correction, however, granted Smith’s other claims, will work against a “useful” tendency in human nature, and would not receive the approval of the impartial spectator. In the final analysis, it seems fair to conclude that Smith is never entirely convinced by his own effort to rationalize the irregularities in moral sentiment in the way that he describes.<sup>16</sup>

Smith’s naturalistic account of the influence of fortune on our moral sentiments suggests that we are so constituted that we naturally and inevitably punish and approve of punishments that are nevertheless, on Smith’s own admission, inconsistent with the demands of justice. We are, on this view of things, *incapable* of keeping our retributive attitudes and practices within the bounds of the requirements of justice because we cannot free ourselves of the natural influence of the actual consequences of action on our moral sentiments. Elsewhere in *Moral Sentiments* Smith argues that resentment has “been given [to] us by nature for defence, and for defence only. It is *the safeguard of justice and the security of innocence*” (TMS, 79). Obviously this claim cannot be correct when our resentment is subject to the irregularities that he goes on to describe. The difficulty is, therefore, that in its actual operation,

resentment is *not* “the safeguard of justice and the security of innocence.” Whatever the social benefits of such an irregularity may be, suffice it to say that, if true, this is a disturbing conclusion to reach.<sup>17</sup>

Consider the ways in which the truth and falsity of Utility and Naturalistic claims may vary:

(a) Smith may be correct about both claims. If this is the case then it is true that through the wisdom of God (provision of Nature), human retributive attitudes and practices are guided in such a way that useful social ends are realized by these irregularities. These ends are secured even though they are not consciously aimed at and are not the result of human reasoning and calculation. It is also true, however, that such ends and such benefits, insofar as they are realized, are secured at the cost of treating some individuals in ways that are reflectively unjust—a point that Smith concedes.

(b) Smith may be *wrong* about the Utility Claim but *right* about the Naturalistic Claim. If this is the case then human beings are inescapably committed to retributive attitudes and practices that are neither socially useful nor just. It is important to note that Smith is clear that our commitment to these irregularities is not grounded on, or conditional upon, their (hidden) utility. We are naturally committed to these attitudes and practices because of the way injuries and benefits affect our sentiments. Accordingly, even if the irregularities we are concerned with are socially destructive, as well as unjust, we cannot escape or overcome them. We must, therefore, learn (somehow) to live with them. The best we can do in these circumstances—since these irregularities lack any hidden, compensating rationale—is to engage in a (largely futile) effort to limit their influence upon us.

(c) Smith may be *right* about the Utility Claim but *wrong* about the Naturalistic Claim. In these circumstances we would be capable of *choosing* whether to remain committed to the irregularities that Smith describes. It is not entirely clear which way Smith would choose to move. Smith’s remarks suggest a great deal of “regret” about the inequities that result from these irregularities. However, to choose to keep our sentiments entirely “regular” (as judged by EM) would be to forgo the significant social benefits that Smith claims they secure. Simply put, we would have to choose between justice and utility. There are certainly some passages which make plain that Smith holds that, ultimately, the interests of the many must be preferred to those of the individual (TMS, 90). For this reason it seems reasonable to suppose that the choice that he would

recommend, in these circumstances, must be to retain these irregularities.

(d) The final possibility is that, as I have argued, both the Utility and the Naturalistic claims are mistaken. If this is the case then, contrary to Smith, we are capable of, and have reason to, guide our retributive attitudes and practices in a way that accords with the requirements of EM. We have no reason to fear that in these circumstances people will come to have less regard for the happiness of their fellows, nor that they will cease to take adequate care to avoid injuring them. Nor is there any reason to fear an inquisition or thought-police in the way Smith suggests. Most importantly, in these circumstances, to the extent that our retributive attitudes and practices are guided by EM, we need not fear that the “security of innocence” will be compromised.<sup>18</sup>

I have argued that the two key claims that lie at the heart of Smith’s position on moral luck are both flawed. To this extent, his account of the influence of fortune on our sense of merit and demerit is clearly unsatisfactory. Nevertheless, despite these flaws, I will show that Smith’s discussion remains of considerable contemporary interest.

