Adam Smith's 'Coarse Clay' Political Realism

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December, 2022

A thesis submitted to McGill University in partial fulfillment of the requirements of the degree of Doctor of Philosophy

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Appendix 1: Wealth of Nations, Book V, Chapter I, Part III, Article III

-This is the piece of *Wealth of Nations* that I study in depth in chs 6-9. I include it here with paragraph numbers because I will frequently be referring to paragraph numbers and the placement of certain sentences.

Abstract

Adam Smith has a political theory and it consists in his politically-realist ordering of the values of order, justice, and liberty. I show that the concrete conclusions about religious establishment found in *Wealth of Nations* are the application of this political realism to serious political problems arising in England, Scotland, and America. To support this argument the dissertation proceeds in two mutually-supportive halves.

In the first half, David Hume's work on pre-political conventions is shown to be the platform for Smith's use of social theory against contractarianism. Smith accepted Thomas Hobbes's premises concerning humans' overwhelming desire for glory but used his own moral psychology and social theory to reject Hobbes's conception of a state of nature as a tract of time humans may live without a common superior, the condition of which gives rise to a recognition of the need to contract with one another to jointly obey a common authority. Humans immediately sympathize with, submit to, and so take part in, the glory of the first dominator among them. Rash submission explained why the state of nature could not exist and described the core political problem: too-easy submission to, and mercy towards, the powerful corrupts us and them. By aiming to justify obedience to authority contractarianism had motivated submission to power and brought on disorder, injustice, and unfreedom. In orienting his realism away from obedience Smith opposed not only Hobbes and John Locke, but Hume as well. All of this is to be found in *The Theory of Moral Sentiments* and so ought to establish that work as a major realist, and strikingly contemporary, intervention into early modern political thought.

If I am right about Smith's ordering of values, then we should expect to find those values working in that order in what is the most classical political argument Smith ever made. The second half of the dissertation, thus, tests that ordering by carefully studying Book V, Part 1, chapter 1, Article

III of *Wealth of Nations*: Smith on church and state. Once the nature of Smith's explicit reference to John Wesley's Methodists and to Machiavelli's discussion of Sts Francis and Dominic is appreciated it becomes clear that Smith was an antidisestablishmentarian *for* England, a non-establishmentarian *for* America, and a contented establishmentarian *for* Scotland. In each case his proposals aim first at supporting order and then do what they can to increase justice and permit liberty. Thus, though the dissertation's main claims are grounded in *The Theory of Moral Sentiments*, its reading of that text recasts virtually the entirety of Smith's work, published and not, as realist political theory.

Adam Smith a une théorie politique : celle-ci consiste en une mise en ordre politiquement réaliste des valeurs d'ordre, de justice et de liberté. Je montre que les conclusions concrètes sur l'établissement religieux que l'on trouve dans la Richesse des nations sont l'application de ce réalisme politique à de graves problèmes politiques survenus en Angleterre, en Écosse et en Amérique. Pour étayer cet argument, la thèse se divise en deux parties complémentaires.

Dans la première partie, les travaux de David Hume sur les conventions pré-politiques sont présentés comme la plate-forme de l'utilisation de la théorie sociale par Smith afin de rejeter le contractualisme. Smith a accepté les prémisses de Thomas Hobbes concernant la gloire, mais il a utilisé sa propre psychologie morale et sa théorie sociale pour rejeter la conception d'un état de nature comme une période de temps où les humains pouvaient vivre sans un supérieur commun. Les humains sympathisent immédiatement avec le premier dominateur parmi eux, s'y soumettent et participent ainsi à sa gloire. La soumission irréfléchie a expliqué la raison de l'inexistence de l'état de nature et a décrit le problème politique central : une soumission et une pitié trop faciles envers les puissants nous corrompent et les corrompent. En visant à justifier l'obéissance à l'autorité, le contractualisme avait motivé la soumission au pouvoir et entraîné le désordre, l'injustice et l'absence de liberté. En éloignant son réalisme de l'obéissance, Smith s'est opposé non seulement à Hobbes et John Locke, mais aussi à Hume. Tous ces éléments se retrouvent dans La Théorie des sentiments moraux et devraient donc

faire de cet ouvrage une intervention réaliste majeure, et remarquablement contemporaine, dans la pensée politique du début de l'ère moderne.

Si j'ai raison au sujet de l'ordre des valeurs de Smith, alors nous devrions nous attendre à retrouver ces valeurs, fonctionnant dans cet ordre, dans l'argument politique le plus classique jamais avancé par Smith. La seconde partie de la thèse vérifie par conséquent cet ordre en étudiant attentivement le Livre V, partie 1, chapitre 1, article III de la Richesse des nations : Smith sur l'église et l'État. Une fois que la référence explicite de Smith aux méthodistes de John Wesley et à la discussion de Machiavel sur les saints François et Dominique est appréciée, il devient clair que Smith était un anti-désétablisseur pour l'Angleterre, un non-établisseur pour l'Amérique et un établisseur satisfait pour l'Écosse. Dans chaque cas, il est clair que ses propositions visent d'abord à soutenir l'ordre, puis à faire ce qu'elles peuvent pour renforcer la justice et permettre la liberté. Ainsi, bien que les affirmations de la thèse soient fondées sur La Théorie des sentiments moraux, sa lecture de ce texte reformule pratiquement l'intégralité de l'œuvre de Smith, publiée ou non, en tant que théorie politique réaliste.

Acknowledgements

I have had no assistance in the collection of materials and data, the design and construction of apparatus, the performance of experiments, nor the analysis of data. I thank Alec Crisman, Aberdeen Berry, Ben Woodfinden for their comments and notes on portions of chapter one and the entirety of chapter five.

All these years I have had the most steadfast support it is possible to have. First of all, my advisor Jacob T. Levy has been exemplary. I have learned a great deal from you, as will be apparent in these pages. I thank Arash Abizadeh and Victor Muñiz-Fraticelli for serving on my committee. I also wish to thank Christina H. Tarnopolsky for her service on my committee through the prospectus stage. To the many colleagues I have had over these years, thank you.

My dear friends Jeff Bercuson and Jenna Wakani, for friendship and for being like guardians in the early years in Montreal—thank you. My sisters Sylvie and Kelly and my uncle Ken and auntie Cerise, I love you and thank you. To my late parents, Nadine and John, I know you wanted this for me and are proud that I got it. We have a mutual sympathy over this and that is a deep pleasure. I love you. Most importantly, most steadfastly, my wife, Paulina Wojnarowicz. I love you. Sorry and thank you. Our little daughter Lola Wojnarowicz has been pretty steadfast, too. I adore you. I love you. To our littlest daughter, Nell Griffiths, welcome to the world!

Introduction

The thesis of this dissertation is very easy to state: Adam Smith had a political theory. He had a political theory, aspects of it are compelling, all of it is worth engaging, and it is a political realism—'coarse clay' political realism. It consists in this ordering of values: order, justice, and liberty. This political theory is developed mainly in *The Theory of Moral Sentiments* (1759) and then applied to specific questions in *Wealth of Nations* (1776). The second half of this dissertation studies one such application: Smith's position on religious establishment. He gives different ecclesiastical proposals to England, to America, and to Scotland, but each proposal is grounded in its tendency to secure order and either preserve or augment levels of justice and liberty. All of these claims are original with this dissertation.

There are two very significant facts about Smith's handling of religious establishment, church and state, persuasion and coercion. First, Smith recommends to England what Elie Halévy famously argued (1913) was the cause of British political stability immediately before and after the French Revolution: encourage the revivalist movement of John Wesley's Methodists.[1] Smith's plan to encourage the Methodists drew both from David Hume's arch suggestion to "bribe [the] indolence" of the clergy and Machiavelli's *ad fontes* rule that "In order for a Religion or a Republic to Have a Long Life, It is Often Necessary to Bring it Back to its Beginnings."[2] My interpretation attends to Smith's explicit references to Machiavelli and the Methodists to open up a feast of new insights into Smith's arguments.

If I am right, then this is a stunning fact. The so-called Halévy thesis about the Methodists and stability in England has its own rich literature so it should be fascinating to consider Smith's role in

[1] Élie Halévy, *The Birth of Methodism in England,* (Chicago: University of Chicago Press, 1971).
[2] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (Indianapolis : Liberty Classics, 1981), 790.

actually *advocating* for what some have argued was the accidental cause of British stability.[3] Did Adam Smith intentionally design an ideology that adapted English labour to its suffering? Quite differently, did Smith's plan derive from a deeply perceptive sense of what might keep the peace? However one ultimately evaluates Smith's management of English establishment, if he tried to save England from civil war and a generation of historians and sociologists studied Smith's strategy, without knowing that they were, then I have truly uncovered something of interest far beyond the history of political thought—even something of *popular* interest.

The second significant fact about Smith on religious establishment is that Smith proposes the non-establishment of religion *to America* in 1776. I devote an entire chapter (chapter nine) simply to the directedness of his argument and another (chapter eight) to the nature and content of the argument itself. If, in a twenty-six page section of *Wealth of Nations* (which I added in full as an appendix) Smith planned a way of saving England from civil war that many credit as successful and he prescribed a policy of non-establishment of religion the content of which is so famously stated in the first amendment, then this section ought to be considered one of the classic texts in the entire history of political thought. It would be my original work that established this.

Each of these significant facts depend on my original interpretations. Overwhelmingly, scholars have supposed that Smith called for the disestablishment of religion in order to establish a so-called marketplace of religion. Not only is this false it also badly misconstrues Smith's principled methodological commitments in political theory. I argue that Smith's realism prioritized order and disestablishment was inconsistent with that priority. If Smith is a realist this itself is a finding of consequence given the currency of realism.

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[3] This article in a special issue on Halévy is a useful starting point: Greg Conti and Cheryl Welch, "The Receptions of Elie **Halevy's** la Formation du Radicalisme Philosophique in England and France," *Modern Intellectual History* 12, no. 01 (April 2015): 197–218.

Scholars have often described Smith as a moderate or an incrementalist or something of this sort while yet interpreting him as calling for the disestablishment of religion in Britain. I will not be arguing that Smith was a moderate, or incrementalist, but that he is a political realist. In other words, he had a political theory not simply a political temperament. He opposed existing ways of doing political philosophy including, most of all, arguments that use a state of nature to establish the ground of political power in prepolitical consent. Such arguments *serve* power.

They serve power by casting dissent as a mistake to be corrected. They serve power, and this is really distinctive of Smith, by enflaming the tendency we already have to worship the powerful. The psychological principle Smith uses to argue for this position I call *the fundamental fact of politics*. That principle is a composite of Smith's concept of sympathy and a posited cognitive/affective pleasure we take in contemplating systems whose mechanism for producing pleasure we easily grasp. The powerful, in virtue of their power, possess awe-inspiring systems for returning pleasure. We find it, psychologically, hard to disturb the lives of the powerful because of this awe. The king's role becomes admired as an excellent example of its kind: a system for getting its agent what he wants.

The fundamental fact of politics, crucially, is composed of analyzable parts but, for Smith, it is fundamental *politically*. His treatment of our admiration of the powerful as fundamental, which this fact names, is what ought to secure my claim that Smith was doing political theory in *Theory of Moral Sentiments*.

That principle, this tendency to over-submit to the powerful from an awe at them, to feel glory in the glory of the powerful, is not a belief of ours that can be argued away, but the psychology can be managed. Because we submit to the powerful so easily we ought not to permit them to embellish their rule with persuasive resources for deepening their power, in particular with a state church. Religious establishment is a perpetually self-defeating alignment of persuasion and coercion. It cannot be dismantled without triggering re-establishment, but it can be renewed in the style of Machiavelli's

ad fontes precepts. This traditional alignment of persuasion and coercion can be avoided only in the first place and America was uniquely poised to (non-)execute that plan. They ought to proceed, so Smith argued, on a plan of the non-establishment of religion.

The dissertation consists of two halves. In the first half I connect Smith to a paradigm case of political theory, Thomas Hobbes's. I do so first via Hume. Smith builds, and, very importantly, dissents from Hume. Hume's analysis of prepolitical conventions disturbed Hobbes's arguments and grounded Hume's (and Smith's) opposition to theories of original contract. Smith marshals all this to, in his mind at least, move beyond Hobbes and into new politically realist methodology. For Smith, there is no space for prepolitical grounds of political power. There is no such thing as the state of nature.[4] Instead of glory, as it with Hobbes, perpetuating anarchy, for Smith the desire for glory and our capacity to sympathize and so participate in the glory of another immediately establishes a hierarchy. Because we want glory we would rather align with, and submit to, a strongman than risk trying to become one others submit to.

Few have argued that Smith really engaged Hobbes at all—and I do not intend to argue that he engaged with him much—but the connection to Hume is well-known. It is well-known that Smith built from, but disagreed with, Hume both on sympathy and the nature of our approval of people and things according to, as they will call it, utility. Less well-known is that the disagreement with Hume on utility and approvals has a political upshot. Hume tied himself in knots claiming that a) we do approve of people and things according to their utility and that b) we ought to approve of the state on grounds of its utility, but that c) this ground ought mostly to be concealed lest we constantly attune our dis/approvals to the slightest shift in the 'usefulness' of our state. For Smith, our approvals do not track utility. We approve of, or take pleasure in, contemplating perspicacious systems for *producing* utility, whether or not they in fact produce it; holders of power will always possess such systems for

[4] Jacob T. Levy, "There Is No Such Thing as Ideal Theory," *Social Philosophy and Policy* 33, no. 1–2 (2016): 312–33.

getting 'utility' and so we will always—as a matter of our behaviour—too-willingly obey, or defer. For Smith, there is no need to hide the fact that authority ought *morally* to have utilitarian grounds because it will not be effective in persuading us to actually judge *de facto* authority by that standard. In other words, *the fundamental fact of politics*, our awe at the powerful, is fundamental *politically*. *Morally* Hume is right; we ought to judge authority on the grounds of its promoting overall benefit. But politics has a normativity of its own. Smith is a realist.

Moreover, Hume, and Hobbes to be sure, oriented their political thought towards obedience. That is, the philosophical as well as the sociological problem they aimed at correcting was disobedience, disorder. No doubt they, and early modern political thought in general, aimed to justify authority, but that is something to be obeyed. Smith thought this was the wrong orientation, the wrong direction, for political thought. Obedience is a problem even when an authority has it *de jure*. Political thought ought to orient us away from obedience, but not towards disobedience. Obedience is corrupting.

The first half of the dissertation is taken up with these kinds of arguments. I connect Smith to Hume and Hobbes and argue that with *Theory of Moral Sentiments* Smith really was participating in mainstream political thought. In the first half I do not do much more than assert that Smith's 'coarse clay' political realism consists in the ordering of the values of order, justice, and liberty. Of course I supply interpretations of the meaning of order and justice (I leave liberty to be something to be investigated in the second half) and do much else besides assert the ordering. A word on order is appropriate here. Smith, of course, uses the word 'order' across his writings, but I give it a specific definition and am careful to restrict my use of the word to that definition. The constitution, considered in Smith's definition of the that word, is what Smith's political theory evaluates as an order or not.

In chapter four I group together a number of political topics that Smith discusses into three problem-types that each derive from *the fundamental fact of politics* (*merciful citizen*, *conspicuous domination*,

the cycle of corruption and conquest). Collecting examples of political problems that he addresses and grouping them as I have is my way of exposing my interpretation of Smith to testing—an exegetical idea I take from Adrian Blau.[5] My claim is that Smith's handling of each of the topics within the problem-types fits the reading of his political theory that I give. His ordering of values ought to be apparent in each of these topics if my interpretation is correct. I cannot treat each example fully so, in the second half (chs 6-9), I have picked one among the topics to investigate in full. I have chosen the question of religious establishment as an example of what I am calling *the cycle of corruption and conquest*. The reason I picked this one is simply because it is a core, classic, question in political theory. I invite others to test my reading by taking up one of the other topics from Smith's writing and determine whether on this or that matter Smith's thinking exhibits the ordering of values I describe.

All of this is devoted to the purpose of arguing that Smith had a political theory. It is telling that the *Oxford Handbook of Adam Smith* (2013)[6] does not contain an entry called Adam Smith's Political Theory, and the *Cambridge Companion to Adam Smith* (2006) has an entry titled, "Adam Smith's Politics."[7] Of course Smith wrote on political topics and scholars have written about Smith's political theory without assuming they needed to argue that one existed. But for all of Smith's fame it is something of a mystery that he is not commonly found on political theory syllabi except as a special figure on, for instance, the division of labour or some other very particular matter.

One reason Smith has been a relatively minor figure in the history of political thought is that it has seemed that he argued forcefully for liberty, worked out some of the arguments for it, but

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[5] Adrian Blau, "History of Political Thought as Detective-Work," *History of European Ideas* 41, no. 8 (2015): 1178–94; Adrian Blau, *Methods in Analytical Political Theory* (Cambridge University Press, 2017).

[6] Christopher J. Berry, Maria Pia Paganelli, and Craig Smith, *The Oxford Handbook of Adam Smith*, First edition., Oxford Handbooks (Oxford: Oxford University Press, 2013),

[7] Douglas Long, "Adam Smith's Politics," in Knud Haakonssen, *The Cambridge Companion to Adam Smith*, Cambridge Companions to Philosophy (Cambridge ; Cambridge University Press, 2006),

seemed to abandon liberty and make "*ad hoc*"[8] restrictions on liberty. Here the claim would be that he was unsystematic or somehow naïve. In their entry on "Classical Liberalism" in *The Oxford Handbook of Political Philosophy* Jason Brennan and John Tomasi group Smith into those classical liberals who fail to develop a principled approach to when liberty ought to be restricted. It is this form of denial that Smith had what could be called a political theory that I am confronting by claiming that order and justice were systematically prioritized over liberty. Smith often tells a causal story about justice and order where liberty comes first, in the sense that a people's being free is the best condition for the growth of the other goods. Liberty, that is, tends to beget justice, which begets order. This is different from holding that liberty is one's normative priority. Moreover, Smith is very concerned to show that we do not find ourselves in the condition of liberty and *freeing* people, removing impediments, is not, without argument, the same thing as putting them, without issue, into an optimal condition of liberty from which the other goods may follow. Dismantling existing restrictions on liberty puts us in an empirically different condition from one of original liberty. Smith insisted that dismantling existing restrictions on liberty may involve serious harm to order and justice and so should not be done. In short, the reason some, like Brennan and Tomasi, have thought that Smith single-mindedly argued for liberty, while admitting a concession here or there to some other consideration, is that they mistake Smith's hypothetical causal story (liberty begets justice begets order) as Smith's description of a normative ordering of liberty over the others.

That said, the majority view on Smith's political thought has to be found in the *lack* of discussion of Smith by historians of political thought. To take just one illustrative example, he is barely even mentioned in George Sabine's sub-discipline-defining *A History of Political Thought.* The book was notable, James Farr writes in his article on the *history* of the history of political thought, for "Sabine's

[8] Jason Brennan and John Tomasi, "Classical Liberalism," *The Oxford Handbook of Political Philosophy*, (Oxford: Oxford University Press, 2012), 115–32.

skepticism about natural lawyers from Althusius to Locke, appreciation for the secular or non-clerical tendencies in less-known figures like Winstanley, and sympathy for non-foundational empirics like Machiavelli, Harrington, Burke, and Hume himself."[9] Given that Sabine's known preferences neatly describe Smith's strengths and include Hume, Smith's absence appears to positively count as an exclusion, and an influential one, an influence Farr documents about Sabine's text.

Sabine's book was published in 1937. In Smith's lifetime (1723-1790) he repeatedly claimed that he would publish a work on jurisprudence. Just before he died he had that manuscript burned. Generations of readers, then, were left with the impression that there was a self-admitted gap in Smith's intended writing and it concerned something very much like political theory. As Eric Schliesser puts it, "Smith intended to be read as having developed an incomplete system of the sciences."[10]

Some two hundred years later (1976) two sets of Smith's students' lecture notes from the 1760s were published as what we now know as *Lectures on Jurisprudence*. There is much to say about these notes, but one of the things they revealed was how much of a framework Smith had established for that work on jurisprudence by the 1760s. They revealed, in fact, that some of this structure was already there in *Wealth of Nations*. That structure was more or less hidden on even a close read if one had not had access to the notes. I am speaking mainly of Smith's four-stage stadial theory of history, but also of such things as his opposition to contractarianism, his toying with different principles of political obligation, his analysis of slavery, and rights. After the notes were published in the 1970s it became easier to see the *presence* of these in the published work. The notes, that is, led to insights about what was already there in the published work. In general, I believe we ought to use the notes to fill out his political theory. But if Smith said something in the notes that is contradicted in the published work, especially in work that posterior to the lectures, then Smith's settled view should be this later published

[9] James Farr, "The History of Political Thought as Disciplinary Genre," in *The Oxford Handbook of Political Theory,* (Oxford University Press, 2008), 236.
[10] Eric Schliesser, *Adam Smith: Systematic Philosopher and Public Thinker* (Oxford University Press, 2017), 12.

position, not the one from the students' notes. One such example is Smith's discussion of political obligation in the 1760s and his dismissal of the topic in the 1790 edition of *Theory of Moral Sentiments*. In any case, there is a great deal of value in the notes, but what I want to emphasise in this introduction is the effect, the consequences for his place in the history of political thought, of Smith distracting readers from looking for his political theory by, apparently, promising that it was to come, and so was not to be found in the text.

Generations of readers could read Smith's promise to publish on jurisprudence while knowing that he never fulfilled it. Because of this they tended not to see, not even to look for, the presence of it in the published work. That is consequential for his legacy. I do make reference to contemporaries and near contemporaries of Smith, figures such as Sophie de Grouchy, Destutt de Tracy, Dugald Stewart, James Mill, even John Wesley, commenting on Smith's work, up through time to a figure like Henry Sidgwick, but my point is that readers immediately following Smith lacked a key to Smith's text that we have and so they might have been dissuaded from looking for politics in the published work. The notes though, once again, revealed what was genuinely already there in the published work. The notes, that is, help us interpret what Smith meant in the published work.

In 1937 we get Sabine's work and a kind of placement of Smith outside of political theory is set until that is disturbed in 1976 with the publication of *Lectures on Juriprudence*. Duncan Forbes's classic essay—"Skeptical Whiggism, Commerce, and Liberty" (1975)—opened this new era along with Ronald L. Meek's articles on the notes themselves.[11] The first wave of interest that followed these notes consisted of some of the best work there is on Smith. Donald Winch's, *Adam Smith's Politics*, Knud Haakonssen's, *The Science of a Legistlator*, and István Hont and Michael Ignatieff's edited

[11] Duncan Forbes, *"Scientific" Whiggism: Adam Smith and John Millar*, 1954; Duncan Forbes, "Sceptical Whiggism, Commerce and Liberty," *Essays on Adam Smith* 182 (1975): 1762–63; Ronald L. Meek, "Smith, Turgot, and the 'Four Stages' Theory," in *Smith, Marx, & After* (Springer, 1977), 18–32.

collection, *Wealth and Virtue*. Haakonssen's work is very much a philosophical reconstruction of Smith's work while the others are very clearly Cambridge School-style work on Smith.

The appearance of that important volume of essays edited by Hont and Ignatieff (1983), however impressive the Cambridge-style research therein, did little to give political theorists a reason to read Smith. John Dunn's essay in the collection—"From Applied Theology to Social Analysis: The Break between John Locke and Scottish Enlightenment"—could certainly have been read as sidelining Hume and Smith from the high philosophical debates that tended to dominate the discourse following John Rawls.[12]

Hont and Ignatieff's brilliant essay that opens their edited volume manages to fit *Wealth of Nations* into centuries-long puzzles about profit, property, and starvation descending from Aquinas while also situating Smith's market-logic solution into its context in social-scientific competition with the physiocrats. This is valuable to Smith scholars and political theorists might have benefitted from knowing that Smith's solution to the Thomistic puzzle depended on deriving a maximin outcome from free exchange but this contextualization, as is often the case with such contextualist work, further distanced Smith from our concerns.

Perhaps the statement that best captures the most common assumptions about Smith's place in the history of political thought comes from John Tomasi in his *Free Market Fairness* (2012). This could have been written by one of Smith's supporters or one of his opponents:

> If Locke provided the moral foundations for liberalism, Adam Smith explained the feature of this new political order that was most radical and, to many, most mysterious. If economic life were freed from direct political control, Smith explained, the result would be prosperity at a level hitherto unimagined.[13]

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[12] John Dunn, *Rethinking Modern Political Theory : Essays, 1979-83* (Cambridge [Cambridgeshire] ; Cambridge University Press, 1985).
[13] John Tomasi, *Free Market Fairness* (Princeton: Princeton University Press, 2017), 6.

The standard reading is that classical liberalism is founded in Locke's moral theory; Smith is thought of as classical liberalism's economist; Smith's economics showed that much of what passes for politics rests on a mistake and ought to cease altogether. Mainstream political theorists investigating liberalism, therefore, need to understand a great deal about Locke but do not need to know much about Smith beyond the outlines of his economics. Moreover, as Tomasi says, Smith could be seen as 'radical' by elevating economics into the space previously held by politics. With the exception, perhaps, of Smithians and anti-Smthians, generations of political theorists and students of political theory were not and could not be expected to have done the work of interpreting Smith's political thought.

The first wave of interest in Smith that followed the publication of *Lectures on Jurisprudence* contained excellent work, much of which I draw from, but my point is that it was not the kind of work that could thrust Smith onto undergraduate syllabi and thereby bring Smith to the attention of scholars who had not grown up in the era in which Smith's legacy was already set.

The second wave of interest grew out of Charles Griswold's, *Adam Smith and the Virtues of Enlightenment* (1999). That book handles the whole of Smith's corpus and so reoriented thinking about Smith. We then got a second wave different from the first by being ambitious in its treatment of Smith as a philosopher of note. Ryan Patrick Hanley's *Adam Smith and the Character of Virtue* while thoroughly engaged with previous scholarship was clearly oriented towards wiping the slate clean and establishing new research programs on Smith with vastly increased ambition.[14] Fonna Forman—*Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory*—advanced this new style of ambitious scholarship with critical philosophical work on Smith and cosmopolitanism.[15] Michael Frazer—-*The Enlightenment of Sympathy: Justice and the Moral Sentiments in the Eighteenth Century and Today*—boldly argued

[14] Ryan Patrick Hanley, *Adam Smith and the Character of Virtue,* (New York: Cambridge University Press, 2009).
[15] Fonna Forman-Barzilai, *Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory*, (Cambridge University Press, 2010).

for Smith's relevance for *contemporary* political philosophy.[16] Over a broad range of illuminating articles culminating in a recent book, which I reviewed, Eric Schliesser—-*Adam Smith: Systematic Philosopher and Public Thinker*—has worked to establish a place for even the most minor of Smith's texts in the welter of eighteenth-century ideas.[17]

At the centre of Hanley's book is a careful comparison of Smith and Rousseau. This has been followed by a series of works that have further developed Smith's philosophical engagements with Rousseau. All of them, beginning with Hanley and then Dennis Rasmussen's *The Problems and Promise of Commercial Society: Adam Smith's Response to Rousseau,* have been concerned to stress the degree to which Smith understood the moral compromises of commercial society.[18] This is valuable but, as I have claimed elsewhere, it mistakenly presents Rousseau and Smith as if they are basically the same in kind, i.e. critics of commerce, but different in degree of hope for what commerce could bring. Hanley's more recent work, as his title suggests, is still of this sort: "Commerce and Corruption: Rousseau's Diagnosis and Adam Smith's Cure."[19] Very recently Hont, in his posthumously published *Politics in Commercial Society: Jean-Jacques Rousseau and Adam Smith* (2015), presses these same kind of claims about the similarity of Smith and Rousseau.[20] Griswold's staged dialogue between Smith and Rousseau—*Jean-Jacques Rousseau and Adam Smith: A Philosophical Encounter*—shows just how ambitious Smith

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[16] Michael L. Frazer, *The Enlightenment of Sympathy: Justice and the Moral Sentiments in the Eighteenth Century and Today* (Oxford University Press, 2010).

[17] Eric Schliesser, *Adam Smith: Systematic Philosopher and Public Thinker* (Oxford University Press, 2017); Ryan Griffiths, "A Critical Reader of Hume and Rousseau: Adam Smith," *The Journal of Politics* 80, no. 4 (2018): e80–84.

[18] Dennis C. Rasmussen, *The Problems and Promise of Commercial Society : Adam Smith's Response to Rousseau*, (University Park, PA: Pennsylvania State University Press, 2008).

[19] Ryan Patrick Hanley, "Commerce and Corruption Rousseau's Diagnosis and Adam Smith's Cure," *European Journal of Political Theory* 7, no. 2 (2008): 137–58,; Though see: Ryan Patrick Hanley, "Enlightened Nation Building: The 'Science of the Legislator' in Adam Smith and Rousseau," *American Journal of Political Science* 52, no. 2 (2008): 219–34.

[20] Istvan Hont, Bela Kapossy, and Michael Sonenscher, *Politics in Commercial Society : Jean-Jacques Rousseau and Adam Smith*, (Cambridge, Massachusetts ; Harvard University Press, 2015).

scholarship has become, but is again inattentive to Smith's explicit objections to Rousseau, a feature of it I describe in my review of that book.[21]

Entirely independent of these movements in Smith scholarship was a growing interest across the disciplines in the emotions, but in a way meant to be more productive, less, as it were, skeptical, than A.J. Ayer's earlier emotivism. To name only the most relevant, in philosophy we have Allan Gibbard, Simon Blackburn, but in general this movement, when it looked back to the history of moral thought looked back to Hume, not Smith.[22] For moral philosophers looking to do their own work on emotions, there was no need to go try to understand Smith rather than Hume, whom they had surely come to know well from their training. Two exceptions to this are worth mentioning.

The first is Gilbert Harman. Harman had published a textbook on ethics that harshly criticized ideal observer theories.[23] These, he argued, gave analyses that were too aesthetic. In particular, they too much disregarded the perspective of an agent deliberating about what to do, favouring the perspective of an observer determining what he enjoys seeing. Why should an agent care about what some third-party, an ideal observer, would enjoy seeing, or would *like*? Harman grouped Smith in with Francis Hutcheson and Hume as holding this observer view. However, it was later pointed out to him that Smith was different from these. In short, Smith's impartial spectator was not some external standpoint but that of an agent who simply impartially considers his own intentions from the point of view of those whom his action will affect. In evaluating the permissibility of his intentions by impartially projecting into the perspective of those whom his action may affect this person becomes an impartial spectator of himself, or of his intentions. Why should an agent care about how his impartial fellows judge his intentions? Because he must, it is fitting, or because he cares to be moral,

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[21] Charles L Griswold, *Jean-Jacques Rousseau and Adam Smith: A Philosophical Encounter*, (London: Taylor and Francis, 2017); Ryan Griffiths, "A Critical Reader of Hume and Rousseau: Adam Smith," *The Journal of Politics* 80, no. 4 (2018): e80–84.
[22] Allan Gibbard, *Wise Choices, Apt Feelings: A Theory of Normative Judgment*, 1. paperback ed (Cambridge, Mass: Harvard Univ. Press, 1992); Simon Blackburn, *Ruling Passions* (Oxford University Press Oxford, 1998).
[23] Gilbert Harman, *The Nature of Morality : An Introduction to Ethics* (New York: Oxford University Press, 1977).

because he cares to find that he can justify his actions to his fellows. I argue about this at length in chapter five, but suffice it to say that Harman later corrected his view and ended up finding it "perplexing that Adam Smith's ethics should be so relatively unread as compared with Hume's ethics when there is so much of value in Smith."[24] Harman had noticed his mistakes, but he left it at this.

In *Philosophy & Public Affairs* Stephen Darwall reviewed (1999) Griswold's first book on Smith along with Athol Fitzgibbon's and Jerry Muller's books. Darwall at length commented on what Harman had noticed. Hume and Hutcheson had "impersonal"[25] theories concerned with agent-neutral states of affairs, whereas Smith's "makes all moral judgment deeply *individual-relative*—either *agent-relative* or *patient-relative* or both," by which Darwall means it is sometimes only agent-relative and sometimes, as with judgments of justice, both agent- and patient-relative.[26] Darwall, who by then had already published his, in its way, ground-breaking study of the British Moralists, went on to develop a novel moral theory he called, in essence, second-person morality.[27] He published a series of articles and chapters in which Smith would often figure and Smith is given a central place in his book *The Second-Person Standpoint*.[28] Smith, he there claims, was "one of first philosophers of the "second person," if not the very first."[29] I describe the finer points of this and its connection to accountability (moral and social) in Smith in chapter five, but the primary result of Darwall's careful work was to establish, what should have always been apparent, that Smith was *opposed* to ideal observer theories and to what is regarded as the proto-utilitarianism of Hume and Hutcheson. If the agent, to put it simply, must justify his actions from the point of view of the second-person to his action (the patient's

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[24] Gilbert Harman, *Explaining Value: And Other Essays in Moral Philosophy* (Oxford University Press, 2000), 195.
[25] Stephen Darwall, "Sympathetic Liberalism: Recent Work on Adam Smith," *Philosophy & Public Affairs* 28, no. 2 (1999): 141.
[26] Ibid, 141.
[27] Stephen Darwall, *The British Moralists and the Internal 'Ought': 1640–1740,* (Cambridge: Cambridge University Press, 1995).
[28] Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge, Mass: Harvard University Press, 2006).
[29] Ibid, 46.

point of view), then it is absurd to imagine the patient is required to find the agent's killing him—the patient—in order to maximize overall utility permissible.

Darwall will be a major touchstone for my work. To my mind, he is among the most insightful commentators on Smith's work, however narrow his focus has been. Darwall's focus on Smith has been narrow, but deep, and valuable because Smith's moral theory is so little discussed by philosophers who prefer to call back to Hume. Smith is a frequent figure in Darwall's work from moral psychology to metaethics.[30]

Smith scholarship, as I hope to have shown, is still, in its way, relatively young. Smith died in 1790, but the genuinely monumental moment of publishing *Lectures on Jurisprudence* in 1976, a publication that reoriented thinking on Smith, including genuinely new insights into his published work, means that he is an odd figure in the history of ideas. His reputation was massively set before 1976 and, as important as the publication of the notes was, there has been little movement from within mainstream political theory to really consider Smith's work alongside canonical figures.

Darwall's work is a real opportunity for those interested in Smith, the history of ethics, and, I believe, the history of political thought and contemporary realism. Darwall is a first-rate philosopher *and* historian of ideas. He is right about Smith, but, I stress, one need not agree with me in order to believe that Darwall is a figure that Smith scholarship ought to centre. Smith scholarship simply has not previously attracted many figures with Darwall's skills, by which I simply mean an academic moral philosopher who is, as a separate matter, an historian of ideas. Hume, it goes without saying, has had generations of the best philosophers and historians of ideas at work on him, Smith never has. Darwall's work on Smith is valuable, yes, but it is also valuable because it is *new*. It joins Smith's sentimentalism

[30] Stephen Darwall, "Empathy, Sympathy, Care," *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 89, no. 2/3 (1998): 261–82; Stephen Darwall, "Sentiment, Care, and Respect," *Theory and Research in Education* 8, no. 2 (2010): 153–62; Stephen Darwall, "'Second-Personal Morality' and Morality," *Philosophical Psychology* 31, no. 5 (July 4, 2018): 804–16.

to deontological descriptions of moral accountability, contemporary work on fittingness,[31] which is to say it joins Smith to the work on reactive attitudes descending from P.F. Strawson's landmark essay, "Freedom and Resentment."[32] It is only recently, with Michelle Schwarze's book, *Recognizing Resentment,* that scholars have tapped into this line of thought.[33] The actual influence of Hume on Strawson has been noted, but Smith is a better source for Strawsonian ideas on moral responsibility and that is a remarkable fact. Smith on free will?

Historians of economics and economists themselves have done some of the best work on Smith that there is. Much of it has been, as it seems to me, either in side-projects, or on topics that political theorists need not take a particular interest in.[34] They have been interested in small events like Smith's curious job as customs officer.[35] The detailed work of Patrick Raines and Charles Leathers, albeit in two short articles, identified a puzzle in Smith's writings on religious establishment that inspired some of my research. Curious about his comments on funding schemes they noticed that Smith praised what many call a free market of religion yet also praised the established church in Scotland, the Kirk.[36] Ronald Beiner noticed the same oddity, but each of these studies had its own purposes and operated with expertise that, understandably, did not serve Smith scholarship as much as it could have.[37]

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[31] Chris. Howard and R. A. Rowland, *Fittingness : Essays in the Philosophy of Normativity.*, 1 online resource (417 p.) vols. (Oxford: Oxford University Press, Incorporated, 2023).

[32] P. F. Strawson, *Freedom and Resentment and Other Essays* (London ; Routledge, 2008).

[33] Michelle Schwarze, *Recognizing Resentment* (Cambridge University Press, 2020).

[34] George J. Stigler, "Smith's Travels on the Ship of State," *History of Political Economy* 3, no. 2 (1971): 265–77.

[35] Gary M. Anderson, William F. Shughart, and Robert D. Tollison, "Adam Smith in the Customhouse," *Journal of Political Economy* 93, no. 4 (August 1985): 740–59,; Homer B. Vanderblue, "An Incident in the Life of Adam Smith, Commissioner of His Majesty's Customs," *The American Economic Review* 27, no. 2 (1937): 305–8.

[36] Charles G. Leathers and J. Patrick Raines, "Adam Smith and Thomas Chalmers on Financing Religious Instruction," *History of Political Economy* 31, no. 2 (June 1, 1999): 337–59, https://doi.org/10.1215/00182702-31-2-337; Charles G Leathers and J. Patrick Raines, "The 'protective State' Approach to the 'Productive State' in The Wealth of Nations: The Odd Case of Lay Patronage," *Journal of the History of Economic Thought*, no. 4 (2002): 427–41.

[37] Ronald Beiner, *Civil Religion: A Dialogue in the History of Political Philosophy*, 1 online resource (xv, 432 pages) vols. (New York: Cambridge University Press, 2011).

The picture of the secondary literature that I am attempting to paint is of a literature that has either proceeded from partial understandings of Smith (those prior to 1976), or with partial interest in Smith (the economists, scattered philosophers). Those devoted to studying *Adam Smith* have been very good, but there have not been many of them. Still fewer have discussed Smith's politics, and none of these has tried to argue, simply, that he *had* a political theory. That is, none of them have built from doubt of its existence. Mine is a different kind of project. The first five chapters of this dissertation do not take up many disagreements I have with the secondary literature; the second half is composed almost entirely of such disagreement and so naturally contains that kind of literature review. The first half tries to build out from Smith's description of Hobbes and the challenges his work posed.

There is a silence about Smith's political theory that I am confronting in the first half. Think of how frequently someone in political theory will have heard the name Adam Smith *alongside* Thomas Hobbes. I do this work. I show that it can be done. The one who has done something similar, namely Paul Sagar, builds from *Lectures on Jurisprudence*, and I believe that is a mistake.[38] That book is a collection of excellent students' notes from the early 1760s—as Lionel Robbins quipped in lecture to his own students: "God grant that notes taken in this institution are half as good as the students' notes of Adam Smith's lectures on jurisprudence."[39] Some of what is in the notes appears almost verbatim in *Wealth of Nations*. The rest is obviously Smith's considered work. And yet, great events separate the 1760s from Smith's consequential additions to *Theory of Moral Sentiments* in 1790. The American Revolution, the Gordon Riots, the (coming) French Revolution. And what are the nature of those additions in 1790? They are his best reflections on the nature of political normativity, the site of his realist commitments. Moreover, they ought to be preferred as Smith's considered view whenever there are two discussions, one in the notes and one in the published work, on the same topic. *The fundamental*

[38] Paul. Sagar, *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith,* (Princeton, NJ: Princeton University Press, 2018).
[39] Robbins, Lionel. *A History of Economic Thought: The LSE lectures*, (Princeton University Press, 2000). p127

fact of politics covers political obligation by denying that we ought to be giving normative reasons to obey, thus that discussion is to be preferred as Smith's settled view on that topic over any discussion of the same in the notes.

Until we exhaust what can be said about these additions and the entirety of Smith's published work, we ought not to locate Smith's political theory in those notes. Sagar, drawing from the notes, is led into a reading of Smith as a historian who takes history to *be* political theory. To this I do not need to say Sagar is wrong, because Smith does. His references to Grotius, which Sagar explicitly dismisses ought to lead us, with Darwall, to study Smith's writings on justice most carefully: those writings are Grotian. Sagar distances Smith from Grotius by describing Smith as particularly interested in history in contrast to Grotius:

> When Smith goes on to summarize his own projected work, he talks only of an intervention in the history of jurisprudence, and of offering an account of the different revolutions that have affected the general principles of law and government.[40]

To think this is a sharp contrast to Grotius misreads Grotius and so misreads the significance of Smith calling back to him. Grotius, with his theory of subjective right, *is* an historical thinker. Connecting Smith to Grotius while interpreting Grotius as working historically is work that I have done, but the inclusion of which here would send this dissertation in too many directions. That said, I do discuss a narrow connection to Grotius in Smith's all-important conception of justice and this counts as a challenge to Sagar.

Smith, I believe, *completed* his political theory with those 1790 additions to *Theory of Moral Sentiments*. He completed that political theory in the sense of bringing it to a close, a stopping point. It is the passage, most of all, known as the 'man of system' passage, that is my evidence for this. The 1790 'man of system' is not entirely out of place in the 1759 *Theory of Moral Sentiments*, but it is a striking

[40] Sagar, *The Opinion of Mankind:* 183.

description of political methodology and plausibly a response to the politics of the day. Moreover, it is a new topic in that book, but it connects to moral sentiments in a way that casts the rest of the book as having always been interested in political upshots. This claim about completing his political theory could take me into careful readings of biography and publishing history, and indeed I do some of that, but I believe the best use of space and effort is in simply laying out what Smith's political theory is and letting others find my description of it to be in/complete.

There is a very large literature on *Das Adam Smith problem*, "an argument that arose among German scholars during the second half of the nineteenth century concerning the compatibility of the conceptions of human nature advanced in, respectively, Adam Smith's *Theory of Moral Sentiments* (1759) and his *Wealth of Nations* (1776)."[41] Though largely focussed on the tension between the moral strictures of *Theory of Moral Sentiments* and the promotion of self-interest in *Wealth of Nations*, the debate has undergone twists and turns. Insofar as this debate, in whatever form, remains a question of the compatibility of Smith's arguments in *Theory of Moral Sentiments* and *Wealth of Nations,* then this entire dissertation is a response to it. I argue, essentially, that his political theory is developed in *Theory of Moral Sentiments* and applied in *Wealth of Nations*. If there is a serious incompatibility, then I must fail in this.

My narrower response to the purported problem of an incompatibility between the texts is to argue that Smith, though he is a polymath and in a way that often traverses disciplinary boundaries, is quite attentive to the differences between given disciplines and this explains much of the apparent tension between the books—they study different things. In my key example of this, I said above that *the fundamental fact of politics* is fundamental *politically*, but comprised of *psychological* parts. As a matter of psychology it is not fundamental, not an irreducible fact nor one that we ought to, for practical

[41] Keith Tribe, "'Das Adam Smith Problem' and the Origins of Modern Smith Scholarship," *History of European Ideas* 34, no. 4 (2008): 514–25,

purposes, resist reducing. As a matter of morality it is the subject of criticism—so, once again, not a given. It is not inconsistent, then, to say one thing about this tendency as a moral matter, and another as a political matter. What is important is that one recognizes that one is doing this discipline-hopping while offering some justifications for holding this or that as irreducible here in this discipline but not there in that one. When Aristotle cautions to ask for only that degree of precision which a given field admits of no one accuses him, in that commitment, of being inconsistent if he treats logic with a different set of beliefs about reasoning than he does when he discusses rhetoric.[42] It is to his credit that Smith holds certain things constant in order to target other things and that he lets us know that he is doing this. It is the value of just this sort of marking out a field of inquiry that Smith recognizes in a famous discussion of the "propensity to truck, barter, and exchange." As he says, "[w]hether this propensity be one of those original principles in human nature of which no further account can be given; or whether, as seems more probable, it be the necessary consequence of the faculties of reason and speech, it belongs not to our present subject to inquire."[43] He is studying the nature and causes of the wealth of nations, not the metaphysics of this propensity. Thus I believe that many apparent inconsistencies are simply evidence of Smith thinking carefully about methods.

In a sense I agree with great swathes of the literature on Smith, but disagree about all their foundational claims. I place liberty, for instance, last in the order of Smith's values. This, however, does not mean that liberty does not drive his arguments in *Wealth of Nations*, but that his exceptions to a plan of liberty are systematically explained by my ordering of his values. Of course liberty is important to Smith, but he will consistently place (what I call) order, and justice before it, should liberating people endanger either. In general Smith believed that liberty *causes* justice and order so he

[42] Aristotle. and W. D. Ross., *The Nicomachean Ethics of Aristotle*, (London ; Oxford University Press, 1954), 1094b.24ff.
[43] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 25.

argues for liberty. My achievement, then, should be the reconciliation my reading can give to existing disagreements.

To some degree my work is meant to tie existing readings of Smith together by providing a map of his ideas. This is especially so in my treatment of Smith on religious establishment. If the first half proceeds without much critical engagement with the secondary literature, then the second half confronts virtually every commentator who has ever written on Smith and religious establishment in English. The literature review for this topic is in each of those chapters, but the basic confrontation consists in the simple idea that Smith did not, as so many believe, call for the disestablishment of religion. Notice that if he did, it would plausibly be because he prioritized liberty. A default reading of religious establishment would identify it as a restriction, in one way or another, on liberty. He was an antidisestablishmentarian because he prioritized order.

Smith had a political theory. I aim to argue for this by describing its development and principles in the first half (chs 1-5). The second half tests my description of Smith's theory by seeing if it explains his writings on religious establishment.

Chapter Summaries

Each chapter begins with a one-page or shorter section I call 'taking stock' and a one-page or shorter 'abstract.' 'Taking stock,' carries over material from the last chapter and the 'abstract' presents the core material of the coming chapter. Because of this I will be brief in offering chapter summaries here.

Chapter one begins with a broad introduction meant to establish some of the themes of the first three chapters. I argue that Hume's innovative account of conventions displaced the idea of the state-of-nature as chaotically anarchic, an idea from which contract theory got much of its rhetorical support. This meant that contract theories could be newly evaluated free from that support. His immediate aim, however, was to undermine vulgar, Whig, uses of contract theory. This use of

philosophy to intervene in everyday politics is one—albeit rough—way Hume established a realist orientation to actual events that Smith would take up. I also describe a series of what I call 'oblique strategies' that the Scottish Enlightenment is known for. All of this sets up Smith's concept of sympathy and the way it builds from and challenges Hume on social theory.

Chapter two argues that core ideas of Smith's—sympathy, mutual sympathy, 'man of system,' and the impartial spectator—that Smith developed in *Theory of Moral Sentiments* can be directly introduced into mainstream early modern political thought because they built from and challenged Hume on prepolitical conventions and struck at the microfoundations of Hobbes's political theory. Smith's social theory brought civil society into political thought and so challenged the centrality of the state-citizen relationship as the site of normative political theory's most important work. Crucially, Smith's social theory was not just something new, it was a new *objection* to existing political theory. This chapter also shows Smith's understanding of Hobbes ecclesiology, an ecclesiology that Smith's account of religious establishment will cast as disastrously and perpetually self-defeating.

Chapter three argues that Smith regarded the state of nature as an unstable condition. The human drive for (something like) glory causes us to instantaneously obey conspicuous possessors of power. Hobbes supposed and Smith denied that there was an intrinsic scarcity to positionally-derived glory. When a strongman dominates another he expands the availability of glory by enclosing it: glory is tied to rank but the glory therefrom is non-rival and non-excludable. The strongman, nevertheless, has an incentive to dominate and thereby produce glory. It is in this chapter that I fully introduce *the fundamental fact of politics* and describe Smith as opposing virtually the entirety of early modern political thought by resisting its orientation toward justifying obedience. We too easily obey and this is a key political *problem*. The task is to find space for dissent.

Chapter four makes the case that Smith was a realist—and explains the reference to 'coarse clay' that I use to simply name Smith's theory (the reference itself is to Smith's own phrase and not

particularly important). I make that case by going into some detail about Smith's political normativity and *the fundamental fact of politics*, in much the same way I did in this introduction. Even if we each do not awe at the powerful, still less admire them, we behave, or as a matter of strategy ought to behave as if *others* do. Enough of us, enough of the time, let the powerful get away with vices that we would criticize in our power-equals. *The fundamental fact of politics* also explains the generation and behaviour of collective agents to which individual humans believe they belong. It is in this chapter that I group together three problem-types that derive from *the fundamental fact of politics* in order to maximally expose my interpretation of Smith's realism to testing. Finally, I describe what I mean by the term *order*, Smith's priority. It is a condition in which there is political stability and the three problem-types are diminished *by* the dynamics of civil society. Order is stability, as it were, for the right reasons where those reasons concern the site of stability and the diminishment of cruelty.

Chapter five describes Smith's conception of justice as a personal virtue that consists in the disposition to hold oneself accountable to all others via the impartial spectator. Insisting that justice is a matter of an agent's disposition is a challenge to those who argue that justice, for Smith, is a matter only of action. I argue that punishment for injustice is a matter of action, but that is because certain acts reveal the lack of the disposition to hold oneself accountable to others in prospect. Injustice discloses that one is (conceptually prior to the act) unjust.

My reading of Smith opens into a puzzle: because he charges the sovereign with the duty of enforcing the practice of this virtue it would seem that he is granting the power to the state of shaping the orientation of people's souls and that is very implausible. It is, however, simply a fact that Smith argued that opening people to social practices of accountability (i.e. freeing them, opening sites of competition) causes them to develop the disposition to regard themselves as mutually morally accountable. That is, in essence, the state or a set of legal arrangements can bring about the disposition of justice simply by freeing people and guaranteeing equality of legal status. Included in that argument

about social accountability causing the disposition of justice is my interpretation of Smith's response to the problem that plagues modern moral philosophy: why be moral? He gives a response to that question that is very much like T.M. Scanlon's 'justifiability to others.' Again, this is a stunning finding and, I believe, this way of putting it is original to me.

Chapter six marks the beginning of the second half of the dissertation. In that chapter I describe the problem of moral hazard that drives Smith's discussion of religious establishment. A king, to simplify, establishes a clergy so as to embellish his coercive force with their persuasive power. The clergy, however, insulated from the need of maintaining their popularity cease performing this function. Under protection of establishment they follow their calling and become sophisticated theologians, and poor preachers. This gives market space to religious upstarts who criticize this clergy. The established clergy then demand the king persecute the upstarts. The established clergy still have some leverage over the king, so he jails, outlaws, even kills these upstarts. This deepens the unpopularity of the clergy and the king and radicalizes dissent. The polity descends into civil war. Smith described this as a general phenomenon that the contemporary rise of the Methodists exemplified, but pointed out that the Methodists, because they were internal to the Church, were unlike previous religious upstarts—they could be used to renew the regime before it breaks. This chapter, that is, contextualizes Smith's writing on religious establishment and poses the problematic that the holder of secular power faces when, as has happened in England, the established clergy have given themselves up to indolence.

Chapter seven works through the text virtually sentence-by-sentence (here I encourage use of the appendix) to explain Smith's references to various ideas like the nature of mendicant orders and the funding that is issued by what he calls 'independent provision.' There is a mass of detail here, but what emerges is that Smith approves of the activity of the Methodists because they were, on John Wesley's direction, performing an *ad fontes* renewal of the regime. If the established clergy, thus, wanted

the king to persecute the Methodists he could deny them this indulgence because the Methodists were not posing, and knew it was strategically short-sighted to pose, a political threat. Because of the character of Methodism, and explicitly on Machiavelli's advice, the king ought to do all he can to permit them to continue their field- and lay-preaching. If the established clergy complain, then, on Hume's advice, the king ought to, as Smith quotes him, 'bribe [their] indolence.' Smith, contrary to what all commentators have believed, endorses what I call Hume's noble bribe. This is a dramatic re-reading of Smith on establishment but is carefully textual (and contextual). That is, I manage to prove my claims by working out Smith's references; my interpretation easily follows. This robustly supports my argument that Smith is an antidisestablishmentarian because he prioritizes order.

Chapter eight then addresses the argument that has attracted virtually all the attention there has been on Smith and religious establishment. Smith endorses what many call a marketplace of religion. It is this argument that many, quite insupportably, call an argument for the disestablishment of religion. It is nothing of the sort. It is a plan for the *non-establishment* of religion. He explains that it is not possible to disestablish a religion without provoking its re-establishment. He begins the crucial paragraph by marking a difference between places that have had established religions and those where they never have. If they have never had an established religion, then even if some new political arrangement arises they ought to continue to resist establishment. If they resist then it will have good effects, in particular, it will avoid the incentive trap of establishment and preserve or secure order. That is, he does not ground his argument for non-establishment in liberty, or equality, or anything much beyond its tendency to secure order. However, order will be secured because, as his causal story explains (liberty begets justice begets order), the Americans were in a condition of liberty.

Chapter nine argues that Smith was not doing anything like proposing an elaborate thought experiment about a land where politics and religion had never been aligned, but was directly describing America. His reference to Pennsylvania is key evidence of this, but it is anyway the case that we should

expect, as a realist (see: chapter four), Smith to direct his arguments to specific contexts. In each case of his discussion of different establishments—in America, in Scotland, in Switzerland, and England—he tailors his constitutional proposals to existing ones. He was not *proposing* a marketplace of religion, he was recognizing *the existence of one* in Pennsylvania and telling us that it had secured good peace and order. Tomasi is wrong that Smith was the 'radical' in being an economic imperialist or something of this sort. He simply was open to investigating what was already working to keep the peace.

The big mistake that scholars have made is to be drawn immediately to the argument about the so-called marketplace of religion. It is so obviously, to them, Smithian because they associate him with markets and not politics. Instead, he was a careful reader of, broadly conceived, existing constitutions.

Even if parts of the Halévy Thesis are less well-supported than they at once seemed, the general place of Methodism as a variable within the political stability of England is well recognized:

> There is now widespread agreement…that the remarkable growth of evangelical Nonconformity in the period 1790-1830 substantially undermined the Established Church, religious deference and traditional systems of dependency which had been at the heart of the old order in Church and State.[44]

As I show, this was very much Smith's aim, and as I show from their correspondence, aiming at this was perhaps Smith's tribute to his great friend Hume. Endorsing Hume's noble bribe sated Hume's childish sense of humour while serving his political, social, and religious commitments. It is a masterwork of political engineering and bested, in the greatest tribute imaginable, his dear friend Hume.

What we can say of Smith's political theory is that it combined, as Josiah Ober has written, a normative theory of important values, positive political theory in the management of our adoring

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[44] David Hempton, *Religion and Political Culture in Britain and Ireland*, (Cambridge: Cambridge University Press, 2010), 33.

obedience to the powerful, and historical reasoning that linked one constitutional change to what was available as existing norms in a prior constitution. Ober expands on the approach this way:

> …first, normative political theory. The normative theory employed here is concerned with what we require, as human beings, in order to flourish…and how we might go about securing it. Next is positive political theory that is concerned with analyzing strategic behavior to explain how problems of collective action might be solved such that the social order is at once stable and adaptive…Third is historical reasoning that is aimed at tracing changes over time in the dynamic relationship of norms to institutions and social behavior.[45]

Ober is here arguing for the way in which twenty-first century theorists ought to proceed and it is a demanding task to be sure. We tend, of course, to specialize on one of these three approaches and thus—in good faith—we read and are critical of that part of another's work which passes across our speciality without appreciating the unique advances that could be made by joining our specialty with another. This is the challenge for the historian of political thought reading Smith: because he proceeded in Ober's three-fold way, interpreting Smith requires some ability to reconstruct the normative, the positive, and the historical, and to see that it is their combination that makes for compelling political theory. I have tried to do this.

[45] Josiah Ober, *Demopolis: Democracy before Liberalism in Theory and Practice,* (Cambridge University Press, 2017).

Abstract

This chapter focuses on David Hume (1711-1776) and his work on convention and contract theory. It focuses on Hume, but this functionally introduces Adam Smith (1723-1790) because we know that he agreed with Hume against contract. We know also that Smith's use of the idea of sympathy builds from Hume on convention by—as I show in chapters two and three—objecting to Hume. In short, this chapter introduces the starting points of Smith's political theory by presenting Hume's. I am then able, in the next chapters, to newly cast Smith's familiar disagreements with Hume on sympathy and approvals as occurring within political theory.

If that is the purpose, then the argument of this chapter is the following: Hume's account of prepolitical conventions displaced state-of-nature thought experiments and this made the value of contract theory (more of) an open question. When the state of nature, especially Hobbes's, stood out as *the* problem to be solved, or as *the* crucible in which to test one's political theory, contract theory seemed like it had to be the correct answer to our problems. People in anarchic chaos ought to *agree* to end it. On the contrary, Hume argued. Trying to *agree* is what brings chaos into that anarchy. It was by proceeding *without* asking for agreement that made the anarchy orderly.

Uses of contract theory in the vulgar political rhetoric of the day benefitted the more consent to leave the state of nature seemed like it surely had once happened: 'We, us brothers, had consented in time out of mind to become who we are.' This, Hume believed, was dangerous political rhetoric, so he skewered it, mocked it, and embarrassed it, by showing that this Whig idea was as authoritarian as the Tory doctrine of passive obedience.

This is to say that Hume, and Smith would follow him in this, brought his best philosophy into the most important political debates. His philosophy, though perfectly abstract and sometimes recondite, odd, elaborate, redirected political philosophy to the here and now. Doing philosophy to press political theory to be more concrete is one part of political realism.

Chapter 1

'Coarse Clay' Political Realism: 'Oblique Strategies'[46]

> And thus I have brought to an end my Discourse of Civil and Ecclesiastical Government, occasioned by the disorders of the present time, without partiality, without application, and without other design than to set before men's eyes the mutual relation between protection and obedience, of which the condition of human nature and the laws divine…require an inviolable observation.[47]
>
> -Thomas Hobbes, "A Review and Conclusion."

> Nothing appears more surprizing to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers. When we enquire by what means this wonder is effected, we shall find, that, as Force is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular.[48]
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> -David Hume, "Of the First Principles of Government."

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[46] I take the name from a stack of cards designed by Brian Eno and Peter Schmidt. Use of the term "oblique strategies" in the body of the chapter is entirely my own. Sean Albiez and David Pattie, *Brian Eno : Oblique Music*, (New York: Bloomsbury Academic, 2016).

[47] Thomas Hobbes, *Leviathan: With Selected Variants from the Latin Edition of 1668*, ed. Edwin Curley, (Indianapolis: Hackett Publishing Company, 1994), 496.

[48] David Hume, "Of the First Principles of Government," *Essays Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis: Liberty Fund, 1987), 32.

Introduction

These two quotations broadcast strikingly different philosophical accomplishments. Thomas Hobbes (1588-1679) had a theory of will, motivation, and obligation that could settle disorder; David Hume (1711-1776) had a theory of the emergence of convention that could explain why there was so little disorder to settle. At the centre of Adam Smith's (1723-1790) political thought sits an unsettling analysis of the source of, as Hume put it, the 'easiness with which the many are governed by the few' as *itself* a cause of Hobbesian 'disorders.' Easy obedience corrupts us and the powerful. The presentation of this idea will span the dissertation, but it begins here, with figures that Smith was inspired to disagree with.

As different as Hobbes and Hume are each took disobedience and disorder to be a problem that was solvable by giving subjects a reason to obey an authority. They each oriented their political theories towards obedience. Independent of the merits of their justifications of obedience, what Smith opposed was the direction of this orientation. The existence of a practical authority under which people could at least exist was a good, but the attempt to gild this lily either with modern contractarian or Humean rule-utilitarian principles would hasten its end.

Throughout his work Smith reasoned, as Peter Stein puts it, in a "neo-Machiavellian manner" about the cycle of regime collapse and renewal.[49] In lecture Smith rehearsed the history of different types of "government" and told his students that each type "seems to have a certain and fixed end which concludes it."[50] In later chapters I will return to this apparently humanist or republican streak in Smith, but in these opening chapters I intend to first establish how and why Smith explicitly turned back to someone like Machiavelli on cycles of regimes when he discussed the question of religious establishment. Smith's 'Machiavellian moment' came when he feared the English design of church

[49] Adam Smith, *Lectures on Jurisprudence.* ed. R.L. Meek, D.D. Raphael, and P.G. Stein, *The Glasgow Edition of the Works and Correspondence of Adam Smith*, (Oxford: Clarendon Press,1978), 316–18.
[50] Ibid, 238.

and state was about to collapse. He reached back to Machiavelli, and past the contractarians, because, by giving a motivation to obey, modern theories of obedience/authority speed the collapse even of the very regimes they compellingly recommend. When he did revive humanist themes of cycles of regimes it was not to foreground themes of luxury and the decay of the virtues, but to diagnosis the problem of servile submission to authority that, despite its ambitions, modern political thought and the burgeoning appeal to cultural nations as self-rulers was encouraging. Smith was critical of early modern political thought and recalling humanist themes amounted to an innovative incorporation of what we would now call political science into normative political theory.

At the root of Smith's political thought is his theory of the psychological tendency we, enough of us, enough of the time, have to awe at the powerful and to despise the weak. It was this tendency that, for Smith, was the source of 'the easiness,' as Hume put it, 'with which the many are governed by the few.' This psychology powerfully motivates us to establish and to over-submit to authority in a way that constantly undermines justice by permitting the cruel excesses of the powerful. With Stephen Darwall we should identify this divide between awe at the powerful and malign neglect of the weak as a tense balance at the centre Smith's politics: "he had a detailed appreciation of the conflicts between an order of honor and one based on equal respect."[51] Easy submission to practical authority made many goods possible, but it was a constant source of injustice. In later chapters I will call the underlying psychology *the fundamental fact of politics*.

Our zealous submission to the powerful easily establishes authority but it is also the source of cycles of civil war. The very 'easiness' of our submission would corrupt our king. In time our servile submission to the king would shift—see-saw—and become servile submission to the revolutionary. The same principle of awe at the powerful and disgust of the weak would radically elevate the

[51] Stephen Darwall, "Smith's Ambivalence about Honor" *Honor, History, and Relationship: Essays in Second-Personal Ethics II*, First edition (Oxford: Oxford University Press, 2013), ch. 2.

revolutionary and lower the king. We submit with corrupting servility not to the monarch, the president, or the prime minister but *to the powerful*, whether king or revolutionary. This generates a cycle of corruption, decay, and collapse.

On Smith's analysis, the more secure the king's coercive rule became by being embellished with the persuasive force of an established clergy the greater would be the corruption of each. Hobbes's fusion of persuasive religious with coercive secular power in the interest of stability was, as we shall see in the second half of the dissertation, self-defeating. Hobbes's errors of statecraft lay in the microfoundations of his theory, microfoundations I show, in chapters two and three, Smith comprehensively objecting to. These errors lay largely, as I explain in chapter two, in what Smith called Hobbes's "self-love" "principle of approbation," in other words, his egoism.[52] The roots of all this are planted in this chapter.

It is a disaster to try to make practical authority any more attractive than we already find it. Normative political theory and statecraft ought not to justify but instead offer *resistance* to our rash and wheeling obedience. With this claim Smith opposed both Hume and Hobbes and developed an alternative realist political theory. Smith could only do this, however, because of work Hume had done on pre-political conventions. In this chapter I describe the parts of Hume's work that set up core ideas in Smith. As the next chapters show, Smith's *disagreements* with his close friend and virtual collaborator Hume were nearly as productive as his agreements.

In lecture Smith fully agreed with and capably rehearsed Hume's criticisms of contract theory, a theory Smith associated mainly with "Locke."[53] Devoting this chapter to Hume on convention and his opposition to contract is thus simultaneously a way to introduce Smith's thinking. The charge against contractarian theory that Hume made was that it was sold as a theory of free consent to

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[52] Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie, *The Glasgow Edition of the Works and Correspondence of Adam Smith* (Indianapolis: Liberty Classics, 1982), 316.
[53] Adam Smith, *Lectures on Jurisprudence*, 316–18.

obedience while, *sotto voce*, defining dissent as a special case of consent. Dissent was always culpably imprudent or heteronomous; it could never register as a legitimate challenge to authority. Hume paired his Whig-deflating essay "Of the Original Contract" with the Tory-mocking "Of Passive Obedience" in order to show that these apparently opposed doctrines amounted to the same thing: authoritarianism. The contract doctrines, because they impute consent to citizens allow, as Jacob T. Levy puts it, no "critical space between the self and the state."[54] As contractarianism developed with Rousseau its terms came to demand self-rule. All of this was encouraging us, like the people turned toward the sovereign in Hobbes's frontispiece, to "worship" the holders of power including by means of a civil religion.[55] It is, as I show in the next two chapters, Smith's reasoned opposition to this nervous modern style of obedience that completes my description of *why* Smith opposed much of the method of modern political thought. On this score, Hume's rule-utilitarian theory of obedience committed the same kind of authoritarian error that Hume located in contractarian theory.

One of the dangerous political facts that Smith had to reckon with was the easy *persuasiveness*, not to say populism, of modern theories of obedience. By building his ideas of conceptually prepolitical moral norms—the subject of the next two chapters—on top of Hume's analysis of conventions Smith could confront contract theory by describing civil society as a site of stability though not of sovereignty. Civil society was not something tensely "held together by sovereign power,"[56] nor was it its own kind of sovereign. Smith needed Hume's advances on convention to be able to find society prior to political authority. Hume was able to explain society without inertly invoking sociability. Once this was done the question of the best political form came to be much more

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[54] Jacob T. Levy, "Political Libertarianism," in *The Cambridge Handbook of Classical Liberal Thought*, ed. M. Todd Henderson, (Cambridge: Cambridge University Press, 2018), 165.
[55] Adam Smith, *The Theory of Moral Sentiments*, 62.
[56] Charles Taylor, "Invoking Civil Society" in *Philosophical Arguments*, (Cambridge, Mass: Harvard University Press, 1997), 212.

of an empirical question about what worked for a given society. They, these actual people, would be the judge of that, not a hypothetical (often question-begging) 'the people.'

When Smith wrote that his planned work on jurisprudence would be like the work of "Grotius,"[57] he was reaching back to the Dutchman and *past* Hobbes because, as Charles Taylor describes Hobbes, "[t]his [appreciation for the independent existence of society] is the feature of contract theory that Hobbes wanted to suppress."[58] In reaching back to Grotius Smith was also, *pace* Paul Sagar, bypassing Locke.[59] Grotius did not have an "atomist contract theory," but an evolutionary story of shared meanings that lead to contracting.[60] The political society that Locke imagines as one step removed from the state of nature is uniform and is conceived to act as a unitary actor in creating political authority. For Smith, civil society *qua* political actor both is and perhaps ought to be internally pluralistic. To suppose civil society, as a whole, could act as a single agent is to confuse it for something else *in order* to sell political rule as self-rule.

Finally, the upshot of Hume's philosophical work on convention and popular mockery of vulgar contract theory was to encourage political theory to work in the political here and now. Taking certain arrangements of power for granted in one's normative political theory need not be question-begging. The state of nature was not a clean slate. It was rigged to deliver consent. Hume and then certainly Smith self-consciously, and on the basis of meta-political philosophic commitments, wrote about 'our' politics—where I use the first-person plural in the a) conspicuous and b) deliberate way Smith does to signal the bounds of his claims. In the course of doing all this I touch on some of the on-the-ground political motivations behind Hume and Smith's political theory. In particular, the

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[57] Smith, *The Theory of Moral Sentiments*,, 341.
[58] Taylor, "Invoking Civil Society," 212.
[59] Sagar would seem to contest Taylor's description of Hobbes here: Paul Sagar, "Of Mushrooms and Method: History and the Family in Hobbes's Science of Politics," *European Journal of Political Theory* 14, no. 1 (January 2015): 98–117.
[60] Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, Mass: Harvard University Press, 1989), 193.

Jacobite rebellion of 1745, the Gordon Riots of 1780, and the rise of the Methodists are, I hold, underappreciated influences on Smith's political thought. I simply mention this here, but each will return in later chapters.

To outline: I begin with a simple account of Hume on convention (1.2 Hume on Convention). This is intended to establish a critical connection to state-of-nature theories and the kind of social theory the Scottish Enlightenment is known for. After that I describe Hume's attempt to cast contract theory as authoritarian in order to interrupt the politics of his day (1.3 The Rhetoric of an Original Contract). These two sections are about connecting Hume (and Smith) back to a figure of high political philosophy (Hobbes) and stage-setting for Smith's own political theoretical interventions. Finally, I describe how Scottish social theory, which the analysis of prepolitical convention is both a part of and the ground for, counts as an objection to imperialistic contract theory (1.4 Invoking Civil Society).

1.2 Hume and Conventional Life

In the closing sentences[61] of *Leviathan,* Hobbes artfully remarks that he "cannot think" that his work will be "condemned…by any that desires the continuance of public peace."[62] After all, his theory was "occasioned by the disorders of the present time"[63] and was honorably dedicated to ending them.[64] Hobbes had not needed to reason abstractly in order to identify a problem at the heart of politics as it was: the English Civil Wars were a hell.

He had aimed to justify a form of 'Civil and Ecclesiastic Government' that was both a solution to present tumult and a means of preventing future collapse.[65] The philosophical, moral, political,

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[61] Controversy about the meaning of the "Review and Conclusion" and the nature of Hobbes's rhetoric in it is discussed here: Kinch Hoekstra, "The de Facto Turn in Hobbes's Political Philosophy" in Leviathan after 350 Years ed.Tom Sorell, and Luc Foisneau, (Oxford: Oxford University Press, 2004).

[62] Hobbes, *Leviathan*, 497.

[63] Ibid.

[64] Jeffrey R. Collins, *The Allegiance of Thomas Hobbes* (Oxford University Press, 2005), 119; Jeffrey R. Collins, "Interpreting Thomas Hobbes in Competing Contexts," *Journal of the History of Ideas* 70, no. 1 (2009): 165–80.

[65] Quentin Skinner, "Conquest and Consent: Hobbes and the Engagement Controversy," in *Visions of Politics* (Cambridge; Cambridge University Press, 2002): 287–307.

ecclesiastical, and theological ambition of *Leviathan* far exceeds what he admits in this quotation, but it remains true that he did devote his immense intellectual powers to the noble and elusive goal of carrying a fractious people into a state of civil peace by means of philosophical argument. He has a right to broadcast this fact.

This is *why* Hume's description of the philosopher's 'surprize' at 'the easiness with which the many are governed by the few' functions as a churlish deflation. He is sneering at august contractarian political philosophy: how elusive is civil peace and tranquility, *really*? How much skill or *virtù* does it take, *really*, to get people to obey? *Only a philosopher* thinks consent to authority is hard to motivate or model. Some original people somewhere submitted to something and there isn't much to be taken from the submission itself.

In his popular essay "Of the Original Contract" (1748) Hume punctures the high-minded constructivist conceit of contractarianism,[66] shrugging that "[t]he conditions, upon which [men in the state of nature] were willing to submit, were either expressed, or were so clear and obvious, that it might well be esteemed superfluous to express them."[67]

What had made the terms of the contract so clear and obvious? Like the type of marriage contract that arises only because of the success of prior courtship, the type of consent to a contract that Hume imagines is caused, *determined,* by a reflection on past practices. It would be rational to consent because of that history, not because of the structure of rationality itself. The terms of the contract would have been 'clear and obvious' because its terms were descriptive of what had worked to keep the peace and secure some good among these people.[68]

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[66] Though I disagree with some of his conclusions, Gauthier neatly distinguishes types of contractarianism Hume opposed, and others he accepted. David Gauthier, "David Hume, Contractarian," *The Philosophical Review* 88, no. 1 (1979): 3–38.

[67] David Hume, "Of the Original Contract," in *Essays Moral, Political, and Literary*, 468.

[68] See: Jacob T. Levy, "Against Fraternity," in *The Strains of Commitment: The Political Sources of Solidarity in Diverse Societies*, ed. Keith Banting and Will Kymlicka, (Oxford; Oxford University Press, 2017), 121.

Hume could be playful with the contractarian tradition of philosophy because in Books II and III of the *Treatise* (1739) he had bested all his forerunners in analyzing (pre-political) conventions.[69] Conventions are states of actions that are done, Hume writes, "in concurrence with others" with a regularity such that they develop "into a general plan or system of actions, which tends to public utility."[70] Reasoning "free from the fictions of self-evident laws"[71] his analysis accepted some Hobbesian assumptions—indeed, Hume's *Treatise* may have been, as Paul Russell has argued, "modelled, or planned, after that of Hobbes's *Elements of Law."*[72] He accepted Hobbesian assumptions in order to weaken Hobbes's arguments about the state of nature as socially hopeless.

Common interests could be advanced via convention and these could arise without promises to establish a foundation for these in third-party authority. This picture of emergent order was meant to embarrass the messianic voluntarism underlying the idea of a transformative contract. By showing that social order was possible without imperious design Hume had powerfully undermined the idea, in Karuna Mantena's words, of high "politics as the organizing force of society, the source of social cohesion."[73] Smith would challenge Hume on the details of social cohesion by explaining the development norms of feeling, but he built from Hume's advance.

In her classic study, Jean Hampton describes the reasoning that formed the basic frame of the Hobbesian problem of exit that Hume confronted with his analysis of conventions:

> many people fail to appreciate the long-term benefits of cooperation and opt instead for the short-term benefits of noncooperation, and the rest are legitimately fearful enough of this short-sightedness afflicting their partners to doubt that cooperation would have any educative

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[69] Sagar opens his recent book by noting much the same about Hume: Paul. Sagar, *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith* (Princeton, NJ: Princeton University Press, 2018), 1.

[70] David Hume, *An Enquiry Concerning the Principles of Morals*, ed.. JB Schneewind, (Indianapolis; Hackett, 1983), appendix III.

[71] William C. Charron, "Convention, Games of Strategy, and Hume's Philosophy of Law and Government," *Amerphilquar American Philosophical Quarterly* 17, no. 4 (1980): 327.

[72] Paul Russell, "Hume's Treatise and Hobbes's the Elements of Law," *Journal of the History of Ideas* 46, no. 1 (1985): 51; Paul. Russell, *Riddle of Hume's Treatise: Skepticism, Naturalism, and Irreligion*, 2010.

[73] Karuna Mantena, "Social Theory in the Age of Empire," in *Empire and Modern Political Thought,* ed. Sankar Muthu, (Cambridge: Cambridge University Press, 2012), 326.

> effects. This worry could then force even a farsighted person to take a single-play orientation, with the result that the uncooperative action would dominate.[74]

This gives the prudential ground of the Hobbesian sovereignty-covenant, but the strategic hurdle—known to us as the problem of exit—between the state of nature and any sovereignty-covenant remains.[75] The difficulty of the problem of exit—how to get any cooperation at all when defection is the dominant strategy/how to model enough defection so that cooperation is a non-trivial precept—is part of what makes Hobbes's state of nature so frightening and his solution to it just comforting enough. No doubt Hobbes himself intended to use fear of the state of nature to motivate obedience to *existing* authority and so was not particularly concerned to solve the problem of exit, but Hume was.

Hume admitted that our pursuit of what we regarded as our self-interest brought us into conflict. It did so because of an asymmetry between the motive to promote our present versus our remote self-interest. There was no *direct* escape from this: "[m]en are not able radically to cure, either in themselves or others, that narrowness of soul, which makes them prefer the present to the remote. They cannot change their natures."[76] We have a propensity to "breach" the principles of "equity" in favour of our short-term interest and this "seems, on a cursory view, to be incapable of remedy." This is because, as the problem of exit has it, the "remedy can only come from the consent of men," but "they will never consent" to the rules that promote an interest that is greater but "remote."[77]

Establishing a key plank of what is distinctive of the Scottish Enlightenment Hume posed a kind of paradox of contractarianism, akin to Bishop Joseph Butler's paradox of hedonism[78]—an

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[74] Jean Hampton, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1990), 81.

[75] See: Barbara H. Fried, "'If You Don't Like It, Leave It': The Problem of Exit in Social Contractarian Arguments," *Philosophy & Public Affairs* 31, no. 1 (2003): 40–70.

[76]David Hume, *A Treatise of Human Nature: Volume 1* ed. David Fate Norton and Mary J. Norton,(Oxford: Oxford University Press, 2007), 344.

[77] David Hume, *A Treatise of Human Nature*:, 343.

[78] Hume appears to repeat Butler's claims here: "In the same manner there are mental passions by which we are impelled immediately to seek particular objects, such as fame or power, or vengeance without any regard to interest." (EPM App. 2.12 / SBN 301) David Hume, *An Enquiry Concerning the Principles of Morals.*

argument Hume knew well.[79] The idea was put in its most eloquent form by Adam Ferguson. Much is achieved, Ferguson wrote, in perfect "blindness to the future."[80] In fact it is common for "nations to stumble upon establishments which are indeed *the result of human action, but not the execution of any human design* [my emphasis]."[81]

Butler had made his argument against the hedonistic version of psychological egoism that reduced all motivation to a self-regarding desire for pleasure. Pleasure, on the contrary, derives from regarding something other than pleasure as intrinsically good, or fun, or beautiful and so on. Pleasure could not be the only thing regarded as intrinsically good; to experience pleasure one had to derive it from the enjoyment of some other activity or thing as intrinsically *enjoyable*. One could not get pleasure if all the things one can actually do are only means to pleasure and not, in themselves, enjoyable. To get pleasure one must aim at things external to, or other than, pleasure. I receive pleasure from playing backgammon, for instance, because I like *it*. Backgammon can't deliver pleasure if it is despised as a pastime and played *only* as means to pleasure. If played without any relish for its properties backgammon will not supply pleasure. This suggests, even to a hedonist, an oblique strategy of getting pleasure *indirectly* by *directly* pursuing actions, events, or goods. I indirectly promote my own pleasure by directly intending to play a game I like, backgammon. If we can have aims other than pleasure to ourselves, then egoistic psychological hedonism is false.

It is just false that in all our actions we always aim at experiencing pleasure. If we did so aim we would experience less of it than we apparently do. As Butler put it, "a person may have so steady and fixed an eye upon his own interest…as may hinder him from *attending* to many gratifications within

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[79] For problems with that argument see: "In his Fifteen Sermons Preached at the Rolls Chapel" Butler offered a alluringly counter-intuitive argument against "Hobbesian egoism" that, Erin Frykholm writes, "fundamentally change[d]" the debate about egoism and hedonism. Elliott Sober, "Hedonism and Butler's Stone," *Ethics* 103, no. 1 (1992): 97–103.
[80] Adam Ferguson, *An Essay on the History of Civil Society* ed. Fania Oz-Salzberger, Cambridge Texts in the History of Political Thought,(New York, NY: Cambridge University Press, 1995), 119.
[81] Ibid

his reach."[82] This kind of insight about oblique strategies—the possibility that aiming at one thing in order to better get another—echoes across the writers of the Scottish Enlightenment and has its most famous expression in Smith: "he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention."[83]

In what I am calling Hume's paradox of contractarianism, it will be key for state-of-nature folk caught in the problem of exit to refrain from explicitly mentioning a self-constraining obligation: let human action accomplish what human design never could. Speaking about the contract would count as a *direct* strategy for peace. Mentioning (or modelling them as mentioning) a binding agreement to another is likely to trigger a cascading train of strategic thinking ending in defection. One can spot the insight in Hume's famous depiction of rowers.

> Two men, who pull the oars of a boat, do it by an agreement or convention, *tho' they have never given promises to each other*. Nor is the rule concerning the stability of possession the less deriv'd from human conventions, that it arises gradually, and acquires force by a slow progression, and by our repeated experience of the inconveniencies of transgressing it. On the contrary, *this experience assures us still more*, that the sense of interest has become common to all our fellows, and gives us a confidence of the future regularity of their conduct. [my emphases][84]

The rule 'arises gradually.' It is the very precarity of the process—one could stop rowing at any time without great individual cost—that makes *the rowing* a clear signal of intentions, a credible commitment, and 'assures us still more' of future cooperation than direct talk of commitment ever could. Talk *of* the undertaking would probably undermine it. To be successful the rowers need to aim at getting across the water not at *promising* to row in any particular pattern or rhythm. Like an awkward comment on how well a date is going, the interested convention would be undermined by having us focus

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[82] Joseph Butler, *Five Sermons, Preached at the Rolls Chapel and a Dissertation upon the Nature of Virtue,* (Hackett Publishing, 1983), 49.
[83] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations,* (Indianapolis : Liberty Classics, 1981), 456.
[84] David Hume, *A Treatise of Human Nature,* 315.

directly on *it*. Contractarians frighten us by appeal to the zero-sum strategies that follow from the assumption that we would need to be talking about contracting.

Convention, Hume wrote, derives from "a sense of common interest; which sense each man feels in his own breast, *which he remarks in his fellows*, and which carries him, in concurrence with others, into a general plan or system of actions [my emphasis]."[85] The sense of common interest is depended upon but it remains unsaid. A verbal commitment to act focusses attention on *this* signal—the words. Signal, instead, your desire to get to the other side by *rowing*. An oblique strategy in aims is recommended: to receive reliable rowing help from your companion aim at rowing across the river and not at convincing the other rower to agree to row in time with you. By directly aiming at rowing across the river one indirectly accomplishes the goal of getting the other rower to commit to rowing. No doubt it is the *fact* of common interest that simply gets you the convention without needing any of this thinking about intentional signaling, oblique, or direct, but I want to raise the thought that one *type* of signaling, a verbal commitment, is the one we immediately think we would need and it is especially likely to undermine the convention. David Lewis makes a similar point about the folly of directing attention *at* the convention rather than at its effects: "If asked whether something is a convention we might give a snap judgment instead of evaluating our evidence; so we might get the wrong answer."[86] Don't ask 'has this man agreed to row with me,' but 'is this working to get me across the river?'

Though Hume's (political realist) aim is to encourage political thought to be responsible to *in vivo* political psychology he manages to support that way of doing political theory within the epistemic limitations the state of nature conceptually imposes—the people in the state nature need not be aware

[85] David Hume, *An Enquiry Concerning the Principles of Morals*, appendix III.
[86] David K. Lewis, *Convention : A Philosophical Study*, (Wiley Blackwell, 2002), 126.

of, nor undertake oblique strategies.[87] Russell Hardin puts it plainly: Hume had a "far better theoretical grasp of the strategic structure of small-scale social relations" than Hobbes did.[88]

Smith, as we will see, would develop sophisticated extensions of the effects of "the discipline of continuous dealings" by introducing the role of projective empathy in securing conventions and social norms, but Hume had established that research program.[89] Hobbes had posed the problems; Hume had solved them.[90] This was an achievement, Hume knew it, and he had a right to broadcast that fact.

One political-philosophical upshot of Hume's strategic analysis is methodological. It de-centers prepolitical testing grounds for normative political arguments. What would such a state-of-nature people agree to? Nothing. They would however do and accomplish quite a lot. This non-moral coordination does not normatively ground what they do accomplish as absolutely as what they would agree to, *en bloc*, might. Hume's people—and this is a good thing—can reflect on their conventions as things that worked more or less well. Methodologically, we are invited to evaluate, for instance, private property by asking whether it made our lives better or worse, as opposed to accepting or rejecting a contract that would absolutely bind us to observing its rules about property on the basis of its pure rationality. Such a contract is biased to the legal form of the sovereign state, whereas there is no such affinity between conventions and any particular political form.

The more immediately important upshot of Hume's analysis of conventions is its ability to undermine the way contract theory can impute consent to living people. Contract theory had been sold as a theory of free consent while always explaining this consent as a mere rational entailment of

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[87] Keith Hankins and John Thrasher, "Hume's Politics and Four Dimensions of Realism," *The Journal of Politics* 84, no. 2 (April 1, 2022): 1007–20.
[88] Russell Hardin, *David Hume: Moral and Political Theorist,* (Oxford: Oxford University Press, 2007), 218.
[89] Gordon Tullock, "Adam Smith and the Prisoners' Dilemma," *The Quarterly Journal of Economics* 100 (1985): 1073–81.
[90] Jean Hampton, "The Hobbesian Side of Hume," in *Reclaiming the History of Ethics: Essays for John Rawls*, edited by Andrews Reath, Barbara Herman, and Christine M. Korsgaard, (Cambridge: Cambridge University Press, 1997), 66–101.

one's predicament. His analysis undermined the overwhelming motivation to a social contract that theorists derive from posing the state of nature as insufferable while posing the contract as powered by free consent.

In the next section I describe these findings as part of his criticism of contract theory as authoritarian. Hume made this accusation about contract theory in reference to actual political-party-level claims. Finding this objection to contractarianism in everyday politics will help to establish the idea that Hume and then Smith were motivated to do realist political theory because daily events, big and small, seemed to be heading towards a return to the civil wars of the previous century.

1.3 The Rhetoric of an Original Contract

Hume's rhetorical show of calm confidence about political order was calculated to mock contractarianism, but he did so because of an anxiety about his own political order. Especially in its vulgar uses by Whig activists, the dramatic doctrine of the original contract, with its appeal to unanimity, authenticity, and tacit consent, is pernicious to the benefit there is to be had in political community. This style of opposition to contractarianism is mostly about, as Eric Schliesser describes, "the relationship between systems of thought and inductive risk."[91]

It was contractarianism itself, not Hobbes's unique suppositions, that made Hume suppose that "Hobbes's politics are fitted only to promote tyranny; and his ethics to encourage licentiousness."[92] In Hobbes the authoritarian consequence of contract theory, its need for the imputation of consent, was openly admitted whereas Locke had disguised it. Hume wanted to show that the same authoritarian consequence existed in Locke's theory and in Whig practice. It was the

[91] Eric Schliesser, *Adam Smith: Systematic Philosopher and Public Thinker* (Oxford: Oxford University Press, 2017), 3.

[92] David Hume, *The History of England: From the Invasion of Julius Caesar to the Revolution in 1688*, v. 6 (Indianapolis: Liberty Fund, 1983), I came across this quotation in James A. Harris, "Of Hobbes And Hume: A Review Of Paul Russell, The Riddle Of Hume's Treatise: Skepticism, Naturalism And Irreligion,"[1]," *PHIB Philosophical Books* 50, no. 1 (2009): 38–46.

vulgar uses of contract theory that especially troubled him so he aimed to strike at what made contract theory morally appealing: its claim to freedom from self-binding.

In the rhetoric of everyday politics the doctrine of common consent tends to shift our evaluative attention from what a contract to establish authority is good for (common welfare) to the rhetorically powerful fraternal value of all-of-us-agreeing together. Appeal to an original contract thereby ratchets up the stakes of political disagreement by casting the fact of disagreement as entailing one side's open violation of the contract's terms and that fraternity. Such disagreement is describable as an affront to the group. If, on the other hand, acceptance of authority ought to track welfare gains, then disagreement concerns these facts and is naturally describable as a failure to reason properly about one's own good—a disagreement much less likely to trigger violence. Appeal to an original contract that one knows involves a reference back to a mythic original people may then also involve a circumscription of who counts as a citizen amongst *us* now.[93]

When a political party or movement, such as Hume meant to be addressing, rhetorically grounds its political program in contract theory it tends to conceal the part of its program—its schedule of interests—that is most suited to bargain and compromise. They present their program as a take-or-leave-it whole, opposition to which is then seen as a kind of betrayal. High theory becomes pitched populism. The party thereby turns itself from a faction connected by "interest"—"the most reasonable, and the most excusable" type—to a party of "principle," connected by the affirmation of an "abstract speculative principle" about "the true right of government."[94]

It was exactly this kind of argument or set of concerns about any proposal for an "ideal plan[s] of government" that Smith built into *Theory of Moral Sentiments* (1759) in a 1790-addition known as the "man of system" passage. This 'man of system' is "apt to be very wise in his own conceit; and is often

[93] This way of putting it is inspired by: Arash Abizadeh, "On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem," *American Political Science Review* 106, no. 4 (November 2012): 867–82.
[94] David Hume, "Of Parties in General," in *Essays Moral, Political, and Literary*, 59.

so enamoured with the supposed beauty of his own ideal plan of government, that he cannot suffer the smallest deviation from any part of it."[95] Smith emphasizes that this man, now become a 'man of system,' very likely began as an otherwise reasonable and accommodating politician. He is drawn into radicalism by the adoration his party's partisans had for him. The 'man of system,' as Smith tells it, was an ordinary party leader, but, in a phenomenon I return to, the members' *admiration* of him or of his power turned him into a "dupe[] of [his] own sophistry." This party leader, suppose, had read his Locke and endorsed the thinking, generally, but encouraged by the adoration of his crowd he sells the original contract as originally signed by people like his supporters that is now being violated by some identifiable foe. He ends by "refusing all palliatives…all reasonable accommodations."[96] We must have our right restored, come what may.

Party members encourage the leader to cast agreement and disagreement with their platform as obedience or disobedience to some immemorial ideal. Social contracts were handy rhetorical strategies for doing just that. Appeals to original contracts harmfully escalate everyday political disagreement and competition. If some oppose our plan to renew the original contract, then it is up to us—we descendants of the original people—to make the contract binding again.

In attacking contract theory, Duncan Forbes argues, Hume targeted "not only on Whig theory but [also] Jacobite practice: one might say that it bears down on Whig theory because of the possibility of Jacobite practice."[97] It is important to note that throughout Smith's career it was still commonly thought that the Stuarts had "rights not lightly to be set aside."[98] This means, Forbes writes, that "[t]he relevant background [to Hume's essay] is not 1689, but 1715, 1719 and 1745."[99] As James Moore explains, with the paired essays "Of the Original Contract" and "Of Passive Obedience," Hume had

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[95] Adam Smith, *The Theory of Moral Sentiments*, 233–34.
[96] Adam Smith, *The Theory of Moral Sentiments*, 233.
[97] Duncan Forbes, *Hume's Philosophical Politics,* (New York, N.Y: Cambridge University Press, 2010), 93.
[98] John B. Stewart, *Opinion and Reform in Hume's Political Philosophy*, (Princeton: Princeton University Press), 13.
[99] Duncan Forbes, *Hume's Philosophical Politics*, 94.

intended to attack the deployment of "the speculative principles of the Whig[100] and the Tory parties, the principles of the original contract and of passive obedience."[101] The motivation for defusing Whig and Tory principles appears to have stemmed, as William Charron argues, from his "exasperation with the political factions," especially as these broke out in fighting in the Jacobite Rebellion of 1745.[102]

In undermining and displacing the idea of the original contract as something one either consciously obeyed *or* flagrantly violated, Hume sought "to persuade each [faction] that its antagonist may possibly be sometimes in the right."[103]

Lisa Hill has done much to draw attention to the general alarm that "Britain was expanding rapidly in the eighteenth century [and that] because of its increasing prosperity and imperialistic tendencies, writers like Edward Gibbon and Adam Ferguson drew parallels between ancient Rome and contemporary Britain."[104] The Jacobite rebellion of 1745 is the relevant background for much, but far from all, of Smith's politics in part because he "laid out the foundations of his science of man in the courses of lectures on rhetoric and jurisprudence he delivered in Edinburgh between 1748 and 1751."[105] As I discuss in parts across the chapters these lectures established the four-stage stadial theory that became central to the thinking of the Scottish Enlightenment.[106]

In order to draw all manner of affective support for one's program the Jacobite rebellions could be cast as resting on contractarian beliefs about the true original ground of political right while

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[100] Hume's intention is clear in the first lines of "Of the Original Contract": "As no party, in the present age, can well support itself without a philosophical or speculative system of principles annexed to its political or practical one, we accordingly find, that each of the factions into which this nation is divided has reared up a fabric of the former kind, in order to protect and cover that scheme of actions which it pursues" David Hume, *Essays Moral, Political, and Literary*, 465.
[101] James Moore, "Hume's Political Science and the Classical Republican Tradition," *Canadian Journal of Political Science / Revue Canadienne de Science Politique* 10, no. 4 (1977): 809.
[102] William C. Charron, "Convention, Games of Strategy, and Hume's Philosophy of Law and Government," *Amerphilquar American Philosophical Quarterly* 17, no. 4 (1980): 327.
[103] David Hume, "Of the Coalition of Parties," in *Essays Moral, Political, and Literary,* 494.
[104] Lisa Hill, "Adam Smith and the Theme of Corruption," *The Review of Politics* 68, no. 4 (2006): 638.
[105] Phillipson, *Adam Smith: An Enlightened Life*, (New Haven: Yale University Press, (2012), 243.
[106] Ronald L. Meek, "Smith, Turgot, and the 'Four Stages' Theory," in *Smith, Marx, & After,* (Springer, 1977), 18–32.

supporting the sovereignty of a family. Neal Ascheron writes that among the open research questions about the "Forty-Five" is the nature of "the Jacobite 'mentality', with its strange combination of fiery rebellion and almost craven awe of royalty."[107] In the context of the Rebellion, talk of contract or pure origins was *obediently rebellious*. They were dying to rebel to obey a Stuart king. The excitement and romanticism of vulgar contract theory had to be rhetorically defused. It is just this 'strange combination,' as Ascheron calls it, of popular rebellion in favour of an *ancien régime* that Hume seems to capture in his essays on contract and passive obedience.

Contract theory offered an intellectually appealing method of thought and an alluring principle of justification—and this is partly what it made it a political problem. Grounding authority on the "Consent of the Subjects," is as appealing as the fact of actual consent to authority is rare. The contractarian is lead, as Henry Sidgwick put it, either to an unconstrainable doctrine of "tacit undertaking," or to a Rousseauian project that manufactures consent. Sidgwick, here self-consciously rehearsing Hume, writes that "the Ideal lapses into the Customary : and the most unlimited despotism…might claim to rest on free consent…so that the principle of abstract Freedom would lead to the justification of the most unqualified tyranny."[108] This is contract theory as form-fillable with one's ideology.[109]

Hume hoped to make the persuasive appeal of popular consent and contract self-undermining. Contract-thinking, Hume writes, "builds a *tory* consequence of passive obedience, on a *whig* foundation of the original contract."[110] Jacobites were aiming to get submission to a powerful king by finding that the true British self *consents* to total submission. Hume's idea was that the more you liked the premise

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[107] Neal Ascherson, "White Sheep at Rest," *London Review of Books*, August 12, 2021, https://www.lrb.co.uk/the-paper/v43/n16/neal-ascherson/white-sheep-at-rest.
[108] Henry. Sidgwick, *The Methods of Ethics,* (Indianapolis, Ind.: Hackett, 2007), 298.
[109] Charles W. Mills, "' Ideal Theory' as Ideology," *Hypatia* 20, no. 3 (2005): 165–84.
[110] See: Andrew Sabl, "David Hume:," in *Skepticism and Political Thought in the Seventeenth and Eighteenth Centuries*, ed. John Christian Laursen and Gianni Paganini (University of Toronto Press, 2015), 149–76.

of consent, the less you liked the conclusion that consent could be imputed to you. People who were temperamentally drawn to the idea of an original contract would hate the consequence. Thinking in terms of an original contract, he wrote, "carr[ied] the doctrine of obedience to…an extravagant height."[111] This result, Hume supposed, was intrinsic to contractarian thought and was evident as far back in time as "PLATO'S *Crito,*" and Socrates's refusal to flee his fate on the grounds of what he had "tacitly promised" to obey.[112]

The basic problem in contract theory was the obvious one that a generation after that first group consents to the terms of your social contract, you, the contract theorist, are left with a problem: this new group of people never consented and they might use that fact as an excuse when the state aims to coerce them to do or forbear doing something. Free consent to a contract binds the consenter, no doubt. But that ground is what releases the next generation from any duties: they didn't consent. It is because you can *not consent* that makes consent binding. If one begins with Whig claims about free consent one must tell the next generation that it was not really the freedom of the consent, but the morality (or rationality) of what they consented to, that grounds the duty: your present dissent means exactly nothing. It was never the consent, but the rightness of submission that mattered. Or, the state agent contends that it was the morality/rationality of the duty of obedience that made forcing you to obey freeing. That had not been, of course, the *rhetoric* of contract theory.

Hume, as I wrote above, did not doubt that there had been instances of foundational consent to authority that were meaningfully distinct from moments of *submission* to a conqueror. He casts the final moment when a people did actually say, 'yes, to this authority I consent' as a *backward-looking* recognition of what their practices had amounted to. This moment of consent does not have the normative force of a rational maxim derived from the epistemological strictures of a hypothetical

[111] Hume, "Of Passive Obedience,"491.
[112] Hume, "Of the Original Contract," 487.

contract. Consent to 'these things that have worked for us' lacks the kind of universal normativity of a rational principle aimed at by contractarians. If, for instance, I, Ryan Griffiths a person of such-and-such an identity, agree to hire *you*, then it is our identities as this and that person that are bound to the contract's terms. It is not, of course, that people, just anyone, ought to contract precisely as we have.

Hume's (and Smith as he rehearses Hume's points) conception of the contract is of it as a consequence of the experience of a particular group living together peaceably. The contents of the contract derive from a particular experience and thus are not exportable. It is, moreover, not the contracting itself that is revelatory of the nature of political legitimacy, rather it is the fact that life had gone well that made it worthwhile to reflect on what had worked and what hadn't. Consent to continue to live as we are is what indicates, or recognizes, that the authority is legitimate on *other grounds*. We consent because of X, Y, Z. As it sometimes is with a marriage contract, the agreement recognizes rather than creates the goodness of this relationship. The goodness causes the consent, not the other way around. Contract theorists can of course admit all this, but their, or their vulgar followers', rhetoric emphasizes free consent in order to contrast their view with an argument for a certain authority that does not narrate a romantic tale of a natural people consenting.

Hume's depiction of foundational consent was of it as epiphenomenal to what actually mattered: welfare gains. Parties to a marriage contract, often, accept its terms because of their relationship without reflection on the marriage contract's sheer rational force as a demand arising from human relationships. The backward-looking consent to a founding contract gets its force from the specificity, or agent-relativity, of *this* party contracting with *that* party over *this* matter.

Like the position he took on free will and moral responsibility, the founding moment of consent or contract was *determined* to happen by this people's history. It is precisely because of and not in spite of this causal history that this will to establish authority was binding while still *compatible* with

their freedom. It is, on the other hand, the consent that is imputed to subjects that 'causes' consent in a way that coerces it and so undermines its normative force as *responsible* consent.

Imputed consent of people to a regime would seem to remove responsibility from the subjects more than it would bring it upon them. Actually voting in a free and fair election, for instance, brings more—if it brings on any—responsibility upon voters than any prediction about how they, as rational agents, will vote would do. A people who have consent imputed to them from mere argument are not then responsible for the actions their consent is said to authorize, whereas those who had consented because of the force of tradition can be held responsible for what they authorize. These are different causes of the same event: consent to a contract. To be caused to have consent imputed to you by rational force gets a consent that is less binding on you than consent to a social contract caused by the very success of prior arrangements. Free consent is that which proceeds from your character. As Hume stressed with moral responsibility, it was this history and not an isolated action that was the proper site of evaluation.

1.4 Invoking Civil Society[113]

By analyzing conventions Hume aimed to persuade us as Jonathan Wolff writes, that "the social contract theorist over-dramatizes the problem" and that their model of *why* a people might consent "already implicitly accepts" better, more utilitarian (sufficientarian), "non-contractualist… forms of justification."[114] Hume's political theory had no *need* for contract and consent though it could explain how a contract might once have happened. He claimed, as Andrew Sabl explains, no more than that "authority is based on mutual advantage, and ceases when it no longer promotes that end."[115]

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[113] Taylor, "Invoking Civil Society."

[114] Jonathan Wolff, "Hume, Bentham, and the Social Contract," *Utilitas* 5, no. 1 (1993): 90.

[115] Andrew Sabl, "David Hume:," in *Skepticism and Political Thought in the Seventeenth and Eighteenth Centuries*, ed. John Christian Laursen and Gianni Paganini (University of Toronto Press, 2015), 154.

Though there are grounds for this philosophy in Hugo Grotius's writing, Hume's work marked the beginning and Smith, under the added influence of Montesquieu's writing, extended what Karuna Mantena identifies: "social theory [emerged as a] substantive critique of political philosophy…Implicit in the logical priority claimed for the social was a substantive claim for preeminence as well."[116] In particular, Smith vehemently denied the political revolutionary's dream that centralized "politics [i]s the organizing force of society, the source of social cohesion."[117] This was, on the contrary, the 'man of system's way of thinking. As Smith writes, such a man "does not consider that [the objects of his reform have] a principle of motion of [their] own," independent of what his "ideal plan of government" presupposed.[118]

These reflections strike at one axis of denial that Smith has a political theory. This has come from Sheldon Wolin who associated Smith with the rise of the social, and so the diminishment of the political.[119] Mantena demurs:

> But to construe the specificity of social theory wholly in methodological terms would be to miss its substantive critique of political philosophy – especially of eighteenth-century political thought and the distinctive politics that it had spawned.[120]

The metaphor of a contract (sovereignty-covenant) that state-of-nature argumentation naturally fit worked well for encouraging the thought that political society was a thing that could *break*. It emphasizes the all-or-nothing stakes of obedience to civil authority. As Smith says of Hobbes, he falsely believed that "to destroy civil government was the same thing as to put an end to society."[121] *All* bonds between humans, society itself, depend upon subjecting individual consciences to a

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[116] Karuna Mantena, "Social Theory in the Age of Empire," 326.
[117] Ibid.
[118] Adam Smith, *The Theory of Moral Sentiments*, 234.
[119] Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought-Expanded Edition* (Princeton University Press, 2016), ch9.
[120] Mantena, "Social Theory in the Age of Empire," 326.
[121] Smith, *The Theory of Moral Sentiments*, 318; And see: Jacob T. Levy, "Not So Novus an Ordo: Constitutions Without Social Contracts," *Political Theory* 37, no. 2 (2009): 191–217.

common power, a single will. This belief is the imperialistic one; the social theoretical critique of high contractarianism (or vulgar contractarianism) undermines that imperialism.

