The Impartial Spectator and Moral Judgment

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LINK TO ABSTRACT

I.

In Adam Smith's *Theory of Moral Sentiments* (TMS), morality is rooted in the sociality of mankind. Morality is learned in the process of growing up in human society, and the exercise of moral judgment requires skills learned in the social interactions that define human experience from birth onwards. According to TMS, if we could imagine a human being who had no experience of living with others, such a person would have no conception of morality and no means of making moral judgments. The starting point for the account of morality and moral judgment in TMS is thus not the isolated individual, or a solitary being wrestling with transcendental issues, but human beings living with others.

Deriving morality from human sociality, however, raises issues of its own. What exactly is human sociality? Is sociality itself a moral notion so that the account of morality in TMS involves a circular argument, in that moral judgments derive from human sociality which itself is explained in moral terms? How does the individual person relate to the wider social world? And how can morality be explained in terms of human sociality without reducing it to mere custom or convention?

This emphasis on human sociality means that TMS includes what might now be described as sociology, social psychology, moral psychology, and moral philosophy. In this it is very much a product of its own time, when the divisions of the modern academy were unthinkable. The questions it addresses are not always

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the questions that are familiar to us now, and its presuppositions might seem remote or arcane to us now even where we recognise them. The philosophical literature, in the broadest sense of polite learning, which an educated eighteenth-century audience was expected to be familiar with, from the literature and philosophy of ancient Greece to that of contemporary Europe, is far removed from the intellectual horizons of twenty-first-century readers. Furthermore, the social interactions depicted in TMS are characteristic of the world of eighteenth-century Britain, from the perspective of a male member of a relatively privileged social class.

Reading TMS is thus a complex process. In this paper I narrow the focus to address three main questions. One question concerns the nature of sociality in TMS and how it relates to moral judgments. Another question concerns how moral judgments are made by individual agents. This introduces the crucial role of the impartial spectator. A third question concerns in what sense these judgments, involving the impartial spectator, are moral judgments, which in turn raises the metaethical question of what is morality in TMS.

II.

If moral judgments derive from the sociality of mankind, the starting point of our investigation has to be *sociality*.[2] A defining feature of sociality in TMS is the spectatoriality of human society (Brown 2011). According to TMS, all are spectators to each other: each person is a spectator to others, and these others are at the same time spectators to that person. Social life is thus construed in terms of an overarching spectatoriality in which mankind lives "in the eyes of the world" (TMS, I.iii.1.15, II.iii.3.2), "open to the eyes of all mankind" (I.iii.2.1), and accessible "to the view of the public" (I.iii.2.1, V.2.10). Spectatorship is an active notion in denoting the way that human beings interact with each other. All human life—from the immediate family, to circles of friends and acquaintances, to public life—is presented as an arena within which individuals live in the eyes of others.

According to this spectatorial model, an individual human being is incomplete without others since, if human beings live "in the eyes of the world," without

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2. I differentiate between *sociality* and *sociability*. Sociality is a species characteristic: Mankind lives in communities (large or small, simple or complex) and is dependent for its survival and well-being on the cooperation and coordination that living with others involves, even though living in communities is associated with animosities and war as well as affection and conviviality. Sociability is the harmonious engagement with others, such that a sociable person is one who seeks out and particularly enjoys the company of others. To my knowledge, the terms 'sociability' and 'sociable' are not used in TMS, although the notions are present in many places; and the term 'sociality' is used once, at VI.i.9, in arguing that a prudent person is not much disposed to general sociality or conviviality. 'Sociality' at VI.i.9 is what I would term 'sociability.'

the eyes of others the life that is lived is not fully human. This is illustrated at both ends of the social spectrum. Social emulation and material self-betterment are presented in terms of the need to appear well in the eyes of the world. Smith asks from whence "arises that emulation which runs through all the different ranks of men, and what are the advantages which we propose by that great purpose of human life which we call bettering our condition?" The answer is: "To be observed, to be attended to, to be taken notice of…" (TMS, I.iii.2.1).[3] Those at the other end of the social spectrum, by contrast, attract disapproving looks or are shunned entirely, cut off from the spectatorial attention of others.[4]