### III

Smith, as explained, interprets the problem of moral luck in terms of EM, and he describes this issue with reference to the gap between the reflective requirements of justice and natural “irregularities” which we experience in moral feeling (sense of merit and demerit). It is evident, therefore, that Smith provides his own distinct *interpretation* of the issue of moral luck. The account offered, as I will explain, contrasts in illuminating and significant ways with the highly influential Kantian interpretation that has recently been put forward by Nagel—an interpretation that tends to dominate the contemporary literature on this subject.

Smith suggests that “all the world” acknowledges EM as a “self-evident” or “true” principle of justice, considered in the abstract. Nagel claims, in similar fashion, that “prior to reflection it is intuitively plausible that people cannot be morally assessed for what is not their fault, or for what is due to factors beyond their control” (“Moral Luck,” 58). Nagel interprets the general problem of moral luck in terms of this “condition of control.” (Hereafter I will refer to the “principle of control” or PC). “Where a significant aspect of what someone does,” Nagel says, “depends on factors beyond his

control, yet we continue to treat him in that respect as an object of moral judgment, it can be called moral luck” (“Moral Luck,” 59). Nagel interprets the particular problem of consequential luck in terms of PC.<sup>19</sup> However, as Nagel points out, when PC is “consistently applied” other categories of moral luck can be distinguished. There is, for example, “luck in one’s circumstances—the kinds of problems and situations one faces” (“Moral Luck,” 60).<sup>20</sup> There is also “constitutive luck—the kind of person you are, where this is not just a question of what you deliberately do, but of your inclinations, capacities and temperament” (“Moral Luck,” 60). On Nagel’s account it is PC that underlies these various forms of “moral luck.” Moreover, the consistent application of PC, he argues, eventually leads to a general “erosion” of all moral judgment. It is evident enough that PC is essentially Kantian and libertarian in inspiration. At its core, as Bernard Williams points out, it tries to ensure that *morality* can “escape as far as possible from contingency.”<sup>21</sup>

The question arises, then, what is the relationship between EM and PC? More specifically, does EM (as PC does) lead to a gradual erosion of moral judgment? Whatever intuitive plausibility PC may have, EM is not identical with it. It is possible to accept EM and still reject PC. All that EM requires is that people be morally assessed only for the quality of their *intentions in action*. No further demand is made that their willings and intentions must also be under their “control.” This demand, as expressed by PC, suggests that agents can be legitimately held accountable for their willings and intentions in action only if they are the *ultimate source* of these willings and intentions. EM stops well short of this. Whereas PC can only be satisfied on the basis of some libertarian (transcendental) metaphysics, EM can be reconciled with the naturalistic and necessitarian metaphysics of classical compatibilism.<sup>22</sup>

The basic difference between EM and PC has, in the first place, the significance that EM does not lead into the skeptical problem that Nagel describes for PC. That is, there is no “erosion of moral judgment” implied by EM. This has further significance for the issue of moral luck. It is possible to endorse EM, which renders morality resistant to *consequential* luck (i.e., “regular” in Smith’s terms), while acknowledging that morality is *not* resistant to either circumstantial or constitutional luck. In this way, even if EM is adopted as a principle guiding our sense of merit and demerit, it does not serve to remove the other forms of “luck” in morality. Clearly a person may be held accountable for her willings and intentions in action, consistent with EM, even though her specific

conduct arises from circumstances she has no control over, and her choices are themselves determined by a character that is (largely) the product of external influences.