Smith was at work on this entirely opposed analysis. Levy describes Smith and his fellow Scot Adam Ferguson as "pioneer[ing] the idea of social spheres distinct from political society: a society, and an economy, that could persist over time and survive regime changes."[122] It survives regime changes almost because civil society is not reducible to a legal fact. There is no meaningful way of consenting to *civil society* that thereby brings it into existence; nor is there a meaningful way of withdrawing consent to it which could thereby end it. None of this means that one is dominated by civil society. Consent to your *piece of it* (your association, your guild, your sect) is often meaningful and revokable. All of this is consistent with taking seriously the idea that the "social institutions" in which one is raised are as if "grown into you," as John Neville Figgis puts it.[123]

To make the move toward seeing civil society as an important part of securing peace one might have expected Smith to assert irreducible natural sociability against Hobbes's description of the state of nature. What he does is more fine-grained, less metaphysically loaded, than that. It had to be. As Moore describes the task: "[t]he systems of Grotius, Hobbes, Pufendorf, and Locke were all opposed to scholastic Aristotelianism. It remained a question for Scottish moralists to determine the moral psychology or motivation that might account for rights and virtues better than the scholastic theory that all men long for beatitude or lasting happiness."[124] If Smith were going to argue that we were sociable, it had to be provable from something like our psychology, not our *telos*.

Conclusion

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[122] Jacob T. Levy, *Rationalism, Pluralism, and Freedom*, First edition. (Oxford, United Kingdom: Oxford University Press, 2015), 21.
[123] John Neville. Figgis, *Churches in the Modern State,* (London : Longmans, 1914), 89.
[124] James Moore, "Natural Rights in the Scottish Enlightenment," *The Cambridge History of Eighteenth-Century Political Thought*, 2006, 292.

To whom is one addressing one's ethical argument? How much ought one to presume about one's audience's ethical life? It is tempting to try to argue a cunning amoralist over from a form of barely human nonethical life into morality. This treats amorality as a livable option and the amoralist as "what we would all want to be," some clear-sighted character able to hold her nerve. Since the philosopher overestimates the task, she oversells the effects and force of her conclusion.[125] Plato, Bernard Williams writes, went on as if he thought that "everyone had some natural inclination to break out of the ethical order and destroy it."[126] When one imagines the problem this way, one tends towards an "authoritarian solution."[127]

In conceptually dissolving really-existing society with all its groupings, imbalances, norms, and irregular formations into a hypothetical state of nature of perfectly uniform (because equally vulnerable) individuals Hobbes had brilliantly raised problems of interpersonal interaction that called forth a notion of a central coercive force. But these problems were artefacts of the method not really-existing pressing problems of human life.

The most terrifying idea of the state of nature is that it might be impossible to exit it. In a reduction that Smith would resist, Hume similarly dissolved existing authority and returned to individuals, yet "[i]n his account of convention," Peter Vanderschraaf writes, "Hume gives general conditions which characterize the *resolution* of social interaction problems..."[128] His "argument here foreshadows the analysis of history-dependent strategies in repeated games."[129]

In short, Hume made a turn away from grand contractarian theory philosophically respectable. It is not the case that Hobbes's state of nature simply gave political theory the problem it has to solve.

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[125] Bernard Williams, *Ethics and the Limits of Philosophy* (Taylor & Francis, 2011), 31.
[126] Williams, *Ethics*, 30.
[127] Ibid, 31.
[128] Peter Vanderschraaf, "The Informal Game Theory in Hume's Account of Convention," *Economics & Philosophy* 14, no. 2 (October 1998): 216.
[129] Peter Vanderschraaf,, "Hume on Decisions, Convention, and Justice," in *David Hume on Morals, Politics, and Society*, ed. Angela Conventry and Andrew Valls (Yale University Press, 2018), 331.

As I suggest in the conclusion to the dissertation, when one takes a course in modern political thought it is easy to think it is otherwise. Hobbes, Locke, Rousseau, Kant trips off the tongue and completes a course. There is a kind of gravity those theories have that tends to close students' minds, not open them. Adding in Hume's essay on contract is not enough to change this. What we need is a way of understanding the uses of Hume's advances. We need to understand it as part of a tradition that goes back at least to Grotius and certainly forward through Smith.

In the next chapter I use Smith's explicit references to Hobbes to reconstruct his understanding of Hobbes's work—and it is very certainly *Smith's understanding* of Hobbes, not the all-things-considered most defensible interpretation of Hobbes that I am aiming to capture. The main goal of that chapter is showing that Smith himself connects huge parts of *Theory of Moral Sentiments* and its main concepts to Hobbes. The point is not that Hobbes was his main concern, but that in *Theory of Moral Sentiments* political theory was indeed one of his main concerns. He knew, for instance, sympathy and its accompanying moral psychology had a function in political theory and undermined Hobbes's already purportedly dead egoism.

Taking Stock

The first chapter ranged across a few ideas in Hume's philosophy to establish a way of thinking that was common in the Scottish Enlightenment: salutary institutions are often the 'result of human action, but not human design.' Hume's acuteness in explaining how this works and when it fails made a new embedded approach to political theory respectable. The sources of normativity are in our history and character.

As a matter of rhetoric, displacing the chaotically anarchic state of nature, kicked a leg out from under vulgar contract theory. Hume could then make it stand solely on the idea that 'it is good to obey my contractarian proposal.' His argument that contract theory had the same authoritarian conclusion as Tory passive obedience confronted populist appeals to contract theory.

My point has been that this confrontation with everyday politics was grounded in the philosophy of the *Treatise*. Hume's well-informed political commentary was political philosophy because it was grounded in analysis of conventions and social life that was itself a critique of existing political philosophy. He was not simply participating in political debate independent of his philosophical commitments. His philosophy grounded his political realism. Hume's political theory, however, would not satisfy Smith.

Abstract

The thesis of this chapter is that core concepts—sympathy, mutual sympathy, 'man of system,' and the impartial spectator—that Smith developed in *Theory of Moral Sentiments* (1759) can be directly introduced into mainstream early modern political thought because they built from Hume on convention and struck at the psychological microfoundations of Thomas Hobbes's political theory. Smith's objections to Hobbes extend Hume's work on convention and so begin to establish the place of civil society in Smith's political theory. In later chapters work done in this one will show that his criticisms of the microfoundations of Hobbes's theory ultimately concern the sources of political stability and ground Smith's own ecclesiology, found in *Wealth of Nations* (1776).

Smith's objections to Hobbes's egoism rehearse standard objections, but he adds to these his concept of sympathy to explain non-egoistic approvals and the development of norms. The pleasure, Smith argues, that we derive from recognizing that we feel the same way as another leads us to try to express our emotions in ways that others will second. We easily develop *norms of feeling*. All of this, he believed, undermined Hobbes's strategy of imputing consent to agents.

This chapter, then, shows that with *Theory of Moral Sentiments* Smith intended to participate in what we now regard as mainstream modern political thought and that he did so at the level of fundamental methodology. If I am correct about the political nature *of Theory of Moral Sentiments*, then positions like Joseph Cropsey's on Smith's supposed thinning out and "deflection of political philosophy towards economics"[130] are insupportable. Locating Smith's political theory in *Theory of Moral Sentiments* also registers an oblique but serious challenge to Paul Sagar's location of Smith's political theory in *Lectures on Jurisprudence*.[131]

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[130] Joseph. Cropsey, *Polity and Economy : With Further Thoughts on the Principles of Adam Smith* (South Bend, Ind.: St. Augustine's Press, 2001).

[131] Though see Haakonssen for details about other extant notes: Knud Haakonssen, "The Lectures on Jurisprudence" in Hanley, Ryan Patrick, ed. *Adam Smith: His life, Thought, and Legacy*. Princeton University Press, 2016.

Chapter 2

'Coarse Clay' Political Realism: Sympathy with Hobbes

Introduction

As a matter of his reception, Hobbes's depiction of the state of nature was frightening in part because it seemed impossible to easily explain *how*, given the logic of self-preservation and strategic interaction, the few had come to govern the many. How had it been ended? How lucky we are that something had ended it! Against the backdrop of the Civil Wars it was as if Hobbes had given us a picture of our own extinction. Were we to collapse back into a state of nature would it ever be possible to exit from it? The difficulty of solving this so-called problem of exit from the state of nature is why, as Hume mockingly depicts them, *philosophers* were intellectually 'surprized' at, and made grateful for, an everyday feature of the world: 'the easiness with which the many are governed by the few.' Hume's analysis of conventions formalized the intuition that, however compelling Hobbes's arguments are, the state of nature would just *not be like that*. Moreover, the collapse of political authority would not return us to a state of nature—the collapse of authority would not dissolve, convention, or, roughly, society. Smith wrote in this post-Humean context, but still returned to Hobbes and the arguments he makes against him, and the direction of his aims, are different from Hume's.

As I wrote in the last chapter, we have a copy of student's notes from one of Smith's lectures where he rehearsed Hume's objections to contract theory and associated it mainly with "Locke."[132] In light of that fact it becomes apparent, though to my knowledge no one has made the connection, that

[132] Adam Smith., *Lectures on Jurisprudence*, The Glasgow Edition of the Works and Correspondence of Adam Smith, (Oxford: Clarendon Press ;, 1978), 316–18.

Smith made the same authoritarian objection to contract theory (imputation of consent) against Hobbes that Hume had made against Whig contract theory. Crucially, his objections to Hobbes exist in his published work and involve core concepts of his moral philosophy, sympathy above all. My claim is that this ought to make us recast *Theory of Moral Sentiments* as self-consciously participating in mainstream political thought.

To be clear, I am not claiming that Smith intended that book as a lengthy engagement with Hobbes, nor am I claiming anything about the accuracy of Smith's interpretation of Hobbes. My claim is that Hobbes's political philosophy is a paradigm case of it and Smith took himself to have confronted core foundations in it, egoism in particular. If Smith's writings can be said to engage Hobbes's, then my claim that he had a political theory gains plausibility without having to define necessary and sufficient conditions for something being an instance of political philosophy. If Smith engaged core parts of Hobbes's political arguments with his own concepts, sympathy most importantly, then *Theory of Moral Sentiments* ought to look different to us than it has. It is participating, at least to some degree, in mainstream political philosophy. Moreover, as the second half of this dissertation shows, the moral psychology developed in *Theory of Moral Sentiments* is used in a conspicuous argument about religious establishment in *Wealth of Nations*. Smith on religious establishment is high political theory and not mere occasional political commentary. Smith's political theory, if I am right, is virtually the spine of his writings.

In an idea I return to repeatedly, in order to appreciate Smith's moves against Hobbes we should think of the contractarian strategy Smith targeted as working the way Christine Korsgaard describes Rawls's idea. She writes, "[i]f you recognize the problem to be yours, and the solution to be the best one, then the solution is binding upon you."[133] The contractarian describes a) a problem that b) arises from who you are that is c) solved by the authority it establishes. In Hobbes the problem is

[133] Christine M. Korsgaard, *The Sources of Normativity,* (Cambridge: Cambridge University Press, 1996), 114.

a) the state of war incited by b) egoists who have a glory-driven tendency to find doctrinal disagreement with our fellows insufferable. The c) solution to war driven by ideological disagreement among egoists is a civil sovereign with sole authority over ecclesiastical and ideological doctrine. Because this form of the state best secures lasting peace and we, as egoists, necessarily value this, consent to it could be imputed to us here and now—as Korsgaard puts it, because the a) problem arises b) from who you are, then c) 'the solution is binding upon you.'

In the last chapter I showed Hume unsettling Hobbes's Korsgaardian *problem* (state of nature as state of war) by explaining peaceful prepolitical convention. In this chapter I describe how Smith built from Hume. As I will argue, Smith attempted to strike at the psychological microfoundations of Hobbes's theory. This would amount to claiming that the problems Hobbes describes are not, Korsgaard once again, *ours*. Hume seems to have claimed that the *problem* Hobbes described would not arise in state of nature. Growing out of Smith's description of our psychology (i.e. a description of who we are), he showed how norms of feeling, even norms of how to evaluate one another, arose from what he called sympathy. Describing sympathy, and mutual sympathy, allows me to explain the *how* of Smith's break with much of mainstream modern political thought, Hobbes in particular.

This chapter is about Smith attacking Hobbes's picture of *who* we are. In the next chapter I explain how all of this was taken by Smith as debunking Hobbes's picture of the *problem* to be solved in order to then foreground Smith's own problem: obedience. In the second half of the dissertation, though this will not be its focus, we will see that the arguments about *who we are* and the *problems* arising from this entail that Hobbes's ecclesiastical *solution* is no solution at all but is the problem itself. We worship authority and this the problem. Smith's positive program, as the second half shows, includes designing political institutions such that they palliate this problem.

Smith believed he had to show, in his own words, "that antecedent to all law or positive institution, the mind was naturally endowed with a faculty, by which it

distinguished…right…and…wrong."[134] Establishing this was needed "[i]n order to confute so odious a doctrine" as Hobbes's attempt "to subject" both the "ecclesiastical powers" and "the consciences of men immediately to the civil…power[]."[135] This description of the challenge is from *Theory of Moral Sentiments* (1759) and Smith's arguments about religious establishment are from *Wealth of Nations* (1776). Because Hobbes's problem was quarrelsome egoists warring in the state of nature over scarce positions of glory, the solution to Hobbes's problem was to define the sovereign as the source of right and wrong and the authority on rank. If right and wrong preceded the institution of sovereignty, then sovereign power was not their source and therefore the nature of the power of that sovereign was itself subject to a moral evaluation.

Related to this account of moral norms 'antecedent to all law' Smith attacked Hobbes's description of *who we are*, to recall Korsgaard's formulation. Regardless of Hume's advances, anyone ought to acknowledge that Hobbes had brilliantly presented a problem and a solution, so Smith's strategy was to show that the problem was not *ours*. To do so he objected to Hobbes's "principle of approbation," i.e. Hobbes's egoistic theory of approval that held that to approve of a thing is to regard it as serving one's 'self-love.'[136] We are not egoists, Smith claimed. Hobbes's egoistic theory of judgement plus the horror of the state of nature were needed in order to *impute* consent to any who are subject to peace-upholding authority. In other words, it was this egoism combined with his theory of the state of nature as a state of war that secured the authoritarianism of his contract theory. Showing this unites this section on Smith's discussion of Hobbes with my description of Hume's objections to contract theory. His arguments against the state of nature as a state of war forms much of the next chapter, so this one will handle the premise about egoism.

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[134] Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie, The Glasgow Edition of the Works and Correspondence of Adam Smith 1 (Indianapolis: Liberty Classics, 1982), 318.
[135] Ibid
[136] Ibid, 315.

Because humans were egoists, so Smith's interpretation of Hobbes runs, they could not represent the state of nature to themselves as something redounding to their private good. They would therefore approve of *whatever* might definitively end the state of nature. As Smith depicts him, Hobbes argued that ending the state of nature—in fact, the Civil Wars—required an ecclesiology such that the consciences of men were subject only to the civil power. It was consent to this precise solution that Hobbes could impute to each from the premises of egoism and the state of nature as a state of war.

Smith makes two arguments against Hobbes. Firstly, he rehearses many of the well-known objections to egoism and adds his concept of sympathy to buttress these. The case he offers is of one man non-egoistically sympathizing with the grief of another man. The important thing is not the success of failure of arguments against egoism nor even a determination of whether or not Smith was right to think that Hobbes was an egoist;[137] the important thing is that Smith cast sympathy as besting Hobbes at a crucial step in Hobbes's argument for consent to a political sovereign with complete power over the church and conscience. The second argument, though this is somewhat less explicit, concerns the conceptual possibility of right and wrong antecedent to contracting and establishing an authority. Here what is important is the idea of norms of feeling and norms of evaluating that again derive from his theory of sympathy.

By casting his conception of sympathy and the impartial spectator as confronting Hobbes I introduce, as it were, huge portions of *Theory of Moral Sentiments* into the mainstream of political thought. This amounts to an objection to a figure like Joseph Cropsey who speaks for many who believe that "Smith is of interest for his share in the deflection of political philosophy towards economics."[138] Some have positively celebrated Smith as an "economic imperialist,"[139] the "first

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[137] Bernard Gert, "Hobbes and Psychological Egoism," *Journal of the History of Ideas* 28, no. 4 (1967): 503–20.

[138] Joseph. Cropsey, *Polity and Economy : With Further Thoughts on the Principles of Adam Smith,* (South Bend, Ind.: St. Augustine's Press, 2001).

[139] Charles G. Leathers and J. Patrick Raines, "Adam Smith and Thomas Chalmers on Financing Religious Instruction," *History of Political Economy* 31, no. 2 (June 1, 1999): 337–59.

economic imperialist."[140] The very fact that I will be able to engage Smith with Hobbes on core political topics and foundations without a sign of his supposed 'deflection of political philosophy towards economics' constitutes, for the time being, my objection to these claims.

This centring of *Theory of Moral Sentiments* in an account of Smith's political theory also challenges the recent work of Paul Sagar. Sagar argues that Smith's "history of law and government…presupposes a prior reconfiguration of our philosophical thinking on the question of authority" that Hume had accomplished. The 'history of law and government' Sagar alludes to is derived largely from lecture notes taken by Smith's students in the 1760s and so centres Smith's political theory in the set of excellent students' notes now published as *Lectures on Jurisprudence*. It was Hume's work, Sagar claims, that formed the "normative philosophical background for [Smith's] history of law and government as political theory."[141] Not only do I, in the next chapter, argue that Smith, *pace* Sagar, objected to Hume's 'philosophical thinking on the question of authority,' I deny that Smith's 'history of law and government' constitutes his political theory. My work is grounded entirely in work Smith published. It is also grounded, not in mine, but in Smith's own interpretation of Hobbes. Finally, the principles Smith expresses in that interpretation of Hobbes on egoism and statecraft return in a key section of *Wealth of Nations* on religious establishment. This is a throughline that, contrary to Sagar's approach, makes no necessary reference to work that Smith intentionally suppressed from public view.

This chapter is intended to make it seem plausible that Smith took himself to be working on topics that we would regard as political theory. I aim to show he actively engaged with Hobbes, not

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[140] Gary M. Anderson, "Mr. Smith and the Preachers: The Economics of Religion in the Wealth of Nations," *Journal of Political Economy* 96, no. 5 (1988): 1066–88.

[141] Paul. Sagar, *The Opinion of Mankind: Sociability and the Theory of the State from Hobbes to Smith* (Princeton, NJ: Princeton University Press, 2018), 108.

that he definitively overcame him, nor even that he was uniquely concerned to confront Hobbes. Hobbes was a real figure that Smith took seriously as an interlocutor in *Theory of Moral Sentiments*.

In the first section (2.2 The Paradigm Case of Political Theory: Smith's Hobbes) I present Smith's interpretation of Hobbes's political theory and the egoism Smith ascribes to Hobbes. The next section (2.3 Contract Theory's Presumption of Consent) handles Smith's understanding of Hobbes's use of the state of nature and egoism to impute consent to agents here and now. At that point (2.4 Hobbes's 'Principle of Approbation' and its Constraints on Political Theory) I state Smith's alternative to Hobbes's egoism, namely sympathy, in order to use that alternative concept to explain Smith's description of norms that could exist antecedent to contracting to establish an authority. The next section (2.5 Approval by Sympathy; Judgement by the Impartial Spectator) explains what sympathy is and how it generates approvals. I introduce the idea of the impartial spectator and its role in moral judgement. Following that is a section on mutual sympathy (2.6 Mutual Sympathy), or the pleasure we get from noticing that we feel the same way as another towards the same object. It was fundamentally this idea that Smith used to describe the development of norms antecedent to the contract. All of these concepts (impartial spectator, sympathy, mutual sympathy) are unique to Smith and constitute virtually the entirety of the argumentative goals/content of *Theory of Moral Sentiments*. Those two facts—i) Smith is engaging Hobbes ii) with his core concepts—is essentially the argument of this chapter. Finally, I show Smith's objections to egoism, especially the one he lodged against Hobbes (2.7 Sympathy Against Hobbes's Egoism and its Entailments).

2.2 The Paradigm Case of Political Theory: Smith's Hobbes

In *Theory of Moral Sentiments* Smith very briefly rehearses Hobbes's political theory, but his account of it highlights its power to impute consent to subjects. This is what I have called the authoritarianism of the social contract, such as Hume depicted it.

On Smith's reading Hobbes had two goals. First, Smith described Hobbes as having the general goal of proving that complete submission of "the consciences of men" to authority was a necessary condition of peace.[142] The second, particular goal, involved proving that the "civil power" rather than ecclesiastical power was the proper site of such submission.[143] To accomplish this subjection of conscience to civil power and thereby lay the foundation of virtue Hobbes had to argue "that a state of nature is a state of war; and that antecedent to the institution of civil government there could be no safe or peaceable society among men."[144] To accomplish the second goal of tying consciences to civil and not ecclesiastical authority Hobbes had to portray doctrinal disputes among the clergy as a cause of war and so the unity of ideology in a civil government as the savior. This would secure moral approval of civil government by what Smith called Hobbes's "principle of approbation": each agent's "self-love."[145]

He interprets Hobbes as using the recent history of doctrinal disputes and ecclesiastical disagreement to explain what had and would again lead Britain into the state of nature. Hobbes's description of the causes of this descent sets up his preferred solution. Smith begins as if he means to be charitably excusing Hobbes's excesses. It was understandable that Hobbes "had conceived an utter abhorrence of the ecclesiastics."[146] No doubt "the bigottry of his times gave him occasion"[147] to ascribe the cause of the wars to the clergy's "turbulence and ambition."[148] Smith seems to broadly endorse Hobbes's analysis of the causes of those wars, writing that Hobbes "had been taught, by the example of his own times [that… "the principal source of the dissensions and civil wars that happened in

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[142] Smith, *The Theory of Moral Sentiments*, 318.
[143] Ibid.
[144] Ibid.
[145] Ibid, 315.
[146] Adam Smith et al., *Lectures on Jurisprudence*, *The Glasgow Edition of the Works and Correspondence of Adam Smith* ; 5 (Oxford: Clarendon Press, 1978), 397.
[147] Ibid.
[148] Smith, *The Theory of Moral Sentiments*, 318.

England during the times of Charles the 1st and of Cromwell was the"] subject[ion] of the consciences of men to the ecclesiastical powers."[149]

The clergy who held the 'ecclesiastical powers' disagreed on doctrine. Each understood that to gain power he would need to establish his own public among the citizens. Each found it in his interest to turn his public against his co-clergy. Each changed his doctrine as strategy demanded. Each clergyman aligned with a political leader and this internally combative power-seeking slowly undermined the power of the centralized church and divided the consciences of citizens. By steps, the polity descended into civil war.

The cause of civil war, for Hobbes, was emphatically not the subjection of individual consciences to a common site. On the contrary, no society could subsist without this unity of conscience and a singular source of will. The problem was that the ecclesiastical power was the *wrong* site of such subjection. Hobbes's self-assigned challenge, as Smith read him, was to

> establish a system of morals by which the consciences of men might be subjected to the civil [rather than the ecclesiastical] power, and which represented the will of the magistrate as the only proper rule of conduct…Obedience to his will [the will of the "common sovereign"]…constituted civil government, without which there could be no virtue, and consequently it too was the foundation and essence of virtue.[150]

Hobbes had to shift citizens' consciences away from ecclesiastical power to the civil power. Smith, as we will see in later chapters, certainly opposed this as a solution even if he endorsed some of Hobbes's analysis of the original cause of the Civil Wars (the 'turbulence and ambition' of the clergy).

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[149] The words in brackets come from the precisely parallel description of Hobbes in Smith's *Lectures on Jurisprudence*: Smith, *The Theory of Moral Sentiments*, 318; Smith et al., *Lectures on Jurisprudence*, 397, 398.
[150] Smith et al., *Lectures on Jurisprudence*, 397.

In describing Hobbes as holding the 'principle of approbation' to be each agent's 'self-love' Smith was rehearsing the common[151] understanding of Hobbes as having, what Michael B. Gill calls, an "egoist view of judgment:"

> whenever I make a positive judgment about something it is because I think that that thing has benefited or will benefit me, and whenever I make a negative judgment about something it is because I think that that thing has harmed or will harm me. This egoist view thus equates the conduct of others that I judge to be virtuous and the conduct of others that I think will promote my own interests.[152]

In order to get *egoists* to approve of the submission of their consciences to 'civil government' Hobbes had to interest each agent's self-love in that submission. The badness of the state of nature had to be universal and the solution to it had to be *uniquely* capable of ending it. The cause of war was disagreement, especially on theological questions, so the solution was to seat doctrinal control in the lap of the civil sovereign. The cause of what each would regard as a harm to himself was interpersonal war over differences in religious ideas. The solution, which each egoist would be compelled to accept, was to grant the civil power the authority to end such differences.

Hobbes's strategy was to make the duty of obedience to authority seem self-revelatory: egoistic agents would recognize, first, that they value their survival and that, as Smith puts it, "without the assistance of others [they are] incapable of subsisting with ease or safety." Hobbes's egoists, Smith continues, would then come to regard "[s]ociety…[as] necessary to [them]." Their consent to authority would be something they discover in themselves. By inference from Hobbes's descriptive egoistic psychology, agents would approve of "whatever tends to [society's] support and welfare, [whatever they] consider[] as having a remote tendency to [their] own interest." It was, after all, only by means of society that they could "foresee [their] prosperity."[153]

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[151] Though see Bernard Gert, "Hobbes and Psychological Egoism," *Journal of the History of Ideas* 28, no. 4 (1967): 503–20 and ; Arash Abizadeh, *Hobbes and the Two Faces of Ethics*, 1st ed. (Cambridge University Press, 2018).
[152] Michael B. Gill, "Moral Rationalism vs. Moral Sentimentalism: Is Morality More like Math or Beauty?," *Philosophy Compass* 2, no. 1 (2007): 16–30.
[153] Smith, *Theory of Moral Sentiments,* 315.

In the next step Hobbes would show, as I quoted Smith above, that '[t]o preserve society…was to support civil government, and to destroy civil government *was the same thing* as to put an end to society [my emphasis].'[154] It was crucial to Hobbes's argument, on Smith's telling, that social life, which egoists now instrumentally approved of, be seen to *entirely* depend upon the institution of 'civil government.' Given such stark choices over their means to "self-preservation" men would reason their way, "if they would think and speak consistently," to "applaud upon all occasions obedience to the civil magistrate, and to blame all disobedience and rebellion."[155] It is just here where Hume's analysis of convention and the idea that we could be social independent of authority complicates the options Hobbes's individuals would face. Even egoists could wonder whether submission to a sovereign was approvable because life in 'the state of nature' was not, by definition, insufferable.

Obedience was to be 'applaud[ed] and, as Smith continues in his interpretation of Hobbes, "[t]he very ideas of laudable and blamable, ought to be the same with those of obedience and disobedience. The laws of the civil magistrate, therefore, ought to be regarded as the sole ultimate standards of what was just and unjust, of what was right and wrong."[156] Their 'self-love' would approve of agreeing, each with each, to regard 'the laws of the civil magistrate' as the 'standard' of 'right conduct.' Citizens would see their interest, their good, as depending upon accepting the sovereign as setting the standard of what is good and right. Allowing the ecclesiastical power to have independent or co-ordinate power to do this would bring in all the turbulence and bigotry that had caused bloodshed. With this, Smith essentially takes Hobbes's political theory as sufficiently and respectfully explained.

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[154] Ibid, 318.
[155] Ibid.
[156] Ibid.

We have then, a description of egoism, giving us one challenge to overcome; we also have the idea that the 'laudable' and 'blameable' need an authority in order to exist and no such authority could exist antecedent to the contract.

2.3 Contract Theory's Presumption of Consent

Smith understood Hobbes as arguing that the solution to the Civil Wars, or the Engagement Controversy, would be the clean transfer of 'consciences' from the ecclesiastical to the civil power. The state of nature argument was a way of focussing agents' attention on the value of peace over the value of adhering to this or that ecclesiastical principle. Hobbes's particular strategy to shift consciences away from the ecclesiastics' to the magistrate's will had to compellingly portray civil government as the *savior*, the unique solution, to the deadly state of nature and the ecclesiastical powers as the cause of the descent into the state of nature. His readers' self-love would then, as a feature of their psychology, approve of the civil government so long as it conquered the clergy. Hobbes's goal, as Smith says clearly, was not just to secure obedience, but to settle the magistrate's will as 'the only proper rule of conduct.' This analysis connects up with how Hume portrayed the moves of original contract theories. As we will see in later chapters, Smith believed that this subjection, the unity of the good and the right-making will, was unnecessary to secure authority and was in fact a cause of regime collapse.

As Smith's attention to the psychology of approval seems to have appreciated, Hobbes did not want it to seem simply prudent to consent or covenant to establish a sovereign, the goal was rather to secure a kind of necessity to being prudent in this way. From *Leviathan*:

> 'Every man, not onely by Right, but also by necessity of Nature, is supposed to endeavour all he can, to obtain that which is necessary for his conservation'; 'every man is presumed to do all things in order to his own benefit.'[157]

[157] Kinch Hoekstra, *The de Facto Turn in Hobbes's Political Philosophy*, *Leviathan after 350 Years* (Oxford University Press), 67.

Consent is crucial to ending the state of nature and grounding sovereignty yet it is a kind of presumed consent that accomplishes this. As Kinch Hoekstra glosses these passages, Hobbes intended to claim that consent can be "*attributed* when a given will or intention can be understood or assumed."[158] Given how harmful the state of nature would be the presumption that every man 'endeavour[s]' 'to obtain that which is necessary for his conservation' and 'all things in order to his own benefit' supplied the epistemic grounds for imputing to 'every man' the inference from 'the state of nature is a hell' to 'consent to whatever ends it.' It was knowable that such agents would consent.

By introspection we, Hobbes's readers, could discover that indeed we do consent to keep the state of nature away and to keep it away by means of Hobbes's solutions. Because we feared the state of nature we thereby expressed a preference for peace over war and thus exhibited the will to consent to authority. The imputation of consent to create the authority that ends the state of nature is compatible with one's liberty because "striving for self-preservation is a natural necessity in which one nonetheless engages freely."[159]

On Hobbes's spare assumptions about human nature it could seem undeniable that the state of nature would be like he described. Only irresistible power could end such a war. Might becomes right, but *not* because obeying it furthered our interests. Of course all kinds of things augment our interest (apple trees, rain…) without gaining any special status or claim on our behaviour. *Consent*, not interest, does the justificatory work of securing *de jure* authority. Hoekstra puts it this way: "might implies consent, and consent confers right, therefore might implies right."[160] The rationality of consent to authority was derivable from the particular self-preservation predicament of Hobbes's state of nature. The ability to impute that consent was derivable from his egoism because self-preservation underlies all imaginable good to oneself.

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[158] Ibid.
[159] Ibid, 61.
[160] Ibid, 68.

If Hume struck at this knowable relation between the will and what it would be rational to do in a given circumstance, it was with his skepticism about the content of the end that is driving the rational contract model.[161] Reason dictates no ends. He is skeptical that there are "distinctive standards of practical reason."[162]

Hume imagined an odd kind of self-underminer: ""Tis as little contrary to reason to prefer even my own acknowledg'd lesser good to my greater, and have a more ardent affection for the former than for the latter."[163] To one ordered like Hume's self-underminer the state of war would be a unimpugnable way of getting what he wants—his own 'acknowledg'd lesser good.' The imputation of consent depends upon knowing what the best, most reasonable, most rational, response to the state of nature circumstances necessarily is. How could one, if Hume is correct, actually know what would be consented to if mere practical reason gives us no guidance as to ends?[164] One needs to know which ends it is correct to have, and ends do not have that truth status. It might be good, or common, or virtuous, to have certain ends, but that certainly does not mean that we necessarily do endorse those ends.

Of course political theorists will typically invoke or assume standards of rationality above Hume's spare set, but Hume shakes our faith in these and so weakens the grounds of our certainty about what would be rationally consented to in a given context. The ground of our relative certainty is not some justifiable foundational precept, but rather, as Thomas Nagel writes in reference to Hume, "[w]hat sustains us, in belief as in action, is not reason or justification, but something more basic than these…the inertial force of taking the world and life for granted…If we lose our grip on that, reason

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[161] Setiya gives compelling reasons to doubt that Hume was as sceptical about practical reason as he is sometimes taken. Kieran Setiya, "Hume on Practical Reason," *Philosophical Perspectives* 18 (2004): 365–89.
[162] Ibid, 377.
[163] David Hume, *A Treatise of Human Nature*:, Bk II, part III, sect. III.
[164] Gerald F. Gaus, *On Philosophy, Politics, and Economics* (Nelson Education, 2007), 19.

will not give it back to us."[165] Of course *we do* wish to self-preserve, and to flourish, and it helps if we acknowledge that we assume these things as a rule, so the conceptual point about reason and ends only clears away the *necessity* of certain ends. It is we, as Bernard Williams would put it, "now and around here" who have these goals.[166] Strip all this away from us, however, and 'reason will not give it back to us.' The political theorist ought not proceed, or ought not to proceed to bind others to contracts, under the iron certainty that mere reason has guaranteed consent to the binding. Reason connects our *actual* desires to means. Like so much of Hume's skepticism, the effect of his arguments is to encourage us *not* to use reason to give us our ground principles.

It is because of this that political arguments ought to take for granted, as Hume puts it, "the apparent interests and necessities of human society."[167] In this case, one would be aiming to increase the interests of people and would *expect* them to approve of this, but one would be claiming the right to do this on the falsifiable, or responsible, grounds that it *really does* advance their interests as they define them.

Hume's skepticism about practical reason sets limits on what philosophy can say about politics.[168] If we abstracted away from our existing desires mere reason could not supply us with worthwhile ends to desire. The philosopher would have to build in the end that, on her account, we ought to have. Such a move could be done well or poorly as measured by *our* standards. It is as if contractarianism holds motivational internalism about reasons, but fails to prove anything certain, *a priori*, about the content of our motivation.[169]

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[165] Thomas Nagel, *Mortal Questions* (Cambridge University Press, 2012), 20.
[166] Bernard Williams, "Realism and Moralism in Political Theory," in *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, (Princeton University Press, 2005), 6.
[167] David Hume, "Of the Original Contract," in "Essays Moral, Political, and Literary, Ed," *Eugene F. Miller (*Indianapolis: Liberty Fund, 1985), 481.
[168] Camillia Kong, "Hume and Practical Reason: A Non-Sceptical Interpretation," *History of Political Thought* 34, no. 1 (2013): 89–113.
[169] Kieran Setiya and Hille Paakkunainen, eds., *Internal Reasons: Contemporary Readings*, MIT Readers in Contemporary Philosophy (Cambridge, Mass: MIT Press, 2012).

2.4 Hobbes's 'Principle of Approbation' and its Constraints on Political Theory

Hobbes had set in front of the philosophical world a formidable theory. He had compellingly shown that were we to live without an authority—a common judge with the power to establish legal meaning and enforce its rulings—we would be caught in an intractable state of war. In horrifying us by hypothetically dissolving authority Hobbes had overwhelmingly displayed the rationality of resolving, here and now, not simply to be less politically restive, but to *consent* to obey authority.[170]

It is as if Hobbes's argument was a deduction from a presumption about human ends: if humans had the end of self-preservation (instrumentally or intrinsically),[171] he could show, by appeal to the state of nature as a state of war, that they could be understood to have *willed* the key means to securing that end, i.e. the establishment of political authority on the firm ground of their consent.

Smith's most extended discussion of Hobbes, from which I have been drawing, occurs in the final 'part' of *Theory of Moral Sentiments*. He devoted this final part to an extended survey of the entire history of moral philosophy ("Of Systems of Moral Philosophy." It is explicitly organized around a distinction. He sorts past theories based on two questions that any moral theory must answer: the first is "wherein does virtue consist," and the second, "by what power or faculty of the mind is it…that the mind prefers one tenour of conduct to another."[172] Smith's discussion of Hobbes concerns this second question about approvals, or evaluative judgements more broadly.

Hobbes is described, as I have said, as identifying the "principle of approbation" for all agents as "self-love."[173] This means that humans, as a matter of fact, can only approve of something if they

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[170] Kinch Hoekstra, "The de Facto Turn in Hobbes's Political Philosophy," *Leviathan after 350 Years* (Oxford University Press).
[171] Corey Robin, *Fear : The History of a Political Idea* (New York; Oxford: Oxford University Press, 2006), 35–36; Arash Abizadeh, "Hobbes on the Causes of War: A Disagreement Theory," *American Political Science Review* 105, no. 2 (May 2011): 298–315.
[172] Smith, *Theory of Moral Sentiments*, 265.
[173] Ibid, 315.

take that thing as redounding to their *private* good.[174] Moral and non-moral approvals are instances of one's finding something approvable on the grounds of it promoting, fitting with, or satisfying, our self-love.

Hobbes's analysis of the 'principle of approbation' contrasts—in Smith's telling—with those whose 'principle of approbation' is reason (Cudworth) or sentiment (Hume, Hutcheson, and Smith). Endorsing one of these other positions, including Smith's own, obviously opens the possibility of approving of someone or something on grounds other than self-love.

What is key is that Hobbes's 'principle of approbation,' should he wish to be able to impute consent to people, committed him to garnering approval for his political conclusions by tailoring his theory to what interested agents' self-love. Hobbes had to expose to each agent something each could understand themselves as having gained in what they currently took for granted: peace under authority. This lead him into arguments about the universal horror of the state of nature. Smith thought that this immediately committed two independent errors.

First, people approve of personal conduct, laws, individual characters by means of the imagination and the sentiment of sympathy, not by self-love. I explain sympathy below and the significance of the difference between its approvals and self-love's, but here I am simply registering Smith's disagreement with Hobbes. Sympathy and its specific mechanism generate norms for social behaviour. In Korsgaard's language from above, this means that Smith aimed to weaken Hobbes's ability to tell us that the problems egoists might have in the state of nature are 'ours.' Hobbes's problems do not proceed from our nature.

Hobbes's use of egoism committed a second error. Sympathy, this 'principle of approbation,' is non-egoistic and so admits that people sometimes approve of acts and events without registering

[174] This is to say that the content of what we find good is self-interested. For the significance of the interpretation see: Stephen Darwall, "Egoism and Morality," in *The Oxford Handbook of Philosophy in Early Modern Europe*, 388-389.

any feature of them as redounding to their private good. This meant that it was possible for people to approve of political arrangements without necessarily registering it as furthering their private good. In particular they could make utilitarian judgements about authority (e.g. I approve of this authority because it is good for producing a certain state of affairs. I do this regardless of the consequences for *my* well-being). This means that the problem Hobbes posits is not ours, because we are not egoists. Nor then is his 'solution' obviously the one these agents would choose. Therefore, in Korsgaard's formulation, 'the solution is [not, as things stand,] binding upon you.' This is consistent with believing Hobbes's state of nature posed a real problem to which submitting consciences to civil power is a real solution.

Over the next two sections I describe Smith's theory of sympathy, the impartial spectator, and mutual sympathy. I do this in order to develop Smith's alternative 'principle of approbation' to Hobbes's 'self-love' principle. Because Hume himself had a conception of sympathy this means that I am showing how Smith extended Hume's work on pre-contract social life. Recall that I quoted Smith in the introduction saying that his own 'principle of approbation' and the way it could explain how norms of evaluation and behaviour can develop logically prior to a political state, is able to "confute [Hobbes's] odious…doctrine."[175] His theory of sympathy proved, and "it was necessary to prove, that antecedent to all law or positive institution, the mind was naturally endowed with a faculty, by which it distinguished in certain actions and affections, the qualities of right, laudable, and virtuous, and in others those of wrong, blamable, and vicious."[176] In this next section, therefore, the apparent digression I make into explaining norms of feeling and styles of judgement is no digression at all, but material to his objection to Hobbes.

2.5 Approval by Sympathy; Judgement by the Impartial Spectator

[175] Smith, *The Theory of Moral Sentiments*, 318.
[176] Ibid.

"Pity and compassion," Smith wrote, "are words appropriated to signify our fellow-feeling with the sorrow of others."[177] He notes that the "meaning" of "[s]ympathy" has often been the same as this conception of compassion, but that by his use of sympathy he intends to "denote our fellow-feeling with any passion whatever."[178] For Smith sympathy will mean a 'fellow-feeling' with the happiness or sadness, gratitude or resentment, of another. Feeling a) the same emotion to b) the same degree at c) the same object (or noting that you *would* feel the same emotion to the same degree at the same object but for some identifiable and irrelevant block) as another is to sympathize with that person, or with that person's emotion.

We sympathize with another if, when a) projecting into the perspective of another on some event b) we feel or understand why we would feel c) the emotion they feel d) and that we would feel the same emotion and to a similar degree. I sympathise, for instance, with your joy and its degree when I can vividly conceive that I would feel such joy from your perspective on the event that gave rise to your joy. Crucially, Smith argues, as I explain below, that it is pleasurable to *recognise* that we are in sympathy with another.

Sympathy, not self-love, is the source of our approvals, ethical and non. The central statement of this is the following:

> 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; and, on the contrary, when, upon bringing the case home to himself, he finds that they do not coincide with what he feels, they necessarily appear to him unjust and improper, and unsuitable to the causes which excite them. To approve of the passions of another, therefore, as suitable to their objects, is the same thing as to observe that we entirely sympathize with them; and not to approve of them as such, is the same thing as to observe that we do not entirely sympathize with them.[179]

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[177] Ibid, 10.
[178] Ibid.
[179] Ibid. 16.

For me to believe that you are *warranted* to feel resentment at an aggressor is to recognize that I sympathize with a) your resentment b) its intensity, and all this from c) projecting *impartially* into your perspective on the aggressor. I *approve* of your resentment at an aggressor as warranted because upon impartially projecting into your perspective I find that the aggressor's actions do provoke resentment in me, or, would provoke that sentiment in me but for an identifiable quirk in my present psychology, mood, or circumstance. By recognizing the fact that, after correcting for partiality, I would feel the degree and type of resentment that you feel were I in your circumstances I am said to sympathize, and so to approve, of your resentment.

Certainly I may egoistically (partially) approve of your resentment because, in the instance, your resentment of another works to my ends. It simply pleases me, perhaps, that your resentment will somehow redound to my benefit. In such a case I am an interested party and so am *partial* to you or your resentment. If I am honest with myself—and we are not often honest with ourselves—I know that my approval was self-interested and for that reason might not give evidence for whether or not your resentment was warranted. How do I discern when my approval of your resentment, or joy, or gratitude is moral approval of it?

I may sympathize with your resentment–i.e. feel the same resentment towards the same object–because I am biased. I will believe your resentment to be *warranted* if I am, as a matter of fact about my stakes in the event, *impartial* on the matter, if I am, that is, an "impartial spectator" of the event.[180] Of course a similar line of thinking arises in you, the victim of an attack: you will credit the findings of an *impartial spectator* differently from that of your intimates. If I am, as a matter of fact, an interested or partial party in the event, then I will find your resentment *warranted* only if when I project into your perspective *impartially* I feel the resentment that you in fact feel.[181] Thus when we are not, as

[180] Ibid, 26.
[181] Michael L. Frazer, "Including the Unaffected," *Journal of Political Philosophy* 22, no. 4 (2014): 377–95.

a matter of fact, impartial spectators of an event, we come to recognize that in order to pass a moral judgement on it we need to attempt to *become* impartial spectators. I may, of course, be self-deceived and believe I am impartial when I am not.

What it means, in Smith's terms, to become an impartial spectator is to project into the perspectives of agents and patients impartially. We are to become impartial spectators by imaginatively *participating* in the event as agent and patient. Smith's term, impartial spectator, has misled many, into thinking that Smith proposed something akin to an ideal observer theory—a matter I handle at greater length in chapter five. In such a theory the ideal observer is meant to pull himself up out of engagement with the parties to some action in order to look out onto states of affairs to render its judgements about what agent-neutral reasons there are for this or that behaviour. However, as Darwall insists "Smith holds that to judge whether a motive or feeling is warranted or proper, we must take up, not some external perspective, but that of the person who has the motive or feeling-the agent's standpoint, in the case of motivation; the patient's standpoint, in the case of feeling."[182] These are important nuances that separate Smith from Hume and Hutcheson and I return to this in chapter five. For the moment all I need to explain is the basic idea of the impartial spectator as a means of making judgements.

The task of moral judgement, according to Smith, is to take up, in P.F. Strawson's terms, "participant" attitudes.[183] It might, then, be better to call the impartial spectator 'the reciprocating participant,' or 'the impartial agent-patient.' We are required to be like third-parties in their impartiality, but like involved parties in their perspectives on what can be justified to them. The justificatory perspective, or the moral point of view, is a participant perspective.

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[182] Stephen Darwall, "Sympathetic Liberalism: Recent Work on Adam Smith," *Philosophy & Public Affairs* 28, no. 2 (1999): 141.

[183] P. F. Strawson, *Freedom and Resentment and Other Essays* (London ; Routledge, 2008), 12.

The experiences of judging others by becoming (if we are not as a matter fact) impartial spectators allow us to see that morality demands that in our own, first-personal, practical deliberation, we ought to judge as if we are impartial spectators of our own actions and intentions. I turn myself into a spectator of myself by projecting impartially into my perspective as agent: is my animating passion warranted given my circumstances? Then we erect an 'impartial second-person': we are to impartially imagine ourselves in the place of the parties whose interests we propose to alter. In deliberating about what to do we are to imagine what another person might legitimately object to in our intentions. Thus he says:

> When I endeavour to examine my own conduct, when I endeavour to pass sentence upon it, either to approve or condemn it, it is evident that, in 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. The first is the spectator, whose sentiments with regard to my own conduct I endeavour to enter into, by placing myself in his situation, and by considering how it would appear to me, when seen from that particular point of view. The second is the agent, the person who I properly call myself, and of whose conduct, under the character of a spectator, I was endeavouring to form some opinion. The first is the judge; the second the person judged of. [my emphasis][184]

Sometimes we are, as a matter of fact, impartial spectators, and so when we, as we ought, project into the perspectives of agents and patients we do not have to *try* to be impartial. That experience, however, does cause us to recognize that it is our impartiality that allows us to access the moral point of view within the involved agents and patients. It follows, we grasp, that if we are not, as a matter of fact impartial, then, in order to pass a moral judgement, we must project *impartially* into the perspectives of the agent and the patient. In all of this, the approval of the sentiments and conduct of others depends on our sympathy with the sentiments of others. This is different, Smith held, from Hobbes's 'self-love' 'principle of approbation.'

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[184] Smith, *The Theory of Moral Sentiments*, 113.

There are a number of possible confusions that I want to either correct or anticipate that spring largely from Smith's language of approbation, approvals. The sense of approval 'of the passions of another' that we need to understand here, is something like to credit the sentiment of another as correct, or apt, given the object that provoked the passion. Relatedly, a person would be said, in this sense of approval, to approve of your calling a fire hydrant red if, in your place, the person finds that they would also find it to be red. A sentiment's correctness, or fittingness, is a judgement of it as a response that is suited to the object that provoked it.

The way I determine another's sentiment as suitable to its object is by impartially projecting into the perspective of the person who is exhibiting the sentiment and from there determining whether the same sentiment, and the same degree of that sentiment, arises in me upon projecting impartially into that person's perspective on that object. Again, with colour, I might see something as red, which you see as different colour, but nevertheless approve of your process of judgement because the perspective you have on it accounts for the difference. By taking account of the quirks of your perspective, we might say that I judge your colour conclusion impartially (i.e. I don't absolutely favour my perspective as criterial.)

This gets us the idea that I will *approve* of, for instance, your mild laughter at that joke if that joke would provoke mild laughter in just anyone who shared your perspective on that joke. Thus the *sympathetic* approval here is not about your laughter's tendency to benefit me or humankind or anything like it. Being in the state of approving of the mild laughter sympathetically does not entail encouraging it, or being glad it exists. Sympathetic approval of the mild laughter is best understood as the idea that your mild laughter *is fitting*. Because it is not odd that you would laugh mildly at that joke I approve of your laughter. Sympathetic approval of another's sentiment should be thought of in this fittingness connotation of approval.[185]

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[185] On the notion of fittingness, see: Christopher Howard, (2018). "Fittingness." *Philosophy Compass,* 13 (11):e12542.

2.6 Mutual Sympathy

Smith went further than Hume did in trying to explain *de facto* sociability from the leanest metaphysical assumptions.[186] At the centre of this effort was his explanation of how our pursuit of a "harmony of sentiments"[187]—he never used the phrase harmony of *interests*—with our fellows is motivated by the pleasure obtained in fellow-feeling, a passion shared. The *sharing* of grief "alleviates" its pain and the *sharing* of joy "enlivens" its pleasure.[188] At work is the pleasure of "mutual sympathy."[189] It is ultimately this idea that allows Smith to claim that morals develop and obligate 'antecedent' to positive law. 'Mutual sympathy' is triply important for 'confuting' Hobbes. It a) extends Hume's analysis of conventions and explains the development of morals while it also, as I explain in the next chapter, b) undermines the very concept of the state of nature as a tract of time humans may live without a common authority. Finally, as I address more fully in chapter five, the pleasure of mutual sympathy supplies a motive for restricting one's own actions by means of the impartial spectator. Mutual sympathy, effectively, makes doing our duty pleasurable without its (always) being the case that awareness of doing our duty is the source of that pleasure.

The idea of mutual sympathy is this: I can sympathize with your resentment (or gratitude, or joy, or grief, or frustration, or bemusement etc) by projecting impartially into your perspective from afar and without your knowledge, but if we are *aware* of "this correspondence of the sentiments of others with our own [this fact] appears to be a cause of pleasure, and the want of it a cause of pain."[190] This mutual sympathy—the acknowledged correspondence between our sentiments—is pleasant

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[186] The best comparison of Hume and Smith on sympathy is Samuel Fleischacker, "David Hume and Adam Smith on Sympathy: A Contrast, Critique and Reconstruction," *Intersubjectivity in Adam Smith and Edmund Husserl*, n.d., 273–311 Also important is Fleischacker's ; Samuel Fleischacker, "Being Me Being You : Adam Smith and Empathy," 2020,
[187] Smith, *The Theory of Moral Sentiments*, 25.
[188] Ibid, 14.
[189] Ibid, 13–16.
[190] Ibid, 14.

whether or not the shared sentiment is itself a painful one. Mutual sympathy, again, 'alleviates' grief and 'enlivens' joy:

> The sympathy, which my friends express with my joy, might, indeed, give me pleasure by enlivening that joy: but that which they express with my grief could give me none, if it served only to enliven that grief. Sympathy, however, enlivens joy and alleviates grief. It enlivens joy by presenting another source of satisfaction; and it alleviates grief by insinuating into the heart almost the only agreeable sensation which it is at that time capable of receiving.[191]

Why do we watch tragedies when the emotion we feel is painful? The *fellow-feeling* with sorrow is enjoyable though the shared sentiment is painful.[192]

The pleasure from sharing one's joy with others *seems* to come from an increase in the principal emotion of joy, but if we reflect on the pleasure (i.e. alleviating feeling) of sharing not joy but one's grief with another we can see that the pleasure does not come from having more of the principal emotion (joy/grief) but from agreeing with others that joy/grief is the proper emotion to feel in response to one's circumstance. In each case, joy and grief, sharing the feeling generates pleasure.

Pursuit of the pleasure of mutual sympathy then disciplines our expression of our sentiments to what we imagine another can go along with, or can share in. I seek to express the *degree* of my sentiment (amusement, anger, joy etc) that you are most likely to be able to share. I do not necessarily do this disciplining out of regard for you, or only under a regard to the rule of manners. I may manage my sentiments, or the expression of them, merely in pursuit of that unique pleasure of mutual sympathy. James Otteson describes this disciplining of our sentiments to what others can approve of—what we might call "affective attunement"[193]—as amounting to a description of a "marketplace

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[191] Ibid, 14.

[192] Hume famously objected to Smith on this point: Adam Smith, Ernest Campbell Mossner, and Ian Simpson. Ross, *The Correspondence of Adam Smith*, The Glasgow Edition of the Works and Correspondence of Adam Smith ; 6 (Indianapolis: Liberty Classics, 1987) See:; David R. Raynor, "Hume's Abstract of Adam Smith's Theory of Moral Sentiments," *Journal of the History of Philosophy* 22, no. 1 (1984): 51–79; Samuel Fleischacker, "David Hume and Adam Smith on Sympathy: A Contrast, Critique and Reconstruction," *Intersubjectivity in Adam Smith and Edmund Husserl*, n.d., 273–311.

[193] Daniel Stern, *Interpersonal World of the Infant: A View from Psychoanalysis and Developmental Psychology.* (New York: Routledge, 2019), 142.

of morals"[194]: we sell our sentiments at prices that are disciplined by a desire for the satisfaction of a sentimental sale.

To get the pleasure of mutual sympathy "[t]he distressed man," James Bonar summarized, "must try to moderate his grief, and I must try to feel more of it."[195] As David Lewis says of the centripetal tendency in Hume's canoe, "each is constantly adjusting his rate to match the rate he expects the other to maintain."[196] These expectations concerning the sentiments of others is highly dependent on custom and so will vary across time and space.

In attempting to get someone to share my happiness at the local team's win, or frustration at the delayed train, or amusement at this gag, I express that sentiment knowing that I

> can only hope to obtain [mutual sympathy] by lowering [my] passion to that pitch, in which the spectators are capable of going along with [me]. [I] must flatten, if I may be allowed to say so, the sharpness of its natural tone, in order to reduce it to harmony and concord with the emotions of those who are about [me].[197]

Much of the richness of *Theory of Moral Sentiments* consists in all the social behavior Smith is able to intuitively explain by positing this one pleasure. I show great wails of frustration at the delayed train when I know I am among those who are similarly delayed because I predict that we all are experiencing a) frustration b) at the train and c) experiencing *the same high degree of* frustration at the train. I may, indeed, try to whip people up to match the frenzy that I am in, and Smith is clear that the mutual-sympathy strategies that will work are ones that are attentive to cultural norms about the expression of emotion.

I will, on the contrary, calmly explain my frustration at the train to one who is not delayed because they cannot, as it were, relate. I will express the frustration to a degree I think I can get them—

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[194] James R. Otteson, *Adam Smith's Marketplace of Life,* (Cambridge ; Cambridge University Press, 2002), ch3.
[195] James Bonar, *The Theory of Moral Sentiments by Adam Smith, 1759* ([London]: Macmillan & Co. Ltd. for the British Institute of Philosophical Studies, 1926), 336.
[196] David K. Lewis, *Convention : A Philosophical Study*, (Oxford: Blackwell Publishers, 2013), 6.
[197] Smith, *The Theory of Moral Sentiments*, 22.

a disinterested party to the delayed train and me—to feel or appreciate. I want more than, or something other than, just an acknowledgement from this other person that I am frustrated and more than just the permission to be frustrated. What I want is their acknowledgement that I am warranted to feel as I do. I am not simply stricken with frustration, my frustration is a rational reaction to my situation. I am a rational agent. I want not just to have him leave me alone in my frustration or permit my behaviour, but to leave me alone, not seek to manage me, because he thinks I am correct to be frustrated.

The pleasure of 'mutual sympathy' is of course not a sensation, but a peace of mind at having successfully justified my frustrated countenance to another. Since sympathizing is approving of their sentiment, the pleasure of mutual sympathy is like, and I return to this in chapter five, the object of the satisfaction of T.M. Scanlon's posited desire for "justifiability to others."[198] These others are not simply leaving me alone, letting me vent (though those may literally be the external actions they are taking) they are acting towards me as they are because I am justified in venting.

With this concept of mutual sympathy Smith is able to explain the motivation of the uninvolved person, the one who voluntarily listens to my frustrating story about a delayed train. This listener *expects* that the story will make them experience unpleasant frustration. They know how trains work. Why do they listen? If Smith is right, they do so because of the pay-off in feeling the frustration *together*. In feeling, as it were, my frustration, they can regard themselves as rational members of the moral community. The affected party—the one made late by the delay—may simply want to vent, that is clear, but why should anyone listen? It needs to be explained. Smith gives an explanation and it is related to an answer to the question of why be moral, about which more in chapter five.

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[198] Thomas Scanlon, *What We Owe to Each Other,* (Cambridge, Massachusetts ; Belknap Press of Harvard University Press, 1998), 191.

Robert Sugden's brilliant analysis of Smith and this peculiar pleasure of sharing emotions compellingly argues that Smith's account is different from the way rational choice theorists account for "altruistic preferences."[199] Rational choice theorists register the interest one has in the well-being of another within the first party's utility function. Such a move does not account for the pleasure we get in simply *sharing* a sentiment—having the *same* reaction to an event—whether or not the event that gives rise to that shared sentiment is pleasant or painful. What I am enjoying is not that some good came to you but that whether or not the event was good or bad we interpreted it the same way. "Smith is writing about affective states," Sugden claims, "about how one person's affective state influences another's, not about preferences. The concepts he is using do not belong to the ontology of rational choice theory."[200] The "causal relationships between affective mental states," that Smith supposes, "cannot be expressed in the language of a theory of rational choice from which all references to affective states have been stripped out."[201]

As Sugden argues, the fact that I care for your good and so take you for a nice hike is neatly explained by lodging your good in my utility function but it does not explain why, upon arriving, I choose to go on that hike with you rather than finding the hike that I prefer. If I care that you are happy, then why don't I let you take your first-choice path X while I walk on my first-choice path Y? In other words, why don't I behave as I would were I alone (presuming that what I would do when alone is I most want to do), and you, my friend, behave as you would were you alone?

The *value* that we get from going on the same path and experiencing the pleasure of mutual sympathy (if we do) is not captured by the sums of our altruistic preferences plus our preference for going on the path together. There is a distinct pleasure in awing at the same tree or wretching in disgust

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[199] Robert Sugden, "Beyond Sympathy and Empathy: Adam Smith's Concept of Fellow-Feeling," *Economics and Philosophy* 18, no. 1 (April 1, 2002): 63–87, 70.
[200] Ibid, 71.
[201] Ibid, 73.

at the same sight and to the same degree as another person that derives from an awareness of the connection between our affective states. Smith manages to be articulate about this together-behaviour where other sorts of analyses like Hume's are mute:

> The fact that human beings so often choose to do things together is, if not quite a puzzle from the perspective of rational choice theory, at least a regularity that that theory cannot explain. Smith's account of fellow-feeling may perhaps be able to explain it, and in so doing, tell us something about the bond of society.[202]

The pleasure of fellow-feeling from mutual sympathy gives a motivation for sociable behaviour; it is different from a brute insistence that we are sociable.

People undergo, as I briefly explained, moral learning when they notice that they are, as a matter of circumstance, impartial spectators of an event. They seem to hit on a standard of feeling that is normative only because of their impartiality. They notice the same thing about the moral perspective when they are an involved party and credit the judgement impartial spectators pass on them over the judgement, positive or negative, that partial spectators offer. What I have added is that, as Allan Gibbard puts it, Smith gives this story a "pragmatic twist" by supplying a motive beyond this for taking up an impartial perspective on ourselves: we want to express *the* sentiment, and the degree of that sentiment, that we expect others to share with us because of the pleasure of mutual sympathy.[203] The impartial-spectator perspective (i.e. an impartial projection into the perspective of agents and patients) not only reveals to us a moral perspective, but a means of acquiring the pleasure of mutual sympathy. It gives a modern answer, and more on this in chapter five, to the classical question: why be moral?

Darwall stresses that the pleasure and sociability that mutual sympathy explains is analysable and strongly moral:

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[202] Sugden, "Beyond Sympathy and Empathy: Adam Smith's Concept of Fellow-Feeling," 80.

[203] Allan Gibbard, *Wise Choices, Apt Feelings: A Theory of Normative Judgment*, 1. paperback ed (Cambridge, Mass: Harvard Univ. Press, 1992), 280.

> 'fellow-feeling' with another's concerns and feelings 'seconds' them, implying that the object of his concern matters to us as well; indeed, if the fellow-feeling is Smithian, it implies that our shared feeling is fitting and that the object of his concern matters.[204]

Luigino Bruni and Luca Stanca have described Smith's account of the reflective appreciation of sharing a sentimental response to stimuli that is at the heart of Smith's conception of sympathy as "non-instrumental relationality."[205] It is intrinsically good to, as we say, relate ('I can relate') to one another, but it also expresses a minimal kind of respect to others as having a perspective worth taking up. We exhibit our own moral personhood by trying to relate; we recognize the moral personhood of another by trying to relate *to him*.[206]

Darwall describes Smith's theory of sympathy as "projective empathy" and suggests that the significance of Smithian sympathy in the case, or one like it, of one man grieving with another is that "[w]e show we understand their feelings and signal our willingness to participate with them in a common emotional life. This makes projective empathy central to the formation of normative communities–like-minded groups *who can agree on norms of feeling*. [my emphasis]"[207]

In a case I return to when discussing egoism, when I condole with you, a father, I directly show care for you by even *noticing* your grief.[208] We can catch this fact by reflecting on its lack:

> to be overlooked, and to be disapproved of, are things entirely different, yet as obscurity covers us from the day-light of honour and approbation, to feel that we are taken no notice of, necessarily damps the most agreeable hope, and disappoints the most ardent desire, of human nature.[209]

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[204] Stephen Darwall, "Being With" in Stephen Darwall, *Honor, History, and Relationship: Essays in Second-Personal Ethics II*, (Oxford: Oxford University Press, 2013), 19.
[205] Luigino Bruni and Luca Stanca, "Watching Alone: Relational Goods, Television and Happiness," *Journal of Economic Behavior & Organization* 65, no. 3–4 (2008): 508.
[206] Useful here: Kristen R. Collins, "Observed without Sympathy: Adam Smith on Inequality and Spectatorship," *American Journal of Political Science* 64, no. 4 (October 2020): 1034–46,
[207] Stephen Darwall, "Empathy, Sympathy, Care," *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 89, no. 2/3 (1998): 269, 270.
[208] Note the allusion I made to the potential of not noticing the grief of another. Geoffrey Brennan and Philip Pettit argue that Smith lacked this insight and instead they quote John Adams's claim that to be "morally invisible is worse, even, than disapprobation." To make this claim they quote Adams's own paraphrase of Smith. Geoffrey Brennan and Philip Pettit, *The Economy of Esteem* (Oxford: Oxford University Press, 2004), 187.
[209] Smith, *The Theory of Moral Sentiments*, 51.

The bare fact of someone *noticing* your grief, even your joy, your frustration, your anger, these count as *being counted*. The contrast with being noticed is being non-accidentally overlooked; being seen but not noticed. When I notice you and I *share* your grief I signal, if not instantiate, my recognition of our common humanity and give some comfort to you by the fact that I share your grief. If I regard your grief as misplaced, feigned, self-serving, or otherwise inapt I do *notice* you as a person, but my sentiments may lead me to disapprove of your grief.[210]

By sharing (or noticing but not sharing) and expressing that I share your grief I also reinforce the norms of proper fatherly concern among us. The loss of a child, I communicate to you and all of us, gives you a *reason to feel* grief. As John Skorupski describes, Smith supplies a "conception of evaluative reasons, in the shape of his notion of the propriety of a sentiment, that is, of what kind of object properly gives rise to [a given sentiment]."[211] For Smith it is not just that sympathy uncovers reasons to feel certain ways, it expresses to another *these are the reasons we share*.[212] "Our ability to respond to the feelings of others," Karen Valihora writes, "not only expresses, but forges, common standards."[213] Thus, Smith's conception of what he calls sympathy explains pro-social "recognition respect"[214] and pro-social norm enforcement. As I explain in chapter five, these sentimental norms—the acts they recommend or forbid—furnish his foundational justice norm of mutual accountability with its contents.

We can develop this common evaluative world by these gestures (hugs, tears, nods, sighs) alone. There is no need to explicitly agree to a common vocabulary to make our common evaluations

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[210] Srinivasan, like Smith, gives an account of moral sentiments as potentially being apt yet "counterproductive." Amia Srinivasan, "The Aptness of Anger," *Journal of Political Philosophy* 26, no. 2 (2018): 123–44.
[211] John Skorupski, *The Domain of Reasons* (Oxford: Oxford University Press, 2010), 371.
[212] Mark Schroeder, *Explaining the Reasons We Share: Explanation and Expression in Ethics, Volume 1*, vol. 1 (OUP Oxford, 2014).
[213] Karen Valihora, "Adam Smith's Narrative Line," in *Adam Smith*, *His Life, Thought, and Legacy*, ed. Ryan Patrick Hanley, (Princeton University Press, 2016), 406.
[214] Stephen L. Darwall, "Two Kinds of Respect," *Ethics* 88, no. 1 (1977): 36–49.

perspicacious. The experimental economist Vernon Smith argues that this capacity and Smith's explanation of norm development dissolves puzzles in, and is vindicated in predictions about, cooperation in various games (ultimatum, trust, and dictator). These were puzzles and problems of prediction that bedevilled rational choice theory and behavioural economics.[215]

In sum, the kinds of norms of feeling and bonds of sympathy that I describe (Adam) Smith as explaining ought to be conceived as building on, in some ways confronting, and extending Hume's analysis of convention. These reflections established an alternative to contractarianism. The norms we developed were valuable but criticizable. There was no reason to cast them aside and posit a state of nature, but nor was there reason to credit the norms as the best (Korsgaardian) solutions to our problems. They gave us real material to *work with* and argue against. More to the immediate purpose, our moral norms gave us a place from which to evaluate the proposal to treat the Hobbesian sovereign as the source of right and wrong. Smith, as was proper, associated this tactic of giving us ground to say whether it "be right to obey [the sovereign]" against Hobbes and with "Dr Cudworth."[216] Cudworth, however, was a rationalist and Smith the sentimentalist was in no doubt that they had been mistaken in thinking that reason originally discerned eternal fitnesses of action.

2.7 Sympathy Against Hobbes's Egoism and its Entailments

Recall that Hobbes's imputation of consent to subjects involved positing a kind of egoism. One knew with certainty that egoists would consent to what kept the state of nature away. In the next chapter I describe how Smith argued that not only was the state of nature not a state of war, but also that the very idea of a pre-political people was virtually incoherent. I will end this chapter by simply

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[215] Vernon L. Smith and Bart J. Wilson, "Humanomics : Moral sentiments and the Wealth of nations for the twenty-first century," 2019; Vernon L. Smith, "Adam Smith and Experimental Economics: Sentiments to Wealth," 2016, 262–80.
[216] Mark Schroeder, "Cudworth and Normative Explanations," *J. Ethics & Soc. Phil.* 1 (2005): i; Perez Zagorin, "Cudworth and Hobbes on Is and Ought," *Philosophy, Science, and Religion in England* 16401700 (1992): 12848; Stewart Duncan, "Cudworth as a Critic of Hobbes," n.d.; Mark Schroeder, "Cudworth, Ralph," *International Encyclopedia of Ethics*, 2013. Smith, *The Theory of Moral Sentiments*, , 318.

describing Smith's objections to Hobbes's egoism. One can imagine Smith as objecting that the problems that Hobbes points out are not our problems because we are not egoists. Above we saw sympathy as Smith's alternative 'principle of approbation' and the way he believed it could develop binding norms of right and wrong 'antecedent to all law or positive institution.' Now I want to show how he figured that sympathy disproved egoism, especially Hobbes's.

While it is admitted by the egoist that we sometimes desire the happiness of others, the egoist must claim that even this is a self-regarding desire. As Joel Feinberg puts it, egoists must argue that "people are capable of desiring the happiness of others only when they take it to be a *means* to their own happiness."[217] The specific argument Smith uses to attempt to disprove Hobbes's self-love, egoistic, view is not especially important in itself, but it is important for showing the ways in which Smith believed political theory could move on from Hobbes.

Smith appears to target Hobbes's definition of pity. In *Leviathan*, Hobbes's writes that "'Grief' for the calamity of another is 'pity,' and ariseth from the imagination that the like calamity may befall himself."[218] Following Hutcheson's attack on egoism quite closely,[219] Smith begins by granting that philosophers, like Hobbes, who "deduce from self-love" do not hold the view that "when we in this age applaud the virtue of Cato, and detest the villainy of Catiline, our sentiments are influenced by the notion of any benefit we receive from the one, or of any detriment we suffer from the other."[220] Hobbes did not mean, Smith admits, that in praising an ancient figure—or having pity for them—we were approving of them or desired their good based on the actual benefit to us now of their temporally distant actions. Instead, Hobbists think we make a calculation of what "might have redounded to us, had we lived in those distant ages and countries," or what might redound to us now, were we to

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[217] Joel Feinberg, "Psychological Egoism," *Ethical Theory: An Anthology* 13 (2007): 167.
[218] Hobbes, *Leviathan*, ch VI.
[219] F. Hutcheson, *An Essay on the Nature and Conduct of the Passions and Affections, with Illustrations on the Moral Sense (A. Garrett (Ed.)). Indianapolis: Liberty Fund* (Inc, 2002), 134.
[220] Smith, *The Theory of Moral Sentiments*, 316.

encounter figures like those ancient heroes.[221] To approve of ancient figures we had to somehow register their actions by our self-love and we did this by imagining being benefitted by them. This is an example, Smith believed, of the explanation of approval given by Hobbes's 'self-love' 'principle of approbation.'

Smith's 'principle of approbation' is sympathy. He believed it could account for approvals without any *necessary* reference to self-love. English then lacking the word 'empathy,' Smith stipulated that his conception of sympathy was unrelated to pity or compassion and, as I quoted above, simply 'denote[s] our fellow-feeling with any passion whatever.' In Smith's terms, which I will continue to use, we sympathize with another when, imagining being them in their circumstances, we feel, or notice that we would feel, towards some stimulus the same sentiment and to the same degree as this other feels towards the same stimulus. As Samuel Fleischacker puts it, though using the word 'empathy,' "Smith's account of empathy is that it consists not simply in feeling *what* another might feel, but in being aware that that is how things feel *for* him or her."[222] My *approval* of your behaviour happens when I project impartially into your circumstances and notice that I do or would feel as you actually felt in those circumstances. The fact of sharing, or believing that one would share, a sentiment with another in their circumstances is approval of this other or his sentiment. Smith saw no reason to reduce *these* approvals to beliefs about one's private good.

Explicitly objecting to Hobbes, Smith writes that "[w]hen I condole with you "for the loss of your only son…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 were I really you…"[223] Smith imagines that we project into that man's situation as it confronts him. If we feel the

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[221] Smith, *Theory of Moral Sentiments*, 318.
[222] Samuel Fleischacker, *Being Me Being You : Adam Smith and Empathy*, (Chicago: Chicago University Press, 2020), 24.
[223] Smith, 317.

grief he feels (or can identify why we would feel it but are currently not), then we are said to sympathize with that man or that man's grief and consider it proper.

Upon projecting into his perspective on his circumstances we note that the man is grieving and that the facts warrant that grief. We note that this man is expressing a) a certain *degree* of grief and b) is proposing to open us to this grief, to tell us about it. Key for present purposes, is that "[m]y grief," Smith says of a second-party, depends on the facts as they affect *that man. He*, this other man, had a child. *He*, that other man of such and such a physical description and age, has lost *his* child. The grief I feel is mine in the sense that it is *in* me,[224] but it is "entirely upon [that man's] account."[225] It is not so much, in this story, that I am being altruistic or am looking to benefit another at my expense, rather, Smith's point is simply that I can approve of another's behavior without registering that behavior as ultimately serving my good. I am not trying, in this instance of grieving, to suppress my self-love in order to judge accurately, my self-love is simply not involved.

Smith appears to take Hobbes as having argued that the pity we feel, and so the approval of another's grief, is derived from being saddened that we might suffer a similar fate. On Smith's account I can certainly *also* entertain the interested thought that, because I am a man and also have a child, a similar fate may befall me and so I feel a kind of pain for that risk to me. That thought, however, is conceptually separable from what I am feeling for what befell this other man.

Though lodged in the text on Hobbes, Smith might have also been marking a difference between he and Hume on sympathy. Hume has what is often called a contagion view of sympathy: we *catch* happiness from the happy faces of others.[226] It is crucial that, as Darwall puts it, "when a "caught" feeling has an object, it need neither be, nor be thought to be, the same as the object of the feeling

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[224] The irrelevance of the desire or approval being mine is a key insistence Butler had made: Joseph Butler, *Five Sermons, Preached at the Rolls Chapel and a Dissertation upon the Nature of Virtue* (Hackett Publishing, 1983).
[225] Smith, *The Theory of Moral Sentiments*, 317.
[226] Samuel Fleischacker, "David Hume and Adam Smith on Sympathy: A Contrast, Critique and Reconstruction," *Intersubjectivity in Adam Smith and Edmund Husserl*, n.d., 273–311.

from which it is caught."[227] By Humean sympathy we are made to feel *what* another feels, but not necessarily made to feel what they feel towards the same object. For instance, I might see a group laughing *at a joke* (their object) and catch that happy state, but the object of *my* amusement, which I catch from them, need not be their perspective on that joke, but could be that group's mirth itself. We are each laughing, for instance, but their laughter was the object that caused mine and that joke was the object that caused theirs. It is natural to say, in this case, that their happiness was a good *to me* because the pleasure I am deriving from the laughter is comfortably lodged in my perspective on them. 'I am glad someone was laughing, because then I caught that pleasant feeling' is different from 'I am glad I could see how the joke gave them pleasure.' Whether or not one is glad about sharing the emotion in Hume's contagion idea of sympathy will be decided by the pleasantness or unpleasantness of what one catches from others. For Smith the gladness of sympathy derives from relating to others and arises even when the character of the shared emotion is itself unpleasant (as with grief, for instance).

Smith certainly affirms that such things as simply catching the laughter of another appear to happen all the time, but what marks the difference from Hume is that even this depends on our capacity *for* projective sympathy, whereby we put ourselves into the perspective of, for instance, one of the people laughing at that joke. We may then experience mirth, but we also may not. It is from this joke affecting that person that my sympathetic pleasure springs. We know *that* and we know *why* a person like that would find that joke funny and so we laugh at that joke in its significance from that person's perspective. The joke might make me laugh sympathetically because I recognize that if I were a blacksmith, as the laughing man is, such a joke would amuse me. The pleasure, in Smith's terms, is on their account. It credits them with a point of view. Thus in the case of grieving, above, the grief

[227] Stephen Darwall, "Empathy and Reciprocating Attitudes." in Roughley, N., & Schramme, T. (Eds.). *Forms of Fellow Feeling: Empathy, Sympathy, Concern and Moral Agency.* (Cambridge: Cambridge University Press, 2018), 293.

we feel is at *his loss*. We have not simply caught his grief and given it an object that arises from our perspective. Because Hume is far less intent on our taking up the perspective of one involved, his theory, and not Smith's, is best explained as an observer theory and one that tends toward utilitarianism.

When I approve of another's grief as proper there is no necessary connection, or reference, to my sense of my private good. The approval is best explained in this projection view and need not involve any reference to my private good. I can approve of something as good for you, or proper for you to feel without having made any calculation about how that feeling of yours helps me. Smith tries to bring this out still more by supposing that a man can sympathize with a woman in child-birth "though it impossible that he should conceive himself as suffering her pains in his own proper person and character."[228]

Conclusion

Smith built from Hume with a new theory of sympathy. It was this theory that showed how norms, moral and non, could develop 'antecedent' to any positive institution. His theory of mutual sympathy and its pleasures explained why we might be motivated to develop such norms without undermining his non-egoism. This meant that Hobbes's fixing of our consciences to the will of the sovereign was not only extravagant in terms of securing peace, but it also misunderstood the authority of morality.

What Smith might have believed he had untangled was this: Hobbes had thought he had to restrict himself to presenting a theory that interested everyone's self-love; this was an extravagant restriction and it pushed Hobbes, should he wish to ground authority in consent, to propose a universal bad. This universal bad, to which each would be averse, would help him name something that each would necessarily and undeniably gain from submission to civil government. Egoism plus

[228] Smith, *The Theory of Moral Sentiments*, 317.

this clear harm entailed aversion to the state of nature and so allowed him to precisely model consent to that which prevents or ends the harm. The state of nature as a state of war pressed the egoistic subject to make this calculation: violent death or not. Humans, as a fact, approved of only, and *assuredly,* on the principle of self-love; they could not rationally deny that they privately gained from the move from the state of war to peace; Hobbes's theory *compelled* consent. It could be imputed to current subjects. And consent then bound one regardless of the consequences, utility gains or losses. Hobbes could *prove* that you did, or that you do, consent if the 'self-love' 'principle of approbation' was a true account of approvals. Smith argued that non-egoistic approvals are possible and in fact common.

Throughout *Theory of Moral Sentiments* Smith appears to rehearse a series of the most celebrated objections to egoism. Arguably the book opens with a nod to Butler or Kames and their attacks on hedonistic egoism:[229]

> How selfish soever man may be supposed, there are evidently some principles in his nature which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it.[230]

The pleasure of seeing 'their happiness' is, perhaps, disinterested, nor would *taking* pleasure in the happiness of another imply that *my* pleasure was what I was aiming at—the pleasure was a by-product of altruistic concern. It had to be the case that I was pleased *at something*. Insofar as that something was *their* happiness and the good it brings to them, my pleasure is a sign of altruistic concern. The sentence might also be read as conceding egoism for the purposes of argument ('How selfish soever..'). The point then being even if we are egoists, we are surely the sort of egoist who gets pleasure, enoys, or cares about, the happiness of others.

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[229] The following is an important discussion of Butler's key argument against egoism, Butler's Stone, see: Elliott Sober, "Hedonism and Butler's Stone," *Ethics* 103, no. 1 (1992): 97–103.
[230] Smith, *The Theory of Moral Sentiments*, 9.

What is important is that *it is a fact* that Butler, Hume,[231] Hutcheson,[232] and Smith[233] all regarded egoism as a successfully discredited argument. Smith "offers his remarks" on egoism, Jennifer Welchman writes, "as a retrospective commentary on a theory"[234] that has been defeated. Smith had, instead, moved on to a competition with Hume on how to properly characterize sympathy.[235] This fact about egoism's purported defeat, more than any other, is why Smith treats Hobbes respectfully—as the only theorist "of note after Grotius"[236]—yet as utterly overcome.

The defeat of egoism, for the Scots, opened the possibility of utilitarian approvals about authority: we were psychologically *capable* of approving of a reform that generated an aggregate gain in utility even if we recognized that this reform might diminish our individual share without any countervailing compensation. We were then also capable of dissenting for utility losses without necessarily having to register it as our loss. The improvements the state might bring could be approved of as approvable in general terms; losses could be disqualifying even if they were not uniquely our losses.[237] The improvements did not have to be uniquely tied to one's own good in order to secure consent, but nor would compellingly portraying gains as accruing to an agent, on this psychological

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[231] See: Appendix 2 David Hume, "An Enquiry Concerning the Principles of Morals, Ed. JB Schneewind," *Hackett, Indianapolis*, 1983.

[232] It was Hutcheson who recognized that egoism, in order to have every desire be a desire for our own good, as the egoists tended to argue, could be pushed into having to (absurdly) suppose that the satisfying of desire was the good at which we really aim in doing something. We could not have a disinterested desire because there would always be that interest (i.e. the one of ending the desire) that is suspected as our real aim. This is to suppose, as Gerald Gaus puts it, that a desire is like an "itch"--we just want to be rid of it. Gerald F. Gaus, *On Philosophy, Politics, and Economics* (Nelson Education, 2007), 16. "Desire is as distinct from any sensation," he wrote, "as the Will is from the Understanding or senses. Francis Hutcheson, *An Essay on the Nature and Conduct of the Passions and Affections* (J. Darby and T. Browne, 1728), 28.

[233] Eugene Heath, "Adam Smith and Self-Interest," in *The Oxford Handbook of Adam Smith*, ed. Christopher J. Berry, Maria Pia Paganelli, and Craig Smith (Oxford University Press, 2013), 241.

[234] Jennifer Welchman, "Who Rebutted Bernard Mandeville?," *History of Philosophy Quarterly* 24, no. 1 (2007): 57.

[235] Ryan Patrick Hanley, "The Eighteenth-Century Context of Sympathy from Spinoza to Kant," *Sympathy: A History*, 2015, 171–98; Samuel Fleischacker, "David Hume and Adam Smith on Sympathy: A Contrast, Critique and Reconstruction," *Intersubjectivity in Adam Smith and Edmund Husserl*, n.d., 273–311; Stephen Darwall, "Empathy, Sympathy, Care," *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 89, no. 2/3 (1998): 261–82.

[236] Smith., *Lectures on Jurisprudence*, 397.

[237] See Thrasher on Smith and "mutual advantage": John Thrasher, "Adam Smith and the Social Contract," *The Adam Smith Review* 8 (2015): 195–216.

account of approvals, guarantee consent would be given. Consent could not be a deduction from the conceptual truths of human psychology and this contract. Even if this account of utility and approvals allowed one to say that another ought to consent, any lack of consent could be actually registered as a datum.

Though he rejects egoism, and this would open the door to approvals that track utilitarian evaluations of institutions, it will become important to stress that Smith based his political theory on the fact that our political behavior is *not* explained by our conclusions about objective utility. In fact, his descriptions of our submission to the powerful casts us—enough of us, enough of the time—as perverse altruists: we want the powerful's desire for domineering glutted. When Smith, and Hume for that matter, speak of 'utility' and its augmentation they—it seems—are speaking of goods from a plausible objective list: knowledge, health, shelter etc. As I show in the next chapter, our approvals of the powerful, Smith believed, do not track aggregate utility conceived in these objective terms.

Smith had non-egoistic utilitarian approval open to him yet does not exploit it when he turns to discuss authority. Our approval of our own good or the common good is not powerful enough to establish authority or to persuade us to obey. (*De facto*) authority will depend on the moral vice of overrating the lives of the powerful over the lives of the weak, and so the contestation of power, *politics* itself, and not obedience became a goal of his political theory.

The rejection of egoism can be identified as a position he took against Mandeville and Hobbes, and so is worth noting for that alone. Moving on from egoism opened new possibilities for his political theory. However, the denial of egoism and the use of sympathy to explain social life still did not rule out the possibility that a state of nature was a state of war. If it is the case that a state of nature is a state of war, then Smith's 'principle of approbation' ('sympathy') might also compel consent to *whatever* could end it. It is then important to see why Smith's theory made no room for the possibility that a state of nature was a state of war. He denied, in essence, that a state of nature could exist at all.

The unfinished business with Hobbes is this: Smith agreed with Hobbes, in the main, on the violent motivations deriving from interpersonal disagreement, but he did not think that this made disagreement a cause of total war. The same microfoundations about disagreement begat peace, but at a moral cost. Looking to join the winning team in a disagreement, we seamlessly team up with the first conqueror.

With this chapter I have entered core concepts of Smith's (sympathy, mutual sympathy, impartial spectator) into mainstream political thought by casting them, accurately I believe, as in part objections to Hobbes's central project. I deepen this argument about the relationship between Smith's key ideas and mainstream political thought in the next chapter.

Taking Stock

In the last chapter I showed that Smith used his conception of sympathy to strike against Hobbes's 'self-love' 'principle of approbation.' For Hobbes, agents can only approve of something if they regard it as generating some good to themselves. Smith's 'principle of approbation' was sympathy and it permitted non-egoistic approvals. This weakened Hobbes's ability to impute consent/approval to subjects. It did this by opening up the possibility that a person could withhold consent to a given political authority while nevertheless regarding that very withholding as harming their private good. Consent to Hobbes's offer would then not be entailed by the fact that agents were fully informed about the state of nature as a state of war. The immediate importance of this is that it demonstrates that Smith regarded sympathy, which is undoubtedly central in *Theory of Moral Sentiments*, as genuinely participating in mainstream modern political thought.

Smith's conception of sympathy also made it possible to think of "the state of nature [as] a kinder and gentler place" with effective moral norms.[238] Thus there would be less pressure to submit their consciences to the 'civil sovereign' as Hobbes had designed. To the contrary, Smith built from Hume on convention and so explained civil society as an entity distinct from any political form. All of this, the non-egoism, the pre-law norms, meant that there was no particular type of authority that human nature and its conditions uniquely called for. It could then make sense to think of a variety of political forms as equally in our interest. It is less politically imperialistic.

[238] Gerald F. Gaus, *Contemporary Theories of Liberalism: Public Reason as a Post-Enlightenment Project*, Sage Politics Texts (London ; Thousand Oaks, Calif: Sage, 2003), 93.

Abstract

John Locke defined the state of nature this way:

> Men living together according to reason, without a common superior on earth, with authority to judge between them, is properly the state of nature.[239]

The thesis of this chapter is that Smith regarded a) this concept of a state of nature as unstable because b) the human drive for glory causes us to instantaneously obey conspicuous possessors of power.

We have a psychological tendency to sympathize with the glory the powerful feel from possessing many means to their ends. The glory of the first dominator of another is sympathized with. If not as a matter of subjective belief about his rightful authority, then as a matter of our *behavior* toward him, this strongman is obeyed. This collapses to an instant the tract of time in which people may live 'without a common superior on earth.' Because we desire glory, we immediately submit to a strongman by glorying in *his* glory. The psychology in this submission to power constitutes what I call Smith's politically realist *fundamental fact of politics*.

Though Hobbes and Smith shared premises about the intensity of ideological disagreement and its tie to glory, Hobbes deduced war and Smith deduced peace. Hobbes supposed and Smith denied that there was an intrinsic scarcity to positionally-derived glory. Though positional, the strongman's glory is abundant because it is non-rival and non-excludable and yet he has an incentive to produce it. By *enclosing* glory he expands the availability of it. In desiring stable access to glory we desire that someone enclose it. We ensure that the first dominator does just this. We thereby establish salutary practical authority but become dangerously willing to obey. These principles led his theory away from justifying obedience to stadial theory and the control of power by managing our obedience. This marked a break not just from Hobbes but from Hume.

Chapter 3

[239] John Locke, *Second Treatise of Government*, (Indianapolis, Ind: Hackett Pub. Co., 1980), 15.

'Coarse Clay' Political Realism: Against the State of Nature

Introduction

In lecture at Glasgow in the 1760s Smith told his students that many "divines" had attempted to "oppose [Hobbes's] pernicious doctrine concerning virtue." They opposed him, he said, "by endeavouring to show that a state of nature was not a state of war, but that society might subsist, though not in so harmonious a manner, without civil institutions." He tells them that "Puffendorff," in fact, "wrote his large treatise" with the same aim as these 'divines.' "The sole intention of the first part of" Pufendorf's treatise "is to confute Hobbes, though it in reality serves no purpose to treat of the laws which would take place in a state of nature, or by what means succession to property was carried on, *as there is no such state existing* [my emphasis]."[240]

Smith admitted that the state of nature is not a state of war, but claimed that this is not because the state of nature is a state of peace but because the state of nature cannot exist. Proving this by means of his moral/political psychology had the upshot of forcing political theory to accept that we are sociable. These psychological arguments drew his normative political theory closer to political realism.

At the core of Smith's political theory, and key to establishing his realist *bona fides*, is an almost tragic description of our political lives. What makes politics possible and necessary comes at a moral cost. His clearest description of this is his description of the psychological tendency to awe at the powerful. Appreciation of this psychology must be at the centre of normative political theory. Here is his description of the psychology as it was added to the 1790 edition of *Theory of Moral Sentiments:*

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[240] Adam Smith, *Lectures on Jurisprudence*, *The Glasgow Edition of the Works and Correspondence of Adam Smith*, (Indianapolis: Liberty Classics, 1982), 398.

> [t]his disposition to admire, and almost to worship, the rich and the powerful, and to despise, or, at least, to neglect persons of poor and mean condition, though *necessary* both to establish and maintain the distinction of ranks and the order of society, is, at the same time, the great and *most* universal cause of the corruption of our moral sentiments. [my emphases][241]

This 'disposition to admire…the powerful…and to despise…' the weak is 'necessary' for establishing the 'order of society.' This psychology is what allowed us to survive and advance our well-being under practical authority, but it has ongoing moral costs. This is a *political* fact. I call this psychological tendency *the fundamental fact of politics*.

The powerful have an "easy empire over the affections of mankind."[242] It is good for us that we have this tendency to awe at the powerful because it allows us to advance common goods under third-party adjudication ('necessary…to establish'). It is at the same time a prime source of injustice, corruption, and political instability ('universal cause of the corruption'). We submit, but we submit arbitrarily and too fully. This tension between the hierarchies of honour that establish authority and the plateaus of mutual moral accountability that constitute justice is intrinsic to *the fundamental fact of politics*. Darwall is then paying tribute to Smith's *political* theory when he claims that "[n]o philosopher is more important for understanding the differences between relations of honour and mutual accountability than Adam Smith."[243]

Our habitual admiration of the powerful—*the fundamental fact of politics*—displaced the state of nature and became the key fact with which any normative political theory, practice of constitutionalism, project of statecraft, or meta-political philosophy must cope. It is a fundamental fact *of politics*, but not, as I explain, a fundamental fact of morality or psychology. When Smith does, as I show, reduce *the fundamental fact of politics* into component psychological parts he subjects the parts

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[241] Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie, *The Glasgow Edition of the Works and Correspondence of Adam Smith* , (Indianapolis: Liberty Classics, 1982),61.
[242] *Ibid,* 56.
[243] Stephen L. Darwall, "Smith's Ambivalence about Honor," in *Honor, History, and Relationship: Essays in Second-Personal Ethics II*, First edition (Oxford: Oxford University Press, 2013), "abstract" of chapter 2.

to ethical critique.[244] But he said clearly that *for the purposes of political theory* this psychology is fundamental:

> [i]t is scarce agreeable to good morals…to say, that mere wealth and greatness, abstracted from merit and virtue, deserve our respect. We must acknowledge, however, that they almost constantly obtain it.[245]

As a matter of our methodology in political theory '[w]e must acknowledge' this psychology, but we need not be morally complacent about it in everyday life. Thus, the admiration of the powerful is a moral problem produced by and reducible to a combination of psychological quirks, but it is a political given, a fundamental fact *for the purposes* of doing normative political theory.

Smith does not treat *the fundamental fact of politics* as brute, or totally basic. It was a result of other psychological principles. The very reducibility of *the fundamental fact of politics* to other facts of human psychology—for instance, to what he calls our "love of system"—is what shows it to be a marker of his *intent to do* political theory.[246] Refusing to simply moralise about the psychology was his way of marking out the subject of political theory. It is his awareness of *the fundamental fact of politics* as a composite phenomenon that shows that Smith was consciously *arguing* that it ought to be treated as irreducible for the distinct tasks of normative political theory.

To force political theory to cope with *the fundamental fact of politics* Smith closed off the state of nature as a place from which one could derive normative claims. I will be assuming a definition of state of nature that is like the one Locke supplied:

> Men living together according to reason, without a common superior on earth, with authority to judge between them, is properly the state of nature.[247]

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[244] His example of the "poor man's son" is the most famous instance of this critique: Smith, *The Theory of Moral Sentiments*, 180–82.
[245] Ibid, 62.
[246] Ibid, 185.
[247] John Locke and C. B. (Crawford Brough) Macpherson, *Second Treatise of Government*, 1st ed. (Indianapolis, Ind: Hackett Pub. Co., 1980), 15.

What makes this concept unstable is the psychology that causes us to instantaneously develop a norm to organize around, or under, 'a common superior on earth' and so to leave the state of nature in Locke's sense. There is no imaginable *tract of time* in which humans live in some proximity to one another without a 'common superior on earth.'

We immediately leave the state of nature not because of the pressure of some knowledge problem nor because we are at each other's throats and so are overwhelmingly in need of a common peace guarantor, but because we so easily develop "social norms" around functionally distributed hierarchies.[248] The mechanism for this is the human tendency to awe at the powerful and to feel contempt for the weak. We project into a salient other's perspective—call him the strongman—and sympathize with the pleasure (or whatever pro-attitude) the strongman takes in possessing many means to satisfying his ends. In such a case, we are, behaviourally, submitting to him. As soon as we see others in the high (or low) estimation that we think they see themselves, a sympathy over that self-estimation combines with *the fundamental fact of politics* and some 'common superior' will reign. Competition over glory does not keep us in the state of war/nature, but immediately causes us to leave it into servile submission to a strongman. We approve of and support the positional glory of our fellows.

Using the idea of a horrible tract of time of anarchy to ground *de jure* authority and motivate us into obedience exacerbates the core problem of politics: our too grateful submission to power described by *the fundamental fact of politics*. Obtaining obedience is not the existing political problem, too-willing obedience is. In ruling out our bent to obey, the state of nature rules out the material needed to evaluate the choice of a political constitution. Which configurations of power will prevent too-willing obedience?

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[248] Gerald Gaus and John Thrasher, *Philosophy, Politics, and Economics: An Introduction*, 1st ed. (Princeton: Princeton University Press, 2021), 202.

The human *condition,* though not a teleological human *nature*, is irreducibly political.[249] Humans immediately put themselves in a political situation by establishing hierarchies of authority. Hunter-gatherers have these roles as their mutually recognized practical identities.[250] This chapter explains how Smith's moral psychology of *the fundamental fact of politics* undermined the prepolitical ground of contractarianism that is the source of its purported normative purchase on existing politics.

Smith deflected political theory away from a fraudulently emancipatory contractarianism grounded in non-politically conditioned consent over to a political realism that understood obedience to be a problem no matter how it was morally grounded. This shift had the further consequence of deflating the idea of the state as a moral entity submission to which secured autonomy.

Smith accepts many of Hobbes's premises about the intensity of the desire for glory and the way glory is at stake in disagreements over ideological beliefs. It was this that Hobbes used to fire his argument for the state of nature as a state of war. In the state of nature the scramble for glory and disagreement over who has it is the cause of incessant violence until a sovereign could settle positions of rank. The keystone of Hobbes's argument is that glory is scarce because it derives from rank. For Smith, it is just the opposite. Glory becomes abundant when it is enclosed.[251]

Smith agreed that glory derives from positions in status hierarchies. The strongman's rank is scarce and desired but the glory derived from it is abundant because our sympathy with the strongman's glory means that it is non-rival and non-excludable. If glory *were not* tied to rank, then desire for it would not be orderly. In order to get glory the great bulk of us rush to team up with the first conspicuous strongman and glory in *his* domination of the weak. We can easily settle an arbitrary

[249] I mean to invoke the idea of something about what we find ourselves in as human, as opposed to our nature being political. Hannah Arendt, *The Human Condition*, 2nd ed (Chicago: University of Chicago Press, 1998).
[250] Christine M. Korsgaard, *The Sources of Normativity* (Cambridge ; New York: Cambridge University Press, 1996), 101.
[251] David Schmidtz, "The Institution of Property," *Social Philosophy and Policy* 11, no. 2 (1994): 42–62.

ranking because we are indifferent to our *rank* in that hierarchy so long as we can feel glory.[252] What we want is glory and that can come apart from rank. Hierarchy calms competition over glory by making it abundant. Our strongest desire is for the establishment of *a* status ranking because the tie of glory to rank makes it abundant and tells us where it is to be had.

We would prefer to be below the strongman and above the weak than equal with all. We do not so much submit to those who attack us as we support those who attack *others*. By no means does the one who is attacked *consent* to any of this. This generates a host of problems—that I describe in the next chapter—but it does get us the peace we need for further goods. It also means that we are then functionally obeying, or deferring to, 'a common superior' and thus are no longer in the state of nature. There is no *state* of the state of nature; it could only last a moment.

I begin (3.2 The Psychology of the Hobbesian State of War) with Hobbes's account of the causes of war from the purportedly intrinsically scarce good of positional glory. I offer (3.3 Glory is Non-Rival and Non-Excludable) a Smithian account of the positional glory (3.4 Denying the Coherence of the State of Nature) of a strongman as non-rival and non-excludable yet nevertheless abundant because he has an incentive to produce it. I show that this makes the state of nature unstable because the strongman's enclosure of glory causes us, behaviorally, to submit to his commands. The details of this psychology involve Smith in a disagreement with Hume (3.5 *Pace* Hume Approvals do not track Utility) over the nature of our approvals and authority. Finally, (3.6 The *Fundamental Fact of Politics*) I directly describe what replaced the state of nature in Smith: *the fundamental fact of politics*.

3.2 The Psychology of the Hobbesian State of War

To explain the causes of war Hobbes did not make an argument about contingently scarce material resources. As Arash Abizadeh shows, he "appealed instead to *intrinsically* scarce positional

[252] Peter Vanderschraaf, *Strategic Justice : Convention and Problems of Balancing Divergent Interests*, (Oxford: Oxford University Press, 2019), 67.

goods—above all, those that implicate one's comparative glory."[253] Donald Herzog writes that "[h]onor," and your rank compared to your neighbour's, is publicly legible in Hobbes's theory because it is "one of those curious positional goods, and scarcity is built into the logic of its social distribution."[254] Managing status rank, its distribution, and grounding it would be crucial to maintaining peace.

> In a stark statement of the pleasure that caused all the problems, Hobbes writes*:*
>
> Since all the heart's joy and pleasure lies in being able to compare oneself favourably with others and form a high opinion of oneself, men cannot avoid sometimes showing hatred and contempt for each other, by laughter or words or a gesture or other sign. There is nothing more offensive than this, nothing that triggers a stronger impulse to hurt someone.[255]

The most important contestation over the scarce goods of rank involved discursive conflict. Proving your interlocutor to be wrong, or laughing him off as ignorant, were taken as attempts at status shifts. Abizadeh explains that "disagreement is the universal cause of war, above all because prickly, glory-seeking humans are inclined to view its expression as a sign of contempt."[256] Disagreement signals contempt and this fires desperate glory-seeking reprisals.

Disagreement over religious doctrine was especially dangerous because it tied glory-competition to disagreement over matters that were taken by people to be deeply serious. Still worse, the disagreement was interminable, irresolvable, because there was no uniquely rational solution to doctrinal differences. This explains, Abizadeh shows, why Hobbes would prepare a "full-scale ideological program for the sovereign to propagate."[257] The ideological program would settle, in clear

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[253] Arash Abizadeh, "Hobbes on the Causes of War: A Disagreement Theory," *American Political Science Review* 105, no. 2 (May 2011): 296.
[254] Donald J. Herzog, *Without Foundations: Justification in Political Theory*, 1St Edition edition (Ithaca: Cornell University Press, 1985), 34.
[255] Thomas Hobbes, Richard Tuck, and Michael Silverthorne, *On the Citizen*, Cambridge Texts in the History of Political Thought (New York, NY: Cambridge University Press, 1998), 26–27.
[256] Arash Abizadeh, "Glory And The Evolution Of Hobbes's Disagreement Theory Of War: From Elements to Leviathan." History of Political Thought 41. 2 (2020), 267.
[257] Arash Abizadeh, "Hobbes on the Causes of War: A Disagreement Theory," 312.

and stipulated terms, all publicly expressible doctrinal positions.[258] The sovereign must control and unify, Hobbes thought, "the Instruction of the people" by managing two key sources of otherwise disputatious knowledge: "the right teaching of Youth in the Universities," and the right of teaching of the people of all ages the religious doctrine**.** Determining religious instruction required, Abizadeh concludes, "an Erastian state that appoints and supervises the clergy."[259] This is why the sovereign looks the way it does on the frontispiece of *Leviathan*, sword in one hand, crozier in the other. This is also the disastrous statecraft that self-defeatingly unites persuasion and coercion that, as I show in chapter six, Smith thought was threatening, once again, to bring about civil war.

To put them into conversation I need to show that Smith affirms many of the same premises about glory and disagreement that are at work in Hobbes's causes-of-war argument. The comparison that I make between Smith and Hobbes on glory and pursuit of high social standing need not establish any one-to-one identity in their concepts. I only need some instances of plausible agreement on basic drives.