Three aspects of this spectatorial model are crucial for TMS. The first is that agents' conceptions of themselves are to some degree dependent on how they imagine others see them. This involves a *reflexive* conception of the human agent as a self-conscious being, in that agents have thoughts and feelings about their own thoughts and feelings, treating themselves as an object, 'me,' as well as a subject, 'I.' The individual agent is thus not a simple unity. The second is that this model involves an *intersubjective* conception of human beings as able (at least to some degree) to share in the thoughts and feelings of others, and to understand that others are similarly able to share in their own thoughts and feelings. The third is that this model ascribes an important role to the active human capacity of the *imagination*. Although human beings have no direct access to others' thoughts and feelings, they are able to share in the thoughts and feelings of others by means of the imagination. Reflexivity, intersubjectivity, and the imagination are interdependent in this spectatorial model: It is because agents imagine what others are thinking and feeling that those thoughts and feelings of others impact on their understanding of themselves and their own thoughts and feelings, so that it is in interaction with spectators that agents develop as reflexive beings.

The social psychology of TMS is complex. I have tried (in Brown 1994) to capture some of this complex interplay in terms of Mikhail Bakhtin's (1981) notion of "dialogism" as multi-voicedness, and I have also argued that this multi-voicedness is evident in the style of TMS. As I have noted, in a way the distinction between dialogism and monologism is unstable in that all human discourses and interpretative activities are subject to multi-voicedness, but the distinction does capture something important in the degree to which different voices are in play, answering each other and representing different and possibly irreconcilable points of view. The notion of dialogism thus registers something of what is distinctive

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3. I consider this passage in Brown (1994, 39–40; 1997, 699–700) and also in note 9 below.

4. This illustrates the distinction between sociality and sociability: Living in the eyes of others is an aspect of human sociality, but those eyes might be dismissive, unfriendly or even hostile.

about human social interaction in TMS; or, rather, the dialogism of TMS illustrates that in interacting with others something distinctively human is enacted.

This sociality of TMS is also what makes morality possible. Self-consciousness and intersubjectivity are not themselves inherently moral, but they make morality possible. To understand this we first need to examine Smith's account of sympathy.

III.

The notion of sympathy is central to Smith's arguments about moral judgment, yet Smith's notion of sympathy is multidimensional and, unfortunately, the account of sympathy is not clearly laid out in TMS, a point made by Smith's contemporaries.[5] This requires some careful sifting of Smith's arguments in order to differentiate between distinct conceptions of sympathy (Brown 2012).

First there is the sense of sympathy that is closest to the everyday sense of sympathy as an emotional response to others' feelings. This is described in the first paragraph of TMS as pity or compassion for the misery of another (I.i.1.1), but it also includes joyful responses to others' happiness or success, as well as compassion for their sorrow (I.i.1.4–5). This expanded version of the everyday sense of sympathy I have termed *affective sympathy*.

Although affective sympathy introduces TMS, it is not the sense of sympathy that is relevant to the argument about the sympathetic basis of approbation. The core of the process of approbation involves a spectator's comparison of what another feels in a particular situation with his[6] own sympathetic emotions in observing the other's situation: "When the original passions of the person principally concerned are in perfect concord with the sympathetic emotions of the spectator, they necessarily appear to this last just and proper, and suitable to their objects" (TMS, I.i.3.1; also see I.iii.1.9 n.*, II.i.5.11). The process of approbation thus involves a comparison of two emotions.[7]

Identifying and disentangling these two emotions has caused some problems in the scholarly literature. Robert Gordon (1995, 740–741) recognises the impor-

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5. "I observe that the word Sympathy seems not to have always the same fixed and determinate meaning in this System, nor to be so accurately defined as is necessary to make it the foundation of a distinct Theory of Morals" (Reid 1984, 313; 1997, 75).

6. This paper follows TMS in adopting the pronoun 'he,' as to substitute 'she' for 'he' would assume that the issue of gender makes no difference to Smith's theory.