What do these observations tell us about Smith's general position on moral luck? In its essentials, Smith's position on moral luck is the opposite of the Kantian view. Smith holds that morality is *permeated* by luck in all its dimensions—consequential, circumstantial, and constitutional. He does not have a great deal to say about constitutional luck, although he makes some passing remarks about (external) factors that shape character and temperament (TMS, 204, 222, 224–25). He has more to say about the matter of circumstantial luck, especially with regard to displaying propriety in all situations we may face, no matter how tested by misfortune (TMS, 26, 58–60n, 98, 101, 202–04, 273–74n, 278–79).<sup>23</sup> With respect to all such forms of (moral) luck Smith maintains that our natural moral reactions operate according to principles that leave all human beings vulnerable to the play of “fortune.” To try to insulate moral life from influences of this sort is to indulge in illusion. Morality must conform to the facts of human psychology and society, and thus is incapable of being cleansed of all forms of luck.

For the purpose of understanding Smith's moral system it may be argued that we need to distinguish more sharply between “luck” and “moral luck.” When we are vulnerable to the influence of “fortune,” on Smith's account, then what occurs does not depend on the agent's intentions or choices. With this in mind, we may say that circumstantial, constitutional and consequential luck *all* have a role to play in morality (i.e., they all influence the particular way a person will be morally evaluated). However, with respect to “*moral* luck,” what matters is that considerations of luck (“fortune”) generate a divergence between (abstract) reflective principle and natural moral feeling (i.e., as between EM and the “irregularities” of sentiment). Strictly speaking, from this perspective, neither constitutional nor circumstantial luck are matters of *moral* luck on Smith's account—because, unlike the case of consequential luck, there is no conflict generated between moral feeling and reflective principle. By contrast, Nagel's PC generates a problem of *moral* luck in all three dimensions, thus leading to skepticism. It is a significant point that on Nagel's interpretation of this problem, unlike Smith's, there is no distinction of this kind to be drawn between “luck” and “moral luck”: *any* influence of luck (fortune) is, *ipso facto*, at odds with reflective principle (i.e., PC).<sup>24</sup>

Clearly, then, Smith's interpretation of the problem of moral luck contrasts in several significant respects with Nagel's Kantian account: (1) Whereas Nagel interprets the problem in terms of PC and its libertarian presuppositions, Smith interprets the problem in terms of EM, which has no such presuppositions. (2) Nagel's account leads to various modes of moral luck (circumstantial, constitutional, consequential), and from there to a general moral skepticism. Smith's position, as based on EM, does not allow for modes of moral luck other than consequential luck, and it has no general skeptical implications. (3) Unlike Nagel, Smith maintains that the "irregularity" of our moral sentiments is a problem that has "a solution." The solution, Smith suggests, rests with a proper description of the utilitarian benefits that are (indirectly) secured by means of this irregularity. In coming to recognize and understand these hidden benefits, he claims, we will find it easier to *reconcile* ourselves to the gap between moral feeling and our (reflective) sense of justice.

#### IV

I have already explained that according to Smith our commitment to the "irregularity" of moral sentiment that he describes is independent of the utilitarian benefits that are supposed to be secured by them. That is to say, there is no question of us abandoning or retaining these irregularities of moral feeling depending on whether we can reflectively endorse them as being of indirect benefit to us. These irregularities, Smith maintains, are a given of human nature (this is the essence of the naturalistic claim). From this perspective it is evident that Smith has an alternative reply—independent of the utility claim—concerning the apparent divergence or gap between moral feeling and reflective principle (EM). For Smith this divergence is incapable of "correction" or "adjustment" of any kind, because the principles governing these "irregularities" of moral feeling are natural principles of pleasure and pain that operate independently of the influence of reason. To this extent we over-intellectualize human nature, on Smith's account, if we seek to secure a perfect match between reflective principle and moral feeling. Our moral sentiments, he holds, are not subject to the control of reason without qualification. The naturalistic rejoinder, therefore, to any concern about our inability to justify the irregularities in moral sentiment is that such difficulties are both insoluble and irrelevant. We are naturally constituted in such a way that our moral sentiments will continue to operate in some measure independent of



the constraints of reflective principle. For Smith, these are fundamental facts of human nature and moral life.