Smith admits that "[t]o deserve, to acquire, and to enjoy the respect and admiration of mankind are the great objects of ambition and emulation."[260] In pursuit of wealth, "[i]t is not ease or pleasure, but always honour, of one kind or another, though frequently an honour very ill understood, that the ambitious man really pursues."[261] For Smith, many of the goods that seem desirable for other reasons are in fact pursued as instruments for receiving honour. "In order to live comfortably in the world," Smith assures us, "it is, upon all occasions, as necessary to defend our dignity and rank, *as it is to defend our life* or our fortune [my emphasis]."[262]

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[258] On the significance of publicness, see: Arash Abizadeh, "Publicity, Privacy, and Religious Toleration in Hobbes's Leviathan," *Modern Intellectual History* 10, no. 2 (2013): 261–91 Also:; Teresa M. Bejan, "Difference without Disagreement: Rethinking Hobbes on" Independency" and Toleration," *The Review of Politics*, 2016, 1–25.

[259] Abizadeh, "Hobbes on the Causes of War," 312 The quotation of Hobbes is Abizadeh's.

[260] Smith, *The Theory of Moral Sentiments*, 62.

[261] Ibid, 65.

[262] Ibid, 244.

Not only, as I showed in the previous chapter, does Smith appreciate the role of religious disagreement in Hobbes's argument, he independently argued that religious disagreement is especially dangerous: "princes" who have "dared to rebel against the church" have failed and ultimately collapsed in "humble submission" because, as a matter of psychological fact, "the authority of religion is superior to every other authority. The fears which it suggests conquer all other fears."[263] *All other fears*, we can hear him agreeing with Hobbes, *including the fear of violent death*. "The animosity of hostile factions, whether civil or ecclesiastical," he affirms, "is often still more furious than that of hostile nations; and their conduct toward one another is often still more atrocious."[264] Recall that when Smith summarized Hobbes's view about the causes of the Civil Wars deriving from disagreements within the clergy he did not deny that this was a cause.

Smith, again like Hobbes, ties the sting of disagreement to honour. He emphasizes the pleasure of sentimental *agreement*, "mutual sympathy,"[265] but of course this makes sentimental *discord* particularly painful:

> nothing pleases us more than to observe in other men a fellow-feeling with all the emotions of our own breast; *nor are we ever so much shocked as by the appearance of the contrary*. [my emphasis][266]

In most cases Smith portrays this pleasure and that shock as straightforwardly pro-social. A key plank of his social theory, as we saw in chapter two, rests on the argument that we strategically raise or lower the pitch of our sentiments in order to attain a harmony with another. Yet we do not always try to reach such a concord nor when we try to do we always succeed. Such failures of concord are serious matters:

> …if you have either no fellow-feeling for the misfortunes I have met with, or none that bears any proportion to the grief which distracts me; or if you have either no indignation at the injuries I have suffered, or none that bears any proportion to the resentment which transports

[263] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Indianapolis : Liberty Classics, 1981), 798.
[264] Smith, *The Theory of Moral Sentiments*, 155.
[265] Ibid.
[266] Ibid.

> me, we can no longer converse upon these subjects. *We become intolerable to one another. I can neither support your company, nor you mine. You are confounded at my violence and passion, and I am enraged at your cold insensibility and want of feeling.*[267]

We desire to coordinate our feelings, but the failure to coordinate sometimes drives us apart ('become intolerable to one another'), aghast at the 'insensibility' of our company.

If there is to be a harmony between you and me then I would rather be the one of the two of us that directs us to some agreement. After all, Smith's famous "disposition to truck, barter, and exchange" is, he tells us, not brute, but is founded on another principle. I have set off three quotations that are each related to what Smith believes comprises our 'disposition to truck.'

A) If we should enquire into the principle in the human mind on which this disposition of trucking is founded, it is clearly the naturall inclination every one has to persuade. The offering of a shilling, which to us appears to have so plain and simple a meaning, is in reality offering an argument to persuade one to do so and so as it is for his interest. *Men always endeavour to persuade others to be of their opinion even when the matter is of no consequence to them*...When any arguments are offered to perswade, it is always expected that they should have their proper effect. *If a person asserts anything about the moon*, though it should not be true, he will feel a kind of uneasiness in being contradicted, and would be very glad that the person he is endeavouring to persuade should be of the same way of thinking with himself. [my emphasis][268]

B) *The desire of being believed, the desire of persuading, of leading and directing other people, seems to be one of the strongest of all our natural desires.* It is, perhaps, the instinct upon which is founded the faculty of speech, the characteristical faculty of human nature…Great ambition, *the desire of real superiority, of leading and directing,* seems to be altogether peculiar to man… [my emphases][269]

C) To tell a man that he lies, is of all affronts the most mortal…The man who had the misfortune to imagine that nobody believed a single word he said, would feel himself the outcast of human society, would dread the very thought of going into it, or of presenting himself before it, and could scarce fail, I think, to die of despair.[270]

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[267] Smith, *The Theory of Moral Sentiments,* 21
[268] Smith, *Lectures on Jurisprudence*, 493–94.
[269] Smith, *The Theory of Moral Sentiments*, 336.
[270] Ibid.

In sum, respectively:

A) Even trivial disagreement—'anything about the moon'—is aggravating even independent of any tie of this to our self-interest. ('Men always endeavour to persuade others to be of their opinion *even when the matter is of no consequence to them*.')

B) Smith held that persuasion, getting someone to agree, exhibits and satisfies our desire for 'real superiority' (positional glory). This invites the opposite thought: disagreement denies that status and so is taken as also expressing contempt.

C) The accusation of lying is an attack on one's reputation. Proof of lying "always diminishes our authority to persuade, and always brings some degree of suspicion upon our fitness to lead and direct."[271]

Thus, Smith can agree with Hobbes that we have a powerful desire for esteem and praise, honour and glory; Smith's most famous description of essential human behaviours—his claim that we have a 'propensity' to 'truck, barter, and exchange'—is explicitly reduced to, as above, the nearly Hobbesian stipulation that we have a desire to 'lead and direct' our fellows; disagreement even over trivial matters irks us and irks us because of the status risks at play in speech intended to persuade; and he can agree that disagreement over religious doctrine is especially dangerous.

The reduction of this barter-propensity to the desire to 'lead and direct' was done in class in his lectures on jurisprudence. In *Wealth of Nations*, however, when his subject matter was economics, he treated the propensity as fundamental and marked the significance of this domain-specific stipulation:

> Whether this propensity [to truck, barter, and exchange] be one of those original principles in human nature of which no further account can be given; or whether, as seems more probable, it be the necessary consequence of the faculties of reason and speech, *it belongs not to our present subject to inquire* [my emphasis].[272]

[271] Ibid, 337.
[272] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 25

Just as *the fundamental fact of politics* is a fundamental fact for political theory, when providing an explanation of the nature and causes of the wealth of nations it is best to accept, *as fundamental,* the fact that enough of us, enough of the time, do exhibit the propensity to truck, barter, and exchange. The actual fact that not all of us do have this propensity, or that the propensity is reducible to desires to 'lead and direct,' is not an important one for explaining, again, the nature and causes of the wealth of nations. What wealth consists in and is produced by is one important question; whether or not it is *good* to encourage the causes of wealth is another important question and very well might involve sorting through how basic the propensity to exchange is.

After the disposition to 'truck, barter, and exchange,' his next most famous description of our behaviour is the supposed desire to 'better our condition.' Even this he reduces to, or associates with, 'vanity':

> From whence, then, 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? To be observed, to be attended to, to be taken notice of with sympathy, complacency, and approbation, are all the advantages which we can propose to derive from it. It is the vanity, not the ease, or the pleasure, which interests us.[273]

We seek to increase our wealth or well-being ('bettering our condition') not for 'ease' or 'pleasure' but for 'vanity.' Broadly-speaking, it is pursuit of something like glory, vanity, recognition, praise, that sits at the bottom of principles he treats as fundamental in any inquiry into the nature and causes of the wealth of nations.

Independent of this association with vanity, it is proper to read 'bettering our condition' in its comparative, not absolute, sense. Though referring explicitly to Plato in this instance, Smith repeatedly assigns this desire to the "irascible part of the soul; ambition, animosity…the desire of victory, superiority…what we commonly call spirit or natural fire."[274] Lisa Hill rightly argues "that the most

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[273] Ibid, 50.
[274] Smith, *The Theory of Moral Sentiments,* 268.

important motive force within Smith's economic system [is] *thumos* – or, as Smith often calls it, 'spirit', the desire for status, social recognition and approval."[275]

Throughout *Theory of Moral Sentiments* Smith is concerned with preventing people from becoming "mean-spirited" because humans have a vicious tendency to heap scorn on the already weak precisely when they submit to their lot: if one suffering under domination allows "any other man to assume over them a superiority which does not belong to him, we not only blame them, but often despise them as mean-spirited."[276] We acknowledge that this 'mean-spirited' person is being *unfairly* ill-treated by another yet their submission to this makes us permit the unfair treatment. We look down "with disdain and indignation, and regard[] as unworthy of all compassion the man who could be so mean-spirited as to bear to live under such calamities."[277] We pile cruelty upon cruelty precisely because the ill-treatment to which this person has been subject has succeeded in stripping them of their self-respect, or extinguishing their thumotic 'natural fire.' Injustice increases as subsets of the population lose their self-respect.

No doubt there is a gap in the basic psychological assumptions and the vocabulary about glory between Hobbes and Smith, but they are recognizing similar traits. It is a fact that Smith reduces a great number of descriptions of behavioural regularities to the pursuit of honour fired by vanity and that this makes him similar to Hobbes on topics like glory.

It is admittedly true that Smith eases some of the tension between the aristocratic "passions" of actors by that famous shift to our "interests," which Albert Hirschman identifies with Smith.[278] Yet

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[275] Lisa Hill, "Adam Smith on Thumos and Irrational Economic 'Man,'" *European Journal of the History of Economic Thought* 19, no. 1 (2012): 2.
[276] Smith, *The Theory of Moral Sentiments*, 246.
[277] Ibid, 56.
[278] Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph*, 20th anniversary ed. (Princeton, N.J.: Princeton University Press, 1997).

we find Smith describing the painful effects of poverty as arising chiefly from its tendency to social exclusion not from an absolute ability to satisfy material needs.

> The poor man, on the contrary, is ashamed of his poverty. He feels that it either places him out of the sight of mankind, or, that if they take any notice of him, they have, however, scarce any fellow-feeling with the misery and distress which he suffers.[279]

> The poor man goes out and comes in unheeded, and when in the midst of a crowd is in the same obscurity as if shut up in his own hovel.[280]

All our goods seem to depend on securing that basic one of minimal recognition.[281]

Ultimately I will claim that Smith regarded the state of nature as unstable, but to get to that conclusion we need to see why all these shared premises between Smith and Hobbes do not lead him to the conclusion that were we to live 'without a common superior on earth' it would be a war of all against all or would even last as a state of the world at all. Smith would have denied that positionally derived glory is scarce, in fact that is just what *the fundamental fact of politics* describes.

3.3 Glory is Non-Rival and Non-Excludable

One might have expected Smith to appeal to a harmony of interests as defusing conflict yet it seems that Smith held that glory, while it might be a positional good—the source of its value is its position relative to another—is not scarce in the way Hobbes needs it to be to fire war. On Smith's conception of sympathy one person's glory is non-rivalrous (i.e. it is not *always* rivalrous) and non-excludable. We are capable of sharing in, taking part in, another's glory even when, like a variation of Stockholm Syndrome, their glory is derived from dominating us. Though there is a scarcity of positions of rank this scarcity *increases* the availability of glory and shores up the ranking.

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[279] Smith, *The Theory of Moral Sentiments*, 51.

[280] Ibid.

[281] Recognition in Smith is emphasized by David Schmidtz, "Adam Smith on Freedom," *Adam Smith: His Life, Thought, and Legacy*, 2016, 208–27 and; Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns*, 1st ed. (Cambridge University Press, 2008).

Here is an intuitive case that draws from Smith and a) admits the scarcity of positional goods but b) empties that scarcity of its tendency to produce conflict.

When the Montreal Canadiens win the Stanley Cup they, and they alone, occupy first position (rank) and they glory in it. But so do we. We are not confused about whether or not it is we or they or us all who actually did the work of achieving first place. We glory in *their* positional status. We party as they party and because *they* won. Before the season began when all teams were, in a sense, of the same rank, there was little glory for anyone. It is the fixing of the rank at the end that increases the total supply.

When our team wins we also feel the second-order pleasure of 'mutual sympathy' with their joy and this enlivens it for us and them: we cheer partly to show them that they are *right* to celebrate, to second their emotion. *Fans,* the word, might as well be a description of people who, like a bellows, *fan* the flames of their team's pride in order to make more of it.

Imagining the win to be thrilling and a source of pride for them we approve of, without morally justifying, their new confidence, the extravagant expenses on rings and parades, the keys to the city, trips to the White House etc. Their open profligacy is permitted by our sympathetic approvals. We know that they stand to derive a lot of pleasure from their victory. We not only excuse, we encourage their vices, their 'trash talk,' their boasts, their spite for their vanquished. They pour champagne on themselves, the Cup, the floor, onto the crowd, and we love it.

We glory *over* other fans and the other team but we do so via 'our team,' the players who actually won. It is a cliché that the winning team's fans will walk into work next day with their head held high while the fans of the losing teams shrink away. But no one is under the illusion that it is the hockey skills of the respective *fans* that warrant the opposite reactions. We know where the person at work derived their pride. No one is confused as to why these people who are not themselves the people—the Canadiens players and staff—who finished in first place would be feeling prideful. The

respective glory-postures of winning and losing fans are perfectly familiar and so is the idea that they derive it from scarce positions held *by others*.

All this may involve our self-love, but the point is that the glory derived from finishing in first place is *non-rivalrous* and *non-excludable*. My glorying over the Maple Leafs fans does not somehow use up, or rivalrously occupy, a space you, a fellow Canadiens fan, need in order to also glory in the positional superiority of the Canadiens over the Leafs. On the contrary, the goods of glory are plausibly subject to something like the opposite of rivalry: network effects. As the crowd swells at the parade for my team my sense of glory is surely increased, not crowded-out. I add my voice to the cheers to *add* to the available glory not to wrest some of it from others.

Of course *they*, that team, those players and not me, finished in first place. But I get my glory consistent with that fact not in spite of it. It is not as if fans care much to celebrate how well they did that year *as fans*. They do not cheer the final whistle as literally evidence of their own achievement. Their glory/pleasure derives from the perspective of the people in first place. This makes us desire *the existence* of first place, a ranking, without any expectation of personally winning the Stanley Cup.

They finished ahead of the team they beat in the final and everyone else, but I, indeed anyone, can access their comparative glory: their glory is *non-excludable*: Fans who switch allegiances exist *because* nothing excludes them from enjoying the glory of this team one year and that one the next. We even have a familiar term for this: 'a bandwagon jumper.' These fans will seek to jump to a winning team *as soon as they can*. They will be anxious to say that they have been devoted to this team longer than some benchmark that would disqualify them from cheering. It as if we want credit for picking the winner; it is not that we want credit *for being* the winner.

Why do people who might be, for a variety of reasons, naturally aligned to the Maple Leafs 'bandwagon jump' to whichever team is a winner? As Joel Smith suggests, it seems that people "think of transparent fellow-feeling [another term for Smith's 'mutual sympathy'] as an end in itself. If so,

then empathy serves a social function that is itself independent of any further pro-social effects it may have. We value feeling with others."[282] The bandwagon-jumper jumps from one team to the next because the glory-signalling position of first place tells him there is mutual sympathy to be had there if only you begin to cheer. First-place, the Stanley Cup, is a conspicuous signal of where positional-glory is to be *had,* not of a privatization that makes it scarce.

The bandwagon jumper is a fellow-feeling opportunist who *intends* to prop up the winners. The Canadiens's victory is salient information the band-wagon jumper needs in order to feel glory and the good of mutual sympathy in the *shared* a) sentiment of glory derived b) from the perspective of the Canadiens c) at their victory. If he cannot easily join the fans of a winning team, the bandwagon-jumper will seek out a *distinctive* team—a team with a clear and salient identity, a hard-luck outpost team, whose distinctive *losses* can be a focal point for the pleasurable fellow-feeling in common dejection.[283] Marketing companies working for teams will emphasize any organizing trait, even painful ones about so-called 'tortured fanbases': 'we're unique in being X.' It was, as Hume called it, the "hinge" of Smith's system that the pleasure of mutual sympathy can be had even when the emotion that two or more people are sharing is itself painful: mutual sympathy 'alleviates grief' over our storied team's failures.[284]

Even a Maple Leafs fan in Toronto—the *rivals*, as we say, of the Canadiens—could switch affections and we, Canadiens fans, could not stop them, could not *exclude* them. Some people *feel* as though they are excluded, but they have to get themselves to believe that my glorying in the Canadiens winning this year gives me some ability to exclude them from joining me. The Maple Leafs fans can glory in their season's successes because the glory made by the enclosing of this hockey league is not

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[282] Joel Smith, "What Is Empathy For?," *Synthese* 194, no. 3 (2017): 709–22.
[283] Thomas C. Schelling, *The Strategy of Conflict: With a New Preface*, (Cambridge, Mass.: Harvard Univ. Press, 20), 55.
[284] David Hume in Adam Smith, *The Correspondence of Adam Smith,* Mossner, and Ross,.(Indianapolis: Liberty Fund, 1987), 43.

rival. Glorying in being a fan of the first-place team does not use up the glory fans of the second-place team can get.

Toronto fans have a *motivation* to conjure the exclusionary thought regarding the Canadiens's glory: by treating the Canadiens's glory as exclusive of them they get the pleasure from the mutual sympathy among Maple Leafs fans over the *feeling of exclusion* or antipathy. We often *pretend* that fandom is a club good—excludable but non-rivalrous—but it isn't. One of the *bonds of the society* between Maple Leafs fans and Canadiens fans is the pretense of excludability. Leafs and Canadiens fans *agree* on the pleasure of pretended exclusion. Championships are positive-sum. If we performed *an inquiry into the nature and causes of the wealth of sports fandom* it would derive from each fanbase specializing in cultivating affection for their team and antipathy to their rivals. The disagreement over vague notions of who is best stabilizes the divisions.

In all of this it is clear that though this glory is non-rival and non-excludable there is a profit, an incentive, a return, for the players to continue to *produce* the glory we access. There is no public-goods incentive problem about. It would extinguish, not ignite, glory-incentives if the Canadian state named the Maple Leafs permanent champions. The players want to achieve a scarce rank because, of course, it is theirs, their good, their pleasure, their rank, but the glory derives from the contestability of the rank. The state-chosen champions would quickly lose fans because they never renew the idea of their superiority by putting it at risk. Moreover, we taxpayers, would quickly recognize the decline in the ambition of the Maple Leafs players upon being crown the established team—established *church*, we might say.

None of this denies the analysis that glory is a positional good, or rather that glory *derives from* positional goods. Certainly *first place*, the value of that rank, is a positional good and so is scarce. There will only be one *winner*. There is stark competition over first place. But even the one who loses to that winner may, and even in the presence of that winner, access the winner's glory: *She's right to feel as if*

she's the best. It would feel great to beat me. If I am beaten at some task that I expect my opponent to recognize me as expert in I will take it as an affront if she does *not* glory in her victory over me. The team that loses to the Canadiens in the final does not really want the victors to shrug 'who cares?' at the final whistle.

Recall how Smith's conception of sympathy would describe phenomena like these, of winners, and losers, and rivals, and heroes. We are said to imaginatively project into the situation of the champions, or the losers, and observe their victory, their loss, as if we were them. ("By the imagination we place ourselves in [another's] situation," and imagine "what we ourselves should feel in the like situation."[285]) If we find that we have, or would have, the same sentiments they have about their circumstances we are then said to sympathize with them, or with their sentiment. This fact, sharing their sentiments, or seconding them, is an instance of sympathizing with, and by this fact, approving of, their sentiments by means of imagination.

To fire violent competition it helps if positional glory is intrinsically scarce, but for Smith it is not. The National Hockey League is *shored up* by competition. The scarcity of ranks, first place, second place, is real but that scarcity only matters if the desired aspects of rank, the scarce good, are capturable only by the holder of the position. The scarcity of apples, for example, only matters because the desired aspects of apples, their taste and nutrients, are rivalrous and excludable. Suppose *apples*, as individual objects, were materially scarce but somehow huge numbers of people could access the taste and nutrients of a single apple. There may then be one physical possessor of the apple, but that scarcity—of apple possession—is practically irrelevant. By contrast, the scarce positional good in front-row seats is *the view* and it is not the case that more 'good view' is produced because someone is in the front.

One of Smith's hopes, as we shall see in his discussion of sectarian life, was that glory competition of this sort among, not sports teams, but religious sects would actually drive a kind of

[285] Smith, *The Theory of Moral Sentiments*, 9.

disciplined reputation-seeking. In conditions of freedom to bandwagon jump, and only in those conditions, the Canadiens will have an incentive to be respectable winners, or fun winners, never actually excluding their potential Toronto bandwagon fans. Why bother cultivating an attractive team brand if no one were allowed to switch affiliations? The Canadiens will want to gain fans, not provoke a backlash against them. Owners of teams know that it is good to accept the rules of the game and win a championship because this means, in normal conditions, you will *gain* fans. It is far from the case that these pressures *always* generate, in some vague sense, moderation. Smith's point is that everyone believes that they *never* do.

What would Smith's position on our ability and motivation to sympathize with those of different rank do to Hobbes's state of nature as a state of war argument? As I described in the last chapter, the pleasure of mutual sympathy motivates norm creation and norm following. We mark and then seek to follow the sentimental countenances that beget mutual sympathy. For all this, and the possibility for sharing glory that derives from positional goods, there is no guarantee that a state of nature will not be a state of war. *Agreeing* to fight, after all, contains the pleasure of shared sentiment but it will not lead to peace. Though it is important that Smith does not say the state of nature is a state of peace, it is even more important to appreciate that, as I quoted him dismissing Pufendorf, he claims that 'there is no such state existing.'[286] My claim is that he can know that this is so without checking the latest reports from Joseph-Francis Lafitau.[287]

> Recall that Locke had defined the state of nature in the following way:
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> Men living together according to reason, without a common superior on earth, with authority to judge between them, is properly the state of nature.[288]

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[286] Smith, *Lectures on Jurisprudence*, 398.
[287] Robert Launay, "Lafitau Revisited: American 'Savages' and Universal History," *Anthropologica* 52, no. 2 (2010): 337–43.
[288] Locke, *Second Treatise of Government*, 15.

To see how Smith denies the coherence of the state of nature from these reflections on the abundance of positional glory I marshal some quotations that explain how our first submissions may have worked.

One key hurdle is this: Hobbes might claim that in the state of nature there would be no way to signal to all who the person with high rank was. That is, possession of the Stanley Cup clearly signals rank, but no such signal of rank is possible in the state of nature. Smith will disagree with that, but the key, for now, is to appreciate that we *would want* to establish a ranking in order to a) have practical authority and b) access glory.

In creating the Stanley Cup as a sign of first place we intended to make glory where there was none before. The Stanley Cup grew the amount of glory there was to be had *by* enclosing it. The cause of peace is the desire for glory plus the fact that it is positional.

The basic idea in the next section is this: If, in the state of nature, John violently subdues Paul, then George, seeking glory, can try to fight violent-John or join in subduing Paul *by elevating* violent-John. George's elevation of violent-John created glory for *both* him and violent-John. If, as I have supposed, George prefers to support violent-John's glorying over Paul rather than attacking violent-John, then Ringo, seeking glory, knows to join with violent-John and George over Paul. We are desperate to compete for glory, or to have others compete for glory, in order to get glory by submitting to the winner.

3.4 Denying the Coherence of the State of Nature

We do struggle for glory, it is positional, but we bandwagon jump to align with the first successful strongman with network effects for the pleasure of mutual sympathy. Network effects "occur when some good or type of production becomes substantially more valuable the more people use it."[289] The admiration of the powerful has network effects when I, in the grip of it, grasp that other

[289] Gaus and Thrasher, *Philosophy, Politics, and Economics*, 95.

people are also glorying in the glory our leader derives from reflection on the all-purpose means at his disposal.

In some prepolitical scene the spotting of one person being hailed by even one other person is an opportunity for glory *by submitting* to the heralded one. We quickly team up with winners, or imagine we have. As Smith writes:

> By the admiration of success we are taught to submit more easily to those superiors, whom the course of human affairs may assign to us; to regard with reverence, and sometimes even with a sort of respectful affection, *that fortunate violence which we are no longer capable of resisting.* [my emphasis][290]

As a limit case, it is important that Smith locates this admiring political psychology even in those who had resisted the conqueror, but whom they 'are no longer capable of resisting.' The successful violent conquering of our resistance is sometimes *revered* by the vanquished. We might awe at how powerful we would feel to have conquered *us*.

Conditions, as he explains, of 'faction and civil war' press us into accommodating ourselves to 'whatever happens to be, at the moment, the prevailing party.' The full passage added in 1790 is important:

> The character of dark and deep dissimulation occurs most commonly in times of great public disorder; amidst the violence of faction and civil war. When law has become in a great measure impotent, when the most perfect innocence cannot alone insure safety, regard to self-defence obliges the greater part of men to have recourse to dexterity, to address, and to apparent accommodation to whatever happens to be, at the moment, the prevailing party.[291]

Among the horrific harms of civil war is just this type of 'accommodation to *whatever* happens to be…the prevailing party.'

We can connect these thoughts to Hobbes on the state of nature because in *Wealth of Nations* (1776) Smith reused language from his discussion in *Theory of Moral Sentiments* (1759) about what was

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[290] Smith, *The Theory of Moral Sentiments*, 252.
[291] Ibid, 242.

needed to "confute" Hobbes.[292] In *Theory of Moral Sentiments* he wrote that it "was necessary to prove, that antecedent to all law or positive institution, the mind was naturally endowed with a faculty" that discerned "the qualities of right."[293] In *Wealth of Nations* he names the original sources of success in gaining power "antecedent to any civil institution" and says they are "four in number." He writes:

> The causes or circumstances which naturally introduce subordination, or which naturally and antecedent to any civil institution, give some men some superiority over the greater part of their brethren [are:][294]
>
> 1)"superiority of personal qualifications, of strength, beauty, and agility of body; of wisdom, and virtue, of prudence, justice, fortitude, and moderation of mind."
>
> 2) "…superiority of age."
>
> 3) "superiority of fortune [wealth]."
>
> 4) "…birth."[295]

As Smith describes these, what matters is that the qualities are salient and so become focal points because they are "plain and palpable,"[296] not that they are regarded as worthy qualities for rule. They are like Thomas Schelling's focal points: strategic thinking tells you to expect that others will think that Grand Central Terminal will come to mind as a place to meet, not that Grand Central Terminal is *worthy* of being a meeting place independent of it being a 'plain and palpable' focal point.[297]

As Paul Sagar describes, "in the primitive hunter stage these ['personal qualifications'] were the entire basis of all political authority."[298] There is no reason to take these 'personal qualifications' as uncertain markers of rank among hunter-gatherers relative to legal titles to rank among those living

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[292] Ibid, 318.
[293] Ibid.
[294] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 710.
[295] Ibid, 710–13.
[296] Ibid, 711.
[297] Schelling, *The Strategy of Conflict, 55*.
[298] Paul Sagar, "Adam Smith and the Conspiracy of the Merchants," *Global Intellectual History*, 2018, 8.

in Hobbes's England. It is "custom" in each society that will make the qualification 'plain and palpable.'[299]

Not only would we want to create clear 'plain and palpable' signs of ranking, we would do this partially out of a desire to obey—in the sense of 'team up' with and follow the orders of—the highly ranked. We want to obey—we want to band-wagon jump and jump early—so that we get glory via our leader. To draw us back to Hobbes, we can now imagine that competition over glory, far from a cause of war, is the cause of its cessation: we identify with and *share in* the glory of the conqueror. To attempt to show, as contractarians did, that this obligated us to obedience ran us into, not away from, the most serious political problems.

Relatedly, consider that there just is no need to try, and good reason not, to justify self-defence. If one had an ingenious, rhetorically-powerful, rationally-grounded defence of self-defence one would run the risk of causing—not justifying—wanton violence. We want to self-defend; it is permissible to self-defend. It is wrong-headed to spend all one's time justifying what we are already too-willing to do. To submit to the Leviathan, to chase us into worship of it was unnecessary, and, as the second part of the dissertation shows, bad for political stability.

To show that Smith thought carefully about how this glory in the glory of the powerful worked, I turn first to his analysis of the psychology that causes this and then to his clearest statements that claim that we do in fact behave this way. The fact that we glory in the glory of the powerful is a part of what I am calling *the fundamental fact of politics*. In this next section, then, I explain the component parts of *the fundamental fact of politics*. He argues that part of it consists in our love of the means of welfare production over the consumption of welfare. The powerful are awed at because they are the people with means to welfare, not because they are living well or especially happy. This position on our love of the means of welfare production over welfare itself was an objection to Hume. This

[299] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 869.

disagreement with Hume marks a deep and consequential difference in moral and political philosophy between the two that will come up again in chapter four.

3.5 *Pace* Hume Approvals do not track Utility

In a series of objections to Hume's theory of psychological approvals—in which "we get the impression that Adam Smith is making the most of the differences between them"[300]—Smith appears to accuse Hume of "resolv[ing] our whole approbation of virtue into a perception…of utility."[301] It is absurd to believe, Smith writes, that "we should have no other reason for praising a man['s virtuous character] than that for which we commend a chest of drawers."[302] Each Smith and Hume use the word utility to describe something like pleasure, satisfaction, or welfare, in short a type of good.

I have claimed that Smith objected to the orientation of Hume and Hobbes's theories of obedience. We will see that this is so in this section, but its purpose is to explain the details that will help us understand the nature of *the fundamental fact of politics*. The present question is this: what is it about the powerful that makes us sympathize with their glory? In establishing rank, which properties of the highest rank will cause us to believe that possessing that rank would properly make one feel glory?

Smith's answer is that it is the connection between that rank and the means it gives for satisfying desires that attracts us. When we imagine ourselves into the perspective of a dictator we find that his a) glory b) derives from the fact that he is able to order people to satisfy his desires, and c) that he knows his actions are attended to and often approved of simply because he is powerful. We find it easy to sympathize with this glory. This is not to say that one would morally approve of Louis XIV, but simply that one does not find it hard to understand why he might have felt glory in being the king. We would find it odd if he didn't. It is perfectly consistent to say that a) in some sense Louis

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[300] Bonar, *The Theory of Moral Sentiments by Adam Smith, 1759*, 349.
[301] Smith, *The Theory of Moral Sentiments*, 188.
[302] Ibid.

XIV's sentiment of glory was (or would have been) rational, or fitting, the natural assessment of his power, and b) he ought not to have possessed so much power. We awe at the fact that so many others must be in awe at Louis XIV.

Smith argues, contrary to Hume, that what "pleases" us, or what garners our approval "is not so much the utility, as the aptness of the machines which are fitted to promote it."[303] He describes Hume as holding that "the utility of any object…pleases the master by perpetually suggesting to him the pleasure or conveniency which it is fitted to promote. Every time he looks at it, he is put in mind of this pleasure."[304] Smith argues that "this fitness, this happy contrivance of any production of art [is] often more valued, than the very end for which it was intended."[305] I will come back to this principle as marking a difference from Hume, but it is first important to collect a number of Smith's psychological claims related to this one about pleasure at the 'aptness of machines' that each feed into *the fundamental fact of politics*. In essence, we are investigating *the fundamental fact of politics* by discerning what it is composed of.

Building on the idea that what 'pleases' us is 'aptness' for use, Smith explains that we frequently value "the exact adjustment of the means for attaining any conveniency or pleasure, [more] than that very conveniency or pleasure" at which those means aim at acquiring.[306] It is hard to tell if Smith is describing our approvals as deriving from vanity and whether or not there is a kind of harmful self-deception, but he is at least specifying an independent liking for what is fit for *promoting* 'utility.'

We are happy when we have a cleared a room to make it fit for hosting a party though we neither intend to host nor regularly enjoy attending parties. Clearing the room took more energy than a clear room will provide. The room, however, is enjoyed as an apt machine and the party is the utility

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[303] Smith, *The Theory of Moral Sentiments*, 180.
[304] Ibid.
[305] Ibid.
[306] Ibid.

the clear room supports. Smith remarks that "[t]he sole use [i.e. utility] of watches…is to tell us what o'clock it is," or to aid us in being on time to an "engagement." Increasing our punctuality is, in Smith's terms, the utility of a watch. Yet "one curious in watches" will often "despise[]" a watch that "falls behind above two minutes in a day," sell it for "a couple of guineas," and buy another "at fifty."[307] This same man will often exhibit no interest in being "punctual" and is not "anxious to know precisely what time of day it is." What "interests" him is not knowledge of the time of day in order to be punctual but "the perfection of the machine which serves to attain [that knowledge]."[308] He is not interested in its use, or what it can be exchanged for, but in its systematic production of value. What he values is that it is good *for* making him punctual. The pleasure we get is like a kind of anticipatory good except that it does not depend much on believing that we even will enjoy the anticipated good. We buy a piano because its apt for us, not because we will use it.

It may be that Smith is influenced, here, by the stoic idea that some crafts have, as Brad Inwood puts it, "a goal…which can be missed without [implying that missing this goal] damage[es] the [anyone's] claim to be a perfect practitioner of [it]."[309] That is, the stoics made room for the idea that one could perfectly rationally value skillful production independent of the product. Daniel Diatkine seems correct in arguing that for Smith the "accumulation of capital" is pursued from this same love of the *means* of utility production.[310] The ever-greater orderliness of the watch is valued independently or maybe even more than the end that this orderliness serves. What we approve of is "not so much [the] conveniency" but the "arrangement of things which promotes [conveniency]."[311]

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[307] Ibid.
[308] Ibid.
[309] Brad Inwood, "Goal and Target in Stoicism," *The Journal of Philosophy* 83, no. 10 (1986): 548.
[310] Daniel Diatkine, "Vanity and the Love of System in Theory of Moral Sentiments," *The European Journal of the History of Economic Thought*, (2010), 385.
[311] Smith, *The Theory of Moral Sentiments*, 180.

This psychological principle pulls at a character that Smith calls "[t]he poor man's son…when he begins to look around him." He notices "palaces, the gardens, the equipage, the retinue of the great" and these "are objects of which the obvious conveniency strikes every body."[312] To acquire these he sets himself to work. He "makes his court to all mankind; he serves those whom he hates, and is obsequious to those whom he despises." As he begins to achieve "wealth and greatness" he is struck by the fact that they are "trinkets of frivolous utility." Late in life, "he curses ambition, and vainly regrets the ease and indolence of youth, pleasures which are fled for ever, and which he has foolishly sacrificed for [wealth and greatness.]"[313] The drive of preferring *means* of satisfying desires to anything else has left him empty. We can tell ourselves the lesson from the 'poor man's son' case, but we find it hard to guide ourselves by its insights. Without reflectively giving to ourselves the drive to mistake instrumental means (wealth), for intrinsic good, we nevertheless behave as if we had.

In falling back into liking palaces and carriages, finding them beautiful, or apt for producing pleasure we "thereby applaud the satisfaction" the rich must take in having them.[314] Smith's point is that it is the fact that these palaces strike us as producers of pleasure that amounts to approval of the vanity of the rich: it seconds their vanity. By finding the palace lovely you acknowledge that there is nothing bizarre, improper, or confused about the vanity of the rich. In glorying in their wealth they haven't made a mistake. You may not want them to have that wealth, but they are not foolish for liking it. Put differently, if a palace struck you as just part of the passing scene, entirely unremarkable, you would thereby be disapproving of the vanity of the ones inside it.

What attracts us in the palaces, what makes us put it in the category of things to awe at, is just how apt it seems for returning pleasure to the possessor. The palace is awe-inspiring like a vista, or a canyon, not morally praiseworthy. Precisely one of the pleasures it gives to the possessors is their

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[312] Ibid, 182.
[313] Ibid, 181.
[314] Ibid.

awareness that we are riding by and remarking, even in disgust, at this palace. This gluts "their love of distinction."[315] If we could only ignore, or be sincerely indifferent about, the palace we would undermine this source of their pleasure.

And here is the crucial point: it is not just "with regard to such frivolous objects [watches and palaces] that our conduct is influenced by this principle; it is often the secret motive of the most serious and important pursuits of both private and public life."[316] We wish the powerful to have more political capital, more means to more *power*.

Being pleased by the 'aptness of machines' leads us to sympathize with the glory of the powerful because their sentiment of glory derives from their sense of possessing enormous means to their ends. They know we are in awe that they can get whatever they want. When I imagine myself in the palace reflecting on the awe in the eyes of the passers-by I cannot pretend that I could be indifferent to the sight. I do not think the king has made a mistake in finding glory in his position, though I do not think they are virtuous for having this glory.

The quirk of preferring means of production over consumption finds in the powerful an object of awe. It is thus a psychological source for *the fundamental fact of politics*. This psychology of sometimes valuing means over ends is a component part of what is taken as fundamental for the purposes of doing normative political theory.

One way of describing what our admiration for the 'rich and the great' is admiration *of* is their "possessing more means of happiness."[317] A key reason why we admire the powerful, our pastor, the coach, the PTA president, especially our king, is because, when we project into their perspective, we grasp that their statuses are efficient machines for promoting their material well-being, whether or not they are in fact faring well. Without necessarily rationally approving of their rule or even holding the

[315] Smith, *The Theory of Moral Sentiments,* 181.
[316] Ibid.
[317] Ibid.

person himself in high regard we enjoy or are overwhelmed by their marvellously well-adapted means for promoting ends, and the more the more powerful they are. When we project into their perspectives we feel glory arising from their rank and status. Like the Maple Leafs who party when they defeat my team, I cannot pretend that they are making some kind of mistake. I let them get away with the partying even when I wish they would go away.

In part the 'rich and the great' have more means because each agent thinks to himself that *other* people love, worship, or admire the 'rich and the great' and will give them what they please. What gets them the means to what they want is that people *other than me* admire them. This power astonishes me. "The man of rank and distinction," Smith says "is observed by all the world."[318] When you project into their perspective you "feel[] that [his riches] naturally draw upon him the attention of the world, and that mankind are disposed to go along with him."[319] Your admiration of his "glories" need not depend on your admiration of *him*, or his character, or his feats, but your admiration may rest on the idea that millions of other people admire his character or feats.[320] You will then be disposed to treat him or to outwardly behave as if his authority were morally legitimate, and this in part constitutes his power. You awe at his power—'means of happiness'—which, in part, you regard as deriving from the fact that other people admire him, wish to serve him. This tends to cause us to opt for a politics that gives the powerful more means to their ends.

There is a further subtlety, or psychological disaggregation of *the fundamental fact of politics*, that is important to bring out. As I have said, for Smith our approvals do not fix on the 'utility' of something, but rather on that thing's aptness for producing 'utility.' These approvals do not even approve of the means *that do in fact* produce the most 'utility.'

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[318] Smith, *The Theory of Moral Sentiments,* 51.
[319] Ibid.
[320] Ibid.

It is not the *in fact* efficient production of 'utility'—the objective aptness of some means to its end—that delights us but our *understanding* or vivid cognitive appreciation of that aptness. A tool that inexplicably works well (to give us utility) is often less valued than an inefficient tool the functioning of whose springs and gears we understand. So, if someone possesses a tool obviously well-adapted to some task, then when we project into their perspective on that tool we will feel the pleasure they do in possessing it. If, then, we understand *how* the king can get what he wants even if we do not particularly believe that these means *do* get him what he wants, this will lead us to glory in his glory at his means. He has *an army* for…it does not matter what.

It appears that at its most basic this quirk in our desires and approvals is for a kind of pleasure (pro-attitude) from a cognitive appreciation of how something works, of how its functioning allays our curiosity about its functioning. Smith describes our valuing the means of happiness over happiness as expressing a "*love of system*, the regard to the beauty of order, or art and contrivance. [my emphasis]"[321] This 'love of system' means that our approvals track the means we understand to be suited to producing good. Diatkine suggests that the "love of system is disinterested…an aesthetic judgement on the way means relate to ends."[322]

In "Philosophical Enquiries," one of Smith's few published essays, Smith posits a desire-like direction of fit for our philosophical (scientific) *beliefs*: we *want* the world to fit our imagination's desire for orderliness and so we *believe* theories whose principles we fully grasp.[323] We believe these theories over, for instance, highly predictive or demonstrable theories that we do not understand or are underspecified. Uneasy at the "discordant appearances" of some theory's constituent parts we prefer

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[321] Smith, *The Theory of Moral Sentiments*, 185.

[322] Daniel Diatkine, *Adam Smith and the Wealth of Nations : The Discovery of Capitalism and Its Limits*, Palgrave Studies in the History of Economic Thought (Cham: Palgrave Macmillan, 2021), 52.

[323] Alex Gregory states the standard account of the directions of fit for desires and beliefs: "Whereas beliefs aim to fit the world, desires aim to have the world fit them. That is, we try to revise our beliefs to bring them into line with the way the world is, whereas we try to bring the world into line with how we want it to be." Alex Gregory, *Desire as Belief: A Study of Desire, Motivation, and Rationality* (Oxford University Press, 2021), preprint.

to believe whichever "[p]hilosophy…allay[s] this tumult."[324] This is why "chemical philosophy in all ages crept along in obscurity." Its "connecting principles…are such as the generality of mankind know nothing about, have rarely seen…and which to them, therefore, are incapable of soothing the passage of the imagination between two seemingly disjointed objects."[325] Chemistry accounted for and predicted phenomena, but we understood, for instance, the way a folk tale explained the phenomena. We might know that chemistry's predictions came good more frequently than those derived from the folk tale, but we are more concerned to grasp the nature of the predictions than to secure the result.[326]

For Smith, this 'love of system' was not unique to those living in the commercial age. Indeed Smith uses the 'love of system' to offer a natural history of religion in "Philosophical Enquiries." People desire to comprehend their world and so they often "ascribe[] all the irregular events of nature to the favour or displeasure of intelligent, though invisible beings."[327] We make 'the world' *systematic.*

Some of this 'love of system' psychology can be related to a range of contemporary ideas, including insights in social identity theory or to what is now sometimes called system-justification theory in social psychology: [328]

> in addition to ego-justifying and group-justifying tendencies to defend and rationalize the interests and esteem of the self and the ingroup, respectively, people exhibit system-justifying tendencies to defend and rationalize existing social, economic, and political arrangements–sometimes even at the expense of individual and collective self-interest.[329]

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[324] Adam Smith, "Philosophical Enquiries," *Essays on Philosophical Subjects* (Indianapolis : Liberty Classics, 1982), 45–46.
[325] Smith, 46–47.
[326] "The magnificent functional efficiency of this spectacle of nature as a whole, and in every detail as well, provoked their profound admiration. They found the spectacle so impressive that they could not but eschew its having resulted from chance and instead perceived it as witness of a supreme intelligence which forms and governs it according to his design. It was in this way that "science gave birth to the first theism..." J. Ralph. Lindgren, *The Social Philosophy of Adam Smith,* Archives Internationales d'histoire Des Idées. Series Minor ; 8 (The Hague: Martinus Nijhoff, 1973), 137.
[327] Smith, *Essays on Philosophical Subjects*, 1982, 49.
[328] Henry Tajfel, *Differentiation between Social Groups: Studies in the Social Psychology of Intergroup Relations* (London: Academic Press, 1978).
[329] John T. Jost, "A Quarter Century of System Justification Theory: Questions, Answers, Criticisms, and Societal Applications," *British Journal of Social Psychology* 58, no. 2 (2019): 263.

Thus, on Smith's theory, it is not because our existing political and economic arrangements further our interest that we approve of them, but simply that we *understand*, or think we understand, how they work. The 'love of system' explains why one who believes, and is correct in believing, that she is losing out under the current economic and political arrangements may nevertheless approve of them: the system is *apt* for producing what I want.

This is very far from any kind of conservatism either in Smith or in us. A crucial part of Smith's analysis is his extension of this same rationalization/justificatory tendency of the *status quo* to approvals of *proposed*, alternative, hypothetical *systems*. He is able to do this because it is not the settled structure of power, as such, that generates our rationalizations. In Smith, the system-justifying tendency is basic and so approvals of *status quo* power arise because that is the power we tend to understand. We have a 'love of system' and so politicians like the 'man of system' know this and propose a populist politics (i.e. understandable mechanism that seems apt for achieving a desired outcome) aimed at getting its grip on us by exploiting this psychology.

Hypothetical *alternatives* to our political system can have the same effect on us as the system we live in and understand if the alternative hypothetical system they present is easily understood, as with contractarianism. The maker's knowledge appeal of contractarianism attracts us. It makes sense to us that a) consent to a contract creates obligation and that b) the political authority we would consent to in a prepolitical state would be uniquely justified. We submit to the rebel just as rashly, and on the same set of principles, as we submit to the king.

Smith's self-described "very violent attack … upon the whole commercial system of Great Britain"[330] and its mercantilism was bedevilled by the fact that its imperialist and protectionist strategies *seem* apt for its end. In arguing against it he knew that it will

> often be to no purpose to tell [someone], what superior advantages the subjects of a well-governed state enjoy; that they are better lodged, that they are better clothed, that they are

[330] Smith, *The Correspondence of Adam Smith*, 251.

> better fed. These considerations will commonly make no great impression. You will be more likely to persuade, if you describe the great system…[the] connexions and dependencies of its several parts…which procures these advantages…[331]

Should you wish to persuade people of your normative political theory, describe *how* it works and forego explaining that it *does* work. This principle of theory acceptance deriving from our 'love of system' privileges some theories over others for no good reason.

The preference seems to be aesthetic and yet it is at work even in our approvals of political systems:

> The same principle, the same love of system, the same regard to the beauty of order, of art and contrivance, frequently serves to recommend those institutions which tend to promote the public welfare.[332]

Smith is naming an important psychological principle of politics and not merely expressing a variety of moral lament at how people are fooled into believing this or that.

I can now bring this back to Hume and Smith's disagreements with him. In the first chapter I described Smith as building from Hume and this is right, but he nevertheless broke from him on many important points. He did know and approve of the fact that Hume had defused the particular power of Hobbes's state of nature, which, "as a result of what Hobbes did with this term between 1640 and 1651…[had] bec[o]me not simply a mandatory point of reference for emulators and critics alike, but also an element of basic political calculus familiar far beyond the confines of philosophical debates regarding obedience."[333]

Hobbes's Chapter XIII could not frighten us anymore. It is not true "that all is chaos absent sovereign command."[334] Hume's analysis could make sense of pluralist accounts of the gradual rise of

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[331] Smith, *The Theory of Moral Sentiments*, 186.
[332] Smith, 185.
[333] Ioannis D. Evrigenis, *Images of Anarchy: The Rhetoric and Science in Hobbes's State of Nature*, (Cambridge: Cambridge University Press, 2014), 1.
[334] Andrew Sabl, *Hume's Politics: Coordination and Crisis in the History of England* (Princeton University Press, 2015), 117.

the state as the referee over rules between groups. Hume, and then especially Smith, could account for the real and independent existence of civil society and its plural sites of authority.

Having relieved any fear of the state of nature itself Hume effectively diminished the awe we might have in reflecting on the station of our protector. The sovereign was not a savior. It was simply useful to obey; it was especially useful, *as a rule*, to regard it as right to obey. Thus another oblique strategy in Hume's "indirect form of utilitarianism."[335]

If we reflect on our obedience we will find that utility gains are to be had from *not* entertaining the truth of the latest deduction concerning sovereignty. Sidgwick approved of Hume's ability to "support[] the different reasons [for obedience] commonly put forward as absolute, and also bring[] them theoretically to a common measure…[thus providing] a principle of decision between conflicting arguments."[336] By banishing the foil of the hellish state of nature, or its conceptual nearness to us, Hume could make it seem safe to risk pressing for reform, room of one's own, more freedom, and more of the means to luxury.

Hobbes did not intend to leave us without hope on this score. As I quoted him in chapter one, he wrote to "set before men's eyes the *mutual* relation between protection and obedience [my emphasis]."[337] On one side, citizens ought to obey because the sovereign secured "bare Preservation" and helped to supply or generate the 'Contentments of life.'[338] Citizens ought to realize that their obedience aids in attaining this security. Rulers, in their turn, ought to discipline themselves with a regard to the effect that proceeds from prudent protection *to* citizens' obedience. Mancur Olson begins "Dictatorship, Democracy, and Development" by quoting a citizen persuaded by this way of thinking:

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[335] Roger Crisp, *Sacrifice Regained: Morality and Self-Interest in British Moral Philosophy From Hobbes to Bentham* (Oxford University Press, 2019), 138.
[336] Sidgwick, *The Methods of Ethics*, 441.
[337] Hobbes, *Leviathan*, 497.
[338] Ibid.

"Monarchy is the best kind of government because the King is then owner of the country. Like the owner of a house, when the wiring is wrong, he fixes it."[339]

But in the popular imagination the argument and rhetoric of *Leviathan*, including the imagery of its famous frontispiece, run almost entirely the other way. *Leviathan*'s legacy is to have stressed the bare obedience of citizens and not beneficent protection from rulers: Hobbes tells the citizen that you must—that you should want to—obey because you are secure, period.

Consistent with his theory of approvals as deriving from perceptions of 'utility' that Smith attacked, Hume argued that the "original motive" for the establishment of government was an "interest" that individuals perceived in submission to authority. "This interest," Hume writes, "I find to consist in the security and protection, which we enjoy in political society, and which we can never attain, when perfectly free and independent."[340]

This made Hume's position precarious. Recall that Hume had intended to embarrass contractarianism by showing that the appeal of its theory of consent was illusory; it always came with the supplement of an authoritarian doctrine of tacit consent.

Hume reckoned that obedience works, redounds to overall benefit, almost *because* we do not constantly subject it to rational scrutiny concerning its utility. It was certainly wrong, as citizens, to wonder whether we should rebel from a comparison of our regime with an imagined original contract into which we could load all our hopes for utility gains. But direct and constant evaluative attention on utility of the actually-existing regime under which one lived was not *much* better.

Here is his thinking: *If* we evaluated our existing authority in terms of the utility of submission to it *rather* than evaluating it in terms of how closely its parts resemble the terms we would agree to in an ideal original contract, *then* we would be right about *what* to evaluate about our authority (i.e. its

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[339] Mancur Olson, "Dictatorship, Democracy, and Development," *The American Political Science Review* 87, no. 3 (1993): 567.

[340] Hume, Treatise, Bk III, pt II, sect. 9.

success at furthering our interests), but we would doubtless compare its actual utility to the expected value of full-compliance submission to some other imagined authority and find ours drastically wanting. If an authority fails a utility test this badly, then it will be resisted. Thus Hume thinks that:

> If ever, on any occasion, it were laudable to conceal truth from the populace; it must be confessed, that the doctrine of resistance affords such an example; and that all speculative reasoners ought to observe, with regard to this principle, the same cautious silence, which the laws, in every species of government, have ever prescribed to themselves…
>
> …*it must be acknowledged, that the doctrine of obedience ought alone to be inculcated*, and that the exceptions, which are rare, ought seldom or never to be mentioned in popular reasonings or discourses. [my emphasis][341]

It is right to think that authority depended upon the promotion of common advantage, yet we ought not to foreground this thinking. Let us act as if the ground of authority is more permanent than a balance of calculations concerning utility. Cast this way a contractarian Whig might accuse Hume, *tu quoque*, of beginning with plain utilitarianism and ending with plain obedience. Like the contractarian use of tacit consent, Hume hides the ground of authority and stresses obedience. He did not propose tacit consent, but he did seek to push us into obedience out of fear of how disobedient we would be if authority's ground in utility were publicly known.

Though massively indebted to Hume, Smith's central objection to Hume's philosophy, as I have been showing, was that, as a matter of fact, citizens' approvals do not track long or short-term 'utility.' Thus among the things that Smith denied was that, as a matter of psychology, our allegiance, our obedience to this or that authority, actually would cycle on and off as the utility balance directed. Stress utility concerns publicly, and as much as you like. If utility were the proper ground of authority, then there was no need to disguise it. We too much love our system and too much admire the powerful for rebellions to be triggered from utility calculations. We *should* press objections about outcomes

[341] The quotation is from Hume, *The History of England*; and I found it in Stephen Buckle and Dario Castiglione, "Hume's Critique of the Contract Theory," *History of Political Thought* 12, no. 3 (1991): 468.

against our king, but we will not. Hume was thus driving us to further tolerate whatever the king did. He began with accountability to utility-gains and ended in bare obedience.

3.6 *The Fundamental Fact of Politics*

To sum up, I have earlier established that Smith denied that we are egoists. He nevertheless agreed with Hobbes about basic features of our psychology concerning glory and the pains of disagreement. What he disagreed with was the idea that any of this made the state of nature into a state of war. In fact he claimed that our psychology prevented the state of nature from ever obtaining. We always obey superiors. He took himself to be disagreeing with Hume on approvals and utility. Hume thought that we would be too willing to revolt if we taught that what ought to justify an authority is its production of utility. We should treat obedience as a duty. Thus both Hobbes and Hume were pushing us to obey. The direction of the motivation was all towards obedience. This had been a mistake.

Smith saw the problem of obedience—indeed that obedience could often *be* a problem—more clearly than Hume did because Smith denied that our approvals and disapprovals track utility much at all.[342] Hume's "Of our esteem for the rich and powerful" in the *Treatise* is subtler than Smith seems to allow, but Smith is right that Hume is more willing to allow that our judgements do track the utility of the objects judged of. What is more important, he is less willing than Smith is to pathologize our admiration of the rich and powerful.

While yet building from Hume, Smith virtually reversed the moral significance of obedience that is given to protectors: the powerful are *indulged* into vice by obedience. In some moments, as we will see, Hume was willing to suggest that it is best if we "bribe the indolence" of certain authorities.[343]

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[342] Spencer J. Pack and Eric Schliesser, "Smith's Humean Criticism of Hume's Account of the Origin of Justice," *Journal of the History of Philosophy* 44, no. 1 (2006): 47–63.

[343] Smith's quotation of Hume in, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 790.

Smith was concerned that our obedience corrupts us and them. This is the problem to which Smith's political theory is a *palliative*.

Obedience was a problem for justice. One of the means of utility a strongman has is the *permission* we give him to indulge his 'love to domineer.' "The pride of man," Smith thought, "makes him love to domineer, and nothing mortifies him so much as to be obliged to condescend to persuade his inferiors. Wherever the law allows it, and the nature of the work can afford it, therefore he will generally prefer the services of slaves to that of freemen."[344] The 'pride of man' causes the 'love to domineer.' Though Smith posits some potential objects of our approval that might *warrant* elevating the status of someone (age, strength...) into an authority in the state of nature these are not *necessarily* at the origin of any hierarchy. Often enough, success at domineering will gain approval for so clearly displaying the master's means of utility production: he can domineer whenever he wishes.

We—enough of us, enough the time—would rather be below someone than equal with everyone. Glory matters so much that we rationalize our submission to an authority as taking part in the powerful's glory. We enjoy 'piling on' on the loser—*enough* of us do. The cruelty and domineering of some initial strongman might gain only a small number of direct supporters keen to see the world from his perspective, but the rest of us, or *some* of the rest of us, will awe at that sheer power. These ugly psychological facts keep us from a war of all against all and exit us from a state of nature. This psychology compresses to an instant the "tract of time wherein the will to contend by battle is sufficiently known."[345] At the first sign that an ambitious one among us *successfully* domineers over another we prefer to be *for* and subordinate *to* the dominator. The 'pride of man,' as I quoted above, makes man 'love to domineer,' and so to imagine himself as domineering. Power is stabilized upwards by our regard for the powerful and downwards from our disregard of the weak. To this point I have

[344] Ibid, 388.
[345] Hobbes, *Leviathan*, 76.

suggested that the cruelty of the powerful might be indulged, permitted, or forgiven—we are *merciful citizens*—now we can see how the cruelty of the powerful might in fact be *relished*.

We desire to sympathize with the strongman in order to achieve the pleasure of mutual sympathy. "We are," Smith writes, "eager to assist" people of conspicuous rank "in completing a system of happiness."[346] We aim to complete *their* 'system of happiness.' In order to 'complete' their 'happiness' we submit to them, express admiration of them. We project into their perspective and sympathize with the pleasure they take in our submission to them from their perspective. When we recognize that others are feeling the same way as we do when we access the strongman's perspective we get the pleasure of mutual sympathy. At the first sign that some one among us has another under his domineering control we ensure that he does.

As should be apparent from last chapter, my account of exiting the state of nature is consistent with but different from more optimistic of how Smithian sympathy explains community. Ryan Patrick Hanley describes the minimal metaphysical baggage of sympathy as part of the reason philosophers turned to it to explain sociability in the eighteenth century:

> Sympathy, that is, emerged as an other-directed sentiment capable of sustaining the minimal social bonds needed to realize the new social order and indeed one capable of so doing without requiring acceptance of the theistic foundations of Christian conceptions of neighbor love.[347]

All of this psychology lowers the temperature of interpersonal comparisons. As Sagar argues, there are features of our psychology that make it such that we are not in "a zero-sum game of brute status competition."[348]

In our submissions to the powerful we are not actually very prudent or concerned with utility. "[O]ur deference to their inclinations," Smith writes, is not "founded chiefly, or altogether, upon a

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[346] Smith, *The Theory of Moral Sentiments*, 52.
[347] Hanley, "The Eighteenth-Century Context of Sympathy from Spinoza to Kant," 2015 see also: ; Ryan Patrick Hanley, "Adam Smith: From Love to Sympathy," *Revue Internationale de Philosophie* 269, no. 3 (2014): 251.
[348] Sagar, *The Opinion of Mankind*, 177.

regard to the utility of such submission, and to the order of society, which is best supported by it."[349] There is no risk of rash revolt, as Hume feared, in teaching doctrines of utility for "[e]ven when the order of society seems to require that we should oppose [the powerful]," Smith wrote, "we can hardly bring ourselves to do it."[350]

For Smith, the disposition to admire the powerful cannot properly be an object of normative scrutiny *within* a political theory, but rather is the basic fact that gives reflective political thought its purpose. *The fundamental fact of politics* ought to shape political theory's normative aspirations. Like Hume's proposition about knavery, Smith could admit that it is "somewhat strange[] that a maxim should be true in politics, which is false in fact."[351] It could be false that you or I always admire the powerful, but for the sake of normative political theory it is true that we do.

In the first edition of *Theory of Moral Sentiments* (1759), Smith wrote a chapter titled "Of the origin of Ambition, and of the distinction of Ranks," which would later become the title of a work by his student John Millar.[352] In that section he is clear that he regarded the authority of "Lewis XIV, ["the most powerful prince in Europe"][353] as having derived not from the "inflexible justice of all his undertakings" for he was not particularly just, but from the "frivolous accomplishments" of his kingly deportment.[354] His authority was *deferred* to, it was not, even in the eyes of his subjects, legitimated by utility or any principle that reason could affirm. And he was, in spite of this, the '*most powerful prince in Europe*.'

The admiration Smith describes us as having of the powerful is often perfectly non-moral. In Smith's time the word 'admiration,' as both Samuel Johnson's (1755) *Dictionary* and the *OED* attest,

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[349] Smith, *The Theory of Moral Sentiments*, 52.
[350] Smith, 52–53.
[351] Hume, "Of the Independency of Parliament,." 42-43.
[352] John Millar and John Craig, *The Origin of the Distinction of Ranks: Or, An Inquiry into the Circumstances Which Give Rise to Influence and Authority, In the Different Members of Society* (W. Blackwood, 1806).
[353] Smith, *The Theory of Moral Sentiments*, 54.
[354] Ibid.

did not uniquely denote moral approval of something. The standard synonym of 'to admire' was 'to wonder at.' Awe or astonishment perhaps captures this sentiment. Offering an explicitly paradigmatic example, Smith writes that "[w]e admire the beauty of a plain or the greatness of a mountain..."[355] We could admire the unconquerability of an enemy without approving of anything they do.

By 1790, Smith's tone on the same topic had darkened. He added a new chapter, "Of the corruption of our moral sentiments, which is occasioned by this disposition to admire the rich and the great, and to despise or neglect persons of poor and mean condition." The full statement of *the fundamental fact of politics* occurs in this chapter. He opened it with the reflection I quoted in the introduction:

> [t]his disposition to admire, and almost to worship, the rich and the powerful, and to despise, or, at least, to neglect persons of poor and mean condition, though *necessary* both to establish and maintain the distinction of ranks and the order of society, is, at the same time, the great and *most* universal cause of the corruption of our moral sentiments. [my emphases][356]

Again, Smith laid it down as a methodological principle of *political* as distinguished from moral theory that "[i]t is scarce agreeable to good morals…to say, that mere wealth and greatness, abstracted from merit and virtue, deserve our respect. We must acknowledge, however, that they almost constantly obtain it."[357] 'We must' rule in this servile psychology into our political thought, though it remains criticizable morally.

These reflections on power, morality, order and disorder, are a distinctively *political* set. Though we do need authority, we easily establish it; though we do easily establish it, we commonly corrupt it. This is the *predicament* of politics. *The fundamental fact of politics* is a *mixed* blessing. These features of our

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[355] Smith, *Essays on Philosophical Subjects*, 33.
[356] Smith, *The Theory of Moral Sentiments*, 61.
[357] Ibid*,* 62.

psychology and their effects constitute the most significant part of the Smithian circumstances of politics.[358] Enough of us, enough of the time, have a disposition to admire the powerful.

Our admiration, Smith argued, is not of power as such nor of its usefulness, but of assumptions about the life of the people who possess it. We believe they have endless means to satisfy bottomless desires. The wealthy are, in this way, simply a species of the powerful. The wealthy, we believe, can buy whatever they desire, whether baubles, love, wit, or skill. But in principle, anyone whom we believe has an enormous capacity to get what they desire is the site of our admiration. Thus both the revolutionary *and* the king, the outlaw *and* the archbishop, the populist *and* the elitist, the CEO *and* the union leader, receive our admiration. Each may rise to prominence for different reasons, but once they do become, for instance, leader of our club they become admired in a way that causes us to excuse their vices. Our awe at the means they have causes us, as a matter of our observable behaviour, to treat them as above the law, or at least not criticizable by the ordinary standards of morality.

This admiration is, despite ourselves, *pervasive* among us. Though the simplest case of it is direct admiration of the capacities of the person himself, our awe *at* the powerful is sometimes indirect: I project into the perspective of a powerful person and believe that, though I myself do not at all admire this person, nearly everyone else does and *this* fact becomes the source of my awe. An exasperated 'how does he get away with it?' is an expression of this awe. A *dejected* 'he's teflon' or 'ah, well, nevertheless,' expresses the same awe and has the same effect on authority and its corruption as any direct awe might. Some of us admire the way a powerful leader scoffs at criticism of his own behavior, others are in stunned awe that he does or that he can get away with acting this way. The point is that each of these groups of people is liable to themselves be complacent about the bad behavior. This is

[358] Jeremy Waldron, "Political Political Theory: An Inaugural Lecture," *Journal of Political Philosophy* 21, no. 1 (2013): 1–23,; Alexander Latham-Gambi, "Jeremy Waldron and the Circumstances of Politics," *The Review of Politics* 83, no. 2 (ed 2021): 242–63.

not political apathy; it is behavioural deference to power. Some might despise the leader because of this and so love the rebel who promises to rearrange everything accordingly to bright, orderly, plan.

Smith analysed and criticized our admiration of the powerful, but for the purposes of his *political theory*, the psychology of awe and admiration is fundamental. That is key to my case that Smith has a political theory. Morally-speaking, we simply shouldn't admire the powerful over the virtuous. Politically-speaking, it is a fact that we do. It is among "the failings that make politics and justice unavoidable."[359] It is why power is valued and why it ought to be contested.

One of the things that marks out different fields of inquiry is what they regard as fundamental, or, put differently, what they bracket or do not bracket determines the boundaries between fields of inquiry. Consciousness of what one is bracketing, or taking as fundamental, exhibits a sophisticated grasp of one's field of inquiry. When Smith signals that 'truck, barter, and exchange' is not fundamental, as it were, metaphysically, *he makes himself into* an economist. When he writes that we must admit that the powerful do get admiration he makes himself into a political theorist.

The *political* nature of Smith's commitments will come to many as a surprise. As if "led by an invisible hand"[360] is a phrase that as frequently introduces some exemplary naivete as it marks a profound metaphor for the potential of an uncommanded, non-benevolent, yet beneficent order. Bernard Williams economises on scorn when he refers to utilitarianism's "discredited Invisible-Hand form" of politics.[361] In this way of thinking, he writes, "there is nothing for politics to do except to get out of the way and get other people out of the way."[362] Such a political theory takes "the panoptical view: the theory's perspective on society is that of surveying it to see how it may be made better."[363]

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[359] Levy, "There Is No Such Thing as Ideal Theory," 318–19.
[360] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 456; Smith, *The Theory of Moral Sentiments*, 184.
[361] Williams, "Realism and Moralism in Political Theory," 2005, 1.
[362] Ibid.
[363] Ibid, 3.

To the degree that he actually intends to be describing him, Williams has got Smith exactly backwards. Rather than accurately glossing Smith's approach, Williams is describing the central political villain of Smith's political thought, a character Smith calls "the man of system."[364] This political entrepreneur "seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board."[365] It would be *better*, Smith's 'man of system' says, if "the constitution of the country" were not what it is.[366] Karuna Mantena rightly opposes the kind of political and social theory Smith developed to the dominant strand of "eighteenth-century revolutionary politics [and its] view of the social world as eminently transformable and, indeed, perfectible through the agency of politics."[367]

Smith taught that humankind and civil society were made of "coarse clay" and so could not "be wrought up to such perfection" as any Benthamite potter might presume as his material constraints.[368] In particular, civil society is a 'coarse clay' of varied sizes, as "[e]very independent state is divided into many different orders and societies, each of which has its own particular powers, privileges, and immunities."[369] Each order and society is "ambitious to extend its privileges and immunities," and each is "zealous to defend them against the encroachments of every other order or society."[370] *The fundamental fact of politics* establishes and corrupts both distant centralized *and* local hierarchies. Our living entanglement with such cross-cutting hierarchies of power rather than, as Smith understood it to be, the mistake of a prepolitical state of nature is the basic material of political theory.

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[364] Smith, *The Theory of Moral Sentiments*, 234.
[365] Ibid.
[366] Ibid.
[367] Mantena and Muthu, "Social Theory in the Age of Empire," 327.
[368] Smith, *The Theory of Moral Sentiments,* 230.
[369] Ibid.
[370] Ibid.

Politics will never get out of the way and it is pointless and potentially disastrous to argue as if it could, as if *the fundamental fact of politics* were false. Political theory must work from the fact that non-moral authorities will arise, won't get out of the way, and *beware anyone who promises that they will.*

Each order and society is internally animated by *the fundamental fact of politics* towards its own powerful and it is only by allowing the cross-pressures of apostasy, excommunication, emigration, and the reputation mechanism inherent in freedom of association that one could hope to preserve the peace. Everything depends on coping with, and not wishing away, *the fundamental fact of politics*. Far from making Smith a kind of conservative who *values* that which is longstanding, he is one of the most important philosophers of the good of dynamism, of churn, of preventing decline by building room for social processes of renewal. Smith's classical liberalism, as I shall implicitly argue throughout, was his way of being a political realist.

My claim is that this political psychology was the ground of Smith's realist political theory. In Smith this psychology displaced the state of nature as the bare description of the circumstances of politics. Smith believed this purported fact about our psychology to be a long-run cause of the worst political failing, civil war. Managing this psychology, not simply lamenting it, was core to his normative political theory.

Conclusion

The state of nature refers to an unstable condition. At the first sign that someone successfully domineers we 'bandwagon jump' and self-interestedly sympathize with the powerful over the dominated. Pressing for justifications of obedience is wrongheaded. Obedience is a problem. Motivating obedience is a mistake, and one that I return to in discussing religious establishment and its attempt to motivate submission to a regime of coercion (the state) and persuasion (the church). The pleasure of mutual sympathy, its network effects, plus a psychological quirk that causes us to

prefer the means of welfare production over welfare itself, plus a love to domineer will often cause us to worship kings, leaders, commanders, who domineer over a conspicuous subset of the population.

The fundamental fact of politics shapes virtually all of Smith's political theory. In the next chapter I describe the problems that derive from it. Doing this will allow me to summarize a large amount of Smith's concrete political recommendations so that I can focus on Smith's arguments about religious establishment in the second half of the dissertation.

Taking Stock

In the last chapter I argued that Smith displaced Lockean states of nature—tracts of time humans live in some proximity to one another without 'a common superior'—with his conception of sympathy and *the fundamental fact of politics*. He argued that humans have a 'love of system' that manifests as a desire to believe explanations of phenomena that "allay th[e] tumult of the imagination" sometimes over those theories that better predict the phenomena but are not, in essence, intuitive.[371] One such system is that of the powerful who evidently possess many *means* to endless ends. We grasp how their life may succeed. One of the particular ends that their life is well-organised to acquire is domination over others. If the state-of-nature strongman, or me imagining myself in his place, glories in his means of dominating of the weak then enough of us, enough of the time, will project into his perspective on this domination and approve of his glory. We will then, as a matter of our behaviour, permit him to dominate the weak or be astonished into complacency by awe at the fact that other people permit his injustice. We will thereby exit the state of nature. The Lockean state of nature was unstable. These facts about our psychology corrupt us and the powerful. It was good that the state of nature was not a state of war, indeed that it was not a state of anything, but the reasons it was unstable gave rise to all the serious problems at which Smith's normative prescriptions aimed. This chapter describes these problems.

[371] Adam Smith, *Essays on Philosophical Subjects*, *The Glasgow Edition of the Works and Correspondence of Adam Smith*, (Indianapolis: Liberty Classics, 1982), 33.

Abstract

The thesis of this chapter is that Smith's political theory was realist. This is not an easy argument to make in any direct way. First, it is (superficially) difficult because I have not yet discussed his conceptions of justice or liberty, so my picture of his political theory is very incomplete. The reason I am nevertheless able to make the claim that he is a realist is because of his concept that I am calling order. The real challenge comes from the fact that the concept of realism is a contested one.

My argument is that *the fundamental fact of politics* is a realist principle. I do make that case, but there is little point to doing only that if *the fundamental fact of politics* is simply some isolated psychological given that has little effect on other things Smith says about politics. Thus, my approach to proving my thesis is to gather evidence from across his writings that Smith was concerned with a range of political topics that are organizable into three problem-types. In essence, I argue that *the fundamental fact of politics* makes his political theory systematic. I arrange some of his political discussions under these three problem-types (*merciful citizen*, *conspicuous domination*, and *cycle of corruption and conquest*) that each derive from *the fundamental fact of politics*. I then directly make the case that *the fundamental fact of politics* is a realist principle. If it is, then I have shown that political realism pervades Smith's writings.

The basic case that *the fundamental fact of politics* is realist is this: Smith condemns the morality of admiring the powerful but accepts it as a political fact. This is an interpretation of the autonomy of politics that places it in the realist tradition. Nevertheless, this chapter collects evidence for Smith as a realist, directly discusses the 'coarse clay' passage that gives this dissertation its name, and establishes the meaning of what I believe to be Smith's political priority: order. In the second half of the dissertation I attempt to prove it was his priority.

Chapter 4

'Coarse Clay' Political Realism: Order

Introduction

The thesis of this dissertation is simply that Smith has a political theory. To this point I have been making the case for that claim by showing that core concepts in *Theory of Moral Sentiments*—sympathy, mutual sympathy, and the impartial spectator—participated in mainstream modern political thought. Smith regarded these concepts and *the fundamental fact of politics* as displacing contractarianism and its companion testing ground of the state of nature. The dissertation is now turning from an attempt to place Smith's core concepts within mainstream modern political thought to an attempt to describe how Smith sought to reduce the moral cost of political order while preserving its stability.

On Smith's telling, the easy submission of the many to the governance of a few derives from a psychological tendency in subjects to admire, worship, exalt, indulge, accommodate, forgive, tolerate, appease, abide, and awe at the powerful. Were this claim about our admiration of the powerful unconnected to any further political analysis, then it would be no more than a familiar lament about our tendency to admire the wealthy and powerful over the wise and the virtuous. If he had simply wished our psychology were otherwise and recommended that we do what we can to change it, then we might say that he commented moralistically *on* politics, but that this moralism does not constitute a political theory. As I have begun to show, this psychological tendency was, for Smith, *the fundamental fact of politics*. This fundamental fact amounts to a description of politics that both accounts for recurring political problems and establishes realist limits to what normative political theory can expect to accomplish in addressing them.

In this chapter I give names to three problem-types that derive from *the fundamental fact of politics*. I establish the extent of Smith's ambition regarding their resolution by identifying the primary normative goal of his political theory: order. Doing this will begin to explain the content of his political theory and why I call it 'coarse clay' political realism. In the succeeding chapters I will, implicitly and explicitly, be showing that his 'coarse clay' political realism consists in the ordered values of order, justice, and liberty. Each of these values is, in principle, realizable in a wide range of political forms and is scalar. In this chapter I explain what I mean by the first concept in this set: order. Justice is the subject of the next chapter. All of the succeeding chapters, to greater and lesser degrees, discuss liberty and the nature of the ordering of the values.

Identifying Smith as a realist working with a unique priority of political values directly confronts readings of him as a moderate, "pragmatic,"[372] "Solonic,"[373] a "quietist,"[374] or a confused classical liberal making "*ad hoc*"[375] concessions to his plan of liberty. In seeking to argue us into a peace Smith was not attempting to avoid persecution, and so I do not follow those who see in Smith's hesitations to recommend greater liberty an esotericism about his plan of natural liberty.[376] Without appreciating the priority of order, Smith's writings lose their coherence and so, their force as a sustained argument. Without that priority of order even the value of liberty is misunderstood: liberty

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[372] Lisa Hill, *Adam Smith's Pragmatic Liberalism: The Science of Welfare* (Springer, 2019); Dennis C. Rasmussen, *The Pragmatic Enlightenment* (Cambridge: Cambridge University Press, 2014).

[373] Michael J. Clark, "Adam Smith as Solon: Accommodating on the Edges of Liberty, Not Abandoning It," *Journal of Economic Behavior & Organization*.

[374] Winch reviews some of these assumptions in Donald. Winch, *Adam Smith's Politics : An Essay in Historiographic Revision*, Cambridge Studies in the History and Theory of Politics (Cambridge: Cambridge University Press, 2008), 3.

[375] Jason Brennan and John Tomasi, "Classical Liberalism," *The Oxford Handbook of Political Philosophy*, (Oxford: Oxford University Press, 2012), 115–32.

[376] As Daniel Klein summarizes Du Pont's remarks "engaged in what might variously be called hedging, moderating, compromising, bargaining, strategizing, being tactful, or even fudging, dissembling, or dissimulating." Dan Klein, and Frederic Sautet, "Remarks from 1809 by Dupont de Nemours on Adam Smith," *Econ Journal Watch 8, no. 2* (2011): 174-184. 174.

tends to lead to order. My reading of Smith dissolves puzzles about his endorsement of a host of exceptions to his plan of liberty.[377]

Across both *Theory of Moral Sentiments* and *Wealth of Nations* Smith comments on a vast number of topics that can broadly be described as political problems or puzzles within political theory. I claim that my interpretation of Smith's political theory accounts for his positions on each of these topics. It is, of course, impractical to study each of these instances to show that Smith's handling of each topic exhibits my interpretation of his political theory. In place of that impractical task, I have grouped together a number of the topics that he discusses in *Wealth of Nations* and *Theory of Moral Sentiments* into three problem-types that each derive from *the fundamental fact of politics*.

By order of presentation the three problem-types that each derive from *the fundamental fact of politics* are a) *merciful citizen,* b) *conspicuous domination*, and c) *the cycle of corruption and conquest*. Each problem-type, then, synthesizes a number of particular puzzles, problems, and abuses of power that Smith identified. Each of these problem-types will come up in later chapters, but it is impractical to even attempt to thoroughly study each of the problem-types, let alone to study all of the topics bundled into each. Instead, chapters six to nine study Smith's position on religious establishment as an instance of the third, and most important, problem-type, *the cycle of corruption and conquest*.

This chapter's presentation of the problem-types continues my argument that Smith had a political theory and it begins the task of explaining the content of that theory by supplying the meaning of his normative priority, order. The idea is essentially this: a constitution is an order if it minimizes the presence of the problem-types by means of power-checking in civil society.

It is the constitution, in Smith's broad, sociological sense of that word, that will be evaluated to determine its status as orderly or not. This concept, *order*, is meant as similar to, but distinguished

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[377] The classic catalogue of his exceptions can be found here: Jacob Viner, "Adam Smith and Laissez Faire," *Journal of Political Economy* 35, no. 2 (1927): 198–232.

from, the more moralised concept of legitimate authority. It is a situation in which power is distributed, contained, or constrained by a) political institutions, civil society, or economic forces such that b) some stability is achieved c) cruelty is not indulged by the *merciful citizen*, d) *conspicuous domination* is minimized and e) civil society (rather than the state itself) is a significant and dynamic source of norms (a palliative to the *cycle of corruption and conquest*). More simply, when the three problem-types I have named are minimized relative to some benchmark, then the constitution is an *order*.

What gives Smith's political theory its core subject is his analysis of order *and disorder* as springing from a common source: our admiration of the powerful, *the fundamental fact of politics*. If one's normative political theory did not account for *the fundamental fact of politics*, then it would surely undermine the theory in practice. Smith linked both the source and moral cost of establishing practical authority to the decline and collapse of that practical authority. The core subject of Smith's politics is the just management of this cycle of rise and decline. Enough of us, enough of the time, have a disposition to admire the powerful and so to submit to them even when we recognize a *disutility* to the submission. This feature of our psychology explains the ease with which the many are governed by the few and it also explains, as I next show, why Smith thought that "[t]he violence and injustice of the rulers of mankind is an ancient evil, for which, I am afraid, the nature of human affairs can scarce admit of a remedy."[378]

At its sparest, the thesis of this dissertation is simply that Smith had a political theory. This is a modest but non-trivial claim. My more ambitious thesis is that Smith had a political theory and that

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[378] The full quotation: "By such maxims as these, however, nations have been taught that their interest consisted in beggaring all their neighbours. Each nation has been made to look with an invidious eye upon the prosperity of all the nations with which it trades, and to consider their gain as its own loss. Commerce, which ought naturally to be, among nations, as among individuals, a bond of union and friendship, has become the most fertile source of discord and animosity. The capricious ambition of kings and ministers has not, during the present and the preceding century, been more fatal to the repose of Europe than the impertinent jealousy of merchants and manufacturers. The violence and injustice of the rulers of mankind is an ancient evil, for which, I am afraid, the nature of human affairs can scarce admit of a remedy. But the mean rapacity, the monopolizing spirit of merchants and manufacturers, who neither are, nor ought to be, the rulers of mankind, though it cannot perhaps be corrected may very easily be prevented from disturbing the tranquillity of anybody but themselves." Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 493.

because *the fundamental fact of politics* is treated by Smith as fundamental, and not, for instance, as a contingent vice correctable by an imaginable reform, we have good reason for placing his political thought within the family of views we now call political realist.

I make the argument that Smith was a realist by first gathering together a number of topics and organizing them into my three problem-types (4.2 Identifying the Three Problems to Which Smith's Political Theory is A Palliative: a) *Merciful Citizen*.; 4.3 b) *Conspicuous Domination;* 4.4 *c) Cycle of Corruption and Conquest*). In the course of doing this I relate each problem-type to *the fundamental fact of politics.* (4.5 The Normative Concept of an *Order*) I then argue that *the fundamental fact of politics* is a realist principle because it supplies an interpretation of politics that involves a normativity that is (largely) distinct from moral normativity: political normativity (4.6 The Political Realism of *the Fundamental Fact of Politics*).

I tie *the fundamental fact of politics* to Kate Manne's concept of "himpathy,"[379] because that allows me to link Smith's ideas to contemporary concerns and shows the generality of Smith's idea. He meant to accuse *all of us* of being animated by an awe at, or admiration of, the powerful. I make this last point by contextualizing Smith in the ideas of Sophie de Grouchy. De Grouchy was, of course, a close reader of Smith's but she misinterprets his idea of *the fundamental fact of politics* and proceeds to do the very thing Smith described as an instance of this psychology: she vindicates us from the charge of admiring the powerful by condemning the structural forces of the age. It is just this kind of exculpatory move that constitutes the problem-type I describe as *merciful citizen*. Manne's work proves especially helpful for making my case.

[379] Kate Manne, *Down Girl : The Logic of Misogyny*, (New York, NY: Oxford University Press, 2018), 196.

4.2 Identifying the Three Problems to Which Smith's Political Theory is A Palliative

a) *Merciful Citizen*

The first problem, the *merciful citizen*, is a form of (unjustified) moral leniency towards the vices or injustices of the powerful. We forgive the powerful too easily. Baleful mercy towards the powerful is a general phenomenon and so occurs across political forms and all types of local associations and social groups. By no means did Smith restrict this psychology to the commercial age or to awe at kings nor just to politics. Its psychological springs are human. It derives from what I am calling *the fundamental fact of politics* and it names a particular consequence of it.

People do not just regularly and easily obey, Smith insisted that they willingly license the vices, even the cruelty, of the powerful—as Smith puts it, we give every "deference to their inclinations."[380] And why? Because we glory in the glory of their position. When we imagine ourselves as them, or picture to ourselves their life *as* them, we imagine an endless consumption of goods without diminishing returns—systematic satisfaction. It is not true, of course, as Smith reminds us in the 'invisible hand' passage: "[t]he capacity" of the "stomach" of "the proud and unfeeling landlord" "bears no proportion to the immensity of his desires," and cannot hold more "than that of the leanest peasant."[381]

We thrill, most of all, at the thought that they have all the easy *means* to satisfying any desire and experiencing any pleasure. It is, as it were, *understandable* to glory in their position as they do. It is understandable that they exhibit some vice. It would be odd if they did not. They would seem mean-spirited. As long as they have the power that they do, it seems proper that they feel glory in having it. This also explains our *detest* of their glory. We imagine that the landlord desires more and gets more.

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[380] Smith, *The Theory of Moral Sentiments*, 52.
[381] Ibid, 184.

As I did in the last chapter it is vital to insist that it is not precisely their consumption, but the immense power of the means they have of getting things to consume that we awe at. He writes that:

> it is not so much upon account of the superior ease or pleasure which [the rich and the great] are supposed to enjoy, as of the numberless artificial and elegant contrivances for promoting this ease or pleasure. [W]e do[] not even imagine that [the rich and the great] are really happier than other people: but [w]e imagine[] that they possess more means of happiness.[382]

Their station, their power, their palace and its gardens and ballrooms, gives them effective means to anything whatever. We see, in an instant, how many happy days they *could* have. We excuse their excesses, intentionally or not, by our awe at their means. Like the profligate expenses of a champion we even invite the excess, finding that it would be appropriate. Were we to be asked if someone should have so much power we might answer that they should not, but this thought is compatible with being affected in this way by the power that they do have. Smith is keen to show that we rather fall into this way of behaving.

Almost no one, upon reflection, ethically endorses *the fundamental fact of politics*. That the powerful can do what they like is not "the doctrine of reason and philosophy."[383] The awe we experience is not exactly endorsement, but something akin to awe at nature, to awe at a perfect meadow, a field of freshly fallen snow, or a placid lake. Our default is not to disturb such a scene. We are awestruck.

This variable concerning how people will react to the fact that someone possesses power is one that is too often overlooked when we do normative political theory. Reasoning about it is different from institutional design and incentives because what is presumed in that kind of shrewd reasoning is that people will be self-interested in a way that is narrowly defined by naming its objects: they will seek more money, power, and leisure. The idea that Smith is driving at is something like the fact that we

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[382] Smith, *The Theory of Moral Sentiments*, 182.
[383] Ibid, 53.

will promote others' narrow interest to the detriment of our own narrow self-interest. The idea is not that it is costly to resist the powerful and so we tend not to, but that we regard it as a benefit to us if their well-being is promoted.

Once again, it is important to stress that one may detest *the king* and indulge the (powerful) rebel. *The fundamental fact of politics* does not describe us as law-abiding, or simply obedient. We are morally lenient, *merciful citizens*, towards those who have a system for getting what they want that we vividly understand.

Our sympathy with the powerful indulges even their cruelty. We are merciful, forgiving, lenient, subjects, or enough of us are, enough of the time. "The passions of nations," Smith writes, "mould themselves upon [an emperor's] inclinations."[384] Our deference to the emperor becomes a like a ritual propitiation that has its own curious value to us. This worship, or awe, is a more constant, more common, and so more serious source of injustice than even the most reckless disobedience and dissent. As he says,

> The violence and injustice of great conquerors are often regarded with foolish wonder and admiration…[385]

In effect we forgive the injustice by going along with their glory.

To fill in the idea of the problem of *the merciful citizen*, it will help to relate it to a concept, or phenomenon, Kate Manne has recently named "himpathy." This is her term for "the excessive sympathy sometimes shown toward male perpetrators of sexual violence."[386] Notably, himpathy "is frequently extended in contemporary America to men who are white, nondisabled, and otherwise privileged "golden boys."[387] The himpathy is greater the more *privileged* the perpetrator 'of sexual

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[384] Smith, *The Theory of Moral Sentiments,* 56.
[385] Ibid, 217.
[386] Manne, *Down Girl: The Logic of Misogyny*, 197.
[387] Ibid.

violence is.' Our himpathy increases with the perpetrators' privilege, not, for instance, with our perception of the perpetrator as leading a good or happy life. We are merciful to those whose lives *seem to be promising*, whose lives hold great potential for future goods.

Just as in Smith, mercy or leniency in moral judgement is extended to people who possess a great number of *means* to ends. This contingently picks out, "now and around here,"[388] 'men who are white, nondisabled' and so on. It is the fact of their privilege, that they have advantages, not that they are necessarily happy, that elicits our himpathy for them. We do not, that is, have 'excessive sympathy' or himpathy for underprivileged people who happen to be happy. We have himpathy for those who have great means of producing value to themselves.

One such case is the mercy shown to the rapist Brock Turner, himself a 'golden boy.' Turner is a white man and a "recipient of a Stanford swimming scholarship."[389] The himpathy derives from these facts about his race, sex, and 'scholarship,' without needing to claim that any of them made him personally happy. Because Turner was a "golden boy,"[390] the judge in his case "gave him…a very lenient sentence." It is as if the judge, to follow Smith's descriptions, himpathized with all the *means* Turner had for a prosperous "future."[391] As I quoted Smith in the last chapter, he held that "[w]e are eager to assist" people of conspicuous rank "in completing a system of happiness."[392] We have particular pity, and so mercy towards those who have lost, he writes, their "easy empire over the affections of mankind." This loss "renders the fall from greatness so insupportable."[393]

The most pertinent consequence of himpathy for my purposes is two-fold. First, as Manne puts it, ""bad guys' are liable to be distinguished from the 'good guys' in excessively

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[388] Bernard Williams, "Realism and Moralism in Political Theory," in *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, (Princeton University Press, 2005), 16.
[389] Manne, *Down Girl: The Logic of Misogyny*, 197.
[390] Ibid, 198.
[391] Ibid, 197.
[392] Smith, *The Theory of Moral Sentiments*, 52.
[393] Ibid, 56.

Manichean…terms by being cast as monsters, psychopaths, sexual predators, and pedophiles."[394] If we put this into Smith's analysis, the problem becomes the one of citizens thinking that if their king were truly unjust, they would know it by the utter psychopathology of his tyranny. If he is truly unfit for the monarchy he will be a *monster*. They find their king guilty of having committed some injustices but exonerate him because 'he isn't a raving killer.'

If our king is on the path of war we will tend to assume it is because *their* king is a monster. In short, we find it hard to simply say that our king is unjust, or less just than he could and ought to be. It is difficult to calmly conclude that he ought to be removed. Instead, the king, or any leader, is either a 'golden boy' or a monster and *each* of these conclusions permits injustice. The second consequence of the link with himpathy relates to our interpretations of reformers, men of action, men 'of system.' We picture a political villain to be someone who is actively malign, scheming, heartless, borderline evil. The 'man of system' is none of these; he is a golden boy.

Much of the value in what Smith and Manne point out (*merciful citizen*; himpathy) consists in their unsparing description of their respective phenomena's ubiquity, or its sly rationalizations. The basic phenomena of powerful people getting away with bad behaviour is perfectly familiar to us. The key idea that we get from Smith and Manne is that the phenomena derives, as it were, *from us* and not from some eminently correctable legal loophole or expungable malign actor. The rationalizations of the cruel phenomena, we learn, are a major part of the problem with the cruel phenomena themselves.

We can find one such rationalization in a telling criticism of what I am calling Smith's *fundamental fact of politics* in Sophie de Grouchy, Marquise de Condorcet's (1764-1822) *Letters on Sympathy*, which was published as an appendix to her translation of Smith's *Theory of Moral Sentiments*. She agrees with Smith that there is much moral corruption amongst us, but criticizes Smith's specific

[394] Manne, *Down Girl: The Logic of Misogyny*, 180.

descriptions of the corrupting reasons that explain why "we pity dethroned kings" and despise the weak.[395]

She agrees that we are unjustly merciful toward the powerful, but, against Smith, she denies that this is an ineradicable fact about our psychology. She argues that it is an effect of the present age, and so nothing like a fundamental fact of politics.

She begins her criticism of Smith with an important misdescription of Smith's analysis. She claims that Smith supposes that what explains our sympathy with the powerful is that we join "idea of greatness…to the idea of happiness"[396] and then have a "sort of affection and indulgence toward their well-being."[397] This misses the important emphasis Smith puts on the powerfuls' possession of *means* to ends—they are privileged, but not necessarily happy. As I quoted above, Smith is at pains to claim that 'we do[] not even imagine that [the rich and the great] are really happier than other people: but [w]e imagine[] that they possess more means of happiness.'

De Grouchy's misreading is important because it misses that the spring of our mercy to the powerful is not extrinsic to their power. The powerful do not simply *happen* to have many means to their ends, as they might happen to be happy or not, rather, having means to ends is one of the things that is the basis of their power. Powerful people have many means to (their) ends. Whether or not such people are happy is an open question; happiness is not part of what it means to be powerful.

This focus on the power of the powerful, their *means,* is again what Manne's example of Turner was meant to highlight. Himpathy reinforces power and privilege not happiness. Himpathy does not track the perpetrator's *happiness*. A *happy* killer does not get leniency, *privileged* killers do. We are not lenient towards sexual perpetrators of whatever privilege if we believe them to be happy, but we are

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[395] Marie-Louise-Sophie de Grouchy,, *Sophie de Grouchy's Letters on Sympathy: A Critical Engagement with Adam Smith's The Theory of Moral Sentiments*, ed. Sandrine Berges and Eric Schliesser, Oxford New Histories of Philosophy (New York, NY: Oxford University Press, 2019), 90,

[396] Ibid.

[397] Ibid.

if we believe them to be powerful, to have *means* of happiness. We think *we* would be happy in their circumstances because they have all-purpose means.

De Grouchy's alternative identifies a different source of moral corruption, a "greed for pleasure"[398] that has been enflamed by society. This is a contingent greed. Pressed to find more and more pleasure we come to derive "pleasure in others' misfortunes and pain in their happiness." She claims that we are not, by nature, like this, but this is instead learned. As evidence for this she notes, in a Rousseauian tone, that we only derive pleasure from the pain of another when our "vanity," enflamed by society, is triggered by any "personal hatred."[399] To preserve our innocence, she casts the people who do take pleasure in the misfortunes of others as, notably, "*monsters* whose existence may be accounted for by the particular circumstances of their education and social situation [my emphasis]."[400]

The great mass of us do behave badly, she admits, but we are not 'monsters' like those others. Even our bad behaviour is not really our fault:

> Civilization, such as it still exists in half of all European nations, is therefore the enemy of human goodness and happiness. So much work is to be done by educators, not to develop or control nature but to preserve its benevolent tendencies, to prevent their being smothered by those prejudices so commonly accepted, which corrupt at their very source our sentiments of humanity and equality—sentiments that are as necessary to the moral happiness of each individual as they are to the preservation of justice and security in all aspects of the social order![401]

'Monsters' are guilty, but "[c]ivilized man" is only bad because "he is ruled by prejudices and bad laws."[402] Unsurprisingly, then, she would claim that "Rousseau spoke to our conscience."[403] He, and

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[398] de Grouchy, *Letters on Sympathy*, 93.
[399] Ibid, 94.
[400] Ibid.
[401] Ibid. .
[402] Ibid, 93.
[403] Ibid,102.

de Grouchy in the above, accused us of some wrongdoing, but *cleared* our conscience. *We* are not 'monsters.' Smith, and Manne I believe as well, agree that we are not monsters, but are just bad in an ordinary way. We are *merciful citizens*.

De Grouchy's is a kind of "denialism" reminiscent of what Manne says of defences of Turner. After Turner's guilt had been "firmly established" there was an attempt to admit, as with de Grouchy, that the wrong *had been done by him* (passively, as it were), but that he was (actively) good.[404] To distance him from the crime yet accept that he had done something wrong, one had to say that "rapists" are "creepy, uncanny." They "wear their lack of humanity on their sleeve. Brock Turner is not a *monster*."[405] This is the first step: name a radically pure form of evil as a foil to the misdeeds *done by* the accused. This is, as Manne describes it, "exonerate[ion] by caricature."[406]

The second step involves diminishing his guilt still further by blaming the culture for warping his judgement. This is what de Grouchy did for those whom Smith had accused of indulging unjust rulers: it was European civilization that warped their minds. Turner, in the analogical case, was convicted, some held, because of "political correctness."[407] As Manne continues:

> He was the victim [, one of his friends wrote,] of a "camp-like university environment," in which things "get out of hand" due to alcohol and "clouded judgment." Turner's crime was "completely different from a woman getting kidnapped and raped as she is walking to her car in a parking lot." "That is a rapist," she wrote. "I know for a fact that Brock is not one of these people."[408]

'Golden boys' do not rape, or rather, *when* they do, they are not *rapists*. Rapists, remember, are monsters. 'Golden boys' who rape are caused to, or so nearly caused to as to bear only limited responsibility. As Manne writes, "[i]t is high time to give up the myth of the golden boy."[409] In a way

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[404] Manne, *Down Girl: The Logic of Misogyny*, 197.
[405] Ibid, 198.
[406] Ibid, 199.
[407] Ibid, 198.
[408] Ibid.
[409] Ibid.

it is often true that our environment determines our behaviour, but even that recognition is often as with de Grouchy, to exonerate the privileged.

It is absolutely crucial to note that Manne is not, and we ought not be, wishing *only* to increase our blame of Turner, for example, but to increase our blame *of us*. Smith had accused us, everyone, of being bad in a very ordinary way. We pre-emptively forgive powerful people when they are unjust. It is alarming *that it does not* take a monster to do this. What is so terrifying about the *merciful citizen* is made vivid by Manne's description of the way we "avert our eyes" from "sexual assault" by "assur[ing] ourselves that real rapists will appear on our radars either as devils, decked out with horns and pitchforks, or else monsters."[410] Our king, though he has his faults, is not a monster, and anyway the injustice he does commit is more a sign of the times than any personal failing of his.

This is why it is important that Smith's chief political villain is described as such an ordinary phenomenon. The 'man of system' really is a villain and really is normal. He is enflamed by his party, charmed by his own ideas and the applause of his converts, and yet he may bring upon us true horrors. It is precisely by refusing to *demonize* genuine perpetrators of injustice that Smith figured we could come to diminish injustice. As Manne puts it, that "misogynist violence and sexual assault are generally perpetrated by unremarkable, non-monstrous-seeming people must be accepted if things are to improve."[411] Adapting Arendt's phrase, she names this the "*banality* of misogyny," so too there is, in her sense, the banality of the 'man of system' that causes us to overlook the harm they do.[412]

The fundamental fact of politics and problems like the *merciful citizen* displace the moral urgency there might otherwise be to square authority consistent with individual moral autonomy. The crucial question is not 'why obey, given autonomy,' but, 'how can meaningful dissent to authority arise or be maintained, given our rash tendency to submit?' Finding a form of costless obedience by assimilating

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[410] Manne, *Down Girl: The Logic of Misogyny,* 199.
[411] Ibid, 211.
[412] Ibid.

individual and state identity was radically misguided. The rational contract is a well-intentioned attempt to imagine a form of power that can do no wrong. The pressing political problem is that *any form* of political power can do wrong and the problem is in us. The challenge of political theory becomes how to *diminish* our identity with the powerful without collapsing authority.

Manne tells us that when the rapist Daniel Holtzclaw was convicted by jurors "they wept for him and *his bright future* in law enforcement, *[in front of] his victims* [my emphases]."[413] Again, it is 'his bright future,' not his present happiness that generates the misplaced mercy. The scene Manne describes contains both parts of what Smith described as corrupting our moral sentiments: we have a "disposition to admire, and almost to worship, the rich and the powerful, *and* to despise, or, at least, to neglect persons of poor and mean condition. [my emphasis]"[414] Manne argues that we often rationalize the merciful himpathy extended to 'golden boys' by somehow believing it to be a conceptual truth that a "golden boy is not a rapist."[415] No one with his privilege would do such a thing. We are merciful to men like Turner, but this has another face. Those who would a) recognise the fact that Turner is a golden boy and b) persist in accusing him of rape are then cast as "lying or hysterical."[416] Merciful to the powerful, we are also especially punitive toward the victim who stands up to the powerful. The king who resists our 'golden boy' rebel is despised.

The mechanisms by which a problem like *the merciful citizen* work are in themselves perfectly good human capacities: sympathy, imagination, perspective-taking. The problem arises from, as Manne might put it, "social inequality."[417] As Smith thinks, however, it is just this social inequality, the fact of unequal power that makes society possible. Politics arises in just this tension and thus it comes

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[413] Manne, *Down Girl*,219.
[414] Smith, *The Theory of Moral Sentiments*, 61.
[415] Manne, *Down Girl: The Logic of Misogyny*, 198.
[416] Ibid, 180.
[417] Ibid, 201.

with its own distinctive normativity, distinct from morality. Politics, as a phenomenon, is a moral problem that we need.

4.3 Identifying the Three Problems to Which Smith's Political Theory is A Palliative

b) *Conspicuous domination*

We do not simply exhibit moral leniency towards the powerful, we especially license the cruelty of the powerful when an identifiable subset of the population or a foreign people are subjected to it. We license this cruelty, evident in what he calls our "amusement" at foreign wars, from a dark "love to domineer."[418] Call this second problem *conspicuous domination*.

When we can, we elevate ourselves to *be* the powerful dominator; when we cannot, we *imagine* ourselves as the dominator. We enjoy imagining that we are the cruel master or that we *are not* the wretched slave. It is important that the victims of our domination are conspicuous for already being somehow disfavoured. In such a case we do not simply imagine ourselves dominating another, but imagine that others go along with us in this, or at least will permit us our excesses. We "select [our] victims on this basis."[419] We know, as Manne says of a related phenomenon, that there is a "tendency to let historically dominant agents get away with murder."[420]

We excuse the cruelty of the powerful as *merciful citizens* but we participate or permit *conspicuous domination* because enough of us, enough of the time, have a "love of domination and authority over others…a certain desire of having others below one, and the pleasure it gives one to have some persons whom he can order to do his work rather than be obliged to persuade others to bargain with him…"[421]

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[418] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 388.
[419] Manne, *Down Girl: The Logic of Misogyny*, 201.
[420] Ibid.
[421] Adam Smith, *Lectures on Jurisprudence*, 192.

This explains why Smith argued that slavery, especially in democratic America, was bound to continue.[422]

> In a democraticall government it is hardly possible that it ever [will end], as the legislators are here persons who are each masters of slaves; they therefore will never incline to part with so valuable a part of their property; and tho as I have here shewn their real interest would lead them to set free their slaves and cultivate their lands by free servants or tenents, yet the love of domination and authority and the pleasure men take in having everything done by their express orders, rather than to condescend to bargain and treat with those whom they look upon as their inferiors and are inclined to use in a haughty way.[423]

Pocock commented that Smith "lectured rather as if a slave economy were the normal condition of mankind, and exceptions from its rule chiefly in need of explanation. Certainly both republican and democratic politics were in his view inseparable from slavery."[424] The equality of freedom in democratic society functioned as an incentive to create or maintain a less empowered people than the *demos*. His excoriation of slaveowners in *Theory of Moral Sentiments,* which provoked the first piece of writing[425] that was published in opposition to his work, is evidence that he regarded *conspicuous domination* as a problem.[426]

The Weberian state, as Smith saw clearly, was a new kind of technology and contained within it a bottomless capacity for global cruelty and domination.[427] A key advance, Quentin Skinner argues, achieved by Hobbes's theory of the "person of the state" came from being able to explain *who* is

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[422] John Salter, "Adam Smith on Slavery," *History of Economic Ideas*, 1996, 225–51; John Salter, "Adam Smith on Feudalism, Commerce and Slavery," *History of Political Thought* 13, no. 2 (1992): 219–41.

[423] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 587.

[424] J.G.A. Pocock,*Barbarism and Religion Volume 3,* History of Ideas and Intellectual History(Cambridge: Cambridge University Press,2001), 391.

