MORALITY'S DISTINCTIVENESS

‘Morality,’ as philosophers currently use the term, refers to something different than it does when someone speaks of the morality of ancient Athens or that of Pashtun tribes of contemporary Afghanistan. Neither is it the same as any individual’s morality. What we have in mind in these latter uses are social *mores* or customs, or norms and values to which some individual subscribes. *Moralities* are identified socially or psychologically, via their acceptance by some individual or group. They are thus items that can be studied by the empirical social sciences, understood broadly, perhaps, to include empathic or hermeneutic *Verstehen* no less than detached observation. *Morality*, as we philosophers now understand it, by contrast, is an essentially normative rather than an empirical concept, however broadly ‘empirical’ might be understood.¹ Moreover, ‘morality’ in this sense admits of only a singular use. There are many actual and possible *moralities* (embodied psychologically and socially), but there is only one *morality*. And it seems to have a necessity that renders any distinction between the possible and the actual moot.

An anthropologist, historian, or historical sociologist might inform us about some society’s or group’s morality, but expertise of these kinds would not constitute competence on the normative question of what *morality* requires, even indeed, on the question of what morality requires of people who belong to that society or group. Facts about the *mores* actually in place would surely be relevant to the latter question, but they wouldn’t settle it.

Of course, social groups and individuals usually understand their moralities in inherently normative terms as well and perhaps make no distinction between their morality and the normative standards and convictions to which they are committed. I take it, however, that the concept of morality in the sense in which we philosophers are interested is a concept that comes onto the scene only when reflective distance of this kind has been achieved to refer to standards that have normative force independently of their acceptance, independently, that is, of the morality’s being *theirs* or, for that matter, of its being *anyone’s*.

But if morality is inherently normative, it is not constituted by just any normative standards. Most obviously, there can be normative questions concerning attitudes, like belief, that we don’t generally include within the ethical, whereas morality is part of ethics by anyone’s reckoning. What to believe, at least on non-ethical matters, is a question of normative epistemology, not of ethics. But neither is morality in the sense we currently are interested in constituted by just any ethical standards. We can use ‘moral’ and ‘morality’ in any way we like, but though the terms are sometimes used broadly as synonyms for ‘ethical’ and ‘ethics’, the sense I have in mind here is what Gibbard calls ‘morality’’s “narrow sense” (Gibbard 1990: 40-43).

It is evidence that ‘morality’ is frequently used (by philosophers) more narrowly than ‘ethics’ that the word does not appear in English translations of Aristotle’s *Ethics* or Plato’s *Republic*, though it sometimes does in commentaries on these texts.² The questions that Plato and Aristotle are interested in concern the good life, virtue, and noble action. And

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¹ I take it that this conceptual claim does not beg any metaphysical or epistemological questions.
² This can be confirmed by a search of electronically available translations, such as W. D. Ross’s and Terence Irwin’s translations of Aristotle’s *Nicomachean Ethics*, or Benjamin Jowett’s or Paul Shorey’s translations of Plato’s *Republic*.
though these can find their way into philosophical discussions of morality, when they do, they typically have a distinctive inflection (concerning, for example, moral virtue and goodness) or they are treated as relevant, but not what is primarily at issue (for example the relation of the good (what Frankena called “non-moral value”) to moral goodness and moral right and wrong) (Frankena 1973: 62). No one doubts that Plato and Aristotle count among the greatest ethical philosophers, but neither has much to say about morality in our current sense. Arguably, neither had the concept.

ANCIENT ETHICS AND MODERN MORALITY

Elizabeth Anscombe noted this feature of ancient ethics in her famous “Modern Moral Philosophy” (published in 1958), as did Henry Sidgwick, almost a century before. Anscombe argued that the “modern” concepts of “moral obligation and moral duty,” hence “of what is morally right and wrong, and of the moral sense of ‘ought’” are not to be found among the ancients (1998: 26).³ As she put it picturesquely: “If someone professes to be expounding Aristotle and talks in a modern fashion about ‘moral’ such-and-such, he must be very imperceptive if he does not constantly feel like someone whose jaw has somehow got out of alignment: the teeth don’t come together in a proper bite” (27).