7. There is a further emotion of the spectator. This is the "sentiment of approbation," which is always pleasurable even if the other two emotions are painful (TMS, I.iii.1.9 n.*). This note was added to the second edition in response to David Hume's criticism that Smith could not explain the pleasure of approbation where the other's feelings are painful (Smith 1987, 42–44).

tance of the distinction between imagining what the other feels and imagining what one would feel if placed in the person and circumstances of the other, but he argues that Smith misses this distinction so that TMS lacks the conceptual resources that are necessary to sustain its core argument. Other influential scholars do not differentiate between these two imagined feelings. For example, Stephen Darwall (1998, 267) argues that to imagine what another feels is to approve of that feeling, whereas Charles Griswold (1999, 85) argues that one can sympathise with another yet not approve of that other. Although Darwall and Griswold arrive at opposing conclusions about the relation between sympathy and approval, they share an interpretative stance that does not differentiate between the two imagined feelings.

The problem, I suggest, is that scholars mistakenly interpret the second paragraph of TMS (I.i.1.2) as definitive of the notion of sympathy. The purpose of the second paragraph is not to introduce the process of approbation (that comes later) but to explain how it is that we can attain knowledge of what others feel. As the first paragraph of TMS explains affective sympathy in terms of our sympathy with others' feelings, the second paragraph raises and answers the question of how we can have any knowledge of what others are feeling, given that affective sympathy is impossible if we have no idea what others feel. As we have no direct or immediate experience of what others feel, the answer is that the only way in which we can form some idea of what another feels is to imagine what that person is feeling in their situation. Although this passage starts off by saying that we conceive "what we ourselves should feel in the like situation," it goes on to clarify this by saying that we imagine ourselves as the other and by this means imagine what that other feels. With its gruesome example of torture, it argues that "By the imagination we place ourselves in his situation…we enter as it were into his body, and become in some measure the same person with him, and thence form some idea of his sensations…. His agonies…when we have thus adopted and made them our own, begin at last to affect us…' (I.i.1.2). In this example, the spectator imagines what X feels in X's situation by imagining what it is like for X in X's situation. This imagined feeling gives only "some idea" of what another feels, but that is the best we can do. I term this *epistemic sympathy*. It is a key intersubjective notion in TMS.

The spectator's sympathy that is compared with this epistemic sympathy in the process of approbation is what I term *normative sympathy*, which incorporates an element of judgment by the spectator. The clearest statement of normative sympathy is given towards the end of TMS in the context of sympathy for a parent whose only son has died. Here, the spectator imagines, not what X feels in X's situation, but what he [the spectator] would feel if he were X in X's situation:

> When I condole with you for the loss of your only son, in order to enter into your grief I do not consider what I, a person of such a character and profession, should suffer, if I had a son, and if that son was unfortunately to die: but I consider what I should suffer if I was really you, and I not only change circumstances with you, but I change persons and characters. My grief, therefore, is entirely upon your account, and not in the least upon my own. (TMS, VII.iii.1.4)

In this passage Smith is contrasting his system with those that deduce the principle of approbation from self-love (e.g., those of Thomas Hobbes and Bernard Mandeville), so it emphasises that the spectator's grief is not upon his own account but on account of the bereaved father. In condoling with someone upon the death of his son, the spectator thus imagines *not* what he would feel if his own son were to die, but what he would feel if he were the bereaved father. Normative sympathy for X is thus the spectator's *imagining what he would feel if he were X in X's situation*, in contrast with epistemic sympathy, which is the spectator's *imagining what X feels in X's situation*. A difference between normative sympathy and epistemic sympathy lies in whose feelings are being experienced in the spectator's imagination: In the case of normative sympathy, it is the spectator's feelings, though not as himself; in the case of epistemic sympathy, it is the other agent's feelings. In the case of normative sympathy, the spectator functions independently in assessing what he would feel if he were X in X's situation, and it is this independence that provides for the element of judgment in approving (i.e., entering into) or disapproving another's feelings.[8]

Approbation (or disapprobation) of another's feelings thus depends on a comparison of normative sympathy with epistemic sympathy, both of which are imagined feelings for the spectator. The spectator approves the feelings of another to the extent that he can enter into (what he imagines to be) the feelings of that other; that is, to the extent that he can normatively sympathise with (what he imagines to be) the original feelings of the other.