[425] The piece against Smith was written by Arthur Lee, of the Virginia Lees. *An Essay in Vindication of the Continental Colonies of America, from a Censure of Mr. Adam Smith, in his Theory of Moral Sentiments. With Some Reflections on Slavery in General.*

[426] Emma Rothschild, *Economic Sentiments : Adam Smith, Condorcet, and the Enlightenment* (Cambridge, Mass.: Harvard University Press, 2001), 105.

[427] Sankar Muthu, "Adam Smith's Critique of International Trading Companies: Theorizing 'Globalization' in the Age of Enlightenment," *Political Theory* 36, no. 2 (2008): 185–212; Emma Rothschild and Sankar Muthu, "Adam Smith in the British Empire," 2012, 184–98; Jennifer Pitts, "Irony in Adam Smith's Critical Global History," *Political Theory* 45, no. 2 (April 1, 2017): 141–63.

"capable of owning and eventually repaying" public debt.[428] In Smith, this feature of a disembodied, and so immortal, figure responsible for paying off enormous debt forward in time out of mind combined with the state's capacity for tax collection gave vent to violent patriotism, and so to our desire for *conspicuous domination*. The particular illusion that Smith targeted as making this especially alluring is the conceit that "[i]n the payment of the interest of the publick debt, it has been said, it is the right hand which pays the left."[429] The modern state and its capacity for taxation and borrowing created a feeling of "total exemption from trouble and from risk" and the people thus encouraged the state "to become [an] adventurer[]."[430]

In a chapter on "*Of publick Debts*" that borrows from Hume, Smith writes that

> [i]n great empires the people who live in the capital, and in the provinces remote from the scene of action, feel, many of them scarce any inconveniency from the war; but *enjoy, at their ease, the amusement of reading in the newspapers the exploits of their own fleets and armies. To them this amusement compensates the small difference between the taxes which they pay on account of the war, and those which they had been accustomed to pay in time of peace*. They are commonly dissatisfied with the return of peace, which puts an end to their amusement, and to a thousand visionary hopes of conquest and national glory, from a longer continuance of the war [my emphasis].[431]

Though we see little discussion of it in early modern political theory, Hont argues that "[t]ruly modern politics commenced when trade became the focus of political attention."[432] Competitive empire-building, especially when one imagined oneself into the perspective of the emperor, was a thrill. The powers of tax collection and debt-holding gave the people something to do with their desire for "national vengeance, or the anxiety of national security" and a way of forgetting its costs: "war."[433] As

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[428] Quentin Skinner, "A Genealogy of the Modern State," in *Proceedings of the British Academy*, vol. 162, 2009, 364.
[429] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 926.
[430] Ibid, 741.
[431] Ibid, 920.
[432] Istvan Hont, *Jealousy of Trade : International Competition and the Nation State in Historical Perspective* (Cambridge, Mass.:Belknap Press of Harvard University Press, 2005), 9.
[433] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 921.

Jennifer Pitts describes, the nature of the state and its capacities explained and helped Smith identify the "unjust suffering on the part of the many victims of European commercial expansion."[434]

As examples of *conspicuous domination*, competitive empire-building and the capture of state power for private ends were two particular targets of Smith's political theory. Empire-building excited citizens and its excesses were easily excused. The competitive violence between European nations and upon peoples elsewhere was pseudo-scientifically explained as the only means to a once and for all conquest of scarcity. We live in super-abundance, or we die in scarcity.

"The sneaking arts of underling tradesmen are," Smith writes,

> erected into political maxims for the conduct of a great empire...By such maxims as these... nations have been taught that their interest consisted in beggaring all their neighbours. Each nation has been made to look with an invidious eye upon the prosperity of all the nations with which it trades, and to consider their gain as its own loss.[435]

> Each nation foresees, or imagines it foresees, its own subjugation in the increasing power and aggrandisement of any of its neighbours…the mean principle of national prejudice is often founded upon the noble one of the love of our own country.[436]

In *Wealth of Nations* Smith shames mercantilism by exposing the sophistry in popular understanding of public debt, but

> [n]othing, however, can be more absurd than this whole doctrine of the balance of trade, upon which, not only these restraints, but almost all the other regulations of commerce are founded. When two places trade with one another, this doctrine supposes that, if the balance be even, neither of them either loses or gains; but if it leans in any degree to one side, that one of them loses and the other gains in proportion to its deviation from the exact equilibrium. Both suppositions are false.[437]

The balance of trade interests our love to 'domineer' because a) when it is used politically the balance is calculated between *us* and some politically expedient target nation and b) the precision of its number

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[434] Pitts, "Irony in Adam Smith's Critical Global History," 142.
[435] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 493.
[436] Smith, *The Theory of Moral Sentiments*, 228.
[437] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 488-489.

makes the domination (or our ignominious losses) conspicuous. This is motivationally powerful and its logic easily *grasped*. It appeals to our 'love of system.'

In this section I have aimed to tie *the fundamental fact of politics* to an idea I name *conspicuous domination* that is itself the name of a category of problems Smith's normative theory aimed at palliating. Thus, my conceptualization of *conspicuous domination* is also intended to cover the concern marked by, for instance, what Amartya Sen has called Smith's imperative that among the "necessaries" of life are the raiments one needs in order to "appear in public without shame."[438] *Conspicuous domination* is also among the targets of Smith's proposed policy of universal education. On this score, Smith's arguments on religious establishment will also seek to undermine sources of *conspicuous domination* by supporting associational/sectarian life. Explaining this last goal will be an important part of the chapters on religious establishment.

4.4 Identifying the Three Problems to Which Smith's Political Theory is A Palliative

c) *Cycle of Corruption and Conquest*

Our easy submission to the *powerful* does not mean that we always obey our *rulers*; we license the excesses of the *powerful.* At some point even the rebel is obeyed. Who imagines that the vices of rebels, outlaws, even underdogs, are not encouraged and easily forgiven *by the same principle* that forgives the vices of rulers? The rebel is a king to his audience. On this score the revolution and the counter-revolution are the same. We exalt at the revolt *and* the restoration. Those who dislike the ruler indulge *the challenger*. Thus, the political problem is not that we *endlessly* submit to every abuse the powerful inflict on us. The problem is that we submit and license their cruelty into utter corruption and decay *until such time* as a revolutionary credibly promises to uproot it all.

The rebel will inflict cruelty upon our rulers and their partisans in their turn and we—*enough of us, enough of the time*—will cheer him in this. Our rash and wheeling obedience can thus turn a dissenter's

[438] Amartya Sen, "The Living Standard," *Oxford Economic Papers*, (1984): 79.

otherwise responsible normative political thought and criticism into unstinting ideological political practice. This was part of Smith's narrative of the excesses of the 'man of system': he becomes the 'dupe' of his party's admiration. Smith writes that

> Even though the leaders should have preserved their own heads, as indeed they commonly do, free from this fanaticism, yet they dare not always disappoint the expectation of their followers; but are often obliged, though contrary to their principles and their conscience, to act as if they were under the common delusion.[439]

These problems are very much still with us in parties and they are directly relevant to the greatest threats to contemporary, self-restraining, liberal democracy. The idea that democratic leaders gain by seeming *above the fray* is not always true.

> From the same pivotal 1790 additions to *Theory of Moral Sentiments*, Smith writes that rebels
>
> have no fear of being called to account for the means by which they acquired [their power]. They often endeavor, therefore, not only by fraud and falsehood, the ordinary and vulgar arts of intrigue and cabal; but sometimes the perpetration of the most enormous crimes, by murder and assassination, by rebellion and civil war, to supplant and destroy those who oppose or stand in the way of their greatness.[440]

In his ascent the rebel does not fear being called to account because, upon gaining power, the rebel intends to wield the "dark and dismal powers of forgetfulness and oblivion": they will flatter their people with "every profligate pleasure, the wretched, but usual, resource of ruined characters." Or worse, by "the prouder and more dazzling tumult of war, he may endeavor to efface, both from his own memory and from that of other people, the remembrance of what he has done."[441]

Civil wars and snap revolutions happen. They are a core wrecker of human life. Smith explained, as we will see from detailed institutional analysis in chapter six, *how* they happen. What settles civil wars, revolutions, uprisings, what brings the most turbulent of them to a close, is too often simply the violent rise of a *new* focal point for our indulgent obedience, a new despot. Call this third

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[439] Smith, *The Theory of Moral Sentiments*, 233.
[440] Ibid, 65.
[441] Ibid.

problem of predictably bringing on revolt by corrupting the rulers through the means of our too-willing admiration the *cycle of corruption and conquest*. It is cyclical (corruption—conquest—corruption) and derives from the same fundamental problem: the powerful are led into corruption by our complaisant *manner* of obedience. This is Smith's version of the Polybian rise, decline, and fall.

This psychological tendency drives a cycle of rise and decline: A) Our admiration of the powerful grants them permissive *de facto* authority. B) Our fawning at the powerful indulges their vices. C) The possession of this authority and our indulgence corrupts the powerful, and we, their subjects, notice this. D) Ambitious political rebels, seizing an opportunity, rousingly propose, as Smith puts it, to "new-model the constitution."[442] E) The *same principle* of admiration and awe at power—*the fundamental problem of politics*—that established the original authority rapidly shifts our affective support from the old regime to the reformers. F) The reformers and *their* vices are indulged on the same principle of awe at power. G) The rebels zealously attack the authority and the regime collapses into the disorder that troubled Hobbes. H) The cycle is completed the moment the reformers themselves are permissively granted *de facto* authority.[443] Our admiration of the powerful usefully establishes and then utterly corrupts practical authority.

So little affected, as I quoted, by considerations of utility, "[e]ven when society seems to require that we should oppose them, we can hardly bring ourselves to do it."[444] We find it very hard to challenge the king, the powerful. In fact, "[t]o treat them in any respect as men, to reason and dispute

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[442] Smith, *The Theory of Moral Sentiments,* 232.

[443] As Paul Sagar notes, this sympathy with the powerful is distinct from Hume's account of a similar phenomenon. In Smith, but not Hume, sympathy we believe we feel with the powerful is often illusory: we believe the powerful, for instance, to be happy and sympathize with that happiness though in fact they are miserable. "We admire the rich and powerful not because, as Hume had claimed, we sympathize (in the 'ideas' into 'impressions' sense) with their actual pleasures, but because we take pleasure in the correspondence of sentiments with what we imagine they ought to feel when entering imaginatively into their situation...This explained why, despite the fact that the rich and famous are typically not in fact made happy by their riches and fame, most people nonetheless esteem and emulate their social and economic superiors. Paul Sagar, "Beyond Sympathy: Smith's Rejection of Hume's Moral Theory," *British Journal for the History of Philosophy* 25, no. 4 (2017): 681–705.

[444] Smith, *The Theory of Moral Sentiments*, 52–53.

with them…requires such resolution, that there are few men whose magnanimity can support them in it…"[445] Thus when we *do* challenge them it is when "their conduct…either justly or unjustly, [has] excited the highest degree of all those passions…"[446] Corruption has gone too far and we are animated by "the most furious passions, fear, hatred, resentment."[447] Like the pop psychology about communication in a relationship, when we do communicate it is with rash outbursts often unrelated to the specific problem that ought to have originally raised our voice.

This analysis explains such disparate phenomena as the rise and fall of feudal lords,[448] the Reformation,[449] the incapacities of "joint-stock companies,"[450] the stultification of education at Oxford,[451] and a grave political problem in the British regime that is the central study of this dissertation's second half: the potential civil war triggered by religious establishment.[452] Rehearsing Pocock's language, Hont rightly sees Smith as often recalling the "Machiavellian image of growth and decay in the flow of time."[453] Yet Smith's analysis of regime rise and decline is not tied to the classical interactions between particular virtues and vices, or to a specific theme of luxury and corruption, but is about institutional design and social psychology. Smith, in short, applies fully modern institutional analysis and political psychology to a classical Polybian or Machiavellian analysis of the cycle of regime rise and decline.

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[445] Smith, 53.
[446] Ibid..
[447] Ibid.
[448] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Book III.
[449] Ibid, Book V, Art III.
[450] Ibid, Book V, Art I.
[451] Ibid, Book V, Art II.
[452] Ibid, Book V, Art III..
[453] Istvan Hont and Michael Ignatieff, *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment* (Cambridge ; New York: Cambridge University Press, 1983), 282.

The lesson to be learned from civil war, and the English wars in particular, was, and *contra* Hobbes, that we endow the state, our rulers, the powerful, with too much glory, and submit with too much obedience. No coercive force ought to be given legal means to a source of persuasive force.

Smith gave a summary of our indulgence (*merciful citizen*) and these swings of fortune in the 1790 additions, offering the following (these are my interpolations):

> "While they are successful," we ignore our leaders' "self-estimation and presumption." We are "often perfectly conquered and overborne by them." Their "[s]uccess covers from [our] eyes…the great injustice of their enterprises; and, far from blaming this defective part of their character, [we] often view[] it with the most enthusiastic admiration. When they are unfortunate, however…[w]hat was before heroic magnanimity, resumes its proper appellation of extravagant rashness and folly; and the blackness of that avidity and injustice, which was before hid under the splendour of prosperity, comes into view, and blots the whole lustre of their enterprise."[454]

Smith notes that this tendency of fortune to affect our evaluation of a leader is like the effect he had identified that luck has on our moral evaluations[455]—itself a pioneering description of moral luck.[456] "We may be persuaded," says Nagel, "that these [luck-based] moral judgments are irrational, but they reappear involuntarily as soon as the argument is over."[457] As with moral luck, this political luck seems to have a permissible place in our evaluations that is yet difficult to circumscribe.

"All the *innocent* blood that was shed in the civil wars," Smith writes, "provoked less indignation than the death of Charles I [my emphasis]."[458] Smith imagines that some foreign species, a "stranger to the human race," observing the grief for Charles and the relative indifference to the loss of innocent

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[454] Smith, *The Theory of Moral Sentiments*, 252.

[455] Ibid.

[456] Nagel discusses Smith briefly in his famous article on the topic: Nagel, *Mortal Questions*; Chad Flanders, "'This Irregularity of Sentiment': Adam Smith on Moral Luck," in *New Voices on Adam Smith* (Routledge, 2006), 215–40; Keith Hankins, "Adam Smith's Intriguing Solution to the Problem of Moral Luck," *Ethics* 126, no. 3 (2016): 711–46; Schliesser, *Adam Smith*; Paul Russell, "Smith on Moral Sentiment and Moral Luck," *History of Philosophy Quarterly* 16, no. 1 (1999): 37–58; Jens Timmermann, "The Shadow of Fortune Adam Smith on Moral Luck," ; Simon Blackburn, "Williams, Smith, and the Peculiarity of Piacularity," *Journal of the American Philosophical Association* 1, no. 2 (ed 2015): 217–32,

[457] Thomas Nagel, "Moral Luck," in *Mortal Questions*, (Cambridge: Cambridge University Press, 2013), 33.

[458] Smith, *The Theory of Moral Sentiments*, 52.

life might have thought "that pain must be more agonizing, and the convulsions of death more terrible to persons of higher rank, than to those of meaner stations."[459] The indignation at Charles's death exhibited our bias for celebrity, but so did the celebration of his death—he had been killed by powerful and exciting rebels. Continuing the cycle, "[c]ompassion soon takes the place of resentment…The death of Charles I. brought about the Restoration of the royal family."[460]

Our worship of the leader and his awareness of this secure support tempts him into a kind of indolence. If they gained power or adherents by means of some laborious form of persuasion, then when in power they will cease cultivating that onerous skill. The king does not, as he ought, arrange his power so as to be informed and disciplined by the mechanisms of exit and voice. The powerful's power to persuade, their ability to generate the same affection their charisma once aroused, suffers a Hirschmanian decline.[461] It is precisely this moment of decline that brings on the swing of obedience to a rebel. Smith's development of this insight touches on classical themes of persuasion and coercion and will be key to the concluding four chapters on religious establishment.

To prevent this movement of corruption and collapse existing rulers, company heads,[462] a "court of directors,"[463] union bosses, bishops, and rebels ought not to have access to institutionalized means of ideological or regulatory support. Due to structural features of states and submission, the ideology, especially the church, will become ineffective (unpopular, lame, because, roughly, co-opted)

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[459] Ibid.

[460] Ibid, 53.

[461] Albert O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*, (Cambridge: Harvard University Press, 1970).

[462] Hirschman's study of decline in firms works well for explaining as Sankar Muthu has shown, the "joint stock company [i]s an independent unit of analysis" in Smith's political thought and is corrupted and corrupting on a logic similar to that affecting rulers Muthu, "Adam Smith's Critique of International Trading Companies," 185.

[463] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 741; Andreas Ortmann, "The Nature and Causes of Corporate Negligence, Sham Lectures, and Ecclesiastical Indolence: Adam Smith on Joint-Stock Companies, Teachers, and Preachers," *History of Political Economy* 31, no. 2 (1999): 297; G.M. Anderson and Robert D. Tollison, "Adam Smith's Analysis Of Joint-stock Companies," *Adam Smith Critical Assessments: Second Series*, (Taylor & Francis, 1994).

and wildly swing open the door to ideological innovators. Ideological coalescence in the state is a self-defeating dynamic that I document in the second half of the dissertation.

If people are wired[464] so as to indulge the powerful—what I am calling *the fundamental fact of politics*—it is best if instead of endowing a central office with all the power and glory there are plural sites of authority from which *many* powerful actors and their supporters can check the excesses of the others. Each powerful actor may still be indulged into vice in all the ways I describe, but some of what they do with that indulgence will be to castigate the indulgence an opposing powerful actor receives. The powerful will criticize, in short, each other. This may discipline their own behavior (i.e. a defensive strategy of giving your opponent less to criticize), but these cross-pressures need not do this to still be beneficial as a whole. This is an idea we will see more of in what I claim is Smith's ecclesiastical proposal to America and is what I hinted at in chapter three with the idea of the behaviour of hockey teams as checked by the desire to win fans over from other teams.

4.5 The Normative Concept of an *Order*

The problem-types I have named occur within a given constitution—a word that I use in Smith's sense, to be discussed presently. If each of the three problem-types are minimized relative to some benchmark that is fixed by a real-world comparison with another constitution (or the same one at an earlier date), then Smith would regard this constitution as normatively acceptable. In such a case, I will say, the constitution is an *order*. The constitution, not for instance, the sovereign, is the thing to be evaluated in order to determine whether or not it meets the standard of an order.

At any given time, a society has a certain constitution that consists in and is stabilized, or not, by its patchwork of associations and "the system of orders associated with the distribution of wealth,

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[464] Dan M. Kahan, "Ideology, Motivated Reasoning, and Cognitive Reflection: An Experimental Study," *Judgment and Decision Making* 8 (2012): 407–24; Dan M. Kahan, "The Politically Motivated Reasoning Paradigm," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, December 14, 2015),; Toby Bolsen and Risa Palm, "Motivated Reasoning and Political Decision Making," Oxford Research Encyclopedia of Politics, July 29, 2019.

power and privilege."[465] The constitution is the site of normative evaluation in Smith's political theory. It is the constitution that will be more or less *orderly*, or order-like. In what is one of his most programmatic descriptions of his political analysis—and is among the 1790 additions to *Theory of Moral Sentiments*—Smith gives the following definition of a constitution:

> Upon the manner in which any state is divided into the different orders and societies which compose it, and upon the particular distribution which has been made of their respective powers, privileges, and immunities, depends, what is called the constitution of that particular state.

This definition of constitution is meant to be capacious and almost sociological, and so is not exclusively legal. Some of that sociological character comes across in how he next describes how constitutions are stabilized or not:

> [u]pon the *ability* of each particular order or society to maintain its own powers, privilege, and immunities, against the encroachments of every other, [that] the *stability* of that particular constitution depends [my emphasis].[466]

It is the actual 'ability' of groups to resist 'encroachments' from others that de/stabilizes the constitution. This ability is not necessarily a legal fact about standing. A constitution's stability depends on the cross-pressures of its civil society, but this, in itself, is necessary but not sufficient to make that constitution into an order.

Smith's invocation of civil society is like Montesquieu's where, as Taylor puts it, "the important issue turns on whether" the sovereign is "unchecked, and veering towards despotism," or limited by law that is animated by the "interlocking mass of agencies and associations" whose cross-purposes are just what keeps power from centralizing.[467] The checking of political power admits of degrees and past a comparative benchmark it describes a condition that meets the normative value I call *order*. Achieving

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[465] Brian CJ Singer, "Montesquieu, Adam Smith and the Discovery of the Social," *Journal of Classical Sociology* 4, no. 1 (2004): 44–45.
[466] Smith, *The Theory of Moral Sentiments*, 231.
[467] Taylor, "Invoking Civil Society" in *Philosophical Arguments*, 214.

order is Smith's political theory's priority, but any constitution that is an order is still subject to evaluation by the scalar values of justice and liberty. These principles will overlap at times, a feature of realism that John Thrasher and Keith Hankins describe as the "plurality thesis" often held by realists: "[p]olitical orders can be meaningfully evaluated by myriad, often overlapping and, in many cases, conflicting normative principles."[468]

To meet the standard of an order, a *stable* constitution must minimize the problem-types I named above (*merciful citizen*, *conspicuous domination*, *cycle of corruption and conquest*). Of course the constitution that is stable in just the way he describes is part of what Smith predicts will, as an empirical matter, be in fact effective in minimizing the problem-types. I use order to denote these facts about what Smith calls a constitution. Of course Smith also uses the word 'order,' but only in its ordinary sense of the 'order of society,' or 'good order.' When I say he prioritized order it is to my definition of that word that I refer. Each term that I could propose comes with its own problems, so I hope to have been clear enough here about what order, when I use it, means. Moreover, the second half of the dissertation shows what an order is by giving the examples from Smith's text of ecclesiastical policies for England, America, and Scotland that prioritize order rather than, especially, liberty.

Smith's ordering of values—order, justice, and liberty—constrains, I contend, any proposed reform to a given constitution: an attempt at directly increasing justice, for instance, must not threaten to collapse existing order; an attempt at increasing liberty must not threaten order nor existing levels of justice. To ask whether a proposal will disturb the order is to ask whether it will likely increase any of the three problem-types I have named.

As with Williams and his "basic legitimacy demand,"[469] Smith does think philosophy can do more—but not much more—to give standards for what might count as a legitimate or a good order.

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[468] Keith Hankins and John Thrasher, "Hume's Politics and Four Dimensions of Realism," The Journal of Politics, Vol. 84, No. 2. (April 2022), 1010.
[469] Williams, "Realism and Moralism in Political Theory," 4.

At their *most* legitimate, orders have broadly furnished the conditions that support justice—the recognized and effective equal moral standing of all. Thus a constitution that is an order may be able to increase its legitimacy by having, for instance, an "impartial administration of justice which renders the rights of the meanest…subject respectable to the greatest."[470] A proposal like the institutional one he gives in *Wealth of Nations* to establish an 'impartial administration of justice' and thereby increase justice is justified if it does not diminish the constitution's orderliness.

As a constitution becomes more orderly its people will probably be increasingly just and increasingly free, but this is not a conceptual truth about the relationship between order, justice, and liberty. There are no doubt other goods that correlate with increasing orderliness or freedom that Smith took as genuine goods to aim at (opulence, happiness, general welfare), but none of these goods, evidently, take priority over the three values I have named; if they are to be aimed at they must be achieved by means of order, justice, and liberty.[471]

Perhaps the clearest statement of this ordering (order, justice, liberty) is found in his proposal—opposed by Jeremy Bentham—to cap interest rates:

> [T]hose exertions of the natural liberty of a few individuals, which might endanger the security of the whole society, are, and ought to be, restrained by the laws of all governments; of the most free, as well as of the most despotical. The obligation of building party walls, in order to prevent the communication of fire, is a violation of natural liberty, exactly of the same kind with the regulations of the banking trade which are here proposed.[472]

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[470] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 460.

[471] Of opulence or welfare not diminishing a basic injustice see: "To prohibit a great people, however, from making all that they can of every part of their own produce, or from employing their stock and industry in the way that they judge most advantageous to themselves, is a manifest violation of the most sacred rights of mankind. Unjust, however, as such prohibitions may be, they have not hitherto been very hurtful to the colonies. Land is still so cheap, and, consequently, labour so dear among them, that they can import from the mother country almost all the more refined or more advanced manufactures cheaper than they could make for themselves. Though they had not, therefore, been prohibited from establishing such manufactures, yet in their present state of improvement a regard to their own interest would, probably, have prevented them from doing so. In their present state of improvement those prohibitions, perhaps, without cramping their industry, or restraining it from any employment to which it would have gone of its own accord, are only impertinent badges of slavery imposed upon them, without any sufficient reason, by the groundless jealousy of the merchants and manufacturers of the mother country. In a more advanced state they might be really oppressive and insupportable." Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 582

[472] Smith, 324.

Whatever merits there are in Bentham's objections,[473] and in addition to his economic arguments, he is clearly objecting to Smith's *priorities*, or to Smith's understanding of what causes or undermines order. Bentham did not take he and Smith to be fellow utilitarian reformers identifying a non-moral good and making it moral by maximizing it.

Bentham, like many "[l]ate eighteenth-century readers," Richard Teichgraeber writes "confronted a work [*Wealth of Nations*] whose author chose not to expound his argument for free trade without regularly reminding them that, in his opinion, liberal economic doctrines seemed to run far ahead of actual political and social attitudes in late eighteenth-century Europe."[474] It is easy to misunderstand the significance of Smith's reticence. Smith was not saying that the time for my full plan of liberty is *not yet*, but that restricting liberty by order *is* my full plan. The *priority* is not *ad hoc*.

4.6 The Political Realism of *the Fundamental Fact of Politics*

I now intend to explain what I mean by calling Smith's political theory realist. Alison McQueen has given a usefully loose constellation of ideas to capture what I will mean in calling Smith a political realist. Political realism, she writes, is "a distinctive family of approaches to the study, practice, and normative evaluation of politics."[475] As an approach to doing political theory political realisms

> tend to (a) affirm the autonomy (or, more minimally, the distinctiveness) and contextual specificity of politics; (b) take disagreement, conflict, and power to be ineradicable and constitutive features of politics; (c) reject as 'utopian', 'idealist', or 'moralist' those approaches, practices, and evaluations which seem to deny these facts; and (d) prioritise the requirements of political order and stability over the demands of justice (or, more minimally, reject the absolute priority of justice over other political values).[476]

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[473] Jeremy Bentham, *Defence of Usury : Shewing the Impolicy of the Present Legal Restaints on the Terms of Pecuniary Bargains, in Letters to a Friend : To Which Is Added a Letter to Adam Smith, Esq. LL. D., on the Discouragements Opposed by the above Restraints to the Progress of Inventive Industry*, Fourth edition., (206, 70 pages) vols. (London: Payne and Foss, 1818); Samuel Hollander, "Jeremy Bentham And Adam Smith On The Usury Laws: a 'Smithian' Reply To Bentham and a New Problem," *European Journal of the History of Economic Thought (Print)* 6, no. 4-WINT (1999): 523–51.

[474] Richard F. Teichgraeber, "Adam Smith and Tradition: The Wealth of Nations before Malthus," in *Economy, Polity, and Society: British Intellectual History 1750–1950*, ed. Brian Young, Richard Whatmore, and Stefan Collini (Cambridge: Cambridge University Press, 2000), 90.

[475] Alison McQueen, "Political realism and moral corruption," *European Journal of Political Theory* 19, no. 2 (2020): 141.

[476] Ibid, 141–42.

McQueen's grouping fits Smith nicely because it is not, as political realism so often is, cast as opposition to Rawls, or ideal theory, but is rather representative of a huge body of political theory extending at least as far back as Machiavelli, himself an important touchstone for my work.

Enzo Rossi and Matt Sleat give a similarly useful description, writing that "realists maintain that political theory should begin…not with the explication of moral ideals …which are then taken to settle the questions of value and principle in the political realm but in a (typically interpretative) understanding of the practice of politics itself."[477] They write, in a clipped form, that "politics is a response to conflict, conflict is ubiquitous; therefore, politics is a permanent and inevitable feature of human life."[478] Smith's *fundamental fact of politics* concerns the tension—the *conflict*—there is in our practical reasoning between a rational evaluation of rule and an affective deference to rulers. This tension supplies the interpretation of politics that constrains normative political theorizing and casts Smith as a realist. For Smith, just as with realists, "guiding politics is a matter of craft and virtue."[479] To secure, order, for example, requires having its principles applied to a context.

This feature of our psychology, *the fundamental fact of politics*, which gives politics understood as a response to conflict its substantive meaning, is a mixed blessing. On one hand, our admiration of the powerful easily establishes *de facto* practical authority and so allows us to pursue our individual or collective plans grounded in the interpersonal trust made possible by third-party adjudication and enforcement. On the other hand, this (often) non-moral admiration of the wealthy and powerful causes us to undervalue the "the wise and virtuous," and to neglect the demands of "equitable justice."[480]

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[477] Enzo Rossi and Matt Sleat, "Realism in Normative Political Theory: Realism in Normative Political Theory," *Philosophy Compass* 9, no. 10 (October 2014), 690.
[478] Ibid, 696
[479] Ibid.
[480] Smith, *The Theory of Moral Sentiments*, 62.

Smith recognized that our admiration of the powerful and all things "gaudy and glittering" made us undervalue the 'wise and the virtuous' and so could be the subject of *moral* critique.[481] Each of us will, if we reflect on it, strive not to admire the powerful unless they merit the admiration. If we fail to check our admiration we could rightly be subject to ethical criticism. Moral philosophy, Smith's included, does not and should not treat our admiration of the powerful and neglect of 'equitable justice' as an unfortunate given. It is precisely Smith's treatment of *the fundamental fact of politics* as fundamental, that makes his political theory (mostly) independent of moral philosophy. This is what gives order a priority over justice.

It is important that Smith argued that our submission to the powerful, as Darwall describes, is often a gesture of mere deference "to the king's standing to issue orders[. This] is not the same thing as acknowledging any legitimate authority he might claim to do so."[482] Perhaps we imagine ourselves as the domineering king and secretly enjoy his arbitrary power, or awe at it. This affects how we behave toward the powerful, but none of this need even imply that we come to believe that the king has the *right* to exercise political power. We enjoy imagining ourselves as the king almost *because* he is not constrained by right. Like an aesthetic or culturally given permission to a mobster to behave like one, our worship or admiration for the powerful causes our submission to them and it does this without necessarily legitimating their rule in our eyes or in fact. Nor do we in good faith propose our vicarious enjoyment of the king's real or imagined cruelties could come to count as "a rationally defensible principle of legitimacy."[483] Deference to the king's rule is simply a social fact.

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[481] Smith, *The Theory of Moral Sentiments*, 62.

[482] Darwall, "Smith's Ambivalence about Honour," 35.

[483] This paragraph tracks the distinction Abizadeh draws between legitimating rule and legitimizing it. Arash Abizadeh, "On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem," *American Political Science Review* 106, no. 4 (2012): 868.

Smith clearly marks this distinction between social fact and a moral conception of legitimate power. A defensible principle of legitimacy for kingly rule is not hard conjure, but nor is it the least bit effective at constraining our obedience:

> That kings are the servants of the people, to be obeyed, resisted, deposed, or punished, *as the public conveniency may require*, is the doctrine of reason and philosophy; but it is not the doctrine of Nature. Nature would teach us to submit to them for their own sake, to tremble and bow down before their exalted station, to regard their smile as a reward sufficient to compensate any services, and to dread their displeasure, though no other evil were to follow from it, as the severest of all mortifications. [my emphasis][484]

We often grasp this whole movement of our thinking perfectly well: a) our obedience to this king ought to proceed from recognition that his very station, his office, promotes the 'public conveniency'; b) he ought to be removed from that office if he fails to promote the common interest; c) many of us are moved by this moral critique and study to avoid arbitrarily admiring the powerful; d) we know that each agent ought to, and sometimes does, say to herself: the king exercises political power legitimately if and only if, and because, he promotes the 'public conveniency'; a swift and orderly transition of power shall commence when these requirements fail to obtain.

But were we to *predict* our own behavior we might admit that we will not hold the king to this principle of 'public convenience.' This self-prediction gives us one of our political tasks, namely, the one of "[m]anaging ourselves responsibly in light of these things."[485] This task of managing yourself is the like the one you give yourself when you promise to another 'tell me the truth; I promise not to get mad.' In this case, you predict that the truth will make you mad. You know that getting mad at the truth will be bad for your relationship with another and will undermine your future access to their honesty. Predicting that you will get mad you then make a promise to remain calm in order to give this other a standard—i.e. your promise not to get mad—that they are justified in holding you

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[484] Smith, *The Theory of Moral Sentiments*, 53.

[485] Stephen J. White, "Self-prediction in Practical Reasoning: Its Role and Limits," *Noûs*, forthcoming, 2.

accountable for failing to live up to. You could (could you?), of course just *not get mad*, but we are made of 'coarse clay,' and so probably will.

Similarly, in a criminal trial we exclude some evidence that might bias the jury. In excluding this evidence we are not thereby admitting that the jury would be morally right, or that it would be permissible, to be biased by the information. Nor are we claiming that morality requires us to withhold the evidence: on the contrary, morality requires that the jury treat the case fairly and we are predicting that they will not live up to that moral standard in this instance. We are managing ourselves in light of the fact that we predict that we might do what we regard as immoral. We do regard the potential bias as immoral and we do predict that we will be biased. If I admit, for example, that I think I might be subject to himpathy, then I might ask that the case be presented in such a way as to not trigger any such sympathies, but I would not be *proud* of this fact. I would not think that I somehow lived up to the highest moral standards that I give myself. Nor would I accuse the court of doing something immoral if they did not try to avoid triggering my sympathies. Such management schemes of our weaknesses (akrasia?) might well be called political.

Smith analysed and criticized our admiration of the powerful, but for the purposes of his political theory, this psychological principle is fundamental. No one is confused about the status of the management schemes of our immorality in criminal trials, so it should not be hard to track the position Smith is holding on managing immorality with politics. That is key to my case that Smith has a political theory. It is the fact that he took this psychology to be fundamental that involved him in doing political theory distinct from moral theory. Morally-speaking, we just shouldn't admire the powerful over the virtuous. Politically-speaking, it is a fact that we do. It is among "the failings that make politics and justice unavoidable."[486] It is why power is valued and contested.

[486] Levy, "There Is No Such Thing as Ideal Theory," 319.

This kind of approach to practical affairs—of ruling in what we regard as moral or rational failings—is suggested by Smith in a methodological principle that gives the name to his political realism:

> None but those of the happiest mould are capable of suiting, with exact justness, their sentiments and behaviour to the smallest difference of situation, and of acting upon all occasions with the most delicate and accurate propriety. *The coarse clay of which the bulk of mankind are formed, cannot be wrought up to such perfection.* [my emphasis][487]

Politics arises because, or consists in the fact that, we do not—perhaps cannot—constrain our political behavior by the 'doctrine of reason and philosophy.' As a finding in moral or social psychology the *fundamental fact of politics* (the tendency to indulge the powerful) may be reducible to other tendencies in, or principles of, human psychology, but as matter for *political theorizing* it is an irreducible fact.

In a crucially different circumstance from one agent reasoning about what to do regardless of what others do, one of the reasons *I,* a single agent acting among millions of other agents, do not constrain myself by my individual ethical reflection on authority is because I make predictions not just about my own will and future behavior, but about what other agents will do, and about what the powerful themselves will do. In the context of politics I must appreciate the fact of strategic interaction. It is not just that I know *I* will often forgive the powerful their excesses. In the circumstances of politics, as David Enoch puts it, what "one agent ought to do is influenced by the fact that *another* agent is unlikely to comply with requirements applying *to her*."[488] I, as a matter of fact, may not tend to identify with the powerful, but I reckon that others will. I further believe that they will indulge a powerful actor who is worse than my preferred authority figure. The fact, then, that you indulge some awful figure changes whom I regard as my ideal figure. If I form this to myself rationally, then I may strategically *feign* awe at my preferred figure. It is more likely, however, that the knowledge

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[487] Smith, *The Theory of Moral Sentiments*, 162–63.
[488] David Enoch, "Against Utopianism: Noncompliance and Multiple Agents," *Philosopher's Imprint,* 18 (2018), 5.

of your indulgence of your authority will simply activate, as an instance of the phenomenon of negative polarization, my indulgence of mine.

As Enoch puts it, the fact that "*reasonable citizens* are unlikely to" constrain their obedience by reflective moral concerns "may very well influence what the *state* ought to do, and the fact that the state is likely to violate" moral constraints on it "may very well affect what the reasonable citizen ought to do."[489] That Smith's political theory logically begins with *the fundamental fact of politics* and these premises about citizens and powerful actors, again, is what warrants calling his political theory realist.

Perhaps we could think of what I call Smith's *fundamental fact of politics* as a social norm, where it is true of these that it governs our behaviour, "conditional on how we expect others to judge our behavior." Such social norms, Hankins and Thrasher explain in "Smithian Sympathy and the Emergence of Norms," are

> prescriptions that we have an interest in following conditional on two things: 1) that enough other people *expect* me to conform to them, and 2) that enough other people actually will also conform. The first condition is important because social norms are often implicated in cases where it is not in our individual interest to conform to a norm unless others expect conformity. The second condition is important because it indicates that a norm is actually operative in a given domain.[490]

The fundamental fact of politics, could be a social norm, a social fact, even if the deference to the powerful is not actively affirmed by the majority. In fact, as Christina Bicchieri observes, "there are also cases in which most people do not think that others ought to conform to a norm, even when they observe widespread conformity (i.e., the number of those prepared to sanction others is very small)."[491] For instance, "people may have different reasons for conditionally preferring to follow a norm" and fixing the behaviour are that "expectations are *believed to be reciprocal*. That is, not only do I expect others to

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[489] Enoch, "Against Utopianism: Noncompliance and Multiple Agents," 3.

[490] Keith Hankins and John Thrasher, "Smithian Sympathy and the Emergence of Norms," Philosophy and Phenomenological Research 2021;1–19, 6.

[491] Christina. Bicchieri, *The Grammar of Society : The Nature and Dynamics of Social Norms* (New York: Cambridge University Press, 2006), 14.

conform, but I also believe they expect me to conform."[492] Therefore, another variety, or dimension to the awe at the powerful is that I do it (at least as a matter of my observable behaviour if not my internal sense of awe) because I notice that other people expect me to.

In Smith, Humean circumstances of justice are doing less of the work than they are in most political theories. The Smithian crime that justifies politics (the legitimate contestation of power) derives from something like network effects of mutual sympathy about domineering: we pile on the weak when the first strongman appears. We align with the powerful lest others cast us among the weak. Because we form arbitrary hierarchies (and Smith thought they were often arbitrary[493]) contestatory practices—political practices—are justified. If we were not this way, if our admiration tracked moral worth or prudence, we would have to wonder why we should allow any contestation of *de facto* authority. Were general wills to emerge, and necessarily, in virtue of some social facts about us we would have to seriously consider whether anyone could ever legitimately dissent to the powers that be.

Political theory that is realist in the way I am describing often gets its support or practical urgency from what it opposes. The clearest example of what Smith opposed is found in the passage I have mentioned many times known as the 'man of system' passage. It is another of the vitally important 1790-additions to *Theory of Moral Sentiments*. He confronts an imagined 'man of system' who models full compliance to some "ideal plan of government" and thinks that this completes a *political*

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[492] Bicchieri, *The Grammar of Society*, 15.

[493] "The difference of natural talents in different men is, in reality, much less than we are aware of' and the very different genius which appears to distinguish men of different professions, when grown up to maturity, is not upon many occasions so much the cause, as the effect of the diffusion of labour. The difference between the most dissimilar characters, between a philosopher and a common street porter, for example, seems to arise not so much from nature, as from habit, custom, and education." Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*; SandraPeart, David M. Levy, and Inc. Ebrary, "The Street Porter and the Philosopher Conversations on Analytical Egalitarianism" (Ann Arbor: University of Michigan Press, 2008).

theory. The 'man of system' defines resistance to the implementation of his plan as irrational or unjust.[494]

> He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces on a chess-board. He does not consider that the pieces upon the chess-board have no other principle of motion besides that which the hand impresses upon them.

The compliant chess-pieces are unlike really-existing "cities and provinces" and the "great orders of the state"; these each have a "principle of motion of its own."[495] The 'man of system' sees 'pieces' and none of the *connections* between them. He has no appreciation for moral sentiments and so does not hold himself accountable to them.

Smith's criticisms of the 'man of system' exhibit what Hankins and Thrasher call the "correspondence thesis" affirmed by political realists: "[p]rinciples for evaluating political orders tend to become less useful as the theories in which they are embedded become more idealized and abstract."[496] The 'man of system,' if he were aware of existing norms would idealize them such that they are simple pro-attitudes attachable to his new plan.

Smith does not deny, he says, that "[s]ome general, and even systematical, idea of the perfection of policy and law, may no doubt be necessary,"[497] but he affirms this within a realist range of the position Thrasher and Hankins describe as the "practicality thesis" of political realism: "[t]he primary aim of political theory is to identify an achievable standard for how social and political institutions should be organized or assessed given realistic expectations about how political actors are likely to behave."[498] What Smith knew was social theory and social norms. This knowledge told him

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[494] Smith, *The Theory of Moral Sentiments*, 234.
[495] Ibid, 234.
[496] Hankins and Thrasher, "Hume's Politics and Four Dimensions of Realism."
[497] Smith, *The Theory of Moral Sentiments*, 234.
[498] Hankins and Thrasher, "Hume's Politics and Four Dimensions of Realism."

that we know less about the structure of the load-bearing supports of our political house than we typically suppose we do.

In the 'man of system' passage, Smith opposed a *method* of political theory. The state of nature, for example, is supposed to rule out existing authority, but what is existing authority composed of? Having an opposition to existing work is among the type of things that constitutes having a political theory. Moreover, in opposing a method he was opposing existing political ideas, not expressing a kind of free-floating political moderation. "It was this assemblage of groups," that have a motion of their own, Robert Nisbet writes, "this realm of intermediate society, that the *philosophes* were so eager, on the practical side, to destroy and, on the theoretical side, to eliminate from the natural law theory of society. What was desired was a rational order in which the mobility of individuals would be unrestricted save by the wise commands of the sovereign state."[499] *Theory of Moral Sentiments,* especially in its sixth edition (1790), was pitched within and as a challenge to existing political theory. That it was about moral sentiments was an indication of which facts matter for political theory.

What the 'man of system' fails to see is that the constitution—"which he will not condescend to contemplate"—is made of 'coarse clay' and so "cannot be wrought up to such perfection"[500] as he may see in his "ideal plan of government."[501] The materials of the constitution are irregular and coarse, not uniform and ductile. The Church of England, for example, is not just a state church. It is *churches*. Its reach extended into weddings, family gatherings, and town festivals. Its financing was connected with the vested interests involved in putting on these events. Reform movements within the Church, like Methodism, were of a different size and shape from the sects of Old Dissent. It was not possible, if the 'man of system' should even wish it, to remove 'the church' from the constitution, disestablish

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[499] Robert A. Nisbet, "The French Revolution and the Rise of Sociology in France," *American Journal of Sociology* 49, no. 2 (1943): 157.
[500] Smith, *The Theory of Moral Sentiments,* 234.
[501] Ibid.

it. An attack on the Church would involve one in cascading controversies across associations and interests of varied sizes that one never even considered. The 'man of system,' as Levy puts a similar point about rationalist politics, had an "aspiration to decontextualize the legal and political *order*."[502] In a way that will make more sense once I explain Smith's conception of justice as mutual accountability, the 'man of system' is *unjust*.

Because the 'man of system's plan is so neatly describable it interests our 'love of system.' It is hard to defend a state's messy 'coarse clay' constitution by appeal to its system even when it is objectively delivering utility gains vindicated by a theory of distributive justice. As I quoted in the last chapter:

> [It will] often be to no purpose to tell [someone], what superior advantages the subjects of a well-governed state enjoy; that they are better lodged, that they are better clothed, that they are better fed. These considerations will commonly make no great impression. You will be more likely to persuade, if you describe the great system…[the] connexions and dependencies of its several parts…which procures these advantages…[503]

There is no way, as a matter of theory acceptance, of rhetoric, to persuade people without proposing some system that might interest them away from a worse one. This is not meant as if 'it is we elites who see the good among the chaos that others miss'; it is a reminder that we almost never can see the good among the patchwork, and we should theorize, however systematically, always in light of this ignorance. We ought to 'manage ourselves' in light of the self-prediction that we will simplify details to our favour and our rivals will as well.

Hume in his essays and Smith both in lecture and in *Theory of Moral Sentiments*[504] especially opposed the ambitious philosophic impulse to see one's polity as if designed, or designable. "Contractarianism," Frederick Whelan writes, "provided a model for both understanding and

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[502] Jacob T. Levy, "Not So Novus an Ordo: Constitutions Without Social Contracts," *Political Theory*, Vol 37, 2, 192.
[503] Smith, *The Theory of Moral Sentiments*, 185.
[504] For example, in the "man of system" passage. Smith, *The Theory of Moral Sentiments*, 232–34.

dignifying the modern state,"[505] but we are too willing to do this already. The critical perspective on political power attained by Hobbes's state of nature seemed to offer real insight into the springs and gears of politics. This maker's knowledge emboldened philosophers to imagine new configurations and consider the possibilities in roads not taken. The idea of a contract became appealing both because it inspired thinking about a critical standard (rational consent) against which an existing order could be starkly evaluated while yet simultaneously justifying a fully understood *type* of authority. In an irony whose consequences are not yet appreciated, contractarianism was the bred-in-the-bone folk tale and everyday political contestation was the recondite theory.

It is because non-realists do political theory like the 'man of system,' and because our living ideologies are like his, that"[t]he violence and injustice of the rulers of mankind is an ancient evil, for which, I am afraid, the nature of human affairs can scarce admit of a remedy."[506] We disastrously grant the powerful the freedom to try to straighten, as Kant put it, the "crooked timber"[507] of humanity; we grant the powerful the freedom to try grind down the 'coarse clay' of humanity in order to form it into some more ideal shape.

Smith was neither a conservative nor a Whig, in the pejorative Panglossian sense. Jennifer Pitts notices each in Smith's pessimism about slavery and economic advance: "far from assuming that morals or laws necessarily improved with economic conditions, Smith notes that the historical career

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[505] Frederick G Whelan, "Hume and Contractarianism," *Polity* 27, no. 2 (1994): 220.

[506] The full quotation: "By such maxims as these, however, nations have been taught that their interest consisted in beggaring all their neighbours. Each nation has been made to look with an invidious eye upon the prosperity of all the nations with which it trades, and to consider their gain as its own loss. Commerce, which ought naturally to be, among nations, as among individuals, a bond of union and friendship, has become the most fertile source of discord and animosity. The capricious ambition of kings and ministers has not, during the present and the preceding century, been more fatal to the repose of Europe than the impertinent jealousy of merchants and manufacturers. The violence and injustice of the rulers of mankind is an ancient evil, for which, I am afraid, the nature of human affairs can scarce admit of a remedy. But the mean rapacity, the monopolizing spirit of merchants and manufacturers, who neither are, nor ought to be, the rulers of mankind, though it cannot perhaps be corrected may very easily be prevented from disturbing the tranquillity of anybody but themselves." Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 493.

[507] Translated by Allen Wood as "crooked wood" in: Immanuel Kant et al., *Anthropology, History, and Education*, Cambridge Edition of the Works of Immanuel Kant in Translation (Cambridge, U.K. ; Cambridge University Press, 2007), 113.

of slavery offers one example of an inverse correlation between material improvement and the virtues of humanity and benevolence."[508] Politics needed to be thought of as a contestatory practice, perfected by being unsettled. This psychology and these consequences are a source of what Robert Heilbroner called Smith's "profound pessimism,"[509] and the core material target of his normative political theory.

Conclusion

Smith's political psychology—*the fundamental fact of politics*—was the ground of a realist political theory. In Smith this psychology displaced the state of nature as the bare description of the circumstances of politics. Smith believed this purported fact about our psychology to be a long-run cause of the worst political failing, civil war. Managing this psychology, not simply lamenting it, was core to his normative political theory.

The goal was to manage the three problem-types (*merciful citizen*, *conspicuous domination*, and *cycle of corruption and conquest*) as they present themselves in a constitution. If the problems are diminished by civil society and are low relative to an external empirical standard, then the constitution is an order. Much of the time increased liberty will cause greater order, but it must meet that test for Smith to advocate for increased liberty.

It is important that each problem-type is general but takes a recognizable form in, for instance, the commercial age. Smith intended to show *this* fact i.e. the *generality* of the problems. Local problems of domination were part of an overall diversity of such injustices. He was concerned to show the common problems of politics and that they could be identified as a feature of uncorrectable human tendencies. In part this constituted a defence of the commercial age: its problems were not new. Like *merciful citizens* and their leniency towards the powerful, political theorists have a tendency to vindicate

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[508] Jennifer Pitts, *A Turn to Empire : The Rise of Imperial Liberalism in Britain and France*(Princeton: Princeton University Press, 2010), 31.

[509] Robert L. Heilbroner, "The Paradox of Progress: Decline and Decay in The Wealth of Nations," *The Wealth of Nations: Essays on Adam Smith*, 1975, 524; Jennifer Pitts, *A Turn to Empire : The Rise of Imperial Liberalism in Britain and France*(Princeton: Princeton University Press, 2010), 31.

the morality of present people by condemning the structure of the present age. The im/morality of a people that derives from *the fundamental fact of politics* is given its specific character by effects much larger than any individual agent, but that is not a way of condemning or vindicating much of anything.

Realism is a concept that is still undergoing analysis, but if Smith has a political theory, then it must be some variety of a realism. Above all, it is Smith's apparent isolation of political behaviour and psychology that gives him the kind of interpretation of politics that identifies him as realist. Precisely because *the fundamental fact of politics* contained *moral* wrongs and psychological tensions, we can see the distinctively *political* thought of Adam Smith as a response to conflict.

Taking Stock

In the last chapter I described 'order' as a property of a constitution. If a constitution minimizes the three problem-types deriving from *the fundamental fact of politics* (*merciful citizen*, *conspicuous domination*, *the cycle of corruption and conquest*) relative to some standard, then it can be called an order. Those problem-types were aimed at collecting a number of topics (slavery, imperialism, mercantilism and state capture, dignity) so that I may maximally expose my interpretation of Smith to contestation. Though I will only focus on one problem-type in the rest of the dissertation (*the cycle of corruption and conquest*) I aimed to take a position on other topics so that my overall interpretation could be tested in other ways. I argued that the priority of order and the way *the fundamental fact of politics* offers an interpretation of politics that makes it independent of morality, casts Smith's thought as realist.

I now proceed to fill in the next concept in what I argue is Smith's normative priorities: justice. At this stage of the dissertation I am largely through arguing abstractly that Smith had a political theory and am now characterizing its content. Being clear about what justice is sets up later discussion on religious establishment.

Abstract

I argue that Smith's conception of justice is of it as personal virtue that consists in regarding oneself as equally morally accountable to all. Our dignity and so our standing to hold one another accountable was grounded in the fact of our moral sentimental life. We, but not trees and mountains, have the standing to hold one another accountable. The standard of propriety, or the fittingness, of an intention is determined by recognition of this accountability in the customs and norms operative in the case.

This thesis concerning justice as mutual accountability comes with a second part and it is this: the self-described innovation and accomplishment of Smith's theory serves as answer to the question that plagues modern moral philosophy, 'why be moral?' Smith celebrated his theory's ability to explain why some actions, but not others, deserve reward or punishment. It was his theory's emphasis on the perspective of victims/beneficiaries that does this work. But what is revealed in the perspective of a victim on the agent is not only special access in which to assess the fittingness of resentment, but also the principle behind the fact that it is *undesirable* to be the object of resentment. In short, Smith explained the desire we have to avoid blameworthiness. When put positively, this desire is the desire to be able to justify oneself to others. Holding oneself accountable to others, which it is your duty to do, is something we may very well *want* to do. Why be moral? Because in being moral, in being just, one can always justify one's actions to others. This motivation is nearly the same as the content of the duty to hold oneself accountable to others.

Chapter 5

'Coarse Clay' Political Realism: Justice and (Moral) Motivation

Introduction

It is uncontroversial to say that Adam Smith intended to encourage practices of (non-moral) accountability, or, at that very least, of opening insulated people/interests to a kind of competition that, incidentally, forces them to consider others. Mercantilist protections from even domestic competition, for example, insulated those interests from bare social, nonmoral, practices of accountability to consumers. Ending those protections would free others to compete and, as a matter of fact, increase the *de facto* accountability of each.

It takes only a little reflection to see that markets and exchange depend upon some norms of accountability: "[g]ive me that which I want, and you shall have this which you want."[510] This is stark language of mutual accountability. Smith's conception of "[e]xchange," writes Stephen Darwall,

> involves a reciprocal acknowledgment of norms that govern both parties and presupposes that both parties are mutually accountable, having an equal authority to complain, to resist coercion, and so on. To engage in exchange at all, therefore, one must be capable of the requisite reciprocal recognition, and this requires empathy.[511]

Darwall certainly enriches Smith's language, but there is no doubt that he captures much of what Smith intended to be arguing about commercial *versus* feudal society (and mercantilism's view of trade).

In this chapter I offer an interpretation of Smith's conception of justice that focuses on the motivation be just. Here there is controversy. There is an exegetical debate concerning whether or not

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[510] Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, *The Glasgow Edition of the Works and Correspondence of Adam Smith* (Indianapolis: Liberty Fund, 1981), 26.
[511] Stephen Darwall, *The Second-Person Standpoint*, (Cambridge: Harvard University Press, 2006), 48.

his idea of the virtue of justice required anything more of an agent (or the state) than inaction, *non-injustice.*

I argue that justice does require more than simply inaction. A person is just, for Smith, if, only if, and in virtue of the fact that, they guide their action by a conception of their moral accountability to others. On the opposing, what we can call, the minimalist view, being just simply means not doing certain things. It follows from that view that what causes you, or motivates you, to refrain from doing these things has no effect on your status as just or unjust. Whether you are restrained by physical impediments, or fear, or incapacities from youth or illness, or because you are a type of thing that cannot perform those action-types, then, as long as it so happens that you do not do that set of things, you are, not just *innocent,* but just. All kinds of measures (locking people away, living isolated lives, brutally disincentivizing activities) might cause/motivate people to be 'just' simply because they prevent people from acting. On my interpretation of what makes people just it is exceedingly unlikely that fear of extreme state punishment, or isolation from others, for instance, would cause people to regard one another as mutually morally accountable. Rather, widespread self-respect, (legal, social, moral, cultural) and exposure to others would seem to count as ways to inculcate this moral regard for the standing of others. Settling this interpretation is important because Smith treats the enforcement of justice as a duty of the sovereign, as we will see. The question is, what would the state be required, and so permitted, to do in order to enforce justice?

In focusing on the motivation to be just–in my conception of justice as against the minimalist reading–I will be able to capture Smith's own description of his accomplishment over all previous moral theories in explaining the sentiment of injustice. The motivation he posits that we have to be just explains why he believed that freedom (or sometimes simply competition), in general, *causes* us to be just, or to tend that way relative to other arrangements. The uncontroversial claim that Smith

encouraged freedom and competition is helpfully supported by my interpretation of his account of the standards of justice and the motivation to live up to those standards.

The minimalist reading of Smith on justice is not necessarily in tension with Smith's arguments about freedom and competition, but it offers no further ground for them i.e. why believe freedom and competition will stop us from doing things better than radical unfreedom? My account of Smith's conception of justice better supports the standard, perhaps classical-liberal readings, of Smith than the minimalistic reading of justice that is avowedly held by those wishing to capture Smith, as James Otteson puts it, for the ideologically "right."[512] Smith certainly does have standards for what it means to be just above the minimalist view, and this imposes limits on what will cause/motivate a person to meet those standards; state terror would not likely generate the required disposition.

Smith needed a motivation to be just that, as T.M. Scanlon puts it, "a moral person could be moved by."[513] Smith's conception of justice—and this is vastly underappreciated—meets the challenge modern morality is thought to founder on: why be moral?

Focusing on motivation (intention, sentiments, reasons) also allows me to explain what Smith's conception of justice required of politics and *why* he believed his recommendations for increasing justice would work. Setting up the political upshot of Smith's analysis of the motivation and reasons for being just is the purpose of this chapter for the whole dissertation. That upshot is the function of this chapter, but is neither its topic, nor its thesis. Beyond using a puzzle concerning justice and politics to motivate the discussion of this chapter I will largely bracket political questions in order to revisit this claim about the political upshot of my discussion in the conclusion.

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[512] James R. Otteson, "Adam Smith and the Right," in *Adam Smith: His Life, Thought, and Legacy*, ed. Ryan Patrick Hanely (Princeton NJ: Princeton University Press, 2016), 494–511.
[513] Thomas Scanlon, *What We Owe to Each Other* (Cambridge: The Belknap Press of Harvard University Press, 2000), 150.

I follow scholars like Darwall and Knud Haakonssen[514] in claiming that the best interpretation of Smith's conception of justice is of it as a personal virtue that consists in the disposition to hold oneself accountable to all others (by means of the 'impartial spectator.') Crucially, and contrary to what many have argued, what makes a person just is a matter of her *appreciation* for the equal moral standing of others, a standing grounded on sentimental capacities for reactive attitudes. This gets us a way to evaluate political and economic proposals on empirical grounds: do they promote, undermine, or have no effect on justice *qua* citizens' appreciation for the equal moral standing of others? There is a difference between following the rules of justice and being a just person and there is a difference between doing no injustice and being a just person. Everyone who follows the rules of justice is presumed innocent, but they are not all just.

The difference, in each case, consists in the internal sentiment in an agent that is animating its behaviour. There is nothing about *not stealing*, barely, or *not abusing*, barely, that makes someone, or some thing, just. A building that never steals—because it cannot—is not just. It is only a) moral agents who b) restrain themselves from stealing out of a regard to their moral accountability to others who are just. Stealing, among us, is interpreted as an act that exposes by expressing one's unjust disposition.

The moral reason to be just is that, in virtue of the moral sentimental character of humans, you owe it to your fellows to impartially consider the justifiability of your action from their perspective. To be just means to accept this reason and so to think it fitting to acknowledge the equal moral standing of all to hold one accountable for being just. Much of what I aim to describe is not this moral

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[514] Knud Haakonssen, *The Science of a Legislator : The Natural Jurisprudence of David Hume and Adam Smith* (Cambridge: Cambridge University Press, 1981),; Knud Haakonssen, "Hugo Grotius and the History of Political Thought," *Political Theory* 13, no. 2 (1985): 239–65; Knud Haakonssen, *Review of: Roman Law in the State of Nature. The Classical Foundations of Hugo Grotius' Natural Law*. Ideas in Context 108, by Benjamin Straumann, *Bryn Mawr Classical Review*, January 30, 2016); Stephen Darwall, "Sympathetic Liberalism"; Stephen Darwall, "Smith's Ambivalence about Honour," in *Essays on the Philosophy of Adam Smith* (Routledge, 2010), 116–33; Darwall, *The Second-Person Standpoint*; Stephen Darwall, "Equal Dignity in Adam Smith," in *The Adam Smith Review: Volume 1* (Routledge, 2004), 141–46.

reason to be just, but Smith's account of the *motivation* to be just. One might, in principle, have a *moral* reason to be just without that entailing that one has any decisive *motivating* reason to be just.

Smith argued, as is well-known, that we have a strong aversion to blame and blameworthiness and a strong desire for praise and praiseworthiness. Unfortunately, the aversion to blame often motivates us to *insulate* ourselves from accountability to others not to open ourselves to others' demands. One way of avoiding blame, of course, is simply to avoid being judged, or to believe, or claim to believe, that one's judges do not have the standing to blame one.

Often we want exceptions made for us that excuse us, we imagine, from accountability to others based on social status ('I won't deign to…'), or wealth ('pay him X to go away…'), or legal status ('this is a free country and I don't have to answer to…'). At the extreme end we will seek to have those exceptions codified in law (feudalism; mercantilist state capture; Jim Crow laws) and the varieties of legal standing in American democracy, Smith predicted, was one such way of avoiding accountability, principally to enslaved peoples. Smith's idea was that if we are made, as a matter of fact, accountable to others, if neither our social status, nor wealth, nor race, nor citizenship and voting status, frees us, as a matter of fact, from having to justify ourselves to others or make amends for what we have done, then the aversion to blame and blameworthiness, becomes what it always could have been: not an aversion to blame but *a desire to justify or feel that we could justify, our actions to others.*

That desire, to feel that we can justify ourselves to others, is either stifled or misdirected into contempt for the standing of others to demand anything of us when we are insulated, legally or socially, from any accountability to others. All of this means that with his conception of justice and the desire to avoid blameworthiness Smith sought to offer an account, as Scanlon argues a moral theory must, of the *motivation* for "doing the right thing" that a moral person could be "moved by."[515] In so doing

[515] Scanlon, *What We Owe to Each Other*, 150.

Smith gave a vastly underappreciated answer to what many regard as the central challenge, as Elizabeth Anscombe put it, of *modern moral philosophy*:[516] why be moral?

It is well-known, again, that Smith argued that agents had powerful motives to do that which is praiseworthy and to avoid that which is blameworthy, but, crucially, he regarded the *authority* of the reason to be just as laying in the standing of others to demand it of one. The impartial spectator was Smith's way of representing to oneself not the demands of others, but the *warranted* demands of others on one. The desire to feel that one can justify oneself to another—in other words, the desire to imagine an impartial spectator of one's intentions and guide oneself by its counsel—is nearly the same thing as a desire to be just. One will, commonly, *lack* the desire to justify oneself to others, or to avoid blameworthiness, when one has unjust contempt for the standing of others. It is this contempt, as Smith makes clear, that renders one unjust.

The just person must, and is motivated to, hold herself accountable to others via the impartial spectator (in part) because that is her duty. She also (probably) wants to avoid blame and can do so consistent with her duty by seeking to avoid blameworthiness by means of the impartial spectator. She wants to be able to justify her actions to others should they blame her because this may make them rescind the blame. Should they, wrongly, continue to blame her, her sense that she is not blameworthy is a final consolation of conscience.

Though Smith reworked, reworded, but ultimately removed a key passage on accountability I follow Darwall in nevertheless quoting it and believing that the insight that lead to Smith's so-called propriety theory of morality, the impartial spectator, and the rest was this: "[m]an is considered a moral, because he is regarded as an accountable being."[517] Smith apparently meant to preserve his metaethical sentimentalism by grounding, as he writes here, our 'moral' 'being' in the fact that we are

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[516] G. E. M. Anscombe, "Modern Moral Philosophy," *Philosophy* 33, no. 124 (1958): 1–19.

[517] Some history of the passage is given here: Melvin Dubnick,"A Moral Being Is an Accountable Being': Adam Smith and the Ethical Foundations of Accountable Governance" SSRN, accessed August 29, 2021,

'*regarded* as an accountable being.' What got us into morality, what made its structure of duties seem justified, was a resentment of the behaviour of another and the effective summons we gave to, or the demands we made on, others to give an account of their action to us. It is anyway clear that at the foundation of his moral philosophy is a premise concerning mutual accountability:

> A moral being is an accountable being. An accountable being, as the word expresses, is a being that must give an account of its actions to some other, and that consequently must regulate them according to the good-liking of this other. Man is accountable to…[his] fellow creatures.[518]

Mutual moral accountability is a normative precept deriving from the equal standing persons have to demand justifications of actions from one another.

It is your duty to regard yourself as morally accountable to others and the motivation Smith gives for doing this duty is that one might thereby make oneself praiseworthy, and will, to be sure, avoid making oneself blameworthy. In appealing to the attractive way of life of praiseworthiness Smith did not return to ancient ethical assumptions involving teleological metaphysics. The desire to justify oneself is not simply a part of what it means to be a human, but is the effect of moral education, entire cultures can fail to have it, and some social and political institutions will extinguish it. Smith argued, explicitly against Bernard Mandeville, that "the great and exalted motive of [a virtuous man's] conduct" is "that he might think himself worthy" of an approving regard "when he should put himself in" the perspective of those affected by his action.[519] We have a desire to feel as though we can justify ourselves to others, and that is a desire that a *moral person* can be moved by.

Not only will this interpretation capture Smith's own description of his moral theory's accomplishment, it will also explain why he limited the idealization of the impartial spectator the way that he did. Justice as mutual accountability explains why the impartial spectator is idealized in the

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[518] Smith, *The Theory of Moral Sentiments*, fn3, 111.
[519] Smith, 311.

peculiar, 'coarse clay' manner that it is, a puzzle that Geoffrey-Sayre McCord has identified.[520] Smith gave to the impartial spectator, for instance, all the seeming imperfections of rationality, like loss aversion, that he identified in ordinary humans. If morality were a formal precept of rationality, then he likely would have idealized these—from the perspective of rationality—'imperfections' away, not identified them as imperfections and then built them into his central normative concept. The impartial spectator is made of the same 'coarse clay' that we all are. If it were not, then it would not be an effective means to fulfilling the duty of mutual accountability. We must hold ourselves accountable to other *persons*, not to abstract rational standards knowable by entities with capacities greater than ours.

Acting on what an *ideal observer* with superhuman capacities intent on looking past actually-existing demands that come from customs and norms in order to evaluate states of affairs is not a way of holding myself accountable to you. To model to myself the shape of the legitimate demands of other persons on me I must get some hold on what persons actually do demand, even if these demands arise from apparent imperfections of rationality (loss aversion, influence of luck). To hold oneself accountable to another requires attending to existing norms that vary across time and place and that is in part what his stadial theory was intended to address by explaining the dependency of law and major moral norms on modes of production.[521]

The impartial spectator is simply me when I imagine myself as a) an impartial 'you' with b) full access to my intentions. The 'you' and the 'me' in question are agents capable of moral sentimental life that has a certain structure. The judgment of the permissibility of an agent's intentions, and the warrantedness of a patient's reactions, are judged by reference to their fit with the circumstances that gave occasion to them. As Darwall puts it, in making a moral judgement about an agent via the

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[520] Geoffrey Sayre-McCord, "Sentiments and Spectators: Adam Smith's Theory of Moral Judgment," in *Essays on the Philosophy of Adam Smith* (Routledge, 2010); Geoffrey Sayre-McCord, "On Why Hume's 'General Point of View' Isn't Ideal–and Shouldn't Be," *Social Philosophy and Policy* 11, no. 1 (1994): 202–28.

[521] See: Chad van Schoelandt, "Moral Accountability and Social Norms," *Social Philosophy and Policy* 35 (1), 2018: 217-236.

perspective of the patient, "[w]hat we must have in view, is not the agent's motive or the patient's feeling itself, but the situation from which it arose, viewed from the perspective of the agent or patient."[522] Holding accountable will involve citing the way an agent's intention violated a norm in this circumstance.

The impartial spectator is idealized to just this extent (impartial; access to intentions), and no further. It is an *anthropomorphic* categorical imperative lodged in the demands of others. The impartial spectator's judgements reference existing norms and determine right and wrong under these because its process of judgement is intentionally designed to satisfy a duty of mutual accountability.

I will argue that on Smith's conception, justice was a personal virtue consisting in the disposition to regard oneself as accountable to others. To some readers of Smith this is implausible. Not implausible as a matter of his writings on justice, but rather it may be found implausible because this description of justice would seem to be inconsistent with the state minimalism Smith is well-known for. Certain, as these interpreters seem to be, that Smith was a state-minimalist, they interpret his writings on justice as about action, not intention. Thus, I begin with the puzzle I alluded to above (5.2 A Puzzle). The puzzle concerns what Smith was willing to allow the state to do in order to make its citizens just. Those who insist on Smith's state minimalism tend to read his virtue of justice as itself minimal. Others read his conception of justice as more maximalist and so insist that Smith was not the state minimalist most have assumed him to be. I show that the minimalist reading of justice is simply wrong, but that the correct reading does not entail much at all about state minimalism/maximalism. In short, many think that how one interprets his conception of justice is crucial to determining Smith's everyday politics, but it is not, and thus most versions of Smith, left or right, debates are wrongheaded. This situates the chapter in some literature and introduces my reading of Smith on justice while contrasting my understanding with some common readings. After that I am

[522] Stephen Darwall, "Equal Dignity in Adam Smith," in *The Adam Smith Review*, 1st ed. (Routledge, 2004), 131.

able to (5.3 Smith and Grotius) link Smith back to Grotius and the classic question, why be moral? I then show that answering that question was a core concern of Smith's and one of the things he regarded as the accomplishment of his theory (5.4 Smith's History of Why be moral?). Finally, I carry the theme of accountability that is established in 5.3 through Smith's core moral concept, the impartial spectator (5.5 Accountability Shapes the Impartial Spectator). Doing this final step of interpreting the impartial spectator as an entailment of his prior commitment to accountability continues the theme of Smith's realism as 'coarse clay,' because seeming imperfections of rationality are built into, not idealized away, in the impartial spectator.

5.2 A Puzzle

There is an unproductive divide in the secondary literature on Smith between left and right Smithians. Craig Smith, for instance, asks "Adam Smith: Left or Right?"[523] In an important edited volume, Samuel Fleischacker's "Adam and the Left"[524] is paired with Otteson's "Adam Smith and the Right."[525] The general move of left-Smithians is to extend what Smith thought justice (or equality) required of the state and the right-Smithians' move is to restrict it. Rather than judging this debate I aim to end it. To do so, and to set up my own work on Smith, I pose a puzzle that anyone interpreting Smith's political theory must face.

The puzzle has two steps. First, one must give some interpretation of Smith's conception of justice if one intends to discuss his political theory. As above, I will argue that Smith's conception of justice is of it as a personal virtue that consists in the disposition to hold oneself accountable to all others (by means of the 'impartial spectator.') What makes a person just is a matter of their *appreciation*

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[523] Craig Smith, "Adam Smith: Left or Right?," *Political Studies Political Studies* 61, no. 4 (2013): 784–98.
[524] Samuel Fleischacker, "Adam Smith and the Left," in *Adam Smith, His Life, Thought, and Legacy*, ed. Ryan Patrick Hanely (Princeton NJ: Princeton University Press, 2016), 478–93.
[525] James Otteson, "Adam Smith and the Right" in ibid.

for the equal moral standing of others. It is important that justice is a matter of this internal sentiment regarding oneself and others, but the puzzle can arise from other interpretations.

Second step. Smith directly links this idea of justice to his political theory by charging the "sovereign" with "the duty of protecting, as far as possible, every member of the society from the injustice of every other member of it."[526] Smith, following a long tradition, and especially the work of Hugo Grotius (1583-1684), called this a duty of maintaining others in their "perfect rights."[527] The "public magistrate," it follows, must employ "the power of the commonwealth *to enforce the practice of this virtue* [my emphasis]."[528] Those are important words: 'duty of' the sovereign; magistrate must 'enforce the practice of this virtue.' There is no escape, that is, from considering justice if one is discussing his political theory as a whole.

Here is the puzzle: surely a realist, which I claim Smith is, who seems to have commitments concerning state minimalism, would not permit, let alone treat it as a duty of the sovereign and its magistrates, to 'enforce the practice of this virtue.' It seems that either a) he is not a realist concerned with state minimalism or b) I have not given the correct interpretation of his conception of justice. I will claim that i) he does call for the enforcement of the virtue, ii) justice is as I described it, but iii) because of our motivations to be just its enforcement does not violate realist principles (or perhaps even classical liberal principles, depending on one's interpretation of that term). In short, enforcing the practice of this virtue through politics often involves (mostly) freeing us and that is a political conclusion a realist can accept. The debate over left-right should end because Smith does not argue, nor have commitments, in the language relevant to right and left and his conception of justice does not directly dismiss or recommend the kinds of things that could settle such a debate. His first-order

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[526] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations,* 708.
[527] Smith, *Lectures on Jurisprudence*, 5.
[528] Smith, *The Theory of Moral Sentiments*, 340.

political commitments are mostly contingently, instrumentally, good for promoting order, justice, and liberty and none of these concepts has the quality of left- or right-wingness.

We can begin by noting that Smith says precisely what we would expect a state minimalist to say about any attempts to *make* citizens just by trying to discover the orientation of their souls to virtue: it would be a horror and "there would be no safety for the most innocent and circumspect conduct."[529] It is true that "[s]entiments, designs, affections" are the proper site of *moral* evaluation and the source of an action's "merit or demerit," but "men in this life are liable to punishment for their actions only."[530] 'No punishing thoughts' is the moral or political limit on the sovereign described here, but Michel Foucault has keenly observed that it is also grounded in a hard epistemic limitation on the sovereign characteristic of Smith: writers like Smith tell the sovereign "[y]ou must not. But why must he not? You must not because you cannot…You cannot because you do not know, and you do not know because you cannot know."[531] The sovereign 'cannot know' the intentions of people, the inner dispositions of justice or injustice, and so is limited to punishing only those acts that unmistakably reveal unjust dispositions. Those who commit no unjust acts are presumed innocent, and it is hoped that they are just.

It is wrong to punish thoughts that do not give rise to actions. It is wrong and it is not as if it would be permissible to try if only the sovereign were good or especially wise; it is impossible to get right and trying to get it right is morally and politically wrong. It is not even a failure of power that it cannot discover the unjust souls, but a fact of life, or other minds. Smith is certainly not giving the sovereign the duty of punishing or rewarding thoughts unless they are unmistakeably revealed by actions.

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[529] Smith, *The Theory of Moral Sentiments,* 105.
[530] Ibid.
[531] Ibid.

Does this mean my interpretation of his conception of justice is inaccurate? I claimed that it is a personal virtue consisting in a disposition to regard oneself as morally accountable to all. The virtue, on my reading, consists in internal, mental, content. If the state has the duty of enforcing 'the practice of this virtue,' wouldn't that require punishing and rewarding thoughts or orienting souls to their good?

One popular alternative to my interpretation of Smith on justice that seeks to align his conception of justice and state minimalism appeals to the fact that Smith calls justice a "negative virtue," adding "that we may often fulfill all the rules of justice by sitting still and doing nothing."[532] This tends to give a different sense of what he means by justice than I have given it. In particular, it does not name any disposition or sentiment that makes one just. Being just is inaction itself from whatever motive. That is how many have interpreted his conception of justice.

Michelle Schwarze, for example, recently affirmed the spare reading of the virtue that I am contesting, writing that "[m]ere justice did not exact anything from us, and an individual could be called "just" so long as he did no injustice–a surprisingly bare description of a virtue central to his moral and political thought."[533] Independent of its strength or weakness as an interpretation of Smith on justice, this appeal to justice not 'exact[ing] anything from us' does not give us a way of solving the puzzle. If a) justice requires no mental content, no internal sentiment that restrains the agent from harming another, and b) we must be concerned with 'enforcing the practice of this virtue' then perhaps c) its enforcement requires *making* people sit still, chain them all to chairs, even. Improve justice by *enforcing* inaction. So, minimal conceptions of his virtue of justice do not save or explain his state minimalism nor do they foreclose the idea of state maximalism.

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[532] Smith, *Theory of Moral Sentiments*, 82.
[533] Schwarze, *Recognizing Resentment*, 117.

Many quote him on 'sitting still and doing nothing,' but not, of course, because it permits the state to lock up people up in order to ensure that they are just. The quotation is a favourite of those hoping to make his state minimalism consistent by making his conception justice itself minimal. They do not think Smith intends to advise the sovereign to chain people down—though they should take this consequence of their view seriously—but rather they think enforcing justice requires basically nothing of the sovereign but well-designed courts. Vernon Smith, for example, defines Adam Smith's conception of justice this way: "[j]ustice is the infinite set of permissible actions remaining after specifying the finite limited set of prohibited actions and corresponding penalties."[534] The fact that Smith calls justice a *virtue* and not 'permissible actions' is one problem, but the central problem with Vernon Smith's view is that Adam Smith's point in the 'sitting still and doing nothing' quotation is to distinguish *following* the rules of some virtue—'we may often fulfill all the *rules* of justice'—from *having* the virtue, like the difference between playing the music on the page and playing musically. No one has a right to protest, for instance, when you follow the rules of justice, even if you follow them *for the wrong reasons*. Nevertheless, 'sitting still and doing nothing,' is not a way of being *just*, but of being innocent, or (perhaps) not blamable for anything.

This last point is very similar to the one about punishment. His point about punishment (in fact about moral luck)[535] was not that it is perfectly just or moral to intend, to doggedly try, but ultimately fail to kill someone, but simply that thoughts are not *punishable*. Such a person is unjust or does lack the virtue of justice. Thoughts, beliefs, intentions may perfectly well make you just or unjust: it is still bad to think them and have only brute luck stop you from succeeding in some horrific plan. So, on the other side, perhaps you can perfectly well *follow the rule* of 'do not kill,' and be credited for

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[534] Vernon Smith, "Adam Smith's Concept of Justice," October 13, 2017, https://fee.org/articles/adam-smiths-concept-of-justice/.

[535] Thomas Nagel, "Moral Luck," 1979; Blackburn, "Williams, Smith, and the Peculiarity of Piacularity"; Hankins, "Adam Smith's Intriguing Solution to the Problem of Moral Luck"; Russell, "Smith on Moral Sentiment and Moral Luck"; Eric Schliesser, "The Piacular, or on Seeing Oneself as a Moral Cause in Adam Smith," 2013.

doing that, by doing anything but killing. But consider, can someone be properly deemed *just* who stands by and watches a child drown in a shallow pond? Fonna Forman, for one, believes Smith's view opens the door to this.[536]

Forman, by contrast, is *concerned* that Smith held the view Vernon Smith and others ascribe to him. One ought to be able to describe, she argues, bystanders to injustice as themselves unjust. For instance, alluding to the quote at issue, Forman writes that "sitting idle in the midst of suffering when one has resources and capacity to intervene can be as hurtful, as *unjust*, as a willful, affirmative act of harm. One thinks here about public outrage at the Kitty Genovese case. One thinks of arguments for social welfare, for Good Samaritan laws, for the reasons given by those who risked life and limb to rescue Jews from the Nazis–the examples are endless."[537] There are simpler examples, as well: 'sitting still and doing nothing' while atop someone's chest is surely not a way of being just.

Forman's examples could most naturally be described as the very exceptions that Smith explicitly allows for with his caveats to 'sitting still': on '*most occasions*' and one '*may often fulfill.*' In Forman's cases, he could say, justice requires that one not 'sit still.' It is only because Forman, and many like her, insist on emptying justice of sentimental content that she cannot describe sitting still while you could save someone's life as unjust. In a later section in her chapter she quotes just the passage she needs in order to cast Smith as appreciating the injustice in the inaction she names:

> When we bring home to ourselves the situation of the persons whom those scourges of mankind insulted, murdered or betrayed, what indignation do we not feel against such insolent and inhuman oppressors of the earth? Our sympathy with the unavoidable distress of the innocent sufferers is not more real nor more lively, than our fellow feeling with their just and natural resentment. The former sentiment only heightens the latter, and the idea of their distress serves only to inflame and blow up our animosity against those who occasioned it.[538]

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[536] Fonna Forman-Barzilai, *Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory*, (Cambridge, UK ; Cambridge University Press, 2010).
[537] Fonna Forman-Barzilai, *Adam Smith and the Circles of Sympathy*), 227.
[538] Quoted by Forman on p 235. Smith, *The Theory of Moral Sentiments*, 76.

Written as Forman might have put it, Smith is saying that in failing to 'bring home to ourselves' the position of the oppressed we are unjust. Alternatively, if we do 'bring' their position 'home to ourselves' but do not feel resentment towards their oppressors, then we are unjust. This is not the same thing as saying we can be *punished* for failing to act, but nor does it rule it out. It depends on how clearly our inaction revealed our inner disposition. Films have no problem inventing scenes that *reveal* the injustice, the contempt for others, of a villain who nevertheless sits still.

In the passage on moral luck Smith gives an example of a person who "throw[s] a large stone over a wall into a public street without giving warning." Such a "person…shows an insolent contempt for the happiness and safety of others." This person "wantonly exposes his neighbour to what no man in his senses would chuse to expose himself." In this action from that disregard for others "[t]here is *real injustice in his conduct*. [my emphasis]" And why? Because this person "evidently wants that sense of what is due to his fellow-creatures which is the basis of justice and of society."[539] The action is *evidence of* the person's lack of the virtue of justice though he may harm no one. The person throwing the stone is not just. We do not have to wait to see if the stone hit anyone to describe the person as lacking the virtue of justice, and in any case, *Smith* does not wait.

The burden is on those who assume Smith gave no content to the virtue of justice besides the lack of harming another. Why, if justice is so cut-and-dried and has no mental content, is Smith so utterly obsessed with writing a book on moral *sentiments*? His is a propriety theory of sentiments, not acts. Among the things it must mean to be a sentimentalist is to be one who gives an account of right and wrong by reference, somehow, to sentiments., to inner dispositions Is justice in Smith a virtue that is not animated by any sentiment at all, or, indeed, animated by *any sentiment at all*?

[539] Smith, *Theory of Moral Sentiments,* 102.

The puzzle remains. Any plausible account of justice gives it some dispositional, internal, mental content; any account of Smith on the state is of a normative theory opposed to the kind of state behaviour it would take to 'enforce the practice of this virtue.'

The solution is to appreciate a) that Smith's so-called *virtue* of justice functioned under a modern, juridical, not an ancient eudaimonistic conception of moral obligation, and b) he was at pains to describe us as motivated to be just. We are motivated to pursue our good *and* to do our duty. He was far from simply asserting this last desire/motivation to do our duty.

Granted the motivation to be just—which I explain below—enforcing this virtue meant *not stifling it*. Because it was not a eudaimonistic obligation, it did not involve the sovereign in first having to know what the (monistic) good is in order to then later orient its citizens and their entire plans of life toward their own good. The *duty* of being just simply meant a) refraining from harming others—but now this is crucial—*because* b) one regards oneself as mutually accountable to others (i.e. one believes others have the standing to demand that you not harm them). The claim is not that holding yourself accountable to others is what moves you towards the good. Smith wrote *after virtue*. As Alasdair Macintyre writes, "moral judgements *were* understood as governed by impersonal standards justified by a shared conception of the human good [my emphasis]."[540] The motivation Smith points to that secures his argument that freedom will cause justice is not a motivation to somehow, as the ancients would have it, become who we really are, but to feel we can justify ourselves to others. This is a desire some have and others do not. Smith's idea was that this motivation to justify ourselves to others can be caused by being, as a matter of fact, in the position of *having* to justify oneself to others. The magistrate, the judge, 'enforces the practice of this virtue' by holding a trial that includes a *defence*.

[540] Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd ed (Notre Dame, Ind: University of Notre Dame Press, 2007), ix.

Scholars have generally failed to appreciate that Smith's conception of justice really was of it as a disposition in an agent to hold themselves accountable to others. Being just is not simply a matter of never harming another, of doing nothing. If we think once again of Forman's concern about Smith's openness to the justice of doing nothing when one ought to help, consider Smith's description of our reactions to an injury to a stranger: "when a single man is injured, or destroyed, we demand the punishment of the wrong that has been done to him, not so much from a concern for the general interest of society, as from a concern for that very individual who has been injured."[541] The 'concern' for the 'injured' person, and not the 'general interest of society,' is a concern to hold the wrongdoer *accountable* for unjustly injuring another. He adds that "*[t]he concern which is requisite for this,* [my emphasis]*"* Smith writes of the virtue, "is no more than the general fellow-feeling which we have with every man merely because he is our fellow-creature."[542] That 'concern' is 'requisite,' a necessary (perhaps sufficient) condition. To be sure, this concern is not "love, esteem, [or] affection," but it is not nothing.[543] It is the *sentiment* that restrains you or fails to restrain you that makes you just or unjust. The cause of my sitting still and doing nothing at all is usually sloth, not concern for others.

The left-right Smith debate discusses justice, but the participants are interested to know whether or not Smith would argue for welfare-state provisions and the things that divide left from right as we commonly know them. Answers to this are not to be found in his conception of justice. It is true that the state ought to try to make citizens just, but what it means to be just does not then determine a taxation policy, nor a welfare policy. Rather, what being just means determines policies like his call for universal education, whether funded publicly or from a mix of private and public, from which he expects citizens will come to "feel themselves, each individually, more respectable, and more

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[541] Smith, *The Theory of Moral Sentiments, 90*.
[542] Ibid..
[543] Ibid.

likely to obtain the respect of their lawful superiors."[544] The division of labour in commercial countries had stifled the education of many and so undermined, or forestalled, mutual respect. In this historically contingent instance, state-conditioned universal education would indirectly encourage the virtue of justice. It does so not by making people sit still and do nothing, but by encouraging a kind of self- and other- respect that causes us to regard us each as having the standing to hold one another accountable.

Aside from the politics of winning Smith over to one's side, I suspect it is his use of the word virtue and its apparent clash with classical liberal state minimalism that has led many to overstate the emptiness of Smith's idea. Smith kept the language of virtue for the reasons that others did: they wanted to give an account of morality in modern terms (i.e. no teleological metaphysics) that nevertheless had the motivational appeal of ancient accounts. They wanted to answer the classic fool's question: why be moral?

5.3 Smith and Grotius

The question 'why be moral?' arises sharply for modern moral philosophy. With *The Rights of War and Peace* (1625) Grotius is often described as marking the modern moment in moral philosophy.[545] Aristotelian "teleological metaphysics" and its developments through Aquinas that explained our good and pulled us by attractive force to *be* just was rejected by moral philosophers with the consequence that one could "no longer simply assume that there being reason *to do* something, or an action's being something an agent *ought* to do, is *the same thing as* the action furthering the agent's good."[546]

In this section I first tie Smith's description of justice (and the other virtues) back especially to Grotius. I do this in order to set up the way the Smith's theory anticipates the familiar problem that

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[544] Smith, *Wealth of Nations,* 788.

[545] Stephen Darwall, "Grotius at the Creation of Modern Moral Philosophy," *Archiv Für Geschichte Der Philosophie* 94, no. 3 (2012): 296–325; Abizadeh, *Hobbes and the Two Faces of Ethics*; J. B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge ; New York, NY: Cambridge University Press, 1998).

[546] Darwall, *The British Moralists and the Internal 'Ought,'* (Cambridge: Cambridge University Press, 1995), 3.

modern morality is supposedly burdened by. It struggles to answer the question, why be moral, with any effective motivation. Ancient ethics faced no such problem. Being just or courageous was part of your good. I describe this idea more fully and canvass, as Smith himself did, theories immediately preceding *Theory of Moral Sentiments* (1759) that sought to combine the attractive, motivating, part of ancient ethics with modern, scientifically-disciplined, metaphysics and a juridical account of obligation. Smith, and those preceding him, wanted to describe, as I quoted Scanlon, a reason to be just that a (modern) moral person could be moved by.

First, however, I must tie Smith back to Grotius, and so place him self-consciously in a tradition that needed to face the 'why be moral?' question. In *Theory of Moral Sentiments,* Smith was clear that his conception of justice derived from Grotius's modern juridical, and so not virtue ethical, conception of it. His use of the word justice, he writes, "coincides with what Grotius calls the *justitia expletrix*, which consists in abstaining from what is another's, and in doing voluntarily whatever we can with propriety be forced to do."[547] Sounding a perfectly modern tone, in *Theory of Moral Sentiments* Smith writes that there is

> a remarkable distinction between justice and all the other social virtues…[W]e feel ourselves to be under a stricter obligation to act according to justice, than agreeably to friendship, charity, or generosity; that the practice of these last mentioned virtues seems to be left in some measure to our own choice, but that, somehow or other, we feel ourselves to be in a peculiar manner tied, bound, and obliged to the observation of justice. We feel, that is to say, that force may, with the utmost propriety, and with the approbation of all mankind, be made use of to constrain us to observe the rules of the one, but not to follow the precepts of the other.[548]

The 'social virtues,' which he sometimes refers to as the "beneficent virtues,"[549] belong not to *justitia expletrix*, but instead fall under the "*justitia attributrix* of Grotius."[550] *Justitia expletrix* was a "juridical"

[547] Smith, *The Theory of Moral Sentiments*, 318.
[548] Ibid, 80.
[549] Ibid, 174–75.
[550] Ibid, 318.

sense of obligation, "which," Arash Abizadeh explains, "Grotius modelled on the Roman law of actions."[551] As Ernest Metzger explains, in *Justinian* "to have an action means that a person is entitled to pursue a remedy for some injustice done to him."[552] This is a description of moral accountability.

In lecture Smith rehearsed the natural jurisprudential division of imperfect ("duties of gratitude") from perfect rights ("rules of justice") that tracks the same distinction between *justitia attributrix* and *justitia expletrix*.[553] "Perfect rights," he lectured, "are those which we have a title to demand and if refused to compel an other to perform." While "imperfect rights," he continued, "are those which correspond to those duties which ought to be performed to us by others but which we have no title to compel them to perform; they having it intirely [sic] in their power to perform them or not."[554] This difference between types of right, being one of precision, affects the fittingness of different dispositions toward others that we might have.

If we return to *Theory of Moral Sentiments* we find the same manner of thinking about perfect and imperfect rights, but cast in a popular style. "The rules of justice," he writes, "may be compared to the rules of grammar; the rules of the other virtues, to the rules which critics lay down for the attainment of what is sublime and elegant in composition." [555] The rules of justice, like those of grammar, are "precise, accurate, and indispensable."[556] The rules of the "other virtues," like counsels of style, are "loose, vague, and indeterminate."[557]

The differences between the virtues gives rise to a difference in obligations, or in what can be demanded of us by others. No one has the right to demand that our writing be stylish nor that our conduct be amiable. As Abizadeh describes, in justifiable practices of *attribution*, "we may be correctly

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[551] Abizadeh, *Hobbes and the Two Faces of Ethics*, 4.
[552] Ernest Metzger, ed., *A Companion to Justinian's Institutes* (Ithaca, N.Y: Cornell University Press, 1998).
[553] Smith, *The Theory of Moral Sentiments*, 174–75.
[554] Smith, *Lectures on Jurisprudence*, 9.
[555] Smith, *The Theory of Moral Sentiments*, 175.
[556] Ibid.
[557] Ibid.

counselled or warned, and justifiably commended or criticized," for excellences and failings in these virtues, but no one "has any claim to…justificatory responses" by the agent for their excellences or failings.[558] Resentment for unstylish writing is inapt, unfitting, but fitting if it is for an act that violated justice and so revealed ill-will.

Smith tracks this distinction between perfect/imperfect, accountable/attributable, rules of grammar/rules of style very closely throughout *Theory of Moral Sentiments*. "[T]he mere want of beneficence," Smith writes, "may justly excite dislike and disapprobation,"[559] but it does not give us standing to force anything from the person. We are not *accountable* for failing to be amiable. "Beneficence," Smith writes, "is always free, it cannot be extorted by force."[560] We are not morally accountable for failing to write stylishly, nor are we morally accountable for "[w]hat friendship, what generosity, what charity, would prompt us to do with universal approbation."[561] 'Rephrase that, but stylishly' is not, in ordinary circumstances, a legitimate demand.

He is careful to trace the boundaries of justice (perfect rights) and the other virtues (imperfect rights). Though not something we can be punished for failing to do, among all "the duties of beneficence, those which gratitude recommends to us approach nearest to what is called a perfect and complete obligation."[562] The "blackest ingratitude" may make a person "the object of hatred," but he "cannot be punished."[563] Just as we can be guided by the 'loose' rules of style and be properly credited or discredited if our writing is stylish, so we can use guidelines for personal conduct and have goodness

[558] Arash Abizadeh, *Hobbes and the Two Faces of Ethics*, (Cambridge: Cambridge University Press, 2018), 5.
[559] Smith, *The Theory of Moral Sentiments*, 78.
[560] Ibid.
[561] Ibid, 79.
[562] Ibid.
[563] Ibid.

and badness properly *attributed* to our actions. We cannot be held morally *accountable* for failing to perform 'duties of beneficence.'[564]

All of this is consistent with the idea that some people are exposed to or insulated from criticism and this makes them, as a matter of fact, more or less (non-morally) accountable for their actions.

There is an ambiguity in language concerning accountability. There are *social practices* of (often illegitimately) demanding things of one another that we can call accountability. We can identify people who are and are not, as a matter of some circumstance, held accountable in this way. *Moral* accountability is about what others can legitimately demand of one, independent of what others *often* demand of one. It makes sense to say that, as a matter of fact, the boss is accountable to no one and this permits him to be abusive; he is, to be sure, at the same time *morally* accountable for the abuse. It is a simple matter of fact, a description of his role as boss, that he is not regularly subject to demands from others because of his status. Insulation from social practices of accountability can often cause people to believe they are not morally accountable to others. Of course that is why workplaces seek to make the boss accountable. We should also have a sense of why *the fundamental fact of politics* might give rise to injustice: though the leader is morally accountable to us, we almost never hold him accountable.

Again, Smith carefully carves out legitimate accountability demands from other things like a demand for one to be amiable. "There is, however," he writes, "another virtue, of which the observance is not left to the freedom of our own wills, which may be extorted by force, and of which the violation exposes to resentment…justice."[565] We are accountable to others for being just—for

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[564] Gary Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Mark Ravizza (Cornell University Press, 1987), 119–48; Gary Watson, "Two Faces of Responsibility," *Philosophical Topics* 24, no. 2 (1996): 227–48.
[565] Smith, *The Theory of Moral Sentiments*, 79.

having a respect for others that causes us to regard ourselves as accountable to them. "Resentment," Smith says, "is the safeguard of justice and the security of innocence."[566] Acts that trigger my warranted resentment are those that injure me and proceed from an intention that evinces, he writes,

> the little account which he seems to make of [me], the unreasonable preference which he gives himself above us, and that absurd self-love, by which he seems to imagine, that other people may be sacrificed at any time to his conveniency.[567]

Notice that resentment picks out the *lack* of taking account of me. There is some disposition to other people that my attacker ought to have, but evidently lacks. This is evidence of a sentimentalist account of what it means to be just. We do not resent that some other person is refusing to sit still and do nothing, we resent that he prefers himself unreasonably to others in a way that harms these others.

I am not, most of the time, aware that people are taking account of me, but they do. People adjust their position to make it easier for me to see the stage, or for me to get through the door and into the subway. Even 'striking up' a conversation presupposes that another will at least respond to a question, or a greeting, that we expressed to them. It presupposes a readiness in the other to accept one's question as giving a (*pro tanto*) reason to respond. We usually only register the lack of this thoughtfulness, but it is thoughtfulness and people can lack it. The subway rider could stand still and do nothing as I seek to enter. *Justice*, that positive quality of readiness to give an account of oneself to another should they demand it, is hard to spot; it is among those things that, as Darwall puts the general point, "we take for granted[, but that] actually involves a complex sensibility we don't fully appreciate."[568] Resentment at harm done to us announces that one has discovered that this attacker lacks the disposition of justice. Resentment picks out the *character* of an action. It is not a mere perception of an action without insight into motive, like a kind of radar.

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[566] Ibid.
[567] Smith, *The Theory of Moral Sentiments*, 96.
[568] Darwall, *Second-Person Standpoint*, ix.

For my resentment to be warranted the agent's intention has to lead him to act in a way that exhibits this 'unreasonable preference' for himself over others. The violation of justice is not nearly so hard to determine as the violations of the other virtues because "there can be no proper motive for harming our neighbour," save for self-defence.[569] *If* you harm your neighbour, *then* we know that you failed to have the disposition of justice, of holding yourself accountable to others. To harm your neighbour you had to, in prospect, flout accountability norms. Of course you can now try hold yourself accountable anew by accepting punishment, making apologies, paying back what was taken and so on. It is the precision with which we can identify unjust mental states that permits punishing the agent.

To hold another accountable for an act—to express resentment and demand redress—the act, Smith writes, must have been done by a "thing" that "possess[es] three different qualities." It must, firstly, "be the cause…of pain." "[w]e are angry, for a moment, even at the stone that hurts us."[570] Homes we have liked, trinkets we have cherished, receive a "respect that seems due to such benefactors."[571] It must, "[s]econdly," also "be capable of feeling those sensations." Cats and dogs are capable of both causing and feeling pleasure and pain, but "they are still far from being complete and perfect objects, either of gratitude or resentment."[572] So, "thirdly, it must not only have produced those sensations, but it must have produced them from design…that is disapproved of."[573] We can hold persons—agents—accountable if they injured another and the intention in their act exhibited 'unreasonable preference' for themselves over others. We can hold them accountable, that is, for *being* unjust. Their act *discloses* that they are unjust.

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[569] Smith, *The Theory of Moral Sentiments*, 82.
[570] Smith, *The Theory of Moral Sentiments*, 94.
[571] Ibid.
[572] Ibid, 95.
[573] Ibid, 96.

As observers of an injustice, we must "enter into the resentment even of an odious person, when he is injured by those to whom he has given no provocation."[574] Conjuring resentment on behalf of an odious person may require people "to *correct and regulate their natural sentiments* by general rules [my emphasis]."[575] Notice, here, Smith's attention to the moral sentiments, not simply to conduct. We are told not simply to follow the 'general rules,' and so to punish he who has harmed the 'odious person,' but to follow the rules because they may 'correct and regulate' our 'natural sentiments,' thereby turning rule-following into justice.

The demand for conformity to the rules of justice that arises when one resents an attack whether against oneself or against an 'odious person,' as Abizadeh puts it, takes the shape of a "reiterat[ion]" of the rule that was violated.[576] As Smith says, we must hold accountable in a way that exhibits the respect for our victimizer that he failed to give us because

> the object…which resentment is chiefly intent upon, is not so much to make our enemy feel pain in his turn, as to make him conscious that he feels it upon account of his past conduct, to make him repent of that conduct, and to make him sensible, that the person whom he injured did not deserve to be treated in that manner.[577]

Our resentment aims, and it is proper that it aim, "[t]o bring him back to a more just sense of what is due to other people, to make him sensible of what he owes us, and of the wrong that he has done to us."[578] This is the kind of resentment, as Darwall describes Smith's point, that

> respectfully calls for respect. It demands respect but it simultaneously expresses it, since it presupposes that both parties share a common basic dignity or authority to make demands of each other and so are accountable to one another.[579]

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[574] Ibid, 90.
[575] Smith, *The Theory of Moral Sentiments*, 90.
[576] Abizadeh, *Hobbes and the Two Faces of Ethics*, 6.
[577] Smith, *The Theory of Moral Sentiments*, 96.
[578] Ibid.
[579] Darwall, "Smith's Ambivalence about Honour," 47.

Acts of injustice properly give rise to practices of accountability that themselves ought to manifest the respect for others that was wanting in the act of injustice. Justice, on Smith's account of it, requires that we not treat the agent of an unjust act as, in the literal sense, an *outlaw,* but rather, as Strawson puts it, the person ought to be treated "as a member of the moral community; only as one who has offended against its demands."[580] How can Smith be articulate about all this—resenting harm to the 'odious,' punishing with respect—if justice were as minimal as some have proposed? The exacting of justice must proceed *justly*. Correcting injustice ought to be animated by justice.

Smith was exceptionally careful, across *Theory of Moral Sentiments*, to harmonize, in just this way, the content of a duty with the motive for doing it. Spouses, for instance, do not want the other's affection just because their contract says to give it, "[n]or," he writes,

> could a son be quite satisfied with a parent who, though he performed all the duties of his situation, had nothing of that fatherly fondness which might have been expected from him. With regard to all such benevolent and social affections, it is agreeable to see the sense of duty employed rather to restrain than to enliven them, rather to hinder us from doing too much, than to prompt us to do what we ought. It gives us pleasure to see a father obliged to check his own fondness…[581]

Smith always aimed to have our duties to one another be explainable in terms of a common motivation to perform them. This, ultimately, constituted his utter rejection of stoicism:

> by endeavouring, not merely to moderate, but to eradicate all our private, partial, and selfish affections, by suffering us to feel for whatever can befall ourselves, our friends, our country, not even the sympathetic and reduced passions of the impartial spectator, it endeavours to render us altogether indifferent and unconcerned in the success or miscarriage of every thing which Nature has prescribed to us as the proper business and occupation of our lives.[582]

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[580] Strawson, "Freedom and Resentment," 93
[581] Smith, *The Theory of Moral Sentiments*, 172.
[582] Ibid, 292–93.

The stoic theory of proper, or fitting, attitudes to others failed. In the twentieth century Michael Stocker famously expressed doubt that modern moral philosophy could offer a life-affirming account of morality that Smith evidently aimed to provide and condemned stoicism for lacking.

"One mark of a good life," Stocker writes, "is a harmony between motives and one's reasons, values, justifications. Not to be moved by what one values or not to value what moves one bespeaks a malady of the spirit."[583] To live well "we should be moved by our major values and value our major motives."[584] In Smith's terms, one spouse wants care from the other and wants the other to be motivated to offer that care under a motivation that each values. The claim would not be that it is your duty to be just *because* doing so leads you to *the good life*; rather, being just because you owe it others is something that you may very well *want* to do. That is, you very likely want to act in such a way that you can justify one's act to others.

