

Moral Pluralism in Smith and his Contemporaries

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What role do general principles play in our moral judgment? This question has been much contested among moral theorists of the last fifteen years.¹ When we turn to the British moralists of the eighteenth century, we find that similar issues were equally pressing.

In this paper I will try to show that while many of the British moralists thought that general principles could conclusively determine our moral duties, Hume and Smith were ambivalent about the role of principles, not only giving expression to the common view of principles' power but also exploring the possibility that principles could not fill the justificatory space typically allotted them. Hume and Smith, I will try to show, constitute fascinating transitional figures in our thinking about the role of general moral principles.

1. Prioritarianism vs. pluralism

In his 1993 paper, "Moral Pluralism," Berys Gaut gives a very helpful account of a crucial distinction between moral theories. The distinction is between what Gaut calls "prioritarianism" and "moral pluralism." "Prioritarianism," in Gaut's words, "is the claim that for any action there is a rule or rules which entail that just one of the following possibilities is true of that action: that it is required, or forbidden, or permitted. We can distinguish three ways in which a theory may be prioritist. Firstly, if a theory has only one principle which can be applied to any set of actions, such as utilitarianism, it is prioritist. Secondly, a theory can be prioritist if it incorporates a multitude of principles which are ranked in such a way that for any circumstance one knows which takes precedence over the other. Rawls' theory of justice incorporates two principles, but it is prioritist since he gives a priority rules that lexically orders one over the other. Finally, a theory can be prioritist because, though it lacks a comprehensive ranking method, it claims that the principles *never* clash" (19).² Pluralist views, in contrast, hold that there are multiple fundamental principles, that these principles can require incompatible actions, and that there is no comprehensive ranking method for resolving such conflict. As Rawls puts it, "[Pluralist] theories, then, have two features: first, they consist of a plurality of first principles which may conflict to give contrary directives in particular cases; and second, they include no explicit method, no

priority rules, for weighing these principles against one another: we are simply to strike a balance by intuition, by what seems to us most nearly right. Or if there are priority rules, these are thought to be more or less trivial and of no substantial assistance in reaching a judgment” (34; quoted by Gaut [18]).

The difference between prioritarianism and moral pluralism for the first-person, deliberative life of a moral agent is profound. If prioritarianism is true, then every moral question you will ever have to face will have a principled answer. You will, of course, have to execute judgment to correctly apply the moral principles. But if you know what the principles are and how they apply to a particular situation, the right answer will be clear. You’ll always be able to fully justify a moral judgment by showing that it follows from (the correct application of) general moral rules. Most importantly, it will always be appropriate for you to aspire to completely principled moral justification.

If pluralism is true, in contrast, you may find yourself in a situation in which two principles require conflicting actions, and you may not be able to rely on any other principle for resolving the conflict. In a morally fraught situation the final judgment that you come to may outstrip principled support. You may have to confront an unfillable justificatory gap between general principles and a particular judgment.³

Because pluralism cannot completely close the justificatory gap between principles and particular judgments, some have assumed “that the correct moral theory *must* be prioritarian” (Gaut 20). For it is only prioritarianism (according to this way of thinking) that is able to fulfill moral theory’s practical aim of delivering determinate verdicts about what to do. One way to be prioritarian, as we’ve seen Gaut explain, is to allow there to be one and only one ultimate moral principle: that’s how the grand monistic theories of Kant and Bentham did it.

But many of the most prominent 18th century Scottish and English philosophers — Butler, Hume, Smith, and Reid among them — resolutely rejected monism, resoundingly affirming the existence of a multiplicity of ultimate moral principles. At the same time, these four also felt the grip of the prioritarian idea that full moral understanding would provide principled and determinate verdicts to all our moral questions — that morality does not harbor justificatory gaps between principles and judgments. Each of these four, consequently, endorsed the idea either that the multiplicity of moral principles never come

into conflict with each other, or, if such conflicts do occur, that there is a strict hierarchical ordering for resolving them.⁴

Hume and Smith, however, were *also* drawn to the opposing, pluralist idea — that moral principles can come into conflict in ways that do *not* admit of principled resolution. Indeed, Hume and Smith’s sentimental-empiricist accounts of morality, combined with their attention to certain phenomena of commonsense moral thinking, made this anti-prioritarian view almost irresistible to them. The result is that Hume and Smith struggled to find their footing along the border between prioritarianism and pluralism. In the end, however, it was the pluralist view that fit best with the deepest aspects of Hume’s and Smith’s accounts of morality — or so I will try to show.

To bring the prioritarian-pluralist issue into focus, I will first describe the monistic view of Francis Hutcheson. I will next describe the arguments against Hutcheson’s view put forward by Butler, Hume, Smith, and Reid. I will then look in more detail at the prioritarian and pluralist strands in the thought of Hume and Smith.

Elucidating these 18th century positions on moral principles has more than just historical interest, I believe. For the ambivalence Hume and Smith evince between prioritarianism and pluralism mirrors a tension that exists in the everyday moral thinking of many of us. I will not delve into those ahistorical matters here, but I hope what I say will shed light on our continuing discussion of them.

2. The monism of Hutcheson

In eighteenth century Britain, the moral philosopher most often taken to be a clear representative of the monistic view — of the view that there is only one ultimate moral principle — was Francis Hutcheson. Hutcheson, on most common interpretations, held that the single moral goal was to promote the happiness of humans, that one is virtuous to the extent that one is benevolent. And there is ample textual support for such interpretations.⁵

All of our moral judgments, Hutcheson tells us, have “one general Foundation,” and that is our approval of the motive to promote the welfare of humanity in general (Hutcheson 1726, 116). “[T]hat we may see how Love, or Benevolence, is the Foundation of all apprehended Excellence in social Virtues, let us only observe, That amidst the diversity of Sentiments on this Head among various Sects, this is still allow’d to be the only way of

deciding the Controversy about any disputed Practice, viz. to enquire whether this Conduct, or the contrary, will most effectually promote the publick Good. The morality is immediately adjusted, when the natural Tendency, or Influence of the Action upon the universal natural Good of Mankind is agreed upon. That which produces more Good than Evil in the Whole, is acknowledg'd Good; and what does not, is counted Evil" (Hutcheson 1726, 118). According to Hutcheson, a careful observation of our moral responses reveals that we approve of people just to the extent that we think they are motivated to promote human welfare (Hutcheson 1726, 116-146).

Hutcheson is thus rightly taken to be an early Utilitarian. But he would be a motive-utilitarian, not an act- or rule-utilitarian. That is to say, his view implies that our moral judgments are attuned to the motives we think people act on, and that we approve of a motive to the extent that we think the motive is generally benevolent. Darwall [1994] argues that Hutcheson is not a meta-ethical Utilitarian in that he doesn't think that moral ideas can be reduced to ideas about non-moral states of affairs. Darwall is right about this, but Hutcheson is still fairly thought of as a normatively monistic Utilitarian (i.e., a motive-Utilitarian about the content of morality) insofar as he thinks morality is based on approval only of one kind of motive — namely, motives to promote happiness. All our approvals, according to Hutcheson, are responsive to the same benevolent quality.⁶

Hutcheson does acknowledge that we often approve of a person when she intends to promote the welfare of only a few people and not humanity as a whole. We approve of parents' love for their children, of friends' mutual concern for each other, of patriots' commitment to their country. But what makes these cases of "partial benevolence" virtuous is their goal of promoting human welfare, and it is always morally better to promote more human welfare rather than less. Partial benevolence is a morally lesser version of general benevolence. "[O]ur moral Sense would most recommend to our Election, as the most perfectly Virtuous [those actions that] appear to have the most universal unlimited Tendency to the greatest and most extensive Happiness of all the rational Agents, to whom our Influence can reach. All Benevolence, even toward a Part, is amiable, when not inconsistent with the Good of the Whole: But this is a smaller Degree of Virtue ..." (Hutcheson 1726, 126-7; see also Hutcheson 1726, 231-3 and Hutcheson 1728, 8). According to Hutcheson, we recognize "different Degrees of Moral Beauty" (Hutcheson 1726, 231), and the highest degree is a benevolence toward all humans that "controuls our kind particular Passions ... or

counteracts them” (Hutcheson 1726, 231). The morally best thing is to try to promote the welfare of all, even in those cases in which it means sacrificing the “Happiness of certain smaller Systems of Individuals,” such as those composed of one’s countrymen, one’s friends, and one’s children (Hutcheson 1726, 231).⁷

3. The non-monism of Butler, Hume, Smith, and Reid

Butler, Hume, Smith, and Reid all argued against the benevolence-monism of Hutcheson. All four of them explicitly affirmed a multiplicity of moral principles.⁸

Butler’s most extended account of the non-monistic nature of morality comes in his “Dissertation upon the Nature of Virtue.” There, he warns against the idea “of imagining the whole of virtue to consist in singly aiming, according to the best of [one’s] judgment, at promoting the happiness of mankind in the present state; and the whole of vice, in doing what [one] foresee[s], or might foresee, is likely to produce an overbalance of unhappiness in it: than which mistakes, none can be conceived more terrible” (Butler 74). Taking general benevolence to be the entirety of virtue is a terrible mistake, Butler explains, because it leads us to ignore other principles that are rightly taken to be ultimate moral ends. These other principles include “veracity” and “justice,” as well as the “gratitude” and “friendship” that motivate us to benefit those near and dear to us (our benefactors and friends) rather than promote the welfare of people in general (Butler 72-4). As Butler writes, “The fact then appears to be, that we are constituted so as to condemn falsehood, unprovoked violence, injustice, and to approve of benevolence to some preferably to others, abstracted from all consideration, which conduct is likeliest to produce an overbalance of happiness or misery... [S]ince this is our constitution; falsehood, violence, injustice, must be vice in us, and benevolence to some preferably to others, virtue; abstracted from all consideration of the overbalance of evil or good, which they may appear likely to produce” (Butler 73-4). Butler thinks we should take there to be a multiplicity of independent ultimate moral ends — justice, veracity, and the partial benevolence of friendship and gratitude among them. We ought to be morally concerned with each of these for its own sake, as an independent reason for action, and not take their normative force to be reducible to or derivable from a single principle of general benevolence.