This raises a question of the criteria the spectator applies in normative sympathy. The issue of what the spectator would feel if he were X in X's situation cannot, however, be fully addressed until Part III of TMS, which considers how agents make moral judgments about themselves. That is, in judging the propriety of X's feelings in X's situation, a spectator imagines what it would be proper for himself to feel if he were X in X's situation. The model of normative sympathy in Part I thus has to be interpreted in the light of the analysis of Part III, which concerns judgments about oneself.

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8. Brown (2012) follows Gordon (1995) in terming epistemic sympathy as "empathy" and normative sympathy as "sympathy."

According to the model of the impartial spectator in Part III, agents make moral judgments about themselves not in terms of actual spectators, but in terms of an imagined well-informed spectator who can judge impartially as between different agents. They judge themselves by imaging the extent to which such an impartial spectator sympathises with their own feelings, that is, can enter into their own sentiments and conduct. A morally competent person is to adopt this impartial viewpoint both when judging their own emotions and conduct *and* when making judgments about others. This is in contrast with someone who relies on actual spectators whose viewpoints might represent prevailing social criteria such as social norms and conventions. There are thus two distinct kinds of normative sympathy, depending on the standpoint of the judgment: *social sympathy* applies where the spectator adopts social criteria in judging himself and others, and *moral sympathy* applies where the spectator adopts the impartial viewpoint in judging himself and others. This distinction between social sympathy and moral sympathy is crucial for the argument that engagement with the impartial spectator enables agents to make moral judgments that are not reliant on prevailing social norms and conventions.

The relation between Parts I and III of TMS is thus not linear but interdependent. The explanation of judgments about oneself by analogy with how one makes judgments about others, as it is presented at the beginning of Part III, is not a simple analogy because it relies on two different distinctions: the distinction between judging others and judging oneself, and the distinction between social sympathy and moral sympathy. It is the latter distinction that requires the impartial spectator, which is first applied to judgments about oneself but then needs to be applied in making judgments about others, in what might be seen as a complex analogy between judging others and judging oneself. It follows that social judgments and moral judgments, whether about oneself or others, are fundamentally different, in that the former rely on social criteria and the latter rely on the impartial spectator.[9]

This distinction between the two kinds of normative sympathy is crucial for TMS and the development of its argument across editions. In the first edition, there was a passage, withdrawn in the second edition, in which moral agents judge themselves as they judge others, in that "we must look at ourselves with the same eyes with which we look at others: we must imagine ourselves not the actors, but the spectators of our own character and conduct" (TMS, p. 111 note *k*).[10] The

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9. This distinction is similar to that I have made between the "social gaze" and the "moral gaze" (Brown 1997). In the continuation of Smith's passage cited above (page 234), viz., "To be observed, to be attended to, to be taken notice of with sympathy, complacency, and approbation" (TMS, I.iii.2.1), the "sympathy" is social sympathy, not moral sympathy. As I argue elsewhere (Brown 1994; 1997), this passage is not proposing that the impartial spectator is sympathetic towards such social aspirations.

10. In the first edition (Smith 1759), this text appears in section III.2, on page 257.

weakness of this phrasing is that it is too close to merely extending the notion of social sympathy to judgments about oneself, in that it requires that we judge ourselves according to how we imagine our actual spectators judge us. Although this process is said to involve "the greatest exertion of candour and impartiality" (ibid.), the notion of impartiality seems not to be developed beyond the need to look at ourselves as others look at us. It does not explain how such judgments differ from conventional judgments. This is the core of the criticism made by Sir Gilbert Elliot (see Smith 1987, 48–57). In response to this criticism, the impartial spectator is presented in the second edition not as an actual spectator but as a well-informed imagined spectator who can judge with impartiality between the agent and others (TMS, pp. 129–130 note *r*). Significantly, this imagined spectator is characterised in third-personal terms: "We must view them [those opposite interests], neither from our own place nor yet from his, neither with our own eyes nor yet with his, but from the place and with the eyes of a third person, who has no particular connexion with either, and who judges with impartiality between us" (TMS, III.3.3).[11] This third-personal stance, retained in later editions, is what characterises the impartial basis for moral sympathy, in contrast with the second-personal stance of actual spectators.