This “naturalistic” aspect of Smith’s strategy bears strong affinities with P. F. Strawson’s influential contemporary statement of naturalized responsibility.<sup>25</sup> Following closely in Smith’s footsteps, Strawson has argued that any form of moral skepticism grounded in incompatibilist intuitions about the conditions of moral responsibility are irrelevant to the actual workings of human moral sentiment. Human beings will continue to regard each other as objects of moral sentiment irrespective of the skeptical and anti-skeptical arguments that have been put forward by various parties in the free will dispute. In this way, according to Strawson (in agreement with Smith), moral sentiments are a given of human nature and we over-intellectualize moral life if we assume that these sentiments could be abandoned altogether in face of skeptical doubts about their general conditions of justification.<sup>26</sup>

There is, however, an important point of contrast between Smith and Strawson in respect of the implications of this general naturalistic strategy. It is a central concern of Smith’s—as manifest in his discussion of moral luck—to show that there is in fact a substantial divergence between moral feeling and reflective principle. (A divergence, as noted, that Smith tries to bridge by appealing to considerations of utility.) For Strawson, however, no such gap or divergence is apparent. While Strawson maintains that the whole “framework” of moral sentiments requires no external, general rationale, he is nevertheless equally clear that particular moral sentiments remain subject to the constraints of justification as understood “internal to the structure” itself (FR, 78–79). For this reason he does not suggest that the “facts” are as Smith describes them, and that we are presented with an insuperable *gap* between moral feeling and reflective principle.

Strawson’s lack of concern with an issue that is for Smith a central difficulty for the naturalistic enterprise reflects the fact that Strawson fails to address directly the very issue that Smith carefully describes in the section on the “influence of fortune” (TMS, II, iii). The fundamental problem that concerns Smith is this: what are our moral sentiments reactions or responses *to*? Smith has argued that on initial reflection we intuitively appeal to EM as the basis for our sense of merit or demerit, but that in fact our sentiments stray from this principle due to the influence of the specific consequences of action. The question may be asked, therefore, where does Strawson stand on this important matter?

Strawson's position on the influence of consequences on moral feeling is unclear. Some of his remarks could be taken to endorse EM as a principle on which to regulate our moral sentiments. It is certainly his view that our moral sentiments are to be understood *primarily* as emotional responses to the attitudes and intentions of other people—that is, the extent to which they manifest some expected degree of good will (FR, 63). On the other hand, Strawson also allows that injury or benefit, by itself, may have some *degree* of influence on our sentiments (FR, 63). To this extent, then, it remains unclear whether or not Strawson endorses EM as a (practical) basis for regulating our moral sentiments, or whether he would agree with Smith that our moral sentiments are naturally subject to certain “irregularities” that manifest a gap between moral feeling and reflective principle.

Strawson's basic commitments are, in short, significantly ambiguous on this important matter. The more general failing is that Strawson does not properly consider the possibility that the problem of moral luck may arise *within* the naturalistic strategy that he pursues. Whereas Smith carefully articulates these difficulties, Strawson's discussion leaves them wholly obscured. While we may have reason to reject Smith's specific effort to analyze these difficulties, we nevertheless cannot simply set these problems aside in the manner of Strawson.<sup>27</sup>

## V

My first objective in this paper has been to provide a critical assessment of Smith's discussion of moral luck that does justice to the significance of this subject for his moral system considered as a whole. Smith analyses moral luck in terms of a fundamental divergence between our reflective sense of justice (as given by EM) and natural moral feeling. He attempts to bridge this gap between moral feeling and reflective principle by appealing to independent utilitarian considerations. I have argued that this aspect of his project fails because the key claims that support it—the utility and naturalistic claims—are both unconvincing. That is to say, contrary to Smith, it is not evident that the irregularities in our sense of merit and demerit are “useful” and secure important social ends; nor is it evident that these irregularities are an inherent and universal feature of human nature.