Hume endorsed this Butlerian criticism of Hutcheson’s benevolence-monism. In a letter to Hutcheson, Hume wrote, “I always thought you limited too much your Ideas of

Virtue” (Letters 47), and in the *Treatise* and *Second Enquiry* he developed an account that is obviously intended to show that virtue extends beyond Hutchesonian benevolence. Hume does think that some of the qualities we approve of are virtues because of their tendency to promote the happiness of humanity in general (E 2.6-8). But he also takes special care to make it clear that we approve of some virtues for reasons other than that they promote the happiness of humanity as a whole. Our approbation of certain “tender sentiments,” he writes, “seems to me a proof, that our approbation has, in those cases, an origin different from the prospect of utility and advantage, either to ourselves or others” (T 3.3.3.4). Other qualities are virtues only because they “are immediately *agreeable* to others, abstracted from any consideration of utility or beneficial tendencies” (E 8.2). And again: “As some qualities acquire their merit from their being *immediately agreeable* to others, without any tendency to public interest; so some are denominated virtuous from their being *immediately agreeable* to the person himself, who possesses them” (T 3.3.1.28). In another letter to Hutcheson, Hume maintained that since on Hutcheson’s monistic view a person’s moral status would be a function only of how benevolent he was, that view implied that “no Characters could be mixt” (Letters 34). According to Hume, however, “The character of ... most men, if not of all men, was mixed” (History 5.542).

Like Butler and Hume, Smith takes Hutcheson to be the best representative of the monistic view that virtue consists entirely of benevolence (300-306). Smith acknowledges that this view is “supported by many appearances in human nature” (301) and that it “has a peculiar tendency to nourish and support in the human heart the noblest and the most agreeable of all affections” (303). Also like Butler and Hume, however, Smith goes on to argue that Hutcheson was wrong to hold that benevolence is the only ultimate moral end. Hutcheson’s view implies that virtue concerns only the “effects” of character traits on human happiness, but in fact (according to Smith) we also judge traits based on the different matter of “their propriety and impropriety, their suitableness and unsuitableness, to the cause which excites them” (305).

In the chapter specifically concerned with Hutcheson’s benevolence-monism, Smith points to “our approbation of the ... virtues of prudence, vigilance, circumspection, temperance, constancy, firmness” (304). We approve of these self-oriented traits not because they have beneficial effects on the public good, Smith tells us, but because we think it is proper and suitable that a person possess them, which propriety and suitability

Hutcheson's benevolence-monism "disregarded altogether." The view Smith advances here shares with Hume the idea that a significant subset of what we take to be virtuous are traits that are beneficial to the agent herself, and that we do not think those traits gain their virtue from their effects on society as a whole. Proper and suitable concern for one's own welfare, independent of thoughts about its effect on the public, is virtuous, and the lack of this concern in a person is "a failing ... [which would] ... somewhat diminish the dignity and respectableness of his character. Carelessness and want of oeconomy are universally disapproved of, not, however, as a proceeding from a want of benevolence, but from a want of the proper attention to the objects of self-interest" (304).

Smith's multiplism about morality is also evident in his distinguishing between "the amiable and respectable virtues" (23). Both of these sets of virtues are grounded in a person's desire to be in sentimental accord with others. But the "amiable" virtues come from her ramping up her emotional reaction to the plight of others, so that her feelings are more akin to their first-hand experiences; while the respectable virtues comes from her dampening down her emotional reaction to her own circumstances, so that her feelings are more akin to the experiences of the people who are observing her. These two sets of virtues, based though they are in a single sympathetic mental mechanism, are distinct sources of moral judgment. Our approval of the person "whose sympathetic heart seems to re-echo all the sentiments of those with whom he converses, who grieves for their calamities, who resents their injuries, and who rejoices at their good fortune [exclamation point!]" is different from our approval of the "reserved" person whose own misfortune occasions a "silent and majestic sorrow, which discovers itself only in the swelling of the eyes, in the quivering of the lips and cheeks, and in the distant, but affecting, coldness of the whole behaviour" (24).

Yet another indication — and perhaps the most important one — of Smith's rejection of Hutcheson's benevolence-monism is Smith's account of justice, wherein he maintains that our approval of some just acts is based on our positive response to something distinct from benevolence.⁹ As Smith explains, "But though it commonly requires no great discernment to see the destructive tendency of all licentious practices to the welfare of society, it is seldom this consideration which first animates us against them. All men, even the most stupid and unthinking, abhor fraud, perfidy, and injustice, and delight to see them punished. But few men have reflected upon the necessity of justice to the existence of society, how obvious soever that necessity may appear to be. That it is not a regard to the

preservation of society, which originally interests us in the punishment of crimes committed against individuals, may be demonstrated by many obvious considerations” (Smith 2.2.3.9). Smith then goes on to present evidence that we approve of some just acts on grounds distinct from their tendency to promote the general happiness. We may approve of the punishment of a sentinel who falls asleep on his watch only because we think such punishment promotes the general happiness, but we approve of the punishment of “detestable crimes” such as murder and parricide on different, non-benevolence-based grounds — independently of their tendency to promote “the safety of numbers” or “the interest of the many” (Smith 11). As Smith puts it, “The very different sentiments with which the spectator views those different punishments, is a proof that his approbation of the one is far from being founded upon the same principles with that of the other.” In a different context, Smith reiterates the point that different moral judgments are based on quite different approvals of quite different features. He writes, “If we attend to what we really feel when upon different occasions we either approve or disapprove, we shall find that our emotion in one case is often totally different from that in another, and that no common features can possibly be discovered between them. Thus the approbation with which we view a tender, delicate, and humane sentiment, is quite different from that with which we are struck by one that appears great, daring, and magnanimous” (324-5).

Smith’s discussion of Hutcheson’s benevolence-monism, moreover, comes after his discussion of two other monistic views: the “ancient systems” which hold that virtue consists entirely in “propriety,” and the Epicurean system which holds that virtues consists entirely in “prudence” (306-7). Smith thinks that all three of these views get something importantly right — all three do correctly identify crucial aspects of morality. The problem with these three views is that each identifies as essential to morality only one thing, while ignoring the other two. And by failing to recognize the importance of a multiplicity of moral ends, “they tend, in some measure, to break the balance of the affections, and to give the mind a particular bias to some principles of action, beyond the proportion that is due to them” (306). The propriety views, for instance, while they rightly affirm the virtues of self-government and self-command, fail to affirm the “gentle virtues” of compassion. The beneficence system captures well the virtues of compassion but fails to appreciate the virtuousness of the “awful and respectable qualities of the mind” and of due prudence. The

prudence views rightly praise prudence but go wrong by not acknowledging the distinct virtues of amiability and respectability.

Reid eschews Hutchesonian benevolence-monism as well, contending that there are multiple self-evident, first moral principles (321, 351). He says that an “example or two will serve to illustrate this,” and then mentions “justice” and “benevolence,” both of which are fundamental to moral reasoning in that to “reason about justice with a man who sees nothing to be just or unjust [about], or about benevolence with a man who sees nothing in benevolence preferable to malice, is like reasoning with a blind man about colour, or with a deaf man about sound” (321-2). Justice is an utterly basic principle, on that we could never arrive at through the consideration of other principles (just as a blind man could never have ideas of color). And benevolence is an utterly basic principle in the same way. Later Reid gives a fuller list of “first principles or morals,” a list which consists of eleven items divided into the three categories (352 ff.). We will return to this list below, but for now the important point is merely that Reid claims that there is more than just one item at the base of our moral thinking.¹⁰

So Butler, Hume, Smith, and Reid all reject moral monism. They all explicitly maintain that there is a multiplicity of ultimate moral principles. But that does not yet settle whether they are prioritarians or pluralists, which is the more pressing first-person, justificatory, deliberative question. For holding that there is a multiplicity of moral principles is consistent with the prioritarian view that those principles never conflict or that there is an ordering principle for resolving any such conflict, as well as with the pluralist view that the principles come into conflict and there is no principle for resolving it. Let us turn now to the question of where these four stand on this matter, first looking briefly at the relatively straightforward views of Butler and Reid and then at the more complicated positions of Hume and Smith.