I will come back to these ideas, but what matters immediately for my purposes of explaining how he distinguished his moral philosophy from others is the borderline popular notion that modern moral philosophy is austere in a way that makes living up to its standards particularly demanding.

5.4 Smith's History of Why be moral?

Doing your duty, in a caricature of modern terms, is like obeying a "law" out of an obsession with duty: we *must* do our duty and must do it only *becaus*e it is our duty.[585] On this unfriendly rendering of it, the modern conception of obligation is of it as virtually *consisting* in a restraint on self-interest. The normativity of this conception of obligation *shoves* an agent towards his duty, with no regard for whether or not this moves an agent closer or further from his good or his subjectively-defined self-interest. It is flat-footed. It provides no motive other than or beyond duty. This moral duty that is seemingly unconnected with gain to ourselves is then contrasted with the *attractive* normative precept

[583] Michael Stocker, "The Schizophrenia of Modern Ethical Theories," *The Journal of Philosophy* 73, no. 14 (1976): 453.
[584] Ibid.
[585] Korsgaard, *The Sources of Normativity*, 4.

in ancient, egoistic, ethics that, as it were, sat behind each agent's good and *carried* them through it with the promise that this would make one, as Christine Korsgaard puts it, "*good at being what you are.*"[586]

Because one's strongest motivations towards self-interest, or one's good, and one's moral duty could genuinely be in conflict under modern morality's demands, it could make sense to imagine an ordinary person who knows what morality says he ought to do, but does not, just in light of that knowledge, *want* to do it. The modern task became the one of explaining why an agent, feeling the pull of his self-interest to do otherwise, is nevertheless obligated to do his duty: why be moral?

This background makes sense of the approach taken by some of the so-called British moralists who, at the beginning of the eighteenth century, turned back to ancient virtue ethics yet with a metaphysics that was disciplined by advances in natural philosophy. They were looking to provide motives with the power of ancient appeals to pursue one's good for *modern* moral obligation. For example, Shaftesbury (1671-1713), held that virtue consists in "a certain just Disposition, or proportionable Affection of a rational Creature towards the moral Objects of Right and Wrong."[587] Douglas J. Den Uyl writes that Shaftesbury knew he "was confronted with the problem of promoting [a] vision [of virtue ethics] in a world not structurally or intellectually hospitable to" it.[588]

Mandeville (1670-1731) relished telling everyone that this world was not made for virtue. He denied that anyone could ever perform virtue, but, importantly, defined it as "every Performance, by which Man...should endeavour the Benefit of others...out of a Rational Ambition of being good."[589] Mandeville, in the tradition of modern morality, cast the proper moral motivation as particularly

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[586] Ibid, 3.

[587] Anthony Ashley Cooper Shaftesbury, *An Inquiry Concerning Virtue, or Merit*,. David Walford reprinted, Philosophical Classics (Manchester: Manchester University Press, 1977), sect II.

[588] Douglas J. Den Uyl, "Shaftesbury and the Modern Problem of Virtue," *Social Philosophy and Policy* 15, no. 1 (1998): 276.

[589] Mandeville in Erin Frykholm, "Hume, Mandeville, Butler, and 'That Vulgar Dispute,'" *Archiv Für Geschichte Der Philosophie* 101, no. 2 (June 28, 2019): 280–309, 287.

austere. His move was then to insist that no one could be moved to act from such austere motivations. We were egoists.

Confronting Mandeville, Smith's teacher at Glasgow, Francis Hutcheson (1694-1746), argued tirelessly against Mandeville's psychological egoism and for the potential strength of benevolent affections. Hutcheson, that is, did not question the austerity of the necessary motive to justice. Having accomplished the defeat of egoism and so the possibility of moral motivation, he then could define morally good action as that action which "flows from benevolent Affection, or Intention of absolute Good to others."[590] Hutcheson described virtuous agents as those looking to do that action which "procures the greatest happiness for the greatest numbers."[591] Hutcheson, in a way, took the hardest, most austere, line on the modern problem of the motivation to be moral: act from *benevolence*. We could, because we were not egoists.

Erin Frykholm contrasts these British moralists' views with Hume's, arguing that he was unconcerned with whether the agent's motivation is self-interested or not.[592] Hume even de-centred the idea of moral agency, and centred agent-neutral good. What was good and bad, right and wrong, was whatever state of affairs pleased a disengaged spectator. Such spectators tend to approve of pleasure and disapprove of pain and so judge actions and character types accordingly. This leniency over the motives of agents eased the conflict between self-interest and duty.

Hume further eased the conflict between self-interest and duty by describing virtues, even justice, as having beneficial, life-affirming *consequences*: "every quality of the mind, which is useful or agreeable to the person himself or to others, communicates a pleasure to the spectator, engages his

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[590] Francis Hutcheson, *An Essay on the Nature and Conduct of the Passions and Affections*, (Indianapolis: Liberty Fund, 2002), 36.
[591] Francis Hutcheson, *An Inquiry Concerning the Original of Our Ideas of Beauty and Virtue*, (Indianapolis: Liberty Fund, 2004) 125.
[592] Frykholm, "Hume, Mandeville, Butler, and 'That Vulgar Dispute,'" 305.

esteem, and is admitted under the honourable denomination of virtue or merit."[593] The consequences of character types on states of affairs is what Humean disengaged spectators focus on judging. This claim is the site of Smith's acid description of Hume as having argued that "we should have no other reason for praising a man than that for which we commend a chest of drawers."[594] Like a good chest of drawers, a virtuous person makes a house a home.

Smith disagreed with all of these views and celebrated his as a contrast to these. No previous theory could identify the breach in accountability made by acts of injustice. The problem had been that each of the descriptions of virtue canvassed above, but including also the theories of Plato, Aristotle, Zeno, and Epicurus, among others, concern an agent or spectator's proper relationship to things—Shaftesbury's 'objects of right and wrong,' Hutcheson and Mandeville's 'good to others,' and Hume's 'useful[ness]'—whereas Smith's description of the virtue of justice is of accountability *to other persons*. Unlike the inert disembodied 'good' that, for instance, Hutchesonian agents promote by acting benevolently, *other people* desire to praise you and to give thanks, or to resent you and demand recompense. When you intentionally harm a person it will be other people, but not 'the good' or 'the right,' who resent you, blame you. The constitutive interpersonal-*ity* of the *prima facie* duties are hard to explain on moral theories that link agents to things and states of affairs.

"[T]hose systems," of Plato, Aristotle, and the rest of the propriety or fittingness theorists, Smith concludes, fail "either [to] give, or even pretend to give" a way of explaining and justifying gratitude and resentment. So long as they focus on agents' proper relationship to things these theories will never capture the fittingness of the gratitude or resentment *of the patient* for the actions *of the specific agent* who benefitted or harmed them. The "measure" of those reactive attitudes could be "found nowhere but in the sympathetic feelings of the impartial and well-informed spectator."[595] It is only by

[593] Ibid, 281.
[594] Smith, *The Theory of Moral Sentiments,* 188.
[595] Ibid*,* 294.

impartially projecting into the perspective of the patient that we can register the fittingness of resentment to injustice, and gratitude for a good turn. Judith Shklar was right when she claimed that "[t]he sense of injustice as a fundamental experience plays a relatively small part in classical ethics."[596] Smith accused *all* previous moral theories as failing to capture the sense of injustice because they had not found a way to capture the reaction of patients to agents in anything like the systematic way his account of the impartial spectator did.

Theory of Moral Sentiments virtually begins with an observation about anger, fear, and resentment that establishes his position on the moral psychology of (purported) victims and our sympathy with them. If, he supposes, we see the "furious behaviour of an angry man" vented upon someone who either appears to resent or fear this anger, we are biased in favour of supposing that the anger is improper.[597] We can easily imagine ourselves feeling the fear or resentment of those being yelled at, but the anger of the yeller is, as a matter of fact, harder to simulate. We are frequently pulled into the perspective of (apparent) victims.

It was because impartial spectators project impartially into the perspective of *patients* that his theory could explain why some actions "have in them another quality by which they appear not only to deserve approbation but recompense."[598] It was the same with "vice": those systems could not explain why "[d]eliberate actions, of a pernicious tendency to those we live with…have…a peculiar quality of their own by which they appear to deserve, not only disapprobation, but punishment…and to be the objects, not of dislike merely, but of resentment and revenge."[599] Because the impartial spectator renders judgements from the perspective of patients it could explain the sense of injustice and give standards for what counts as warranted resentment.

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[596] Judith N. Shklar, *The Faces of Injustice*, (New Haven, CT: Yale University Press, 1990), 85.
[597] Smith, *The Theory of Moral Sentiments,* 11.
[598] Ibid. 294.
[599] Ibid.

Smith designed the impartial spectator to be the perspective, not of some detached observer, but of the patient, or the second-person to an agent's action. The impartial spectator surveys your agential, first-personal, intentions in acting. The impartial spectator is an imagined 'you' with access to 'my' intentions. The impartial spectator is, as Darwall describes the moral perspective, a "second-person standpoint."[600] Smith uses almost exactly this second-personal, grammatical, construction in his central statement of the impartial spectator idea:

> 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 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. The first is the spectator, whose sentiments with regard to my own conduct I endeavour to enter into, by placing myself in his situation, and by considering how it would appear to me, when seen from that particular point of view. The second is the agent, the person whom I properly call myself, and of whose conduct, under the character of a spectator, I was endeavouring to form some opinion. The first is the judge; the second the person 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 [my emphasis].[601]

Getting permission for your action from the imagined perspective of those to be subject to it is a way of holding yourself accountable to others *in prospect*. It was this design of the impartial spectator as an impartial patient or second-person that Smith credits as beating 'those systems,' who fail 'either [to] give, or even pretend to give' a way of explaining and justifying gratitude and resentment.

In first-person deliberation about what to do I hold myself accountable to others in prospect if I act only on those intentions that pass this permissibility test: would someone with access to my sincere intentions impartially assessing my intentions (i.e. an impartial spectator) legitimately demand that I forbear so acting? A just person is one whose practical deliberations are checked by the impartial spectator. In deliberating by means of the impartial spectator one lives up to what others may demand

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[600] Darwall, *The Second-Person Standpoint.*
[601] Smith, *The Theory of Moral Sentiments,* 113.

of you when you propose to act in a way that will affect their interests: 'Put yourself in my shoes before you act.'

Unlike the inert disembodied 'good' that, for instance, Hutchesonian agents promote by acting benevolently, *other people* desire to thank you or to praise you. When you intentionally harm a person it will be other people, but not 'the good' or 'the right,' who resent you, blame you. They feel justified, as Abizadeh writes, "to condemn and sanction failures by demanding excuses, justification, or acknowledgement of a wrong and hence apology, compensation, or redress."[602] Persons resent the harm, not, as Smith says, from a "general interest of society," but instead, "demand the punishment," excuse, or justification of the harm, "from a concern for that very individual who has been injured."[603] In protesting *on behalf* of the 'very individual who has been injured "[o]thers," Abizadeh analyzes, use their "standing to demand our conformity and to react…in ways that reiterate and seek to vindicate the demand."[604] Others, Smith would hold, *want* to 'reiterate' the norm against harm and do so from a "generous resentment."[605]

Generosity, the "central motive of the honour ethic," had, Taylor explains, "mainly referred to that strong sense of one's own worth and honour which pushed men to conquer their fears and baser desires and do great things."[606] Smith's phrase of 'generous resentment,' can be understood as alluding to that tradition. In bothering to resent some harm that happened to come to a stranger I *generously* reiterate this society's commitment to mutual moral accountability via that stranger's perspective.

Unlike Smith's impartial spectator, Hume's 'spectator,' because it is not a *participant* in the hurly-burly of moral life, was left with little to care about but the beauty of happy countenances and

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[602] Abizadeh, *Hobbes and the Two Faces of Ethics*, 6.
[603] Smith, *The Theory of Moral Sentiments*, 90.
[604] Abizadeh, *Hobbes and the Two Faces of Ethics*, 6.
[605] Smith, *The Theory of Moral Sentiments*, 24.
[606] Taylor, *Sources of the Self*, 153.

the 'agreeable[ness]' of broadly beneficial projects. In his textbook on ethics Gilbert Harman launched an objection he believed to hold against all "ideal observer theor[ies]," including Smith's, finding them too "aesthetic." Mark van Roojen, describing this as the 'so-what?' objection to ideal observers, puts it this way: there is "a condition of adequacy on any analysis of normative properties such as rightness that those analyses explain why a person should go in for actions that are right and eschew" the wrong.[607] Harman questioned why agents with lives to live, interests to protect and promote, and dignity to defend should feel any motivation, let alone a decisive one, to do that which "would please the spectator"?[608] In any case, why, if they conjured this motive strongly, should we call it a *moral* motive? In a later essay, Harman wrote that, as regards Smith, but not Hume, nor Hutcheson, I now "find I was too hasty."[609]

As Harman came to appreciate, the impartial spectator is the perspective, not of some detached observer, but of the patient, or the second-person to the agent's action. The impartial spectator surveys your agential, first-personal, intentions in acting from the perspective of the person who was or will be affected by the action. The openness of the question about following the deliverances of an abstract ideally rational agent is at least closer to closed if, as with Smith's impartial spectator, you are being told what other people will rightly praise and blame you for. A *human* would have warrant to resent you.

Immediately it is apparent that no impartial spectator *qua* victim to an agent's violence will, all things equal, find that interpersonal violence 'agreeable' because it redounded to overall utility. "One individual," Smith writes, "must never prefer himself so much even to any other individual as to hurt or injure that other in order to benefit himself, though the benefit to the one should be much greater

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[607] Mark van Roojen, *Metaethics: A Contemporary Introduction*, (New York: Routledge, 2015), 126.
[608] Gilbert Harman, "Moral Agent and Impartial Spectator," in *Explaining Value: And Other Essays in Moral Philosophy*, (Oxford University Press, 2000), 181,
[609] Ibid.

than the hurt or injury to the other."[610] We can see why and how this is ruled out by an impartial spectator (an impartial patient) to an agent's act. The patient will not accept (*prima facie*) the agent taking from him because it made him especially happy to do so. In caring about the evaluations of an impartial spectator, then, the agent is attending to what others have the authority to demand he not do.

Gratitude and resentment can only be understood, and this was Smith's boast about his improvement over other systems, by imagining oneself impartially into the perspective of the *patient* on the sentiment of the agent. For the last twenty years Darwall has been arguing that obligation, and the reason to do one's duty, involves accountability to another person, as second-person to your first-person agency. So it was just in recognition of Smith's insight that lead Darwall to conclude that "[i]t is not far wrong, indeed," he writes "to think of Smith as one of first philosophers of the "second person," if not the very first."[611]

Getting permission for your action from the imagined perspective of those to be subject to it is a way of holding yourself accountable to others *in prospect*. Harman expresses regret and finds it "perplexing that Adam Smith's ethics should be so relatively unread." Scholars who work on Smith will sympathize with Harman when he writes that Smith "works this theory out with a mass of detail which I cannot try to summarize," yet "[t]he book in which he works it out, his *Theory of the Moral Sentiments*, is one of the great works of moral philosophy."[612] There is 'a mass of detail,' but it is attention to the demands of accountability that organize it. Smith is always reporting results from, for example, the agent's view of his circumstances, and then the agent's view of himself and his intentions from the patient's perspective, and the patient's view…etc. This busy process of perspective-hopping exhibits the concern with '*accountability to*', by investigating the legitimacy of hypothetical (or real)

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[610] Smith, *The Theory of Moral Sentiments*, 138.
[611] Darwall, *The Second-Person Standpoint*, 46.
[612] Harman, "Moral Agent and Impartial Spectator," 194.

'*demands from*,' all while also reporting on the aptness, and/or a/symmetries, of ascriptions of praise and blame in this or that case—a mass of detail.

Smith, then, believed that his design of the impartial spectator as an ordinary but impartial person captured the experience of gratitude and resentment. Those sentiments were provoked by breaches in mutual accountability—the standing and authority of victims and the moral community to hold victimizers accountable. In taking the apple out of my hand you had to disregard what I might demand in exchange. If you used the impartial spectator mechanism you either (in effect) disregarded its results, or used it as a strategy for discerning an opportunity for getting the apple from me (e.g. in my perspective you consider what I will and will not notice). Certainly Smith captures some part of the moral phenomenology of victims and their resentment. He explains, that is, the motivation to resent and to hold victimizers accountable. But again, why be moral? Victims will call for accountability, but why listen?

By the time that Smith was writing it had become common to think of morality as a kind of noble burden on an agent, like an ethic of honour but without its rewards. So deeply rooted in popular culture was this thought of morality as a burden that it could make sense to be suspicious of anyone who wants, just like that, to do their moral duty. *Liking* doing your duty came to seem to be itself a violation of duty. It would convey, in what Hutcheson reproached Hume from having done, insufficient "Warmth in the Cause of Virtue."[613]

Mandeville drew on this temper—he *depended* on it—in order to support his claim that no one is ever virtuous. If we did an action, Smith says of Mandeville's view, from a desire to be "praise-worthy," then Mandeville would describe the action as an instance of "vanity,"[614] devoid of moral

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[613] Michael B. Gill, "Moral Phenomenology in Hutcheson and Hume," *Journal of the History of Philosophy* 47, no. 4 (2009): 569–94; Hutcheson quoted in Michael B. Gill, "Fantastick Associations and Addictive General Rules: A Fundamental Difference between Hutcheson and Hume," *Hume Studies* 22, no. 1 (1996): 23–48, fn49, 47.
[614] Smith, *The Theory of Moral Sentiments*, 308.

worth. If our behaviour "falls short of…complete self-denial," and "ascetic abstinence," then Mandeville would call it "concealed indulgence…gross luxury and sensuality."[615] Smith complained that the "popular ascetic doctrines" from a generation earlier had set up Mandeville's gambit by placing "virtue in the entire extirpation and annihilation of all our passions."[616] Mandeville made it so that the moment one supplied a motive to be just one, thereby, undermined the act's justice.

Smith aimed to prise open what Mandeville (and Hutcheson) had closed off: strong motives to do one's duty. The design of the impartial spectator as an ordinary second-person to one's intentions gave Smith a way of describing standards for the *interpersonal* reactive judgements of patients to agents. Morality concerns the relationship not of agents to things, but of agents and patients *to each other*. It was this move that could provide a moral motivation to be moral without resorting back to any of the now discredited ancient metaphysics. He gave a juridical account of obligation but the motive for doing it—praiseworthiness, avoidance of blameworthiness—responded to, and so recognized, the dignity of others and their authority to make demands on one.[617] As I said, victims call for accountability, but why listen? There is, Smith writes, in "the human breast" a "consciousness of ill-desert," and "terrors of merited punishment."[618] We *want* to receive praise we deserve and avoid blame that is warranted. If that is so, it is because we regard ourselves as accountable to others; we regard others as having the standing to call us to account. Why care about blameworthiness if the blamers were not worthy of being listened to? As Remy Debes puts it, Smith "wanted to explain not just why we have a reason to care about others, but why we have a reason to make ourselves *worthy to be cared about."*[619] The claim is that we have a desire to be able to justify ourselves to others and this is

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[615]Ibid, 312.
[616] Smith, *The Theory of Moral Sentiments*, 313.
[617] Darwall, "Equal Dignity in Adam Smith," 129-133.
[618] Smith, *The Theory of Moral Sentiments*, 86.
[619] Remy Debes, "Adam Smith and the Sympathetic Imagination" in *Adam Smith: His Life, Thought, and Legacy* ed. Ryan Patrick Hanley, (Princeton: Princeton University Press, 2016), 204.

nearly the same thing as a desire to be just. This is a response to 'why be moral?' questions. If you want to be able to justify yourself to others, then be just and you will be able to justify your actions.

Travis Rieder, describing Scanlon's view about motivation, writes that "the central challenge of providing an account of moral motivation is navigating 'Prichard's Dilemma,' which requires that an account be both (a) helpfully explanatory and (b) morally relevant."[620] 'Do your duty because it is your duty,' does not helpfully explain motivation, in fact it names a hyper-moral motivation that nobody is moved by. On the other hand, 'Do your duty because it would be funny to do it,' does not name a reason that is morally relevant, [621] nor is it a reason a moral person could be moved by.

We are mutually morally accountable. This is nearly equivalent to Smith's well-known, and seemingly less morally austere, direction to agents to use the impartial spectator as a technology to help them satisfy the proper desire to make themselves "praise-worthy" and to avoid "not only blame, but blame-worthiness; or to be that thing which, though it should be blamed by nobody, is, however, the natural and proper object of blame."[622] It can seem that Smith is giving *austere* directives to duties of accountability, but the more obviously *indulgent* directive to desire to be praiseworthy or avoid blameworthiness in the eyes of others are equivalent because the *desire* to avoid blameworthiness involves acknowledgement of the *authority* of others to demand that you avoid treating them in certain ways and to resent, even seek to punish you, if you fail to avoid acting against them in those ways. It seems plausible to most of us that we seek to avoid blameworthiness, or at least that we do not covet the state of being blameworthy, but that it seems somehow merely hopeful, or naive, to imagine that we desire to hold ourselves accountable to others. They are, however, the same thing. This was Smith's response to the problem that plagues modern moral philosophy: why be moral?

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[620] Travis Rieder, "How to Solve Prichard's Dilemma: A Complex Contractualist Account of Moral Motivation," *Journal of Ethics and Social Philosophy* 9, no. 1 (2015): 1–20, 1.
[621] Justin D'Arms and Daniel Jacobson, "Wrong Kinds of Reason and the Opacity of Normative Force," *Oxford Studies in Metaethics* 9 (2014).
[622] Smith, *The Theory of Moral Sentiments,* 114.

It is hard to see *holding* oneself accountable as equivalent to *pursuing* praiseworthiness and avoiding blameworthiness because accountability *sounds like* a duty and, so we infer, *a constraint* on self-interest, while pursuit of praiseworthiness sounds *desirable* and, so we infer, cannot be a moral end. To make that last inference is to be caught in Mandeville's (or Hutcheson's) grip. Feeling pleasure in doing the right thing, however, is a common experience. You took the item to the lost and found and you feel good about that. You certainly do not morally condemn yourself because you feel good about doing the right thing. Not at all. You feel good because you did the right thing. If you thought it were wrong to act this way it would not have pleased you. In carrying the item to the lost and found it never occurs to you to banish from your thought the relief you will give to the person who lost the item.

The idea that the *obvious* objects of desire and aversion, praise and blame are, roughly, 'the other side' of *unobviously* desirable accountability relations is very clear to those who are held tightly accountable for their performance of some task—in their job, for instance. Praise is very welcome, and blame is very unwelcome and it is the condition of being accountable to another for one's job performance that brings them about. Such people may see perfectly well the motivational connection between the burdensome *duty* of accountability and the powerful *desire* of avoiding blameworthiness. It is of course true that for people in these situations their accountability to another is a source of stress and aggravation. They experience aversion to blame and blameworthiness as an exhausting burden. Praise is good, they like it, blame is bad, they do not like it, but the whole practice is perhaps a burden, something they'd rather be rid of. What is hard for these people to notice, however, is that the lack of accountability to another, *altogether*, while yet living among others is undesirable because it undermines self-worth. As Smith writes,

> for though to be overlooked, and to be disapproved of, are things entirely different, yet as obscurity covers us from the daylight of honour and approbation, *to feel that we are taken no notice of*, necessarily damps the most agreeable hope, and disappoints the most ardent desire, of human nature. The poor man goes out and comes in unheeded, and when in the midst of a crowd is in the same obscurity as if shut up in his own hovel. Those humble cares and painful

> attentions which occupy those in his situation, afford no amusement to the dissipated and the gay [my emphasis].[623]

To plan your life, to control the expressions of your desires, to sometimes lose that control and weep or shout in joy or in anger, and yet to be treated, as P.F. Strawson described by the term "objective attitudes,"[624] as an object to be managed and not as a person to be reacted to, 'damps,' as Smith puts it, 'the most agreeable hope, and disappoints the most ardent desire.' One will never be worthy in the eyes of another because they do all they can to overlook you, to look away, to have you look away, or look down; they seem to say 'I am not accountable to you. *You are neither praise- nor blame- worthy.*' For a human to be, just as such, praiseworthy, is like they way a car is roadworthy though it has never done anything on the road. A roadworthy car is apt for the road, not deserving of being put on the road. A human sometimes deserves praise or blame but they are always praise/blameworthy, or appraisal-worthy, where appraisal means morally appraisable.

In this example of the 'overlooked' 'poor man,' no one, especially among the "fortunate and the proud," even tries to evaluate his behaviour, let alone regard themselves accountable to the 'poor man.' Such a man feels that his "poverty…either places him out of the sight of mankind, or…if they take any notice of him, they have, however, scarce any fellow-feeling with the misery and distress which he suffers."[625] If he cries, they look away. If he gets angry at them, they have him removed.

Pamela Hieronymi gives this apt quotation of Herbert Morris as the epigraph to a chapter in her book on Strawson: "[w]hen what we do is met with resentment, we are indirectly paid something of a compliment."[626] Compare Smith writing that when we are "censured" for a bad deed it "relieves

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[623] Smith, *The Theory of Moral Sentiments*, 51.

[624] P. F Strawson, *Freedom and Resentment and Other Essays*, (New York: Routledge, 2008), 20.

[625] Smith, *The Theory of Moral Sentiments*, 51.

[626] From Morris, Herbert. (1968). "Persons and Punishment." *The Monist* 52: 475–501, 487. quoted in Pamela Hieronymi, *Freedom, Resentment, and the Metaphysics of Morals,* (Princeton: Princeton University Press, 2020).

[us] to find that [we] are not unworthy of regard."[627] If we are 'overlooked' for long enough, though we may still have, as a fact of being human, the standing to demand evaluation, we will lose that standing, *de facto,* in the regard of others and finally in our own self-regard. As David Schmidtz puts this, our "need for recognition—deep visibility—leaves us open to various disappointments."[628] Indeed, many have seen in Smith a concern for "recognition."[629]

This is a way of explaining Smith's otherwise puzzling statement that "[t]he love of praise-worthiness is by no means derived altogether from the love of praise." That is, Smith is denying that we desire to be praiseworthy because then we can expect that we will get praise, which is the thing we actually want. Instead, we desire praise, and it is desirable, because "praise necessarily strengthens our own sense of our own praiseworthiness." There is, now, an easy misreading of this idea that goes like this: if I acted in a way that I thought was praiseworthy, I come to value praise because it persuades me that my action really was praiseworthy. The sense of praiseworthy, here, is of an action that *has been done* and is worthy of praise, whether or not it receives any. We should instead read 'praiseworthy,' here in the way, as above, that we understand a car to be roadworthy, though it may never have been on the road. Persons, and not Humean chests of drawers, are praiseworthy, apt sites of praise, of moral consideration. *Blame*, in this sense, is good because it shows that some other is treating us as praiseworthy, as appraisal-worthy. Thus he says, "so far is the love of praise-worthiness from being derived altogether from that of praise; that the love of praise seems, at least in a great measure, to be derived from that of praise-worthiness."[630] We want people to recognize us as having a moral bearing (appraisal-worthiness): this is the 'love of praise-worthiness.' We actually want to be an accountable

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[627] Smith, *The Theory of Moral Sentiments*, 333–34.
[628] David Schmidtz, "Adam Smith on Freedom." In Hanley, *Adam Smith*, 219.
[629] Andreas, Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns,* (Cambridge: Cambridge University Press, 2008), 30.
[630] Smith, *Theory of Moral Sentiments,* 114.

being, an accountable-*worthy* being. We are denied that when someone uses our body for their purposes. Morality involves us in a practice that is meaningful.

According to Smith, ancient ethics was beside the point, and perhaps all modern moral philosophers prior to him refused to motivate us. Consider a helpful ancient ethical *strawperson* theory. 'You ought to be just because being just serves your ultimate good. By being just you will have the good life. If you are unjust you will have a bad life.' It is easy to see how one could conjure a motivation to be just on this account. Consider, however, not the just or unjust person, but the patient, the victim to this person. They have been treated unjustly: beaten, locked up, sexually violated, hated, enslaved, denied bodily dignity, and on and on. What about them? What about their resentment? "What chiefly enrages us," Smith says, "against the man who injures or insults us, is the little account which he seems to make of us, the unreasonable preference which he gives to himself above us, and that absurd self-love, by which he seems to imagine, that other people may be sacrificed at any time, to his conveniency or his humour."[631] Our resentment aims, and it is proper that it aims, "not so much to make our enemy fell pain in his turn…[as] to make him repent…and to make him sensible, that the person whom he injured did not deserve to be treated in that manner."[632] We must aim "[t]o bring him back to a more just sense of what is due to other people, to make him sensible of what he owes us, and of the wrong that he has done to us."[633] Whether or not the person who was cruel to us will ultimately be happy or not is irrelevant to justice. Whether or not the tyrant's injustices lead him to a good life or not, has nothing to do with justice. Justice concerns our relationship to others, not our (as this strawperson theory has it), our relationship to our own good.

A *strawperson* modern theory, and this is perhaps more important, tells an agent: 'You ought to be just because it is your duty.' Where is the motivation to do this? This was Mandeville's gambit. He

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[631] Smith, *The Theory of Moral Sentiments*, 96.
[632] Ibid, 95-96.
[633] Ibid, 96.

left no room for any motivation whatsoever. As Smith describes Mandeville's error, "[w]herever our reserve with regard to pleasure falls short of the most ascetic abstinence, he treats it as gross luxury and sensuality."[634] If there were any pleasure taken in being just, then it was vanity. Moral philosophers are trying to describe *actions*; it is not possible to describe an unmotivated action; the moment anyone posits a motivation for being just Mandeville calls it vice. He *defines* away virtue without proving anything or giving us a reason to accept his reconceptualizations. Finally, "[i]t is the great fallacy of Dr. Mandeville's book to represent every passion as wholly vicious, which is so in any degree and in any direction."[635]

According to Smith, Hutcheson made, in essence, the same mistake as Mandeville. Smith's objection is this: "Dr Hutcheson was so far from allowing self-love to be in any case a motive of virtuous actions, that even a regard to the pleasure of self-approbation, to the comfortable applause of our own conscience," undid its moral quality.[636] This again, left us with almost nothing that could motivate us to act without making our act a vicious one.

In what Axel Honneth describes as an "astounding anticipation of Kant,"[637] Smith believed, he writes, that "we must conceive of the motive to normatively examine our own conduct as itself being "moral.""[638] We have a duty to take up the perspective of an impartial spectator on the fit between our intentions and the circumstances that gave rise to them. Doing this self-evaluation partly lives up to the demand of mutual accountability. Doing so also serves our desire, if we have it, of feeling we can justify ourselves to others should they object. Smith was not, *pace* Ryan Patrick Hanley, a virtue ethicist, where the virtue itself and its place in a good life is fundamental, so how did Smith

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[634] Ibid, 312.
[635] Ibid.
[636] Ibid, 303.
[637] Axel Honneth and Joseph Patrick Ganahl, *Recognition: A Chapter in the History of European Ideas*, The Seeley Lectures 11 (Cambridge New York (N.Y.): Cambridge University Press, 2021), 78.
[638] Honneth and Ganahl, 79.

motivate us to perform his modern juridical morality, where the duty of moral accountability is fundamental and the necessary connection of that duty to a good life is broken?[639]

Consider what he says, not about resentment, but about gratitude and how expressing it feels like a duty driven by a strong desire to do that comes apart, slightly, from the moral reason to offer gratitude:

> What gratitude chiefly desires, is not only to make the benefactor feel pleasure in his turn, but to make him conscious that he meets with this reward on account of his past conduct, to make him pleased with that conduct, and *to satisfy him that the person upon whom he bestowed his good offices was not unworthy of them* [my emphasis].[640]

We desire to express thanks. When we do express it, we aim at satisfying the benefactor's desire to do a good turn *to a person who is worthy of that help*. It is as if one reason that we want to be good is to become *worthy* of receiving help (we may receive help whether or not we are worthy of it) so that the gratitude we offer will be of *the kind* that satisfies the benefactor's desire to give help to the worthy. To be sure, we are not accountable for being un/grateful. It is not a duty of justice. We are *motivated* to express gratitude, however, and that is important. This partially moralized motivation is part of why opening us to *social practices* of accountability would seem to lead to the cultivation of the disposition to regard oneself as *morally* accountable to others.

To put this differently, consider that if someone gives you a break, or trusts you when they had reason not to, it is common to desire to somehow show them that they judged your character correctly. You are trustworthy and you want them to know it. You try to express gratitude and it hurts if you cannot—the door closes before you could say thank you. Why will we be anxious to wave thanks at someone who has let us jump ahead in line to catch our flight even when this slows us down and any punishing shouts of '*ingrate!*' would fail to reach us as we rush off? Think of even the gesture

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[639] For a full presentation of his argument, see: Ryan Patrick Hanley, *Adam Smith and the Character of Virtue* (New York: Cambridge University Press, 2009).
[640] Smith, *The Theory of Moral Sentiments*, 95.

of the *benefactor* raising her hand to *accept* thanks after she let someone jump the queue and they showed gratitude for that. The benefactor feels obliged to *accept* the thanks. If we have helped, we grasp the disappointment we could cause in not accepting the gratitude.

The counsel that we *express* gratitude is common (the parent's question: 'what do we say when someone is nice to us?'), but it is less common to counsel us on being there to receive it (parents do not often say 'I thanked you. Come back here and accept my thanks!'). It is less common because it is assumed that accepting thanks is something we already want to do, even that we are too-ready to do. But when we are helped we feel a strong pull telling us that we ought to show them that we received their gratitude. The benefactor ought to allow the beneficiary to give thanks and be there to receive it.

The motivations to do all this, to express gratitude, to conspicuously signal that you received the gratitude of another, is no doubt culturally variable *in a way Smith can explain* by reference to his genealogical account of norms. What I am stressing is not the manners surrounding 'thanks' by the idea of being motivated by a desire to seem worthy in the eyes of another and to show that they are worthy in ours, whatever mannered form that might take, culture to culture. In accepting 'thanks' we know what we are doing is satisfying that desire in others.

What is crucial is that the benefactor receiving the thanks experiences the gratitude as a *good* because it recognizes that they helped *rightly*, that they chose well. Think of letting someone go in line ahead of you just to be rid of their complaints, or something similar. When, or if, the bothersome line-complainer offers thanks you do not feel obliged to say 'you're welcome.' I relented, I almost feel bad for letting you go ahead; my help to you was no acknowledgement that you expressed legitimate requests, that you were worthy of help.

The to-and-fro-and-fro-and-to of gratitude is distinctive of the way Smith reasoned and shows how deeply infused all of his writing was with the idea of accountability (or something accountability-adjacent) and its interpersonal reverberations. This is the 'mass of detail' that Harman alluded to. Smith

is constantly offering *representative* (not definitive) examples of how reactive attitudes (gratitude and resentment) function under given (contingent, culturally variable) norms.

One *should* say 'thank you' to one's benefactor, but Smith nicely adds the additional to-and-fro idea that I, the beneficiary, *want* to say 'thank you' and that the benefactor *ought* to listen. Again, we have the subtle reversal of austerity and indulgence: *accepting* thanks is (also) a duty, and *giving* thanks (also) satisfies a desire. Think about the money dropped *on* the 'beggar' followed by a brisk turning away from the person with no regard for the *duty* to say 'you're welcome.' The to-and-fro-and-fro-and-to supports the norm against *lopsided* forms of caring: 'I thank you, *because* you didn't *owe* me that good turn. My thanks is my moral awareness of that.' By his attention on agents *and* patients, Smith could explain this dignified, or dignifying, *desire* to respectfully express gratitude. The constitutive interpersonal-*ity* of the *prima facie* duties that are disciplined by concepts of worthiness (i.e. the unworthiness of the line-complainer extinguishes the *pro tanto* duty to accept thanks) are hard to explain on moral theories that link agents to things and states of affairs.

The case is simpler with resentment. We desire, I quoted, 'to make him sensible, that the person whom he injured did not *deserve* to be treated in that manner [my emphasis].' In doing this, in resenting and seeking redress, as I quoted above, our behaviour must be "full of all proper regards, even for the person who has offended us."[641] It is not just that one ought, but that we *desire* to, as Darwall put it, 'respectfully call[] for respect.' We can see why: we *want* to be respected. We want respect because we are worthy of it.

Smith's highest rhetoric comes in trying to explain how we can be just in the face of all the temptation to act otherwise. When pulled by "self-love" to harm another, it is not the "soft power of humanity," that can stop us, but "a stronger power, a more forcible motive, which exerts itself upon such occasions." It is, "the love of what is honourable and noble, of the grandeur, and dignity, and

[641] Smith, *The Theory of Moral Sentiments*, 38.

superiority of our own characters."[642] It is the force of the voice of other people via the impartial spectator that,

> whenever we are about to act so as to affect the happiness of others, calls to us, with a voice capable of astonishing the most presumptuous of our passions, that we are but one of the multitude, in no respect better than any other in it; and that when we prefer ourselves so shamefully and so blindly to others, we become the proper objects of resentment, abhorrence, and execration.[643]

In resisting the pull of 'self-love' we aim to make ourselves an eminent species *of our kind*. No one is better, we tell ourselves, at holding oneself to be no more than the moral equal of all. The desire *of being a recognized member of our kind*, one in good standing, of one who is appraisal-worthy, is a desire to do our duty.

Finally, Lisa Hill, as we saw in chapter three, has drawn our attention to Smith's repeated appeals to thumos, but Christina Tarnopolsky has cast thumos in a way that is relevant on just this last point. Tarnopolsky argued that there is a tension in Plato's teaching about thumos as it appears in the *Republic:* Plato's thumos contains a "bipolar longing," she argues, that "involves the simultaneous desire to assert one's difference from others and to be recognized as like these others."[644] The Smithian idea is that thumos, in this instance, would drive us to be seen as a superior in the dimension of our humanity, in our capacity to hold ourselves as no better than. We have the strongest desire to win, for example, while playing by the rules because the glory is more intense, our superiority more real. To lose by cheating is a double humiliation.

5.5 Accountability Shapes the Impartial Spectator

I mentioned quickly above that the impartial spectator is made of 'coarse clay'; it is affected by events in the peculiar ways we ordinary people actually are. It is not a model of omniscience, or

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[642] Smith, *The Theory of Moral Sentiments*, 137.
[643] Ibid.
[644] Christina Tarnopolsky,, "The Bipolar Longings of Thumos: A Feminist ReReading of the Republic" 11, no. 2 (2007): 299.

dispassionate reflection. Grasping the principle of accountability as a principle that shapes the design of the impartial spectator explains why he limited the idealization of the impartial spectator the way that he did. The puzzle concerning the idealization of the impartial spectator is this: the impartial spectator is simply me (agent) when I imagine myself as a) an impartial *you* (patient) with b) full access to my intentions. The impartial spectator is idealized to just this extent (i.e. impartial, with access to intentions), and no further. When he describes the reasoning of the impartial spectator Smith intentionally gives to it all of our ordinary quirks of rationality, like loss aversion, that he explicitly identifies as "irregularities."[645] Why shouldn't these irregularities be idealized away in the figure that is to serve as our moral standard? Shouldn't the impartial spectator, like Roderick Firth's ideal observer, be omnipercipient, "omniscient, disinterested, dispassionate, but otherwise normal"?[646]

The reason is because accountability is, as it were, prior to the impartial spectator. Smith writes that "[t]o direct the judgments of this inmate [i.e. impartial spectator] is the great purpose of all systems of morality."[647] This is very close to Smith calling the impartial spectator one's conscience with the moral philosopher's task being to explain morality to it. What should the impartial spectator be told? How should we direct it? Of course my claim is that it should be told to hold us accountable to the legitimate demands of others. The technology for doing this in one's practical deliberation is to imagine an impartial patient to your action. That patient must be a person, affected, as we are, by quirks in our rationality. Imagining what an ideal observer, some non-participant in moral life, would approve of is not a way of capturing accountability to persons. What a being with all the non-moral perfections would approve or disapprove of bears no intrinsic relationship to what you and I have gratitude and resentment for. Smith builds into the impartial spectator the *moral* perfection of tracking

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[645] Smith, *The Theory of Moral Sentiments*, 104; Nava Ashraf, Colin F. Camerer, and George Loewenstein, "Adam Smith, Behavioral Economist," *Journal of Economic Perspectives* 19, no. 3 (2005): 131–45.
[646] Roderick Firth, "Ethical Absolutism and the Ideal Observer," *Philosophy and Phenomenological Research* 12, no. 3 (1952): 317–45.
[647] Smith, *The Theory of Moral Sentiments*, 293.

what accountability requires of us. This sounds viciously circular because we think it is the impartial spectator whose 'will' defines right and wrong. If this were so, then it could not be designed by a moral principle extrinsic to it. As I say, accountability is prior to the impartial spectator. Smith uses accountability, just as he says, to 'direct' our conscience and so the impartial spectator is purpose-built to apply the moral principle of accountability to cases. What the impartial spectator concludes that we must do or not do, is morally correct, but that is because it is well-built to apply accountability to cases. We ask, naturally, a person we know to be impartial on a matter what to do because theirs is, naturally, moral perspective that brings home to us what we are accountable for doing.

Smith cannot be said to have been unaware of the need to justify the impartial spectator as a standard because he showed awareness of this task when he criticized Hutcheson for failing at it. His final objection to Hutcheson's theory concerns Hutcheson's voluntaristic insistence that whatever the moral sense approves of is right. Rehearsing an objection that many rationalists had pressed on Hutcheson's theory, "[i]f any man," Smith writes, "was so absurdly constituted as to approve of cruelty and injustice as the highest virtue…such a constitution of mind might indeed be regarded as inconvenient both to the individual and to the society, and likewise as strange, surprising…but it could not…be denominated vicious or morally evil."[648] There is no *moral* judgement, Hutcheson held, that could be made of that man's moral sense and Smith utterly disagrees. The way he forms his own moral standard, the impartial spectator, is on the principle of moral accountability. The impartial spectator looks the ordinary way it does because of the principle. We ought to criticize the moral judgement of anyone who does not judge from the principle of mutual moral accountability.

If there is one idea, one principle, that runs through virtually everything Smith ever wrote it is mutual accountability, broadly-conceived. Accountability grounds exchange. Smith's famous concept

[648] Smith, *The Theory of Moral Sentiments*, 323.

of the impartial spectator—"the great inmate of the breast, the great judge and arbiter of conduct"[649]—is best thought of as an entailment of the commitment to mutual accountability. Much of the busy, layered, language of *Theory of Moral Sentiments* derives from Smith's constant attention to imaginative perspective-hopping, itself a means to holding oneself accountable to another. In order to judge an agent, for example, we must imagine ourselves impartially projected into the perspective of an agent on a patient, and then project impartially into the patient's perspective on the agent's intention in acting. His description of judgement always has this perspective-hopping character because that is a way of *judging* accountably. Certainly many of the design principles of statecraft that Smith recommends in *Wealth of Nations* are ways of making each, as a matter of fact, accountable to all. Mercantilist state capture, for instance, was a way of *skirting* accountability.

Conclusion

I said that in this conclusion I would return to the political upshot of Smith's claims about justice, moral reasons, and motivation. It is important that accountability, in Smith, appears both as a *social custom* of giving and asking for an account of the behaviour of another *and* as the normative moral principle that we *ought* to regard one another as mutually accountable. To regard one another as mutually morally accountable is to regard each as having equal standing to call and be called for an accounting. For any normative political theory that aims to increase justice in the world, it is crucial to appreciate that the custom and the principle are related. The social custom of asking for an account of another's action influences and is influenced by the uptake of the duty to hold oneself accountable to others. Making people, as a matter of fact, accountable to one another would tend cause them to *be* just, that is, would cause them to really *regard* themselves as morally accountable to others. Having to respond, in virtue of one's social position and legal status, to the demands of others tends to cause us to regard one another as mutually *morally* accountable.

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[649] Ibid, 262.

This idea that social practices of accountability might generate the disposition to hold oneself morally accountable to others is similar to the *doux commerce* thesis, but it is not the same as it. First, Smith's morals are precise—mutual moral accountability is not 'softened morals,' or 'greater openness to others.' Second, and because of the first, it is not at all the case that commerce and moral accountability are any more than contingently related. Commerce was 'commerce' because it was different from feudalism and, for Smith, different from mercantilist imperialism and physiocracy. The hypothesis is that if people who, for whatever reason (feudal hierarchies; state capture; imperial rule), were insulated from accountability to others (legal status, sharp cultural hierarchy, physical isolation of a variety of sorts, etc.) are newly exposed to accountability, then they may, relative to before, become more disposed to believing themselves, or anyway holding themselves, morally accountable to others. On the other side of this, the more one is capable of making demands on those who had been insulated from your calls, the more one we feel that these others are accountable to one. There are many means of doing this apart from commerce.

In his model of changing social, political, and economic arrangements known as his four-stage stadial history—hunter-gatherer, pasturage, agriculture, and commerce—Smith sought to describe the conditions, institutions, norms, and laws that could cause persons, as a matter of the facts of their circumstances, *to be* accountable to one another independent of the willingness of these persons to *hold* themselves accountable to others in recognition of a moral duty. Smith was careful to describe the degree to which people in given socio-economic conditions are poised to be able to hold one another successfully accountable. The less labour was divided–that is, the less each only performed a single task–the more they could, in the course of their day, naturally surveil one another. Each would be exposed to accountability simply because the tasks of each were understandable to each. The commercial age is utterly unlike that. The butcher does not, as a matter of course, know what the baker is doing and how the brewer ought to do what the brewer is doing. This stadial history model,

as I understand it, was instrumental to the goal of increasing levels of justice in a constitution because it studied these relations of accountability and aimed to increase cross-cultural accountability, *pace* Onur Ince, not to release us from that duty.[650]

Smith sought to manage constitutions such that, by opening all to the accountability demands of each, the citizens will come to "feel themselves, each individually, more respectable, and more likely to obtain the respect of their lawful superiors."[651] This is why, in the commercial age, he recommended universal education. We could not, as it had been at other times, acquire the knowledge we need to surveil one another simply by labouring.

As a political matter, Smith charged the sovereign with increasing levels of justice by encouraging, permitting, or establishing *social practices* of accountability. His hope was that increasing *de facto* accountability would cause us to develop the virtue of justice. He believed accountability, considered as a matter of fact of one's legal and social status, would cause citizens to be just i.e. to *regard* themselves as mutually morally accountable to others.

Because of my explanation of Smith's answer to why be moral, we can now see how this is designed to work, or how Smith thought it would work. People, out of a desire to avoid blame and blameworthiness, tend to insulate themselves from accountability and the law sometimes allows them to. Because people have a motivation to avoid blameworthiness, we should not allow them this protection but expose them to accountability. Lacking other means of avoiding blame, people will want to justify themselves to others when, as a matter of their circumstances, be it legal or social, they cannot hide from being called to justify themselves.

The idea, the one I opened with, that Smith intended to encourage practices of accountability, at least of *competition* in a sphere where there had been none, should be immediately plausible. Smith

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[650] Onur Ulas Ince, "Adam Smith, Settler Colonialism, and Limits of Liberal Anti-Imperialism," *The Journal of Politics*, 2021 83:3, 1080-1096.
[651] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 788.

encouraged freedom and freedom encourages practices of accountability by making us equally exposed to it. Yet I argue that Smith's 'coarse clay' political realism, recall, consists in an ordering of these values and each is to be interpreted as scalar: order, justice, and liberty. If, for example, one makes a proposal for a change to the constitution to promote greater liberty, then one must show that enacting this proposal would not undermine a constitution's existing levels of i) order and ii) justice. Encouraging social practices of accountability often, but crucially, not always, involves freeing people. For example, it was Smith's much-discussed proposal for universal education that was, he says, aimed, among other things, as I just quoted above, to make "each individually, more respectable, and more likely to obtain the respect of their lawful superiors."[652] This is an instance, I contend, of his prioritizing justice over liberty by increasing social practices of accountability. An educated workforce could knowledgeably call their superiors to account and capably justify their actions when called upon to do so by their superiors. Universal education, plausibly, increases accountability in the interest of increasing justice without freeing anybody.

One might be tempted to hear in these remarks something in the way of liberty as non-domination. I should say then that I discuss the place of liberty in Smith's arguments in chapter 8, but I believe it best to do so without defining what he means by liberty. There is a temptation to call it liberty as non-domination, and one should have a sense of why given the emphasis on making authorities accountable for their actions. Indeed, as Darwall writes, "Smith is a sharp critic of domination and dependency in all its forms."[653] However, as Darwall's language alludes to, Smith frequently assigns the word 'independent' to what we call now call liberty as non-domination. Liberty, in Smith's sense, seems to refer to what we think of as liberty as non-interference. In saying that liberty is third in his priorities, I mean the value/political status he literally calls 'liberty.'

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[652] Ibid, 788.
[653] Darwall, "Equal Dignity," 130.

The concluding chapters of this dissertation study an important example of Smith's interest to encourage accountability in the interest of order and justice that, again, did *not* involve freeing people: Smith's proposal to continue to encourage/permit the self-conscious accountability practices of John Wesley's Methodists. Smith explained that a person "never emerges so effectually from this obscurity" and darkness "as by becoming the member of a small religious sect."[654] Within Methodism, he writes, "all [one's] brother sectaries are, for the credit of the sect, interested to observe [one's] conduct."[655] Wesley himself wrote the accountability questions each was to ask of their fellows in their weekly meetings. Wesley's revivalist movement was structured, as Richard P. Heitzenrater pus it, "with accountability at every level: quarterly ticket renewal of all members and yearly examination of all preachers and leaders."[656]

Where it can, the sovereign ought to make it such that there are many sects who internally perform something like Wesley's accountability meetings by making them have to acquire 'credit' for the 'sect,' rather than establishing a sect and guaranteeing its 'credit.' To England, the home of the revivalist Methodists, Smith argued, in a Machiavellian moment, for antidisestablishmentarianism.

In his politics it is *mostly* the case that encouraging accountability did mean freeing people or increasing freedom. My point is that the two *can* come apart and that *when* they do Smith prioritizes accountability because justice was prioritized over liberty. After all, "[j]ustice…is the main pillar that holds up the whole edifice."[657] Without justice society would "in a moment crumble into atoms."[658] The priority of encouraging accountability over liberation grounds my claim that he prioritized justice over liberty. If freedom undermined justice (accountability), then that freedom ought to be curtailed.

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[654] Smith, *Wealth of Nations*, 795.
[655] Ibid, 796.
[656] Richard P. Heitzenrater, *Wesley and the People Called Methodists,* (Nashville: Abingdon Press, 2013), 424.
[657] Smith, *The Theory of Moral Sentiments*, 86.
[658] Ibid.

If opening citizens to practices of accountability does not, as a matter of their internal dispositions, cause them to *become* just it might still be the case that the social practice of accountability would cause them to *act* as if they are and that, as a matter of realist political realist theory, is all we need. The level of *justice* in a society—in contrast to the virtue of justice in a person or among the people—was a measure of the frequency and gravity of *acts* of injustice, not of the mental dispositions of the people.

It is not easy for the sovereign to inculcate this disposition of mutual accountability, and it might be a horror if it tried. The sentiment at the core of his political thought is the admiration that establishes political community, *the fundamental fact of politics*, and it is precisely this psychology that threatens to undermine justice as mutual accountability. Across the ages it is a fact that "the great never look upon their inferiors as their fellow–creatures."[659] The sovereign must find a way to make the standing of the "meanest British subject…respectable to the greatest"[660] without undermining the fawning psychology that makes the whole security of politics possible.

For the most part, 'enforcing the practice of this virtue' of justice would require freeing people and that is something a classical liberal can endorse. As Jacob T. Levy describes a similar idea, some political forms are aimed to "*allow us to be morally good*, by, e.g., reducing the returns to force and fraud, by diminishing the occasions for mutual violence, by providing better assurance of other people's good behavior such that we may act well without constant risk of our own good behavior being exploited."[661] If Smith is going to encourage the sovereign to 'allow us to be good,' he must have believed we have a powerful motive to be just and that is what I claimed that he did.

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[659] Smith, *The Theory of Moral Sentiments*, 55.
[660] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 610.
[661] Jacob T. Levy, "Contra Politanism," *European Journal of Political Theory*, Vol. 19, No. 2, (2017), 142.

In modern moral philosophy there has been one strand of thinking that Scanlon describes as using "the strategy of formal explanations."[662] The goal of these is to capture the "force and inescapability of the moral 'must.'"[663] Like the inescapability of the conclusions of arithmetic, these theories tried to find duties in the structure of rationality. In so doing all "appeal [is] to considerations that are as far as possible independent of the appeal of any particular ends."[664] Nothing is left to contingency, and a failure to be moral is a failure to think clearly.

The other strand of thinking has been, Scanlon writes, "substantive."[665] This strand sought to describe "the particular form of value that we respond to in acting rightly and violate by doing what is wrong."[666] In entering into the debate about the reasons there are to be moral Smith seems to have split the difference between these views. We were to reason by means of the impartial spectator (formal), but that was because the demands of valuable others have force (substantive).

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[662] Scanlon, *What We Owe to Each Other*, 2000, 151.
[663] Ibid.
[664] Ibid, 145.
[665] Ibid, 150.
[666] Scanlon, *What We Owe to Each Other*, 150.

Part Two: Article III

Scotch Universities…are…as unexceptionable as any public institutions of that kind, which contain in their very nature the seeds and causes of negligence and corruption…[667]

-Adam Smith to William Cullen, 1774

What a creature then is a covetous, an ambitious, a luxurious, an indolent, a diversion-loving Clergyman![668]

-John Wesley "Address to the Clergy," 1756

…a crowd of rough men and weary-hearted women drank in a faith which was a rudimentary culture, which linked their thoughts with the past, lifted their imagination above the sordid details of their own narrow lives, and suffused their souls with the sense of a pitying, loving, infinite Presence, sweet as summer to the houseless needy.[669]

-George Eliot *Adam Bede*, 1859

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[667] Smith, *The Correspondence of Adam Smith*, 173.

[668] John Wesley, "An address to the clergy." By John Wesley, M.A. Late Fellow of Lincoln College, Oxford. (London: Publisher unknown, 1756), 29. See at this address:
"The Wesley Center Online: An Address to the Clergy," accessed May 11, 2020, http://wesley.nnu.edu/john-wesley/an-address-to-the-clergy/.

[669] This is Hempton's epigraph to his David Hempton, *Methodism: Empire of the Spirit*, (New Haven: Yale University Press, 2005).

Taking Stock

To this point I have done more, but not much more, than assert that Smith's 'coarse clay' political realism consists in an ordered set of normative principles: order, justice, and liberty. In this half of the dissertation I, in effect, test that as if it were a hypothesis. To test that ordering as a hypothesis I study one instance of Smith addressing one political problem-type, *the cycle of corruption and conquest*, in the specific question of religious establishment. The question is: is that ordering apparent in the arguments he makes about establishment?

To this point I have established Smith's basic understanding of Hobbes's ecclesiology. I have given an account of a standard of legitimacy—order—and have described justice and the motivation to be just. Each of these will have a place in what follows.

Given the foregoing, it is now meaningful to ask, what would Smith's position of church and state likely be? Which arrangements would minimize the problem-types that arise from our worship of our leaders and thereby secure order? Would Smith propose a single model for all times and places? What would the nature of Smith's argument for one institutional proposal or another be? I have claimed that he rejected the state of nature approach, but what would take its place in getting normative purchase on the question of religious establishment?

If my reading of Smith's political theory in the first half of this dissertation is correct, then we should expect Smith to make his arguments with, for instance, a great deal of attention to context. He will be concerned to manage our psychological tendency to admire the powerful and that would seem to augur against attempts to make us love the powerful more than we already do. I have said that liberty is third in his ordering, so we should not expect it to drive the arguments.

Abstract

This chapter functions as an introduction to the second half of this dissertation. The first paragraph of the section of *Wealth of Nations* that I am abbreviating as Art III is pivotal to the action of the rest of Art III because it presents the central problematic that drives the text. In essence, it is a problem of moral hazard: political actors align themselves with religious leaders in order to secure the allegiance of citizens through the persuasive means that religion had then virtually monopolized. The clergy desire establishment to free them from depending on voluntary payments from their followers. Insulating a given clergy against competition from their rivals and paying them a wage independent of the satisfaction of their parishioners diminishes their drive to cultivate popularity among the people. Over time they become less popular but insist the king continue to extract a tithe. This becomes insupportable when a new sect emerges to challenge the church and the established clergy demand these upstarts be persecuted by the king. This persecution deepens the unpopularity of each the church and the state. By steps, the polity descends into civil war only to end in a kind of re-establishment. This is a cycle.

The three primary tasks of this chapter are to provide a) an explanation of the generalizable structure of this *cycle of corruption and conquest* and b) the specific instantiation of it as it appeared in England, while c) setting the stage for the specific palliatives Smith will offer to the perpetually self-defeating alignment of persuasion and coercion inherent in religious establishment. In brief, this chapter interprets ¶1 of Art III.

This chapter must accomplish two things. First, it must describe the general problem of religious establishment that Smith describes in the first and seventh paragraph of the section of Art III. Second, it must give a sense of who the Methodists were and how Smith could have understood the nature of the Methodist movement.

Interlude: Ronald Beiner's Puzzle

Perhaps the clearest example of a topic that falls within political theory that Smith ever wrote occurs in *Wealth of Nations* Book V. In Book V, chapter I, Part III, Article III (hereafter Art III) "Smith directly addresses," Ronald Beiner writes, "the central issue posed by the problem of civil religion in the history of political philosophy[:]…There is at the heart of the state a head-on contest of authority between 'the sovereign' and 'the clergy.'"[670] Smith addresses a political problem, the one of order and authority, and addresses it *politically*. On this crucial piece of text the secondary literature is confused and almost entirely mistaken.

In his book on civil religion, Beiner identifies an apparent puzzle in Smith's writing on religious establishment that, to my knowledge, only he and, in a relatively obscure article, Charles G. Leathers and J. Patrick Raines have noticed.[671] This simple puzzle frames the entire second half of this dissertation and can be described quite quickly before I move on to introduce the specific material of this chapter.

Smith opens Art III of *Wealth of Nations* by severely criticizing the establishment of religion in England. In fact, he initially seems to be condemn establishment altogether, everywhere and always. This is obvious to anyone who reads the first paragraph (hereafter, ¶1. As an appendix I have included the full text of Art III with paragraph numbers added because I will frequently be referring to paragraphs by their number). Some paragraphs later (¶8) he then praises an ecclesiastical model in which there is—and here I choose my words carefully—*no* establishment of religion. It is natural to describe this non-establishment model as democratizing religious choice relative to the establishment model in England. It has seemed obvious to most that he prefers this non-establishment model to the

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[670] Ronald Beiner, *Civil Religion*: A Dialogue in the History of Political Philosophy, (New York: Cambridge University Press, 2011), 241.

[671] Charles G. Leathers and J Patrick Raines, "The 'Protective State' Approach to the 'Productive State' in The Wealth of Nations: The Odd Case of Lay Patronage," *Journal of the History of Economic Thought*, v24 n4: 427-441.

model of religious establishment in England, if not to establishment, period. He appears to be, that is, strongly opposed to the establishment of religion. He is an antiestablishmentarian.

Later in Art III, surprisingly, he very clearly *also* praises "the presbytyerian form of church government," and specifically the established Church of Scotland, the Kirk.[672] Smith not only praises the Kirk, he argues that it ought *not* to give to the people "the right of electing their own pastor," and instead permit "the rights of patronage" whereby a member of the Scottish elite would, effectively, appoint the pastor of their choosing.[673] He is willing to praise, and propose principles for managing, an established religion.

This is odd. Not only does he very thoughtfully and explicitly praise this established religion, the Kirk, but he recommends that it do what it can to resist, what one might call, the democratization of religious choice in Scotland, a position he seemed to be in favour of earlier in his discussion.

The puzzle is how all these positions hang together in the twenty-six pages of Art III: a) carefully considered condemnation of establishment (in England), b) carefully considered praise of non-establishment in such a way as to emphasize its democratic nature (i.e. people can choose which sect to belong to), and c) carefully considered praise of establishment (in Scotland) and, in particular, its *non-democratic* lay patronage model of the selection of religious leaders.

Is Smith for or against establishment? What is his position, broadly-speaking, on religious freedom? These questions have scarcely ever been seriously asked, let alone investigated.

After noting that Smith does praise the non-establishment model of religion in which each is left free to choose his own religion, Beiner presents his version of the puzzle this way:

> how does [the non-establishment democratic model] square with his subsequent analysis that the more democratic order embodied in Calvinist (and Presbyterian) congregations produced

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[672] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 809.
[673] Ibid.

> nothing but anarchy? We are left with a puzzle of not small proportions concerning precisely how Smith thinks the problem can really be solved.[674]

If freedom or some democratic principle grounds the non-establishment model that he seems to favour, then why is the principle abandoned when he discusses a similar freedom in the Kirk? Indeed, why does he support the Kirk at all if he opposed establishment?

It really is true that this simple puzzle (i.e. for or against establishment?) has almost never been asked. Most of the existing literature on Art III never gets this far in asking questions of the plain text of Art III. Instead, two readings of Art III have a virtual duopoly on Art III interpretation. Firstly, and consequentially, there are those who celebrate Smith for proposing a "religious market model,"[675] a "free market in religious sects,"[676] or an "ecclesiastical free market"[677] upon an "efficient market hypothesis of religious ideas."[678] He proposed a "free market of religion."[679] These scholars are using this 'marketplace' language to describe the non-establishment, democratic model (¶8). Some conclude that Smith was an "economic imperialist," and so we see him in this instance "applying economic reasoning beyond the realm of formal markets and explicit prices."[680] In fact Smith was the "first *economic imperialist*."[681] Smith thereby laid "the foundation for the economic analysis of religion."[682] "For Smith," we hear, "the only acceptable religions were those that had been subjected to the trials and rigours of the market."[683] All of this is accomplished in "a largely ignored chapter of *The Wealth of*

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[674] Beiner, *Civil Religion*, 245–46.
[675] Matt Cole and Walter E. Block, "Adam Smith on Religion and Economics," *The Journal of Prices and Markets* 2.
[676] Beiner, *Civil Religion*, 243.
[677] Hempton, *Methodism*, 44.
[678] Andreas Ortmann, "The Nature and Causes of Corporate Negligence, Sham Lectures, and Ecclesiastical Indolence: Adam Smith on Joint-Stock Companies, Teachers, and Preachers," *History of Political Economy* 31, no. 2 (1999): 297–315, 309.
[679] Charles L. Griswold, *Adam Smith and the Virtues of Enlightenment*, (Cambridge: Cambridge University Press, 1999), 176.
[680] Charles G. Leathers and J Patrick Raines, "Adam Smith and Thomas Chalmers on Financing Religious Instruction," History of Political Economy, vol 31, no. 2 (1999), 337-359, 338.
[681] Gary M. Anderson, "Mr. Smith and the Preachers" Journal of Political Economy, Vol 96, no. 5, 1067.
[682] Laurence R. Iannaccone, "The Consequences of Religious Market Structure: Adam Smith and the Economics of Religion," *Rationality and Society* 3, no. 2 (1991):, 156.
[683] Hill, *Adam Smith's Pragmatic Liberalism*: *The Science of Welfare*, (Palgrave), 77.

Nations[.] Adam Smith laid the foundation for an economic theory of religious institutions."[684] Akeel Bilgrami[685] and Kenneth Boulding[686] are *critical* of Smith for the same reason these others celebrate him: economic reasoning flattens the phenomenology of religious freedom/choice.

The economic imperialist reading of Smith is one side of the secondary literature on Art III. If, broadly-speaking, economists have praised Smith for being an economic imperialist, political theorists have praised something else. This other side celebrates Smith for calling for the disestablishment of religion. The case for this is made by virtually all of the most prominent Smith scholars and it is utterly unsupportable. These scholars suppose Smith argued for a radical *disestablishment* of religion in order to create the so-called marketplace of religion.[687] "But in Smith's ideal society," James Alvey writes, "religion is disestablished, and there will be many small sects: the need will be met through the supply generated by the disestablishment of the church"[688] Eric Schliesser claims that Smith made "arguments for…disestablishment."[689] This would mean that Smith, as Schliesser supposes, "went beyond Spinoza (and Hume) and advocated disestablishment of religion."[690] Samuel Fleischacker suggests that "in the context of his time, it was quite unrealistic, not to say visionary, to urge the complete disestablishment of religion, the end of the East India Company,

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[684] Iannaccone, "The Consequences of Religious Market Structure," 157.

[685] Akeel Bilgrami, *Self-Knowledge and Resentment* (Cambridge: Harvard University Press, 2006).

[686] Kenneth Ewart Boulding, "Beyond Economics Essays on Society, Religion, and Ethics," (Ann Arbor: University of Michigan Press, 1968), 188.

[687] James E Alvey, "Adam Smith's Higher Vision of Capitalism," *Jeconiss Journal of Economic Issues* 32, no. 2 (1998): 445; Kelly Olds, "Privatizing the Church: Disestablishment in Connecticut and Massachusetts.," *Journal of Political Economy*, 277–97; "Although it is unlikely that he had read Wealth of Nations by that time, his 1785 'Memorial and Remonstrance Against Religious Assessments' contained two of Smith's arguments for disestablishment" S Fleischacker, "Adam Smith's Reception Among The American Founders, 1776-1790," *William and Mary Quarterly* 59 (2002): 897–924.

[688] Alvey, "Adam Smith's Higher Vision of Capitalism."

[689] Schliesser, *Adam Smith*, 345.

[690] Eric Schliesser, D. D. Raphael, and Leonidas Montes, "Book Reviews," *Ethics* 118, no. 3 (2008): 575.

and a legislative union between England and America."[691] Glory Liu describes "Smith's defense of disestablishment."[692]

Though these writers cast Smith as uniquely radical in proposing disestablishment, Dennis Rasmussen puts Smith within what he calls the "pragmatic Enlightenment," but plainly states that Smith called for "disestablishment"[693] of religion in order to create a "marketplace of religion."[694] To this day, it would be offensive to some—and certainly not 'pragmatic'—to call for the disestablishment of the Church of England, still more so if one's *reason* for disestablishment is to create a marketplace to increase economic pressure on churches.

All of this is wrong. In fact, the entirety of Art III is antidisestablishmentarian and there were important contemporary examples, Richard Price, Joseph Priestley, and Isaac Backus, William Godwin, of prominent arguments for disestablishment. In short, Smith could have been for disestablishment and he was not. We already have evidence that he was not: he praised the Kirk and aimed to resist democratizing it. No one can deny that this recommendation to the established Kirk is in the plain text of Art III just as I have described it.

All of these readings claim that Smith made, as it were, one argument: disestablish established religion for reasons X, Y, Z. What about the Kirk? It is not even interpretive charity to believe that Smith would not have been so careless to conclude, without caveats, that a) *all* established religions ought to be disestablished and b) the established Kirk ought to remain and remain relatively undemocratic. Perhaps scholars have avoided analyzing his praise of the Kirk and his relatively

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[691] Samuel Fleischacker, "On Adam Smith's 'Wealth of Nations,'" Response." *The Adam Smith Review* 2 (2006): 254.
[692] Glory M. Liu, *Adam Smith's America: How a Scottish Philosopher Became an Icon of American Capitalism*, (Princeton: Princeton University Press, 2022), 33 fn62.
[693] Dennis Rasmussen, *The Pragmatic Enlightenment*: *Recovering the Liberalism of Hume, Smith, Montesquieu, and Voltaire*, (New York: Cambridge University Press, 2013), 182.
[694] Rasmussen, in *The Oxford Handbook of Adam Smith*, 59.

undemocratic proposals for it because they have thought this was a perfunctory deference to institutions he knew well. Whatever their read is, they must offer one and they have not.

The solution to the puzzle is this: Smith was an antidisestablishmentarian. He was opposed to *establishing* a religion and opposed to *disestablishing* a religion. Non-establishment is best, but disestablishment is not a route to that: it will provoke re-establishment. Where there *is* an established religion (Scotland, England) it ought to be managed well.

Across the remaining chapters I will argue that Smith makes one proposal to England, one to America, and one to Scotland. The arguments he makes are entirely consistent because he is prioritizing, not liberty, but *order*. Liberty to choose one's religion and direct one's money to the church of one's choice really would seem to require something at least very close to disestablishment. What will achieve order will, naturally, change with context and could be consistent with establishment. Order in England, as I will argue, will be achieved by encouraging Methodism to perform a religious revival with the Church of England; order in America will be achieved by *refusing* to establish a religion should the Americans (or British) have the opportunity to design an ecclesiastical structure across the colonies; order in Scotland will be achieved by, essentially, staying the course. All of these claims are my original contributions to literature on Smith.

These conclusions indirectly support my claims in the first half of the dissertation and those claims in the first half indirectly support my conclusions in this half. If Smith was so concerned about men 'of system' and *the fundamental fact of politics,* as I have claimed he was, then we should expect to see that concern borne out in this key section on high politics in *Wealth of Nations*. Anyone wishing to challenge my work in this dissertation ought to find a misstep in my interpretation of Smith on religious establishment and then see how that effects other things I have claimed about his priorities. On the other hand, if one finds I have made a mistake in describing his priorities and his disagreements with Hobbes and Hume, they ought to be able to find the effects of my mistake in the interpretation

I give of Smith on religious establishment. Relatedly, those who argue that Smith called for disestablishment ought to somehow account for how that position could be made consistent with Smith on the 'man of system.' In short, my work should be valuable for setting up future debate.

This chapter and the puzzle I have just described frame the rest of the dissertation. In particular, this chapter sets up the next one, which is devoted entirely to Smith's argument made to England about its establishment. I aim to describe *the cycle of corruption and conquest* brought on by religious establishment. This chapter explains his antiestablishmentarianism. The thesis of this chapter is that Smith described the establishment of religion as a perpetually self-defeating alignment of persuasion and coercion. ¶1 of Art III describes establishment as a self-defeating alignment of persuasion and coercion; ¶7 describes this self-defeat as perpetual—a trap one cannot get out of. In short, ¶7 undermines any argument against disestablishment.

Chapter 6

'Coarse Clay' Political Realism: *The Cycle of Corruption and Conquest*

> The eighteenth century was a century of crisis rather than of equipoise, in which very few expected existing society to be stable, or even able to be maintained at all. No Enlightenment figure, from David Hume, Voltaire and Montesquieu to Rousseau, Smith and Kant, expected Britain to be able to sustain itself, let alone to become a constitutional model for others or a stable and successful empire. There were, of course, a large number of doubters, for whom Britain's demise had only been delayed.[695]
>
> -Richard Whatmore

Introduction

Art III of *Wealth of Nations* (1776) is a feast. There is real drama and rich text in Art III. Smith opens it with a long paragraph narrating the predictable approach of civil war in England. The rise of the Methodists was key evidence of its approach. The calamity was predictable because the English model of religious establishment was an example of the perpetually self-defeating institutional alignment of persuasion and coercion. As a result of its religious establishment, England was stuck in *the cycle of corruption and conquest*. This cycle and some of its historical context is the topic of this chapter, but I use this introduction to also describe some of the material in later chapters.

The cycle of corruption and conquest is primarily an effect of the overreaching of a regime for sources of support. The king, not satisfied with having coercive control, desires also to have an affective, persuasive, grip on hearts and minds. Not satisfied with being feared he wants to be loved. To

[695] Richard Whatmore, *Terrorists, Anarchists, and Republicans: The Genevans and the Irish in Time of Revolution* (Princeton: Princeton University Press, 2019), 349–50.

accomplish this he aligns with religious leaders who, in turn, align with him because they are not satisfied with being loved, they want also to be feared and securely paid. Religious establishment is one type of the general strategy of aligning coercive and persuasive force. The state aligning itself, as it were, with a *nation* is an instance of the same strategy.

As *the fundamental fact of politics* claims, we need no encouragement to admire the powerful. These coercive-persuasive alignments are self-defeating overreaches. The entwinement of persuasion and coercion undermines the vigour of the former and this renders the latter unbearable. Coercive support in favour of unpopular, expensive, persuasive power brings on powerful protests. Admiration of the powerful will swing wildly from the king and the archbishop to their competitors. The challenge will come from a new alignment of politics and religion. Once they are overthrown the process begins again. Religious establishment, indeed any attempt to grant coercive power more affective hold over the people, is perpetually self-defeating, and, what is crucial, is unnecessary. We are already, in effect, disposed to love the ones we fear.

I say Art. III is a feast because it handles a local problem while placing it within general institutional analysis and does this political work while explicitly drawing on the insights of Machiavelli on the sources of regime *renovatio*[696] and Hume's notion, as I shall argue, of a noble bribe. Smith understood the local problem in England to be an urgent instance of the general problem of combining coercion with persuasion. Art III is nothing less than an attempt to prolong the life of the English regime. Explicitly drawing on Machiavelli's depiction of Sts Francis and Dominic in *Discourses III.I*, Smith reckoned that the preservation of order in England depended on incentivizing the evangelical, enthusiastic,[697] and revivalist Methodists to remain within the Church of England while

[696] Maurizio Viroli and Antony Shugaar, *Machiavelli's God* (Princeton, N.J. ; Princeton University Press, 2012), 86–87,

[697] It is important to recognize the meaning of the word in Smith's context. The word derives from the Greek *en theos*. See: Susie I. Tucker, *Enthusiasm; a Study in Semantic Change* (Cambridge: Cambridge University Press, 1972); John GA Pocock, "Enthusiasm: The Antiself of Enlightenment," *Huntington Library Quarterly* 60, no. 1/2 (1997): 7–28.

bribing the indolence of the elite clergy, such as Hume had counseled. On this plan, England would have prolonged peace on what Smith depicts as something like a Gallican model.

Understanding the nature of Smith's political/institutional proposals requires careful attention to his rhetoric. The mechanism of that rhetoric, as I will show, is his contemporary audience's distaste for both the indolence of the Church and the industry of the Methodists. I include in that audience his American readers. As I document in chapter nine, Methodism and established churches were operating in America much as they were in England. Indeed, Virginia's established church was languishing under the same incentive problem Smith describes in ¶1.

Smith's central rhetorical move within the Methodism-Anglicanism space was the pacifical one of showing that Methodism's populist excesses and the clergy's indolence were bad in themselves and were each predictably caused by the incentives of religious establishment. Theirs were predictable, and so relatively excusable, vices that derived from a general institutional problem. The problem was not these actors, but the institution of religious establishment.

> [W]hen it has once enjoyed for a century or two the security of a legal establishment, [the clergy] has found itself incapable of making any vigorous defence against any new sect which chose to attack its doctrine or discipline. Upon such occasions the advantage in point of learning and good writing may sometimes be on the side of the established church. But the arts of popularity, all the arts of gaining proselytes, are constantly on the side of its adversaries.[698]

Under the security of establishment the clergy have "given themselves up to indolence" in everything except "learning."[699] This opened a market for a religion that was exciting and accessible and this explained the Methodists: division of labour, meet extent of the market.

The really *grave* effects of the dynamics of establishment (indolence of the clergy and industry of sectarian life were relatively acceptable effects) would be triggered if, as had happened in the English Civil Wars, the Church were to "call upon the civil magistrate to persecute, destroy, or drive out their

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[698] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations. 800.*
[699] Ibid, 789.

adversaries, as disturbers of the public peace."[700] This defensive reaction from the Church against the Methodists, or any other sect, would, in its effect, compel the 'civil magistrate' into initiating a civil war.

Smith's rhetoric manages to alarm his audience while irenically drawing attention away from specific people (Anglicans, Methodists) toward the manipulable incentives created by establishment itself. Smith's task was now to find a reform that would at least delay the *Church*, as it were, calling in the *State* to violently persecute its adversaries. This task involves first-order politics: policy shifts from new conceptualizations of current problems. Smith attends to existing institutions rather than wishing them away.

As I argue in the next chapter, Smith proposed a plan to encourage the ecclesiastical conservatism that existed among the Methodists and the established clergy by "brib[ing]," as he quotes Hume suggesting, the "indolence"[701] of the latter. This would increase the ecclesiastical conservatism of each because the Methodists' success in gaining adherents in large part depended on the public evidence of their *relative* industry against the indolence of the elite of the Church.

Smith's reference to "Machiavel,"[702] as I show in the next chapter, is evidence that he had worked out how to mobilize this ecclesiastical conservatism. The clergy's indolence was in the Methodists' strategic interest; they needed the staid Church's learned unpopularity as a foil for their emancipatory lay field-preaching. However, as long as the Church had the political-spiritual leverage to effectively compel the 'civil magistrate' to command violence on its behalf, England was on the verge. In addition to delaying the Church's call for defensive violence, Hume's noble bribe, as I will call it, might also, over time, undermine the Church's leverage. The established clergy, the reasoning

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[700] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations,* 790.
[701] He quotes Hume from Hume, *The History of England, vol III, 30-1*. At ibid, 790-791.
[702] Ibid, 790.

goes, would deepen their learning and, with it, their unpopularity until the 'civil magistrate' might deny them defense with impunity.

In ¶1 of Art III the collapse of a regime of church and state is described (i.e. aligning coercion and persuasion is self-defeating). In ¶7 Smith makes it clear that this collapse will only bring on re-establishment (i.e. the self-defeat is perpetual). It is as if ¶1 describes something like the English Civil Wars and ¶7 describes the Restoration. *The cycle of corruption and conquest*, then, is a combination of the obviously paired paragraphs of 1 and 7. ¶¶ 2-6 contain Smith ecclesiastical proposal to England. They ought to, as Hume will put it, bribe their clergy into indolence. Smith will then use the Methodists to perform a renewal of the regime, evidence of this move is in the reference to Machiavelli in ¶2. Prolonging the time between collapse is, perhaps, the best that England could hope for. This was Smith's attempt to make the English constitution *orderly*. It handles, in different ways, each of the problem-types that spring from *the fundamental fact of politics*.

This perpetually self-defeating collapse is the central problematic of stability that frames the entirety of Art III. If Smith devoted ¶¶ 2-6 to slowing down this cycle of civil war in England, then he devoted ¶8 to preventing that cycle's emergence when and where possible. I call the argument of ¶8 an argument for the non-establishment of religion. In chapter nine I argue that ¶8 describes America and is intended as a proposal to America. Finally, ¶¶36-42 describe the state church in Scotland, the Kirk, and propose some minor reforms. Smith straightforwardly and deliberately *approves* of this established church. It is important to note this because it immediately puts pressure on the claim that Smith called for the disestablishment of religion. My own interpretation of Smith manages to explain these three distinct ecclesiastical proposals as consistent with his ordering of order, justice, and liberty.

The three primary tasks of this chapter are to provide a) an explanation of the generalizable structure of this *cycle of corruption and conquest* and b) the specific instantiation of it as it appeared in

England, while c) setting the stage for the specific palliatives Smith will offer to the perpetually self-defeating alignment of persuasion and coercion inherent in religious establishment. In brief, this chapter interprets ¶1 of Art III.

Smith's political reforms would channel the Methodists in ways that supported bare political stability. The reforms were consistent with the existing *order*liness of England's constitution and would likely increase the levels of justice in it. An increase in justice is predictable because the Methodists were in fact, and Smith himself suggests that that they were, providing the sources of self-respect among the lowest-ranking people that could maintain, increase, or stop the decline of levels of justice. Methodism was a faith and a set of practices, as Smith himself argues, that would increase the social bearing of its members. Increasing the social bearing of the worst-off, from whom it is well-known that Methodism drew its numbers, was a way of increasing social practices of accountability, and so, as I have argued, of increasing the virtue of justice.

If I am right about the proposal to England, Smith can therefore be said to have proposed as a policy for England what the twentieth-century historian and sociologist Elie Halévy[703] famously offered in his *England in 1815* (1913) as an *explanation* for why revolution did not spread to England from France: Methodism in England dampened political radicalism. In the conclusion to that book Halévy counted England as "a free country." Its "executive was systematically weakened in every direction," it had a free press, and so on. "And finally," he wrote, even though it has the "Established Church," it is free even in religious matters, for "whatever privileges it might enjoy, [the Church] left the sects outside her borders entire liberty of organization, full power to form a host of little States within the state."[704] The Methodists forestalled revolution quite accidentally. It was "because they

[703] Elie Halévy, *The Birth of Methodism in England*; (Chicago: Chicago University Press, 1971) Élie Halévy, *The Growth of Philosophic Radicalism* (Clifton, N.J.: A.M. Kelley, 1972); Élie Halévy, *A History of the English People in the Nineteenth Century*, University Paperbacks (New York: Barnes & Noble, 1961).
[704] Halévy, *A History of the English People in 1815*, 589.

lacked the power of legal coercion" that their associations had to compel adherents by "moral authority" and attractive liturgy, and by this "[u]niting their influence with that of industrialism, they fashioned the character of the English middle class." The "ruling classes" had no part in this. They had been frightened by:

> the French Revolution and the American War of Independence and feared 'Methodism' almost equally with Jacobinism. *Had they understood the situation better, they would have realized that Methodism was the antidote to Jacobinism, and that the free organization of the sects was the foundation of social order in England.* [my emphasis][705]

In that last sentence, Halévy, in essence, summarises what I shall prove that Smith saw and recommended. This ought to be an astonishing finding for the support it gives to my interpretation. Perhaps it suggests that Smith was wise to make the proposal that he did, but the first point of mentioning this connection to the historical thesis is simply that supports my interpretation of Smith's context so neatly.

Scholars have found similar claims about the effects of Methodism made as far back as the 1830s. Even the eulogy at John Wesley's funeral (1791) remembered that famous Methodist as a calming influence "in a politically restive situation."[706] For all the importance the Halévy Thesis has had within Marxist analyses and as "a classic debate among historiographers" concerning "whether or not the Methodist revival somehow inhibited a second English revolution on the French model,"[707] very little attention has been paid to Smith's potential role as an activist in favor of it, *avant la lettre*. This is the second point that warrants the connection: how should we evaluate Smith's proposal given the debates surrounding it within and against Marxist historiography.

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[705] Halévy, *A History*, 590–91.

[706] John Wesley, Frank Whaling, and Charles Wesley, *John and Charles Wesley: Selected Prayers, Hymns, Journal Notes, Sermons, Letters and Treatises*, The Classics of Western Spirituality (New York: Paulist Press, 1981), 57; Clement Hawes, *Mania and Literary Style: The Rhetoric of Enthusiasm from the Ranters to Christopher Smart*, vol. 29 (Cambridge: Cambridge University Press, 1996).

[707] Hawes, *Mania and Literary Style*, 129.

Dating from 1906, the so-called Halévy Thesis has been much discussed by figures as notable as E.P Thompson,[708] E.J. Hobsbawm, [709] Gertrude Himmelfarb,[710] and Bernard Semmel.[711] Thompson's book alone, *The Making of the English Working Class*, has been the source of incredible debate. Himmelfarb, for instance, believed the thesis disproved some tenets of historical materialism by showing the overwhelming influence of ideas on politics. David Hempton and John Walsh suggest that Thompson's "picture of second-generation Methodists becoming, wittingly or unwittingly, the facilitators of dehumanizing industrialization and political repression has become…an important reference point for all those interested in the modern social history of religion."[712] Whether or not, and, if so, how, Smith was a self-conscious figure in the politicization of Methodism would seem to be something we should very much like to know.

When the Halévy Thesis is accepted as explaining, to even some degree, England's relative political stability into the nineteenth century and beyond, there is often a kind of split in the manner of understanding the nature of Methodism's prevention of political radicalism: the Methodist movement either self-consciously acted as a kind of effective "police"[713]—in the broad eighteenth-century sense of that word—that in fact diminished the disruptive moral and educational effects of commerce *or* it promoted a quiescent ethic that merely *accepted* the consequences of these effects. John Legge writes that

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[708] E. P. Thompson, *The Making of the English Working Class*, [New ed.]. (London: Penguin, 1991) For commentary on Thompson's depiction of Methodism see:: David Hempton and John Walsh, "E.P. Thompson and Methodism," in *God and Mammon : Protestants, Money, and the Market, 1790-1860*, ed. Mark A. Noll, online (Oxford ; Oxford University Press, 2002), http://site.ebrary.com/id/10273265.

[709] E. J. Hobsbawm, *Labouring Men; Studies in the History of Labour* (New York: Basic Books, 1965).

[710] Gertrude Himmelfarb, *Victorian Minds*, First edition. (New York: Knopf, 1968) Especially "Postscript on the Halévy Thesis."

[711] Bernard Semmel, *The Methodist Revolution.* (New York: Basic Books, 1973).

[712] David Hempton and John Walsh, "E.P. Thompson and Methodism" in ed. Mark Noll *God and Mammon: Protestants, Money, and the Market, 1790-1860.* (Oxford: Oxford University Press, 2002), 99.

[713] The Methodists, Foucault writes, "took it upon themselves to organize their own police." Michel Foucault, *Power: :Essential Works of Foucault, 1954-1984*, ed. James D. Faubion (New York: New Press,2000), 60.

> [I]n nineteenth-century England, the wealthy enjoyed the moral comfort provided by the Church of England, whose comfortable vicars preached the glories of a divinely ordered society; while the Methodists, preaching to their lower middle-class and working-class congregations, were likely to refer to the Sermon on the Mount and discuss camels struggling through the eye of a needle.[714]

Michel Foucault depicts Methodists as performing each of the tasks of social support and moral surveillance, and I quote him at length:

> John Wesley [one of the founders of Methodism], for example, visited the Methodist communities on inspection trips, a bit like the bishops of the early Middle Ages…All these societies had the dual task of supervision and welfare assistance. They took on the task of helping those who didn't possess the means of subsistence, those too old to work, the sick, the mentally ill. At the same time as they offered assistance, though, they accorded themselves the possibility and right to observe the conditions in which the assistance was given: observing whether the individual who wasn't working was actually ill, whether his poverty and his misery were not due to debauchery…[715]

Methodists, that is, genuinely improved the welfare of those whose value the commercial age unreasonably questioned (the ill, the elderly, the imprisoned) but also focussed a socio-political microscope on those, should they in fact exist as depicted, whose value the commercial age had rationally questioned: the profligate poor. Each of these interpretations are of what one might call the first-order effects of Methodism.

Smith, I argue, was neither so sanguine about Methodism and Methodist practice to suggest that it would overcome, as he saw them, the dehumanizing forces of commerce—division of labor had "mutilated and deformed in a[n]…essential part of the human character"[716]—nor was he cynical enough to at once dramatically and powerfully describe the worst effects of the division of labour in the commercial age only to immediately promote an ethic meant to adapt a people to these effects.

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[714] "[I]n nineteenth-century England, the wealthy enjoyed the moral comfort provided by the Church of England, whose comfortable vicars preached the glories of a divinely ordered society; while the Methodists, preaching to their lower middle-class and working-class congregations, were likely to refer to the Sermon on the Mount and discuss camels struggling through the eye of a needle." John M. Legge, *Economics versus Reality: How to Be Effective in the Real World in Spite of Economic Theory* (New Brunswick, New Jersey: Transaction Publishers, 2016).

[715] Foucault, *Power: Essential Works of Foucault*, 60.

[716] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 788.

Methodism was giving a platform to those who ought to hold their superiors accountable. Whatever Smith's intentions, and whatever the nature of his proposals could be taken as representing, all of it was done in public in *Wealth of Nations*.

Finally, if Smith can be said to have seen Methodism as a preventative for a very bad thing, it was as a preventative of religio-political civil war. He was not using the Methodists, if this were even possible, to buttress an economic system, still less to render the working class less powerful. The thing he aimed at preventing was *state violence* in the interest of protecting a waning church that might trigger a violent response from the strongest religious and political factions. Smith predicted a civil war because of the intrinsic instability of the alignment of church and state, or even more broadly, of an effect intrinsic to the institutional alignment of persuasion and coercion. These are classical themes of political theory.

What I am calling Hume's noble bribe is the subject of chapter seven. The non-establishment argument is the subject of chapters eight and nine. Chapter eight considers questions about the nature of the normativity of the non-establishment argument. Is it grounded in a moralized conception of liberty, liberty of conscience, or civil religion? Is it derived from a quasi-constructivist thought experiment? I argue that it is none of these things and is instead consistent with his realist commitments and the priority of *order* and so the support of civil society. Chapter nine, then, makes the argument that Smith was *directing* the non-establishment argument to America and *its* traditions. As Andrea Sangiovanni has described a realist method, my reading of Art III shows that Smith is attentive to "[t]he history of institutions" because this history "records the results of cooperation in conditions of fundamental political conflict and disagreement."[717] This reading undermines the claim

[717] Andrea Sangiovanni, "Justice and the Priority of Politics to Morality," *Journal of Political Philosophy* 16, no. 2 (2008): 137–64.

that what Smith did in Art III was press an ahistorical, economic imperialist, argument for the disestablishment of religion.

This chapter will repeatedly describe *the cycle of corruption and conquest* and will repeatedly link Smith and Methodism. I do this repetition because what I am arguing in this second half of the dissertation is entirely new and depends on context and analysis that few have paid attention to. Thus, this chapter sets up the work of the next chapters but is worthwhile in itself for bringing up all kinds of detail that has been overlooked before. Facts about Smith potentially attending a very famous sermon of Wesley's or Wesley quoting from Smith's obituary of Hume have, to my knowledge, never been discussed, or at least, never seriously considered as related to Smith's most explicitly political arguments about religious establishment. In short, the value of this chapter is in its details and its establishing a kind of analysis of the cycle of regimes that is central to Smith's thought.

While my goal is to exhibit and explain the application of Smith's political theory to a classic question in political thought, one of the genuine achievements of my work consists in the discovery of details that are suggestive and so prefatory to future work. Conscious that I am breaking new ground I will be cautious to "actively tackle uncertainty, by reducing and reporting it."[718] No doubt some of the detail will seem minor or speculative. While this may be true of them as supports for my basic exegetical claims, it is not true for my aim of opening research lanes for further work on Smith. There is, I believe, much more to be found surrounding Smith's understanding of Methodism and related events.

In the first section I describe the basic problematic of Art III (6.2 The Cycle of Corruption and Conquest: ¶1 and ¶7). Religious establishment is a perpetually self-defeating alignment of persuasion and coercion. I show that Smith's narration of this parallels a story that can be told using popular art of the day. More importantly, I show that Smith might first have got the ideas he worked

[718] Adrian Blau, "Uncertainty and the History of Ideas," *History and Theory* 50, no. 3 (2011): 358.

in *Wealth of Nations* (1776) from a sermon of John Welsey's that he likely attended, but certainly knew about. The next section describes the position the king is in when his church is waning in popularity and demanding he do a very unpopular thing: persecute the sect that is on the ascent. Should the king a) persecute as demanded, b) disestablish this clergy, or c) somehow manage to refrain from doing either of these (6.3 The Dilemma (or trilemma) of Establishment)? I close with a section that once again ties Smith and Wesley together (6.4 Methodism and Sentimentalism). I show that Wesley's attempt to skirt the charge of being an enthusiast while nevertheless holding a religion of the heart was like Smith's attempt to use Humean sympathy and sentimentalism yet cast these as more cognitive than Hume had allowed. The point is to draw Smith and Wesley close together to suggest that Smith had quite closely studied, or would anyway have very well understood, the Wesleyan movement.

6.2 The Cycle of Corruption and Conquest: ¶1 and ¶7

In the standard case of the causes of the establishment of religion Smith, in ¶7, asks us to consider a people in the midst of deep disorder. "Times of violent religious controversy" he says, "have generally been times of equally violent political faction." In these circumstances all ambitious political actors will need to, or will find it overwhelmingly in their interest to, take some substantive position on the religious controversy if they are to become the new reigning authority. The religious leaders face the same circumstances, and so will link their views to a political faction.

Political actors will naturally "league [themselves] with some one or other of the contending religious sects." Ultimately, the "conquering party" will come from those who have forged this type of alliance between politics and religion. After the victory the religious leaders "were weary…of humouring the people, and of depending upon their caprice for a subsistence." Because they had provided a unique support to the political faction, the religious leaders would have had the leverage to "first demand" that the new "civil magistrate…silence and subdue" their religious adversaries. In this case there would be no rival to their doctrines, no competition to hold off. They achieve, what

Acemoglu and Robinson call "growth without creative destruction."[719] They beat their rivals, we might say, without *besting* them. This conquering religion then captured the state.

The clergy's "second" demand was for the "independent provision" of the goods of establishment: the tithe, vast libraries, and institutions for training young clergy and so on. They would no longer be forced to get the money for these goods by satisfying their parishioners; they could have the state force all citizens to give them the money for these goods. Smith continues to narrate the early stages of establishment:

> The civil magistrate, who could comply with this demand only by giving them something which he would have chosen much rather to take, or to keep to himself, was seldom very forward to grant it. Necessity, however forced him to submit at last…[720]

The holder of secular power has a rational interest in considering establishment in the circumstances presented in ¶7. Smith places us in a kind of civil war where the sides are divided by politics and religion. Religious leaders would look for allies in the political realm, and vice versa. They would have to.

Smith accepted that, at least in his day, it was a fact that "the authority of religion is superior to every other authority. The fears which it suggests conquer all other fears."[721] No secular authority could do without addressing itself to the question of how to handle this fact. The secular authority might have legitimate purposes in developing an institutionalized relationship to religious authority, but the secular interest in being an authority, period, requires the magistrate to reconcile himself to the psychological reality of the superiority of the Hobbesian fear of the crozier over the fear of the sword.

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[719] Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*:, (New York: Crown, 2012), 170

[720] Smith, *Wealth of Nations,* 792.

[721] Ibid, 802.

¶7 is about the initial steps of establishment out of civil war but is more properly described as about *re-establishment*. When he asks us to imagine times of 'violent religious controversy' and 'equally violent political faction' he is describing the aftermath of the collapse of the previous alignment of church and state.

¶1 had explained that establishment weakens the hold of the clergy over the affections of the people. When challenged, the established clergy demand that the state supress their rivals. In paragraph ¶7, clearly some steps forward in time, Smith places us in the midst of violent religious and political circumstances that follows some time after original establishment and claims that an alignment between church and state ends it. Thus, ¶1 is about the decline of a state-church regime and ¶7 is about how a new one begins in the midst of a civil war with religious/doctrinal causes. ¶7 begins after the collapse and explains how political and religious strife brings on re-establishment.

¶1 of Art III, then, puts us in the middle of *the cycle of corruption and conquest*. It begins with the problem Smith thinks the English establishment is suffering under. He compares the "teachers" of religion to professors, like those at Oxford, whom he has just finished analyzing in Article II. When professors depend for their "subsistence" upon the voluntary payment of their students "[t]heir exertion, their zeal and industry, are likely to be much greater" than if they gain their subsistence "from some other fund to which the law of their country may entitle them."[722] This is a familiar Smithian analysis of incentives: "[i]n every profession, the exertion of the greater part of those who exercise it, is always in proportion to the necessity they are under of making that exertion."[723]

Smith intended, it is clear, to consider the design of institutions to require, as Hume suggested, that "*every man be supposed a knave*."[724] For the sake of argument he might even have granted what

[722] Smith, *Wealth of Nations*, 788.
[723] The logic of this claim is repeated in slight variation in discussions of joint stock companies and judges. Smith, *Wealth of Nations*, 719, 813.
[724] David Hume, "Of the Independency of Parliament, in *Essays Moral, Political, and Literary*, 42.

Bernard Mandeville assumed, that "clergy-men are made of the same mould, and have the same corrupt nature with other men."[725] The long narration and analysis of the fall of the feudal lords in Book III set up the seamless transition he makes from Article II and the structure of incentives at high-church, Anglican-only, Oxford to the structure of incentives within the Church in Art III.

Just as a public (essentially tenured) professor will likely become expert in his field of interest because he is freed to satisfy his own particular curiosity by the security of his wage, members of an established clergy will likely become "men of learning and elegance,"[726] and on the very same principle of unconstrained vocation. It follows, though, that the professor will give "up altogether even the pretence of teaching,"[727] just as the clergy will "neglect[] to keep up the fervour of faith and devotion in the great body of the people."[728] Their calling, on the whole, was never to becoming a broadly popular teacher or preacher, but to something like learning and devotion itself. The good of secular and religious education, however, depended upon its being universally useful and the incentive toward the specialization of instructors undermined this good.

By the time the reader gets to Art III, in short, they are prepared for the kind of analysis Smith undertakes. The first paragraph is pivotal to the action of the rest of Art III because it presents the central problematic that drives the text. In essence, it is a problem of moral hazard: political actors align themselves with religious leaders in order to secure the allegiance of citizens through the persuasive means that religion had then virtually monopolized. In exchange for the support from persuasive teachers of religion, the political actor would insure religious leaders against the effects and stressful demands of competition for popularity. This insurance frees the religious leaders to pursue what they will without having to concern themselves with what the magistrate most desperately needs:

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[725] Bernard de Mandeville, from *Free Thoughts on Religion, the Church, and National Happiness* (Transaction Publishers, 1729), quoted in Ryu Susato, *Hume's Scpetical Enlightenment*, (Oxford: Oxford University Press, 2015), 144.
[726] Smith, *Wealth of Nations*, 789.
[727] Ibid, 761.
[728] Ibid, 789.

their remaining popular. In Hirschman's terms, an established Church legally restricts "exit" options by having the influence to cast those who exit as intolerably unorthodox and responds to the expression of "voice" by demanding its violent suppression. Establishment had no clear non-violent means to Hirschmanian "mechanisms of recuperation."[729]

The clergy prefer to spend their time on fine theological pursuits and thus secular force is left protecting a dangerously unpersuasive—un*popular*—religion. This gives rise to new religious movements who gain strength from railing against the corruption of the elites. When the established clergy demands violent suppression of this dissent the civil magistrate is faced with a despot's dilemma.

In the *Florentine Histories*, Book V, chapter 1, Machiavelli describes something very similar to this cycle of corruption and conquest resulting from the institutional alignment of coercion and persuasion:

> As soon as they reach their ultimate perfection, having no further to rise, they must descend; and similarly, once they have descended and through their disorders arrived at the ultimate depth, since they cannot descend further, of necessity they must rise. Thus they are always descending from good to bad and rising from bad to good.' For virtue gives birth to quiet, quiet to leisure, leisure to disorder, disorder to ruin; and similarly, from ruin, order is born; from order, virtue; and from virtue, glory and good fortune.[730]

Smith's ¶1—especially when combined with ¶7—leaves us with this same sense of a cyclical and disastrous yet forgivable and therefore tragic institutionalized indolence. He references the *Florentine Histories* elsewhere in *Wealth of Nations*[731] but the passage from it I quoted above is even more conspicuous because in Smith's second paragraph—we have only considered the first and seventh so far—he will explicitly reference Machiavelli's *Discourses* III.I. His is an open Machiavellianism.

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[729] Albert O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States* (Cambridge, Mass: Harvard University Press, 2004), 6.

[730] Niccolo Machiavelli, *Florentine Histories,* translated Laura F. Banfield, and Harvey C. Mansfield, (Princeton, N.J.: Princeton University Press, 1992), 185.

[731] Describing the East India Company having become like Lorenzo Medici: Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 819.

England was stuck in a cycle of civil war, a *cycle of corruption and conquest*, because it had once joined its politics to religion—had institutionally supported a *particular* source of persuasion with *generalized* coercion. Given the goal of authority, this form of establishment was self-defeating and perpetual. Because the Church ruled an uncontestable market with only the highest cost means (i.e. civil war) to creative destruction, the Anglican clergy had neglected and then lost their powers of popular persuasion. The waning of their popularity rendered the coercive extraction of the means of their establishment (the tithe and enforced boundaries of narrow religious tolerance) increasingly despotic. This despotism nullified the authority of the magistrate and begat civil war; the alignment of persuasion and coercion for securing authority was self-defeating.

The self-defeat was *perpetual* because the very decline of the popularity of the established church would have initiated the rise of dissenting sects who then lent their persuasive force to political arguments against the magistrate. The rebellion against establishment came from *dissenting* alignments of politics and religion. Despotism in favor of an effete church caused a *type* of civil war the resolution of which required a new—and similarly doomed—alignment of the secular and the religious.

I said Art III is a feast: within its first nine paragraphs our one-time professor of Rhetoric and Belles-Lettres has offered an analysis of the relationship of coercion and persuasion that recalls his accounts of the fall of feudalism, the Reformation, the civil wars in England and recalls these in much the way Hume and Hobbes had presented them; he has compared evangelical "methodists," "those ignorant enthusiasts," to irresistible "hungry Tartars of the North" who were preparing to attack the coddled, "indolen[t]" and *therefore* "perfectly defenceless" clergy of the Church of England—a class as vulnerable to the Methodists as "the full fed nations of Asia"[732] were to the Tatars; he has thereby warned his prospective readers about the approach of civil war; he has made explicit reference to Machiavelli's arch praise of St Francis and St Dominic as expedients to political stability; and Smith

[732] Smith, *Wealth of Nations*, 789.

does all of this to introduce and complicate a quotation of some six hundred words of Hume supporting the establishment of religion on the grounds that this would "bribe the indolence"[733] of priests.