As a number of scholars have remarked, TMS is systematically influenced by Stoic philosophy (e.g., Raphael and Macfie 1976, 5–10, 18; Sorabji 2014). One aspect of this is that the third-personal stance of the impartial spectator is an analogue of the stance of the Stoic divine Being. In the essay on the Stoic philosophy, presented in Part I in editions one to five, a wise man "regards himself in the light in which he imagines the great Genius of human nature, and of the world regards him. He enters, if I may say so, into the sentiments of that Divine Being, and considers himself as an atom, a particle, of an immense and infinite system…" (TMS, p. 59 note *i–i*). According to Stoicism, the wise man views himself as he imagines the divine Being views him, and this enables him to see himself as merely one among many, an atom in an infinite cosmic system; according to the third-personal portrayal of the impartial spectator, the wise man views himself as he imagines the impartial spectator views him, and this enables him to view himself impartially with respect to others.

The model of the impartial spectator is further developed in the sixth edition and these revisions are accompanied by significant changes in the portrayal of Stoicism. The first five editions had been marked by praise of Stoicism. In the essay on Stoicism in Part I, Stoicism "affords the noblest lessons of magnanimity, is the best school of heroes and patriots, and to the greater part of whose precepts there can be no other objection, except that honourable one, that they teach us to aim

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11. In the second edition (Smith 1761), this text appears in section III.2, on page 211.

at a perfection altogether beyond the reach of human nature" (TMS, p. 60 note *i–i*). In changes introduced into the second and retained until the fifth edition, the Stoic notion of "perfect propriety" is said to do "little more than unfold our natural ideas of perfection. There is nothing absurd or improper, therefore, in aiming at this perfect self-command. Neither would the attainment of it be useless, but, on the contrary, the most advantageous of all things…" (TMS, p. 141 note *x*). The sixth edition, however, retracts from these endorsements of Stoicism. The essay on Stoicism is shifted from Part I to Part VII, so that the reader is no longer introduced to the commendations of Stoicism early in TMS. A number of passages favourable to Stoicism are withdrawn (such as the passage just cited), and new ones critical of Stoicism are introduced. For example, the Stoic position is criticised for carrying its doctrine "a good deal beyond the just standard of nature and propriety" (III.3.8). Furthermore, the extended discussion of Stoicism in the sixth edition (III.3.11ff.) criticises the Stoic doctrine of "apathy,"[12] and replaces the earlier commendation of Stoic "perfect propriety" with the argument that an acceptable degree of propriety is achieved by taking on the perspective of the impartial spectator.

This change with respect to Stoicism is also reflected in the reworking of the essay on Stoicism in its new position in Part VII (TMS, VII.ii.1.15–47). It retains the passage, quoted above, that the wise man enters into the sentiments of the divine Being (VII.ii.1.20) and it includes another similar passage that "the Stoical wise man endeavoured to enter into the views of the great Superintendant of the universe, and to see things in the same light in which that divine Being beheld them" (VII.ii.1.39). It thus does not change its description of this central tenet of Stoic doctrine. What is different is that the Stoic doctrines are now criticised. The commendatory passage noted above, that the greatest objection to its precepts is the honourable one that it teaches us "to aim at a perfection altogether beyond the reach of human nature," is removed. Stoicism is succinctly criticised at the end of this section (VII.ii.1.43–47) where it is said that Nature's plan is altogether different from that of the Stoic philosophy (¶43). Nature has not ordained the sublime Stoic contemplation for mankind, except as ultimate consolation for misfortune when all else fails (¶44–46). To aim at a perfection beyond the reach of human nature and to attempt to take on the perspective of the "great Superintendant of the universe" are now criticised for going against Nature's plan and system, which is that human beings should indeed be concerned with that "little department" of their own affairs and their own friends and country. Nature's remedy for the excessive vehemence of these natural sentiments—"our private, partial and selfish

12. According to the Stoic doctrine of apathy, a wise man does not have passions that disturb his mental tranquillity. The Stoic wise man is thus not without any feelings, and he is not apathetic in the modern sense. For a succinct summary of Stoicism and the passions, see Long and Sedley (1987, 410–423).