4. The prioritarianism of Butler and Reid

All indications are that Butler was a prioritarian. This is probably most apparent in a long footnote to the sermon, “Upon the Love of our Neighbor,” in which Butler gives a theological account of the multiplicity of fundamental principles that suggests that they would never come into conflict. He writes, “[A]s we are not competent judges, what is upon the whole for the good of the world; there may be other immediate ends appointed us to

pursue, besides that one of doing good or producing happiness. Though the good of the creation be the only end of the Author of it, yet he may have laid us under particular obligations, which we may discern and feel ourselves under, quite distinct from a perception, that the observance or violation of them is for the happiness or misery of our fellow-creatures. And this is in fact the case. For there are certain dispositions of mind, and certain actions, which are in themselves approved or disapproved by mankind, abstracted from the consideration of their tendency to the happiness or misery of the world; approved or disapproved by reflection, by that principle within, which is the guide of life, the judge of right and wrong. Numberless instances of this kind might be mentioned ... [of things that] are approved or disapproved by mankind in general, in quite another view than as conducive to the happiness or misery of the world” (Butler 66). God is a monist, having as His single ultimate end the good or happiness of all. But God realizes that humans are incapable of accurately discerning what promotes the good or happiness of all — both because of our straightforwardly epistemic limitations (we cannot see what all the long-term consequences of an act will be) and because of our susceptibility to deceive ourselves into thinking that what best promotes our own part is for the best for humanity as a whole.¹¹ So He has given us a multiplicity of moral ends, putting us under several different obligations, while at the same time structuring the world so that when we fulfill those obligations we will serve His larger purpose. He has given us a moral faculty that approves of certain action-types directly, a faculty that leads us to approve of the action-types for their own sakes and not merely as means to some single ultimate end.¹² It is thus crucial for us to take our moral job to be to live in accord with the principles of veracity, justice, friendship, gratitude, and the like. We could say that Butler’s view is that the ultimate structure of morality is monistic but that *human* morality (because of human limitations) includes a multiplicity of moral ends. Or that there is really only one criterion of morality but that (limited) humans should use a multiplist moral decision-making procedure.¹³

On this view, our ultimate moral ends will come into conflict only if God makes a mistake. For God intends for us to live by a multiplicity of different ultimate moral ends. He intends for us to take each of these ends to be an independent and inviolable reason for action. He does not intend for us to calculate when it would be right to act in accord with one moral end rather than another — and that’s because He realizes that our epistemic limitations and tendency to self-deceptive rationalizations will often lead us to calculate

incorrectly. But of course God does not make mistakes. God has successfully arranged things so that we need only always follow our moral ends in order to act as we ought, and so that we are never required to calculate when it is right to act contrary to a moral end. God has seen to it that our moral ends will never come into conflict.

What appears to a person to be the most benevolent action can sometimes conflict with what is required by “veracity and justice” (385). In such cases, Butler makes clear, one ought to give priority to veracity and justice. We ought, that is, to “endeavor to promote the good of mankind [only] in any ways ... not contrary to veracity and justice.” The correct human response to any perceived conflict between benevolence, on the one hand, and justice or veracity, on the other, is to give strict priority to the latter. From our limited perspective, thus, morality is prioritarian not in the sense of there never occurring any conflict between moral principles but rather in the sense of there being a strict ranking for resolving such conflict. (Butler never considers what we should do when justice conflicts with veracity, but he may have reasonably thought that a proper understanding of those two principles will show that they never conflict.) Butler also seems to think, however, that in fact actions contrary to veracity and justice never really promote the good of mankind. When people think such actions do promote the good, it’s “almost always” because their thoughts are clouded by “ambition, the spirit of party, or some indirect principled, concealed perhaps in great measure from persons themselves” — i.e., by the tendency to self-deceptive rationalizations which I mentioned above. So, actually, the principles do not come into conflict with each other after all. But our judgments of justice and veracity turn out to be more accurate gauges of what all the principles truly converge on than our (all-too-easily distorted) beliefs about what will promote the general good.

Reid, in contrast, does believe that different fundamental moral principles may require incompatible actions. The principles themselves, considered in the abstract, are consistent with each other, but the actual world is such that sometimes it is impossible to live in accord with all of them. As Reid writes, “Between the several virtues, as they are dispositions of mind, or determinations of will, to act according to a certain general rule, there can be no opposition. They dwell together most amicably, and give mutual aid and ornament, without the possibility of hostility or opposition, and, taken altogether, make one uniform and consistent rule of conduct. But, between particular external actions, which

different virtues would lead to, there may be an opposition... [I]t may happen, that an external action which generosity or gratitude solicits, justice may forbid” (Reid 357-8).

So Reid believes there is a multiplicity of moral principles and that they can come into conflict with each other. But, as we have seen, that does not yet make him an anti-prioritarian. For he could hold that there is a strict hierarchical ordering of principles that will resolve all conflict, allowing us to achieve complete justificatory closure in every case. And in fact, Reid affirms an ordering of just that sort. As I mentioned earlier, Reid says there are three types of moral fundamental moral principles. The principles of the first type relate “to *virtue in general*, the principles of the second type relate to “the different *particular branches of virtue*,” and (crucially for our purposes) the principles of the third type relate “to the *comparison of virtues* where they seem to interfere” (Reid 352). Reid’s examples of this third type make it clear that he takes them to describe the ordering that resolves conflicts between the other fundamental moral principles. He writes, “that *unmerited generosity should yield to gratitude, and both to justice*, is self-evident. Nor is it less so, that *unmerited beneficence to those who are at ease should yield to compassion to the miserable, and external acts of piety to works of mercy*, because God loves mercy more than sacrifice” (Reid 358). And while Reid does not provide a complete ordering of all the other moral principles, it seems pretty clear that he thought such an ordering did exist.

So while Butler and Reid reject Hutchesonian monism in favor of a multiplicity of moral principles, they are also clearly prioritarian. When we turn to Hume and Smith, however, matters become more complicated. Hume and Smith are both clear in holding that there is a multiplicity of fundamental moral principles that can come into conflict, but they vacillate on whether there is a strict ranking for resolving such conflict.

5. Prioritarianism, pluralism, and Hume

Hume states unabashedly that the four basic moral considerations of usefulness and agreeability to self and others can come into conflict with each other. He tells us, for instance, that pride is immediately agreeable and useful to its possessor (T 3.3.2.1; 3.3.2.8) but also that it is disagreeable and disadvantageous to others (T 3.3.2.6-10). Anger is disagreeable to its possessor and to others, but it is useful to its possessor (T 3.3.3.7). “Heroism, or military glory” is disadvantageous to others and perhaps even to its possessor, but it is immediately agreeable to its possessor and perhaps to others (T 3.3.2.15). Or as he

puts it in *A Dialogue*, “It is needless to dissemble... We must sacrifice somewhat of the *useful*, if we be very anxious to obtain all of the *agreeable* qualities; and cannot pretend to reach alike every kind of advantage” (D 47).

Perhaps the most significant cases of moral conflict Hume describes are between the artificial virtue of justice and other, natural virtues. Justice, he points out, can demand that we give money to someone even if he is “a vicious man, and deserves the hatred of all mankind,” or a miser who “can make no use of” it or “a profligate debauchee” who “wou’d rather receive harm than benefit” from it (T 3.2.1.13; 11 and 14; see also T 3.2.6.9 and App. 3.6). Meanwhile, there may be other people who are wonderful in every way and who have urgent needs that can only be met if they receive the money instead. It may even be the case that the matter has been conducted in “secret” so that the public will not be harmed by the “example” set by giving the money to those in great need rather than to the vicious, miserly, or debauched (T 3.2.1.11). In such situations, to do what is just will be incompatible with doing what is agreeable and useful; in such situations, the demands of justice will conflict with natural virtue.

But although Hume is clear that different basic moral considerations can come into conflict, he is ambivalent about whether there is a strict prioritarian ordering for resolving such conflict. There are passages that seem to imply that usefulness to others has priority over all other moral principles. But there are also trenchant aspects of his view that fit better with a denial of any invariable prioritarian ordering.