Art III really ought to have a frontispiece, and so I have given it one. I propose a triptych with William Hogarth's *The Sleeping Congregation* (1732) on the far left: an Anglican priest is putting his congregation to sleep with his, no doubt, deeply-learned sermon.

[733] David Hume in Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 791.

The Sleeping Congregation (1736) -William Hogarth[734]

[734] "William Hogarth | The Sleeping Congregation | The Met," accessed May 11, 2020, https://www.metmuseum.org/art/collection/search/396793.

At that very moment in real time (1730s) the Methodists were developing their boldly persuasive practices precisely because—on Smith's telling—the established clergy were waning in theirs. In the middle panel is Robert Pranker's (1750) *Enthusiasm Displayed*. Here we have the Calvinist-Methodist George Whitefield field-preaching to an ordinary crowd in a humble outdoor space. In the frame, several people have been overcome and collapsed, no doubt from an evangelical new birth such as the Methodists' had frequently inspired.

Enthusiasm Displayed (1765) -Robert Pranker[735]

[735] "Print; Satirical Print | British Museum," accessed May 11, 2020, https://www.britishmuseum.org/collection/object/P_1871-0812-1600.

On the right is what Hogarth offered, some thirty years later, as the intentional mirror to the *Sleeping Congregation,* (1732) *Enthusiasm Delineated* (1761).[736] In this piece, Hogarth intentionally returns us to the unremarkable form of the church in *The Sleeping Congregation*, but in the place of the soporific preacher we find, as in Pranker's etching, the fiery Calvinist-Methodist George Whitefield. The density of allusion in the piece is astonishing.

[736] Later redrawn and named Credulity, Superstition, and Fanatcisim: a Medley.

Enthusiasm Delineated (1760-62)-William Hogarth[737]

Wesley, an Arminian-Methodist, himself had grown up in a house, as he would frequently tell it, that was haunted by a ghost. It was common to mock the Methodists by associating them with the most bizarre supernatural claims from popular culture. Thus, Hogarth filled the engraving with a huge number of the era's wildest supernatural events: the Cock Lane Haunting, which was a twisted plot involving loan-sharking and a ghost who revealed the identity of a murderer; Mary Toft, a woman who was said to have given birth to rabbits.[738] Each of these and many other supernatural events were cultural flashpoints that divided the orthodox Anglicans and Methodists. Most importantly, in Hogarth's engraving Whitefield's exuberance has popped the wig off his head to reveal a Jesuitical tonsure. This was Hogarth's way of alluding to the common association of Methodism with Jacobitism. I mention these facts in order to give a sense of the cultural currency of any appeal to Methodism. Reference to them brought with it a host of associations. Hogarth was, in effect, summarizing the place of the Methodists in the civil society of the age.

This progression from left to right across the triptych begins and ends just as Smith's first paragraph does: we first find the coddled clergy losing, as Smith claimed, the arts of persuasion—Hogarth's *Sleeping Congregation*—which thereby inspires a revivalist sect to cultivate its "arts of popularity"[739] and collect supporters among the lowest ranks of people—Pranker's *Enthusiasm Displayed*—in order to rebel against the established church, which h is the implied Jacobitism in *Enthusiasm Delineated*. It is not just that these three pieces fit Smith's narrative so well, but that they fit the actual history of Methodism upon which Smith's rhetoric relies. The triptych could have verses

[737] "Print; Satirical Print | British Museum." Paulson 1989 / Hogarth's Graphic Works: third edition (210.I) https://www.britishmuseum.org/collection/object/P_1858-0417-582

[738] Karen Harvey, *The Imposteress Rabbit Breeder : Mary Toft and Eighteenth-Century England*, First edition (Oxford:Oxford University Press, 2020).

[739] Smith, *Wealth of Nations*, 789.

from Jonathan Swift's *Upon Sleeping in Church*[740] under it. Smith was relating, *and knew he was relating*, a well-understood history that we no longer recognize but his readers would have. The frontispiece helps put us into that context. His reference to the Methodists ought to be understood as tapping into a mainstream concern with both the energy of the Methodists and the lethargy of the Church.

The language[741] of Smith's first paragraph not only recalls the English Civil Wars, but also the much more recent Jacobite rebellions of 1715 and 1745 ('hungry Tartars of the North'). Thus Smith opens Art III by posing what Bernard Williams famously called "the first political question: the securing of order, protection, safety, trust, cooperation."[742] That question is asked by Smith's best political science of regime collapse and is answered within the constraints of existing contexts. His evaluations of religious establishment and proposals for reform proceed on an identifiably realist ordering of values: a sustained peace and order that is secured, as far as possible, by means that support the conditions of justice—the conditions, in his theory, for recognized equal dignity.[743]

In addition to what was said above about the continuity between the analyses in Articles II and III, they can also be run together because each institution is, as he says of Scottish universities,

> upon the whole, as unexceptionable as any public institutions of that kind, which contain in their very nature the seeds and causes of negligence and corruption…[744]

This remark was written to William Cullen in response to the Duke of Buccleuch's interest in having Scottish universities reformed, a cause to which Smith was sympathetic.

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[740] Camille R. La Bossière, "'Upon Sleeping in Church': Swift's Sermons and the Ethics of Wit," *The Canadian Journal of Irish Studies* 19, no. 1 (1993): 1–11.

[741] Vivienne Brown, *Adam Smith's Discourse: Canonicity, Commerce and Conscience* (London ; New York: Routledge, 1994); Samuel Fleischacker, *On Adam Smith's "Wealth of Nations": A Philosophical Companion.* (Princeton: Princeton University Press, 2009).

[742] Williams, "Realism and Moralism in Political Theory," 3.

[743] Remy Debes, "Adam Smith on Dignity and Equality," *British Journal for the History of Philosophy* 20, no. 1 (2012): 109–40.

[744] Smith, *The Correspondence of Adam Smith*, 173.

Smith cautioned Cullen, however, about the way they are planning to have the state interact with a secondary association, the university:

> With regard to admonition or threatening, or any other method of interfering in the affairs of a body corporate, which is not perfectly strictly regular and legal, these are expedients which I am convinced neither his Majesty nor any of his present Ministers would choose to employ either now or at any time hereafter, in order to obtain an object of much greater consequence than this reformation of Scotch degrees.[745]

Smith cautioned against 'any…method of interfering in the affairs of a body corporate.' What to do about the Church of England then?

Recall that the dominant reading of Art III is of it as calling for the disestablishment of religion. In this letter to Cullen he is utterly rejecting the idea of the state meddling in 'the affairs of a body corporate.' Did he nevertheless think that the state ought to just throw out the Church of England? How can those describing Smith as calling for disestablishment square this statement of Smith's, the 'man of system,' with that call for disestablishment?

Smith's reasoning about persuasion and coercion is perfectly general. The logic of collapse holds, if, in the interest of deepening his authority, the king established a public singer, a playwright, or institutionally aligned himself with the source of persuasion intended in appeals to nationalism. This is enervation by co-optation. It becomes insupportable because every time purportedly *general* coercive force backs a particular persuasive power, insures it against competition, it particularizes itself. The king is seen as coercively backing this clergy, not the people or the realm in general. The identity of the coercive force is not, as it should be, associated with law and order, but with the quality of the persuasive actors. The coercive power of the state ought to work for the *common* good and is supportable when its power has that general aim. That general coercion becomes less tolerable when its aim is to back a *particular* persuasive force that is uninterested, or incapable, of maintaining their

[745] Smith, *Wealth of Nations*, 174.

popularity. The coercive power becomes intolerable when that persuasive force is utterly incapable of getting an effective hold on the people yet coercive force continually compels people to support the persuaders.

It is just this affective power of the clergy that coercive backing weakens in the persuaders. The guarantee of a tithe, or a source of funding generally, removes the revivifying forces of popular reaction to persuasive techniques. This is like the reason internal to a type of propped-up fame that explains why it lasts only fifteen minutes. It is the logic behind the bedevilling sophomore slump: the artist who fought to gain an audience wins one and is then backed by a record label, or secure reputation, and is freed to make the art, so the cliché goes, that she had always wanted to make and no one wants to hear.

The coercive protection of preachers fails not precisely because belief cannot be coerced but because preachers depend upon the discipline of *uncoerced* approval to determine how and why to carry on. Just as a coercively distorted price signal disguises demand and so is useless information to a producer so a coerced audience's applause is useless flattery to an orator. Even if an audience's approval could be coerced, the guarantee of approval removes an important incentive that motivates an orator to cultivate the powers of persuasion. To maintain his popularity as the orator's powers wane the coercion of financial support of him must intensify.

This process of ascension, corruption, and collapse plays out in many examples across Smith's works. "Political change happened, on the whole," Istvan Hont, writes "not because of a revolution against a corrupt ruling class, but through the self-destruction of elites. These elites consistently undermined their own power base by failing to understand the intricate intertwining of power and authority in their own feudal political culture."[746] In Book III of *Wealth of Nations*, Smith describes how

[746] Istvan Hont, "Adam Smith's History of Law and Government as Political Theory," in *Political Judgement: Essays for John Dunn*, ed. Richard Bourke and Raymond Geuss (Cambridge: Cambridge University Press, 2009), 168.

feudal lords had shared the surplus of their estates with a large number of retainers. This got them affective support. Even the grandeur of the lord's lifestyle was, in a sense, affectively shared with the serfs *via* their sympathy with his vice.

But then, under "the silent and insensible operation of foreign commerce and manufactures" the lords were tempted to spend their surplus on these new manufactured goods and not on their retainers. At first, the lords might have deepened support for themselves even further *via* a vicarious enjoyment of the lord's new luxuries. Yet, "for the gratification," Smith says, "of the most childish, the meanest and the most sordid of all vanities they gradually bartered their whole power and authority."[747] Indulging their own tastes without needing to indulge those of their retainers, their authority collapsed as they empowered those from whom they were buying luxuries. The mistake the lords had made was to think that the affective support they enjoyed had anything much to do with *them* and not their position and their usefulness to their subjects.

The same process had caused, in essence, the Reformation. As Smith writes, "before the establishment of arts and manufactures, the wealth of the clergy gave them the same sort of influence over the common people, which that of the great barons gave them over their respective vassals, tenants, and retainers."[748] As long as they had no luxuries to spend their wealth on, the clergy exhibited the "most profuse hospitality…and…the most extensive charity."[749] In a Machiavellian[750] addition to the 1790 edition of *Theory of Moral Sentiments,* Smith writes that the clergy deepened their hold on the people by insinuating themselves into private lives, in particular, by means of "auricular confession."[751]

In time, however,

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[747] Smith, *Wealth of Nations,* 419.
[748] Ibid, 801.
[749] Ibid.
[750] "having so much credit with peoples in confessions" Niccolò Machiavelli,, *Discourses on Livy* ed. Harvey C Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1998), 211.
[751] Smith, *The Theory of Moral Sentiments*, 805.

> [t]he inferior ranks of people no longer looked upon that order, as they had done before, as the comforters of their distress, and the relievers of their indigence. On the contrary, they were provoked and disgusted by the vanity, luxury, and expence of the richer clergy, who appeared to spend upon their own pleasures what had always been regarded as the patrimony of the poor.[752]

As Beiner describes, "[t]he hardheadedness about the realities of wealth and power displayed by Smith in this narrative is entirely in the spirit of great figures in the tradition of anticlerical thought such as Hobbes and Hume."[753] Smith's narrative, in this case, is of a protestant tradition and repeats the *cui bono* history Hobbes, for instance, offers in *Leviathan.*

A similar process, I have said, had ruined the "University of Oxford," where "the greater part of the public professors have, for these many years, given up altogether even the pretence of teaching."[754] The professors had joined the faculty on the strength of their scholarship and industry. At each step they had impressed with their broad talents and application. But the independence of their salary from the satisfaction of their students released them, essentially, into a kind of corruption. They spent their time not on the students but in their studies. This undermined the institution. *Scottish* universities, and Smith himself in *Wealth of Nations*, were the rebellious upstart using Oxford's indolence against itself. Smith, as Ronald Beiner notes, wants to draw our attention to the fact that "the funding of churches is analogous to the funding of schools."[755] Just as the title to article II explains that schools provide "Institutions for the Education of Youth," so churches provide, as the title of Art III puts it, "Institutions for the Instruction of People of all Ages."

In a 1740 letter from Balliol College, Smith had already noticed the difference between the rigor and quality between Glasgow and Oxford. He assures William Smith that there is no risk of him endangering his "health at Oxford by excessive study, our only business here being to go to prayers

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[752] Smith, *Wealth of Nations*, 804.
[753] Beiner, *Civil Religion*, 238.
[754] Smith, *Wealth of Nations*, 761.
[755] Beiner, *Civil Religion*, 241.

twice a day and to lecture twice a week."[756] In 1743, he tells his mother that he has just recovered from "a violent fit of laziness," and in July 1744, the month preceding an important sermon of Wesley's, he apologises to his mother for not having written "oftener," admitting that he has failed to largely from "laziness."[757]

Though he was witness to the indolence of his teachers, Smith might have first heard the founder of Methodism, Wesley himself, make this accusation of laziness and corruption at Oxford. Wesley had been elected a fellow at Lincoln College in 1726. He lectured on Greek and logic. During Smith's time as a student at Balliol, Oxford (1740-1746), Wesley upbraided the University and its teachers in an infamous sermon he delivered on 24 August 1744 at St. Mary's Church before the assembled Oxford community. It was a "regular University service, but later, Wesley strongly suggests that the unspoken occasion of this sermon is St. Bartholomew's Day."[758] Smith was then a student at Balliol College, Oxford, and so may well have personally attended: "undergraduates would have been in the gallery to Wesley's pulpit left."[759] It was a University Sermon and this meant that the entire Oxford community, including undergraduates like Smith, would have been expected to attend. We at least know that Smith, as the letter describing his 'laziness' attests, was in Oxford the month prior to Wesley's sermon.

Wesley had the sermon specially published in a pamphlet separate from his common collection of sermons, declaring:

> It was not my design, when I wrote, ever to print the latter part of the following Sermon: But the false and scurrilous accounts of it which have been published, almost in every corner of the nation, constrain me to publish the whole, just as it was preached; that men of reason may judge for themselves.

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[756] Smith, *The Correspondence of Adam Smith*, 2.
[757] Ibid, 3.
[758] Jim R Coleman, "Text and Performance in John Wesley's Final Oxford Sermon: Antithesis and Appeal in Scriptural Christianity," 3.
[759] Ibid.

Formally, Wesley left the University in 1751, but after this sermon he never preached in the University again. It is important to see why.

> He opened his sermon with these quotations:
>
> Whosoever heareth the sound of the trumpet, and taketh not warning; if the sword come, and take him away, his blood shall be upon his own head. Ezek. 33:4.
>
> And they were all filled with the Holy Ghost. Acts 4:31.

The latter of these quotations neatly describes, and everyone knew it described, what Methodists aspired to: an honest enthusiasm[760] (*en theos*), the full presence of God within the believer. The former quotation, from the foreboding prophecies of Ezekiel, indicated something of Wesley's purpose in the sermon. His audience, the high-church professors of Oxford and undergraduates who were supplied with funding loosely intended to aid their way into holy orders, as with Smith's Snell Exhibition,[761] were losing touch with, as the sermon was titled, "Scriptural Christianity," and the Methodists were on the march.

And, of course, they *were*. Wesley, his brother Charles, and George Whitefield had already travelled to America and established the roots of American Methodism and the so-called Great Awakening.[762] "By September of 1739 John Wesley was preaching in and around London to crowds that," astonishingly, "numbered 12,000 to 20,000 listeners at a time."[763] Wesley was not preaching at Oxford just to fulfill his duties as a Fellow. He was there to make a statement and to break from Oxford forever.

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[760] "Wesley's writings contain more than two hundred references to enthusiasm. Most are carefully argued refutations of charges made against him, but a surprisingly large number are warnings to his own followers who claimed, fancifully in his view, some special divine revelation." Hempton, *Methodism*, 35.

[761] Phillipson, *Adam Smith*.

[762] Thomas S. Kidd, *The Great Awakening: The Roots of Evangelical Christianity in Colonial America* (Yale University Press, 2008).

[763] Vicki Tolar Burton, "John Wesley and the Liberty to Speak: The Rhetorical and Literacy Practices of Early Methodism," *College Composition and Communication* 53, no. 1 (2001): 75.

So great was Wesley's condemnation of the clergy and the faith in the students and faculty at Oxford that it was the last time he ever performed any duties there. This strike against the school was not unexpected, "Wesley's Oxford audience already viewed him as an enthusiast."[764] At one point Wesley turns to his pulpit right and asks of the Oxford faculty, "You respected teachers, are you 'filled with the Spirit' that your office so absolutely requires?"[765] Imagine precocious Smith, attending this famous man's sermon with Hume's *Treatise* apparently stashed in his room, hearing the faculty excoriated by a man who was at this moment, and hereby, effectively renouncing his claim to the school's, as Smith would later describe it, "sinecure."[766] Turning pulpit left, Wesley asks: "What shall we say of the young people of this place?"[767] William Blackstone, Jim Coleman describes, "recalled his sense that Wesley's censure was wholesale: "Wesley informed the congregation that there was not one Christian among all the Heads of Houses, and that pride, gluttony, avarice, luxury, sensuality and drunkenness were general characteristics of all Fellows of the Colleges."[768]

> As the sermon proceeds, Wesley asks increasingly accusatory questions of his audience:
>
> Do ye, brethren, abound in the fruits of the Spirit, in lowliness of mind, in self-denial and mortification, in seriousness and composure of spirit, in patience, meekness, sobriety, temperance; and in unwearied, restless endeavours to do good in every kind unto all men, to relieve their outward wants, and to bring their souls to the true knowledge and love of God. Is this the general character of Fellows of Colleges? I fear it is not. Rather, have not pride and haughtiness of spirit, impatience and peevishness, sloth and indolence, gluttony and sensuality, and even a proverbial uselessness, been objected to us, perhaps not always by our enemies, nor wholly without ground? O that God would roll away this reproach from us, that the very memory of it might perish for ever![769]

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[764] Coleman, "Text and Performance in John Wesley's Final Oxford Sermon: Antithesis and Appeal in Scriptural Christianity," *Conference on Sermon Studies, 2017*., 3.
[765] Ibid, 4.
[766] Smith, *Wealth of Nations*, 761.
[767] Coleman, "Text and Performance," 4.
[768] Ibid, 8.
[769] Thomas C. Oden, *John Wesley's Scriptural Christianity: A Plain Exposition of His Teaching on Christian Doctrine*, vol. 1 (Zondervan, 1994); See: Jim R Coleman, "Text and Performance in John Wesley's Final Oxford Sermon: Antithesis and Appeal in Scriptural Christianity," n.d., 9.

Suggesting that members of the influential audience at St. Mary's have caused true Christianity to wane among themselves, among the students, and among the greater society, Wesley finally asks:

> By whom should this Christianity be restored? By those of you that are in authority?...Are you desirous it should be restored? And do ye not count your fortune, liberty, life, dear unto yourselves, so ye may be instrumental in the restoring of it? But suppose ye have this desire, who hath any power proportioned to the effect? Perhaps some of you have made a few faint attempts, but with how small success! Shall Christianity then be restored by young, unknown, inconsiderable men I know not whether ye yourselves could suffer it.[770]

Wesley's claim is that these high-church men have become perfectly useless in any attempted revival, and that it was up to him and his followers to renew the faith. He is the rebel depending on the ruler as a foil. He is the rebel, he warns, to which indulgence would swing.

He hopes that his audience will ask of him:

> Whom then shall God send—the famine, the pestilence (the last messengers of God to a guilty land), or the sword, "the armies of the" Romish "aliens," to reform us into our first love?[771]

He could not have known, but this was one year before the Jacobite rebellion of 1745. One year before, as Smith said in lecture, "four or 5 thousand naked unarmed Highlanders took possession of the improved parts of this country without any opposition. [They had this success] for the same reason…that the most numerous armies of the Chinese have always been overthrown by the Tartars."[772] Recall that Smith (1776) warns that the English establishment was about to be attacked by 'Tartars of the North.' If the King and Church were to survive, Wesley had warned, a man like him had to revive them.

Stephen Gunter writes that "[w]hen Wesley said 'Give me the whereon to stand, and I will shake the whole earth," the Anglican Bishop [William Warburton] did not hear this as a reflection of the great commission but a position of leverage from which the established Church would be

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[770] Oden, *John Wesley's Scriptural Christianity*.
[771] Ibid.
[772] Smith, *Lectures on Jurisprudence*, 541.

shaken."[773] In this sermon Wesley was looking right at the established church and, quite literally, at young Adam Smith.

Wesley had declared, at Oxford, in 1744, that it was up to no one but him and his followers to renew the faith in England lest the Jacobites or other enemies succeed in overthrowing the entire regime. Yet as early as "1741 the rumour was going round London that Wesley kept two popish priests in his home, and was being paid by Spain…to raise an army of 20,00 in support of an intended Spanish invasion."[774]

It is crucial to appreciate that the Methodists, as Brett McInelly exhaustively shows, were not only popularly accused precisely of depending upon a dangerous protestant enthusiasm, they "were regularly compared at different times to both Cromwellian Puritans and Jacobites."[775] Horace Walpole, for one, had accused them of "Papism."[776] *Anti*-Methodism, that is, was pitched, radical, and self-consciously political. Hempton puts the matter perfectly: it is "[n]o matter that many of these allegations were contradictory; what mattered is that they were made."[777] Or Misty Anderson: understanding the British public sphere's portrayal of Methodism is useful not because the things said of them "are true but because they are telling…"[778]

The accusations are telling about the polemical nature of that public sphere and the political importance of the substance of debate: it was about usurpation, restoration, civil war, rebellion. Wesley spent his life surrounded on all sides by accusations of all sorts. As late as Richard Graves's *The Spiritual*

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[773] W. Stephen Gunter, *The Limits of Love Divine* (Nashville, Tenn: Kingswood Books, 1989), 24.
[774] David Hempton, *Methodism and Politics in British Society 1750-1850*, vol. 31 (Routledge, 2013), 32.
[775] Brett C. McInelly, *Textual Warfare and the Making of Methodism*, First edition (Oxford: Oxford University Press, 2014), 9.
[776] Quoted in Misty G Anderson, *Imagining Methodism in Eighteenth-Century Britain: Enthusiasm, Belief, and the Borders of the Self.* (Baltimore: The Johns Hopkins University Press, 2014), 4.
[777] Hempton, *Methodism*, 8.
[778] Anderson, *Imagining Methodism in Eighteenth-Century Britain*, 3.

Quixote (1774), it was still possible to play with the claim that some Methodists were actually plotting Jacobites. Smith had heard this since his days at Oxford *during* the Jacobite Rebellion.

On the one hand the Methodists were a valuable synecdoche for a general species of reforming sect, of puritanism, and on the other, as we will see, they had a particular character, considered in itself, that supported Smith's argument. We have to read Smith's Art III, then, as tapping into and relying upon the popular sense that Methodism was not only a religious movement, but a political problem. Everyone, including Wesley, understood this.

Returning to ¶1 of Art III, Smith plainly claimed that the structure of incentives was affecting the English clergy and that they have now "given themselves up to indolence" and thus have "become altogether incapable of making any vigorous defence of their own establishment."[779] And their establishment will need defence. Not only does this clergy over-specialize and thus reduce the value of its instruction, but also, and what is more important, their very unpopularity threatens the security of their establishment and the magistrate's authority. The clergy will be, and have in the past been, "attacked by a set of popular and bold, though perhaps stupid and ignorant enthusiasts." Under this attack, the clergy will "feel themselves as perfectly defenceless as the indolent, effeminate, and full fed nations of the southern parts of Asia, when they were invaded by the active, hardy, and hungry Tartars of the North."[780] In England, there was a demand for religion but its institutions were not effective in driving the established clergy to satisfy it. What threatened order was that these institutions were effective for encouraging preachers outside of the Church who were, or would become, hostile to it.

6.3 The Dilemma (or trilemma) of Establishment

Consider the position of the secular authority, what Smith calls the magistrate: he joined with a sect, established them, or maintains their establishment, in order to wrap his coercive force in the

[779] Smith, *Wealth of Nations*, 788.
[780] Ibid, 789.

persuasive support of the Church. The very security of the clergy provides them no incentive to cultivate the "arts of popularity"[781] and therefore the magistrate has to decide how to manage the challenge to the established clergy's position from the 'ignorant enthusiasts.' In particular, the magistrate has to decide how to respond to the clergy's demand to violently suppress dissent.

At this moment, Smith predicts—because it has happened before—the clergy who feel themselves under attack yet 'perfectly defenceless' will 'call upon the civil magistrate to persecute, destroy, or drive out their adversaries.' "It was thus," he explains, "that the Roman catholic clergy called upon the civil magistrate to persecute the protestants; and the church of England, to persecute the dissenters."[782] These are clear enough references to the English Counter-Reformation, its Civil Wars, and events like the Bartholomew Day's Massacre. Of course this violent crackdown in favour of an unpopular established church not only exposes that the magistrate's coercive force is subservient to the church but also that their alignment was ever just a pact for power. This has, and will, ignite a civil war. England, Smith warns, was approaching this moment.[783]

Smith's logic appears to work this way: in general, the possessor of coercive force manages to maintain his authority if his violence serves the common purpose of protection against particular uses of violence (repelling foreign invasion; controlling violent criminals etc.).[784] This common-purpose use of force turns into an objectionable *particular* use when, instead, it buttresses a persuasive force that has lost its general hold on the public. In Smith's example, the 'civil magistrate' is credibly asked by the clergy to direct his coercive force not in the interest of the commonwealth, but in the interest of maintaining himself through propping up their increasingly unpopular religion. The magistrate disturbs the source of allegiance to him thereby. All of this is inflamed by the wild swings of permissive

[781] Smith, *Wealth of Nations*, 789
[782] Ibid.
[783] Ibid.
[784] The first and second duties of the sovereign, respectively. Ibid, 688.

affective support to this and then that powerful actor. *The fundamental fact of politics* drives the cycle I am describing. As I mentioned in earlier chapters, Hobbes had reasoned his way into this problem.

When his church is challenged by a dissenting sect the magistrate must decide to: a) duly persecute, imprison and so on, at the clergy's command. B) disestablish this clergy, or something in this direction, or c) in some way deny the clergy this defense without thereby enraging them—bribe their indolence? Smith's narrative is certainly intended to make option (a) look disastrous from all aspects (it is cruel and short-sighted). Option (b) is incredibly dangerous. Later in Article III Smith is explicit about this:

> there is no order of men, it appears, I believe, from the experience of all ages, upon whom it is so dangerous, or rather so perfectly ruinous, to employ force and violence, as upon the respected clergy of any established church…*But though this order of men can scarce ever be forced, they may be managed as easily as any other; and the security of the sovereign, as well as the publick tranquility, seems to depend very much upon the means he has of managing them; and those means seem altogether in the preferment which he has to bestow upon them.*[785] [my emphasis]

Smith, it would seem, cautions against confrontation and instead prefers reasoning about management schemes. Again, how does the disestablishment reading take account of a passage like that? Moreover, (b), disestablishment, as we have seen, is not really a way out of the problem: establishment initiates a path dependence such that it will be hard to resist re-establishment. ¶7 tells us that in the disorder of political and religious disagreement religious and political actors will have incentives to align: disestablishment begets re-establishment.

But then, (c). As I argue in the next chapter, Smith will claim that the Methodists could be used to distract the people from the corruption of the Church while the magistrate bribes the clergy to ignore the Methodist threat. Notice that this option might in time diminish the leverage (they might lose their hold on a plurality of the population) the clergy has deriving from its hold on the people.

6.4 Methodism and Sentimentalism

[785] Smith, *Wealth of Nations*, 799.

When Ryan Patrick Hanley describes "the eighteenth century []as the age of sympathy"[786] he adds that determining *why* it was is a "staggeringly difficult question."[787] The cause of the rise of sympathy, whatever it might be, must surely be related to what caused the rise of Wesley's heart-religion, which grew from a small circle at Oxford to "over 70,000 members in Britain and over 80,000 in America,"[788] by century's end.

It is vital to understand, as Anderson puts it, that Methodism was at the centre of broad cultural concern in Britain

> about what it meant to be modern. Eighteenth-century novels, newspapers, afterpieces, cartoons, and broadsides caricatured Methodism as the conceptual boundary of the reasonable, modern British self. But lurking in the background of these portraits is a fascination with the Methodist conversion, its instantaneous warming of the heart as moment of divine contact, and its capacity to remake the self.[789]

The Methodist's supposed 'moment of divine contact' was the source of the constant charge that they were mere enthusiasts. Enthusiasm, as it was used in the eighteenth-century, drew directly from its etymological roots as an *en theos*—God as having entered into a person. As Hume describes it in his essay "Of Superstition and Enthusiasm," "the inspired person comes to regard himself as a distinguished favourite of the Divinity…"[790]

J.G.A. Pocock has called enthusiasm "the anti-self of the Enlightenment."[791] Samuel Johnson's Dictionary (1755) offers a handy definition of the relevant sense of enthusiasm:

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[786] Ryan Patrick Hanley, "The Eighteenth-Century Context of Sympathy from Spinoza to Kant," in *Sympathy: A History* ed. Eric Schliesser (Oxford University Press), 171.
[787] Ibid, 172.
[788] Vicki Tolar Burton, "John Wesley and the Liberty to Speak: The Rhetorical and Literacy Practices of Early Methodism," College Composition and Communication, (2001) vol. 53, No. 1, 67.
[789] Anderson, *Imagining Methodism in Eighteenth-Century Britain*, 2.
[790] Hume, "Of Superstition and Enthusiasm," *Essays Moral, Political, and Literary* ,74.
[791] J. G. A. Pocock, "Enthusiasm: The Antiself of Enlightenment," *Huntington Library Quarterly* 60, no. 1/2 (January 1997): 7–28, 10.

> A vain belief of private revelation; a vain confidence of divine favour or communication. Enthusiasm is founded neither on reason nor divine revelation, but rises from the conceits of a warmed or overweening brain.[792]

The Methodists in general and Wesley in particular agreed on the definition but denied the charge—Wesley's own *Dictionary* defined enthusiasm as "fancied inspiration."[793] Theirs, on the other hand, was a *genuine* inspiration,[794] and of a different, more reasonable, sort than anti-Methodists had supposed. Wesley, as a recent biographer named him, was a *Reasonable Enthusiast*.[795] "Wesley's writings," Hempton reports, "contain more than two hundred references to enthusiasm. Most are carefully argued refutation of charges made against him…"[796] Even at the level of lexicography, Wesley was competing for space with some of the era's most exalted figures.

In what is known as Wesley's Aldersgate Experience, he reported hearing Luther's preface to St Paul's *Epistle to the Romans* and

> while [the preacher] was describing the change which God works in the heart through faith in Christ, I felt my heart strangely warmed. I felt I did trust in Christ, Christ alone, for salvation; and an assurance was given me that He had taken away my sins, even mine, and saved me from the law of sin and death.[797]

That expression, 'heart strangely warmed,' and that result, a new birth and entire sanctification, was both the object of Wesley's opponents' attacks, and the source of Methodism's greatest appeal. Over the century, thousands were to have the same experience, as if God had *warmed their hearts*. Wesley

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[792] Samuel Johnson et al., *A Dictionary of the English Language: In Which the Words Are Deduced from Their Originals, and Illustrated in Their Different Significations by Examples from the Best Writers. To Which Are Prefixed, a History of the Language, and an English Grammar* (London: Folio Society, 2006).

[793] John Wesley, *The Complete English Dictionary ... By a Lover of Good English and Common Sense [i.e. J. Wesley]. The Second Edition.* (London: printed and sold at the New Chapel, City-Road; and at the Rev. Mr. Wesley's Preaching-Houses, in Town and Country, 1790).

[794] John Wesley, *The Nature of Enthusiasm a Sermon on Acts XXVI. 24. By John Wesley, M.A. Late Fellow of Lincoln-College, Oxford.* (London: Printed for G. Whitfield, City-Road, and sold at the Methodist preaching-houses in town and country, 1797).

[795] Henry D Rack, *Reasonable Enthusiast: John Wesley and the Rise of Methodism*, (London: Epworth Press, 1989)..

[796] Hempton, *Methodism*, 35.

[797] John Wesley: Journal of John Wesley - Christian Classics Ethereal Library," accessed December 27, 2020, https://www.ccel.org/ccel/wesley/journal.vi.ii.xvi.html.

knew he had to retain the special inwardness of his religion while technically resisting the charge of enthusiasm.

Anderson helpfully stresses the place of Methodism both within the philosophy and theology of the age and within the popular culture. Methodists were England's "mystic-evangelical other."[798]

> Here was a new movement that, like the old whipping post of Roman Catholicism, threatened to breed anti-modern and thus anti-British selves, but that did so out of the materials of modern epistemology.[799]

It was a movement formed

> in the crucible of enlightenment culture and philosophy and intertwined with its epistemologies of the self.[800]

It is no exaggeration to think of sentimentalism as the philosophical version of Wesley's supposed enthusiasm. Sympathy, in Smith's sense, is like enthusiasm: one seeks to have the sentiment of another activate one's own moral self. One was, on Smith's theory of moral judgement, to put oneself in the heart of another. New literary forms like the novel and musical styles also drew on this idea of oneself in another, a kind of inwardness that was social.

Wesley would call out the doctrines of specific philosophers, notably Francis Hutcheson, within his sermons on concepts such as "conscience."[801] "Professor Hutcheson, late of Glasgow, places conscience in a different light… man, says he, has a *moral sense*; whereby he approves of benevolence and disapproves of cruelty."[802] Sentimentalism and the religious thought of someone like Wesley's were in a fight over moral epistemology. Sympathy involved imagination, changing of places

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[798] Anderson, *Imagining Methodism in Eighteenth-Century Britain*, 3.
[799] Ibid.
[800] Anderson, 4; See also: Lionel Laborie, *Enlightening Enthusiasm: Prophecy and Religious Experience in Early Eighteenth-Century England* (Manchester: Manchester University Press, 2015).
[801] John Wesley, The Wesley Center Online: Sermon 105 - On Conscience," accessed December 23, 2020, http://wesley.nnu.edu/john-wesley/the-sermons-of-john-wesley-1872-edition/sermon-105-on-conscience/.
[802] Ibid.

with other selves, giving rise to moral sentiments and then to moral approval. The discovery of the shared moral sentiment was how one knew to approve of the other.

To intertwine Wesley's just-short-of-enthusiasm's spirituality with Smith's just-short-of-noncognitive morality consider this passage from a sermon (1790, the year of Smith's death) that Wesley delivered that makes direct reference to what Smith himself had written of Hume in an infamous public letter: the leader of the so-called heart-religion asked

> Did Mr. David Hume, lower, if possible, than either of the former [Sir Robert and Lord Chesterfield], *know the heart of man?* No more than a worm or a beetle does. After "playing so idly with the darts of death," do you now find it a laughing matter? What think you now of Charon? Has he ferried you over Styx? At length he has taught you to know a little of your own heart! At length you know it is a fearful thing to fall into the hands of the living God! [my emphasis][803]

Hume, on Wesley's telling, *tried* to know the heart of man and he failed where we, the Methodists, succeed. Wesley, the fantastically famous theologian, asking about 'Charon' is relying on information contained *only* in Smith's obituary of Hume—as Sir Walter Scott called it, Smith's "famous letter on the death of Hume"—as well as Bishop George Horne's well-known rebuke of Smith.[804] Horne himself was a Fellow of Magdalen College and yet "he allowed John Wesley to preach in his diocese."[805] Wesley, if there was any doubt, surely had read Smith's work.

Wesley constantly positioned himself in the public sphere. The multiplicity of intended audiences in the statement about Hume is striking: Hume's soul, the assembled listeners, those with some sense of Hume's attempts to 'know the heart of man,' those who remembered Smith's anecdote about Hume and Charon and understood that reference. Wesley was signalling that he knew all of this and knew 'the heart of man' in more depth or with more accuracy than the philosophers who had

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[803] John Wesley, The Works of the Rev. John Wesley, Vol. 2. (New York: Carlton & Phillips, 1853), 477.
[804] George Horne and Adam Smith, *Letters on Infidelity : To Which Is Prefixed a Letter to Dr. Adam Smith.*, 2nd ed., (Oxford: At the Clarendon Press, sold by D. Prince and J. Cooke [and 3 others], 1786).
[805] Smith, *The Correspondence of Adam Smith*, 230 fn1.

emphasized, as Smith had, the 'sentiment of the heart' as the site of moral evaluation. Wesley is picking out the David Hume of the *Treatise* and/or the *Enquiries*, not the more popular *History of England*, nor his essays. Wesley is not, in this instance, casting Hume's project itself as a mistake, he is suggesting that his *own* pursuit of that project is superior.

Luther's preface, during the reading of which Wesley was born again, famously stressed that law does not merely compel action, but also an inward willing of it: "law…makes demands on the depths of the heart and doesn't let the heart rest content in works… If the law were physical, then it could be satisfied by works, but since it is spiritual, no one can satisfy it unless everything he does springs from the depths of the heart."[806] As I showed in the last chapter, Smith, for his part, laid great stress upon the importance of knowing the "the sentiment or affection of the heart from which any action proceeds" because it is that "upon which its whole virtue or vice must ultimately depend…"[807]

The Theory of Moral Sentiments and *Wealth of Nations* were acts within *this* public sphere. Just as natural histories of religion, such as Hume and Smith had each written,[808] stripped religion of some of its meaning, sympathy and sentimentalism might have encroached on religious explanations of the experience of the grip of morality in a way that rationalism had not, or could not.

Wesley and the Methodists were of the Enlightenment and at the centre of popular debate on a wide range of subjects. Thus, not only was Methodism a ubiquitous and multi-faceted site of arguments within England's public sphere, Smith the moral sentimentalist, the sympathy theorist, the historian, the realist, the Enlightenment's social scientist, understood, perhaps better than anyone, the power, promise, and dangers of Methodism. In many ways, Wesley's attempts to take something from enthusiasm while denying ownership of its objectionable parts is like Smith's own struggles to use, for

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[806] Martin Luther, "Preface to the Letter of St. Paul to the Romans," Christian Classics Ethereal Library, 1996.
[807] Smith, *The Theory of Moral Sentiments*, 18.
[808] Colin Heydt, "The Problem of Natural Religion in Smith's Moral Thought," *Journal of the History of Ideas* 78 (January 1, 2017): 73–94,; Ryan Patrick Hanley, "Adam Smith on the 'Natural Principles of Religion,'" *Journal of Scottish Philosophy* 13, no. 1 (2015): 37–53.

instance, Hume's theory of sympathy while distinguishing his own meaning from Hume's more spectator-like "contagion"[809] account and each of these from philosophical rationalism.

It becomes difficult, in this context, to avoid seeing Smith's impartial spectator as invoking a kind of *competing* enthusiasm—the presence of our impartial spectator within:

> It is not the soft power of humanity, it is not that feeble spark of benevolence which Nature has lighted up in the human heart, that is thus capable of counteracting the strongest impulses of self-love. It is a stronger power, a more forcible motive, which exerts itself upon such occasions. It is reason, principle, conscience, the inhabitant of the breast, the man within, the great judge and arbiter of our conduct .... It is he [conscience] who shows us the propriety of generosity and the deformity of injustice; the propriety of resigning the greatest interests of our own, for the yet greater interests of others, and the deformity of doing the smallest injury to another, in order to obtain the greatest benefit to ourselves.[810]

Sympathy theory, 'the man within,' the appeal to judge 'the sentiment of the heart from which any action proceeds,' these are words and concepts tailored to the available normative language of the age.[811]

Conclusion

One of the facts I intended to report in this chapter is the simple one that in plain text, Smith supports the establishment of religion in Scotland, such as it was. This piece of text suffices: "All the good effects, both civil and religious, which an established church can be supposed to produce, are produced by it as compleately as by any other."[812] He carefully argues why the "parish[es]" should not have their "right of electing their own pastors"[813] restored, which is to say he argues for a restriction of their liberty. He fully supports, that is to say, the *existing* establishment in Scotland. He does not

[809] Fleischacker, "David Hume and Adam Smith on Sympathy."
[810] Smith, *The Theory of Moral Sentiments*.
[811] Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory* 8, no. 1 (1969): 3–53,
[812] Smith, *Wealth of Nations*, 813.
[813] Ibid, 808.

urge establishment where it does not exist, quite the opposite, but nor does he recommend disestablishment where establishment exists.

In the succeeding chapters I will show that, regarding England, Smith was genuinely opposed to disestablishment. He was an *antidisestablishmentarian.* The reason that awkward word is still useful is because it can mark a distinction between it and an *establishmentarianism.* An antidisestablishmentarian is not thereby in favour of establishing a church when and where possible. It is consistent, that is, to be a non-establishmentarian *and* an antidisestablishmentarian. Proving that Smith argues this way about England depends on tracing out Smith's reference to Machiavelli and to the Methodists, so it is understandable if interpreters disagree with me.

Crucially, Smith opposed establishment because it was perpetually self-defeating—it was disorderly. The central argument he makes against establishment is about its perverse incentives. Rather than propping up the coercive power of the state with popular preaching, the clergy live out their vocation. Instead of supporting the state they call on it to further support that vocation by attacking their enemies. The state, the king, the magistrate has to decide what to do. A) Persecute dissenters, b) disestablish this church, c) somehow deny the established clergy this support without drawing their condemnation. In the next chapter I argue that Smith proposed a scheme to accomplish this latter goal: bribe the indolence of the clergy.

It is possible to claim, though difficult to prove, that "with the exception of Daniel Defoe, [John] Wesley was responsible, whether as author, editor, or publisher, of producing more works for the British reading public than any other person in the eighteenth century."[814] John's brother, Charles, was an astonishingly prodigious writer of poems and hymns, occasionally collaborating with the composer George Frederick Handel. The Wesleys' colleague George Whitefield was perhaps the most famous orator in Britain and America. Thomas Kidd claims that in 1740 Whitefield was "the most

[814] McInelly, *Textual Warfare and the Making of Methodism*, 25.

famous man in America," even Benjamin Franklin, whom Smith knew personally, owed part of *his* rising fame to "becoming Whitefield's publisher."[815] In short, Methodism was in the consciousness in a way that Smith could take for granted. I am not claiming that Smith specifically was obsessed by Methodism, but more that everyone was. This will be crucial for grasping the nature of Smith's first ecclesiastical proposal made, as I see it, to England.

[815] Thomas S Kidd, *George Whitefield: America's Spiritual Founding Father*, (New Haven: Yale University Press, 2016), 2.

Taking Stock

Recall the problem facing the king, the magistrate, the sovereign, or the state. The king's 'church' is being seriously challenged by some upstart sect. His church asks him to persecute the upstarts, ban them, jail them, and so on. He can choose to do that, or he could move to disestablish the church. The question is whether there is a third option, some way to deny the church's demand to persecute their rivals without enraging them. The established church surely retained some power that the king ought not to test, so how could the king handle their demands?

Persecuting the upstart sect is short-sighted. Surely they will use this as fuel for their movement. Moreover, it might deepen the population's dislike of the established church *and* of his coercive power. Disestablishing the church, should there be some available means to do so, would leave the king vulnerable to a rebellious alignment of the upstart sect with an upstart political movement. Disestablishment, that is, will bring on re-establishment (¶7).

There is a remaining option. Is there some way to reinvigorate the church such that it renews the stability of the alignment between persuasion and coercion? We ought to imagine Smith sitting down to write Art III with the following thought in his mind:

> in times of public discontent…even a wise man may be disposed to think some alteration necessary in that constitution…which, in its actual condition, appears plainly unable to maintain the public tranquility. In such cases, however, it often requires, perhaps, the highest effort of political wisdom to determine when a real patriot ought to support and endeavour to re-establish the authority of the old system, and when he ought to give way to the more daring, but often dangerous spirit of innovation.[816]

Innovate or reinvigorate?

[816] Smith, *The Theory of Moral Sentiments*, 231–32.

Abstract

In this chapter I argue that Smith endorsed what I describe as Hume's noble bribe. Smith, that is, diagnosed a problem in the English establishment of religion, but saw the Methodists as key to solving that problem. If managed properly they would renew the English regime on the model that he explicitly alludes to Machiavelli as endorsing. The Methodists would perform an *ad fontes* renewal. They would do this because of the particular character of Wesley's strategy and structure of incentives. Wesley intended to keep Methodism as a movement internal to the Church because he was devoted to it and seeking to renew it. He also knew that if he strayed too far from its teachings, he could bring upon his movement great waves of persecution, far worse than they had experienced to that point.

Smith diagnosed the problem in the English regime and saw the particular character of Methodism as means to reducing the problem, but there was another move to make. The high clergy had to be persuaded to leave the Methodists alone. Let the Methodists renew the faith. Smith quotes Hume on how this might be done: bribe, as Hume puts it, the clergy's indolence. Pay the high clergy more if you have to, but in any case, find a way of discouraging them from trying to be the ones renewing the faith.

All of this interpretation is new with me. Moreover, as it stands, virtually everyone would disagree with it. The overwhelming view of scholars is that Smith disagreed with Hume's bribe. I study every angle to test their claims and mine, including a study of the personal correspondence of Smith and Hume.

Chapter 7

'Coarse Clay' Political Realism: Hume's Noble Bribe

Introduction

In addition to claiming that Smith called for the disestablishment of religion in order to open a marketplace of religion, there is one other interpretive argument that scholars have tended to make about Art III. Smith quotes David Hume at length and virtually all scholars agree that he quotes Hume in order to disagree with him. They are wrong. Smith agrees with Hume's plan, as Hume put it, to *bribe the indolence of the clergy*. This chapter is devoted to supporting this interpretation of Art III. Smith agrees with Hume's plan as uniquely suited to England. Key to this argument is Smith's evident appreciation of the presence of the Methodists as a revivifying force within the Church of England.

Scholarly opinion overwhelmingly supports the idea that, as Ronald Beiner puts it, "[a]t this point in the text, though, he rejects Hume's argument. In fact, he adopts a line sharply opposed to the one he quotes from Hume. Smith regards state intervention in people's choice of religion as illegitimate and corrupting."[817] Dennis Rasmussen and virtually every commentator[818] who discusses the nature of the lengthy quotation of Hume on the noble bribe, says of it something like the following: Jerry Evensky: "Is there "any public purpose served in public financing of religion? David Hume says yes. Smith says no."[819] Rasmussen: "Smith challenges Hume directly in the *Wealth of Nations* [on] the

[817] Beiner, *Civil Religion*, 244.

[818] Oddly, Jacob Viner appears to have suggested agreement but he comes to this on the basis of strained reading of Smith's position. He has Smith straightforwardly worried about encouraging the 'industry' of the clergy : "If they are endowed, they become indolent, and their zeal and industry become impaired. If, on the other hand, they are dependent upon voluntary contributions for their support, they become too zealous." Viner, "Adam Smith and Laissez Faire," 211.

[819] Jerry Evensky, *Adam Smith's Wealth of Nations* (Cambridge: Cambridge University Press, 2015), 205.

relationship between church and state."[820] He takes an "explicit stand against Hume."[821] Glory Liu suggests that "[i]nstead of instituting an established religion—which was Hume's solution to the problem of religious sectarianism—Smith argued that allowing society to be divided"[822] into a number of sects was preferable. Aaron Szymkowiak suggests that "Smith advocates religious liberty in the WN by repudiating Hume."[823] It must be said that Smith nowhere in Art III mentions religious liberty, disestablishment, nor does he explicitly disagree with Hume.

The best way to challenge these views is to work through the text and patiently ask questions about Smith's allusions and complicated praise for this or that institutional arrangement. I will be raising questions and attempting to answer them. All of this open-endedness is real, scholarly, exegetical work. Part of the value of this chapter are the new lines of inquiry my work opens up. I believe I best answer the questions I raise, but a large part of the value of my work consists in raising questions where none have before.

I will argue that Smith endorsed what I will call Hume's noble bribe. I call it the noble bribe *because* this is a *churlish* reference to Plato's noble lie. The cheekiness of the name fits with the nature of Hume's argument. Hume is goading the clergy into objecting to him; they won't, goes the gambit, because they want the money. This is an intrinsic part of Hume's proposal, not an incidental part of it. The joke is that there is no *lie*, nothing disguised from the public. If Hume's proposal works, it works *publicly*. It would reveal preferences the clergy would rather conceal. He is being playful and, I believe, Smith's quotation of Hume writing in this mood is meant as a tribute to his dying friend. This is much more than a conjecture of mine. I support it by reference to their correspondence and the timing of the publication of *Wealth of Nations* and Smith's reticence to publish Hume's *Dialogues*.

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[820] Dennis C. Rasmussen, *The Infidel and the Professor : David Hume, Adam Smith, and the Friendship That Shaped Modern Thought* (Princeton, New Jersey: Princeton University Press, 2017), 173.
[821] Ibid, 174.
[822] Liu, *Adam Smith's America*, 31.
[823] Aaron Szymkowiak, "Hume on Church Establishments, Secular Politics and History," *Diametros,* 54 (2017), 100.

It is most of all Smith's explicit reference to Machiavelli and the similarity between Machiavelli's description of Sts Francis and Dominic and the actual practice of the Methodists that secures my reading of Art III as expressing agreement with Hume.

The first question to ask of the text is what Smith intends to be doing by describing the disaster of religious establishment and then the salutary effects of the state tolerating and paying the sects known as Old Dissent (7.2 Comparing and Contrasting Old Dissent and the Methodists). What lesson is Smith giving us with the example of Old Dissent? I suppose it is that it is sometimes a good thing to pay off the rebels, co-opt them. The next section describes the what and the why of Wesley's commitment to remaining within the Church of England (7.3 The Methodist Perspective). Besides much else, he intended to perform a *revival* of the Anglican faith. He was also explicit about the cover the Church gave to them. He knew breaking from the Church would be dangerous. For Wesley at least, the reasons for remaining within the Church were overwhelming. My suggestion is that Smith understood this, in fact relied on it, to make his argument for Hume's noble bribe. Another set of questions follows from Smith's turn to discussing Catholic, perhaps Gallican, ecclesiastical structures (7.4 ¶2: Gallican Questions). It seems that Smith is attempting to praise any ecclesiastical structure that has multiple levels of clergy, and specifically, multiple means of paying each of these levels. The reason these are good things is because they, in their effect, automatically trigger renewals. In particular, Smith refers to Machiavelli's praise of the way Sts Francis and Dominic renewed the Church. It becomes clear that Smith is describing the Methodists as performing the same kind of renewal Machiavelli ascribes to Sts Francis and Dominic. In short, Smith is archly praising the Methodists for renewing the Church. This argument about Smith's reference to Machiavelli carries over into the next section where I secure the relation between what Machiavelli had to say with Smith's use of the Methodists (7.5 Smith's Machiavellian Moment). Far from disagreeing with Hume, it is

possible, once we learn some facts about their friendship and correspondence, that Smith was carrying out Hume's plan (7.6 Hume-Smith).

7.2 Comparing and Contrasting Old Dissent and the Methodists

Though ¶1 of Art III is foreboding—the regime of church and state was in real trouble—it is important to recognize that Smith ends it with a curious optimism that needs explanation. Smith's discussion of establishment certainly touches on the English model, but in the middle of the paragraph he is perfectly explicit about the case he is making: "In England," he writes, the "arts of popularity" have "long been neglected by the well-endowed clergy of the established church, and are at present chiefly cultivated by the dissenters and by the methodists." This is the story I told in the triptych. The established clergy lose their hold on the people; a new sect arises; this becomes politically dangerous.

Smith is telling the story of the rise of the Methodists and relating it to the past. He wants us to take a lesson from that past. The same dynamic had animated the group of sects known as Old Dissent in the previous century. Happily, Smith writes near the end of the paragraph, the "dissenters," however, "seem" to have had their "zeal and activity" "abated" by the effects of "independent provisions…by means of voluntary subscriptions, of trust rights, and other evasions of the law." The past problem is no longer with us and he gives clues as to why it has passed away: the manner in which Old Dissent is funded. Yet it is "[t]he methodists, without half the learning of the dissenters, [who are now] much more in vogue."[824] He compares and contrasts Old Dissent with the Methodists. Old Dissent is politically inert now. How did it happen? What can we learn about the past that is relevant to the current threat? That is how he ends ¶1.

It helps the case I want to make about Smith's political theory that he is both describing Methodism as simply the *kind of sect* that gets encouraged periodically, and nevertheless as the *specific* sect that anyone interested in peace in England ought to be thinking hard about. It might be, that is,

[824] Smith, *Wealth of Nations*, 789.

that the presence of Methodism, *qua* religious upstart, fits his model of establishment as disastrously self-defeating, but that the specific nature of the Methodist challenge makes it exceptional in a way that might be promising.

Might the Methodists, as he seems to suggest, be turned the way of Old Dissent? The moderation of Dissenters is tied, Smith claims, to the form of their payment. Smith uses the term "independent provision" three times in Art III, but the last use fixes its meaning as the following: provision of financial support that is committed to some party in such a way as to make this support *independent* of the payers' satisfaction with ongoing performance.

We can imagine a spectrum of 'provision' of funds from, on the dependent end, something like a subscription to a monthly magazine paid monthly, to paid in full for three years, to a legal contract to pay the subscription in perpetuity, all the way to the guaranteed coercive extraction of the money for the subscription as long as you shall live. If your subscription, if we can even describe it as a subscription, for a monthly magazine were paid monthly and cancellable at any time, then that magazine would have no source of funding from customers that is *independent* of their satisfaction with it; the magazine would have dependent not 'independent provision.' A magazine that will be funded no matter its consumers' satisfaction has 'independent provision.' It is obvious that a magazine guaranteed its funding regardless of customer satisfaction may try hard to secure the satisfaction of its customers, but it is not under the necessity of trying to please the customers; they can make the magazine they want and hope it satisfies someone. The editors and writers of the magazine no longer have to produce the kind of material the people want. Though opening such a magazine to competition would not somehow make them morally accountable to customers in a way that they were not before (they, and everyone else were always morally accountable to one another), but it would make them, in fact, accountable to—vulnerable—to customers' demands. They would have to attend to their audience's interests if they wanted to stay in print. I do not aim to dress up that accountability

as effecting a moral epiphany, or being itself magnanimous, but, however it is described, it draws them into concern about, and behavioural respect for (a behaviour that proceeds *as if* from respect), their customers.

In any case, Smith declares that Old Dissent now has some of its funding provided independently of their customers' satisfaction; this makes them less accountable to their parishioners, but, in the instance, though perhaps marginally bad for justice, this monetarily-induced indolence is good for maintaining *order* (recall: order, justice, liberty). To put Smith's point too bluntly, then, Old Dissent has moderated under the incentives of *partial* establishment. They would be paid to some degree no matter how satisfied its customers were. They do not need to be popular, or populist. It is no stretch to see this analysis anticipated in the suggestion in Art II that, in the interest of guaranteeing universal education, teachers might be paid in part by an 'independent provision.'

> The endowments of schools and colleges have necessarily diminished more or less the necessity of application in the teachers. *Their subsistence, so far as it arises from their salaries, is evidently derived from a fund altogether independent of their success and reputation in their particular professions* [my emphasis].[825]

Do these lessons about Dissenters present England with a way to send the Methodists on a path toward moderation? Smith's description of the process by which Dissent was directed toward moderation is like E.P. Thompson's: "Puritanism—Dissent—Nonconformity: the decline collapses into a surrender. Dissent still carries the sound of resistance…Nonconformity is self-effacing and apologetics: it asks to be left alone."[826]

The reference Smith makes to 'voluntary subscriptions'—the other main cause of their moderation—is to the practice of permitting members of the Dissenters to avoid paying fees to the

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[825] Smith, *Wealth of Nation,* 760.
[826] Thompson, *The Making of the English Working Class*, 350.

Anglican Church and rather to direct their money, as they will, to their choice of church. Perhaps these nineteenth-century claims suggest what Smith might have been up to:

> When the proposal has been made to exempt Dissenters from the payment of church-rates, Churchmen have objected that the members of their own body would profess Dissent to save their pockets.[827]

also,

> If the maintenance of the clergy depended upon voluntary subscription, many would rather part with their Christianity than with their money. It is the opinion of some wise men, that if the interference of government in religious matters were to cease, the Christian religion would be lost, and paganism would again prevail.[828]

Perhaps converting the Methodists to moderation in the manner that has worked with Old Dissent will have the positive twin effect of diminishing their zeal because of this relatively secure source of revenue. Meanwhile citizens' funds that are subscribed to the Methodists slowly starves the Church of its funds—disestablishment through the back door?

No doubt Smith's audience in the Church would have understood Smith's approach perfectly well, but this policy could proceed without directly confronting the Church in the way that a proposal for disestablishment certainly would. In any case, Smith seems to be in line with Montesquieu's belief in the relative usefulness "of tolerated religions" when compared to the social effects of the "dominant religion."[829]

When Smith refers to 'trust rights' to which the Dissenters had access he must have had in mind institutions like the Common Fund Board, and trusts such as the Lady Hewley Trust and the William Coward Trust. These funds supported a variety of nonconformist academies. In any case, the

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[827] *Voluntaryism in England and Wales, or, The Census of 1851.*, Society for the Liberation of Religion from State-Patronage and Control, (1854), 58.

[828] John Satchel and Andrew Fuller, *Thornton Abbey: Or, the Persecuted Daughter; Moral, Interesting, and Religious: In a Series of Letters, for the Improvement of the Rising Generation.* (Portsea: Printed for G.A. Stephens, 1815), 150.

[829] Charles de Secondat Baron de Montesquieu,, *Persian Letters*, ed. Margaret Mauldon and Andrew. Kahn,Oxford World's Classics (Oxford: Oxford University Press, 2008), Letter LXXXV.

effect of these trusts and voluntary subscriptions on the Dissenters has, as quoted above, diminished their 'zeal and industry,' and, he explains,

> [t]hey have many of them become very learned, ingenious, and respectable men; but many have in general ceased to be very popular preachers. The methodists, without half the learning of the dissenters, are much more in vogue.[830]

The policy of England with regard to Dissent had been largely successful, but this, as things stood, only gave market space to the Methodists (who remained within the Church of England until after Smith's death). The question remains about what to do regarding the Methodists. By the end of ¶1, however, we have learned something by seeing the success that has been had in turning Old Dissent moderate: pay them secure wages.

If Smith figured that access to money from trusts and 'voluntary subscriptions' had 'abated' the 'zeal and industry' of the Dissenters, he must have reckoned that this was a result of two factors. First, the relative toleration of Dissent removed a vitality from the movement. Because they were tolerated they lacked the foil of the corrupt and persecuting Church—the rebels, in essence, had become co-opted. They would lose, as he writes of other movements, "that enthusiastic zeal which commonly animates the spirit of party, when it attacks established authority."[831]

Second, the wages Dissenting preachers could expect to earn were decent, but were also still relatively less secure than the wages of an established clergy. The first factor, their non-persecuted status, made the second, their meagre wages, even less attractive. They were co-opted, but poorly paid. The wages of Dissenting preachers were not as *secure* as the Church's nor yet as *uncertain* as the wages of a private seller of a discrete good**:** they had cause to be neither indolent nor zealous. Under conditions of relative toleration only the genuinely 'respectable' Dissenter would continue to labour. No radical, after all, works for an unstably-funded and *tolerated* sect. The Dissenters who remained,

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[830] Smith, *Wealth of Nations*, 789.
[831] Ibid, 805.

then, were 'respectable' men who cared about doctrinal matters, and not about intensely politico-religious battles for dominance. It was this mixed payment structure that had moderated them. Such a payment structure was the product of a long history of law, theology, and politics, but Smith is clearly looking to draw out lessons from it that are useful for present problems.

The question is whether or not Smith was suggesting that a reform could similarly calm the Methodists. Perhaps, he seems to say, England could turn the Methodists into tolerated dissenters and grant them an independent provision. How could the Methodists and the Church each get what they want without triggering a conflict?

Before turning to this question it is worth reflecting just how different my account is already from readings of Smith as calling for disestablishment. He was praising the, if you will, partial establishment of Old Dissent. Even if it is hard to follow the detail about trusts and in/dependent provision Smith clearly wanted us to follow it. He was making his argument in the current of ideas of his day and his political theory is misunderstood when this is not recognized.

7.3 The Methodist Perspective

Wesley, for his part, consistently fought to keep Methodism as a movement within the Church. He was not a dissenter, nor did he intend his movement to be a challenge to the Church.

> In legal terms, early Methodism was a slippery phenomenon. Although practices such as itinerant preaching and field preaching constituted clear violations of the Church of England's canon law, it was much harder to see where Methodism as a movement stood in relation to statute law in general and to the Toleration Act in particular. Because its leaders, and notably John Wesley, *were insistent in regarding Methodism as a renewal movement within the Church of England*, they maintained that Methodism was exempt from the terms of the Toleration Act, which applied only to Trinitarian Nonconformists. [my emphasis][832]

[832] Michael Francis Snape, "Anti-Methodism in Eighteenth-Century England: The Pendle Forest Riots of 1748," *The Journal of Ecclesiastical History* 49, no. 2 (1998): 264.

The Methodists played right at the borders of dissent, but Wesley frequently encouraged his audience to attend the regular services of the Church and to simply supplement this practice with attendance at Methodist gatherings.

In 1756 he delivered and later had published—with Smith's and Hume's publisher, William Strahan—a long string of claims against separation: "Reasons Against a Separation from the Church of England." Consider just this one reason:

> BECAUSE, whereas Controversy is now asleep, and we in great Measure live peaceably with all Men, so that we are strangely at Leisure to spend our whole Time and Strength, in enforcing plain, practical, vital Religion, (O what would many of our Forefathers have given, to have enjoyed so blessed a Calm?) This would utterly banish Peace from among us, and that without Hope of its Return. It would engage me for one, in a thousand Controversies, both in Publick and Private; (for I should be in Conscience obliged to give the Reasons of my Conduct, and to defend those Reasons against all Opposers) and so take me off from those more useful Labours, which might otherwise employ the short Remainder of my Life.[833]

It is remarkable that Wesley was this serene about their current engagement in 'controversies,' given the burgeoning market in anti-Methodism—Henry Fielding's *Shamela* and *The Female Husband* were published in 1741 and 1746, for example—and the history of anti-Methodist violence, particularly the recent Pendle Forest riots of 1748.[834] He did not want any more controversy than he already had.

Fielding's lurid satires played on the popular belief that "Methodist preachers had remarkable success in converting prostitutes because…[Methodists] denied the value of works…"[835] The common charge was that if society had cast you out as a villain you ought to attend a Methodist meeting, claim to have experienced an *enthusiastic* new birth, get entire sanctification, and be welcomed as saved and then just carry on as before.

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[833] John Wesley, *Reasons against a Separation from Church of England* (London; And sold at the Foundery in Upper-Moorfields: Printed by W. Strahan; 1760).
[834] Snape, "Anti-Methodism in Eighteenth-Century England: The Pendle Forest Riots of 1748."
[835] Albert M. Lyles, *Methodism Mocked: The Satiric Reaction to Methodism in the Eighteenth Century* (Eugene: Wipf and Stock, 2015), 98.

The Pendle Forest riots were a series of violent confrontations in the summer of 1748 between the local, largely orthodox Anglican population of east Lancashire and the Methodists. Methodists were seeking to make inroads among the textile workers in areas of the forest that were "notoriously ungoverned."[836] The violence was set "within a broader context of warfare between the English and the French, the Jacobite Highlanders and Hanoverians."[837] To the locals, the Methodists recalled the experience of the 1745 Jacobite rebellion, and this mobilized those who had fought in it a few short years earlier. Wesley, apparently, studied to avoid provoking similar events while still remaining sharply distinct, theologically and liturgically, from the mainstream Church.

Clive Field's bibliography of narrowly anti-Methodist publications (i.e. not including half-serious satires that only made use of the image of the Methodists) between 1732 and 1800 includes over six hundred titles, many of which appeared in multiple editions.[838] Thirty years later, in his 1786 sermon "On Schism," Wesley was distinctly more principled about remaining in the Church, and is absolutely clear about his intentions:

> I will make the case my own: I am now, and have been from my youth, a member and a Minister of the Church of England: And I have no desire, no design to separate from it, till my soul separates from my body.[839]

Out of loyalty and for practical reasons Wesley would continue to imagine Methodism as performing a *renewal* from within the Church not a challenge to it. Very likely the anti-Methodist literature was seeking to make them a political target, inviting the King to persecute them, but Wesley acted under cover of the established church.

To protest and push for reforms from within the Church gave you a mission *and* spared you from the trouble the Church could cause you—you had Hirschmanian voice without the risks of exit.

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[836] Hempton, *Methodism*, 90.
[837] Ibid, 90.
[838] McInelly, *Textual Warfare and the Making of Methodism*, 2.
[839] John Wesley, "A Sermon on the Nature and Evil of Schism" (Book, 1797).

Wesley could, passively, threaten exit, knowing that his popularity could buy him concessions. If anything was moderating the Methodists—reducing their political threat, that is—it was Wesley's insistence on *maintaining* this balance between reform of, and respect for, the Church. To stay inside the Church they had to be minimally acceptable, respectable, but to have an audience they needed to be innovative. Their movement was a revivalism, but this was also cover for Wesley's strategy of avoiding controversy.

Wesley was, I quoted above, quite aware that money, even establishment itself, corrupts religious teachers. He was not sanguine about establishment.

> Persecution never did, never could, give any lasting wound to genuine Christianity. But the greatest it ever received, the grand blow which was struck at the very root of that humble, gentle, patient love, which is the fulfilling of the Christian law, the whole essence of true religion, was struck in the fourth century by Constantine the Great, when he called himself a Christian, and poured in a flood of riches, honours, and power upon the Christians; more especially upon the Clergy.[840]

Wesley understood the cause of the Church's indolence as clearly as Smith did. Indeed, Smith heard it from Wesley himself in 1744. It would not be easy for Smith's 'magistrate' to pull off the sleight-of-hand that might be needed to turn the Methodists the way of Old Dissent. Wesley would not want their payment schemes—their *bribes*. Recall, Old Dissent had moderated, to put it callously, because they were paid off. That was Smith's message at the end of the first paragraph. Wesley knew this just as well as Smith did.

Collecting thoughts: 1) Smith thought it was virtually inevitable that a sect would come to threaten the Church of England because coercive support enervates the kind of persuasive powers (popularity) the magistrate was buying from his Church. 2) The Methodists were an example of a sect one would expect to be threatening the Church and Smith named them as the threat. 3) The curious passage on

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[840] "The Wesley Center Online: Sermon 61 - The Mystery Of Iniquity," http://wesley.nnu.edu/john-wesley/the-sermons-of-john-wesley-1872-edition/sermon-61-the-mystery-of-iniquity/.

mixed financing that has reduced the 'zeal and activity' of the 'dissenters' suggests, perhaps, a way of taming the threat of Methodism. 4) Though the Methodists were a religious upstart caused by establishment, they were not the *kind of sect*, nor were they led by the kind of leader, that would seek to unseat the Church. They aimed to remain within the Church.

In Art II, on education and universities like Oxford, Smith was concerned with arguing for universal education. To this end, he was famously willing to allow that some form of publicly-financed education might be necessary. This strategy to secure universal education a) accepted the analysis of incentives that suggested this was a second-best way of encouraging quality teaching, yet b) provisionally endorsed mixed funding because it was the *best* way of getting education, period, for all. He compromised, or was willing to compromise, on his most hard-headed reasoning about efficiency if, though less efficient, mixed financing could secure the good of universal education. I suggest this is not really a compromise in his political theory but an instance of Smith placing other values (order and justice) ahead of liberty. It is at least a clue about the kinds of policy Smith was willing to explore independent of his analysis of what we might call efficient economic design. In any case, all I need to have shown about ¶1 is that Smith clearly raised a serious problem of stability in the first paragraph and ended it with something approaching a policy solution related to Old Dissent.

Methodist practice (notably, field-preaching, lay ministry, including that of women) had always pushed the limits of what was legally tolerated. A core finding of Clive Norris's "business history" of Methodism, *The Financing of John Wesley's Methodism c.1740-1800*, might suggest that Smith, in investigating these kinds of means within toleration, would have been striking Methodism at its weakest joint. Wesley would have *feared* a pay off by the state. Norris writes:

> Wesleyan Methodism was characterized by continual tension between on the one hand what were experienced as the promptings of the Holy Spirit to spread the Gospel, through preaching, chapel construction, the dissemination of publications, and various educational, welfare, and missionary activities; and on the other hand the recognition that, lacking any

> endowment, public funding, or large-scale private patronage, the movement had to live within its means.[841]

It is hard to imagine that Adam Smith had not reasoned his way through this game. Might they be tempted away from challenging the Church by some 'independent provision?' Wesley would not have been.

It seems likely that in ¶1 Smith suggested that there was some way to manage the Methodists that would speed them along the path to moderation, but it is hard to say for sure. Hume had argued in his 1741 essay "Superstition and Enthusiasm," that enthusiasts, in effect, slowly moderate their positions, dampen their zeal, and thus are not, in the long run, a serious threat to peace, and if anything, were a means to liberty.[842]

It would appear, however, that Smith was too committed to propositions about the cyclical nature of civil wars to simply *hope* that the Church and the Methodists would not bring on a civil war. Furthermore, if incentive structures made Dissenters into respectable men—and so enthusiastic Methodists might once be so as well—that certainly was not achieved without tumult and violence. Even if the movement toward toleration at the end of the seventeenth century had been relatively peaceful and glorious, England had not gotten *to* 1689 (The Toleration Act) without serious bloodshed. Between radical dissent and moderate Dissent stood the Civil Wars.

We are still left at the decision point described above: What should the magistrate do when called upon by the established clergy to *persecute* dissent? What is the nature of the lesson Smith took from moderation of Old Dissent?

7.4 ¶2: Gallican Questions

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[841] Clive Murray Norris, *The Financing of John Wesley's Methodism*, First edition (Oxford, United Kingdom: Oxford University Press, 2017), 2–3.
[842] Greg Conti, "Hume's Low Road to Toleration," *History of Political Thought* Vol 36, No. 1 (March 1, 2015), 165-191.

¶2 appears to take a sharp turn. In ¶1, Smith presents the "Roman catholic clergy"[843] as having been subject to the same pressures that caused violent intolerance in England. Recall, as Smith describes, the demand for the violent suppression of, as I quoted above, the 'protestants.' Thus, the sense is that establishing a religion, whatever its nature, is dangerous. Of course this is not the same thing as calling for disestablishment, but it is easy to see why some have been so hasty to think that it was. Smith begins the second paragraph, however, by returning us to the "church of Rome," thereby drawing a contrast between it and the Church of England. What is the purpose of this contrast?

The "industry and zeal of the inferior clergy is kept more alive" in the 'church of Rome,' "than perhaps in any established protestant church."[844] Smith's point is that this contrasts with the English model. In the 'church of Rome' the indolence of the high clergy was less of a problem, it appears, than the same indolence among the English clergy because the 'inferior clergy' never let the popularity of the faith entirely languish. The English regime, unlike the 'church of Rome,' had no way of renewing itself, no route to peaceful creative destruction, or a Hirschmanian mechanism of recuperation.

Unlike the 'church of Rome,' England could not keep levels of devotion high without violent breaks in its political order. This contrasts, apparently, with the 'church of Rome' because, first, within it, the

> parochial clergy derive…a very considerable part of the subsistence from the voluntary oblations of the people; a source of revenue which confession gives them many opportunities of improving.[845]

Because this clergy derive much of their wage, but not all of it, from 'voluntary oblations' they are

> like those teachers whose reward depends *partly* on their salary, and *partly* on the fees or honoraries which they get from their pupils. [846][my emphasis]

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[843] Smith, *Wealth of Nations*, 790.
[844] Ibid.
[845] Ibid, 789.
[846] Ibid.

That is, the parochial clergy's mixed source of funding (partly state-guaranteed salary, partly pupils' fees) kept them active in perfecting their 'arts of popularity,' but not zealously so. Once again, this mixed model of funding recalls the policy solution to universal education in Art II. They did not have 'independent provision' (a cause of indolence), nor were they entirely dependent on their customers' satisfaction (a cause of zealotry).

In 'the church of Rome,' the "mendicant orders,"—i.e, in contrast to the 'parochial clergy' with their mixed independent/dependent provisions—"derive their whole subsistence from voluntary oblations." Thus, these orders, wholly paid on the satisfaction of their clients (i.e. dependent provision), were subject to the main cause of zealotry, and thus

> are like those teachers whose subsistence depends *altogether* on their industry. They are obliged, therefore, to use every art which can animate the devotion of the common people.[847] [my emphasis]

These religious teachers, the mendicants, roam the countryside and are like "the hussars and light infantry of some armies; no plunder, no pay."[848] This mix of orders (parochial clergy [mixed funding], mendicant order [dependent provision], and high clergy [independent provision]) and types of clergy within one church is clearly something Smith approves of. It works. He makes no claim about its relative freedom, or equality, he simply contrasts this—*apparently*—with the English model. The hierarchy of this 'the church of Rome' and the respective difference in funding each of the levels of that hierarchy is effective at preventing the kind of corruption England suffers under.

There is one last feature of the structure of the 'church of Rome' to consider in order to sort through the argument he is making. Finally, he summarises:

> [In] Roman catholick countries the spirit of devotion is supported altogether by the monks and by the poorer parochial clergy. The great dignitaries of the church, with all the accomplishments of gentleman and men of the world, and sometimes with those of men of

[847] Ibid, 790.
[848] Ibid.

> learning, are careful enough to maintain the necessary discipline over their inferiors, *but seldom give themselves any trouble about the instruction of the people*. [my emphasis][849]

Notice that Smith, more or less, approves of this model, as above, because of the mix of orders and degree of industry among the lower ranks. The 'dignitaries' of the church are portrayed much like the 'indolent' clergy of the Anglican church but they work with others who are to greater and lesser degrees zealous. The high clergy in each would be poor at directly instructing the people. To put it bluntly, and in the manner Hogarth would have, they would give boring sermons. The difference is that in these 'Roman catholick countries,' the dignitaries 'seldom give themselves any trouble about the instruction of the people.' This gives Smith's magistrate useful information to form a new goal: find a way of releasing the English clergy from directly instructing the people. *Let the Methodists do it.*

Notice, as well, that Smith does not unequivocally say anything precisely in praise of devotion *per se*, but the reason for the contrast with the English model is clear: what has caused civil wars and rebellions in England is the cycling on and off of devotion to the established church (a result of its financing). This is *the cycle of corruption and conquest*. This dangerous phenomenon is not altogether avoided, but lessened in the 'church of Rome' because their 'monks' and 'parochial clergy' keep the faith from languishing as a result of the way in which they are paid. Moreover, these lower orders who are paid in mixed forms are the instructors, by which he means, simply, its preachers. Because the faith is renewed from below, the coercive extraction of the means of establishment (tithes, land endowments, etc) are never experienced as *mere* coercion. The people, perhaps, more willingly pay the tithe. This is a lesson for authority that generalizes: coercion ought to generate the means of its own support.

It is not a concern for persistent devotion itself, but for its effects on regime stability that appears to recommend the 'church of Rome's' model. This model, then, appears superior to the

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[849] Ibid, 791.

English arrangement because the consistency of levels of devotion to the official faith never strips coercive establishment of its persuasive support. It is when coercive extraction is *out of phase* with persuasive power that disorder reigns; coercion, that is, rises to despotism when the powers of its institutionally aligned source of persuasion falls. Again, this generalizes to alignments of coercive force with, for instance, persuasive nationalism. Backing persuasive force with coercive force undermines each.

There is still something amiss in his approval of the 'church of Rome.' What demands explanation is this: how could Smith offer this sort of praise to the ecclesiology of the 'church of Rome' one paragraph after dooming the English, yet twenty-two paragraphs later claim the following:

> The constitution of the church of Rome may be considered as the most formidable combination that ever was formed against the authority and security of civil government, as well as against the liberty, reason, and happiness of mankind.[850]

This latter claim is made in the midst of a traditional protestant history of the Catholic Church. Smith, in this context, is speaking specifically about the medieval Church that, as Peter Minowitz puts it, had a "multinational monopoly."[851]

In ¶2, it seems, Smith was limiting his praise of the 'church of Rome's' model considered within a single country. This amounts to praise of Gallicanism. Indeed, later in Art III he explicitly discusses "the Gallican church," writing that in that church the clergy had little power "and less inclination to disturb the state."[852]

Among the so-called Gallican liberties was the crucial liberty-right that limited the supranational power of the pope (ultramontanism) over French affairs. Smith owned[853] an important

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[850] Smith, *Wealth of Nations,* 805.

[851] Peter Minowitz, *Profits, Priests, and Princes: Adam Smith's Emancipation of Economics from Politics and Religion* (Stanford, Calif: Stanford University Press, 1993), 170.

[852] Smith, *Wealth of Nations*, 805.

[853] Hiroshi Mizuta, *Adam Smith's Library: A Catalogue*, Rev (Oxford : New York: Clarendon Press ; Oxford University Press, 2000), 94.

Gallican text: Claude Fleury's *Institution du droit ecclesiastique*. Fleury was, among other things, an historian of education,[854] whom figures as different as Wesley[855] and core French philosophes (Diderot, Voltaire, D'Alembert)[856] had praised. Smith also notably owned the French clergy's bizarre reactionary response to Gallicanism's spread to Utrecht in 1763. It is a curious document written in response to a curious act. Dale van Kley describes the events in Utrecht:

> In the autumn of 1763 Enlightenment Europe witnessed one of the century's more paradoxical events: a Catholic provincial council meeting in the Protestant Dutch Republic proclaiming a conception of the Catholic Church most closely associated with France.[857]

In the document Smith owned*, Actes de l'Assemblee Generale du Clerge de France sur la Religion*, 1765, the French clergy, surprisingly, condemned this council meeting.[858] Strange enough that Dutch protestants could be imagined to favorably consider French ecclesiology, curiouser still that the French clergy *denounced* this. Wesley, an Arminian who had split from Whitefield over the latter's Calvinism, had visited the Netherlands on three occasions, and seems to have stressed to authorities there the necessity of making its piety practical.[859] Could Smith's apparent approval of the Gallican model have somehow been meant as a message to influential Methodists, or to Wesley himself?

It is important to keep pressing these open questions because the argumentative step Smith is making in ¶2 is heavily rhetorical. In short, I am genuinely uncertain and hoping to *invite* explanations and demand that others writing on Smith and religious establishment hold themselves to trying to explain these events and Smith's rhetoric. Raising yet being unable to answer these questions is *part* of

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[854] For an overview of his life, see: R. Wanner, *Claude Fleury (1640–1723) as an Educational Historiographer and Thinker: Introduction by W.W. Brickman*, International Archives of the History of Ideas (Springer Netherlands, 1975),

[855] Wesley published some of Fleury's work in English translation: Geordan Hammond, *John Wesley in America: Restoring Primitive Christianity*, Reprint edition (Place of publication not identified: Oxford University Press, 2016), 34.

[856] John C. English, "John Wesley, the Establishment of Religion and the Separation of Church and State," *Journal of Church and State*, 2004, 91.

[857] Dale K. Van Kley, "Civic Humanism in Clerical Garb: Gallican Memories of the Early Church and the Project of Primitivist Reform 1719–1791*," *Past & Present* 200, no. 1 (August 1, 2008): 77.

[858] Ibid.

[859] W. Stephen Gunter and Johannes Van Den Berg, *John Wesley and the Netherlands* (Nashville, Tenn: Kingswood Books, 2002).

my accomplishment not a dead end that I am better off not mentioning. The secondary literature on Art III has, thus far, been entirely unconcerned to even ask these questions.

Smith seems to be playing on something in his audience's associations of 'mendicant orders' and 'hussars' and so on, but what is the association he is trying to invoke? He is making his argumentative move by apparently drawing on popular discourse. There are misdirections in Smith's paragraph two, and I grant that Smith did not intentionally let us know that he had been reading up on Gallicanism and recent events, but Smith moved in the highest circles of the Enlightenment(s), so perhaps the second paragraph was a way of signaling his interest in Gallican ecclesiology to people in those circles. ¶2 certainly does not represent straightforward praise of Catholic ecclesiology in general, whatever that might mean. Again, ¶1 seems to group established Catholic churches in with Protestant ones as subject to the same cycles of rise and decline.

Is the ¶2 description of a Gallican model another alternative course for the English, even a suggestion to the French? Is there reason to believe, on the other hand, that Smith was describing the Anglican Church's *via media* working well in England while he used cover of the initial reference to 'church of Rome' to disguise this? The reference to the 'parochial clergy' is ambiguous enough to serve his purposes if this misdirection was intended. Was he merely nodding to what Andrew Sabl has called Hume's "anti-anti-Catholicism"[860]? If it were intended as a model for the English to pursue, or an ideal description of how it was working, how would they get there from here?

Gallican Republican thought, Jotham Parsons has shown, was deeply influenced by the principle that regimes, if they are to last, must be renewed "by a return to their origins, the *ad fontes* so dear to humanists."[861] Early in the eighteenth century, Archbishop Wake corresponded with leading French ecclesiastics "about the possibility of an ecclesiastical union of the Anglican and Gallican

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[860] Andrew Sabl, *Hume's Politics: Coordination and Crisis in the History of England* (Princeton: Princeton University Press, 2012).260 fn5.

[861] Jotham Parsons, *The Church in the Republic: Gallicanism and Political Ideology in Renaissance France* (CUA Press, 2004), 55.

churches." Indeed, "sympathy" for the Gallican church "remained a legitimate feature of Anglican churchmanship."[862] Many Anglicans admired the apparent "civility and tolerance"[863] of the Gallican Church. Was Smith acknowledging this trend?

7.5 Smith's Machiavellian Moment

What I have thus far left out of my summary of ¶2 is Smith's explicit reference to Machiavelli and it secures my claim that Smith is trying to get us to reflect on that *ad fontes* theme in Gallican thought. In ¶2 he is not, then, praising any actually-existing ecclesiastical structure, but invoking a philosophy about regime stability in the literature on Gallican ecclesiastical structure. Here is the reference to Machiavelli in Smith's words:

> The establishment of the two great mendicant orders of St. Dominick and St. Francis, it is observed by Machiavel, revived…the languishing faith and devotion of the catholick church.[864]

Smith's reference is to the *ad fontes* chapter of the *Discourses*. It was a chapter of which David Hume was also fond.[865]

Hume begins his essay "Idea of a Perfect Commonwealth," (1754) remarking that one cannot throw out an "established government," like one can throw out "an old engine." A "wise magistrate" will "adjust his innovations, as much as possible, to the ancient fabric, and preserve entire the chief pillars and supports of the constitution."[866] Yet improvements can and must be made and, in this, we can follow, Hume writes, "MACHIAVEL" and admit that a "government…must often be brought back to its original principles."[867] This is the *ad fontes* renewal.

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[862] Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600–1800* (Cambridge: Cambridge University Press, 1999), 239.
[863] Tony Claydon, *The Church of England and the Churches of Europe*, *The Oxford History of Anglicanism, Volume II* (Oxford: Oxford University Press, 2019), 238..
[864] Smith, *Wealth of Nations*, 790.
[865] David Hume, "Idea of a Perfect Commonwealth" in *Essays Moral, Political, and Literary*. 516.
[866] Ibid, 512.
[867] Ibid.

The only part of *Discourses III.I* ("In order for a Religion or a Republic to Have a Long Life, It is Often Necessary to Bring it Back to its Beginnings") that mentions Sts Dominic and Francis is this utterly fascinating one, of which *each word* is worth weighing:

> But as to sects, these renewals also seem to be necessary by the example of our religion, which would be altogether eliminated if it had not been drawn back toward its beginning by Saint Francis and Saint Dominick. For with poverty and with the example of the life of Christ they brought back into the minds men what had already been eliminated there. Their new orders were so powerful that they are the cause that the dishonesty of the prelates and of the heads of the religion do not ruin it. Living still in poverty and having so much credit with peoples in confession and sermons, they give them to understand that it is evil to say evil of evil, and that it is good to live under obedience to them and, if they make an error, to leave them for God to punish. So they do the worst they can because they do not fear the punishment that they do not see and do not believe. This renewal, therefore, has maintained this religion.[868]

It is remarkable that this is the precise passage that Smith is *explicitly* referencing. I have not seen a single study investigate this fact. Machiavelli's language is striking and strikingly realist.

For Machiavelli, these 'mendicant orders'—the Franciscans and Dominicans—had two crucial features. First, they were popularly persuasive because of their imitation of Christ's life. Their explicit hearkening back to the Primitive Church was attractive to the people *particularly* as against the corruption and luxury among the highest orders—corruptions that the mendicants made no attempt to deny. This leads to their second important trait: 'they made' the people 'understand that it is *evil to speak evil of evil*.' They discouraged the people from rising up against the corruption of the Church. The mendicants diagnosed the disease only to excuse it. This is just like Wesley.

Recall that what Smith left dangling at the end of ¶1 was the question about what to do about the Methodists. He implied that if somehow the Methodists could be expelled from the Church, but tolerated like the Dissenters, they might lose their zeal and industry and become—as the Dissenters had become—respectable men of learning. With the sharp turn to the Gallican model in ¶2 we are

[868] Machiavelli, *Discourses on Livy*, 211–12.

now presented with a model that apparently contrasts with the English by the useful presence of Machiavelli's mendicants.

In his summary of the 'Catholick' model at the end of ¶2, Smith mentions the 'monks' the 'poorer parochial clergy,' and the supervisory 'dignitaries' of the Church, but does *not* mention the 'mendicant orders.' In the paragraph, he distinguishes the mendicants from the parochial clergy by the mendicants' total reliance, as the name implies, on charity, on voluntary donations. The mendicant orders had dependent provision of their wages. Neither could the mendicant orders that he names, the Franciscans and Dominicans, be collapsed into his category of 'monks' exactly. The chief distinction between monks and what Smith calls the mendicant orders (we would say friars) is that the latter are itinerant.

Of the four types of religious teachers named in ¶2—the 'dignitaries,' the 'monks,' the 'parochial clergy' and the 'mendicant orders'—it is the mendicants who are the best at keeping devotion alive among the people and the best at diagnosing while they yet excusing the 'evil' in the Church and they are *not named* in the summary of the workings of the 'Catholick' model. Therefore, the real movement of Smith's rhetoric is not the contrast of the Anglican Church with the Gallican model, but the *isolation* of the mendicant orders as the type of religious teacher it is most valuable to have. We are told that they are valuable on Machiavelli's authority.

My claim is that Smith meant by this isolation of the 'mendicant orders' to again invoke the Methodists. Happily, we need not rely only on this kind of interpretive algebra to secure the connection between Machiavelli's mendicants (Sts Francis and Dominic) and the Methodists.

Machiavelli's description of Sts Dominic and Francis and the imitation of Christ certainly fits with Wesley's own description of his ideal form of practice. Halévy writes in Machiavellian tones that

it was the "ostentation of their ascetism"[869] that gave the Methodists a hold on the lower classes. Hempton helpfully summarizes the Methodists' discipline and appeal:

> Its essence was that the ministry of traveling preachers was made dependent on the hospitality and regular subscriptions of a grateful laity. Whereas other churches in the eighteenth century depended for their resources either on ecclesiastical taxation or autonomous congregational giving, the Methodist pattern combined voluntarism with connectionalism. Moreover, itinerancy *militated against the comfortable conformity so much dreaded by Wesley in England and Asbury in America.* [my emphasis][870]

It is almost as if Wesley himself had absorbed Smith's analysis of incentives. His was an intentional internal organization that disciplined the Wesleyan movement in ways similar, again, to Machiavelli's plan. The key is not simply that the Methodists were recognized as existing within the Church, but that Wesley saw this internalism as utterly crucial to their thriving. It was not an incidental fact that they were internal to the Church. It was a strategy that Wesley was fairly explicit about. In short, Smith could have depended on their staying within the Church so long as Wesley had his way.

If the Methodists remained within the Church, perhaps they might distract attention from the rot endemic to the English establishment, or even expressly excuse it (teach that it is 'evil to say evil of evil'). The mendicant orders, on Machiavelli's telling, had managed this. Certainly Wesley very actively encouraged his audience to persist in their Anglican observances despite his public admonishments of their indolence. Wesley, time and again, diagnosed the corruption of the Church—*recall that Smith might have been personally present at the most monumental example of it*—but nevertheless tolerated it: "'For I am an High Churchman, the son of a High Churchman, bred up from my childhood in the highest notions of passive obedience and non-resistance."[871] Wesley even took care not to schedule any planned meetings during Anglican service times.

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[869] Halévy, *Methodism.*

[870] David Hempton, "A Tale of Preachers and Beggars: Methodism and Money in the Great Age of Transatlantic Expansion, 1780-1830.," in *God and Mammon : Protestants, Money, and the Market, 1790-1860* ed, 138.

[871] David Rainey, "The Established Church and Evangelical Theology: John Wesley's Ecclesiology" *International Journal of Systematic Theology* (3 September 2010),426.

In the passage Smith cites, Machiavelli had praised this kind of passivity among the friars as expedient to peace: they taught, again, that 'it is good to live under obedience to them and, if they make an error, to leave them for God to punish.' This, on Smithian realist principles, was better than what history had taught us to expect in this perpetual cycle of civil war. Before seeing how Smith might have figured he could take Machiavelli's advice, let us secure the connection between Smith's mendicants and the Methodists.

One of the earliest explicitly anti-Methodist writings was by Bishop Lavington's *The Enthusiasm of Methodists and Papist Compar'd* (1749). He too had a hard-headed sense of what drove religious innovation and political radicalism:

> one feature of Sectarism, in every age invariably the same, its strong antipathy to the existing religious constitution. No matter what that establishment was, it was property, it was power.[872]

Lavington explicitly links the Methodists to the Puritans who, to his mind, executed Charles I. The following, therefore, is a clear call of alarm:

> it is remarkable that the mendicant Friars resembled very much, in their manners and religious deportment, the Puritans of later days, and the Methodists of the present hour.[873]

Lavington repeats this comparison[874] of Methodists to Franciscans and Dominicans ('mendicant Friars') somewhat later in his argument. Lavington's broadside was well-known and went through four editions between 1749 and 1754.[875] Notice, incidentally, that Bishop Lavington is doing the kind of, broadly-speaking, 'economic imperialism' for which so many have praised Smith. That is to say, there is nothing scandalous, let alone heretical, in analyzing religious entrepreneurs as having discoverable

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[872] George Lavington, *The Enthusiasm of Methodists and Papists Compared* (Printed for J. and P. Knapton, 1754).
[873] Ibid.
[874] Lavington, , *The Enthusiasm of Methodists and Papists Compared.*
[875] McInelly, *Textual Warfare and the Making of Methodism*, 2.

interests besides their faith. Smith analyzed the situation well, but it was not novel to imagine a human being to be strategic, even if they were deeply religious.

Alexander Kilham, himself an important Methodist who proposed separation from the Church, complained at the end of the eighteenth century that Wesley's model of financing the movement reduced them to "begging friars."[876] Wesley wrote about "the unpleasing but necessary work of going through the town and begging." It was necessary work, Wesley thought, because we "beg from the rich to buy books for the poor…"[877] Hugh Price Hughes, a distinguished orator and nineteenth-century Methodist wrote that John Wesley and his disciples "were the first preachers since the days of the Franciscan friars in the Middle Ages who ever reached the working classes."[878]

Given that he had just twice named the Methodists, explicitly, as the sect that was threatening the Church, it is very plausible, that Smith could have figured that Machiavelli's arch praise of Sts Francis and Dominic was, in context and to some readers, suggestive of an approach one might take to the Methodists.

However resonant Smith's analogies might have been, it is *anyway the case* that Wesley had arranged his society, still within the Church, in such a way as to fit what Smith thought was really important about the mendicants. They were itinerant and Wesley did not depend on tithes. Wesleyans were within the Church in the sense that he himself was ordained and continually struggled to have Methodist practice accepted as legal by The Act of Toleration and the Conventicles Act. "Wesley realized," Hempton at length explains, "that early Methodism teetered on the brink of legal irregularities, but he also had respect for ecclesiastical discipline."[879]

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[876] Quoted in Hempton, *Methodism*, 111.
[877] Wesley quoted in Heitzenrater, *Wesley and the People Called Methodists*, 223.
[878] "John Wesley: Journal of John Wesley - Christian Classics Ethereal Library."
[879] David Hempton, *The Religion of the People: Methodism and Popular Religion c. 1750-1900* (London ; Routledge, 1996), 87.

After leaving Oxford in consequence of the sermon he gave in front of young Smith, Wesley drew no money from tithes, had no land endowments from the realm, and could not levy taxes. He was not begging for his subsistence but he did not earn it on anything except voluntary contributions. This is *why* a book like Clive Norris's recent 'business history' of Methodism can be written at all. Wesley had incredible business sense. As Norris puts it:

> The creation of a financially self-sufficient national voluntary association with a mass membership drawn predominantly from working people—more than half of them women —was in itself a striking achievement, with no obvious parallels.[880]

There is good reason to believe that Smith's picking out the mendicants for a specific type of Machiavellian praise might have been popularly understood as referencing the Methodists, but it is true that *for Smithian reasons* the mendicants *ought* to have been compared to the Methodists. Their source of funding relied on, if you will, satisfying their customers (dependent provision). They were zealous, not indolent, but they were internal to the Church. The particular appeal of the Methodists relied on their place formally within the established church. They were overwhelmingly concerned with criss-crossing Britain (itineracy) begging (mendicancy) in order to *instruct* and 'buy books for the poor.'

My key insight, then, is that Smith names the Methodists twice in ¶1 and *continues* analyzing them in ¶2 and right through Art III to a discussion of the good of their sectarian life and place in the English public sphere.

Smith knew that this turn in ¶2 to discussing 'the church of Rome' could at least serve a double purpose of discussing Gallicanism as an ecclesiology while drawing his readers back to considering the good the Methodists were doing in England. Even if my interpretation thus far is speculative,

[880] Norris, *The Financing of John Wesley's Methodism*, p8.

something needs to explain the reference to Machiavelli and to the church of Rome at just this point in his rhetoric.

Why open with a dire warning about establishment and then describe a better form of ecclesiology *on Machiavelli's authority?* What does Machiavelli's teaching in that chapter from the *Discourses* have to do with Smith's supposed interest in disestablishment?

In the first few sentences of Art III Smith closely follows, for example, some of Montesquieu's expressions in *Persian Letters*, so why did he not quote Montesquieu directly on this score: "it is often observed that the introduction of a new sect into a state is the surest way to correct the abuses of the old"[881]?

Though Montesquieu, Smith might have thought, was on to something, his sort of renewal was actually dangerous for all the reasons Smith had already described. That is what ¶1 had been about. Machiavelli had not said that Sts Francis and Dominic had *corrected*, but that they had *excused* the corruption of the church. The task was to use the new sect *without* drawing a counterpunch from the established clergy, and Montesquieu did not offer anything, nor for that matter, did Machiavelli offer *much*. Hume, though…

¶3 begins a *four-paragraph long* quotation—a fact in itself that needs more explanation than scholars have attempted—of Hume from a 'digression' in his *History of England*. Hume begins by running through various schemes of incentives and how they differ in their good effects depending on the nature of the "profession[]." It is true, Hume reckons, that if your goal is to increase the diligence and discipline of religious teachers, the state ought *not* to guarantee their wages (dependent provision causes diligence and zealotry). "But if we consider the matter more closely"—Hume is now positively smirking— "we shall find, that this interested diligence of the clergy is what every wise legislator will study to prevent." Therefore,

[881] Montesquieu, *Persian Letters*, letter: LXXXV.

> in reality the most decent and advantageous composition, which he can make with spiritual guides, is to bribe their indolence, by assigning stated salaries to their profession…[I]n this manner ecclesiastical establishments, though commonly they arose at first from religious views, prove in the end advantageous to the political interests of society.[882]

Hume's suggestion fits the Machiavellian: allow, or in Hume's case positively *encourag*e the top end of the church to become indolent, but keep, as Smith explains the Catholic countries to have achieved, the 'inferior clergy' active by, essentially, paying them poorly or, if you should be so lucky, not at all. Each of these, the reference to Machiavelli, and the quotation of Hume exists in the plain text of *Wealth of Nations*.

In chapters one and two I described Hume's precarious position on whether or not to state publicly that governments' authority ought to be evaluated by holding it to standards of utility. He openly weighed the case for publicity. Hume recommended a kind of government-house utilitarianism and he did so in private correspondence as well. In a letter that Rasmussen highlights, Hume writes to advise a clergyman who is suffering a crisis of faith. This man, Hume says, should not fret about remaining in the Church and continuing to minister: "[i]t is putting too great a Respect on the Vulgar, and on their superstitions, to pique oneself on sincerity with regard to them. Did ever one make it a point of Honour to speak Truth to Children or Madmen?"[883] Hume was not above proposing these kinds of schemes. Was Smith? Was Smith, in a sense, hiding his argument?

In England, the clergy who had become indolent were still, unfortunately, also responsible for the religious instruction of the people. Not so in the Romish model, recall:

> The great dignitaries of the church, with all the accomplishments of gentleman and men of the world, and sometimes with those of men of learning, are careful enough to maintain the necessary discipline over their inferiors, *but seldom give themselves any trouble about the instruction of the people.* [my emphasis][884]

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[882] Hume quoted in Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 791.
[883] Hume quoted in Rasmussen, *The Infidel and the Professor : David Hume, Adam Smith, and the Friendship That Shaped Modern Thought*, 29.
[884] Smith, *Wealth of Nations*, 790.

In England, Wesley was a pioneer in educating the young.[885] The Methodists were the ones most interested in 'troubl[ing] about the instruction of the people.' This fact released the upper clergy to their indolence.

The Smithian bribe, perhaps, reduces the endowments to all members of the Church of England except for the highest ranking, permitting the Methodists to continue their itinerancy, near mendicancy, and field preaching, the funding of which is *not* coercively extracted by the magistrate. As Hempton describes, "[Methodism's] itinerant preachers were notably more industrious and more mobile than the clergy of the established churches, and they were financed not by tithes or church rates but by voluntary contributions and book sales."[886] In Norris's 'business history' of Methodism he explains that the complaint of the parochial Anglican clergy against Methodist practice was that it depended on no physical church and thus no fixed location. They were like a food truck operating under loose food safety regulations parked in front of a restaurant.

Their mobility combined with a second feature to out-compete the established clergy.[887] Wesley permitted and sanctioned lay preaching. Not only did they run a mobile food truck, their chefs did not have to take and pay for the food safety courses the stationary chefs had to. As Halévy put it, Methodism prospered "on the frontier of the Church of England."[888] In some ways it thrived *because* it was on this frontier. In bribing the indolence of the clergy Smith would not have been pulling the wool over the eyes of the *Methodists*. They knew that it was the observable difference between them and the clergy that was attracting parishioners to them. If Smith's proposal is to bribe the English

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[885] Elmer L. Towns, "John Wesley and Religious Education," *Religious Education* 65, no. 4 (July 1970): 318–28,
[886] Hempton, *Methodism*, 46.
[887] Dennis M. Campbell, "Ministry and Itinerancy in Methodism," in *The Oxford Handbook of Methodist Studies*, ed. James E. Kirby and William J. Abraham (Oxford: Oxford University Press, 2011), 265.
[888] Elie Halévy, *A History of the English People: England in 1815*, vol. 1 (Harcourt, Brace, 1924), 11.

clergy into accepting the practice of the Methodists, he could certainly tell the Methodists he was doing this. They benefitted from their relative diligence so long as they remained within the Church.

Methodists were managing to innovate by *depending* on the existing regulations that hamstrung the parochial clergy. Imagine the ordained minister, following the liturgy in letter and spirit, looking out the window of his expensive (in all senses) church at the lay Methodist orator field-preaching, causing thrilling paroxysms and evangelical new births. As long as the *Methodists* were happy with this advantage, the complaints of the sedentary parochial clergy could be ignored by the magistrate.

We should return to thinking about the position of the civil authority. Could the king be openly told the plan to 'bribe the indolence' of its church?

There are two key points of leverage that compel the magistrate to persecute sects at the command of the established church: the popularity of that church among the people, and, more importantly, *the ambition of the sect to be persecuted*. If the established church is popular, then you do not want them to criticise you. If the reforming sect is directly aiming to unseat the popular clergy, then punish the sect. But the established church was unpopular, or anyway, did not have the grip on the people that it once had. That was Hogarth's original message. The Methodists, though ambitious, were *not* ecclesiastical rivals to the Church. The Anglican clergy were losing their leverage on two fronts: they lacked a hold over the hearts and minds of the people, and because the Methodists were not rebellious, the Anglican clergy lacked a hold on the interest of the civil power. The Methodists were just the kind of sect a king with a church would want; it meant the traditional clergy lacked leverage.