affections" (¶46)—is instead to be found in the impartial spectator, who is always at hand to "overawe them [those passions] into the proper tone and temper of moderation" (¶44). These human sentiments as moderated, not eradicated, by the impartial spectator are validated by Nature as fitting for human beings. Here the Stoic doctrine of life according to Nature is turned against itself in denying the appropriateness of the cosmic stance for human beings. As it is the purpose of all systems of morality to direct the judgments of the impartial spectator, however, this still leaves a role for Stoicism in tutoring the feelings of the impartial spectator, as well as providing cosmic contemplation as ultimate consolation in time of misfortune (¶47).[13]

Thus in the sixth edition the model of the impartial spectator is presented as Nature's more humane analogue of the Stoic aspiration to regard oneself from the cosmic stance of the divine Being. The editors of the definitive edition of TMS, D. D. Raphael and A. L. Macfie (1976, 16), point out that Smith made substantial revisions to TMS in the second (1761) and final, sixth (1790) editions, and they argue that by the end of this process Smith had come to rely more on the impartial spectator and less on actual spectators. Although Raphael and Macfie note Smith's criticisms of Stoicism in the sixth edition, they argue that other changes to the sixth edition suggest that "Smith had now acquired an even warmer regard for Stoicism than he felt in earlier days" (1976, 9–10, 18). The interpretation proposed in this paper highlights two aspects of Smith's revisions. One aspect is a development of the notion of the impartial spectator from second-personal to third-personal spectator, together with the implicit distinction between social sympathy and moral sympathy. The other aspect is that by the sixth edition the Stoic doctrine is no longer held out as an ideal, even though its influence is still very great, for example in the heightened significance of self-command (TMS, III.3) and in the new Part VI, as noted by Raphael and Macfie (1976, 18). These two movements together open up an enhanced space for the impartial spectator.

Although it is more humanly grounded than its cosmic analogue, the impartial spectator still carries some of the tensions of its Stoic source. There is the element of impossibility about the reflexive aspect of the spectatorial project of self-judgment, where an agent imagines himself and judges himself as from a standpoint that is not his own. In a passage introduced into the second edition and retained thereafter, Smith writes:

> When I endeavour to examine my own conduct, when I endeavour to pass
> sentence upon it, and either to approve or condemn it, it is evident that, in

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13. Sorabji (2014, 173) argues that in TMS paragraphs VII.ii.1.44–45 Smith "wrote virtually as if the 'man within the breast,' one of his descriptions of the impartial spectator, were Stoic." This neglects the rejection and criticism of Stoicism in paragraphs 43–47.

all such cases, I divide myself, as it were, into two persons; and that I, the examiner and judge, represent a different character from that other I, the person whose conduct is examined into and judged of. … But that the judge should, in every respect, be the same with the person judged of, is as impossible, as that the cause should, in every respect, be the same with the effect. (TMS, III.1.6)

This passage is important in elaborating upon the notion that an agent judges reflexively upon himself. In the final sentence, however, the passage states that it is impossible for the judge to be the same with the person judged of. In the case of the impartial spectator as imagined judge in the third person, the distance is even harder to bridge. Furthermore, TMS hesitates to say that agents identify with the impartial spectator. Even the "man of real constancy and firmness, the wise and just man who has been thoroughly bred in the great school of self-command" only "*almost* identifies himself with" and only "*almost* becomes himself that impartial spectator" (TMS, III.3.25, my emphasis). It is only retrospectively, after the feelings of the moment have subsided, that even the "wisest and firmest man" is able to identify with the impartial spectator (III.3.28–30).

I have argued that this "ethical dialogism" of the impartial spectator is characteristic of a range of ethical works, particularly self-interrogative works and explorations of conscience (Brown 1994). This also includes Stoic works such as those by Marcus Aurelius and Epictetus which are cited in TMS. What is striking about these wrestlings with oneself by avowedly Stoic writers is that they are struggles to instantiate the official Stoic position that the soul is unitary, in contrast with the Platonic and Aristotelian doctrines that the soul is structured (tripartite for Plato; dualistic for Aristotle). The ethical dialogism that is a characteristic of the impartial spectator process of moral judgment, even for the wise man, is thus also a characteristic of the Stoic literature that is cited in TMS.

IV.