Here is a passage that suggests that Hume thought, as a descriptive matter, that commonsense morality takes usefulness to others to have lexical priority over the other kinds of natural virtue: “In all determinations of morality, this circumstance of public utility is ever principally in view; and wherever disputes arise, either in philosophy or common life, concerning the bounds of duty, the question cannot, by any means, be decided with greater certainty, than by ascertaining, on any side, the true interests of mankind. If any false opinion, embraced from appearances, has been found to prevail; as soon as farther experience and sounder reasoning have given us juster notions of human affairs; we retract our first sentiment and adjust anew the boundaries of moral good and evil” (E 81; see also 78, 82). It seems here that Hume is saying that “public utility” is morally dominant in commonsense moral judgments — that whenever any vexing moral questions arise, people generally think the answer boils down to what will best promote “the true interests of

mankind.” Hume seems to make a similar point about the priority of usefulness to others when he says that he is of the opinion that reflections on the “tendency [of an action] to the happiness of mankind ... have by far the greatest influence, and determine all the great lines of our duty” (T 3.3.1.27). It is also possible to interpret Hume’s statements about “military glory” as giving priority to what is useful to humanity as a whole, as he says there that “men of cool reflexion” do not approve of military glory as much as most people do because, despite its agreeability, they realize the damage it has done to “human society” (T 3.3.2.15). None of these passages constitutes conclusive evidence that Hume thinks that in each and every case in which usefulness to others conflicts with any other moral ends we do or should take the former to have exceptionless normative trumping power. But they do suggest that Hume was sometimes drawn to the idea that usefulness has some kind of priority over agreeability. (These passages are also historically important in the development of monistic moral theorizing, as they played a crucial role in Bentham and Mill’s development of Utilitarianism.)

A different picture emerges, however, when we turn to one of Hume’s most explicit statements about conflict between usefulness and agreeability. As we’ve seen, Hume says in *A Dialogue*: “It is needless to dissemble... We must sacrifice somewhat of the *useful*, if we be very anxious to obtain all of the *agreeable* qualities; and cannot pretend to reach alike every kind of advantage” (D 47). But he certainly doesn’t imply that, as a descriptive matter, commonsense morality always sides with the useful in such cases. Indeed, the entire point of *A Dialogue* is that different cultures take to be correct different resolutions of this type of conflict. Now that point is on its own compatible with the prescriptive claim that we ought to resolve conflicts between agreeability and usefulness in favor of usefulness. But the structure of *A Dialogue* resists that prescriptive claim. Hume argues that the moral differences between cultures can be explained by showing that virtually everyone’s moral judgments are based on the same principles of morality; almost everyone has the same values at his or her moral justificatory base. But he never claims that the differences between the relative priorities different cultures give to the same set of moral principles always admit of principled adjudication.

Hume’s discussions of the relationship between justice and usefulness also resist a strict lexical reading. As we’ve seen, Humean justice can demand that money or property go to someone even if it would be more useful for it go to someone else. Hume makes it clear

that in some of these circumstances justice ought to be followed even though it is disadvantageous — even though the just act is “productive of pernicious consequences” (App 3.3; see also T 3.2.1.11-14). But he also says that there are some circumstances in which the usefulness of injustice makes it right to do the unjust thing. It is acceptable, for instance, to violate property law “after a shipwreck” or when a besieged city is “perishing with hunger” (E 3.8).¹⁴ We thus find Hume telling us that when justice and usefulness conflict, justice will sometimes override usefulness and usefulness will sometimes override justice. But such a view implies non-lexical pluralism, not lexical.

Additional evidence for this non-lexical interpretation comes from the section of the *Treatise* entitled “Of the Laws of Nation.” In that section, Hume contends that the laws of justice (“the three fundamental rules of justice, the stability of possession, its transference by consent, and the performance of promises”) do apply to princes (T 3.2.11.2). But he also maintains that it is sometimes legitimate for princes to violate the rules of justice — indeed, that it is legitimate for princes to violate the laws of justice more often than it is for a private person to do so. We are, Hume writes, “more easily reconciled” to “any transgression of justice among princes and republics, than in the private commerce of one subject with another” (T 3.2.11.5). We “give a greater indulgence to a prince or minister, who deceives another, than to a private gentleman, who breaks his word” (T 3.2.11.4). Hume does believe that the laws of justice have force on princes. There truly is, Hume says, a “*moral* obligation” for princes to be just (T 3.2.9.4). But when considerations of state are strong enough, it is legitimate for the prince to breach justice. In the prince’s case, the obligations of justice “may lawfully be transgress’d from a more trivial motive” (T 3.2.11.2). This, then, is a clear instance in which Hume expresses the idea that justice may sometimes be overridden. He is not saying here that the laws of justice do not apply in these cases; he is saying that they apply but that it is legitimate for the prince to transgress them. And while his point is that such lawful transgressions of justice are more common in the case of princes than private people, he puts the point in a way that strongly suggests that a private person can at times lawfully transgress justice, although that it requires a less “trivial motive” for him to do so.

In the final paragraph of “Of the Laws of Nations,” moreover, Hume makes comments that fit very well with the non-lexical idea that conflicts between different moral ends must be decided on a case-by-case basis and not on an invariable lexical ordering. He writes, “Shou’d it be ask’d, *what proportion these two species of morality bear to each other?* I wou’d

answer, that this is a question, to which we can never give any precise answer; nor is it possible to reduce to numbers the proportion, which we ought to fix betwixt them” (T 3.2.11.5). It should be noted that Hume is not here discussing the relationship between two different ultimate moral ends, such as justice and benevolence, which has been our topic. He is, rather, comparing the morality of a prince to the morality of a private person. Nonetheless, this passage does reveal his anti-prioritarian view of our moral thinking — his view that our moral thinking does not include any strict prioritizing of our different moral ends.

Hume does certainly believe that justice and the other artificial virtues would never have developed as they have if they hadn’t been useful to society (T 3.3.1.9; E 3). The virtue of justice as a whole can only be explained by referring to its societal usefulness. But the fact that societal usefulness plays an essential role in the genetic development of the virtue of justice does not mean that we approve of each and every just act because we think it is socially useful. Indeed, as we’ve seen, Hume is perfectly clear that we approve of some instances of justice even while thinking they are not socially useful. But that does not mean that we will necessarily *not* approve of all socially useful acts that are unjust. We may feel approval toward an act that is socially useful while at the same time feel disapproval toward it because it is unjust. And Hume does not think there is any invariable lexical ordering that will tell us that one of those sorts of approvals always overrides the other.

There are, as well, elements deep within Hume’s sentimentalist pluralism that militate against joining his view to a lexical ordering of ultimate moral ends. The Humean view will not be able to fund a lexical ordering by reason alone. Reason provides information that enables us to see in particular situations what a moral end requires and what failing to fulfill the moral end will lead to (T 2.3.3 and 3.1.1; E 1.9; App 1.2). Reason may show us how we can bring moral ends that initially seemed in conflict into harmony. But conflict between Humean moral ends will sometimes be unavoidable even after reason has done everything it can do. In such cases of sentimental conflict — conflict between sentimentally-grounded ultimate ends — reason alone cannot gain traction. Hume explains, “[U]ltimate ends of human actions can never ... be accounted for by *reason*, but recommend themselves entirely to the sentiments and affections of mankind, without any dependence on the intellectual faculties” (App 1.18). We have a plurality of ultimate ends. And if reason cannot justify one ultimate end, neither will it be able to justify giving one ultimate end invariable normative

priority over another. If reason can't tell me to prefer the scratching of my finger to the destruction of the whole world, it certainly won't be able to tell me to prefer, say, agreeability to others to usefulness to self, or usefulness to others to justice.

So if the Humean view were to include a comprehensive invariable moral lexical ordering, it would have to be funded by sentiment. But what sentiment could fill this bill? Humean moral considerations are based on approvals and disapprovals we feel when we consider matters from general points of view.¹⁵ There are situations in which we can feel for one and the same thing both Humean approval and Humean disapproval. So there can be Humean moral considerations both for and against the same thing. If there were an invariable comprehensive ordering of such considerations, that ordering itself would be a kind of über-moral consideration — a moral consideration that tells us how to rank other moral considerations, a second-order moral consideration. Such a consideration would have to be based on a special sentiment, a sentiment that is moral and yet differs from all the other moral sentiments in that it possesses a ranking authority the others lack. But Hume himself doesn't include such a lexically ordering meta-moral sentiment in his account, and it's very difficult to see how he could.

If all of our ultimate moral ends aimed at the very same goal, then we could rank them based on how effective they are at achieving it. But to say that they are distinct ultimate ends is just to say that they do not aim at the same goal. We care about agreeability to self not because we think agreeability to self is a little bit of usefulness to humanity in general. We care about agreeability to self for its own sake. We disapprove of individual instantiations of promise-breaking not because we think each of them on its own detracts from the public good. We disapprove of individual instantiations of promise-breaking in and of themselves. Our sentimental make-up leads us to experience the production of immediately agreeable experiences as intrinsically worthy and to experience promise-breaking as intrinsically unworthy — just as it leads us to experience the promotion of the public good as intrinsically worthy and the detraction from the public good as intrinsically unworthy.¹⁶ Each of these things serves a different end.