Moreover, the Anglican clergy, far from being alarmed, might be moved not by opposition to Methodism but by attraction to its innovations. David Wilson emphasizes that "Methodism in its sometimes odd relationship with the Church did in several places function either as a cooperative

ministry, as Wesley claimed he always intended, or as an adjunct to the pastoral work of the clergy."[889] Methodism, Henry Rack observed, could be thought of as an "extra-establishment religion (outside the Church of England) but also as extra establishment (an extension or supplement to the Church of England)."[890]

A similar point, with different emphasis, has been made by E.P. Thompson: "From the outset the Wesleyans fell ambiguously between Dissent and the Establishment, and did their utmost to make the worst of both worlds, serving as apologists for an authority in whose eyes they were an object of ridicule or condescension, but never of trust."[891] Why would the high Anglican clergy be particularly concerned to persecute the Methodists if the Methodists did not want to unseat them? This is precisely the Machiavellian insight that Smith had.

There was good reason for Smith to believe that the Methodists were, or could be turned, politically conservative. They could accept the given regime of establishment because it was working for them. This explains why, as Himmelfarb put it, "[in] an age of revolution, most of Wesley's disciples were firmly committed to the established order."[892] If bribing the elite clergy to ignore the Methodists did not work then the conservatism of the Methodists would diminish the leverage the established clergy would otherwise have to compel the magistrate to crush those enthusiasts: the clergy could not plausibly claim that the Methodists were a political risk.

Thus, perhaps Smith's ¶1 is a warning to *watch* but be very happy with the *status quo*—so long as the Methodists were. The Methodists were not overly concerned to trouble the 'dignitaries' of the Church because they did not desire their disestablishment, nor—crucially—*even their own* establishment. Wesley was too canny for that. It was only the parochial clergy who had good reason

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[889] Wilson, "Anglicanism and Methodism" in *The Oxford History of Anglicanism, Volume II: Establishment and Empire, 1662 - 1829*, ed. Anthony Milton (Oxford: Oxford University Press, 2017), 498.
[890] Rack, *Reasonable Enthusiast*, 39.
[891] Thompson, *The Making of the English Working Class*, 350.
[892] Himmelfarb, *Victorian Minds*, 275.

for complaint, thus we have the solution to bribe the 'dignitaries of the church' to maintain 'discipline over their inferiors' and yet resign themselves into indolence and never 'trouble themselves with the instruction of the people.' At this point, even if my analysis is strained, at least my efforts attend to the types of concerns that Smith insists we ought to have in the 'man of system' passage.

Smith quotes Hume as suggesting the noble bribe and virtually all commentators take Smith to have disagreed with Hume. I do not think this is right. Smith approves of Hume's argument.[893] At the very least, it is *impossible* to maintain, as Rasmussen claims, that Smith takes 'an explicit stand against Hume.' In the next section I turn to this question directly: did Smith disagree with Hume's proposal?

I admit that there are, though they are unknown to me, other ways of reading what I have thus far analysed. Perhaps Smith or Wesley's awareness of the strategies available to them were not as I have concluded them to be. There are details about Gallican ecclesiology that I do not know, and so on. But how can the claim that Smith called for disestablishment be supported without reckoning with any of the material I have raised? How has the reference to Machiavelli gone virtually unnoticed? I submit that with a figure like Smith readers have been too drawn to imagine that there are flat economic arguments, unrelated to local context, being made. Readers imagine that Smith was unsophisticated politically. He is unlike Montesquieu, or Hobbes.

7.6 Hume-Smith

My reading has the benefit of robustly explaining the reference to Machiavelli and Hume, two names Smith knew would draw attention. It is also worth remembering some of the personal context in which the composition of *Wealth of Nations* took place. Rasmussen's recent book on the relationship

[893] I mean to be limiting this claim to the narrow words of Smith's text. For instance, Smith would have disagreed with the following from Hume "To encrease these evils, the church, though she possessed large revenues, was not contented with her acquisitions, but retained a power of practising farther on the ignorance of mankind. She even bestowed on each individual priest a power of enriching himself by the voluntary oblations of the faithful, and left him still an urgent motive for diligence and industry in his calling. And thus, that church, though an expensive and burthensome establishment, was liable to many of the inconveniencies, which belong to an order of priests, trusted entirely to their own art and invention for attaining a subsistence." Hume, *The History of England.*

between Smith and Hume spends some time recounting an important moment in their close friendship.[894] Theirs was an extremely close friendship, and, to some degree it was Smith who understood Hume's philosophic genius most fully. As Ernest Mossner writes, "[o]nly within the small circle of Edinburgh intellectuals was [Hume's] genius fully appreciated, though not fully approved, and of that intimate group only his closest friend Adam Smith gave the nod of whole-hearted approval."[895] If anyone were particularly concerned to promote and not to denigrate Hume it was Smith and Hume, evidently, knew this about Smith.

Consider Rasmussen's description of Smith's refusal of Hume's request that Smith see his *Dialogues Concerning Natural Religion* through to publication after he died. That request was written into Hume's will on January 4, 1776. The tension in their correspondence over the stewardship of this classic text tempts a number of questions.

This dating means that not long before Hume *first* told Smith about his will and the publication of the *Dialogues*, Smith had already worked into Book V of *Wealth of Nations* (sent to the publisher in 1775, published March 9, 1776) a conspicuous quotation of some six hundred words of Hume suggesting that civil magistrates ought to "bribe the[] indolence" of the clergy by richly establishing them, that is, incentivize their knavery.[896] Hume, I am suggesting, likely did not know that Smith had put four paragraphs of Hume's own words into *Wealth of Nations* when he asked Smith to publish the *Dialogues*.

At least for the sake of their friendship, an intimate friendship which Rasmussen carefully narrates, one hopes that Hume's response upon first reading *Wealth of Nations* contained an approval of Smith's extended quotation of him. Three months after writing the request into his will that Smith

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[894] This sentence and the next six paragraphs come from my book review: Griffiths, "A Critical Reader of Hume and Rousseau."
[895] Ernest Campbell Mossner, *The Life of David Hume*, 2nd ed (Oxford: Clarendon Press, 2001), 4.
[896] Hume quoted in Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 791.

would be entrusted with his most focussed philosophical attack on arguments for the existence of God, Hume writes (April 1, 1776) that he has now read *Wealth of Nations* (published one month earlier): "Euge! Belle! Dear Mr Smith: I am much pleas'd with your Performance, and the Perusal of it has taken me from a great Anxiety." Hume does dispute Smith's sense that the "Rent of Farms makes any part of the Price of the Produce,"[897] but he says nothing about Smith's six-hundred word quotation of him. None of what I say depends on explaining this absence, but it is an absence.

Hume was not reluctant to press powerful criticism upon Smith in their correspondence,[898] taking aim at what he called the "Hinge of your System" in *Theory of Moral Sentiments*, but in this letter on *Wealth of Nations* he only disputes Smith on the 'Rent of Farms' and the price of 'Produce.' Does Smith endorse Hume's bribe? I think the ecclesiastical and religious context gives us good reason to believe that he does, but if he does not, we are left to wonder about the nature of the lengthy quotation and their silence surrounding it. Did Smith really quote Hume at this extreme length to disagree with the elder man?

In April 1776 Hume congratulates Smith and says that it has 'taken me from a great Anxiety.' In May 1776, Hume sends Smith two letters. The first tells Smith that he is being too timid about publishing the *Dialogues* but understands his reticence. He ends it "[i]f you write to me, hem! hem! I say, if you write to me, send your letters to Mr Strahan, who will have my direction."[899] Enclosed in that letter is a second one formally releasing Smith from the requirement to publish the *Dialogues*. He says that he is "content, to leave it entirely to your Discretion at what time you will publish that Piece [*Dialogues*] or whether you will publish it at all.'

This is the timeline: 1775 *Wealth of Nations* is completed; January 1776 is Hume's private will concerning, among other things, Smith's stewardship of the *Dialogues*; March 1776, *Wealth of Nations* is

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[897] Smith, *The Correspondence of Adam Smith*, 186.
[898] Ibid, 43.
[899] Ibid, 195.

published; April, Hume congratulates Smith and thanks him for relieving his anxiety; May, Hume rescinds the obligation to publish the *Dialogues*. On August 15, 1776, ten days before he died, Hume wrote to Smith to inform him that he will send a copy of the *Dialogues* to his own nephew to publish, and another to Smith for safe keeping.

It is hard to know exactly what provoked Smith's reticence to publish the *Dialogues*, but Rasmussen is right to invite us to think about Smith's ennobling public account of Hume's nontheistically generated serenity in his final moments in the light of Smith's bracing refusal of Hume's wishes. I submit that Rasmussen's narrative should also make us rethink Smith's quotation of Hume's curious digression on religious establishment.

Since most read Smith as objecting to Hume in *Wealth of Nations*, March 1776, was Smith's *subsequent* refusal to publish *Dialogues* related to the reasons behind his objection? Hume dies in August 1776, so one wonders: if the matter of the posthumous publication of the *Dialogues* was such a fraught moment in their friendship, what on earth was Smith doing leaving in a cherry-picked quotation of some tongue-in-cheek institutional proposal from Hume in *every subsequent* edition of *Wealth of Nations*? Smith did make changes to the text over the next fourteen years, but Hume's words remain. In our memory this has preserved Smith as a timid moderate, or perhaps as too pious for the *Dialogues*, but as certainly, in the instance, not a good friend to David Hume. Is Art III an attempt to *further* distance himself from Hume's views at the very moment his actions are distancing him from Hume personally? Why draw so much attention to Hume only to refute his argument and then also deny him his dying wish? Why add public insult to private injury? Smith wrote to their publisher, Strahan, to implore him not to sell any material of Hume's but to follow Hume's will precisely and so "to burn all his papers, except the *Dialogues*."[900]

[900] Smith, *The Correspondence of Adam Smith*, 223.

Why would Smith, flagrantly disagreeing with Hume in *Wealth of Nations,* not have angered Hume enough for him to mention it in correspondence amidst his request about the *Dialogues*, about which he did press Smith? He claims that Smith was being too timid with the *Dialogues*. It would be natural to then mention the huge quotation of him on bribing the indolence of the clergy: 'You are too timid to publish my work, so you shame me in yours?' I submit that it was very unlikely that Hume understood Smith to be disagreeing and instead regarded Smith endorsing his view publicly as a real tribute to him. This tribute relieved his 'anxiety.' Hume knows his end is coming, knows people will want to know about what his final wishes included, did he ask for a priest, so it really would seem that he would be anxious to know what Smith does with his text in *Wealth of Nations*.

I *highly speculatively* submit that Hume may have wanted Smith to write something brilliant on religious establishment, using Machiavelli, treating the clergy as morally unexceptionable, but Smith was taking forever in publishing the thing. Hume knew he was ill and he desperately wanted a piece like that to be written about the clergy. He read *Wealth of Nations* and there it was: Machiavelli, the line about bribing indolence, the rough treatment of the Methodists, and Oxford. *Given that performance*, I understand Hume to be implying by the release from anxiety, I release you from publishing my *Dialogues*. The value of this speculation is that it opens a research question that has not been asked, even when there has been a book written on the friendship between Hume and Smith.

I believe, but cannot prove, that Smith's ecclesiastical proposals were meant to accomplish by institution what the *Dialogues* intended to do by argument. This is why Hume released Smith from the duty to publish. The *Dialogues* would be published anyway and Smith would publicly *support* Hume's noble bribe. Hume's anxiety was, as his two-year concern over his health suggests, that he would die before getting to read Smith's coup. *Are you really going to publish the argument about bribing the clergy?* Hume was anxious to know.

In an early draft of Smith's famous public letter on the death of Hume—the letter I quoted Wesley referencing in sermon—Smith quotes Hume as pleading with Charon to allow him a little more time on earth. What does Hume want to stick around and see? "Good Charon," Smith reports Hume saying, "I have been endeavouring to open the eyes of the people; have a little patience only till I have the pleasure of seeing the churches shut up, and the Clergy set about their business."[901] These are literally Smith's words (words describing Hume's speech), and he kept them out of the public, but Smith himself knew them.

Hume's bribe is not at all a call to disestablishment. But suppose Hume did want the churches 'shut up,' how could paying them to remain serve that end? If the Anglican clergy were bribed to remain politically complacent, they would surely continue to lose popularity, though they might continue to be men of faith. They might lose their churches and be 'set about their business.'

In the published version of the letter describing Hume's last days, Smith toned the language down considerably: "Have a little patience, good Charon, I have been endeavouring to open the eyes of the Public. If I live a few years longer, I may have the satisfaction of seeing the downfall of some of the prevailing systems of superstition."[902] Smith also removed a line he wrote about Hume dying with "great chearfulness and good humour and with more resignation to the necessary course of things, than any Whining Christian ever dyed with pretended resignation to the will of God."[903]

This is to say that on the evidence we have from Smith's private correspondence, Smith *toned down* the irreligiosity of Hume when he presented him publicly. The appearance is that Smith greatly admired Hume's composure in his final moments and wanted to publish the more scandalous letter, or at least to write it. By toning down the letter, he made Hume more, not less, acceptable.[904] Of course

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[901] Smith, *The Correspondence of Adam Smith*, 204.
[902] Ibid
[903] Ibid, 219.
[904] For more on this subject see: Annette C. Baier, *Death and Character: Further Reflections on Hume*, (Cambridge: Harvard University Press, 2008).

just this cover for Hume is what infuriated Bishop Horne against Smith. Horne thought that Smith made Hume more respectable than he deserved.

Smith's description of Hume wanting to 'see[] the churches shut up, and the clergy set about their business' sounds close to something like disestablishment. Yet in no way does the quotation of Hume call for disestablishment. The bribe he proposes is simply his description of the good of establishment, the good of the indolence of the clergy. If we suppose Hume was sincerely committed both to causing the 'churches' to be 'shut up' *and* for bribing the indolence of the clergy through establishment, then surely he thought that establishment simply *was* a way of causing the churches to eventually be shut up.

It is, at this point, still possible, though I hope to have cast serious doubt on it, that Smith was objecting to Hume's noble bribe. I do believe that Hume's view is simply an explicit explanation of the means to the Machiavellian palliative that Smith explicitly alludes to in ¶2. I do not believe that Smith is disguising anything in Art III *except* the fact, as I see it, that the argument was a tribute to Hume. After all, what could be hidden? Smith directly, explicitly, describes the Anglican clergy as "having given themselves up to indolence." They are "indolent, effeminate and full fed." The Methodists? They are "stupid and ignorant enthusiasts…without half the learning of the dissenters."[905] There is nothing for Smith to disguise after saying all this, and in any case he names Machiavelli and directs us to his text. Nothing hidden. Nothing held back.

Continuing to follow Art III, immediately after quoting Hume, Smith perhaps *appears* to object to him. The last sentence Smith quotes from Hume is this one, quoted above: 'ecclesiastical establishments though commonly they arose at first from religious views, prove in the end advantageous to the political interests of society.' Smith then immediately writes the following

[905] Smith, *Wealth of Nations,* 789.

sentence that begins ¶7, which is the Tocquevillian paragraph about revolution and counter-revolution:

> But whatever may have been the good or bad effects of the independent provision of the clergy; it has, perhaps, been very seldom bestowed upon them from any view to those effects.[906]

Smith is saying, plainly, that Hume has a point; perhaps there are some good effects from 'independent provision' of money, but no one has ever *originally* established a clergy directly to bribe their indolence ('very seldom bestowed upon them from any view to those effects').

Perhaps Hume is right, Smith implies, that establishment has worked out here or there and perhaps now with the specific character of the Methodists things will be fine. It might *now*, be good to bribe their indolence, given what the Methodists are, but the *political theory* of establishment that Smith developed in ¶1 shows that *establishing* a religion, that precise act, is a grave mistake. He then explains why in fact, and to which purpose, religions do get established. The establishment ought, in England, to be managed by Humean bribery, but this is not a case of establishing a church, but of managing one that is already established. Hume was right about that, but wrong if he thought this recommended establishment where there was no prior establishment.

In the previous chapter I described the standard case of the causes of the establishment of religion. Recall: in the paragraph immediately following his quotation of Hume Smith asks us to consider a people in the midst of deep disorder. For instance, "[t]imes of violent religious controversy have generally been times of equally violent political faction." All ambitious political actors, in these circumstances, will need to take some substantive position on the religious controversy if they are to become the new reigning authority. Some of these political actors will naturally "league [themselves] with some one or other of the contending religious sects." Ultimately, the "conquering party" will

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[906] Smith, *Wealth of Nations*, 791.

likely come from those who have forged this type of alliance between politics and religion. Establishment, ¶1 had explained, is eventually a cause of 'violent religious controversy' but doomed re-establishment is what ends it: this is the cycle of civil war—*corruption and conquest*—now begun again.[907]

After the victory, the religious leaders "were weary…of humouring the people, and of depending upon their caprice for a subsistence." Because they had provided a unique support to the political faction, they had the leverage to "first demand" that the new "civil magistrate…silence and subdue" their religious adversaries. In this case there would be no rival to their doctrines, no competition to hold off. The clergy's "second" demand was for the "independent provision" of the goods of establishment: the tithe, vast libraries, and institutions for training young clergy and so on. He continues:

> The civil magistrate, who could comply with this demand only by giving them something which he would have chosen much rather to take, or to keep to himself, was seldom very forward to grant it. Necessity, however forced him to submit at last…[908]

Establishment has functioned on *these terms* and been established for *these reasons*, not for Hume's. That is Smith's point. Smith, in essence, says that Hume's proposition is *untested.*

No one had *established* the clergy, for the first time, with a 'view' to the 'good or bad effects' of bribery. How could they? In the midst of civil war, the magistrate had needed to secure his authority by aligning with the most powerful religious force in country. This is why no establishment has been bestowed on a clergy with a view to 'bribing their indolence.' *In the instance,* their indolence is just what the magistrate does not want. He wants them to embellish his rule with all the persuasion they can muster and he would be happy if they stayed vigilant.

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[907] Smith, *Wealth of Nations,* 792.
[908] Ibid.

Precisely because 'times of religious controversy' have equally been times of 'political' controversy, the would-be magistrate needs to ally with a sect to settle the war. So, Smith's rebuke to Hume, such as it is, is that what *causes* establishment is the necessity, in the instance, of intertwining coercion and persuasion in order to secure the authority of each. Because the magistrate understands the relationship this way, and himself has grown to *indolently* depend on their support, the clergy have the leverage to demand violent suppression of its adversaries. There is good reason, in short, why no one has established a clergy on Hume's suggestion.

But here's the rub: in England the Methodists were *not*, just then, looking to unsettle the established clergy. They were succeeding *because* of the effects of establishment. They were not like a sect utterly opposed to the regime; they were part of it. As I have shown, Wesley criticized but consistently respected the Church and thus distracted the laity from rising against the Church, just as Machiavelli had described (the mendicant orders taught that it was 'evil to speak evil of evil'). In the current moment the only risk was that the *established* clergy might disrupt this equilibrium. Thus, Smith suggests that England should persist with, and perhaps increase Hume's noble bribe. Recall that stability was maintained in 'the church of Rome' because its highest 'dignitaries' had no part in the basic teaching of the laity. Smith argues, then, that one cannot *at the beginning* establish a clergy to bribe their indolence but it is possible *right now* for England to do so given that the Methodists are performing a Machiavellian *ad fontes* renewal. He endorses Hume's noble bribe *once one has* established a religion.

To return, once again, to the case of the university of Oxford. A noble bribe here would be to offer to increase the wages of the researchers if only they promise not to *teach*. Teaching will be funded at the students' will. *Teachers* will have to be attracting their own students. Suppose then that the offer to senior professors was this: we will increase your wages if only you no longer teach but continue to do research. It is perhaps a little insulting to offer this if they suspect they are being accused of being

bad teachers, but it is not implausible that they very much would want to accept an offer like this. That is, by analogy, there is no great reason to believe that senior clergy would balk at a similar deal for them. Nor would such a deal be somehow, irreligious, or necessarily intended to lessen religious faith. Not at all. The bribe, such as it might be, to the senior professors would not be intended to harm *education*. Suppose some professors reject the higher wages and freedom to do research. Very likely these are the ones who are best at teaching. The idea is that the noble bribe need not be hidden, nor understood as particularly cruel or insulting. It might very well be what the high clergy most want.

I hope to, at this point, at least have shifted some of the burden onto those who argue that Smith straightforwardly disagreed with Hume. I do not think that any appeal can be made to a moral principle that Smith would have understood the Humean bribe to have violated. Again, there is nothing *more* offensive to the clergy about Hume's bribe than what Smith had already said about them. And would the clergy really object to being released from preaching to the lowest ranks of people? Would Smith's Oxford professors *object* to being paid more if they had to agree to teach less and study more? This is a serious point; it is only Hume's language of a 'bribe' that makes it sound unserious, or flippant. *Hume* certainly wanted it to have that ring in our ears. Having certainly criticized them harshly, there is no reason for Smith to either endorse Hume's noble bribe through misdirection or hide his endorsement of it at all. In fact, my claim is that he simply straightforwardly endorsed Hume's noble bribe for England and would be surprised that he had been misinterpreted.

Surely everyone must agree that Hume's noble bribe goes with the grain of Machiavelli's praise of Sts Dominic and Francis. This is relevant because Smith invites us to read this passage of Machiavelli. How could this possibly count as a way of setting up a disagreement with Hume? Wouldn't Hume have been delighted by the rhetoric moves? We must admit that Smith explicitly endorsed Machiavelli's arguments and Hume did as well (recall he had quoted the same chapter of the *Discourses*).

The suggestion that Old Dissent was benign because of their wage structure, the comparison with the church of Rome, these are the *types* of solutions and this is the manner of political philosophy which we already have reason to believe Smith was committed. "Where there is an established religion," Smith writes, "[t]he sovereign can in this case never be secure, *unless he has the means of influencing in a considerable degree the greater part of the teachers of that religion.* [my emphasis]"[909] If England really were approaching some kind of civil war or regime collapse, there is no reason to believe it would somehow turn out well. If the Methodists really were—and they really were—visiting prisons, attending to the sick, giving society to people who lacked it, then it certainly is best to prioritise order over whatever presumed good may come from the regime collapse.

To conclude this section, let me quote Bishop Samuel Horseley who seems to have understood maneuvers like Smith's almost exactly as I have presented them. In this piece Horseley discusses Hobbes, Spinoza, Hume, Diderot, Voltaire, Condorcet and so on. In France, he reflects, their ideas have caused a revolution and he was keen to display them such as they might proceed in England. I quote him at length from an address to his clergy in 1800. As with the quotation above from Machiavelli, *Discourses* III.I, it is important to weigh every word:

> The mode of the attack will however be different in different places, according to the varieties of national temper they will have to encounter…
>
> In this country, I believe, they know very well that bold undisguised Atheism, proceeding directly and openly to its horrid purpose, will never be successful. They must have recourse therefore to cautious stratagem ; *they must pretend that their object is not to demolish but reform: And it was with a view of giving colour to this pretence, that the impudent lie — for such I have proved it to be — has been propagated in this country of their reverence for pure Christianity and for the Reformation.* In their first attempts in this way, we trust, they have been completely foiled….
>
> [They attempt] to alienate the minds of the people from the Established clergy, *by representing them as sordid worldlings, without any concern about the souls of men, indifferent to the religion which they ought to teach and to which the laity are attached, and destitute of the Spirit of God*…It is a dreadful

[909] Smith, *Wealth of Nations*, 797.

> aggravation of the dangers of the present crisis in this country, that persons of real piety should without knowing it be lending their aid to the common enemy, and making themselves in effect accomplices in a conspiracy against the Lord and against his Christ. *The Jacobins of this country, I very much fear, are at this moment making a tool of Methodism, just as the Illumines of Bavaria made a tool of Freemasonry ; while the real Methodist, like the real Freemason, is kept in utter ignorance of the wicked enterprise the counterfeit has in hand.*[910] [my emphasis]

Smith's policy proposal—Hume's noble bribe—depends on politically neutralizing the Anglicans. Bribe their indolence, chip away at their leverage, and get sustained peace.

Conclusion

For Smith, encouraging yet disciplining Methodist practices[911] served only as a last and quite desperate means[912] for generating the kind of self-respect among society's lowest-ranked that he believed prevents injustice. As Walter Scott was to say of Methodism, it "introduces morality among people who would never practice it unless it came recommended by a faith which addresses itself to the passions. But [it] seems to [be] an awful priestcraft concern."[913]

The effect sectarian life could have on justified self-respect was apart from, but overlapped with, the tendency this encouragement would have for regime stability. What this means, in short, is that Smith is recognizably doing normative political theory in Art III: he is offering solutions to the breakdown of centralized power over the control of common interests that is then disciplined by moral concern.

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[910] Church of England et al., *The Charge of Samuel, Lord Bishop of St. David's, to the Clergy of His Diocese: Delivered at His Primary Visitation in the Year 1790.* (London: Printed for F.C. & J. Rivington, 1819), 104.

[911] Smith's references to Methodism have never been fully explored but Jerry Muller has seen the essential point: "Methodist preachers performed what Smith deemed a vital social function..." Jerry Z Muller, *Adam Smith in His Time and Ours: Designing the Decent Society* (Princeton, NJ: Princeton University Press, 1995), 159; see also: Levy, *Rationalism, Pluralism, and Freedom*, 176.

[912] As James Farr puts Smith's conclusion, "Understandably, though regrettably, he may turn to a 'small religious sect' for a sense of place and light." James Farr, "Political Science and the Enlightenment of Enthusiasm," *American Political Science Review* 82, no. 1 (1988): 51.

[913] Walter Scott, *The Letters of Sir Walter Scott* (New York: AMS Pr., 1971), in The Eighteenth-Century Context, in Oxford Handbook of Methodist Studies, 12.

Smith understood the Methodist movement as at once a predictable harbinger of civil war, a manipulable variable within this cycle of civil war, and as an important site of the recognition-goods that support his conception of justice and the basic good of political stability. In Art III he attempted to thread the needle of identifying the Methodists as a threat to order, a means to peace, and a source of a vital good.

My way of reading Smith ought to re-animate the Halévy Thesis because it navigates a way through the troubling claim, as Elissa Itzkin glosses it, that under Methodism "popular discontent took the form the discontent of the bourgeoisie wanted to give it: a religious and conservative form."[914] If I am correct about Smith, he proposed to use Methodism as a means of delaying radicalism but also as an (ersatz) means to self-respect that makes popular discontent politically effective.

Unique features of Methodism—its field-preaching, the itineracy of its preachers, its acceptance of lay-preaching, its place at the very edge of the legally-tolerated, in fact even its business model—presented Smith with a variety of policy solutions both to the perpetual political crises internal to the English model of establishment and to the effects of social dislocation characteristic of commercial society. If Methodism might be useful for preventing civil war, Smith required that it be so for the right reasons. Smith's use of Methodism was grudging, and yet properly a part of a realist political theory.

Finally, it is clear that the first six paragraphs all discuss England. This is important for two reasons: a) it warrants studying the context in England that Smith might be drawing from. He is not writing in entirely abstract terms into which I have inserted local concerns. b) This material covers only the first third of Art III. In the text of Art III he is about to *change* contexts and explicitly signal that he is. In the next chapter I describe this shift from one context (England) to another (America)

[914] Elissa S. Itzkin, "The Halévy Thesis—A Working Hypothesis? English Revivalism: Antidote for Revolution and Radicalism 1789–1815," *Church History* 44, no. 1 (1975): 47–56.

and we should note that if there is such a shift, then there is ever greater reason to interpret Smith as making a policy proposal to England that is complete in Art III's first six paragraphs. In other words, I invite scholars to attempt to describe Smith's proposal to England using only the first six paragraphs. Nowhere does he suggest that disestablishment is best; he is not a 'man of system.'

Taking Stock

In the previous chapter I argued that Smith made an ecclesiastical proposal to England that explicitly drew from Machiavelli and Hume. It was a proposal to maintain or increase the funding of Anglican clergy in order to bribe them into political complacency given the revivalist nature of the Methodist movement. I have called this proposal the noble bribe, or Hume's bribe. The bribe is noble because it aims at a common good (peace, justice, and moderation after Voltaire's plan)[915] and not a lie, because its means to this good survives publicity.

It is important to stress that Smith's proposal of the noble bribe was made *to the English* i.e. *to* a specific people, *to* a King and *to* a parliament who would determine the policy for their established episcopal polity ("episcopal government"[916]) *in which* a revivalist sect (the Methodists) was committed to, and had an identifiable interest in, remaining. The directedness of Smith's arguments means that his analysis and recommendation do not at all amount to a general argument in favour of the establishment of an episcopal polity—as if he would have England reignite the Bishops' Wars (1639, 1640).

The noble bribe was an antidisestablishmentarian argument. If the English 'episcopal government' were to prolong the peaceful phase of its cycle, it had to encourage the indolence of its high clergy or provoke their pride into useful activity by *publicly* pointing out their indolence all while channeling the Methodists into performing a Machiavellian *ad fontes* renewal. For a variety of reasons, virtually no one has even showed notice of this proposal made to the English.

I ended by claiming that Smith had completed his first ecclesiastical proposal.

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[915] Recall from the previous chapter this combined with Hume on enthusiasm burning itself out.: "I cannot guess what may be the fate of Quakerism in America; but I perceive it loses ground daily in England. In all countries, where the established religion is of a mild and tolerating nature, it will at length swallow up all the rest" Voltaire et al., *The Works of Voltaire: A Contemporary Version* ... (Akron, Ohio: New Werner Co., 1913).
[916] Smith, *Wealth of Nations*, 807.

Abstract

The argument Smith makes in ¶8 has attracted almost all the attention there has been on Art III. It is this paragraph that is the site of claims that Smith called for disestablishment in order to inaugurate a marketplace of religion. I claim that Smith argues for the non-establishment of religion and that is grounded almost entirely in the prediction that such a model would bring about regime stability. It is quite easy to make my positive case, but it is not as easy to disprove other arguments. Thus, much of this chapter attempts to grant premises to scholars who make different interpretive arguments. I try to make their arguments work and then identify why they fail to work.

It could be, for instance, that the stipulations Smith appears to make in ¶8 are like a constructivist original position such that the conclusions he makes are normative in a way that dominates the other arguments he makes. This chapter and the next refute that idea. It could be that Smith is prioritizing liberty, non-establishment grants the most liberty, therefore it is what he actually universally recommends. This cannot be made to work without avoiding the text of the rest of Art III and importing a conception of liberty into Smith's writings that at least is not explicitly there. Finally, it could be that Smith had a kind of civil religion argument and a theology that makes the achievement of that civil religion absolutely essential to the justification of any ecclesiastical arrangement. This is far-fetched and can best be disproven by comparing Smith's comments on religion to his contemporaries and noting that he stands out for lacking the kind of theology that would support this reading. I end by once again stressing the straightforward reading of Smith as arguing for non-establishment in the interest of securing order.

Chapter 8

'Coarse Clay' Political Realism: The Non-Establishment Argument ¶8

> [H]istory is filled with religious wars, but let us be careful here, for it is not the multiplicity of religions which has produced these wars, but the spirit of intolerance stirring those who believed themselves to be in a dominant position.
>
> -Montesquieu, *Persian Letters*[917]

Introduction

Smith's most general claim in Art III—and one that sits in the background of this chapter—is that established episcopal polities generate perpetual cycles of civil war. He has a moral-hazard narrative of the self-defeating alignment of persuasion (church) and coercion (the state). His plan for England, the noble bribe, is an *application* of his political theory not its content. Smith's normative political theory consists in the priority ordering of order, justice, and liberty. The noble bribe is a change to England's constitution that is permissible because of this priority of order. It was a way to strive for stability (order) that would seem to have the potential for increasing levels of justice by permitting the Methodists to continue to provide community for the worst-off without decreasing liberty.

To be clear, then, I believe that in my study of Hume's noble bribe I have already proven that a) Smith did not call for disestablishment and that b) he had real normative reasons for not doing so (the Methodist-Anglican mix was a good one; disestablishment threatens violence). What I have not done is confront the disestablishment reading on its preferred grounds, namely exclusively ¶8. I do

[917] Montesquieu, *Persian Letters*, 144.

this in this chapter and the next. The reason it is important to do this is because a direct call for disestablishment would seem to violate what I claim is Smith's priority of order. A call for disestablishment would seem to bypass order, and justice, for the sake of promoting freedom.

Aside from the specific claim about disestablishment, it is also important to challenge the idea that the argument of ¶8 is some kind universalist argument. One could admit that Smith proposed a noble bribe to England and endorsed the Scottish establishment, but then argue that these were unserious, or some sort of misdirection, or second-best, and the actual argument of Art III, Smith's ideal, is non-establishment. To make that argument they must claim that the noble bribe and the endorsement of the Kirk are not coordinate with, but somehow subordinate to, the non-establishment argument. I maintain that his 'universal' argument concerns order and each of his proposals satisfies that principle. It is not simply that each argument has equal status with the others, but that they are the *same* argument: order is the first priority.

In this chapter I turn to the argument that has attracted almost all the commentary that exists on Art III. In ¶8 Smith argues for what is widely referred to as a marketplace of religion. Most believe that this represents an argument for disestablishment. It is true that Smith makes an argument for the good effects of what can roughly be called a marketplace of religion. It is much better, and certainly closer to the text, to call Smith's an argument for the non-establishment of religion: "a plan," as he says, "of no ecclesiastical government."[918] This argument is plainly consistent with his antidisestablishmentarianism, evident in the noble bribe. Non-establishment enduringly avoids circumstances resembling the establishment incentive trap. That is why, I contend, Smith recommends it. Is that the only value Smith thinks is promoted or written into the ¶8 proposal?

The marketplace of religion is Smith's prediction of what would arise in conditions of non-establishment. More precisely, as we will see in the next chapter, the marketplace of religion was a

[918] Smith, *Wealth of Nations*, 793.

prediction of what non-establishment would cause in America. This prediction was based on his understanding of America's recent past, particularly of religious life in Pennsylvania. Referring to the argument as one directly for a marketplace of religion, as so many have done, does not sufficiently attend to the realist nature of the argument. That reading misses the degree to which Smith limits his argument by specific conditions. It tends also to misidentify the normative core of what Smith was after in the non-establishment proposal: lasting order, justice, and individual liberty. Overwhelmingly it has been believed that this proposal is grounded in liberty and constitutes the entirety of Smith's position on church and state—it is this that is glossed as disestablishment. My claim is that non-establishment or this marketplace model exhibits his realist priority of order.

The first advantage of calling this marketplace proposal the non-establishment model is that Smith meant his argument to contrast favorably with *both* establishment and disestablishment. Calling it non-establishment makes that precise position clear. His model would contrast with, for example, the prominent, though strikingly different, establishmentarian arguments of William Warburton and Hume. As Smith quotes him, Hume was proposing *establishment*. Smith accepted Hume's reasoning as appropriate for the management of existing establishment, but denied that Hume made a convincing case for establishing one where none had been established before. Just when a king will be considering whether or not to establish a church he will also be desiring that they not be indolent. What he wants is a clergy to embellish his coercive rule with their persuasive force.

Non-establishment also contrasts with the recent disestablishmentarian arguments of Joseph Priestly and Richard Price. ¶1 of Art III exposes the destructive incentive problem of establishment in much the same way that Priestley and William Godwin[919] (1793) had. In ¶1 Smith exposes this

[919] William Godwin, *Enquiry Concerning Political Justice, and Its Influence on Morals and Happiness.: By William Godwin. In Two Volumes.* (Philadelphia: Printed by Bioren and Madan, 1796),; "Is there anything that can look with a more malignant aspect upon the general welfare than an institution tending to give permanence to certain systems and opinions?" and who accordingly condemns religious establishments, with their fixed creeds, as "bind[ing] men, by promises and

incentive problem in order to, among other things, rebut Warburton and recast Hume's idea. In exposing the destructive cycle of establishment and showing it to be of a piece with other destructive cycles Smith has argued against establishment but not for disestablishment.

¶6 is the last of the direct quotations of Hume. The argument of ¶7 is the most straightforward, social scientific, argument against disestablishment. It is clearly meant to frame the contrast with non-establishment that he will make in ¶8. In ¶7 he presses something of a coordination problem to expose the near impossibility of lasting disestablishment: re-establishment, a kind of state capture, is the overwhelming but suboptimal solution to any serious instability resulting from the disestablishment. On top of this bare analysis, the predictable *vengefulness* of re-establishment and restoration, rebut Priestley and Price on disestablishment. Since disestablishment very likely begets (vindictive) re-establishment it simply begins the cycle that plagues establishment, which is to say that disestablishment is ruled out because it will likely not secure lasting *order*.

Disestablishment also runs afoul of normative concerns about justice within Smith's realism because it risks disrupting traditional sites of recognition (communities and associations connected to the Church) without being able to assign a probability to any direction of change in the supply, distribution, or quality of these sites. The purpose of Smith's description of the marketplace of religion (¶8) that would arise from non-establishment is to offer such a probability for a non-establishment plan. Given existing religious diversity, non-establishment would multiply the number of sects (supply), localize their teachings (distribution), and all would likely be moderated by the feedback mechanism of open competition (quality). Crucially, this probability about sects, conceived as sites of recognition and so the means to social visibility, recommends non-establishment (or any model) only if, and because, it can be shown with some probability that the model achieves *order*.

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penalties, not to improve upon the science of their ancestors." In Frederick G Whelan, "Church Establishments, Liberty & Competition in Religion," *Polity* 23, no. 2 (1990): 155–85.

Naming the argument of ¶8 a proposal for non-establishment has the second advantage of insisting on the particularity of the proposal: non-establishment is an act that can only be performed where there is no established religion. The good effects of the marketplace model, no matter how much Smith celebrates them, are described as following from, and only following from, non-establishment. This leads us to ask, to whom was Smith proposing non-establishment?

One of my goals across these chapters has been to show that Smith's political arguments always ruled in the complications of context. As Smith's first biographer and important early interpreter, Dugald Stewart, put it:

> Smith, Quesnay, Turgot, Campomanes, Beccaria, and others, have aimed at the improvement of society,—*not by delineating plans of new constitutions, but by enlightening the policy of actual legislators*. Such speculations, while they are more essentially and more extensively useful than any others, have no tendency to unhinge established institutions, or to inflame the passions of the multitude.[920] [my emphasis]

My challenge in this chapter is to show how Smith's non-establishment argument is at least consistent with these principles. Non-establishment and the marketplace model is not a proposal for an entirely 'new constitution,' but an attempt at 'enlightening the policy of actual legislators.' The marketplace model is not *the* recommendation of Art III, it is the one that is made to the Americans. This latter part of the argument, its directedness to America, is argued for in the next chapter. This chapter clears the way for that argument.

In seeing that Smith was making arguments to 'actual legislators,' as Stewart puts it, I intend to also show that this expressed a considered position on how normative political theory ought and ought not proceed. Smith and Hume were keen to press the fact that, as Jacob T. Levy puts it, "[c]onstitutions are enacted in ongoing societies (whether newly politically sovereign or otherwise) with preexisting laws and legal systems, political organizations, cultural and linguistic and religious

[920] Stewart in Smith, *Essays on Philosophical Subjects*, 294.

divisions, and norms and mores."[921] Smith's social science of the conditions of justice disciplined and moralized what Levy describes as the "practice of reconciling those legacies to a new political order, of making use of those legacies to build loyalties to or counterbalances against the state (or both)."[922] Non-establishment was meant to reconcile existing American religious life to 'a new political order.'

Non-establishment was also an attempt at counterbalancing, or at least diminishing, dangerous forces. The argument that establishment was perpetually self-defeating (¶1) spoke to the interest of new founders *and* to the leaders of sects. If you are commandeering a regime, one in which there has never been an establishment, Smith encouraged you to deny the pleas of sect, lest you be forced, unsustainably, to ever increase your coercive support for the religion because this very protection you are offering diminishes their persuasive powers. If you are the leader of a sect, Smith tells you to resist the temptation of establishment because your teachers will neglect and so fail in their role as spiritual guides to the masses. These appeals are addressed to leaders of sects and parties in a way that is internal to their purposes, and certainly not external to citizens' goals.

Smith scholars have apparently been relying on believing there is something enthymematic in Art III. They import into his argument a premise about the priority of liberty. With liberty as his priority they then suppose that in ¶8 he is calling for the disestablishment of religion. I aim to undermine the belief in this hidden premise about liberty. Doing so will indirectly support my claim that order was his normative priority.

Of course even if this premise of liberty is there, but hidden, this still would not save these scholars from failing to properly interpret Smith's noble bribe or his recommendations to Scotland. If, however, they are correct that Smith is working through arguments about establishment with liberty

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[921] Levy, "Not So Novus an Ordo: Constitutions without Social Contracts," *Political Theory*, Vol. 37, No. 2, 192.
[922] Ibid.

as his priority then they must cast his recommendation to Scotland as unsystematic, *ad hoc*, or cautious hedging.

I will test arguments and readings that could have supported a disestablishment reading. What this requires, in general, is to frequently have in mind the place of liberty in Smith's argument. This will require keeping some versions of liberty distinct, without presupposing Smith to have any one of them in mind: liberty of conscience is part of a duty to attend to faith; *libertas ecclesiae* is a corporate, or group right; brute freedom of choice, or as I tend to say freedom of religion, is a kind of objective description of a liberty-right to choose one's own religion. Ultimately, it is, at most, some version of *libertas ecclesiae* or freedom of association that does most of the work, but it does so in the service of bare stability and justice.

As I have said, in the next chapter I will make a contextualist argument for interpreting Smith as having intended ¶8 to be offering an argument to America. In this chapter I begin by presenting ¶8 as a freestanding, not contextually-bound, argument. I do this for two reasons.

First, treating it as such grants premises to readers who argue that Smith pressed for religious freedom and disestablishment. Over the sections I will undermine the coherence of that approach. First, I argue that it is highly unlikely that Smith intended the conditions he names as privileged epistemic starting points for reasoning to an ideal constitution**.** I then complicate any reading that describes Smith as arguing for freedom of religion, in the narrow sense of 'freedom of religion' as meaning the granting of free choice of which religion to follow.

The other reason I begin with supposing that ¶8 presents a freestanding argument is that I am not intending to claim that the non-establishment argument was so narrowly posed as to only ever be applicable to America in 1776. It is made to the Americans, but I also believe that it is part of Smith's

apophatic nudging[923]: any reader looking at her own polity is invited, by Smith, to take seriously the sense that the conditions it presents seem essential to the proposal's good effects while also encouraging reflection on how to get those effects within the constraints of her polity's conditions.

I begin by describing the argument and place of ¶8 in the text (8.2 A Plain Account of ¶8 and ¶9). It is important to appreciate that Smith marks it as different from what has come before. In a sense, by introducing his argument as involving a change of political context he tells us that he has *completed* one argument about what to do if there is an established religion. The straightforward read of ¶8 is that allowing everyone to choose their own religion is good for stability. Smith describes a few conditions in this new context he is about to discuss, so the question to ask concerns the status of these conditions. Are the conditions somehow privileged in such a way as to make the conclusions about what to do normative across contexts (8.3 Stipulated Conditions? Original Position? Non-Ideal Theory?). Is ¶8, we wonder, a thought experiment like an original position or state of nature? This seems to be what most have, in effect, believed Smith to be doing. Once one considers the nature of the conditions, however, it becomes very hard to believe that they are somehow normatively privileged. One other possibility is that Smith was arguing for a kind of civil religion (8.4 The Variety of Good Effects: Civil Religion? Freedom?). This is worth considering because there is a lively debate about Smith's theological commitments. If one holds that he has a firm theological position, then what he says about a 'pure and rational religion' must be related to it. That is, I can indirectly challenge different positions on Smith's theology by forcing them to orient their interpretation to what Smith says here. In the end, it is clear that Smith offers none of the kind of theological positions that would have pressed him into considering a civil religion. I attempt to work out Smith's position on liberty, but there is reason to believe that he would not have appealed to liberty in this case, because the

[923] Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Revised and expanded edition, (New York: Penguin Books, 2009).

leading claim for freedom of religion was grounded in the duty some thought there was to choose one's religion one's own way. Finally, I conclude by suggesting that order was Smith's priority and he shows clear signs of supposing that a robust civil society and public sphere would support what we might call the conditions of justice (8.4 ¶¶ Twelve to Sixteen: Justice and Moral Bearing).

8.2 A Plain Account of ¶8 and ¶9

By the end of ¶7— the passage about political and religious tumult being the source of re-establishment—Smith has finished the argument for the noble bribe by insisting that the self-defeating nature of the formal alignment of religion and politics is *perpetual*. In other words, he has just finished arguing against disestablishment because it simply brings on war and re-establishment. This, I grant, supposes my new reading of ¶¶1-6, but my interpretation of ¶7 contains nothing controversial. ¶7 is about the impossibility of resisting re-establishment after disestablishment. How does he begin ¶8? He begins it by marking a *transition* from one context, or set of arguments, to a new one.

> *But if politicks had never called in the aid of religion*…the conquering party…would probably have dealt equally…with all the different sects, and have allowed every man to chuse…his own religion as he thought proper. There would in this case…have been a great multitude of religious sects…every congregation might probably have made a little sect by itself, or have entertained some peculiar tenets of its own…The teachers of each sect…surrounded on all sides with more adversaries than friends, would be obliged to learn…candour and moderation…would be obliged to respect…every other sect, and the concessions which they would…make to one another, might…reduce the doctrine of the greater part of them to that pure and rational religion…such as wise men in all ages of the world wished to see established…This plan of ecclesiastical government, or more properly of no ecclesiastical government, was what that sect called Independents,[924] a sect no doubt of very wild enthusiasts, proposed to establish in England towards the end of the civil war. If it had been established, though of a very unphilosophical origin, it would probably by this time been productive of…philosophical good temper and moderation…of religious principle.[925] It has

[924] He strikes a note that sounds very much like Hume: "The independents, from the extremity of the same zeal, were led into the milder principles of toleration. Their mind, set afloat in the wide sea of inspiration, could confine itself within no certain limits; and the same variations, in which an enthusiast indulged himself, he was apt, by a natural train of thinking, to permit in others. Of all christian sects, this was the first, which, during its prosperity, as well as its adversity, always adopted the principle of toleration; and, it is remarkable, that so reasonable a doctrine owed its origin, not to reasoning, but to the hatred of extravagance and fanaticism." Hume, *The History of England*, 442–43.

[925] Indeed Smith in lecture declared that "But we are not to imagine the temper of the Christian religion is necessarily contrary to slavery. The masters in our colonies are Christians, and yet slavery is allowed amongst them" Smith, *Lectures on Jurisprudence*, 191.

> been established in Pensylvania [sic], where, though the Quakers[926] happen to be the most numerous, the law…favours no one sect more than another, and it is there…productive of this philosophical good temper and moderation. [my emphasis][927]

The contrast he is making with the conditions of re-establishment described in ¶7 is perfectly explicit. What I am about to say applies to this new but not the previous context, he seems to say. Smith signals that he is fundamentally changing from one context to another. Refusing to establish any one sect in a polity that had *never* had an established church initiates a religious market, the competitive pressures of which will 'probably' have many significantly beneficial effects ('good temper and moderation,' convergence on a 'rational religion'). That first line ('But if politicks had never') has the force it does because it contrasts with the prior paragraph. It also, *by definition*, takes us away from England to somewhere else.

The first sentence of the paragraph at issue contains a clear conditional: "But if politicks had never called in the aid of religion, then…" and so follows the so-called marketplace modelling. The two key words in that conditional are 'but' and 'never.' One of Smith's earliest publications was a review of Samuel Johnson's *Dictionary*, and in that review Smith proposes to best Johnson by showing how he would have defined "BUT."[928] In the lengthy definition he nicely contrasts 'but' with 'however': "The use of *but*…seems often to mark a more precipitate keenness in denoting the opposition, than the use of *however*."[929] In beginning his paragraph with 'but' Smith was keen to mark a transition he was making from one argument to another. In the former, he describes England, as I have above, caught in the perpetually self-defeating alignment of persuasion and coercion. The

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[926] There is no sense in which Smith is attributing Pennsylvania's decency to the good sense or moral conviction of the Quakers; In Book III Smith comments that "The late resolution of the Quakers in Pennsylvania to set at liberty all their negro slaves, may satisfy us that their number cannot be very great. Had they made any considerable part of their property, such a resolution could never have been agreed to." Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 388.

[927] Smith, 793.

[928] Adam Smith, *Essays on Philosophical Subjects* (Indianapolis : Liberty Classics, 1982), 236.

[929] Smith, *Essays on Philosophical Subjects*.

alignment was perpetual once it was begun. Because the alignment of religion and politics will have collapsed, the civil war will be *about* religion and politics and so will the solution. Smith had concluded this proposal I describe him as making to England at just this point, this word, literally.

In the argument to which we are transitioning 'politicks' had *never* called in the aid of religion. This not only abstracts away the Church, it asks us to imagine a situation in which politics and religion had *never* joined. It does not place us, as the previous paragraph had, in the midst of a civil war of religion. Imagining what would happen if you disestablished a church—which he never mentions—is different from imagining what would have happened had politics never called in the aid of religion. In the latter situation, and in that situation only, this *laissez-faire* management of sects might avoid the anacyclosis to which England was subject. England, to be clear, was a place where politics *had* aligned politics and religion.

When Smith games out what would happen in this new case, he thinks various pressures would tend to moderate the sects, but that is not fundamentally why Smith thinks it is good. It avoids the alignment trap that England was in. Describing this plan, he calls it not a "plan of ecclesiastical government, [but,] more properly of no ecclesiastical government."[930] Because this proposal is made for a situation in which politics had never called in the aid of religion and because it is a plan of no ecclesiastical government, I call it his argument for the non-establishment of religion. As evidence that the plan might work, he cites "Pensylvania."[931] Thus it is a prediction Smith is making on past evidence (evidence I will show that Benjamin Franklin could have been personally reporting to Smith). The text provides no support for reading Smith as calling for disestablishment; he cites Pennsylvania as a good example of what he is imagining; it is 1776.

[930] Smith, *Wealth of Nations*, 793.
[931] Ibid.

What Smith was surest of, and what mattered most, was not the attainment of the good effects of religious moderation, but that the model would certainly control the bad effects of sectarian division relative to establishment (i.e it would secure *order*). In ¶9 Smith carefully explains which of the many beneficial effects can stand on its own to justify the model:

> But though this equality of treatment [the marketplace model] should not be productive of this good temper and moderation in all, or even in the greater part of the religious sects of a particular country; yet provided those sects were sufficiently numerous, and each of them consequently too small to disturb the publick tranquility, the excessive zeal of each for its particular tenets could not well be productive of any hurtful effects…and if the government was perfectly decided both to let them alone, and oblige all to let one another alone one another, there is little danger that they would not of their own accord subdivide themselves fast enough, so as soon to become sufficiently numerous.[932]

As Smith makes clear, his *hope* was that the model would generate an ever-increasing moderation and convergence of religious doctrine such that disagreement would cease and the basic laws of the polity, in a kind of syncretism, would be endorsed as if they were the laws of a 'rational religion.' That was his hope. He is clear in ¶9, however, that if the model does not produce 'moderation' or doctrinal convergence but rather fractured fundamentalism with 'excessive zeal,' it *still* ought to be preferred to episcopal establishment and other less *orderly* models.

Smith's ultimate justification depends on the prediction that free choice would *either* end up increasing the number of sects such that none could compel public force against any of the others or that free choice, over time, would reduce the diversity into a single, shared, rational religion; in each case the threat that a sect can leverage the civil magistrate, or the public force, to attack its 'adversaries,'—a threat which he introduces in ¶1—is maximally (given certain constraints) decreased. That effect is the necessary and sufficient condition of its legitimacy. Non-establishment avoids the incentive trap of establishment—*cycle of corruption and conquest*—and therefore is more orderly than any establishment would be. It is clear that Smith thinks that this stability is what matters about

[932] Smith, *Wealth of Nations*, 793.

ecclesiastical arrangements. The gestures at 'moderation' of doctrine, 'equality of treatment,' and rational 'religion' are not doing the work of really justifying the model. He absolutely could have named liberty at just this point, and he does not.

There is no reason to believe that the non-establishment proposal is inconsistent with *ex ante* levels of justice; more importantly Smith reasons out a prediction that non-establishment will *increase* the number and *variety* ('every congregation might probably have made a little sect by itself, or have entertained some peculiar tenets of its own') of societies and orders. This is a prediction, I believe, about the conditions that promote the kind of self-respect that encourages practices of accountability.

I will come back to this, but it is worth saying that it is, at least, incautious to say that "Smith explicitly argued for individual liberty in religious instruction."[933] I am not denying the obvious fact that non-establishment expands free choice relative to other models. There are very likely *more* choices of association and the choices one can make in this one are *freer* (e.g. no tithe) than in the others. These facts fit what we might call negative freedom and, potentially, freedom as non-domination (i.e. the state lacks the power to arbitrarily choose your church for you). *Liberty,* the word, is conspicuous by its absence in a book that very frequently appeals to it. This, I suspect, is because the standard appeal at the time, when advocating legal rights to freedom of religion, was to liberty of conscience and he did not want to appeal to *that*. Very frequently liberty of conscience[934] was granted because of the religious *duty* we have of coming to faith by our will alone.

If he did appeal to liberty of conscience to do the work of justifying the non-establishment model this would *impugn* the English and Scottish models on traditional evangelical

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[933] Leathers and Raines, "The 'Protective State' Approach to the 'Productive State' in The Wealth of Nations," 428.

[934] Whelan presents many arguments that help place Smith's. Here is Bishop Butler: "'On the other hand, a constitution of civil government without any religious establishment is a chimerical project, of which there is no example: and which, leaving the generality without guide and instruction, must leave religion to be sunk and forgotton amongst them; and at the same time give full scope to superstition, and the gloom of enthusiasm;... Now a reasonable establishment provides instruction for the ignorant, withdraws them, not in the way of force, but of guidance, from running after those kinds of conceits" Whelan, "Church Establishments, Liberty & Competition in Religion," 164.

disestablishmentarian grounds. Perhaps something like this is what interpreters have believed Smith was up to, but, again, in the bare text Smith approves of the relatively restrictive Kirk in addition to praising other establishments. Smith's 'conquering party,' above, merely 'allows every man to chuse' his own sect, the permission of which is only endorsed by his concern with stability and the social scientific predictions of ¶8.

The argument of ¶8 is this: if there is no existing establishment, then it is likely (more about this prediction in the next chapter) that order will be most lastingly secured by refraining from establishing a church. This is significantly different from 'explicitly' arguing for 'individual liberty,' or an indefeasible right to freedom of conscience.

In the next section I work out the kind of argument Smith is making: is he attempting to justify this model in a way that impugns all other forms? This is the sense, charitably, that the many who describe Smith as arguing for disestablishment mean to be taken from ¶8. Very many of these scholars, for instance, are ready to describe Smith's gradualism, or moderation—however one prefers to call it. Their point, perhaps, is that Smith absolutely defines the best model of ecclesiastical polity in ¶8, whatever might be his practical advice about implementing that model. To support this argument scholars would need to show something about the nature of the method of Smith's argument. In effect, how universal are its premises meant to be?

8.3 Stipulated Conditions? Original Position? Non-Ideal Theory?

Smith opens ¶8 by marking a transition in his argument. To this point in Art III, he has provided an analysis of England's ecclesiastical bind (¶¶1 and 7), offered a palliative *via* Hume and Machiavelli (¶¶2 to 6) and has just finished showing why (¶7) the self-defeating alignment of persuasion and coercion was perpetual (i.e. establishment, civil war, then re-establishment), thereby ruling out disestablishment as a live option.

The transition that he marks in ¶8 begins with a conditional ('But if politicks had never…'). This invites us to wonder about the purpose of the stipulations in this apparent counterfactual. We should ask, what is it about Smith's stipulations that make the choice not to establish a religion seem justified? Why these stipulations and not some others? For instance, standard state of nature arguments rule out all structures of authority because the influence of these shape the desires and beliefs of citizens and bias them for (or against) that authority. What we want to do is question the legitimacy of (that) authority by ruling out its affective influence on hearts and minds. What we rule in are, at the very least, *permissible* influences on their thinking.

In beginning ¶8 with 'But if politicks had never called in the aid of religion…' he is apparently imagining away the prejudice among the people that supposes that politics will always 'call in the aid of religion,' or that politics ought to, or must 'call in the aid of religion.' He must also be imagining away the same prejudice in the 'conquering party.' Determining the status of these, and other, apparently stipulated, conditions will help define the kind of political theory Smith practiced. In short, he is claiming that there is no necessity to the decision of 'politicks' to 'call[] in the aid of religion' and this is what allows us to ask whether or not it should.

The argument of this chapter and the next, by contrast, rests on my own interpretation that in ¶8 he is not making any stipulations to ideal conditions, but simply describing circumstances in America. He is doing this, however, broadly enough so as to suggest his analysis of what to do in America applies to other similar cases. Thus, I believe, Smith derives political normativity from within really-existing conditions by offering a proposal and then predictions about, among other things, stability and the conditions of justice, that are derived from history and positive political theory. The argument of ¶8, then, would not dominate the other two arguments (noble bribe, and Kirk), but would be coordinate with them. The stipulations he names are not privileged justificatory conditions.

There is a plausible reading of the text that claims that Smith is abstracting from conditions in England that prejudice people towards or away from establishment, but still addressing his argument to England, indeed, to every polity. If this were so, Smith must have figured that conditions in England distort rather than uniquely inform our moral/political judgement. I investigate this reading of ¶8 not exactly because many hold it explicitly but because something like this reading *could,* in fact *ought* to, undergird a large swathe of the literature on Art III. The claims that Smith called for disestablishment and that it is the purpose of Art III to argue for this must have a way of explaining the function of the conditions Smith appears to stipulate such that they ground a general argument for disestablishment.

On the ideal-typic reading of Smith that I have in mind, Smith is attempting to universally justify non-establishment in order to encourage disestablishment. He does this by abstracting from politics to a (constructivist) choice situation that generates a value that ought to shape politics—the source of the normativity is outside of, or prior to, existing practices of politics ('…if politicks had never called in the aid of religion…'). Smith's idea would be to ask: what would we say about religion and politics under these normatively favorable conditions of choice?

On this reading, the point of Smith's stipulated conditions would be to derive a rationalist position on, broadly-speaking, the ideal relationship between religion and politics. This supposes that Smith is attempting to define, and/or identify, a normative point of view that is "unfettered by the form or structure of existing institutions and practices."[935] This would mean that in ¶8 Smith is either arguing in order to justify an ideal proposal such that the rest of Art III—the noble bribe and the argument to the Kirk about lay patronage—is a kind of non-ideal theory: the proposals to England and Scotland are guided by an ideal (established in ¶8) and a concern over feasibility, or implementation. As Sangiovanni describes the idea I am proposing: "[t]he key point is that our actions in non-ideal circumstances must ultimately be justifiable in light of the principles and ideals identified

[935] Sangiovanni, "Justice and the Priority of Politics to Morality," 137.

by ideal theory; principles formulated for a perfectly just society should function as a regulative ideal for us here and now"[936]

At the opening of ¶8 Smith asks us to imagine a people, or peoples, ranging across a territory over which 1) 'politicks had never called in the aid of religion'; 2) a 'conquering party' gains effective control over the range of peoples in this territory ; 3) the 'conquering party' now must concern itself with achieving and maintaining authority; we know, because Smith effectively tells us, that there is 4) some religious diversity among the peoples and across the territory ('all the different sects'). From Smith's wording we do not strictly know whether or not there is some pre-existing *political* relationship between the peoples whom we are to imagine as having been conquered. The wording allows us to think either that 5a) there is some political relationship among the people but that 'politicks has never called in the aid of religion' in the manner equivalent to full establishment or 5b) we are to read the phrase 'politicks had never called in the aid of religion' as the claim that the people conquered had never been under such an alignment because they have never been in a political relationship with each other either—in a sense, they had never been *a people*.

These conditions are clear constraints on the argument that follows, but they are not, in any straightforward way, explained as getting at the merely proper relationship between "religion and politics."[937] Because he has just completed a coherent argument explicitly addressing England's precarious ecclesiology—whatever one's interpretation of that argument might be—we have greater reason to suspect that imagining a place where 'politicks had never…' represents a turn from one concrete context of politics to another.

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[936] Sangiovanni in Duncan Bell, *Political Thought and International Relations: Variations on a Realist Theme* (Oxford: Oxford University Press, 2010), 221.
[937] Griswold, *Adam Smith and the Virtues of Enlightenment*, 188.

Lisa Hill, however, describes ¶8 as "a thought experiment in disestablishment that favors the idea of a society divided into hundreds, even 'thousand[s]' of small sects."[938] Smith, I grant, could have been meaning to say that we ought to imagine away an established church, but we are certainly not told, as Hill claims, to rule *disestablishment* (that act itself) into the thought experiment. It is not just that we are not told to rule it in, the previous paragraph is at pains to say, in effect, that disestablishment causes events like civil wars and the overwhelming coordination solution to that civil war is a *new* establishment, re-establishment. This seems to be the point of Smith beginning ¶8 with '*But* if politicks had *never* called in the aid of religion. [my emphases]' ¶7 was about what happens where politics has called in the aid of religion and it collapses. If Smith is reasoning to an ideal in ¶8 he is carefully explaining that it is not feasible in circumstances like those in England. Could this still count as arguing for disestablishment? Perhaps.

If we are to imagine away an established church, why are we to? What is the account of why imagining establishment away is valuable? Why *these* conditions about existing diversity, and about conquering, and not some others? It is hard to see how any quality of the choice architecture of ¶8's Rawlsian original position obviously warrants ranking the probable choice in its circumstances as superior in terms of justice, liberty, or similar values. Smith could have got to the conclusion that it is a good thing to have freedom of religion from an original position that furnished that conclusion with something more intuitively compelling than it being the likely choice *of a conqueror*.[939] What support is given to his conclusions by the fact that a conqueror might behave this way?

We are to imagine a 'conquering party,' and that modest religious diversity exists, but there is, apparently, no proceduralism that suggests much about Smith's stipulated conditions. Why these conditions in particular? It would be odd to propose that what a 'conquering party' *would do* will help

[938] Hill, "Adam Smith and the Theme of Corruption," 659.

[939] But see Scanlon's discussion of Smith on what we owe to a thief: Scanlon, *What We Owe to Each Other*, 2000, 324–25.

lend support to, or ground some moral value that could prescribe, or limit, a type of politics. Odd, but certainly not impossible.

It was an important part of Smith's and Hume's arguments against contractarianism that foundings, when they happen, are usually conquerings and that contracts, or consent, under these conditions are not morally binding in the way contractarians desire. They meant to replace hypothetical contract with attention to how political order works 'now and around here.' A thought experiment about conquering is certainly a good way of investigating particular political strategies but in such an experiment the conditions that are ruled in drastically affect the scope of the application of the strategy. When Machiavelli speculates about the best strategy in these or those conditions, of course he meant to limit that strategy by the conditions. Which conditions ought to be ruled in, and why? Well, it depends on whom you plan to conquer. We know that a change in actually existing conditions will often require a change in strategies for conquerors. The choices Smith's 'conquering party' makes are determined by the conditions he names thus we doubt that the reasons for non-establishment have any purchase on the situation in England. There are no facts allowed into Smith's thought experiment that would appear to be intended to construct a value that is prior to politics.

I submit that it is not even clear that Smith is here starting from freedom as "normatively basic"[940] from which the need to justify authority follows. Smith sets up these conditions to ask what the 'conquering party' *would* do. What would happen if each were allowed to choose his own religion *by their conqueror*? The question, for instance, is not 'What would these people autonomously consent to?' or, 'Which moral constraints must the conqueror recognize given freedom?' We are not even told that the people will approve of what the conqueror would do. Rather it seems that the argument of ¶8 shows us which incentive traps non-establishment neatly *avoids*, but which established polities

[940] Gerald F Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York; Oxford: Oxford University Press, 1996), 162–66.

cannot get out of. If one insists on portraying ¶8 as some manner of constructivist argument, Smith is packing the selection procedure with a selector (the 'conquering party') and with facts (existing diversity) that seem designed to discover an odd type of optimal rule.

Perhaps it is best to say that what Smith is doing is akin to positive political theory; inviting us to play the 'conquering party' game through. Given these conditions, Smith predicts that the 'conquering party' 'would probably have dealt equally…with all the different sects, and have allowed every man to chuse…his own religion as he thought proper.' It is clear enough, to be sure, from the rest of ¶8 that what Smith reckons that the 'conquering party' 'would probably' do is also what it 'probably' should do (it has good effects) in these conditions. As we have seen, in glancing at ¶9, Smith does not say something like the following: despite this or that bad effect, the proposal of ¶8 is justified because of a normative presumption in favour of freedom, or an inalienable right to choose. Instead, he names bad effects that might arise (excessive religious zeal, and fractured religious culture) but says these do not matter *so long as no sect can compel state force for support or against any other*. If, by free choice, a sect does get powerful enough to have itself established, then the good of this model is lost.

Non-establishment enduringly avoids circumstances resembling the establishment incentive trap. That is why, I contend, Smith recommends it. Is that the only value Smith thinks is promoted or written into the ¶8 proposal? In the next section, after dismissing a civil-religion interpretation of ¶8, I more directly deal with the place of freedom in the argument.

If Smith is attempting to describe a point of view that would get normative purchase on the question of establishment then we should understand what he is ruling *out* of the argument as revealing part of Smith's position on what are irrelevant sources of political normativity for the question at hand; what he is ruling in must be regarded as particularly important to the normative question, or at least as non-distorting. In order to discover what Smith ruled out we ought to compare the conditions

described in ¶8 with those actually obtaining in England around the time of the publication of *Wealth of Nations*, namely, 1776.

It certainly was the case that the English, even those who despised the Church, thought that the normal state of things is that 'politicks' does, or must, 'call in the aid of religion.' Smith asks his readers to suppose this had never happened. But what does imagining this away entail? To the English, the Church was not just some freestanding group over there that could be walled off from the state that is freestanding over here. 'Politicks had' after all, '*called in the aid of religion*.' It was not just that the king, on a one-off, hired a bishop for his coronation; that would not have been enough 'aid.'

The Church of England was entwined with political authority and then woven into all manner of political, social, cultural, and religious ceremonies, into taxation, education, hospitals, prisons, and leisure activities. Hempton writes that the Church "was widely, almost universally, used for baptism, confirmation, marriage and burials [and an] important part in the celebratory rhythms of the State and of the local customs associated with the agricultural calendar."[941] Hempton cautions that

> to conclude that Christian ceremonies were relatively less important as religious occasions than as social events is to introduce an unhelpful distinction between the sacred and the secular into the function of religion in eighteenth-century communities. There is no denying the fact, however, that the *strictly* religious content of rituals and ceremonies declined towards the end of the eighteenth century, particularly in the towns. [my emphasis]

Smith, of course, was writing in the final quarter of the eighteenth century. Thus,

> although it is accepted that the establishment principle remained central to the *Weltanschauung* of ruling elites until well into the nineteenth century, social historians of religion have detected forces operating from around the middle of the eighteenth century which were inexorably eroding Established Churches throughout the British Isles.[942]

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[941] David Hempton, *Religion and Political Culture in Britain and Ireland: From the Glorious Revolution to the Decline of Empire* (Cambridge University Press, 1996), 2.
[942] Ibid, 2.

The erosion was perhaps perceptible to someone like Smith but "in 1750 the Established Churches in Britain accounted for over 90 per cent of all churchgoers…[and] the pace of religious change in the half century after 1790 [the year Smith died] was much more rapid than in the preceding fifty years"[943] In short, Smith was writing at a time when a fall in religiosity might have been perceptible, but that is not the same thing as supposing that the presence, meaning, and penetration of the Church was diminished. Even as a matter of employment "the Church was the most common identifiable career choice in the second half of the eighteenth century."[944]

It is hard to believe that these facts about existing institutions and ways of life in England were somehow normatively irrelevant to a question about a fundamental (a *constitutional*) change in the relationship between the secular and the religious. These are facts about existing order, and surely also about ways of life that people valued. The English, these people here and now, are not anything like those imagined chess pieces in ¶8, and only a 'man of system,' 'wise in his own conceit,' could think that they were.

From a political perspective, Hempton writes that, "[f]ar from being regarded as a protected subsidiary of the State, the Church of England was an integral and indispensable part of the theory and practice of governing."[945] Just as Smith described in ¶1, "Church and State were thus regarded as interdependent; if the one suffered damage so too did the other."[946] This is what grounded the force of the clergy's demand to persecute their rivals. Hempton describes this political aspect as the "sheer erastianism of the Church."[947] Politics, in England, really was in the practice of 'calling in the aid of religion' in a way that made religion inextricable from politics.

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[943] Hempton, *Religion and Political Culture in Britain and Ireland,* 2.
[944] Ibid, 8.
[945] Ibid, 3.
[946] Ibid, 4.
[947] Ibid, 15.

Consider that even Dissenters, partially, positively understood themselves in contrast to the Church, which means, in a way, that the Church was even a part of them. Unreliably, but not unreasonably, Voltaire writes "[n]o one can possess an employment, either in England or Ireland, unless he be ranked among the orthodox, or a member of the Church of England, as by law established."[948] Getting a sense of what life would look like had 'politics never called in the aid of religion,' is not only difficult, it is not clear why ruling out life where 'politicks' had 'called in the aid of religion' is important. It is not clear that principles derived from facts external to English experience could be conceived as giving *them* a reason to even attempt to approximate non-establishment.

There were 'great orders and societies' in England and it was just these facts that Smith cautioned the 'man of system' to factor into in any political reform, not rule out. How would it be possible to offer a prediction about what would happen to these 'orders and societies' under disestablishment? Many of these orders and societies involved the Church in their membership rules and functioning—of course that's what many *Americans* did not like about life over there.[949] The ¶8 model of ecclesiastics surely runs sharply against the grain of existing English 'public tranquility,' and to a basically unknowable degree. Which empirical facts about England would help Smith predict the effects of disestablishment on order or public morality?

The slow cycle of breakdown of the establishment to which Smith proposed a management scheme was based on observations about Methodism, its positive effect on stability and public morality. This management approach, its attention to the constitution of the country, is just the method of political theory Smith pressed against the 'man of system.'

We are certain that in ¶1 Smith claimed that the English establishment was doomed and so action, or attention, will be required. ¶7 argued that, though it will collapse, this will only bring about

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[948] Voltaire et al., *The Works of Voltaire*.

[949] John J. Infranca, "(Communal) Life, (Religious) Liberty, and Property," *Michigan State Law Review* 2017, no. 3 (2018): 483.

a new establishment. It was this claim that motivated turning to *ad fontes* renewal. The fact that the instability of the English establishment was a concern and not something to celebrate makes the suggestion that Smith called for the disestablishment the Church of England extremely hard to believe. The collapse, it hardly needs saying, would be bad, and as he tells us in ¶7, it would be pointless.

He was not arguing for disestablishment but nor was he celebrating that, in England, 'politicks had called in the aid of religion.' The problem with establishment was not that kings irrationally persecuted dissent because of some preference for their own clergy, but that they did so because doing so—at some tipping point—was rational. Non-establishment, the argument of ¶8, was intended to contrast with the foolish overreaching for the sources of authority in establishment models.

The indolence of the Anglican clergy was indeed a long-term risk (and somewhat diminished the English 'reverence to priests') but Smith had picked it out, exposed and explained how it worked, and *publicly* offered a noble bribe. The dangers involved in short-term disestablishment were, maybe even in principle, incalculable. Given the kinds of worries about political transitions (deregulating corn, let alone disestablishing the Church)[950] that Smith expresses elsewhere in *Wealth of Nations,* it seems clear that he is opening ¶8 by saying that *the argument I am about to make applies only where my stipulated conditions hold.* We can certainly say that the conditions do not *describe* England. A thought experiment that would give politically normative reasons to change a constitution, Smith presumed, would be one that modeled its conditions on *existing* ones. Why hasten the collapse that was coming by posing a thought experiment that stipulated away all of the facts that would make collapse a

[950] "Humanity may in this case require that the freedom of trade should be restored only by slow gradations, and with a good deal of reserve and circumspection. Were those high duties and prohibitions taken away all at once, cheaper foreign goods of the same kind might be poured so fast into the home market, as to deprive all at once many thousands of our people of their ordinary employment and means of subsistence. The disorder which this would occasion might no doubt be very considerable." he goes on to describe how and movement towards free trade could be most safely done." Smith, *Wealth of Nations*, 469.

catastrophe? Why make it seem like we should disestablish the Church, just after warning that it would not last?

It is the near consensus view of Art III that Smith proposed, or called for, or suggested, disestablishment and I have been trying to find a way of making that argument work. This has involved many false starts and open questions, but these, though they appear to be meandering, are the only direct ways of undermining the disestablishment reading other than my reading of Smith's noble bribe and the plain text on Scotland.

8.4 The Variety of Good Effects: Civil Religion? Freedom?

The key problem driving this section is the following. I argue that Smith intended to describe three co-ordinate, equally legitimate, proposals about church and state. The literature on Art III overwhelmingly argues that he pressed for only one arrangement, the marketplace model of ¶8. For that interpretation to work there has to be something about the marketplace model that is normative across contexts. It could be, for example, that humans have a right to the kind of liberty presumed in the model. A quite different reading supposes that ¶8 makes an argument for a civil religion. On this reading the establishment of what he calls the 'pure and rational religion' is somehow crucial to political legitimacy. The marketplace model would be, then, simply instrumental to achieving this civil religion. As it stands, I am denying both the liberty and civil religion reading by claiming that Smith's approach prioritizes order and then limits any constitutional change by a calculus about the conditions of justice.

In ¶9 Smith very neatly pares his argument down to its core: non-establishment avoids the incentive trap of establishment. We know that ¶8 is about political stability, order, a hope for moderation of zeal, but are there other values to which Smith appeals? He says that non-establishment—'a plan of no ecclesiastical government'—avoids the incentive trap and avoids it even if the market competition reduces the diversity of religion into a single 'pure and rational religion' that

'positive law' then 'establishes.' What is the nature of this argument about the establishment of a 'pure and rational religion'? Is this about social cohesion, or even a civil religion as a source of legitimate authority?

It does seem plausible to describe the establishment of the 'rational' religion as Smith's doctrine of civil religion, partly because civil religion is a capacious concept. "Civil religion: the appropriation of religion by politics for its own purposes," this is how Beiner opens his book on the topic.[951] It is simply wrong to say that Smith never says anything at all on the matter. At the centre of ¶8 there is a clear hope for a kind of religious unity that includes affirmation within that unity of the 'positive laws' of the state. Smith clearly says that the non-establishment model 'might in time probably' reduce religious diversity into a unity. Given what this unified faith would consist in, Smith thinks that it is safe to unite it, in some manner, with politics.

The moment this is said, the caveats come rushing in: the hope about religion and law enmeshing is expressed as an inchoate hope that could serve multiple rhetorical purposes and Smith knew that it could; Smith clearly argues that even the potential for unity, let alone the achievement of it, is not what matters about the model; the hope for unity is not about the triumph of one sect over another, let alone about one specific sect over all the others, but the result of a concessive agreement about core principles: 'the concessions which [each sect] would mutually find it both convenient and agreeable to make to one another, might in time probably reduce the doctrine of the greater part of them to that pure and rational religion.' This is a model of the kind of social accountability I described in chapter five, even the hockey-team analysis from chapter three, that one hopes will have good ethical effects.

One way of testing the civil religion reading is to ask what Smith thought the substantive doctrine of the 'pure and rational religion' ought to consist in. Are people to worship the positive laws

[951] Beiner, *Civil Religion*, 1.

as divinely given? Such a claim would have to flagrantly ignore *the fundamental fact of politics*—i.e. we already worship our king too much. If, however, Smith's personal view on what the 'pure and rational religion' consists in just happens to contain within it a normative source for a particular arrangement of authority, then the non-establishment model is uniquely legitimate, and normative across context. In other words, if Smith's specific theological commitments contain a claim about how to live in political community, then it might be that he thinks his specific view inflected with, for instance, Presbyterianism, will be the religion that wins out in the marketplace model and then gets established.

This cannot be dismissed out of hand, given that many Smith scholars[952] have claimed to identify Smith's theology. If they have correctly identified that theology, and that theology offers an account of obligation from God's command, then it is the case that Smith was arguing for a civil religion in a sense that impugns the legitimacy of other polities. Smith scholars who read Smith as holding a particular theology, that is, then need to take seriously the thought that Smith is arguing for that theology's institutionalized dominance in ¶8. This is an unacknowledged burden of scholars who now claim to have identified Smith's specific religious views: is their interpretation of Smith's view consistent with what he says in ¶8?

> Here is the relevant text from ¶8
>
> > the concessions which [each sect] would mutually find it both convenient and agreeable to make to one another, might in time probably reduce the doctrine of the greater part of them to that pure and rational religion, free from every mixture of absurdity, imposture, or fanaticism, such as wise men have in all ages…*wished to see established*; but such as positive law *has perhaps never* yet established, and probably never will establish…because, with regard to religion, positive law has always been, and probably always will be, more or less influenced by popular superstition and enthusiasm. [my emphases]

[952] Currently the best collection of these claims is found in this edited volume: Ballor, Jordan J, and Cornelis van der Kooi, eds. *Theology, Morality and Adam Smith*. Routledge Studies in the History of Economics. A major set of claims is pressed by Paul. Oslington, inb the following: *Adam Smith as Theologian*, Routledge Studies in Religion ; 14 (New York: Routledge, 2011); Paul Oslington, "The 'New View' of Adam Smith in Context," *History of Economics Review* 71, no. 1 (September 2, 2018): 118–31.

Smith's hope for a 'rational religion' is not particularly radical. Praising religion free from 'superstition' (Catholicism, jacobitism) and 'enthusiasm' (Puritanism, Methodism) 'absurdity,' and so on was something of a commonplace and could be said publicly even by clergyman. He is careful, as he always is, to hedge, and to permit multiple readings: the religion he names 'has perhaps never yet been established.' If he had some determinate 'pure and rational religion' in mind, then how could he be uncertain whether or not 'positive law' has ever 'established' it? Almost because it is not radical for its day, his hope that 'positive law' might 'establish' and be 'influenced' directly by 'that pure and rational religion' ought to give us some pause.

Hill, among others, has carefully mined Smith's published writings for what might have been more precisely what Smith thought the 'pure and rational religion' might consist in:

> Smith approved of the natural theology or 'scientific religion' of Stoicism because of its organic interpretation of the universe as a designed and integrated 'system, governed by general laws and directed to general ends, viz. its own preservation and prosperity.[953]

If Smith were referring to this as that 'pure and rational religion' his position was not radical, exactly, but it was certainly well outside of the popular religious culture of the age. Whether or not Smith was speaking within mainstream religious discourse—opposing Puritanism and Catholicism—or whether he was arguing, as Hill has him, like a *philosophe* will not settle the question of his position on a civil religion. What will matter is the content of the theology. If, for instance, the 'pure and rational religion' is conceived as uniquely giving positive law an authoritative ground, then the civil religion interpretation needs to be taken seriously.

Colin Heydt has provided compelling evidence to doubt that Smith expressed any position on natural theology—or religion, period—that would need to be reckoned with in order to understand his political philosophy. Heydt's method is simply to compare Smith on natural theology to positions

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[953] Hill, "Adam Smith and the Theme of Corruption," 659.

held by authors writing at the same time and on similar topics. He contextualizes Smith in a history of ideas that extends, crucially, well beyond Hume's writings (in contrast to whom Smith can sound almost pious). This extended context is crucial because if we stick to Smith's texts it is easy to find statements and positions that we have a difficult time reading as anything other than consequential commitments to natural theology—but these are more like clues to the currents of ideas of educated writers than they are evidence for Smith's most important commitments.

In the context of the ideas of his day, Heydt shows, Smith never argued, and appears to deny, that there was "a necessary relation between morality and religion."[954] If Smith had held that there was a necessary relation between religion and morality, we would have to read the ¶8 phrases about 'religion' influencing 'positive law' quite seriously. In *Theory of Moral Sentiments* there are many passages[955] where Smith speaks of the importance (and not of a Kantian necessity) of *regarding* the rules of morality as the 'rules of the deity' and similar formulations, but this—especially in the context of peers like Bishop Butler—is in fact a denial of a necessary relation between the two. None of this is commentary on Smith's private convictions. The point is to see if there is support for reading ¶8 as concerned with any specific content of the religion that emerges as a product of the religious marketplace.

Heydt runs through the important topics we might think of as mattering most to evaluating the question. Smith had no theodicy, for instance. "Smith does not contend," Heydt writes, "that our existing dispositions offer the best chance at happiness or that, alternatively, evil should be understood as a divine test for our moral capacities."[956] Though Smith did frequently invoke arguments about the

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[954] Colin Heydt, "The Problem of Natural Religion in Smith's Moral Thought," Journal of the History of Ideas, Vol 78, No. 1, (2017), 73.

[955] "When the general rules which determine the merit and demerit of actions, come thus to be regarded as the laws of an All-powerful Being…they necessarily acquire a new sacredness from this consideration." Smith, *The Theory of Moral Sentiments*, 170.

[956] Heydt, "The Problem of Natural Religion in Smith's Moral Thought," 70.

well-formed nature of our sentiments and similar appeals, Heydt shows that within these appeals to design Smith did not approach the pure providentialism or theism of closely-related theories. His appeals to design did not include a theodicy. These are important omissions and they are not visible to readers who simply ask of the text, did Smith have an identifiable theology or religious commitment?

It is hard not to notice that Smith does seem to explain our moral sentiments, and much else besides, as well-designed. We now, perhaps, are struck by them, but such positions were not uncommon. It is simply not well appreciated that *compared to relevant others*, his claims about the glorious design of our faculties are tepid. Heydt invites us to ask "why did philosophers and ministers typically invoke design? Because they were making an argument for God's existence. Smith, alternatively, never offers an argument from design to a designer."[957] Of course Smith knew Hume's position on theodicy or design-designer objections better than almost anyone, being, as he was, an early possessor, and the intended executor of, Hume's *Dialogues*. "What [Smith] does do," Heydt shows, "is provide a naturalistic history—a psychological genealogy—of the belief in a designer."[958] This is radically different. In our experience, it is as if our moral sentiments are well-designed, *including* our tendency for thinking that they *are* in fact designed. Smith seems rather to *permit* us to think about ourselves the way we do. It is good, or permissible, to think of ourselves as designed. He evaluates our providentialist beliefs as morally permissible, not as correct (nor necessarily incorrect) descriptions of the deity. I am not claiming anything like an atheist reading of Smith; this reading is social-scientific Smith.

Heydt argues that Smith would have stood out for this appeal to, as it were, naturalistic, and less than perfect, principle of design rather than, *as he does to us now*, standing out for the fact that he appealed to providential design, period. That is, Smith appears to say that it is good to believe that the

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[957] Heydt, "The Problem of Natural Religion in Smith's Moral Thought," 80.
[958] Ibid.

deity[959] gave us the desires and sentiments we use in moral judgement and that these are means to justice and happiness, but all of this, the sentiments, reflective judgement, is, in context, radically historicized, shown to vary across time and place, and to fail us without guaranteeing recompense. In context (Butler, Turnbull, Hutcheson, Kames, Wollaston, and many others), Smith's position on providence stood out for its *lack* of explanatory and justificatory force in his naturalistic arguments for our moral development.

Smith's allusions to the providential design of our faculties explains our belief that *the deity* is the knowing designer, in order to diminish the sense that *we* are capable of approaching such knowing design *even over what we did create*. Emergent orders, invisible-hand arguments, these are the things that drive much of Smith's science. We are led, recall, "by an invisible hand to promote and end which was no part of [our] intention. Nor is it always the worse for society that it was no part of it. By pursuing [our] own interest [we] frequently promote[] that of society more effectually than when [we] really intend[] to promote it."[960]

Matching this with the 'man of system' passage we can see that Smith is highlighting our ignorance, not insisting that we know God's plans and how to carry them out. Smith repeatedly argued that we made things but neither exercised nor retained a maker's knowledge. This was true of our development of language: it "develops without any intention or foresight in those who first set the example and who never meant to establish any general rule. The general rule would establish itself insensibly."[961] Evolution, in the broad sense and from time out of mind, does a lot of the work in Smith's explanations of many phenomena. The reference to a transcendent designer might have been a way to further banish the thought that *we* have sovereign control over social, moral, and political life.

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[959] Ibid.

[960] Smith, *Wealth of Nations*, 456.

[961] Adam Smith, "Considerations Concerning the First Formation of Languages," in *Lectures on Rhetoric and Belles Lettres*, (Indianapolis: Liberty Fund, 1983), 211.

Somebody, some entity, namely God, is capable of moving us like chess-pieces, but never think that you are capable of so moving us.

Returning to Heydt's analysis, he concludes that "[t]here are doctrines we would expect Smith to endorse if he were committed to the importance of natural religion for morality; he does not endorse them."[962] Scholars who have argued otherwise have simply not done the work of contextualizing Smith's writings that Heydt has. This matters for my case because it undermines the thought that Smith would have felt any distinctive imperative to argue for a particular type of ecclesiastical structure based on religious convictions. Put differently, because he did not think there was a constitutive connection between religion and morality he was particularly free to rule in other considerations into his ecclesiastics.

The decisive point against a civil-religion reading is that Smith, as a political matter, would not allow the exclusion of a sect on the grounds that it is preventing doctrinal convergence or destabilizing an existing doctrinal unity. ¶8 makes no attempt to circumscribe toleration in the interest of convergence on the true religion. Privileging or burdening specific religions will not get you *order* because these privileges and burdens re-instantiate the problem of establishment. As Priestley put it "though the injunction of the magistrate may silence voices, it multiplies whispers; and those whispers are the things at which he has the most reason to be alarmed."[963]

If there is something to be said about Smith and civil religion, then it is limited to the simple idea that it is wise for political theorists to consider the place of religion within their political theory. This is Ronald Beiner's point:

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[962] Heydt, "The Problem of Natural Religion in Smith's Moral Thought," 82.

[963] Joseph Priestley, *An Essay on the First Principles of Government: And on the Nature of Political, Civil, and Religious Liberty* (J. Johnson, 1771).

> Smith directly addresses the central issue posed by the problem of civil religion in the history of political philosophy (addresses it more directly, really, than Hume does). There is at the heart of the state a head-on contest of authority between "the sovereign" and "the clergy."[964]

Beiner includes Smith in his survey of civil religion across eras in large part because of Smith's participation in a protestant tradition of narrating the battle for authority between the church and the state. Beiner's chapter on Smith is titled "Adam Smith's Sequel to Hume (and Hobbes)."

Smith does talk about this 'head-on contest' in discussing the history of the Catholic church, and certainly repeats many of Hobbes's claims, but the problem of authority that really grounds ¶8 is, once again, that this proposal simply *avoids* the self-defeating establishment from ¶1 rather than any claim about what the 'pure and rational religion' 'established' and influencing 'positive law' might achieve. Non-establishment avoids a central cause of regime collapse, but it does not constitute a monopoly means to legitimate authority.

The civil religion reading of Smith simply does not work. The reasons that guide us away from civil religion lead us back to thinking about the place of freedom in Smith's argument. If Smith is opposed to establishment, opposed to civil religion, is this not because these are infringements on freedom?

There is no doubt that the non-establishment model permits the freedom of choice of one's religion. No doubt, that is, that it expands the range of choice permitted by a regime relative to other models. I do not intend to deny that. Why then is there so little talk of liberty in Art III? Why does the word not even appear in ¶8?

There is genuinely an imperative for freedom that guides *Wealth of Nations* but it drops out in Art III partially because religious establishment was not widely seen as coercive. Warburton had notably argued that England's establishment was freeing. Certainly freedom was pressed against

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[964] Beiner, *Civil Religion*, 241.

establishment by some but, as I mentioned above, probably the most common argument for what ends up looking like freedom of religion was grounded in liberty of conscience. Isaac Backus is representative, here: "true liberty of man is, to know, obey and enjoy his Creator."[965]

Certainly evangelical arguments for disestablishment and liberty of conscience appealed to the duty we have to determine our faithful commitments. Consider James Madison's account of this in his "Memorial and Remonstrance" and how far even Madison is from Smith:

> This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governour of the Universe.[966]

John Infranca writes that "[f]or Madison, religious freedom was rooted in a pre-political duty of each individual. This duty to the "Universal Sovereign" takes precedence over any duty to a particular Civil Society, and therefore exempts religion from that society's legislative authority, implying a necessary limit on government power."[967] The human right, in this case, is an enabling right that is, as Heydt puts it, "justified by [its] necessity in enabling us to fulfill our natural duties."[968] Smith certainly did not argue that the 'conquering party' must allow, or aid citizens in exercising this right; or that acknowledgment of this liberty explains why the conqueror would allow free choice. If he had, of course the proposals to England and Scotland to maintain their establishments would become hard to explain.

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[965] Isaac Backus, *An Appeal to the Public for Religious Liberty Against the Oppressions of the Present Day* (John Boyle, 1773).
[966] James Madison, Virginia, and General Assembly, *Religious Freedom: A Memorial and Remonstrance, Drawn by His Excellency James Madison, Late President of the United States, against the General Assessment, in "A Bill Establishing Provision for the Teachers of the Christian Religion": Presented to the General Assembly of Virginia, at the Session of 1785*, 1980.
[967] John J. Infranca, "(Communal) Life, (Religious) Liberty, and Property," *Michigan State Law Review*, 481 (2017), 498.
[968] Heydt, "The Problem of Natural Religion in Smith's Moral Thought," 87.

The most common arguments for religious freedom used liberty of conscience arguments. John Wesley on religious freedom:

> Every man living, as man, has a right to this [liberty of conscience], as he is a rational creature. The Creator gave him this right when he endowed him with understanding. And every man must judge for himself, because every man must give an account of himself to God.[969]

Or compare Thomas Jefferson's argument in his "Bill for Establishing Religious Freedom," (1779): to influence "belief" "by temporal punishments, burthens, or by civil incapacitations" is not only imprudent, it constitutes "a departure from the plan of the holy author of our religion."[970] To "compel a man to furnish contributions of money for the propagation of opinions he disbelieves and abhors, is sinful and tyrannical." Jefferson invokes "natural right," and "religious liberty"[971] to explain that establishment is tyrannical. He certainly supplies arguments from prudence to support the moral and theological claims but these prudential claims are supplementary, whereas in Smith they seem to be his argument's core.[972] Smith never writes in the manner I just quoted Jefferson writing. Smith is concerned with political order.

Doing much of the work, of course, was Jefferson's reckoning that religious freedom was justified because "truth is great and will prevail if left to herself."[973] In *Notes on the State of Virginia* (1785) "[r]eason and free inquiry are the only effectual agents against error. Give a loose to them, they will support the true religion…"[974] Jefferson's arguments are made within the discourse of liberty of conscience and a kind of Condorcetian (or Millian) epistemic optimism. Smith argues for nothing like this. *The fundamental fact of politics* is freely reiterated, but it is, on the individual level, a mistake.

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[969] John C. English, "John Wesley and the Rights of Conscience," *Journal of Church and State* 37, no. 2 (1995): 354.
[970] Thomas Jefferson, "A Bill for Establishing Religious Freedom," *Daedalus* 132, no. 3 (2003): 49–51.
[971] Ibid.
[972] J. Judd Owen, *Making Religion Safe for Democracy* (Cambridge University Press, 2015), ch 1.
[973] Jefferson, "A Bill for Establishing Religious Freedom," 50.
[974] Thomas Jefferson, *Notes on the State of Virginia* (New York: Penguin, 1999), 165.

Smith does not appeal to liberty of conscience when we might expect him to, but if we return to Heydt's work it becomes clear that we never should having been looking for it. Heydt argues persuasively against readings of Smith that foist "Butler's views on self-authorizing conscience" on Smith. Smith, Heydt argues,

> goes much, much farther than almost all of his contemporaries in naturalizing conscience—both its origins and its moral authority. While readings of Smithian conscience that emphasize its naturalism have, of course, been given before, the problems that a naturalized conscience presents for a providential reading of Smith's moral philosophy have not been sufficiently noted. But the most significant point is that, for Smith, conscience and moral sense are human artifacts produced unintentionally by the mixing of some natural tendencies and the social world in which we find ourselves. Smith rejects both the voluntarist emphasis on law and the providentialist emphasis on distinctive moral faculties created by God. Is his theory conceptually incompatible with God having designed it? No. But, once again, his similarities to Hume are much more noticeable than his similarities to Hutcheson, Turnbull, and their followers, and this gives us weighty reasons to be skeptical of the role of God in Smithian morality.[975]

We formed our conscience by interaction with each other within the society that had *this Church*; it was in our schools, our music, it is even what defined Dissent. Whatever takes the public place of the established church, institutional or not, will constantly be evaluated within our consciences with what went before. *Original* non-establishment, however, might succeed in uniting our conscience in a rational religion.

The naturalized account of the conscience goes with, Heydt shows, Smith's conspicuous omission of piety, the duties to God, among the virtues. Smith was working with a concept of freedom that did not invoke the Christian imperative of liberty of conscience, and, paradoxically, this means he was even more comfortable with the levels of freedom in England with regard to religion than we might have anyway figured. As I discussed in the last chapter, England would not at all have stood out to Smith as unfree in matters of religion, and very likely the opposite.

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[975] Heydt, "The Problem of Natural Religion in Smith's Moral Thought," 86.

Smith was not troubled by the lack of freedom under the Kirk because:

> the presbyterian clergy…have more influence over the minds of the common people than perhaps the clergy of any other established church. It is accordingly in presbyterian countries only that we ever find the common people converted, without persecution, compleatly, and almost to a man, to the established church.[976]

The Scottish do *not* choose their faith from among many others, but this is a good thing. This means that this Church solves for peace. It is very far from the condition of the Anglican Church whose lack of hold 'over the minds of the common people' means that England is struggling under the incentive problem of establishment: there is real dissent and real leverage on the part of the established church. Smith's attention to liberty, however defined, was of the kind that was comfortable with the Church of England, and the Church of Scotland, though he might have thought that everything would have gone better had they never been established.

My point all along is that even if Smith considered liberty in his reasonings in Art III it was swamped by concerns over stability and justice. Non-establishment is not possible in England, and disestablishment would ruin its order. Any increase in liberty, which we may assume Smith or just anyone to favor, would require changes at the level of the basic constitution, and no change so great could be justified unless it had good predictions about stability and justice. Even if he thought, in some way, that Scotland would be importantly better off if it were freer in matters of religion, it was nearly impossible to know how to make that happen while preserving (or increasing the security of) *ex ante* peace while offering some probability of *ex post* levels of the conditions of justice.

The only ecclesiastical proposal Smith explicitly discusses other than Hume's and his own is Thomas Hobbes's. Much of Art III follows Hobbes's, traditionally protestant, *cui bono* history of the Church in *Leviathan* ch xlvii. This is the same chapter in which Hobbes, as Smith certainly did, seems to praise the Independents. These are interesting parallels but not what I am after. In *Theory of Moral*

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[976] Smith, *Wealth of Nations*, 810.

Sentiments, recall from earlier chapters, he gives a reasonable account of Hobbes's political philosophy. In lecture some years after first offering this account, Smith says this about Hobbes:

> The next writer of note after Grotius was Mr. Hobbes. He had conceived an utter abhorrence of the ecclesiastics ; and the bigottry of his times gave him occasion to think that the subjection of the consciences of men to ecclesiastic authority was the cause of the dissensions and civil wars that happened in England during the time of Charles the 1st and of Cromwell.[977]

As I read it, this is roughly Smith's own analysis of the Civil Wars. Establishment sets up the Church as our conscience, in the thick sense used by those who read God into a theory of conscience. This was disastrous for Smith because once the clergy of the Church lose popularity it is taken to be of vital importance to dissent. Dissenters are willing to die to oppose the aligned regime.

Evangelical arguments to toleration or religious freedom very frequently depended on the thick version of liberty of conscience I have canvassed. For example, Stephen Smith traces the commitment to freedom of conscience to what was initially "a campaign for freedom of the church—a campaign devoted to maintaining the church as a jurisdiction independent of the state."[978] They called for wide freedom because of the duty to worship in a freely-chosen way, and because converting people, engaging with others was—for some—part of this duty. Smith's argument was like this evangelical openness to debate but without the sense of it as a duty. 'Publick tranquility,' as Smith calls it, was not only got by means of very public contestation, to a large degree that contestation was constitutive of tranquility; we ought to think of 'publick tranquility' as an equilibrium achieved by open competition in the manner of an equilibrium price. The idea of 'publick tranquility,' at work within ¶8 then, is consistent with thorough, principled, and longstanding religious disagreement under freedom.

I have tried to poke and prod the argument of ¶8 for more than just the argument for order. It is very hard to see much else doing the work. ¶9 very clearly denies that moderation is his concern.

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[977] Smith, *The Theory of Moral Sentiments*, 318.

[978] Steven D. Smith, "Freedom of Religion or Freedom of the Church?," in *Legal Responses to Religious Practices in the United States: Accomodation and Its Limits*, ed. Austin Sarat (Cambridge: Cambridge University Press, 2012), 249–86.

His argument appears to close at this point. He has discussed the Church of England; he has wondered about what a 'conquering party' would do where 'politicks had never called in the aid of religion'; he has presented the marketplace-style idea that sects would multiply and each would have its eye on the competition, look for advantages, avoid scandal and so on. In the next section I discuss the place of justice in Smith's argument.

8.5 ¶¶ Twelve to Sixteen: Justice and Moral Bearing

In the *Encyclopaedia Britannica* under the telling heading of "BENEFIT SOCIETIES" James Mill writes a very accurate summary of Art III:

> In a moral point of view, the formation of the people into little combinations and fraternities is of the greatest importance. It concentrates the eyes of all upon each individual; and renders good conduct a thing of infinitely more value to him, as it renders bad conduct for men detrimental. It is this circumstance which the sage mind of Dr Adam Smith loads with such emphatic praise in the supposed case of the division of a country into so great a number of religious sects, that each congregation might be regarded as differing from the rest. In this manner, without difficulty, and without care, is exercised one of the most vigilant and effectual of all censorships; the most salutary of all inspections. When an ignorant, or almost any man can say to himself, my conduct is regarded by nobody,—it is astonishing how easy it is for temptation to subdue him; when he must say to himself, I cannot perform a disgraceful act without reading aversion and contempt in the eyes of all my acquaintance,—it is astonishing how much he is strengthened for resistance.[979]

Mill very neatly fits Smith's non-establishment model into the argument I made about Smith's conception of justice in chapter five. The accountability one has to other members of the sect has moral effects. Mill underemphasizes Smith's basic concern with order but does capture Smith's concern with justice.

In ¶¶12 to 16 Smith offers a general account of why sects, conceived as secondary associations, are valuable from a moral-political point of view. Notably, this is *after* he has described orderliness as

[979] James Mill's Articles in the Supplement to the Encyclopedia Britannica (London: J. Innes, 1825) | Online Library of Liberty," accessed November 21, 2022, https://oll.libertyfund.org/title/mill-articles-in-the-supplement-to-the-encyclopedia-britannica-1825.

the first virtue of non-establishment. The account of sects/secondary associations that follows is general enough to cover what he has to say about England, America, and Scotland. He also presents public education and an open civil society (theatre, literature) as general strategies for balancing any of the "unsocial"[980] effects of sects.

Further on in ¶12 we meet a character, the 'man of low condition' that is very likely to become socially invisible by predictable forces of the commercial age:

> A man of low condition, on the contrary, is far from being a distinguished member of any great society. While he remains in a country village his conduct may be attended to, and he may be obliged to attend to it himself. In this situation, and in this situation only, he may have what is called a character to lose. But as soon as he comes into a great city, he is sunk in obscurity and darkness. His conduct is observed and attended to by nobody, and he is therefore very likely to neglect it himself, and to abandon himself to every sort of low profligacy and vice.[981]
>
> He never emerges so effectually from this obscurity, his conduct never excites so much the attention of any respectable society, as by becoming the member of a small religious sect. He from that moment acquires a degree of consideration which he never had before.[982]

The man becomes socially visible, less likely to commit and have acts of injustice committed against him. He has a standing, a bearing.

As Andreas Ortmann argues, in ecclesiastical arrangements Smith "favored reputational over third-party enforcement."[983] Sects had built in reputation mechanisms

> All his brother sectaries are, *for the credit of the sect*, interested to observe his conduct, and if he gives occasion to any scandal…to punish him by what is always a very severe punishment, even where no civil effects attend it, expulsion or excommunication from the sect. [my emphases][984]

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[980] Smith, *Wealth of Nations,* 796.
[981] Ibid, 795.
[982] Ibid
[983] Ortmann, "The Nature and Causes of Corporate Negligence, Sham Lectures, and Ecclesiastical Indolence," 30.
[984] Smith, *Wealth of Nations,* 796.

This is once again a strategy of increasing accountability, here conceived as the accountability of a group to its members and to other groups.