My second objective has been to show that, despite these flaws, Smith's contribution remains of considerable contemporary interest and relevance. There are two important dimensions to this

contemporary interest. In the first place, Smith's discussion constitutes a distinct and substantial alternative framework within which to consider the problem of moral luck. In particular, Smith's account of moral luck is not presented in the Kantian terms of PC and it does not lead to any generalized skeptical problem. Rather the problem of moral luck, as Smith articulates it, arises within the framework of naturalized responsibility and is confined to the issue of consequential luck. Second, and closely related to this, Smith's discussion also forms illuminating background from which to evaluate recent developments in naturalized responsibility. Most importantly, Smith's discussion shows that Strawson's influential work on this subject is significantly ambiguous on the important question relating to the influence of consequences on moral sentiment. We may conclude, then, that considered from a contemporary perspective, the way that Smith has articulated the problem of moral luck is no less illuminating than it is distinctive.

*University of British Columbia*

*Received January 20, 1998*

#### NOTES

A version of this paper was read at "The Scottish Tradition in Philosophy," a conference held at the University of Aberdeen, June, 1995. Other versions were read to audiences at the University of British Columbia (1990) and at the University of Washington (1995). I am also grateful for comments received from Nicholas Rescher and an anonymous referee for this journal.

1. There is a passing reference to Smith's views in Thomas Nagel's influential paper "Moral Luck," reprinted in Daniel Statman, ed., *Moral Luck* (Albany: State University of New York Press, 1993), 63-4; see also Judith Jarvis Thomson, "Morality and Bad Luck," in Statman, ed., 204-5. Apart from this, Smith's views have been almost entirely ignored in the general literature on this subject.

2. A few brief accounts of Smith's arguments can be found in the following: T. D. Campbell, *Smith's Science of Morals* (London: George Allen & Unwin, 1971), 192-93; Knud Haakonssen, *The Science of a Legislator: The Natural Jurisprudence of David Hume & Adam Smith* (Cambridge: Cambridge University Press, 1981), 65-66; and V. M. Hope, *Virtue by Consensus: The Moral Philosophy of Hutcheson, Hume and Adam Smith* (Oxford: Clarendon Press, 1989), 99-100.

3. Nagel distinguishes several further kinds of moral luck, apart from "consequential luck." For our immediate purposes, however, suffice it to

say that although Smith is concerned with the problem of consequential luck, he does not interpret this problem along the (Kantian) lines suggested by Nagel. I return to this issue below.

4. In general, on Smith's account we sympathize with another person when we imaginatively place ourselves in her position and feel what she feels (i.e., we find that our sentiments "correspond" with those of the person involved). In these circumstances we regard her sentiments as proper or appropriate to their object, and thus we approve of them.

5. Inanimate objects fail the second requirement, whereas animals do not. To this extent, therefore, animals are "less improper objects of gratitude and resentment than inanimate objects" (TMS, 94-5).

6. Butler also takes the view that people "resent more strongly an injury done, than one which, though designed, was prevented, in cases where the guilt is perhaps the same" (*The Works of Joseph Butler*, S. Halifax, ed., 2 vols. [Oxford: Oxford University Press, 1850], II, 92-93). It should be noted that Smith is considerably influenced by Butler's sermon "Upon Resentment."

7. Smith sometimes attributes these advantages to the "wisdom" and "providence" of God, and in other passages to the "ends of Nature" (cf. TMS, 77, 87, 105-6, 253).

8. Smith goes on to say: "Sentiments, designs, affections, though it is from these that according to cool reason human actions derive their whole merit or demerit, are placed by the great Judge of hearts beyond the limits of every human jurisdiction, and are reserved for the cognizance of his own unerring tribunal."

9. Smith makes this point not only with reference to cases where an agent aims at something good or noble but fails, but also with reference to situations where an individual may never be given the opportunity to display their virtues or talents in action. (The latter problem is closer to what Nagel refers to as "circumstantial luck," rather than "consequential luck.") See, in particular, TMS, 99: "We may believe of many men . . ."