We thus find in Hume an ambivalence between prioritarian ordering of moral principles and an anti-prioritarian non-ordering, although his deepest commitments seem to accord best with the latter.¹⁷ Let us turn now to Smith, where, I think, we find something similar.

6. Prioritarianism, pluralism, and Smith

There are strands in TMS that fit with the theological prioritarianism of Butler, according to which all of our moral ends are arranged by God to promote the happiness of all. When elucidating our judgment that it is just to punish wrongdoers, for instance, Smith points out that such judgments are independent of our beliefs about what will best promote the happiness of humanity. Our moral judgments about punishment look backward to what the wrongdoer did, not forward to the consequences of punishing. But Smith then goes on to maintain that our instinct to punish has been implanted in us by God (or Nature) because it serves the ultimate purpose of promoting the good. He writes,

We are not at present examining upon what principles a perfect being would approve of the punishment of bad actions; but upon what principles so weak and imperfect a creature as man actually and in fact approves of it. The principles which I have just now mentioned, it is evident, have a very great effect upon his sentiments; and it seems wisely ordered that it should be so. The very existence of society requires that unmerited and unprovoked malice should be restrained by proper punishments; and consequently, that to inflict those punishments should be regarded as a proper and laudable action. Though man, therefore, be naturally endowed with a desire of the welfare and preservation of society, yet the Author of nature has not entrusted it to his reason to find out that certain application of punishments is the proper means of attaining this end; but has endowed him with an immediate and instinctive approbation of that very application which is most proper to attain it. (Smith 77)

Smith says here that what explains our desire to punish in a way that does not involve thoughts about promoting the good of humanity is that such a desire in fact best serves the purpose of promoting the good of humanity. And this explanation echoes Butler's account of morality and his criticism of Hutcheson in his "Dissertation" and "Love of Neighbors."

The same echo can be heard in Smith's discussion of our sense of duty or conscience. Our sense of duty or conscience, Smith holds, leads us to have moral concern for things other than merely benevolence or the promotion of the good of humanity. But it is God's concern for the good of humanity that is the ultimate explanation of our moral concerns.

The happiness of mankind, as well as of all other rational creatures, seems to have been the original purpose intended by the Author of nature, when he brought them into existence. No other end seems worthy of that supreme wisdom and divine benignity which we necessarily ascribe to him; and this opinion, which we are led to by the abstract consideration of his infinite perfections, is still more confirmed by the examination of the works of nature, which seem all intended to promote happiness, and to guard against misery. But by acting according to the dictates of our moral faculties, we necessarily pursue the most effectual means for promoting the happiness of mankind, and may therefore be said, in some sense to co-operate with the Deity, and to advance as far as in our power the plan of Providence. By acting otherways, on the contrary, we seem to obstruct, in some measure, the scheme which the Author of nature has established for the happiness and perfection of the world, to declare ourselves, if I may say so, in some measure the enemies of God. (166; cf. 168 and 188)

Our conscience does not always represent the right action to us as that which promotes happiness. But promoting happiness is nevertheless what conscience has been designed to do.

While developing this view of conscience, Smith also affirms the existence of “general rules of morality” that, it seems, a virtuous agent takes to be inviolable. He extols, for instance, the “sacred regard to general rules” that constitutes the “essential difference between a man of principle and honour and a worthless fellow. The one adheres, on all occasions, steadily and resolutely to his maxims, and preserves through the whole of his life one even tenour of conduct. The other, acts variously and accidentally...” (163). He maintains, as well, that these rules of morality are “justly regarded as the Laws of the Deity” (161) — that the belief that a strict obedience to those rules will be rewarded by God and transgressions will be punished is “confirmed by reasoning and philosophy” (167). The moral rules are “to be regarded as the commands and laws of the Deity, promulgated by those vicegerents which he has thus set up within us... Those vicegerents of God within us, never fail to punish the violation of them, by the torments of inward shame, and self-condemnation; and on the contrary, always reward obedience with tranquility of mind, with contentment, and self-satisfaction” (165-6). Smith seems here to be endorsing a view that takes the moral rules to be akin to commands that ought always, without exception, to be

obeyed. This sounds like a prioritarian view, a view that does not allow that we ever have to act in a way that conflicts with an ultimate end.

It's notable, as well, that during this discussion of general moral rules, Smith makes some of his most Butlerian claims. He says, for instance, that our moral perceptions "carry along with them the most evident badges of ... authority" and goes on to sketch to a phenomenological argument for the authority of conscience that would work well as a précis of the position Butler argues for in his sermons "Upon Human Nature" (Smith 165). Now as we've seen, Butler is prioritarian: he does not think virtuous agents will ever have to act contrary to any moral principle (if it's properly understood). And as Smith seems in this part of TMS to be endorsing the general Butlerian view, it seems not unreasonable to attribute to him a prioritarian view as well.

It's true that Smith compares justice and beneficence, and maintains that the former is more important to the preservation of human society than the latter. "Beneficence," he writes, "is less essential to the existence of society than justice. Society may subsist, though not in the most comfortable state, without beneficence; but the prevalence of injustice must utterly destroy it" (TMS 86). But that does not show in and of itself that he thought that justice and beneficence would ever come into conflict with each other. Indeed, Smith's main point in this passage is that because violations of justice are greater threats to society than non-beneficence, Nature or God has implanted in humans a stronger sense of punishment for the former (TMS 82-91). And the general tenor of these teleological remarks — he writes here, for instance, "In every part of the universe we observe means adjusted with the nicest artifice to the ends which they are intended to produce; and in the mechanism of a plant, or animal body, admire how every thing is contrived for advancing the two great purposes of nature, the support of the individual, and the propagation of the species" (TMS 87) — would seem to fit best with the Butlerian view, according to which a true understanding of our moral ends will reveal their complete compatibility with each other.

In other passages, however, Smith presents a different view, one that has all the hallmarks of anti-prioritarian pluralism. Let's turn to these now.

We have seen that Smith distinguishes between the "the soft, the gentle, the amiable virtues" of "indulgently" feeling for others and the "the great, the awful and respectable" virtues "of self-denial" (23). Smith goes on to say that "the man of the most perfect virtue" is he who exhibits to the fullest both sets of virtue, explicitly maintaining that these two sets

of virtue can fit perfectly together (152). Smith also acknowledges, however, that there are circumstances in which one set of the virtues pulls apart from the other.

Under the boisterous and stormy sky of war and faction, of public tumult and confusion, the sturdy severity of self-command prospers the most, and can be the most successfully cultivated. But, in such situations, the strongest suggestions of humanity must frequently be stifled or neglected... As it may frequently be the duty of a soldier not to take, so it may sometimes be his duty not to give quarter; and the humanity of the man who has been several times under the necessity of submitting to this disagreeable duty, can scarce fail to suffer a considerable diminution... It is upon this account, that we so frequently find in the world men of great humanity who have little self-command but who are indolent and irresolute, and easily disheartened, either by difficulty or danger, from the most honourable pursuits; and, on the contrary, men of the most perfect self-command, who no difficult can discourage, no danger appal, and who are at all times ready for the most daring and desperate enterprises, but who, at the same time, seem to be hardened against all sense either of justice or humanity. (153)

In certain situations, in order to fully exhibit one set of virtues a person may have to develop a character that will almost inevitably lead him to fail to fully exhibit the other set of virtues. And while Smith does not explicitly deny that there is a prioritarian ordering of these two sets of virtue, it's notable that no such ordering is on offer in this passage. Smith seems here to be making the same point Hume made in "A Dialogue": all virtue is based on the same basic principles, but different circumstances can cause those principles to interact in incompatible ways, and the principles themselves will not unequivocally tell us that one resolution is correct and all others incorrect (see 204-5; 209).

Smith also rejects a strict priority ordering of the multiplicity of virtues concerning the good of others. Each person cares about her family and there is a corresponding virtue to promote their welfare. Each person cares about her friends and there is a corresponding virtue to promote their welfare. And the same holds true of those who have benefitted a person in the past, as well as those who are fellow-citizens. But there are times when acting to promote the welfare of one of these is incompatible with acting to promote the interests of another. And there exist no rules for adjudicating such conflict. As Smith writes,

When those different beneficent affections happen to draw different ways, to determine by any precise rules in what cases we ought to comply with the one, and in what with the other, is, perhaps, altogether impossible. In what cases friendship ought to yield to gratitude, or gratitude to friendship in what cases the strongest of all natural affections ought to yield to a regard for the safety of those superiors upon whose safety often depends that of the whole society; and in what cases natural affection may, without impropriety, prevail over that regard; must be left altogether to the decision of the man within the breast, the supposed impartial spectator, the great judge and arbiter of our conduct... We shall stand in need of no casuistic rules to direct our conduct. These it is often impossible 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. (227)

The need for pluralist judgment — for non-codifiable balancing of competing moral considerations — is as conspicuous here in Smith as it is in Hume and Ross.