It is sometimes asked whether moral judgments are endorsed by the impartial spectator because they are right, or whether moral judgments are right because they are endorsed by the impartial spectator (see Harman 2000, 185, 193). Similarly, a distinction has been made between a heuristic function for the impartial spectator and a constitutive function, such that according to the former the impartial spectator enables agents to discover what is right, whereas according to the latter the impartial spectator constitutes what is right (see Griswold 1999, 145). According to these accounts the role of the impartial spectator is resolved by the argument that agents attain the moral outlook by in part becoming an impartial spectator or by

attempting to identify with and become the impartial spectator (Harman 2000, 193; Griswold 1999, 145). But if agents cannot fully identify with the impartial spectator (except in retrospect), then a dialogic interpretation of the impartial spectator provides a means of interpreting its significance as a *process* of making moral judgments, the process of moral judging, rather than in terms of the outcome of the content of the judgments. The impartial spectator is thus a metaphor for a process of internal debate and self-interrogation in which the agent sometimes has to strive against what seem to be the limits of what is humanly possible.

This ethical dialogism of the impartial spectator is a consequence of two contrasting structures of argument in TMS, sentimental and Stoic. According to the sentimental structure of argument, human beings are creatures of emotion. As the opening paragraph argues, human beings are naturally concerned about the well-being of others, and this affective sympathy runs through social as well as familial life. TMS also illustrates how these feelings sometimes incorporate judgments about the feelings and actions of others and oneself. These normative sentiments are not natural feelings in the sense that affective sympathy is held to be natural, because they are tutored feelings that develop in, and are trained and influenced by, the ordinary course of interactions with others. According to the Stoic structure of argument, however, emotions that disturb mental tranquillity are to be avoided. Much of TMS, especially its emphasis on self-command and moderation of sentiment, is predicated on the Stoic structure of argument, even though in the final edition Stoicism is criticised for its notion of perfect propriety, its celebration of apathy, and its aspiration to adopt the stance of the divine Being. The reconciliation of these two structures of argument in the sixth edition is provided by the developed model of the impartial spectator, which is presented as Nature's reconciliation between the competing demands of the two structures of argument. Ethical dialogism in TMS, as represented by the metaphor (or model) of the impartial spectator, thus involves a process of attempting to reconcile *personal sentiment* with *impersonal impartiality*.

This emphasis on the deliberative process of making moral judgments, rather than on the content of the moral judgment, has a number of consequences for interpreting the impartial spectator. If the impartial spectator is a metaphor for the process of reconciling personal sentiment with impersonal impartiality, this suggests that in principle there is not necessarily any single 'right' thing to do, no single right answer as such. Thus is illustrated by an important distinction in TMS between virtues that cannot be codified into rules and so require judgment, and those that are codified, such as the rules of justice and rules of conventional behaviour. It is the former that require independent judgment. This distinction is illustrated, using a linguistic analogy, by contrasting those rules "which critics lay down for the attainment of what is sublime and elegant in composition" and

those that are "the rules of grammar." The former are open to interpretation and judgment by the agent, whereas the latter are codified as rules that must be followed to the letter (TMS, II.ii.1, III.6, VII.iv.1). The former sort of virtues are "in many respects loose and inaccurate," "admit of many exceptions," and are "vague and indeterminate" (III.6.9); in the practice of such virtues conduct "should rather be directed by a certain idea of propriety, by a certain taste for a particular tenor of conduct, than by any regard to a precise maxim or rule" (III.6.10).

Furthermore, the process of deliberation takes place in particular circumstances, and these particularities are also relevant to an agent's deliberations. This emphasis in TMS is illustrated by Smith's recommendation of literature as a means of exploring the sentimental niceties of moral judgment in particular situations (III.3.14).[14] These particularities are also relevant in moral dilemmas. In the case of a moral dilemma characterised by opposing beneficent affections, the impartial spectator, in contrast to casuistic rules, is able to accommodate "to all the different shades and gradations of circumstance, character, and situation, to differences and distinctions which, though not imperceptible, are, by their nicety and delicacy, often altogether undefinable" (VI.ii.1.22). As an example in literature, TMS cites the "beautiful tragedy" of Voltaire's *Orphan of China*, which is set in China at the time of the invasion of Genghis Khan, and in which a married couple are faced with the terrible prospect of sacrificing their own son in order to save the Emperor's son (ibid.). Here it is the mother, not the father, who fights against the sacrifice of their son, thereby introducing issues of gender and parenthood into the specifics of moral deliberation.[15]

Accepted rules of behaviour are necessary for the good order of society. TMS expresses doubts as to whether the "coarse clay" of mankind is up to the demands of moral judgment proper, and so these rules of behaviour, including the rules of justice, are necessary for an orderly society. Although merely following the rules, without the appropriate sentiments that justify the rule, is second-best, the "sacred regard to general rules" enables most people to live with "tolerable decency" most of the time (III.5.1–2).