10. Smith structures his analysis "of the extent of the influence of fortune" in terms of the "increases" and "decreases" we experience in our sense of merit/demerit as a result of actual consequences (TMS, II, iii, 2). In taking this approach Smith makes reference to three distinct categories or types of case: (failed) "attempts," "negligence," and "accidents." Smith considers failed attempts under the rubric of "diminished" merit/demerit; and he considers negligence and accidents under the rubric of "increased" merit/demerit. In evaluating Smith's basic line of argument I conform to this basic framework of analysis.

11. cp. H. L. A. Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (Oxford: Clarendon Press, 1963), 23, 49, 181-82. Hart points out that if we were to adopt a system of strict liability individuals would lose their option to exercise *choice* as to whether or not to obey the law or social rules; and their ability to predict whether or not their lives and plans will be interfered with by retributive sanctions. Insofar as

moral and legal practice respects individuals as *choosing* beings, it must distribute rewards and punishments to them in a way that reflects on the choices and decisions taken. Even from a purely utilitarian perspective these are, clearly, matters of considerable weight.

12. With respect to negligence, consider Smith's example of a person who "throws a large stone over a wall into a public street . . . without regarding where it is likely to fall" (TMS, 102-3). This "contempt" for the happiness and safety of others, Smith says, is liable to be punished, but it will be much more severely punished if injury or death results. This *variation* in retribution for similarly negligent conduct is not necessary to ensure due regard for the safety and happiness of others. What is required is that *all* such cases—whether actual injury results or not—be treated as calling for *similar* punishment, suitable to the seriousness of the case. For further argument in defense of this general view see, e.g., Richard Parker, "Blame, Punishment, and the Role of Result," in J. Feinberg and H. Gross, eds., *Philosophy of Law*, 4th ed. (Belmont, Calif.: Wadsworth, 1991), 732-38.

13. At TMS, 99-100 Smith distinguishes "mere designs," "attempts," and "actual commissions." In this context he suggests that while "attempts" are punishable, as well as "actual commissions," this is not the case with "mere designs." What is crucial to the argument at TMS, 105, however, is the claim that if the merit of both "attempts" and "actual commissions" are judged entirely by the "intention" involved (i.e., as suggested by EM), then people would thereby be rendered liable to punishment for "mere designs" (i.e., sentiments, thoughts, intentions, "upon which no attempt has followed": cf. TMS, 100, 105). There is, as I go on to explain, no reason to accept this conclusion of Smith's argument.

14. Here I am drawing loosely on Harry Frankfurt, "Freedom of the Will and the Concept of a Person," in Gary Watson, ed., *Free Will* (Oxford: Oxford University Press, 1982).

15. One plausible way to interpret EM is in the contemporary idiom of Davidson's theory of action. (See esp. "Actions, Reasons, and Causes," in *Essays on Actions and Events* [Oxford: Clarendon Press, 1980].) On this account merit and demerit must attach to action under some relevant description. The relevant description is not given in terms of the consequences of the action, but rather in terms of the beliefs and desires that caused it. These beliefs and desires "rationalize" the action and render it intentional under this description. Smith's account of merit and demerit suggests that gratitude and resentment are generated in some measure by action considered under a description that makes reference to its consequences, but which does not rationalize it. To endorse EM is to insist that merit/demerit must be entirely a function of action rationalized in a relevant way.

16. It is evident that the relationship between utility and justice and the sense of merit and demerit is not at all straightforward on Smith's account. Standardly, Smith is presented as a critic of utilitarian views of justice, in general, and punishment in particular. Nevertheless, as the

analysis above makes plain, there is an important respect in which Smith's views are not so antithetical to utilitarianism as they may appear when emphasis is placed on his criticisms of utilitarian theory (cf., e.g., TMS, 88–90, 188–89). Beyond this, it is also important to distinguish two quite different cases that arise on Smith's account. With respect to the influence of fortune on our moral sentiments, we punish in *accordance* with our sense of merit, but in opposition to what seems to be a reasonable principle of justice (i.e., EM). This sort of case is not to be confused with cases where we may punish with a *direct* view to the requirements of social utility, and in *opposition* to our sense of merit and demerit (TMS, 90). These two circumstances are quite distinct and raise rather different problems for Smith's moral system.