In his later, fuller discussion of casuistry, Smith's rejection of a prioritarian ordering of conflicting duties is equally pronounced. Casuists, Smith tells us, hold that there are "exact and precise rules for the direction of every circumstance of our behavior" (329). But in fact, Smith contends, there are multiple basic ethical principles, and there is no strict method for adjudicating between them.

Smith presents as a counterexample to the casuist idea the case of a traveler who, upon fear of death, promises a highwayman a certain sum of money. Some philosophers, Smith tells us, have maintained that travelers who make such promises are never obligated to pay the money. Others have maintained that such travelers are always obligated to pay.¹⁸ (In my own utterly unscientific experience of asking friends and colleagues, I've encountered a similar diversity of opinions.)

But the truth, according to Smith, is that in some cases a traveler who has made such a promise ought to pay and in other cases such a traveler ought not to pay — and there is no strict principle that can tell us whether we are in the first type of situation or the second. As Smith puts it, "If we consider the matter according to the common sentiments of mankind, we shall find that some regard would be thought due even to a promise of this kind; but that

it is impossible to determine how much, by any general rule that will apply to all cases without exception” (331).

As Smith sees it, there is truly a standing moral duty to keep your word, and that includes the word you’ve given to a highwayman threatening your life. Promises even of this kind have moral weight, which is derived from “that most sacred rule of justice, which commands the observance of all serious promises” (330), from that “inviolable sacredness of that part of [our] character which makes [us] reverence the law of truth and abhor everything that approaches to treachery and falsehood” (331).¹⁹ As a result, a person who was “quite frank and easy in making promises” to threatening highwayman and who then “violated them with as little ceremony” would deserve our disapprobation. And a “gentleman who should promise a highwayman five pounds [i.e., a relatively paltry sum] and not perform, would incur some blame” (331).

But as real as the moral weight to keep a highway promise is, there may also be a countervailing moral weight not to keep it, based on the good that would be brought about, or the bad that would be prevented, by using the money for some other purpose. If the sum promised “was very great,” for instance, it might be “proper” not to pay. “If it was such, for example, that the payment of it would entirely ruin the family of the promiser, if it was so great as to be sufficient for promoting the most useful purposes, it would appear in some measure criminal, at least extremely improper, to throw it, for the sake of a punctilio, into such worthless hands. The man who should beggar himself, or who should throw away an hundred thousand pounds, though he could afford that vast sum, for the sake of observing such a parole with a thief, would appear to the common sense of mankind, absurd and extravagant in the highest degree. Such profusion would seem inconsistent with his duty, with what he owed both to himself and others, and what, therefore, regard to a promise extorted in this manner, could by no means authorise” (331-2). We recognize a moral duty of justice to keep our promises. But we also recognize that that duty can be overridden by our duty “to the public interest [or] to those whom the laws of proper beneficence should prompt us to provide for” (332). And what reveals perfectly clearly Smith’s anti-prioritarianism in this matter is his insistence that there are “no precise rules” for determining when to keep the promise and when to use the money for some good purpose — when to favor justice and when to favor beneficence — when these two reasons for acting “are inconsistent” (332). As he puts it, “To fix, however, by any precise rule, what degree of

regard ought to be paid to it [i.e., to a promise extorted by a highwayman], or what might be the greatest sum which could be due from it, is evidently impossible. This would vary according to the characters of the persons, according to their circumstances, according to the solemnity of the promise, and even according to the incidents of the rencounter: and if the promiser had been treated with a great deal of that sort of gallantry, which is sometimes to be met with in persons of the most abandoned characters, more would seem due than upon other occasions” (332). Sometimes a promise should be kept. Sometimes a promise should be broken. And there is no prioritarian method for determining when to keep or break it. Anti-prioritarian, pluralist judgment — judgment that outstrips the general rules or principles of morality — is required.²⁰

Of course it’s unlikely that any of us will find ourselves wrestling with the question of whether to keep a promise to a highwayman, and I suspect this was a dilemma not many people had actually to face even in Smith’s day. But Smith’s point about such cases easily generalizes. We have a duty to keep our word (whether given to a friend, coworker, highwayman, or whomever). We have duties to promote good results (such as helping the poor) and to prevent bad ones (such as bankrupting our families). Sometimes these two kinds of duties really do come into conflict with each other (contra Butler). And (contra Reid) there are no precise and exact meta-rules that always determine for us which duty overrides and which is overridden.

Smith’s anti-prioritarian pluralism is also evident in his ensuing discussion of the attitude one should have toward breaking a promise in those circumstances in which it is proper for one to do so. What Smith says there is that even though breaking a promise may, all things considered, be the right thing to do, the promise-breaker should nonetheless feel some shame for what he has done. He writes, “Fidelity is so necessary a virtue, that we apprehend it in general to be due even to those to whom nothing else is due, and whom we think it lawful to kill and destroy. It is to no purpose that the person who has been guilty of the breach of it, urges that he promised in order to save his life, and that he broke his promise because it was inconsistent with some other respectable duty to keep it. These circumstances may alleviate, but cannot entirely wipe out his dishonour. He appears to have been guilty of an action with which, in the imaginations of men, some degree of shame is inseparably connected. He has broken a promise which he had solemnly averred he would maintain; and his character, if not irretrievably stained and polluted, has at least a ridicule

affixed to it, which it will be very difficult entirely to efface; and no man, I imagine, who had gone through an adventure of this kind would be fond of telling the story” (332-3).²¹ Shame, Smith tells us here, can attach even to an action that is, all things considered, correct to perform. And this idea fits best with the view that there is more than one fundamental duty and that these different fundamental duties can imply incompatible courses of action; indeed, that a moral stain can accrue even to the performance of the best available action is the most common evidence that has, over the last forty years, been offered in favor of moral pluralism. Smith’s affirmation of this phenomenon, coupled with his explicit rejection of “exact and precise rules” for adjudicating moral conflict, amounts to a powerful case for taking him to be a pluralist.

Smith’s discussion of highway promises is, moreover, not the only place where he endorses the idea that the promise of benefit or threat of harm can sometimes override the rules of justice. Just as it might be correct to break a promise to a highwayman if doing so is necessary to produce great benefit or prevent great harm, so too may it be acceptable for people to violate property law in order to obtain grain that they need in order to survive. As Smith writes in his *Lectures on Jurisprudence*, “It is a rule generally observed that no one can be obliged to sell his goods when he is not willing. But in time of necessity the people will break thro all laws. In a famine it often happens that they will break open granaries and force the owners to sell as what they think is a reasonable price” (Smith, *Lectures on Jurisprudence* 197). Here, Smith is making exactly the same point we saw Hume make when, in the *Second Enquiry*, he affirmed the acceptability of violating justice in cases of shipwreck and siege. And in the *Wealth of Nations*, Smith says something similar once again, when he acknowledges that rules of justice may be overridden by the prospect of great harm. Smith writes, “To hinder, besides, the farmer from sending his goods at all times to the best market, is evidently to sacrifice the ordinary laws of justice to an idea of publick utility, to a sort of reasons of state; an act of legislative authority which ought to be exercised only, which can be pardoned only in cases of the most urgent necessity” (Smith, WN, 539). To hinder the farmer from selling his goods on the open market, Smith tells us here, is a violation of the laws of justice. And such violations are almost always unacceptable. But in cases of “urgent necessity,” when the public good will be greatly served, such violations “ought” to occur and “can be pardoned.” Now as Fleischacker shows, Smith’s view here is not radical or even new (Fleischacker 2004, 215-20). It is, rather, perfectly in keeping with

the natural law tradition on justice and necessity (and, I would suggest, with commonsense). My point is that this aspect of the tradition (and of commonsense) that Smith affirms implies a pluralist view of the relationship between justice and utility, not a prioritarian one.

It's true that Smith maintains that the rules of justice are more precise and accurate than the rules of the other virtues (TMS 174-6). But the greater precision and accuracy of justice does not imply its normative lexical priority over all the other virtues. It implies only that we can determine what justice demands by deploying exact and precise rules while we cannot do the same thing to determine what is demanded by gratitude, friendship, or prudence. But that's consistent with the demands of one of those other virtues sometimes overriding the demands of justice. (Indeed, the point of these passages is not that justice has normative trumping power over the other virtues but rather that justice differs from the other virtues in that it involves more conscious and explicit deployment of rules than they do.) Justice might demand that you pay a highwayman exactly one thousand pounds, but that doesn't on its own imply that your harder-to-precisify duty to your family could not make it correct not to pay him. Justice may demand that people pay a grain-owner exactly a hundred pounds per ton of corn, but that does not imply that the urgently needy peasants are unjustified in taking the corn without paying that much — even if we cannot state precisely what standards of urgency would need to be met in order to make that justified.