It was obvious when I quoted ¶8 that Smith thought that the external pressure of competition in a religious marketplace would tend towards increasing moderation in doctrine (though it was no matter if it did not so tend). In the present analysis of the 'credit of the sect,' we can see that there was a kind of internal pressure, as well. *We don't want people identified with our sect causing 'scandal,' so maybe we ought to tone down our condemnations of the local theatre, or artists, lest some member embarrass us all by carelessly disrupting a play, or harassing a painter (and worse, of course).* If this internal pressure is to moderate them, Smith thinks, they need to be able to publicly denounce (by excommunication and similar things) the 'brother sectary' who caused a scandal in their name. Fleischacker is right to say that "Smith picks out sociological facts to the virtual exclusion of doctrinal ones as what matters to politics about religion."[985]

Wesley very carefully describes his process of policing his people because of what they do to reputation:

> But as much as we endeavored to watch over each other, we soon found some who did not live the gospel. I do not know that any hypocrites were crept in; for indeed there was no temptation: But several grew cold, and gave way to the sins which had long easily beset them. We quickly perceived there were many ill consequences of suffering these to remain among us. It was dangerous to others; inasmuch as all sin is of an infectious nature. It brought such a scandal on their brethren as exposed them to what was not properly the reproach of Christ. It laid a stumbling-block in the way of others, and caused the truth to be evil spoken of. We groaned under these inconveniences long, before a remedy could be found. The people were scattered so wide in all parts of the town, from Wapping to Westminster, that I could not easily see what the behavior of each person in his own neighborhood was: So that several disorderly walkers did much hurt before I was apprised of it. At length, while we were thinking of quite another thing, we struck upon a method for which we have cause to bless God ever since. I was talking with several of the society in Bristol concerning the means of paying the debts there, when one stood up and said, "Let every member of the society give a penny a

[985] Samuel Fleischacker, "Insignificant Communities," in *Freedom of Association*, (Princeton: Princeton University Press, 1998), 273–313, 276.

> week till all are paid." Another answered, "But many of them are poor, and cannot afford to do it." "Then," said he, "put eleven of the poorest with me; and if they can give anything, well: I will call on them weekly; and if they can give nothing, I will give for them as well as for myself. And each of you call on eleven of your neighbors weekly; receive what they give, and make up what is wanting." It was done. In a while, some of these informed me, they found such and such an one did not live as he ought. It struck me immediately, "This is the thing; the very thing we have wanted so long." *I called together all the Leaders of the classes,* (so we used to term them and their companies,) *and desired, that each would make a particular inquiry into the behavior of those whom he saw weekly. They did so. Many disorderly walkers were detected. Some turned from the evil of their ways. Some were put away from us.* [my emphases][986]

Smith, I believe, was leveraging this concern of Wesley's over the morals of their group, for the positive externalities it would bring. Smith was not supposing this would happen, but bringing to our attention that it has happened.

The discipline of sects was to come externally from the religious marketplace, internally from a desire to discourage behavior detrimental to the sect, and Smith proposes two other external sources of discipline. Culture, civil society, ought to be a kind of check on, or remedy for, any 'unsocial' tendencies within sectarian life.

> The first of these remedies is the study of science and philosophy, which the state might render universal among all people of middling or more than middling rank and fortune[987]

The idea here is not to provide teachers by taxation (as this would make the teachers "negligent and idle") but to require proven knowledge of 'science and philosophy' before anyone could join the "liberal professions."[988]

The other external source of discipline on 'unsocial' religion was "the frequency and gaiety of publick diversions." He writes:

> The state, by encouraging, that is by giving entire liberty to all those who for their own interest would attempt, without scandal or indecency, to amuse and divert the people by painting, poetry, musick, dancing; by all sorts of dramatic representations and exhibitions…Publick

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[986] John Wesley, *The Nature, Design, and General Rules of the United Societies* in London, Bristol, Kingswood, Newcastle-Upon-Tyne, &c. G. Whitfield, London
[987] Smith, *Wealth of Nations*, 796.
[988] Ibid.

> diversions have always been the objects of dread and hatred, to all fanatical promoters of those popular frenzies.[989]

These are all general recommendations (not time-bound) but, as I have argued, the example of the Methodists within this welter of culture was what Smith and his readers would have been conditioned to think of. All of the Fieldings, the Footes, the Hogarths, the Swifts, this is what Smith is recalling.

That huge burst of anti-Methodist literature was a part of the civil society that, however ugly it might get at times, was a better way of keeping the peace than what we should expect in a country with an established church. In such countries, the church calls in the state to persecute the upstart sect. To further delay the church calling in the state, Smith wanted to draw attention to the efficacy of non-state sources of control. To be sure, anti-Methodists were often, rude, confused, and even cruel, but this would not provoke a civil war. Assault is still assault, normal rules of justice are still enforced, but civil society is channeled to reduce the worst failings of politics. Civil society would bring *order*.

This analysis of civil society and social control is, as I wrote, a general good. It was working in England, and it was crucial that it be allowed to work in any polity with an established religion, but there is no sense that Smith limited these considerations to places where politics had called in the aid of religion. Civil society ought to be allowed to work this way everywhere.

Conclusion

There has been something seductive about the non-establishment model**.** It grabs virtually all the attention of people who read Art III. We expect Smith to recommend a marketplace model of religion and so we tend to fasten on the model as Smith's only argument. Some celebrate this, and others see it as Smith's tin-ear for what it is like to be a member of a faith community. These are mistakes. It is not his only recommendation, and the 'marketplace' description is no more, and potentially less, accurate than calling it a democratic model of religion.

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[989] Ibid.

What is worse is that scholars have paid too little attention to what he really thinks justifies the model: its tendency towards peace relative to establishment models. Peace really is what he praises about it and even just this fact puts a big obstacle in the way of anyone casting the non-establishment model as a call for disestablishment. Why would disestablishment cause peace? He never says that it would. He never discusses disestablishment at all. Of course he does not. Smith is a realist and not, once again, a 'man of system.'

No doubt liberty is playing some role in Smith's thinking about these matters, but he is explicitly appealing to peace achieved by means of civil society (i.e. to what I call order). Moreover, as James Mill saw, he also appeals to open sectarian life as a means to the development, or prevention of the loss, of moral character.

At this point we may nevertheless wonder if the non-establishment model somehow violates realist principles. If it is not a call for disestablishment, then what is it? Why praise this model that looks nothing like either England or Scotland? In the next chapter I argue that Smith is not recommending the non-establishment model, period, he is recommending it to America on the *evidence* that it has worked in 'Pensylvania.'

Taking Stock

Arguments about disestablishment cannot be made to work. They need to stray far from the text and actively avoid interpreting Smith on England or Scotland. Smith clearly supports non-establishment if, only if, and because it causes it stability. The civil religion argument is, in its way, more textual, but it rests on one sentence and needs it to be interpreted in a way that invokes some particular theology. In context Smith is simply describing a hope, a hope that anyone could express, that non-establishment would support the *best* religion, where best is whatever one regards as best (i.e. everyone wants a religion free from superstition etc.)

This casts the text in a strange light. As things stand, the non-establishment model is a freestanding argument. Did Smith directly counsel England and directly counsel Scotland and then tell precisely no one, or everyone, about the good of non-establishment?

Abstract

The non-establishment argument is made *to America*. 'But if politicks had never called in the aid of religion…' is not a way of getting us to abstract away from existing establishment, but of getting us to think about America. In Pennsylvania there had been no establishment of religion and Smith explicitly refers to it as a place where the non-establishment model has worked. In short, Smith was suggesting that whatever happens in matters in America, if there is some kind of *new* political configuration, then that configuration should refuse to establish any religion.

Why should it refuse to establish religion? He gives us the argument about *the cycle of corruption and conquest*; he gives us the argument about stability, but I show he also argued that non-establishment fit the *constitution* of America. America was not a state of nature. America was America. Of course I quote Smith to this effect, but we should anyway expect that when Smith makes an institutional proposal he makes it such that it will fit with existing constitutional arrangements and the psychology of the people within them.

Chapter 9

'Coarse Clay' Political Realism: America was America

In the beginning All the world was America…

-John Locke (*Second Treatise*, ch. 16, § 49)

Introduction

This chapter makes the argument that the non-establishment argument (¶8) was made to the Americans. I claim that in ¶8 Smith was not stipulating conditions to set up his ideal argument for non-establishment, he was describing conditions in America. Moreover, America was not a place without a history, indeed, in *Wealth of Nations* Smith tells some of that history. The America that is described has a distinct culture, a set of achievements with religious liberty and so, once again, is not a pre-political state of nature.

In ¶8 Smith seems to be describing the success Pennsylvania has had with its plan of non-establishment. In that paragraph he contrasts that success with Cromwell and the Independents' failures. Cromwell's plan failed where William Penn's succeeded because Pennsylvania had been a place where 'politicks had never called in the aid of religion;' England had not been such a place, so Cromwell failed. When these reflections are added to the considerations of the last chapter, it cannot be claimed that Smith meant the conditions in ¶8 to function as an original-position's call to disestablishment. Nor, as I alluded to already, was America near enough to an original position or state of nature to function as a kind of ideal condition for constructing an argument for disestablishment. America was America. It was not a blank slate, nor *terra nullius*.

In ¶8 Smith was tailoring his arguments to the religious, political, and social culture of America. This is the same paragraph some have celebrated as inaugurating the practice of economic imperialism.

As I show, the apparent economic imperialism can be understood as a reaction to and an interpretation of the religious culture of America, not an *avant garde* handling of religion by economic reasoning. Smith was not flattening religious and political behaviour in an economic model, rather, he was reacting to really existing cultural trends in America. This is realist political theory.

It is unfortunate that the economic imperialist description of ¶8 is so common and the description of its proposals as a marketplace of religion so well-known. As accurate as these descriptions may be, they imply what an author like Cropsey accuses Smith of doing: replacing politics with economics. It is just this sort of claim that discourages historians of political thought and students of political theory from studying Smith. It is just this that has led people to presume that Smith has no political theory.

First, I argue that he was in a position to know about and to influence affairs in America (9.2 Writing *Wealth of Nations*, Studying America, and the Means to Influence). I then show that Smith's arguments described and vindicated existing practices in America. This exhibits his political theory's attention to context (9.3 ¶8 Was Describing America). I then show that Smith's predictions about what would happen if each were able to choose his own religion was grounded in evidence from Cromwell, William Penn, and James II's experiments (9.4 Historical Reasoning: Penn, Cromwell, and James II). I then describe what Smith could have known about Pennsylvania (9.5 History Pennsylvania, Franklin, Whitefield). It so happens that just the effects he describes about the good effects of the so-called marketplace of religion are nearly identical to well-known features of Pennsylvania. Once again, Smith is reasoning historically and his so-called 'economic imperialism' is at least not of the nature that might rankle some political theorists. Pennsylvania *was* a marketplace of religion and it *had* worked well. Finally, I end by discussing Stephen Macedo's interpretation of Smith as giving the kind of justice argument that I ascribe to him and, according to Macedo, James Madison notably lacked (9.6 "Congress Shall Make No Law…").

9.2 Writing Wealth of Nations, Studying America, and the Means to Influence

Wealth of Nations was published in 1776. Smith went to London to complete the work in 1773 and stayed there until 1777. As Nicholas Phillipson puts it, "Smith decided to end his Kirkcaldy retreat and to finish the *Wealth of Nations* in the capital. He needed company and American news."[990]

Smith likely travelled with the manuscript on jurisprudence that he ultimately destroyed. It is worth keeping that in mind as we see Smith immersed in the politics of the age. What did these experiences teach him? Would the manuscript on jurisprudence, glimpses into which we have from his lectures in the early 1760s, have remained unchanged through Smith's experiences in the 1770-90s? As I have emphasized many times, much of the political writing that he did publish ('man of system,' *fundamental fact of politics*) is found in the 1790 additions to *Theory of Moral Sentiments*. I submit that scholars writing on Smith's political theory ought to exhaust all interpretive effort in understanding these additions before turning to notes taken by students in the 1760s.

Emma Rothschild reminds us of the political context:

> The interlude between the end of the Seven Years War in 1763 and the beginning of the American Revolutionary War in 1775 was a period of intense political dispute, in France and in Britain, over the North American disturbances, the Atlantic slave economy, and the commerce of the East India companies.[991]

Smith intended *Wealth of Nations* to leap directly into all of these debates. In fact, Rothschild claims that we ought to see "criticisms of empire as at the very center of his concerns."[992] As Jennifer Pitts puts it, *Wealth of Nations* was "a political intervention."[993] In a letter (1780) to an acquaintance Smith famously described *Wealth of Nations* as a "very violent attack I had made upon the whole commercial

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[990] Nicolas Phillipson, *Adam Smith*, (New Haven: Yale University Press, 2010), 209.
[991] Emma Rothschild, "Adam Smith in the British Empire," *Empire and Modern Political Thought*, (Cambridge: Cambridge University Press, 2012), 190,
[992] Ibid, 188.
[993] Pitts, "Irony in Adam Smith's Critical Global History," 142.

system of Great Britain," though, he admits, that he has "been much less abused than I had reason to expect."[994]

Wealth of Nations contains extensive discussions of America and his correspondence around this time makes it clear that many had anticipated that it would. In the fall of 1775 (notably before *Wealth of Nations* was published), John Roebuck, an early partner of James Watt's, wrote to Smith that he "had hoped by this time to have seen your Name in the Papers. The meeting of Parliament is a proper time for the Publication of a work such as yours [*Wealth of Nations*]. It might have been of general use in influencing the Opinion of many in this American contest."[995] Notice how Roebuck anticipates the kind of work Smith had planned: 'influencing the Opinion of many in this American contest.'

Better known is Hume's letter (1776), also sent before the book was published, though apparently after Smith had completed it, informing Smith that the Duke of Buccleuch had told Hume that "you are very zealous in American affairs. My Notion is, that the Matter is not so important as is commonly imagind."[996] It is a little strange that Hume would say this given what he had been expressing in correspondence with others: "I am an American in my Principles, and wish we would let them alone to govern or misgovern themselves as they think proper."[997] Pocock attributes much of Hume's private correspondence on America as in large part just an instance of his "vehement Anglophobia."[998]

In a February letter to Smith in 1776 Hume pressed him in a particular way: "By all Accounts, your Book has been printed long ago; yet it has never yet been advertised. What is the Reason? If you

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[994] Smith, *The Correspondence of Adam Smith*, 251; Richard F Teichgraeber, "'Less Abused than I had Reason to Expect': The Reception of The Wealth of Nations in Britain, 1776-90*," *Hist. J. The Historical Journal* 30, no. 2 (1987): 337–66.
[995] Smith, *The Correspondence of Adam Smith*, 184.
[996] Ibid.
[997] Hume quoted in J. G Pocock, *Virtue, Commerce, and History.* (Cambridge: Cambridge University Press, 2011), 127.
[998] Ibid, 128.

wait till the fate of America be decided, you may wait long."[999] He commented on his own health, reporting that he had "fallen five compleat Stones. If you delay much longer, I shall probably disappear altogether."[1000] Smith had not yet, recall, released him from his 'anxiety.' Hume, at this point, had just written his will and desperately wanted a visit from Smith, writing: "Your chamber in my House is always unoccupyed: I am always at home: I expect you to land here."[1001] It is slightly odd that Hume guesses that Smith is delaying because the 'fate of America' was not yet known; in any case, *Wealth of Nations* was first advertised and published the very next month.

After the publication of the book the important Scottish Moderate minister Hugh Blair wrote to Smith to praise *Wealth of Nations* but also to complain about the passages "where you enter into a description about the measures we ought at present to take with respect to America, giving them a representation etc. …I wish [these] had been omitted, *because [these make it look] too much like a publication for the present moment*"[1002] [my emphasis]. Broadly-speaking, Smith certainly did intend *Wealth of Nations* to be fit for the present moment. Blair thought that future events could embarrass Smith's more precise proposals with regards to America. Given the stakes, Smith might have thought that the prescience of his writings on America, even specific proposals about representation, was exactly what would secure the timelessness of his work.

Blair, in any case, probably underestimated Smith's interest in influencing current events. Smith certainly had the means to influence. In late 1766 into the spring of 1767 Smith had an extended stay in London. By that time Smith had published, among other things, one of the earliest (1756) reviews of Rousseau's *Second Discourse*, *Theory of Moral Sentiments* and his "Considerations Concerning the First Formation of Languages," had delivered the lectures we know as the *Lectures on*

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[999] Smith, *The Correspondence of Adam Smith*, 185.
[1000] Ibid, 186.
[1001] Ibid, 185.
[1002] Ibid, 188.

Jurisprudence, and had met Voltaire, Turgot, Franklin, Quesnay, D'Alembert, Helvetius, Morellet, and of course Hume and Hutcheson. He was also then the principal tutor to the Duke of Buccleuch[1003] — the one who eventually told Hume that Smith 'was very zealous in American affairs.' It appears that the Duke's step-father, Charles Townshend, "who" Hume said to Smith "passes for the cleverest Fellow in England,"[1004] was the cause of Smith's prolonged stay in London.

Townshend had recently been appointed Chancellor of the Exchequer. According to Phillipson, Townshend, who had asked for Smith's advice on taxation policy the previous year,[1005] was now given the "primary task [of] bring[ing] public finances under control in the aftermath of the Seven Years [sic] War."[1006] For my purposes, Smith's close relationship with Townshend (tutor to his step-son, advisor on public debts) is notable because this is *that* Charles Townshend, he of the Townshend Acts, the indirect taxes on tea, among other things. It is implausible to think that Smith was not gripped by 'American news.'

Smith "was able to move in political circles at a time when the future of Anglo-American relations, the role of the East India Company in the government of India and public finance and taxation were under discussion, all matters of importance to the WN [*Wealth of Nations*]."[1007] In and around the time he met with Townshend, Smith also met with William Petty, the second Earl of Shelburne. Shelburne was, by that time, already converted to Smith's economic principles from a conversation he had with Smith in 1761.[1008] In 1767, Shelburne was a secretary with power over some

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[1003] Brian Bonnyman, *The Third Duke of Buccleuch and Adam Smith: Estate Management and Improvement in Enlightenment Scotland*, Scottish Historical Review Monographs (Edinburgh:Edinburgh University Press, 2014).
[1004] Smith, *The Correspondence of Adam Smith*, 36.
[1005] Ibid, 328.
[1006] Phillipson, *Adam Smith*, 200.
[1007] Ibid, 201.
[1008] Writing to Dugald Stewart, Shelburne said: "I owe to a journey I made with Mr. Smith from Edinburgh to London the difference between light and darkness…The novelty of his principles…made me unable to comprehend them at the time, but he urged them with so much…eloquence, that they took a certain hold which, though it did not…arrive at full conviction for some few years after, I can truly say has constiuted the happiness of my life." In James Ashley Morrison, "Before Hegemony: Adam Smith, American Independence, and the Origins of the First Era of Globalization," *Inteorga International Organization* 66, no. 3 (2012): 395–428.

of the American colonies. It was eventually Shelburne, then as Prime Minister, who negotiated the peace with America in Paris, 1783.

"In 1778," William Scott writes, Smith was asked to prepare some thoughts on America "by Alexander Wedderburn, Solicitor-General in Lord North's administration, and he replied in a Memorandum endorsed "Smith's Thoughts on the Contest with America Feby. 1778."[1009] It is a remarkable document in itself, and notable for being written and requested after *Wealth of Nations* had achieved some readership. It shows Smith fully willing to recommend, at least in this semi-public correspondence to Wedderburn, the most cold-blooded advice about America. Smith wrote[1010] that "by far the most probable" outcome of "this unhappy war" was a British "conquest…of a part only" of America. He did think that "complete emancipation of America from all dependency upon Great Britain" would ultimately be "advantageous" for all, though Britain would suffer a serious loss of reputation and thus would rather lose its blood.[1011] In short, Smith thought that it was very likely that at least a part of America was about to have a *new* 'conquering party,' to recall the language of Smith's paragraph of the so-called marketplace model of religion.

Smith continued to revise his writings until shortly before his death in 1790, with most, but not all, attention devoted to preparing a substantially new edition of *Theory of Moral Sentiments*. It is, anyway, clear that Smith had long been pressing upon the powerful the dangers and pure folly of

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[1009] William R. Scott, "Adam Smith at Downing Street, 1766-7," *The Economic History Review* 6, no. 1 (1935): 79–89.

[1010] Smith was apparently invited to write a pertinent memorandum for the Government. This was found among the papers of Wedderburn, who was then North's Solicitor-General and at the center of discussion on American policy. The memorandum is entitled, in Wedderburn's hand: "Smith's Thoughts on the State of the Contest with America, February 1778" (Corr. Append. B). The memorandum discusses four possible ways in which the "present unhappy war with the Colonies" might end: the complete submission of America; its complete emancipation; the restoration of the "old system" of links between mother country and colonies; and the submission of part of America together with the independence of the rest. Again it is noticeable that Smith never raises the question of irrevocable rights, of any ultimate justice in the dispute, but emphasizes utilitarian considerations against the background of politics and history. The memorandum favors solving the American problem" Tom D. Campbell and Ian S. Ross, "The Utilitarianism of Adam Smith's Policy Advice," *Journal of the History of Ideas*, 1981, 81.

[1011] Adam Smith "Appendix B: Smith's Thoughts on the State of the Contest with America, February 1778", in *The Correspondence of Adam Smith*.

British trade policy and colonial management. What changed with *Wealth of Nations* (1776) is that these arguments against mercantilism and the entanglements of this with empire were made very public. It was their very timeliness that Smith would have thought exerted extra pressure in particular upon Shelburne. Shelburne knew Smith was right about trade and was notably one of only a handful of British politicians who supported free trade.

We can think of the very timeliness of much of the discussion of America as leveraging the philosophical influence he knew he had among some of the most powerful leaders of Britain (Shelburne and Wedderburn). If some of the passages would fix *Wealth of Nations* to a particular time, surely Smith figured this would be to his everlasting credit; indeed that timeliness was part of the point he wanted to make about how political theory should be written. America, in a variety of ways, was a timely example that would illustrate his principles, but not by being a kind of state of nature. Smith's political principles involved tailoring reform to existing context.

These are facts about Smith's connections in London and attentiveness to the American situation, but, as Schliesser has at length shown, even if we did not know these facts it was obvious that Smith was a "public philosopher" of the sort who would seek to influence events such as these. A public philosopher aims at an audience somewhat above her contemporary popular audience in the interest of influencing "a public composed of literate citizens…rulers and would-be rulers" into action.[1012]

Often it is perfectly clear that Smith is writing to the British about the Americans, but Fleischacker has shown that "the American founders were among the earliest *readers* of Smith's *Wealth of Nations*, and their readings constitute a significant episode in the history of the book's reception [my emphasis]."[1013] Fleischacker gives evidence that Smith's work "influenced American political debates

[1012] Schliesser, *Adam Smith*, 2.
[1013] Fleischacker, "Adam Smith's Reception Among the American Founders, 1776-1790," 897.

throughout the 1780s."[1014] I intend to push these claims[1015] a step further and suggest that Smith was not simply talking about the Americans, or telling his influential acquaintances what to do about America, he was telling Americans what they ought to do with the religion among them. Benjamin Franklin will be an important figure for this conversation with Americans.

9.3 ¶8 Was Describing America

Recall that in ¶8 Smith is making a proposal by imagining away any prior religious establishment. One might have thought that on Smith's terms America could not count as a land 'where politicks had never called in the aid of religion' because of many of its peoples' history with the Church of England and/or the various ecclesiastical arrangements in the colonies. I do not think this is so, but it cannot be easily ruled out.

> Before the American Revolution, Kelly Olds writes, that
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> > government churches provided services in all but three of the 13 colonies. In New York, New Jersey, Maryland, and the southern colonies, the established church was Anglican. This church was disestablished after the Revolution. Within New England, excepting Rhode Island, the established churches were Congregational [Independent].[1016]

Consider, however, how much more like 'voluntary' contributions even the public support for these churches were than the tithe was in England. Olds:

> The public church tax was determined locally in either the town meeting or a special parish or church society meeting. These were democratic meetings open to all male taxpayers who owned over a stipulated amount of property. The decisions to be made were the selection of a minister, the salary to be offered, and determination of when the church building needed to be repaired or replaced.[1017]

[1014] "These dates are important because, pace Teichgraeber, there is clear evidence that *Wealth of Nations* was read by many political leaders in America before 1786 and influenced American political debates throughout the 1780s. David Lundberg and Henry May found *Wealth of Nations* in 28 percent of American libraries in the period from 1777-1790, indicating that the holdings of this book exceeded those of Locke's two Treatises or any of Rousseau's works except for Emile. Thomas Pownall's 1780 'Memorial' on the American conflict, which displayed Smith's influence throughout and paraphrased several sections of Wealth of Nations, had a profound effect on John Adams." Fleischacker, 899.

[1015] Samuel Fleischacker, "The impact on America: Scottish philosophy and the American founding," ed. Alexander Broadie in The Cambridge Companion to the Scottish Enlightenment, (Cambridge: Cambridge University Press, 2006), 316–37.

[1016] Kelly Olds, "Privatizing the Church: Disestablishment in Connecticut and Massachusetts," Journal of Political Economy, Vol 102, No. 2 (Apri, 1994), 278.

[1017] Olds, "Privatizing the Church," 279.

> … in both Connecticut and Massachusetts…subscription [was an important source of funds]. A paper would be passed around on which each individual would write down publicly how much he was willing to give to the church.[1018]

Whatever Smith might have thought about religion in Massachusetts, North Carolina, or Virginia, for example, much earlier in *Wealth of Nations*, he writes approvingly of "ecclesiastical government" in America saying that "tithes are unknown among them; and their clergy, who are far from being numerous, are maintained either by moderate stipends, or the voluntary contributions of the people."[1019] The funding was not being coercively extracted and so perhaps the whole institutional structure would not, for Smith, count as one where 'politicks had called in the aid of religion.'

Frederick Whelan writes of the period that

> the meaning of 'establishment' is not perhaps so clear as might be supposed: ambiguities surrounding the term were especially apparent in the American colonies, where a variety of church-state arrangements prevailed and where it was sometimes controversial whether the existing arrangements amounted to a religious 'establishment' or not.[1020]

Without question America *was more like* a place where 'politicks had never called in the aid of religion' than was England or Scotland. Crucially, if America were to become independent and united and establish *no religion*, you could not name any one set of clergy, or any one practice of ecclesiology, against which this would amount to a direct disestablishment.

If anywhere existing fit his conditions at the moment of publishing (existing religious diversity; no previous religio-political regime) it would have been America. If there were an audience for the marketplace model it would have been people like the Americans (as amorphous and varied as that grouping must at that time have seemed to Smith). At the very least, Smith can be supposed to have

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[1018] Ibid.

[1019] Smith, *the Wealth of Nations,* 574.

[1020] Whelan, "Church Establishments, Liberty & Competition in Religion," 157.

encouraged *Pennsylvania*, "a society that was already diverse and pluralistic," to stay the course with its ecclesiastical plan.[1021]

Because of the way Smith understood the American context, he would not have seen non-establishment as, in Dugald Stewart's words, a 'new constitution,' exactly, but as a refinement that was consistent with American self-understandings and the realities of religious and ecclesiastical diversity in America. What is continuous across Smith's arguments in Art III—and thus across the real-world contexts of England and America—is the presence of the Methodists.

The religious and leveling principles of the Calvinist-Methodist George Whitefield had a significant role in shaping American self-understandings. Moreover, Whitefield's methods indirectly caused, as Mark MacGarvie writes, "the proliferation of sects…and the tremendous growth of Deism, Unitarianism, and other liberal religious beliefs, [;] uniformity in religious thought and practice gave way to tremendous religious diversity."[1022]

In England, the noble bribe and the Methodists, particularly John Wesley, would preserve the order because it would renew, without collapsing, the episcopal hierarchy. The marketplace argument was a proposal fit, not for England but for, just as Smith described America, "a nation of customers."[1023] Smith, to be sure, intended this as a rhetorical assault not on the Americans, but on the English. The Americans were 'a nation of customers' because England was "a nation whose government is influenced by shopkeepers"; "a great empire has been established for the sole purpose of raising up a nation of customers."[1024]

[1021] Gordon S. Wood, *The Radicalism of the American Revolution*, 1st Vintage Books ed (New York: Vintage Books, 1993), I.
[1022] Mark McGarvie, "Disestablishing Religion and Protecting Religious Liberty in State Laws and Constitutions (1776–1833)," in *No Establishment of Religion: America's Original Contribution to Religious Liberty*, (Oxford: Oxford University press, 2012), 75–76.
[1023] Smith, *Wealth of Nations*, 661.
[1024] Ibid

Certainly in contrast to the eighteenth-century nations of Europe, America did look like a 'nation of customers.' As Susan Juster writes: "[t]he marketplace of goods that encircled the American colonies in its sticky web created other marketplaces (zones of choice) in the arenas of politics, arts and culture, print, and, inevitably, religion."[1025] Smith's proposal for non-establishment and the marketplace model was consistent with the process of, as Nathan Hatch has called it, *The Democratization of American Christianity*.[1026] The leveling tendencies and open-entry principles of Smith's proposal went with the grain of American experience. It may even be thought of as preserving much of the social order that existed. Indeed, if there were to be a new conqueror over these territories, then establishing a single church over all existing, and separate, communities would be a *more* dramatic change than would non-establishment.

Smith did see the Americans as the type of people for whom a marketplace in religion would not seem particularly secularizing or *atheistical*—and of course he never described his position in the deflationary terms of a 'marketplace model.' The quotations about America as a 'customer' nation, however true, were in the service of arguments against mercantilism and the most important expression of his understanding of the American character comes in Book IV of *Wealth of Nations*:

> In every thing, except their foreign trade, the liberty of the English colonists to manage their own affairs their own way is complete…In none of the English colonies is there any hereditary nobility…There is more equality, therefore, among the English colonists than among the inhabitants of the mother country. Their manners are more republican, and their governments, those of three of the provinces of New England in particular, have hitherto been more republican too.[1027]

[1025] Susan Juster, "The Evangelical Ascendency in Revolutionary America," in *The Oxford Handbook of the American Revolution*, ed. Jane Kamensky and Edward Gray (Oxford: Oxford University Press, 2012), 413.
[1026] Nathan O. Hatch, *The Democratization of American Christianity*, Illustrated edition (New Haven: Yale University Press, 1991).
[1027] Smith, *Wealth of Nations*, 584–85.

The Americans were *also* a 'republican' nation and since "[a]s in point of dignity, a monarch is more raised above his subjects than the chief magistrate of any republick is ever supposed to be above his fellow-citizens; so a greater expence is necessary for supporting that higher dignity."[1028] Monarchs have used the plenitude of 'dignity'[1029] that establishment grants them in part because 'dignity' was an important ground for, or was the principle of, their authority. Nations with republican 'manners' have different expectations of the 'dignity' of their 'chief magistrates' and thus are fit for non-establishment in a way that citizens in a monarchy are not.

Think of the decentralization of the Articles of Confederation and the struggle to argue for federalism. The Americans were accustomed to decentralization across the land. The Americans already had experience with religious diversity within and between the colonies. Moreover, they were accustomed to the non-hierarchical religious practice from their Great Awakening and the many itinerant preachers therein. Their republican manners, and experience with 'their [republican] governments' fitted them for more unadorned authority. This gives us some sense of what Smith would have thought about the religious culture of the colonies.

Edmund Burke neatly describes the various types of hierarchically-modulated affects among the British that animate its establishment regime in contrast to the Americans:

> We fear God; we look up with awe to kings; with affection to parliaments; with duty to magistrates; with reverence to priests; and with respect to nobility. Why? Because when such ideas are brought before our minds, it is natural to be so affected.[1030]

On the other hand

> the religion most prevalent in our Northern Colonies [i.e. Connecticut, Massachusetts, New Hampshire, Rhode Island] is a refinement on the principle of resistance; it is the dissidence of dissent, and the protestantism of the protestant religion. This religion, under a variety of denominations *agreeing in nothing but in the communion of the spirit of liberty*, is predominant in most

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[1028] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 814.

[1029] As Smith writes in the memorandum on America: "The principal security of every government arises always from the support of those whose dignity, authority and interest, depend upon its being supported." Smith, *The Correspondence of Adam Smith*, 381.

[1030] Edmund Burke, *Reflections on the Revolution in France*, (Indianapolis: Liberty Fund, 2017), 48.

> of the Northern provinces; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. [my emphasis][1031]

Smith was making institutional proposals from an awareness of these differences and their importance for securing order.

Below I discuss how Smith understood ecclesiological structures of the various colonies but it is fascinating, first, to see how some Americans might have recognized their own experience with establishment in Smith's crucial ¶1 in which he describes establishment as bringing on the indolence of the clergy, thereby making space for upstarts.

Religious institutions in America were quite varied but one that approached Church-of-England style establishment was Virginia. Smith's description of the dangerous incentive problem from ¶1 certainly spoke of the "church of England"[1032] but it is important that the same church, in effect, was then established in Virginia. And what was Virginia's experience with this church? Rhys Isaac opens his discussion of the Church in Virginia by quoting George Webb (1736):

> This Government has hitherto enjoied the singular Happiness, that all the Subjects here agree in Uniformity of Worship, according to the Doctrine of the Church of England, which is here by law established: and we have among us no Conventicles, or Meetings.[1033]

We now know that this was about to change.

Recall the progression from Hogarth's early (1736, the year of Webb's comment) *The Sleeping Congregation* through to his *Credulity, Superstition and Fanaticism: A Medley* (1761). The Anglican priest had put his listeners to sleep in the early work, and the Methodists breathed fire in the later one. In Smith's telling, the establishment of the Church had *caused* this cycle. Virginians had experience with a very similar progression. "Throughout the eighteenth century," Jacob Blosser writes,

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[1031] Edmund Burke, "Speech on Conciliation with the Colonies," (Great Neck, NY : Great Neck Pub.), 2009.
[1032] Smith, *Wealth of Nations,* 789.
[1033] Rhys Isaac, "Religion and Authority: Problems of the Anglican Establishment in Virginia in the Era of the Great Awakening and the Parsons' Cause," *The William and Mary Quarterly* 30, no. 1 (1973): 3.

> Virginia's Anglican clerics repeatedly used their sermons to chastise congregations for their "Unattentiveness," their "Dulness and Absence of Mind," and their "Car[e]less disrespect" during Sunday services. These previously unstudied sermonic reprimands indicate a pervasive inattentiveness in colonial Anglican churches.[1034]

Rhys Isaac:

> [t]here was remarkable agreement on the location of the cause of the falling away from the Anglican communion. The leading dissenters were almost brutal in their assertions that it *lay above all in the laxity of the Established clergy*, as to both morals and doctrine. [my emphasis][1035]

Predictably, Nancy Rhoden writes, the "evangelical movement in Virginia, which coincided with the climax of the patriot movement, also challenged the hegemony of the Anglican gentry class."[1036]

By 1761, the year of Hogarth's later print, the Virginia legislature had passed the Two Penny Act and was embroiled in the events of the so-called Parsons' Cause. When the clergy in Virginia were challenged by local disturbances they called in the aid of the King George III. This neatly fits Smith's argument (¶ 1) about a clergy who have lost their popularity among the people due to their indolence: they call in the king to beat their adversaries back. Smith's point was that this would not work; it would cause a civil war, or a revolution. The Virginian clergy's "appeal to London," Isaac writes, "cast the clergy in the role of treacherous enemies of the colonies."[1037]

At the same time, the diversity of sects had increased all across the colonies and Isaac writes that:

> the aspect of the dissenting preachers which the upholders of traditional order most deplored was their appearance as 'itinerants.' Encapsulated within this pejorative epithet was a whole view of authority and society. All members of the community were required

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[1034] Jacob M. Blosser, "Irreverent Empire: Anglican Inattention in an Atlantic World," *Church History* 77, no. 3 (2008): 596.
[1035] Isaac, "Religion and Authority," 32.
[1036] Nancy L. Rhoden, *Revolutionary Anglicanism: The Colonial Church of England Clergy during the American Revolution (Palgrave Macmillian, 1999),* 5.
[1037] Isaac, "Religion and Authority," 16.

> to be under a spiritual guardian who needed proper authorization to exercise his function. Itineracy was anathema because it negated these conditions. [1038]

Isaac concludes that "[t]he difficulties of the Church revealed the weakest link in the chain of traditional authority at a point where popular pressures were most acutely felt."[1039] All of this, the indolence, the itineracy, the rancor, traces Smith's narrative in the opening paragraphs of Art III. I have stressed that Smith's *analysis* of establishment (collapse and re-establishment) was intended to be general even though the noble bribe was his particular palliative to the English. Virginians would have been well-disposed to grasp Smith's general point.

I will return to these questions about what Smith knew or could have known about America, especially regarding Pennsylvania, and his thoughts about the likely outcome of the revolt, but I hope to have begun to show that Smith could have thought of non-establishment as novel, perhaps, but certainly as prudent for America. Because of Smith's reputation we tend to see the marketplace model as cutting-edge, or hyper-modern, and intended to *subject* religion to market forces. As a social scientist he was cutting-edge, but what was cutting-edge was his *attention* to context.

The non-establishment argument is an historically-guided political argument; it took religious strife seriously; it shows the good of religious association to be fundamental; and Smith *fit* this constitution to America, resisting, on principle, any desire to do the reverse.

Suppose Smith had begun ¶8 with something like the following: *When either the Americans or the British finally conquer a portion of territory consisting of some four of five colonies, it would be more than mere prudence to allow every man etc.* What else in the paragraph would have to change? Very little, I submit.

There are two claims Smith makes that are important for appreciating ¶8: first, that the 'conquering party' *would* act this way in these conditions, and, second, that acting this way has good

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[1038] Isaac, 36.
[1039] Ibid.

effects. On what was he basing these predictions? Each of these predictions (the 'conquering party' would refrain from choosing; this would cause a multitude of sects, moderation etc.) and the probability of the various steps in his narration, are hypotheses that Smith appears to think have been tested. Smith's stipulated conditions are very close "to actual and plausible conditions"[1040] because, I argue, they were about to be the existing conditions in America.

9.4 Historical Reasoning: Penn, Cromwell, and James II

First, why does Smith think a 'conquering party' *would* act this way? We can conjecture about Roman imperial practice,[1041] or something contained in the concept of a conqueror, or a gesture to Priestley, but this is beyond the text. Smith does, very briefly, gesture at two situations which support his prediction. We have reason to believe the 'conquering party' will, or at least might, prefer to permit freedom of religious choice, he thinks, from the example of Oliver Cromwell and the 'Independents' 'towards the end of the civil war.' This is certainly an example of a 'conquering party,' to be sure, though Smith in lecture a decade earlier repeatedly prefers to call internal triumphs like Cromwell's a "usurpation[s]."[1042] In America, the Independents, now and then they are more frequently called Congregationalist—were a large proportion of the sects in America. Likely the most famous among Congregationalist spiritual leaders was Jonathan Edwards.

It is very tempting to explain the reference to the 'Independents towards the end of the civil war' as invoking Hume's discussion of Cromwell in the *History*. Especially because as Andrew Sabl writes, "Hume's particular telling of the story became so famous a few decades after its writing that rival factions during the French Revolution competitively cited Hume's *History* to tar opponents as

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[1040] Russell Hardin quoted in Gerald Gaus, "The Priority of Social Morality," in *Morality, Governance, and Social Institutions: Reflections on Russell Hardin*, ed. Thomas Christiano, Ingrid Creppell, and Jack Knight (Cham: Springer International Publishing, 2018), 23,

[1041] Smith, *Lectures on Jurisprudence*, 235–38.

[1042] Ibid, 429.

potential Cromwells, or as opening the door to future Cromwells."[1043] The idea, then, is that Smith is very openly engaging in debate with Hume. He has just quoted him; they were known to be friends; Hume's *History* was famous and widely distributed, and, Sabl suggests, Hume on Cromwell was *particularly famous*. Here is Hume on Cromwell's demise:

> the grandeur, which he had attained with so much guilt and courage, could not ensure him that tranquillity, which it belongs to virtue alone, and moderation fully to ascertain. Overwhelmed with the load of public affairs, dreading perpetually some fatal accident in his distempered government, seeing nothing around him but treacherous friends or enraged enemies, possessing the confidence of no party, *resting his title on no principle, civil or religious, he found his power to depend on so delicate a poize of factions and interests, as the smallest event was able, without any preparation, in a moment to overturn.* Death too, which, with such signal intrepidity, he had braved in the field, being incessantly threatened by the poniards of fanatical or interested assassins, was ever present to his terrified apprehension, and haunted him in every scene of business or repose.[1044][my emphasis]

Sabl describes Hume's verdict here: "Cromwell finds becoming moderate and semi-virtuous, the classic refuge of worried tyrants, no longer a road to peace: on the contrary, the more moderate and tolerant he is, the more his life is endangered. This is a modern fate."[1045]

Sabl, reading Hume, suggests that "Cromwell lacked coherent constitutional options. The very nature of Cromwell's claim to rule, and the military basis on which it continued to rest, made the constitutional elements of consent and mutual checks elusive." Finally, "[t]he modern constitutional customs that would have ensured the stability of executive power were incompatible with Cromwell's desire for a guarantee that he would exercise that power."[1046]

Hume knew Machiavelli's counsel that the "prince is supposed to know how to use priests well," but Machiavelli could not have conceived of religious pluralism at this post-Reformation scale.

[1043] Andrew Sabl, New Models and Orders : Hume's Cromwell as Modern Prince," in Harvey Claflin Mansfield, Sharon R. Krause & Mary Ann McGrail (eds.), *The Arts of Rule: Essays in Honor of Harvey Mansfield*. Lexington Books (2008) 249.
[1044] Hume, *The History of England*, 312.
[1045] Sabl, "New Models and Orders : Hume's Cromwell as Modern Prince," 249.
[1046] Ibid, 258.

Thus, "it remains to be studied what to do when people disagree, or fight, over who counts as a priest and which set of competing priests, if any, speaks for God."[1047]

Smith's second example that he thinks supports his argument is William Penn—or, the 'Quakers'—and what Penn had 'established in Pensylvania.' Penn arguably satisfies the salient features of a 'conquering party,' and Smith seems to indicate as much earlier in *Wealth of Nations*:

> The English puritans, persecuted [later revised to: "restrained"] at home, fled for freedom to America and established the four governments of New England. The English Catholicks, treated with equal [later revised to: "much greater"] injustice, established that of Maryland; the Quakers, that of Pensylvania.[1048]

Compare Priestley (1771):

> Pensylvania flourished much more than New England, or than any other of the English settlements in North America, evidently in consequence of giving more liberty in matters of religion, at its first establishment.[1049]

Penn, not to mention Roger Williams, had moved from making subtle arguments to the English about which Christian liberties could be justified as part of the ancient constitution and with respect to the established church to instead writing these liberties into their own constitutions in America (Rhode Island, Pennsylvania). It is as if they transitioned, just as Smith's text has, from one context of politics to another.

Taking the example of Cromwell first. Smith thinks that the behavior he describes in ¶8 (allowing choice and 'treating equally,' 'let them alone, and oblige all to let one another alone one another') is near enough to what the 'Independents' had proposed 'towards the end of the civil war.' Apparently we are to imagine Cromwell's ecclesiastical maneuvers as a telling example ('though of a very unphilosophical origin') of a 'conquering party' proposing *but never achieving* ('if it had been

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[1047] Sabl, "New Models and Orders : Hume's Cromwell as Modern Prince," 249.

[1048] Smith, *Wealth of Nations,* 589.

[1049] Joseph Priestley, *An Essay on the First Principles of Government.* London : Printed for J. Dodsley ; T. Cadell, (successor to Mr. Millar) ; and J. Johnson, 1771.

established') the 'plan of no ecclesiastical government' that Smith thinks is the *likely* outcome in his quasi-stipulated conditions. Smith's point is that Cromwell failed to pull this off because England, essentially, was nothing like a land 'where politicks had never called in the aid of religion.'

Cromwell's ecclesiology encroached on many norms. In his 1760s jurisprudence lectures Smith said that

> the bad conduct of Cromwell and his perfidious behaviour, *as he had betrayed all parties*…disgusted the whole people at a republican government. The Restoration immediately followed upon this…The Puritans or Presbyterians who favored [republicanism] became altogether odious and were greatly oppressed…till the foolish and tyrannicall conduct of James again roused them…[1050] [my emphasis]

There was a kind of inevitability that Cromwell, *qua* conquering 'man of system,' would betray all parties. There is a spillover of betrayals of 'orders and societies' even if one intended to betray *only* the Church of England. Smith's point in lecture about a backlash against republicanism was one example of his general argument against too-fast transitions[1051] even when they are clearly in the direction he most recommends.

The example of Cromwell and 'Independents' serves as evidence both for Smith's predictive claim about what conquerors would, or might do, under conditions of religious diversity (Cromwell acted roughly like Smith's 'conquering party'), while its failure also serves as evidence for Smith's argument from ¶7 that it would not be possible to move from establishment to non-establishment *via* anything approaching *disestablishment*. Disestablishment, that is, is likely to cause the *kind* of 'violent

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[1050] Smith,*Lectures on Jurisprudence*, 297.

[1051] Robert Prasch and Thierry Warin, "'Il Est Encore plus Important de Bien Faire Que de Bien Dire' A Translation and Analysis of Dupont de Nemours' 1788 Letter to Adam Smith," *History of Economics Review* 49, no. 1 (January 1, 2009): 67–75,; Dan Kleinand Frederic Sautet, 'Remarks from 1809 by Dupont de Nemours on Adam Smith,' *Econ Journal Watch* 8, No. 2 "De Staël-Du Pont Letters: Correspondence of Madame de Staël and Pierre Samuel Du Pont de Nemours and of Other Members of the Necker and Du Pont Families. Edited and Translated by James F. Marshall. (Madison: University of Wisconsin Press. 1968..)," *The American Historical Review*, October 1969, https://doi.org/10.1086/ahr/75.1.135; T. J. Wertenbaker et al., "Correspondence between Thomas Jefferson and Pierre Samuel Du Pont de Nemours, 1798-1817," *The American Historical Review* 37, no. 2 (January 1932): 357.

religious' and 'political' 'controversy' that gets solved by re-establishment,[1052] or restoration: "After the Restoration," Smith lectured, "the court party got the better, and the other party became odious."[1053] This see-sawing of support is an example of *the fundamental fact of politics*.

As Sabl says of Hume's assumptions about the same period, "any convention of authority (above a certain threshold) is better than none," and thus in the "last days of the English Commonwealth" it was the case that "[n]o significant sector of society opposed the obvious coordination solution of restoring at once all of England's fundamental conventions."[1054] It is a solution Sabl explains this way:

> a political actor can sometimes win allegiance, especially when civil war has lessened all parties' attachment to their favored outcome, by promising to bring about one among many potentially stable outcomes without saying which one. This suggests a political strategy that we might call 'naked bandwagoning'[1055]

Smith describes this somewhat differently but the essential argument that religious re-establishment is the virtually inevitable coordination focal point after religious civil war tracks this point clearly enough.

In ¶ 7, to which I have frequently referred, Smith seems to be choosing language that describes what Sabl is calling 'naked bandwagoning.' Smith claims that in:

> times of violent religious controversy…[and] equally violent political faction..each political party has either found it, or imagined it…[to be in] its interest to league itself with *some one*…*of the contending sects*. The sect which had *the good fortune* to be leagued with the conquering party, necessarily shared in the victory…The clergy of this particular sect having thus become complete masters of the field, and their influence and authority with the great body of the people being in its highest vigour, they were powerful enough to over-awe the chiefs and

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[1052] Anne Whiteman, "The Re-Establishment of the Church of England, 1660-1663," *Transactions of the Royal Historical Society* 5 (1955): 111–31.
[1053] Smith, *Lectures on Jurisprudence*, 429.
[1054] Andrew Sabl, *Hume's Politics: Coordination and Crisis in the History of England,* (Princeton, NJ: Princeton University Press, 2012),164-165.
[1055] Sabl, *Hume's Politics,* 164.

> leaders of their own party, and to oblige the civil magistrate…[to silence and subdue all its adversaries.][my emphases][1056]

There is no sense in this passage of anything in the content of the religious teaching that serves as a coordination lodestar. Nor is there any sense that the 'sect' that gets established pursued any particular plan: they had 'good fortune.'

I have argued that Smith agreed with Hume on the noble bribe for *ongoing* establishment, but his point in ¶7 is that he only agrees to the noble bribe as a *palliative* for the problems endemic to *establishment*. The bribe certainly cannot be proposed at the founding. The noble bribe cannot survive publicity *at founding*. It will either be rejected outright as an affront, or accepted but, just as Smith says above, the sect will have real leverage ('complete masters of the field, and their influence and authority with the great body of the people being in its highest vigour') to 'over-awe' the 'political party' and force it to 'silence and subdue' that sect's 'adversaries.' Resisting re-establishment, moreover, is a losing strategy: if all 'political parties' agree to resist re-establishment the first defector gets the trophy. But where 'politicks had *never* called in the aid' it may be possible to resist establishment. People in this circumstance do not, to the same degree, expect politics to call in the aid of religion.

Charles II, the Clarendon Code and the Act of Uniformity, all the backlash of the Restoration stand as evidence of the claims Smith makes in ¶7. As I have argued, Smith agreed with Hume about the noble bribe because there was no easy way to get out of the vicious *cycle of corruption and conquest*. The coordination solution in religious civil wars was simple: Sabl's 'naked bandwagoning.' The noble bribe (especially given what Methodism was) was at most a humane palliative.

Hume says of this ¶-7-backlash aspect of the Restoration in his *History* (recall that Smith had quoted at length from Hume's History in Art III) :

[1056] Smith, *Wealth of Nations,* 792.

> This bill reinstated the church in the same condition in which it stood before the commencement of the civil wars; and as the old persecuting laws of Elizabeth still subsisted in their full rigor, and new clauses of a like nature were now enacted, all the king's promises of toleration and of indulgence to tender consciences were thereby eluded and broken.[1057]

As Mark Goldie implores:

> We should be in no doubt about how explicitly persecution was demanded. Scarcely a tremor of embarrassment disturbed the voices of divines who called for 'a holy violence', 'a vigorous and seasonable execution of penal laws' against the 'fanatic vermin' whose conventicles troubled the land. Many an assize sermon became a fruitful occasion for rhetorically yoking priest and magistrate together in a godly cause, the sword of the latter animated by the spiritual admonition of the former. When heretics pervert the church's doctrine, when schismatics disrupt its order, when libertines scandalize its purity, then a bishop 'must betake himself unto his rod and his keys' and summon the magistrate to undertake 'the pious use of the sword.'[1058]

Imagine the message that someone like Wesley got out of these turnabouts and Smith's description of them. Do not dissent. Do not test establishment. Any victory will shortly be pyrrhic. As I showed above, Smith's non-establishment was ultimately justified because it would very likely *prevent* any religious leader from, as Goldie puts it, gaining the leverage to 'summon the magistrate.'

Any reading of Smith as a disestablishmentarian—currently the mainstream view—must have Smith *provoking* the clergy and virtually everything Smith writes in Art III cautions against doing so:

> But should the sovereign attempt irregularly, and by violence to deprive any number of clergymen of their freeholds on account, perhaps, of their having propagated, with more than ordinary zeal, some factious or seditious doctrine, he would render, by such persecution, both them and their doctrine ten times more popular, and therefore ten times more troublesome and dangerous than they had been before.[1059]

Again, those scholars who have described Smith as arguing for disestablishment on the grounds of the clergy's indolence cannot make sense of a plain-spoken passage like this one without stipulating esoteric teaching or something like it. Smith's ¶8 is *at most* an apophatic nudge to the English: the argument of ¶8 is not for you *as you currently are* but maybe the noble bribe, while permitting greater

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[1057] Hume, *The History of England*, ch 63.

[1058] Mark Goldie, *The Theory of Religious Intolerance in Restoration England*, *From Persecution to Toleration,* ed. Ole Peter Grell, Jonathan I. Israel, and Nicholas Tyacke(Oxford: Oxford University Press, 1991), 331.

[1059] Smith, *Wealth of Nations*, 798.

diversity is a means to *effective* non-establishment. Maybe the Church of England will slowly decline as a force.

I suspect that many who use the language of disestablishment mean to be pointing at this sort of interpretive claim, but *even this* would miss the directedness of Smith's arguments and that affects his calculus about justice. Smith certainly would appreciate Gaus's caution that "[n]ot only are we uncertain about the effects of bringing about institutions, there are costs to bringing them about."[1060]

I grant that I am reading a lot into Smith's very brief—though certainly conspicuous—reference to Cromwell and the Independents and the Restoration-esque ¶7 on the impossibility of disestablishment without re-establishment. My reading, fortunately, can be buttressed by what Smith said in lecture about James II.

> When James II—a "Roman Catholick"—did "grant the liberty of conscience to all" he: plainly shewed his intentions to change the religion of the country, *which is the most difficult thing in the world*. It is necessary before a religion be changed that the opinions of the people be changed, as was done by Luther, Calvin, John Knox…[1061] [my emphasis]

There is, of course, little doubt that James II was granting this liberty of conscience to open a wider berth for Catholicism in England. But James was not Calvin, or Knox. Nor was James, to say the least, Solonic. What would Smith think of George III proposing to disestablish the Church? Could Smith have thought he himself he had smoothed the way for George III's disestablishment gambit? Had, despite themselves, the Wesleys?

It was James's self-interested goal that raised the greatest opposition and not the principle of liberty of conscience itself. Nevertheless, if Smith were a liberty imperialist, and given that James's was a move towards liberty that has been significantly linked with the Glorious Revolution, Smith might

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[1060] Gaus, "The Priority of Social Morality," 4.
[1061] Smith, *Lectures on Jurisprudence*, 436.

have celebrated the move more than he evidently did. In this instance, plausibly, both human action and human design aimed at increasing liberty.

Penn, as it turns out, was a major force urging James II towards the Declaration of Indulgence (1687)—and a pardon for John Locke[1062]—and this was certainly because of Penn's active support for the liberty of conscience. Penn spoke in the Declaration's favour in a tour around England. Penn, that is, attempted to do the kind of preparatory work Smith describes 'Luther, Calvin, John Knox' having successfully performed. James, as Nicholas P. Miller writes, naturally "had an interest in furthering the agitation of the Quakers and other religious dissenters for greater religious toleration."[1063]

Penn had long supported religious toleration on importantly protestant grounds about liberty of conscience.[1064] Politically, he tried to argue that the ancient constitution did not permit coercion to a national religion. Andrew Murphy describes Penn as attempting "to convince an English audience that a policy of religious toleration was perfectly in keeping with its own customs."[1065]

If Cromwell, for Smith, was an example of a 'conquering party' failing at permitting freedom of religion, Penn had been well-positioned to have learned from Cromwell's failures. Penn understood the great difficulty and terrible risks involved in reforming an established church toward greater freedom and toleration; he had needed to leave England: "Penn was obliged to go," Voltaire wrote, "more than once, and "thee" and "thou" Charles and his ministers, to recover the debt; and at last, instead of specie, the government invested him with the right and sovereignty of a province of America, to the south of Maryland. Thus was a Quaker raised to sovereign power."[1066]

[1062] Nicholas P. Miller, *The Religious Roots of the First Amendment: Dissenting Protestants and the Separation of Church and State* (Oxford, New York: Oxford University Press, 2012), ch 2.
[1063] *The Religious Roots of the First Amendment*, 52.
[1064] Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America,* (Pennsylvania: Penn State University Press, 2001).
[1065] Ibid, 171.
[1066] Voltaire, *Letters on the English.*

The Independents and the Declaration of Indulgence, though certainly not James himself, are sometimes honored in the Whiggish tale of the slow march toward religious freedom. Smith's reading of James's cunning move towards liberty of conscience with the goal, as Smith says, of changing 'the religion of the country' rather stresses James's failure and the turnabouts in any such history. Moreover, Smith's understanding of James's mistakes highlights the sources of Penn's successes. Even if Smith thinks James's failure was an all-things-considered good thing, *James* himself really had made the kind of encroachment leaders really ought *not* make.

In lecture, Smith argued that because James had failed to change the religion of his country before, as it were, legislating Catholicism into England: "K. James, on account of his encroachments on the body politic, *was with all justice and equity in the world* opposed and rejected"[1067] [my emphasis]. The Church, and the people's layered connection to it, was, of course, that part of the 'body politic' upon which James's II had encroached. James II was doing *that*; he was recklessly (given the religious settlement as it was) 'encroach[ing] on the body politic.' He was opposed by a powerfully aligned established church, not to say 'great orders' and 'societies.' He was treating the people as so many chess pieces and therefore ignited warranted resentment. He did not hold himself accountable.

Smith does not hold out James II as a political example of a Whiggish positive-sum invisible-hand argument: *even if* James II benefitted the public in the manner of the self-interested rich man, it was at great cost *to him*. Finally, the point Smith is making here can be read in the narrow way I have because he is reflecting in lecture about the nature of "ecclesiastical law"[1068] and not the Glorious Revolution itself.

Returning to Cromwell, he apparently does count as an example of a 'conquering party' who tried—but failed—to establish 'a plan of no ecclesiastical government' such as Smith recommends.

[1067] Smith, *Lectures on Jurisprudence*, 436.
[1068] Ibid.

Cromwell does also seem to satisfy another of Smith's conditions: he was a conqueror of a people among whom there was existing religious diversity. But he does not at all count as a 'conquering party' *of a territory* where 'politicks had never called in the aid of religion.' Penn—in America—while he seems to fit the model of a 'conquering party' determining what to do with existing religious diversity somewhat poorly, was certainly much closer than Cromwell was to a conqueror of a territory 'where politicks had never called in the aid of religion.'

Smith says that the ecclesiastical model he is proposing (the non-establishment model) 'has been established in Pensylvania.'[1069] 'Though,' he says, 'the Quakers happen to be the most numerous, the law in reality favours no one sect more than another, and it is there said to have been productive of this philosophical good temper and moderation.' Cromwell and Penn, in Smith's comparison, *share* a 'plan of no ecclesiastical government' very strongly, are roughly alike as conquerors—*qua* new leader not from succession or unforced consent—and this comparison isolates their *only* strong difference: the condition of existing religious establishment in the land they conquered.

"Unlike the case of nearly all the other colonies," Miller writes, "religious freedom was not a matter of development in Pennsylvania, but was part of its initial birthright."[1070] We ought to see clearly, then, that in reasoning this way and considering things like religious and political backlash Smith was doing something much more like comparative political science than economics. This helps us appreciate an aspect of what James Farr has said is Smith's "very visible hand in the emergence of political science."[1071] It was not, Smith allows, Penn's—nor indeed Cromwell's— intention (the plan was 'of a very unphilosophical origin' and the Independents were 'a sect no doubt of very wild

[1069] Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 793.
[1070] Miller, *The Religious Roots of the First Amendment*, 62.
[1071] Farr, "Political Science and the Enlightenment of Enthusiasm," 51.

enthusiasts') to generate moderation or lasting diversity, but we should not be surprised if a designer's intentions produce (good or bad) unintended consequences.

What is to be learned from Penn? For Penn, freedom of conscience was necessary for salvation but it was only a freedom to come to Christian moral conduct *via* your own uncoerced conviction; conduct outside Penn's understanding of Christian conduct was to be punished by the public authority. For Teresa Bejan, Penn is an example of an important contrast she wants to draw with Williams and Rhode Island. The Great Law of Pennsylvania, she writes, expresses the idea found in many sources "that religious insult was a form of persecution, hence banning it a logical extension of toleration."[1072] By no means does Smith's claim that Pennsylvania was a good model of ecclesiology depend on Penn's own argument for it, but more on that to come.

These historical considerations are consistent with the kind of political theory Smith thought best. My expansion out from Smith's references *via* a history he would have known well and *via* lectures he did give combine to make better sense of the argument of ¶8 than does an account of it as an original position. In eliminating some possibilities we have better reason to think he was simply describing America and not stipulating conditions. It is not true that, as Locke puts, in the beginning all was America. America was America. It had identifiable traditions and norms.

In tracing out Smith's historical reasoning I have been trying to explain why Smith thinks it is *probable* that a conquering party under his stipulated conditions would hit on the marketplace model: Penn and Cromwell are his examples that it is *possible* that one would. If we zoom out from the historical arguments, Smith seems to be thinking it is anyway the rational choice for a conqueror encountering religious diversity. Hill, in this sense, was right to think that there is something to be gained from broadly thinking of ¶8 as inviting a thought experiment.

[1072] Teresa M. Bejan, *Mere Civility* (Cambridge: Harvard University Press, 2017), 46.

Not much is ruled out in Smith's stipulated conditions. For instance, language, religion, politics, pre-existing polities are not ruled out of the world that we are to suppose some party has conquered. Anthony Gill describes Smith's logic this way:

> The initial presence of religious pluralism–particularly at the time of a nation's founding–would make the state hesitant to impose any form of legislation that would favor one minority sect over any other minority sect. This, in turn, would encourage the immigration of religious dissenters from other parts of the world and/or schismatic denominational growth in the domestic arena. In other words, religious pluralism begets religious freedom, which in turn enhances the prospects for greater pluralism.[1073]

Given that a) the conquering party must know that it is really going to matter with whom (which sect) it chooses to align, and that b) there are many, or some, existing sects to choose from, and that c) delaying the choice is not obviously risky because d) religio-political alignment is not overwhelmingly expected ('politicks had never'), we can then imagine that it is rational to *at least* delay choosing, and wait for a sect to appeal for alignment to you by showing evidence that they can bring you the hearts and minds of some overwhelming mass amidst competition.

Combining considerations from ¶¶8 and 9 we can see that Smith thinks it is rational to forebear choosing until such time as you are either forced to align at the point of many swords, or the alignment is so benign (the only religion existing is 'that pure and rational religion…such as wise men in all ages of the world wished to see established') that accepting it *amounts* to non-establishment. It is only the 'usurper,' and not a 'conqueror,' who is within a political culture of religious establishment that will need to bandwagon-jump with a sect; Smith's conquering power, in the interests of order, ought not to.

9.5 History Pennsylvania, Franklin, Whitefield

[1073] Anthony Gill, *The Political Origins of Religious Liberty*, Cambridge Studies in Social Theory, Religion and Politics (Cambridge: Cambridge University Press, 2007), 47.

It is notable, though in a way not surprising, that Smith names Pennsylvania as an instructive example for what he has to say. In 1773, for example, Madison wrote to his friend, and a future Attorney General, William Bradford of Pennsylvania asking about "the extent of your religious Toleration" and whether "an Ecclesiastical Establishment [is] absolutely necessary to support civil society?" Bradford replied:

> I am sorry to hear that Persecution has got so much footing among you [in Virginia]. The discription [sic] you give of your Country makes me more in love with mine. Indeed I have ever looked on America as the land of freedom when compared with the rest of the world, but compared with the rest of america [sic] Tis Pennsylvania that is so. Persecution is a weed that grows not in our happy soil.[1074]

In his *Notes on Virginia* (1785) Thomas Jefferson writes that

> Our sister states of Pennsylvania and New York…have long subsisted without any establishment at all. The experiment was new and doubtful when they made it. It has answered beyond conception. They flourish infinitely. Religion is well supported; of various kinds, indeed, but all good enough; all sufficient to preserve peace and order: or if a sect arises, whose tenets would subvert morals, good sense has fair play, and reasons and laughs it out of doors, without suffering the state to be troubled with it.[1075]

Priestley, as well, appeals to Pennsylvania to support his disestablishmentarianism. And of course, Voltaire:

> The new sovereign [Penn] also enacted several wise and wholesome laws for his colony, which have remained invariably the same to this day. The chief is, to ill–treat no person on account of religion, and to consider as brethren all those who believe in one God. He had no sooner settled his government than several American merchants came and peopled this colony.[1076]

Indeed, as Jon Butler has recently claimed, "[b]y the time of the American Revolution, then, religious diversity had become one of [Pennsylvania's] most distinctive features."[1077] Pennsylvania "rather than

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[1074] William Bradford, "Amendment I (Religion): William Bradford to James Madison," https://press-pubs.uchicago.edu/founders/documents/amendI_religions16.html.
[1075] Jefferson, *Notes on the State of Virginia*, 166.
[1076] Voltaire, *Letters on the English.*
[1077] Jon Butler, *Religion in Colonial America (Religion in American Life) (Oxford: Oxford University Press, 2000),* 55.

Rhode Island"[1078] was the model that the Founders had in mind, not least because of its commercial dominance and the sophistication of its civil society.

Smith certainly could have learned about Pennsylvania in any number of ways but perhaps his clearest personal connection to it is Benjamin Franklin—who of course had a large role in bringing about what Smith would call 'philosophical good temper and moderation' in Pennsylvania. Scholars like Fleischacker, Eric Nelson, and McLean and Peterson have tried to determine how the Founders read Smith's work.[1079] I want to work from the other end and explore what Franklin might have, as it were, told Smith about Pennsylvania.

Franklin and Smith were "friends,"[1080] having first met in 1759, and had certainly met many times by 1775—the year in which Smith sent *Wealth of Nations* off to the publisher. There "is circumstantial evidence that [Smith] was often in Franklin's company at this time [1775], and even that he showed chapters of WN to him."[1081] This, of course, was just before Franklin returned to America to help write the Declaration of Independence. What is most useful for present purposes is that Franklin believed that the Calvinist enthusiastic Methodist George Whitefield had actually been a positive source of the religious moderation (at least toleration) of Pennsylvania.

Whitefield (1714-1770) was extraordinarily famous across the English-speaking world and was thought of as *everything* but a moderating force (thus his example would bolster Smith's argument that the zealousness of any one leader was of no concern and perhaps useful in the marketplace model). He was born in Gloucester, England and died in Massachusetts. He met the Wesleys at Oxford. The major split within Methodism was between John Wesley's Arminianism and Whitefield's Calvinism.

[1078] Miller, *The Religious Roots of the First Amendment*, 52.
[1079] Iain McLean and Scot M Peterson, "Adam Smith at The Constitutional Convention," *Loyola Law Review* 56: 39.
[1080] Thomas D. Eliot, "The Relations between Adam Smith and Benjamin Franklin before 1776," *Political Science Quarterly* 39, no. 1 (1924): 67.
[1081] Ibid.

In Scotland he was well-known for the events known as the Cambuslang Walk (1742). It was impossible given all this that Smith was unfamiliar with Whitefield, but we also do positively know that Smith owned both a volume of works by Alexander Webster that contained writings on religion in Boston (Whitefield had famous run-ins with Harvard) and several pamphlets written in support of Whitefield's work at the Cambuslang Walk.

"By all accounts," Roger Finke writes, "the Grand Itinerant, George Whitefield, stood at the center of America's 'First Great Awakening.' Yet only a few scholars have appreciated Whitefield's marketing skills and religious entrepreneurship."[1082] I have shown that Smith was clearly aware of the entrepreneurial spirit of the Methodists. "It is with them" Smith writes, the itinerants, the Methodists, "as with the hussars and light infantry of some armies; no plunder, no pay."[1083] I described how this made sense of Smith's noble bribe: the Methodists were eating the 'parochial clergy's' lunch but this, especially under the Wesleys, was a move fundamentally internal to the Church; it was a revival.

Things with the Methodists, or with Whitefield in America during the 1730s and 40s were slightly different. Juster writes:

> As itinerants, these new preachers rarely lingered in one place long enough to establish personal or professional ties with their audiences. So central to the Great Awakening, in fact, was the practice of itinerancy that it symbolizes for many historians the distinctive feature of the eighteenth-century revivals: even more than field preaching or the "New Birth," itinerancy captures the reimagining of the moral and physical boundaries of the evangelical community that, at bottom, constituted the true radical potential of the movement to upset traditional hierarchies and rewrite the rules of social engagement.[1084]

Whitefield, she continues, was "cannily attuned to the rhythms of the new market order."[1085]

[1082] Roger Finke and Laurence R. Iannaccone, "Supply-Side Explanations for Religious Change," *The Annals of the American Academy of Political and Social Science* 527 (1993): 27–39.
[1083] Smith, *Wealth of Nations*, 790.
[1084] Juster, "The Evangelical Ascendency in Revolutionary America," 413.
[1085] Ibid.

I have briefly canvassed work, largely from economists, celebrating Smith as the 'first economic imperialist,' but if he were one it was because people like Whitefield had made the first religious customers:

> Like many middling men of a spiritual bent, Whitefield condemned "the Self-righteous Pharisees of this Generation" for valuing "Merchandize" over piety. But in his preaching tours of Britain and the colonies in the 1730s and 1740s, he used all the commercial avenues at his disposal (newspapers, discount pricing, serial publication) to disseminate his anticonsumerist message. In the process, Whitefield helped create a new persona: the religious consumer who, faced with an unprecedented array of spiritual choices, must decide for him or herself what to believe.[1086]

Whitefield told his audiences that they had a choice, there were options, he'd come to you, and, what's more, *they* won't.

Finke and Iannoccone write:

> To appreciate these attacks [by American religious establishments against the itinerants/ Methodists], one need only see that itinerants were unregulated competitors in the religious marketplace, "foreign" competition that threatened the privileges and profits of a "domestic" cartel. In Colonial America the established clergy maintained a system of territorial monopolies, dividing the land into geographical units (often called "parishes"), and granting each minister exclusive authority over the religious activity in "his" area. Itinerants like Whitefield threatened to undermine this cartel, thereby reducing its power and profits. Whitefield's crowds didn't materialize out of nowhere, they responded to the publicity, press releases, and sermons circulated in their communities up to two years in advance.[1087]

It is hard not see the Methodists as reasoning like any business would and Smith as simply recognizing this. This is worth saying precisely because people like Cropsey have treated Smith as if he were flattening questions of religion and politics. He was not. He was responding to real events of religion and politics in America.

Many have exaggerated the importance of the kind of movements Whitefield founded and inspired, but Juster wants to caution that though

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[1086] Ibid, 412.

[1087] Finke and Iannaccone, "Supply-Side Explanations for Religious Change," 430–31.

> [t]he Great Awakening may not have "caused" the American Revolution in any direct way…it certainly spurred the politicization of American evangelicals—a process accelerated in the second half of the eighteenth century as thousands of new religious refugees from Europe streamed into the American countryside, attaching their own ethnic and sectarian grievances to the growing crisis over imperial rule.[1088]

In lecture, as I quoted above, Smith pressed that 'It is necessary before a religion be changed that the opinions of the people be changed, as was done by Luther, Calvin, John Knox…' What had Whitefield wrought in America or Pennsylvania? What sort of change had he prepared America for?

In his *Autobiography*, a work Smith presumably never read, Franklin writes that he "was intimately acquitted with [George Whitefield], (being employ'd in printing his Sermons and Journals, &c.)." Franklin had made a fortune publishing Whitefield's copious sermons. He is clear that "we had no religious Connection…Ours was a mere civil Friendship, sincere on both Sides and lasted to his Death."[1089] Franklin describes "the Clergy" in Pennsylvania (presumably Philadelphia) as very shortly "taking a Dislike to [Whitefield]." They "soon refused him their Pulpits and he was obliged to preach in the Fields." This is very much like Smith's account of religious renewal/rupture and directly tracks the Methodist experience in England.[1090]

Whitefield's field sermons were attended by "Multitudes of all Sects and Denominations" and very shortly the people of Philadelphia moved from "being thoughtless or indifferent about Religion" to possessing a common competency. Whitefield became so popular that "sufficient Sums were soon receiv'd" to build a hall "expressly for the Use of any Preacher of any religious persuasion who might desire to say something to the people of Philadelphia…so that even if the Mufti of Constantinople were to send a Missionary to preach Mahometanism to us, he would find a pulpit at his service."[1091] This kind of splintering and open-mindedness *via* competition was, of course, what Smith predicted

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[1088] Juster, "The Evangelical Ascendency in Revolutionary America," 408.
[1089] Benjamin Franklin, *Autobiography of Benjamin Franklin* (Chump Change, 1791).
[1090] Ibid.
[1091] Ibid.

the marketplace model would engender. Recall also that Smith showed no concern over 'the excessive zeal of each [sect] for its particular tenets.' This zeal 'could not well be productive of any hurtful effects, but on the contrary of several good ones.' Smith's apparent proposal for non-establishment looks very much like a very precise description of Pennsylvania.

Franklin somewhat regrets that the sheer volume of Whitefield's "Writing and Printing gave great Advantage to his Enemies." It became easy for any upstart to make his name opposing some "Unguarded" and inessential statement of Whitefield's. "Critics attack'd his Writings violently, and with so much Appearance of Reason as to diminish the Number of his Votaries, and prevent their Encrease."[1092] These features of Methodism, its place in the centre of a raucous (and often unfair) public sphere, its field-preaching as tending to unite people from different sects and offer a friendly space to those with no other, are things I have brought out in previous chapters but it is striking to hear Franklin so nearly describing in concrete terms what Smith described more generally. ¶8 is much less a prediction than it is a history.

Franklin lamenting the unfairness of the attacks on Whitefield while celebrating its effects is exactly the kind of stance Smith takes in ¶8. I have argued that Smith used unique features—those which resembled Machiavelli's Sts Francis and Dominic— of Methodism to motivate the noble bribe. If the destruction of the English regime, as Smith argued, was caused by its general suppression (especially via the incentives of establishment) of religious creativity, then Methodism functioning as a target for, and source of, creative destruction was a means to regime stability. Both the argument to England *and* to America make use of features of Methodism—and the so-called Great Awakening, more generally. Sorting out the influence (Franklin to Smith, Smith to Franklin) is beside the point; Smith's argument for non-establishment and the marketplace model can be plausibly described as a

[1092] Ibid.

reading of the history of Pennsylvania uniquely informed (as the noble bribe was) by features of Methodist practice.

Smith's reference to Pennsylvania, then, is not just to say 'here is a place with no established religion and it worked out well.' The *reasons* it worked out well are the ones commentators constantly interpret as expressing Smith's economic imperialism or a prediction based on a thought experiment. In the context of the great culture wars over Methodism, Smith's argument, far from conjecturing about a future, seems deeply dependent upon recalling the recent past. From ¶ 8:

> The teachers of each sect, seeing themselves surrounded on all sides with more adversaries than friends, would be obliged to learn that candour and moderation…and the concessions which they would mutually find it both convenient and agreeable to make to one another, might in time probably reduce the doctrine of the greater part of them to that pure and rational religion…[1093]

"Those with even a passing familiarity with Methodism as a religious movement," Hempton stresses, "know that it appeared to thrive on the energy unleashed by dialectical friction."[1094] The literature on the prominence of anti-methodism in eighteenth-century plays, novels, pamphlets, music, poetry, is, given the specificity of the topic, genuinely vast. Mcinelly's recent work presses the important claim that "Methodist belief, practice, and self-understanding were conditioned by the clashes with their critics."[1095]

9.6 "Congress Shall Make No Law…"

Stephen Macedo nicely contrasts Smith's own ecclesiastical proposals to those of the Founders. He writes:

> Interestingly, Smith avoids one shortcoming of The Federalist Papers, for while that insightful analysis of America's constitutional institutions counts on citizen virtue, it says little about where those virtues will come from. The embrace of many groups in a large political sphere remains, in Madison's hands, largely a negative strategy for warding off unjust political combinations. The Federalist Papers do display a concern with local

[1093] Smith, *Wealth of Nations*, 793.
[1094] Hempton, *Methodism*, 7.
[1095] McInelly, *Textual Warfare and the Making of Methodism*, 6.

> communities—namely, the states—but the main thrust here is to argue for the subordination of the states to the national government. Very little is said of the dependence of the national government and national citizenship on the moral resources furnished by local communities. In Smith's writings, on the other hand, we find a fuller account of the importance of preserving vibrant small communities as means for promoting moral and civic virtues that might otherwise be in short supply in mass, commercial societies or 'extended republics.'[1096]

Macedo underestimates the degree to which Smith's strategies are driven by an analysis and prioritizing of order, though he is quite right to insist on Smith's attention to the 'moral resources furnished by local communities.' This argument is different from any of the arguments about rights found in Madison or Jefferson; it is different from a Millian account of the necessary mechanisms for individuality; it is also distinct from the kind of argument one finds in Jefferson and Mill that, in conditions of freedom, truth will win out over falsity.

Smith was proposing a marketplace for the means to the goods that the expansion of the commercial market was undermining. As Macedo puts it:

> Commercialism and the modern liberties that it fosters help emancipate people from the restraints of inherited sources of authority, and the relatively fixed expectations of inherited classes and roles. But on Smith's account liberal republics also need to beware the anonymity and extravagance of unbounded individualism.

He continues:

> A crucial part of Smith's educative plan, then, was his attempt to promote substitutes for the small-scale communities of the old regime. It was for this reason that Smith arrestingly described religious 'sects' or churches as 'Institutions for the Instruction of People of all Ages.' Smith's concerns were with the civic side-effects of religious communities: the social, political, and moral benefits they could provide quite apart from their religious missions.[1097]

Smith's proposal, then, is really an expansion of associative freedom in response to, or in anticipation of, the disruption of traditional sources of the goods, like recognition, that inherited or traditional sites of association had previously secured. The point I mean to be making is that it is these goods, call

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[1096] Stephen Macedo, "Community, Diversity, and Civic Education: Toward a Liberal Political Science of Group Life," Social Philosophy and Policy, 13 (1): 240 (1996), 249.
[1097] Macedo, "Community, Diversity, and Civic Education," 251.

them recognition-goods, that the marketplace of religion was designed to secure and that it was only the condition of the commercial age that required this marketplace as a means of distributing them.

¶8 was meant, first, as immediate advice to a 'conquering party,' and then as a theory about non-establishment that was intended to be continually tested against reality. The experiment is successful if no one religion, no single sect, becomes powerful enough to compel state violence against its adversaries.

Finally, Macedo describes Smith as particularly strong for describing why a diversity of religious associations would work out well, and this fits nicely with my account in chapter five about Smith and moral motivation. In conditions of accountability, we *desire* to justify ourselves to others. This motivation arises again in this non-establishment model. The moderation of zealotry that arises is not just from a kind of alien market pressure working upon religious teachers, it came also from the normal human desire to behave in ways that others could empathize with.

Conclusion

If England was stuck in a sub-optimal frame and had to reckon with this reality, the Americans were then embarked, as Smith thought, on a mission of reconsidering all of the political institutions under which they lived. That is what they were *like;* this was part of their character:

> From shopkeepers, tradesmen, and attornies, they are become statesmen and legislators, and are employed in contriving a new form of government for an extensive empire, which, they flatter themselves, will become, and which, indeed, seems very likely to become, one of the greatest and most formidable that ever was in the world.[1098]

America, that is, might soon meet the terms of Smith's conditional proposition ('But if politicks had never'). Because of its history America could, uniquely, choose non-establishment. Settling a war of independence and founding a new order, as opposed to settling a civil war with religio-political causes, would not inherently require aligning political claims with sectarian ones. Therefore I argue that Smith

[1098] Smith, *Wealth of Nations*, 623.

proposed to the English a Machiavellian/Humean scheme of ecclesiastical management—though that nation should also avoid re-establishing religion when possible; to the Americans he suggested establishing no religion and tolerating all; to Scotland, with its ascendant Moderates, he (a little too) proudly told them to stay the course with the Kirk.[1099] This variety of solutions that depend on context is exactly what we should expect to find if Smith was a realist working under a priority of order over other values.

I do much to support my exegetical claims with appeal to context—especially an understanding of the character of Methodism both in England and in Smith's text—but my interpretive claims also depend on combining this, roughly, contextualist methodology with a presumption that Smith would also *be the type* of philosopher who would self-consciously make contextual arguments.

Not only does the language of Art III straightforwardly cast the argument as realist; we have good independent reason to believe that this language was derived from genuinely realist philosophical commitments. Constraining normative arguments within realistic assessments of actually-existing power asymmetries was a central part of Smith's (meta-)political-philosophic commitments. The commitment is explicit, once again, in one of the most famous passages from his *Theory of Moral Sentiments*: as opposed to the ruinous "man of system…[,who is] often so enamoured with the supposed beauty of his own ideal plan of government[] that he cannot suffer the smallest deviation from it," any man of "public spirit…prompted by humanity…will respect the established powers…[and] when he cannot establish the best system of laws, he will endeavour to establish the best that the people can bear."[1100]

[1099] Nathan Rosenberg, "Some Institutional Aspects of the Wealth of Nations," *Journal of Political Economy* 68, no. 6 (1960): 557–70.
[1100] Smith, *The Theory of Moral Sentiments*, 233.

What I take myself to have shown in this chapter is that even Smith's most adventurous-seeming political proposal actually relied on just the 'public spirit' he recommends. It is a great strength of his theory that the non-establishment model has seemed to some like a totally revolutionary proposal, while his realism, or what some have thought of as his political moderation, has seemed conservative. He was neither some kind of new-fangled liberty imperialist, nor was he a conservative. He was a realist. Scholars have noted Smith's approval of sectarian life, but never with my combined account of that life as a means to order and justice. As Jacob T. Levy has put it, Smith's account of sects in Art III is part of a "positive account of pluralism" noting that Smith was "perhaps thinking of the then-burgeoning…Methodist revival."[1101]

The famous—and representative—'man of system' section chimes with a lesser-known one in *Wealth of Nations*:

> …we may perhaps say of it what was said of the laws of Solon, that, though not the best in itself, it is the best which the interests, prejudices, and temper of the times would admit of. It may perhaps in due time prepare the way for a better.[1102]

It is important to notice that though skepticism about political knowledge does some of the work in these passages, it is rather the preservation of basic order, not simply a skeptical premise about the necessary lack of knowledge of what might be a better order, that Smith thinks ultimately must normatively constrain argument and action. This distinguishes Smith's argument from any unalloyed conservatism.

It is not much better to assimilate Smith's position to a vaguely-defined incrementalism, or moderation. After all, in correspondence Smith described *Wealth of Nations* just as it was: a "very violent

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[1101] Levy, *Rationalism, Pluralism, and Freedom*, 175–76.
[1102] Smith, *Wealth of Nations*, 543.

attack…upon the whole commercial system of Great Britain."[1103] As Rasmussen has recently drawn attention to,[1104] it was an attack in favor of order. He quotes Smith:

> commerce and manufactures gradually introduced order and good government, and with them, the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbours, and of servile dependency on their superiors. *This, though it has been the least observed, is by far the most important of all their effects.*[1105] [my emphasis]

The 'violence' of Smith's 'attack' in *Wealth of Nations*—most virulent towards mercantilism, and colonialism—is justified because it is distinctly on the side of peace and order. Moreover, the move towards free trade, for example, would not itself cause (anything approaching) the immediate suffering that condemned mercantilist colonialism. What incrementalism there is in Smith—and there is a lot—does not rely, as one might expect, on the conservative's claim about the inbuilt wisdom of what is. Smith does not at all have, as Hayek had insisted a conservative must, a "fear of trusting uncontrolled social forces."[1106] He is a realist for whom freedom is a strong policy preference.

Smith scholars as distinguished as Rasmussen tend to lose sight of Smith's political commitments when it comes to Art III. It is unaccountable that so many who are drawn to the Scots for their pioneering theories of emergent order and skepticism of what one might call sovereign knowledge, should then present an author like Smith as if he adhered to what Duncan Forbes has called the "Legislator myth."[1107] Smith was no natural right theorist, nor did he replace that thought with imperialistic utilitarianism. The preservation of, or reform towards, basic order could be justified to the living and their imagination of the future and would be what no impartial spectator could disapprove of.

[1103] Smith, *The Correspondence of Adam Smith*, 251.
[1104] Rasmussen, *The Infidel and the Professor*, 162.
[1105] Smith, *Wealth of Nations*, 412.
[1106] Friedrich A. von Hayek,*The Constitution of Liberty: The Definitive Edition*, (Chicago: Chicago University Press, 2020), 522.
[1107] Duncan Forbes quoted in Winch, *Adam Smith's Politics : An Essay in Historiographic Revision*, 34 fn2.

Perhaps the one who has come the closest to reading Smith's Art III as I describe it is the historian David Hempton in his *Methodism: Empire of the Spirit*. He very briefly discusses Smith. Quite casually, and in the course of explaining that the founder of Methodism "John Wesley made contact with [a] new form of popular pietism in the American colonies and constructed a new religious movement that was almost a perfect fit for Adam Smith's paradigm of a religious free market."[1108] Hempton notes Smith's "admiration for the established churches of the Swiss cantons and, unsurprisingly, of his own native Scotland."[1109] Hempton is an eminent historian of Methodism and the British churches, so his interest is not in Smith. Yet he credits Smith with "having anticipated the dilemmas facing states and their churches throughout Christendom in the later eighteenth century."[1110] Being an historian, Hempton has no trouble picking up the notable features of Smith's texts and neither would Smith's readers have had any trouble. Hempton has no interest in discerning the application of a political theory in Art III. We should. Article III belongs to historians of political thought and those who would be realists.

[1108] Hempton, *Methodism*, 46.
[1109] Ibid,, 45.
[1110] Ibid, 45.

Conclusion

I have argued that Smith had a political theory and that the best characterization of it is as a type of political realism. There are two values realized by my argument. One concerns the value of Smith's political theory itself. Is it compelling? What are its strengths and weakness as a political theory? Even, what value does it have for us today? What does it say that is, as it were, new? The other value is to have presented Smith as a political theorist who disagrees with the methods of mainstream early modern political thought. The discipline of Political Theory needs such a figure in order to improve pedagogy and, in fact, attract and retain Political Science students. Before describing how the objectives of the research were met, I will first elaborate on some applied aspects of my research, especially as these concern the teaching of Political Theory.

A bit of biography is apt here (it will last only an instant!) for diagnosing the problem my research can solve. I was a Political Science major in undergrad largely because I was interested in federalism, the constitution, multiculturalism, and the Canadian Charter of Rights and Freedoms. I was not, so I believed, interested in *Political Theory,* though I had taken the mandatory courses in it. Those mandatory courses had the effect, though this was surely not the intent of any of the instructors, of making political theory seem like a body of progressive knowledge about freedom and the social contract that secures it in obedience to a liberal democrat state. The task of Political Theory seemed to me to be the one of improving on existing arguments of this sort, or utterly rejecting arguments for the liberal democratic state. Moreover, the style of argument that I was exposed to in Political Theory was very distant from the kind of arguments I was making about federalism and the Charter.

I wrote my undergraduate thesis on Pierre Trudeau's National Energy Program and the strains it put on federalism. I arrived at McGill to continue work in and around these things and met with a Political Scientist in the department who promptly told me that I should meet, instead, with a political

theorist. The professor was right. I had been doing political theory, but had been, to that point, taught by my experience in Ancient, Early Modern, and Contemporary Political Thought, that I wasn't. It had seemed to me like there was no home in Political Theory for the kinds of justificatory and analytical questions I was interested in. I was not asking 'can autonomy be squared with X,' nor was I interested in attacking such projects, so I believed my home was outside of Political Theory.

My story, such as I have just stated it, is representative of a problem with the way political theory is commonly taught. We do not teach debates about *how* to do political theory and that causes students to expand their thinking about what Political Theory can do and be. It can seem to students that they are learning, Rousseau for instance, to help them improve on his arguments or throw them out entirely. I believed that generating 'normativity' could only be done from a set of rules about combining freedom and authority. This keeps Political Theory from drawing in students who, though they do not know it, are doing political theory, or would be interested in doing political theory, because they are not exposed to, roughly, realist groundings for the political theory they intuitively already do. They are not arguing about hypothetical consent, they reckon, so they are not doing Political Theory.

Students are not confronted with having to evaluate methods of political thought and this, combined with standard syllabi in core Political Theory courses, leads them to believe that much of what they enjoy doing and thinking about is outside of Political Theory. Students will argue amongst themselves about a trade agreement, for example, and some of the values at stake, but because that has nothing to do with Plato (so they think), they do not see themselves as doing political theory. Including a figure like Smith who objects to the 'man of system,' and then moves between social science, moral philosophy, legal history, and philosophy, in courses on early modern political thought could show students the breadth of what can count as political theory. Smith, and his awareness of the bureaucratic nature of the state, can cast other early modern political theorists as *dated* (or not). He can help to raise those sorts of questions. This is a different attack on the existing canon that might

come from seeing its writers as all coming from, in essence, the same background and so reiterating the same power over others that we instead ought to be criticizing. The key pedagogical move is to present Smith not as inaugurating social science, but as challenging a *type* of political theory.

When Political Science students question the value of Political Theory they often say 'what does that have to do with X,' or more bluntly, 'theorists have their head in the clouds.' Such students are *doing* political theory (meta-political theory) in those questions but understand themselves to be rejecting it. This comes at a real cost to Political Theory. I am describing this anecdotally, but surely the phenomenon I am describing is not *rare*. Students, indeed professors, sometimes say that there could be some, or ought to be more, intertwining of Political Science and Political Theory, and that is one thing. I am arguing that we do not frequently enough remark on the degree to which they already do intertwine. We tend to miss the *existing* overlap.

Does it bother you, one could ask of the students, that these concerns of Locke's, for instance, ignore questions about what it would take to achieve his goals in an actual time and place? Doing this would at least expose students to that contingency about early modern political thought. Hobbes, Locke, Rousseau, were not simply taking up political theory, but were *making* it, giving it a certain shape. Rather than using history to simply contextualize Locke, students ought to be able to be exposed to normative objections to Locke grounded in that context. The objection would not be simply to point out that Locke justified this or that bad practice, but that his method, his assumptions, in short, the sources of his normativity were political philosophic mistakes (or not). Where does political normativity come from? Where ought it to come from? I do not mean just to flat-footedly discuss theory and practice, but to question how to do the theory.

This is necessarily broad-brush, there are exceptions, some things will be unique to this or that school or country and type of student, but there is an identifiable standard set of Political Theory courses and syllabi that should be recognizable in what I have to say. Most Political Science

departments in North America will offer a course in early modern political thought. The modal names on those syllabi will likely be Hobbes, Locke, Rousseau. Some of these courses may begin with Machiavelli and end with Kant or the American Founders. Contractarianism, the state of nature, sovereignty, natural rights, these will be major themes. No doubt other authors are often included, but usually to mark *exceptions*, not challenges to, those themes: Montesquieu, Hume's "Of the Original Contract." The state of nature will seem like *the* crucial thought experiment of Political Theory. Despite a professor's concern to be presenting the history of political thought, students, without needing to be told to, will come to ask if we would really be like that in a state of nature. They get the lesson that something like a state of nature is the crucible for whatever they wish to argue. I recall one such moment in a graduate seminar on Rousseau in which the professor had to interject and tell us that we are not looking at Rousseau's linguistics to determine if he got it *right*—we have a department of Linguistics if you are looking for that.

Rousseau will, for some undergraduates, be regarded as importantly prefiguring democratic legitimacy arguments that the students already intuitively know. If the prof does not, the student builds in a kind of teleology leading up to—as a newspaper article or a political speech might put it—the social contract there is, among us now, to live under liberal democracy. These are mistakes, but they are not being anticipated by our syllabi and it is hard to correct these mistakes while still teaching Hobbes, Locke, Rousseau, Kant. Listen to the linearity of that set of names, and how much sense it makes to teach them, and teach them in just this order. Think of how easy it is for a student to understand this, even subconsciously, as a progression across those thinkers. To be sure, we can teach the deep problems in those thinkers, but that does not confront, but continues, the problem of thinking in their terms.

Hopefully students who take this course go on take others in Political Theory. Often they will be required to. Ancient political thought is a natural course offering and it will have its names and

leave students with a different set of ideas. Aristotle, for instance, might be understood as anticipating methods or themes students recognize in their Political Science classes, which is to say, in classes outside of Political Theory, but within the department of Political Science. Perhaps they take a course in contemporary political thought, encounter Rawls's update to contract theory and see the major criticisms of that style of thinking, perhaps by figures such as Charles Mills.[1111]

Political Science is a very large major. Many, if not the majority, of students who take these classes will end up specializing in a field within Political Science, but one that is external to Political Theory. It will not be uncommon for a Political Science student to graduate with Early Modern Political Thought being their only exposure to Political Theory. Of course they *will* be exposed to normative political arguments, conceptual analysis, and other things that political theorists do, but these will not be marked by them as Political Theory. They will happen within other courses external to Political Theory or will happen because of their own personal interests. Students, like me, will come to see normative political arguments that marshal evidence from empirical events to be distant from Political Theory and instead as some barely reputable, because not scientific, form of Political Science.

The Political Science major will jump from reading competing state of nature arguments that seem to constitute what Political Theory is to a Political Science course on The Canadian Charter of Rights and Freedoms. They ought to know that they, very likely, will be doing political theory in both courses. When they argue about the Notwithstanding Clause, they will tend not to think of themselves as doing Political Theory. It will look nothing like what they have just studied in Political Theory because they have not been exposed to criticisms of the methods of mainstream early modern political thought. Things like Charter jurisprudence and normative arguments about it will not often be placed in a Political Theory course alongside canonical names. We give it its own course, and might insist that it is Political Theory, but the lesson has been set. They find themselves drawing on actual historical

[1111] Charles W. Mills, "'Ideal Theory' as Ideology," *Hypatia* 20, no. 3 (2005): 165–84.

events and some meso-level normative principles that hop from moral to legal philosophy to argue that there never should have been a Notwithstanding Clause. This, they may think, is not Political Theory. Political Theory is Plato's Cave or Rousseau's general will. It is common for Political Science students to regard themselves as doing something very far from Political Theory where, as they might see it, everything is a thought experiment or a grand system of thought including views about human nature, God, autonomy, and the powers of reason. No doubt they will be exposed to Marx, and perhaps Foucault, and be drawn to them, but these figures do not capture the type of student who moves away from Political Theory to Political Science.

Machiavelli will be taught, but often as a *precursor* to Political Science. Machiavelli, Aristotle, Montesquieu, they are not generally understood to be *disagreeing* with others about how political theory ought to be done. They are understood to have *separated* Political Science from Political Theory. This is bad for Political Science and Political Theory.

In many ways Philosophy is in a better state than Political Science/Political Theory is. It is common to teach Introduction to Philosophy by describing a competition between empiricism and rationalism. The student is left with a sense of having to choose. They are forced to see that the opposing figures cannot both be right and that very likely none of them are; they are not figures in some tale of progress. One of the questions on the table concerns the proper approach to philosophical questions.

In a standard early modern political thought course it is just the opposite. Thinkers are commonly presented as—or the presentation is understood by students of them as—groping towards a description of the state and the possibility of freedom under it by consenting to it. The student is left thinking that the task of Political Theory task is to describe the possibility of freedom under the state, or to deny that possibility as an ideological hope. It is as if there is a way, a single way, of doing political theory and it is either getting at the truth or reinforcing power. Political Theory then strikes

the student as a skill in thinking about *this question,* or a body of knowledge to learn. Students are not often confronted with the question of the best *way* of doing political theory or of making normative arguments. They should be. The goal is to make more empirically-grounded normative arguments seem philosophically respectable. These empirically-grounded normative arguments are not exiting Political Theory, nor are they grounding Political Science.

Smith, and *Theory of Moral Sentiments* in particular, ought to be taught in undergraduate courses on early modern political thought. That book is a way of presenting what I am talking about that is contemporary with Rousseau and Kant, not to say the French Revolution. It is not just that I regard Smith's political thought as valuable, or more valuable than some canonical figure in political thought, but that one of the reasons his work ought to be taught in such a course is because early modern political thought ought to be thought of as a *competition* between thinkers rather than, as is common, a kind of progressive ascent to the heights of Immanuel Kant.

When early modern political thought is confined to a story about contractarianism (with occasional critics) the history of political thought comes across to students as teleological. Like the worst kind of history of science, students are presented with arguments that *built from* one another, or can be compared and contrasted on their ability to answer *the* tasks of political theory. They are not forced to take a view on what counts as progress, or which method of thinking could better achieve it. What we could broadly call the 'empiricists,' Machiavelli, Grotius, Montesquieu, the American Founders, are often included not as figures who disagreed with, as we could call them, the 'rationalists,' but as figures who anticipated, and here is another telos, the subject that would come to be entirely parallel to political theory, Political Science.

The kind of psychological work that I showed Smith doing with *the fundamental fact of politics*, if taught today, would naturally draw from, or connect to, fields like behavioural economics, and insights within the study of motivated reasoning. Students could get a sense of what it is like to argue like Kant

today, and like Smith today. The point is not to give free reign to anachronism, but to their imagination about how to do political theory and to the debate about how to do it best. In student lounges all over North America that debate is an undercurrent between the Political Theory students and the Political Science students. A student in Political Theory who takes an interest in Smith's realism will naturally look to other Political Science courses as a *complement* to the Political Theory courses. Surely this is the purpose of having Political Theory *within* Political Science.

Smith, as Book V a *Wealth of Nations* attests, had a clear grasp of the state as we experience it: bureaucratic, permanent, a tax collector, an imperialistic war-maker. His work argues like we argue, always moving between registers and appealing to events to lend weight to our arguments. Students who take a select few Political Theory courses do not understand this mode of argument to be Political Theory.

In some sense, we teach *historic* Political *Philosophy* to students mainly interested, though many may not know it, in contemporary political *theory*. In a Political Science department it should be natural to teach the kind of political theory that is most, as it were, cross-disciplinary (i.e. philosophy, law, economics, political science, history). In any case, we ought to teach the history of political thought as containing debates about *itself*. Rather than a module on the problem of dirty hands, the whole question of the type of normativity relevant to politics ought to be a topic. Far from sidelining deep questions from our courses, I am imploring us to add new ones.

Theory of Moral Sentiments, with its history of moral philosophy, its study of moral psychology—egoism, sympathy, reactive attitudes—opens us to new subjects in early modern political thought. What would 'we' be like in the state of nature? Impossible. It cannot exist. In chapter three I have scratched the surfaces of the kind of intricate arguments that could be presented to debate the cogency of the concept of the state of nature. That is, I am not suggesting that somehow philosophical argument ought to be removed from our syllabi.

Students often leave their course on Early Modern Political Thought debating what the state of nature would be like as if it is an urgent question we need answered before we can move on. By no means do I think the professors intend this to be the takeaway, but it will be if the syllabus is Hobbes, Locke, Rousseau. Not only could the kinds of arguments Smith makes involve such a course in touching on intricate questions in the philosophy of action, but it also involves criticisms of the state of nature as, to put it bluntly, racist. There is some natural man and some of us, therefore, must be more or less like that man. Nonsense. But it does not take contemporary Psychology to argue this, Smith did.

Have the history of political philosophy include someone like Smith who argues about politics and the *limits* of philosophy. How much should we abstract away from, how much *can* we abstract away? *Political Science* students, though they may not realize it, are prepared to engage with these questions whose home is in Political Theory.

Finally, my work has given an account of Adam Smith's political theory, indeed it argued that he has one, that I hope is teachable. Take up Art III and ask if it is asking the *right questions* of religious establishment. Separately, there is good reason to believe that Smith made some of his 1790 additions to *Theory of Moral Sentiments* because of what he saw coming in France. I have newly raised the Halévy Thesis as part of Smith's strategy. I do not mean to suggest that this would be easy, but an early modern political thought class could connect Smith to the English non-revolution to Sieyès or Condorcet and the French Revolution. It is one thing, a Political Science question, to ask about the causes of revolutions, and another to ask normative questions about normative positions on revolution. And again, the question need not be, revolution or no, but in reasoning about revolution, what ought be included in, and what ought to be abstracted away from?

On the question of whether or not Smith has a political theory I have shown that his handling of the question of religious establishment is systematic. He prioritizes order and seeks to work out

what achieving order would require in this or that polity. He also gestures at other goods to be thought about. He suggests that secondary associations are important for developing moral character. It is from one's moral character that one holds another accountable to one, as required by his conception of justice. Having a moral character to lose is what causes others to hold another accountable.

I did the work of connecting Smith's ideas to a paradigm case of political theory, Hobbes's. At no time did it seem preposterous that Smith was engaging Hobbes. He was aware of Hobbes's strategy of linking citizens' conscience to the ecclesiastical authority. This, Smith effectively argued, was a disaster in Hobbes's own terms. It is just that dependence on authority as something to be loved, or liked, or worshipped, that made its loss of the powers to persuade an effective cause of civil war.

Smith's point, I have said, generalizes. Embellishing coercive force with persuasive power for *de facto* power gains is self-defeating. This is true even if the state calls in the aid of an imagined nation to make its coercive force more loveable, worshippable. Things like the separation of the roles of head of state from the head of government can be ways of dividing coercive force and persuasive power. It is not exactly that one person occupying both roles would have too much power, but that we would be too willing to give them too much power. This is not even the end of the problem. Such a person might come to have too much power, but their collapse would also bring down more with them than would have otherwise fallen if the roles had been divided. State falls with government if they are aligned. 'Coarse clay' political realism cautions against this.

We can extrapolate from Smith's position on religious establishment because there is a political theory behind that position, or those positions. Some of my findings are less certain than others. For example, it is probably unknowable if Smith intended Art III as a tribute to Hume, but I have genuinely opened that question. If I have, then we are very far from the claim that Smith disagreed with Hume in Art III. I have, I am certain, utterly disproven that Smith explicitly disagrees with Hume, that he calls for disestablishment, and that, in general, Art III is some rampaging economic imperialism

exploding past prejudices. There is no doubt that I have proven that there is much more going on in Art III than has met the eye of scholars. The reference to Machiavelli needs explanation. The private correspondence and public use of Hume needs explanation. The place of the Methodists in Smith's argument, indeed, in Smith's life needs explanation. I have proven those facts and offered my own explanations.

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