17. It could be argued, contrary to Smith, that the irregularities in question—whatever their utilitarian value—are consistent with the demands of justice. If this can be established then (to this extent) EM is not an acceptable principle of justice. For an argument along these lines with respect to punishment of “attempts,” see Michael Davis, “Why Attempts Deserve Less Punishment than Complete Crimes,” in Feinberg and Gross, eds., *Philosophy of Law*, 739–53.

18. According to Smith, EM would compromise the demarcation line that we draw between thoughts (sentiments, etc.) and actions, with respect to our retributive practices. I have argued that we may endorse EM *without* compromising this demarcation line. It should be said, however, that there is reason to question Smith's claim that “sentiments, designs, affections . . . [should be placed] beyond the limits of every human jurisdiction” (TMS, 105). Sentiments and desires, even when they do not engage the will, may nevertheless manifest those modes of valuing others that arouse resentment for particular actions. To this extent, Smith's naturalistic principles suggest that sentiments and desires *can*, in themselves, arouse resentment. What is questionable, however, is whether such resentment licenses *retribution*—as Smith's theory suggests it must, when this sentiment (i.e., resentment) is aroused. This takes us into (further) problems with Smith's theory of punishment, which I will not pursue. For critical discussion of Smith on resentment and retribution see my *Freedom and Moral Sentiment: Hume's Way of Naturalizing Responsibility* (New York: Oxford University Press, 1995), chap. 10.

19. See “Moral Luck,” 63: “From the point of view . . . ”

20. Nagel cites the example of “someone who led a quiet and harmless life in Argentina [but] might have become an officer in a concentration camp if he had not left Germany for business reasons in 1930” (“Moral Luck,” 58–59).

21. “Postscript,” in Statman, ed., *Moral Luck*, 256–57. Williams diagnoses “morality” as being rooted in a flawed conception of rational agency—one that leads, eventually, to moral skepticism.

22. On this see Nagel's discussion at the conclusion of “Moral Luck,” 66–67.

23. Smith's discussion of such matters is developed largely in terms of his evaluation of the merits of Stoicism.

24. Nagel is careful to acknowledge—in a way that parallels Smith's narrower concerns—that however persuaded we may be by PC, our moral feelings nevertheless do not comply with its constraints. See, in particular, his remarks at "Moral Luck," 65: "We may be persuaded these moral judgments are irrational, but they reappear involuntarily as soon as the argument is over. This is the pattern throughout the subject." To this extent Nagel appears to concede naturalistic criticism that the moral skeptic cannot *live* his skepticism. (This is an issue that I discuss below.)

25. P. F. Strawson, "Freedom and Resentment", in Watson, ed., *Free Will* (abbreviated as FR).

26. See Strawson's specific remarks in response to Nagel's views on moral luck in *Skepticism and Naturalism: Some Varieties* (London: Methuen, 1985), chap. 2. Strawson says that Nagel has "admirably characterized" the skeptical problem, which Strawson summarizes at (p. 32).

27. It is worth pointing out that the significant ambiguities in Strawson's position extend beyond the status of EM and the question of the influence of consequences on our moral sentiments. It is not clear, for example, whether or not Strawson would agree with Smith that our retributive sentiments are responses that are limited to the evaluation of *action*. As I have indicated above (note 18), from a naturalistic perspective there is a case to be made for rejecting Smith's position on this matter. Evidently, then, Smith's discussion reveals a number of (related) ambiguities in Strawson's naturalistic strategy that have received insufficient comment and criticism.