So what Smith says about God's benevolence and conscience seems to imply a prioritarian reading. But what he says about the tensions between amiability and self-command, about casuistry and highway promises, and about property and public utility, seems to imply a pluralist reading. So what is the best overall interpretation? Is Smith a prioritarian or a pluralist? Are his texts coherent?²² Perhaps the best thing to say here is that Smith didn't consciously consider where to stand on the prioritarian-pluralist question, that he was pulled in both directions, and that there is no determinate answer as to which side or the other he belongs on. But I will hesitantly offer something more: a tentative reason for taking him to be more fundamentally committed to pluralism.

7. Why Smith might lean more towards pluralism

In the section entitled "Of the nature of self-deceit, and the origin and use of general rules," Smith argues against the Hutchesonian view that our moral judgments are based on a

“peculiar faculty, such as the moral sense is supposed to be” (158). He also argues against the Clarkean-rationalist view that human moral judgment is originally based on general moral rules that are applied — in a top-down manner — to particular cases. It is a mistake, Smith says, to think “that the original judgments of mankind with regard to right and wrong, were formed like the decisions of a court of judicatory, by considering first the general rule, and then, secondly, whether the particular action under consideration fell properly within its comprehension” (160).²³ The truth, rather, is that we originally make moral judgments about particular cases, with the general rules developing only as inductive generalizations from those cases. He writes, “[T]he general rules of morality are ... ultimately founded upon experience of what, in particular instances, our moral faculties, our natural sense of merit and propriety, approve, or disapprove of. We do not originally approve or condemn particular actions; because, upon examination, they appear to be agreeable or inconsistent with a certain general rule. The general rule, on the contrary, is formed, by finding from experience, that all actions of a certain kind, or circumstanced in a certain manner, are approved or disapproved of” (159; see also 319-20). Or as he puts it later, “When we read in history or romance, the account of actions either of generosity or of baseness, the admiration which we conceive of the one, and the contempt which we feel for the other, neither of them arise from reflecting that there are certain general rules which declare all actions of the one kind admirable, and all actions of the other contemptible. Those general rules, on the contrary, are all formed from the experience we have had of the effects which actions of all different kinds naturally produce upon us... The general rules which determine what actions are, and what are not, the objects of [approval and disapproval] can be formed no other way than by observing what actions actually and in fact excite them” (160). Moral judgment, according to Smith, is a bottom-up, experience-driven affair. We have no a priori knowledge of general principles. The rationalist moral epistemology of “several very eminent authors” — i.e., the self-evident, a priori of rationalism of Cudworth and Clarke — is mistaken.

But from this fundamental position on the origin of moral judgment, it follows that we cannot say with certainty that certain kinds of considerations will invariably morally override other kinds of considerations. We have seen that Reid makes claims about the self-evidence of just that sort of invariable overridingness. Reid says, for instance, that it’s self-evident that duties of gratitude override duties of generosity, and that duties of justice

override both of the other two. But Smith's moral epistemology — his fundamental position on the sentimental origins of moral judgment — will not countenance such general moral claims. On Smith's empiricist view of the origin of moral judgment, the correct judgment in cases of conflicting duties is not something we can determine in advance of actually considering the particular facts from an impartial perspective.²⁴ Indeed, Smith's insistence on the primacy of moral particulars makes him look like a proto-particularist — and particularism is the most adamantly anti-prioritarian position there is.²⁵

Moreover, Smith has a psychological story of how we come to rely on general moral rules that can explain why people may come to believe that there are a priori general moral principles, an explanation of why rationalists like Clarke and Reid mistakenly think there are top-down a priori principles.²⁶ It may be that in a large majority of the particular cases we encounter, duties of justice do in fact override duties of gratitude and generosity. And “our continual observations” of such kinds of cases “insensibly lead us to form to ourselves certain general rules concerning what is fit and proper” (159). We generalize from particular cases, and eventually the generalizations acquire a psychological status with us that leads us to think of them as inviolable, and perhaps a priori (160). Smith may even think that it is salutary if people's generalization become so firmly fixed that they come to believe that they are God-given rules that provide fully determinate and exceptionless guidance for every situation, including cases of apparent conflict between justice, gratitude, and generosity. It may perhaps be a good thing for our fellows to be prioritarian. But as his discussion of casuistry and the highway promise makes clear, Smith doesn't think that an invariable moral ordering of justice, gratitude, generosity, and the like really does exist. Prioritarianism may be psychologically understandable and even beneficial. But the moral world is in fact pluralist.²⁷

I am not entirely happy with this interpretative strategy for bringing into coherence Smith's prioritarian and pluralist-sounding passages. For one thing, despite what I've just said, I'm not sure that Smith's moral epistemology isn't compatible with a strict moral ordering after all, insofar as it seems possible that rules can be empirically derived and yet also have a prioritarian structure. For another, I worry that this interpretation rides roughshod over “Of the influence and authority of the general rules of morality, and that they are justly regarded as the laws of the deity.” For it seems to me that in that chapter (which comes directly after the chapter I've relied on in the preceding three paragraphs)

Smith endorses the view that the general rules of morality are sacred, inviolable, and God-given. That is to say, the reading I've just offered implies that Smith thinks that regarding the rules as sacred, inviolable, and God-given is a salutary mistake, but reading "Of the influence and authority of the general rules" in that way seems to me a strain.²⁸

Perhaps I should have stopped by pointing out that there are both prioritarian and pluralist strands in Smith, and not tried to develop a reconciling interpretation. For whatever the explanation may be, the point I want to stress is that we find within Smith's text the tension between, on the one hand, an a priori view that the multiplicity of our moral principles never come into conflict with each other, and, on the other hand, an empirical, observation-based view that such moral conflict does occur. Smith is not ambivalent about whether there is one ultimate moral principle or many: he is clearly a multiplist. But he is ambivalent about whether those ultimate moral principles can come into conflict. We saw a similar ambivalence in Hume. And this ambivalence is indicative of the transitional place Smith and Hume occupy in the history of morality. Behind lay the moral thinking of Butler, Clarke, and others who had a priori grounds for thinking that the multiplicity of human moral principles all partake of a rational or divinely-ensured prioritarian coherence. Ahead lay the monistic theorizing of Bentham and Kant, which ensured prioritarian justificatory determinacy through the affirmation of a single ultimate principle. Hume and Smith were in the middle: intimately aware of our varied moral concerns, attracted by the lure of full prioritarian justification, but unwilling to submit to an a priori theoretical requirement or take on faith that such justification will always be possible.²⁹

¹ See, for instance, Dancy, Jonathan, *Ethics without Principles* (Oxford University Press, 2004), Little, Margaret & Hooker, Brad (editors), *Moral Particularism* (Oxford University Press, 2000), and McKeever, Sean & Ridge, Michael, *Principles Ethics: Generalism as a Regulative Ideal* (Oxford University Press, 2006).

² Gaut, Berys, "Moral Pluralism," *Philosophical Papers* 22, 1993: 17-40.

³ As Gaut defines the terms, and as I will use them, moral pluralists deny that there are principles to resolve every moral quandary but they do not deny that there are right solutions

to every such quandary. That is to say, the pluralist position as I understand it here is compatible with a denial of any true moral dilemmas.

⁴ Gaut endorses Davidson's idea that all prioritarian views are in fact monistic, insofar as a hierarchical ordering of principles can be seen as a single large principle. There is something correct about this idea, but there's also something missing, insofar as a view that holds that there are multiple principles implies (contra monism) that there is more than one feature of the world that makes things right or good — even if there's also a priority ordering for these features.

⁵ Even if Hutcheson's writings as a whole exhibit shifts and subtleties that might ultimately require important qualifications to the monistic reading.

⁶ It's also worth mentioning that Hutcheson's monistic commitments extend to his *Inquiry concerning Beauty*, where he insists that all of our judgments of beauty are based on our positive response to a single quality — namely, uniformity amidst variety (Hutcheson, Francis, *An Inquiry into the Original of Our Ideas of Beauty and Virtue*, edited by Wolfgang Leidhold (Indianapolis: Liberty Fund, 2004), 28-9).

⁷ Perhaps Hutcheson's emphasis on universal benevolence can be partly explained by his great concern to combat Hobbesian/Mandevillian egoism: zeal to deny that self-interest is our only end may have pushed him to magnify the importance of disinterested benevolence or love for humanity in general. But however that may be, a monistic moral view is what Hutcheson — at least in certain very prominent passages — advances.

⁸ Another target, in addition to the benevolence-monism of Hutcheson, could have been the self-interest-monism of Hobbes.

⁹ The editors say that the following passage is Smith's criticism of Hume's account of justice in the *Second Enquiry*. Perhaps. But it could be an attack on Hutcheson's account as well.