Emphasising the significance of the process of making moral judgments is suggestive of an imperfect process; or rather the notion of perfection, and therefore the opposite notion of imperfection, do not apply. Adjectives used in TMS such as *loose*, *inaccurate*, *vague*, and *indeterminate* capture the sense of the openness of the process of judging, in that there is not necessarily a right answer or specific judgment that ought to be made in the circumstances of the case. Instead, the moral agent is guided by his sentiments and "by a certain idea of propriety, by

14. Brown (1995) explores some aspects of ethical dialogism in works of literature.
15. Brown (2005) offers a reading of Voltaire's *Orphan of China* in the context of TMS.

a certain taste for a particular tenor of conduct" (TMS, III.6.10). This suggests that moral judging is by its nature messy and incomplete. It also presupposes that the moral agent is free to decide what to do, without coercion (TMS, II.ii.1.3, II.ii.1.7; Brown 1994, 37).[16] The process of moral judging is thus inevitably affected by local customs, fashions, economic development, and historical period (TMS, V.2); these are not an aberration from true judgments but an inevitable part of the human process of judging, which is always local and situated, never from a cosmic standpoint. This does not deny a basis for critical engagement with other moral systems, since, even given economic or historical factors, the making of judgments is open to question about the balance between personal sentiment and impersonal impartiality.

The rules of natural justice can also be interpreted in terms of this process of moral judging, in so far as these rules are understood as the outcome of previous (historical) judgments that achieve a balance between personal sentiment and impersonal impartiality. In so far as the positive laws of a country are in accord with such principled judgments in the past, then these laws are in accord with natural justice. Patently, many laws are not in accord with natural justice, as chronicled in the *Wealth of Nations* and the *Lectures on Jurisprudence*. This interpretation also suggests a means of reconciling the apparently universal aspiration of natural jurisprudence with the socio-historical and contextual approach of the *Lectures on Jurisprudence*. Although Smith committed himself to writing a work of natural jurisprudence, this volume was never completed. We can only guess at what might have been Smith's reconciliation, or attempted reconciliation, but his mature jurisprudence would have had to take into account the changes to the impartial spectator model which Smith made in the final edition of TMS, twenty-five years after the student notes on the jurisprudence lectures.

V.

The questions raised in the Introduction to this paper can now be directly addressed.

The sociality depicted in TMS provides the basis for the morality of the impartial spectator, but this sociality is not itself moral, so there is no circular reasoning involved. The sociality in TMS incorporates the spectatoriality of human interconnectedness, the self-consciousness of individual agents, and a more or less workable degree of intersubjectivity such that agents imagine what others feel and understand that others imagine what they themselves are feeling. These features are

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16. Brown (2009) discusses agency and freedom in TMS and the *Wealth of Nations*.

inextricably linked to approbation based on social sympathy, which is the sentiment that registers the conventional judgments of society and ensures that the society in question functions according to its conventional criteria of behaviour.

Moral sympathy is more complex in that judgment is exercised over the social criteria underlying social sympathy. The essence of the morality indicated by the metaphor of the impartial spectator is that agents attempt to reconcile personal sentiment with impersonal impartiality, thus providing a model of moral judging that is universal even though there is no such figure of the "impartial spectator" whose particular judgments are universal. This allows Smith to acknowledge the role of custom and fashion in morality, whilst also placing bounds on it. The resulting notion of morality can be interpreted as a mellower and more humane derivative of the Stoic doctrine, one that incorporates a place for moderated human sentiments—but the recognition that *attempting* to reconcile personal sentiment with impersonal impartiality, even where earnestly entered into, is not necessarily the same as reconciling them, registers the messy, incomplete and sometimes painful process this involves.

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