¹⁰ I have not found a passage that indicates that Reid had Hutcheson in mind as a target when expounding on the multiplicity of moral principles. But Reid was well aware of the monistic aspects of Hutcheson's view — indeed, his first publication, “An Essay on Quantity; occasioned by reading a Treatise, in which Simple and Compound Ratios are applied to Virtue and Merit” (London: Philosophical Transactions of the Royal Society, vol. 45, 1748 [1st ed.]: 505-20) was a criticism of Hutcheson's proto-utilitarian attempt to

quantify benevolence — and so it's reasonable to assume that he would have aligned himself with the anti-Hutchesonian pluralist criticisms of Butler et al.

¹¹ See also Smith 175.

¹² Samuel Clarke makes a very similar point when he writes: “[Some] have contended, that all *Difference of Good and Evil*, and all *Obligations of Morality*, ought to be founded *originally* upon Considerations of *Publick Utility*. And true indeed it is, in the whole; that the *Good of the universal Creation*, does always *coincide* with the *necessary Truth and Reason of Things*. But otherwise, (and separate from *This Consideration*, that *God will certainly cause Truth and Right to terminate in Happiness*;) *what* is for the *Good of the whole Creation*, in very many Cases, none but an *infinite Understanding* can possible judge” (Clarke, Samuel, “A Discourse concerning the Unchangeable Obligations of Natural Religion (preached in 1705),” in *The Works of Samuel Clarke*, volume 2. London: John and Paul Knapton [1738], 630). (It seems plausible that Hume had this sort of passage in mind when he wrote section III of the *Enquiry concerning Morals*.) Clarke goes on to argue against anyone who “thinks it *Right and Just*, upon account of *Publick Utility*” to lie or break faith in a particular isolated case. It might seem as though in isolated particular cases lying or breaking faith will be most conducive to public utility, but (Clarke argues) we should realize that a full appreciation of all the long-term consequences will reveal that such actions will ultimately do more harm than good. I am not sure how to combine Clarke’s comments here about public utility with his earlier comments about the duty to engage in “a constant indeavouring to promote in general, to the utmost of our power, the welfare and happiness of all men” (Clarke 621).

¹³ Such a view would be similar to what Williams called “Government House Utilitarianism” (Williams, Bernard, *Making Sense of Humanity* [Cambridge University Press, 1995], 166), with God’s being the only person residing in the Government House.

¹⁴ Hume says that in extreme cases “the strict laws of justice are suspended” (Hume, David, *An Enquiry concerning the Principles of Morals*. Tom L. Beauchamp (ed.). Oxford: Oxford University Press, 1998 [hereafter abbreviated as E]), and I am taking that to mean that while justice still tells us to respect property we think it is overridden by considerations of benevolence and self-preservation. But one could also argue that a law of justice itself includes the specification that when there is severe need the law no longer applies; indeed, Samuel Fleischacker has argued that the main thrust of most of Hume’s arguments in

Section III of the *Second Enquiry* is that under circumstances in which justice would not be useful, the conventions of justice would fail to exist altogether. It is difficult to give principled reasons for holding that any particular case is one in which a rule is being justifiably overridden rather than a case in which an implicit specification of a rule is being followed. But I believe the texts I cite in the paragraphs above provide strong evidence that Hume himself thought that there were cases in which the laws of justice really did hold but nonetheless were acceptable to transgress.

¹⁵ See Hume, David, *A Treatise of Human Nature*. David Fate Norton and Mary J. Norton (eds.). Oxford: Oxford University Press, 3.3.1.14-18 and T 3.3.3.2.

¹⁶ The Humean holds that there is a plurality of things we value intrinsically, where “intrinsic” is taken in the sense of being valued for their own sakes and not merely instrumentally. This is consistent with the Humean claim that all value metaphysically depends on human attitudes and the Humean denial of the existence of intrinsic values, where “intrinsic” is taken in the sense of having a mind-independent, non-relational ontological status. For discussion of these two different sense of “intrinsic value,” see Korsgaard, Christine (1983), “Two Distinctions in Goodness,” *Philosophical Review* 92: 169-95.

¹⁷ The points I make in this section are a condensed version of what I discuss in more depth in [reference deleted].

¹⁸ Hobbes contended that a person is obligated to pay the ransom he’s promised to a highwayman (*Leviathan* 14.27; see also *De Cive* 2.16). Hutcheson takes the contrary view, that in such a situation the promise has no moral force whatsoever (*Philosophiae moralis institutio compendiaria* IX; see also *Short Introduction* 2.9.8-9). In his edition of *The Theory of Moral Sentiments*, Hanley helpfully points out that Smith may also have had in mind in his discussion of casuistry Pufendorf, Cicero, Grotius, Augustine, and La Placette (Hanley 485).

¹⁹ See footnote 23 for discussion of this quotation.

²⁰ Smith does think that the rules of justice are precise and determinate in a way that the rules of the other virtues are not (175-6). But what the case of the highway promise shows is that he did not think there were strict and determinate rules — or a priority ordering — about what ought to be done when the rules of justice conflict with the rules of the other virtues. That the rules of justice are more strict and determinate than the rules of beneficence and gratitude does not on its own imply that the former must always trump the latter.

²¹ It should be noted that Smith also suggests that a morally impeccable person would never be in a position in which it was proper for him to break a promise to a highwayman. For the morally impeccable person would never make such a promise in the first place, even if doing so was the only way to save his life. “It is to be ... without ignominy” (332). So even though a person may find himself in a situation in which it is not wrong to break a promise, the morally impeccable will never end up in such a situation. (For discussion of the closely related idea that a person can land in a true moral dilemma only if he or she has in the past done something morally incorrect, see Hursthouse **book**.) And perhaps this is evidence that Smith did in fact take justice to have a kind of priority over all other principles, in that the wholly virtuous person will sacrifice anything (including his life) in order to avoid being put in a situation in which the morally best option involves injustice. In accord with this idea of justice’s having priority is Smith’s calling justice “that most sacred rule” (330; see also 175). If this is Smith’s view, then he has a partial ordering of moral ends — with justice having priority. But he would still be a pluralist about conflicts between all the other sorts of moral ends.

²² The tension between Smith’s prioritarianism and pluralism is very similar to — indeed, overlaps to a large extent with — the tension in his work between cultural relativism and universalism, which is wonderfully elucidated in Fleishacker.

²³ This dovetails with Smith’s claim in his discussion of casuistry that morality is distinct from law.

²⁴ Schliesser has argued that Smith is not an empiricist (Schliesser 2008, 574). But he does allow that for Smith moral judgment is based on the feelings of spectators and that Smith’s account of morality is based in empirical features of human nature — and the a posteriori nature of this account is all that is important to the point I am making here. It’s worth noting, though, that Schliesser’s most important evidence from TMS of Smith’s non-empiricism is 165, which I have claimed is a direct echo of Butler. And I think Schliesser is right to claim that this passage is very difficult to reconcile with an empiricist reading of Smith. But I also think that this difficulty reveals a tension in Smith’s thought, not a flaw in reading other parts of TMS as empiricist.

²⁵ Also indicative of Smith’s proto-particularism is his insistence that some virtues, such as charity, gratitude, and being a good friend, are not rule-governed at all (172-174). As I

mentioned in footnote x, I am here concerned to elucidate the prioritarian-vs-anti-prioritarian distinction, not the pluralist-particularist distinction within the anti-prioritarian camp.

²⁶ Griswold provides the most elucidating account of which I am aware of Smith's view of moral rules (181-93). He points out that there is in Smith a tension between the use of rules and a more particularist case-by-case attention to specific cases. Griswold goes on to suggest that Smith thought that moral education involves a working back-and-forth between rules and particulars to develop good judgment and virtuous character. I think Griswold's account of Smith accords best with an overall anti-prioritarian reading, insofar as Griswold explains that Smith thought that it takes judgments even to judge whether and how moral rules should be used (188-9).

²⁷ Such a view would be similar to the "Government House Utilitarianism" I mention in footnote 12.

²⁸ It's possible that some of the claims in the "Influence and authority of general rules" simply do not cohere with other parts of TMS, that the entirety of that chapter does not represent Smith's fullest and most mature thinking about morality. In an editors' footnote, Raphael and Macfie point out how similar some of the chapter's passages are to Butler, contend that those passages are inconsistent with Smith's other claims about the sentimental origins of morality, and then hypothesize that those passages "formed part of an early version of Smith's lectures" (TMS 164). As I read this hypothesis, the passages in this chapter that are conspicuously Butlerian — and, crucially for our purposes, the passages that imply that the general rules are such that none of them ever ought to be violated — are akin to the early writing on a palimpsest. On this reading, Smith initially thought of the fundamental principles of morality as fitting together in the way that Butler did. But he eventually came to think of them as potentially breaking apart. On the other hand, Smith's intensive efforts at revising and rewriting TMS speak against there being in the 6th and final edition palimpsest-like passages that he no longer endorsed.

²⁹ The instability of prioritarianism, non-theological basis, and multiple general rules gave way in 19th century to grand monistic theories of Kantianism and Utilitarianism.