Modern ethics focuses at least partly, according to Anscombe, on a network of ethical concepts that are modeled on the idea of law, including “juridical” notions of obligation, culpability, and guilt (30-31). The point is not that the modern view makes no distinction between the moral and the legal. Rather it identifies a peculiar kind of law that differs conceptually from local, national, or even from international law, as it does also from any society’s morality or mores. So understood, human beings are subject to morality, what Kant calls the “moral law,” not by inhabiting any earthly jurisdiction or by being part of any given social order, but just because they are moral agents in the company of others.

Sidgwick draws a similar contrast but with a different emphasis. “[I]n Platonism and Stoicism, and in Greek moral philosophy generally,” Sidgwick writes, “but one regulative and governing faculty is recognised under the name of Reason—however the regulation of Reason may be understood; in the modern ethical view, when it has worked itself clear, there are found to be two,—Universal Reason and Egoistic Reason, or Conscience and Self-love” (Sidgwick 1964: 198).⁴ Sidgwick’s own philosophical views raise interesting issues about how to interpret the relation between “Universal Reason” and “Conscience.” According to Sidgwick’s famous dualism of practical reason, there are two fundamentally independent rational dictates: Rational Prudence, “one ought to aim at one’s own good,” and Rational Benevolence, “as a rational being I am bound to aim at good generally” so “the good of any other individual as much as [my] own” (Sidgwick 1967: 381-382).

Sidgwick holds that only the latter is a distinctively moral obligation. Only then does he say that one is “morally bound” (382). But why? What does Sidgwick take to be special about morality and its ‘ought’ that distinguishes it from the normative force of prudence?

³ Of course, Anscombe was a critic of modern moral philosophy as she characterized it.
⁴ For an excellent discussion of this passage, see Frankena 1992.
Sidgwick’s dualism might seem to provide the answer. Prudence is what is desirable, good, or rational from the agent’s point of view or out of concern for her, so perhaps morality concerns what is desirable, good, or rational from a more inclusive or abstract perspective, in Sidgwick’s memorable phrase, the “point of view of the universe” (Sidgwick 1967: 382). Perhaps the dictates of conscience or morality are simply the voice of reason from this universal point of view.

However, Sidgwick, like Anscombe, also stresses that “conscience” in modern ethical thought is essentially conceived with “quasi-jural notions” of obligation, “duty,” and right (Sidgwick 1967: 106). This is important to add for at least two reasons. First, the ideas of moral obligation, right, and wrong cannot be captured in terms of what is desirable or rationally advisable from an impersonal or impartial, moral point of view. To see this, just consider whether or not it is a conceptually open question whether, given that an action would be most advisable, or desirable from a moral point of view, the action is morally required or whether it would be morally wrong to omit it. It seems obvious that this question is left open by the concepts involved. In other words, it is a conceptually open question whether there can be such a thing as supererogation, actions that are morally advisable but not morally obligatory. Someone who asserts that possibility is clearly not saying something self-contradictory or otherwise conceptually confused. But if that is so, the concepts of moral right and wrong, which are conceptually connected to those of moral obligation and requirement, are different concepts from those of what it is desirable or advisable, or undesirable or inadvisable, from a moral point of view.

In *The Second-Person Standpoint*, I argue that the reason this is so is that the concept of moral obligation is conceptually connected to that of moral responsibility or accountability. It is a conceptual truth that what we are morally required or obligated to do, what it would be wrong for us not to do, is what we are warrantedly held accountable for doing and blamed for not doing if we omit the action without a valid excuse. Moral philosophers from Grotius on made a fundamental distinction between legitimate demands, on the one hand, and rational “counsel,” on the other, and placed moral obligations squarely on the demand side of the ledger (Darwall unpublished).

Second, although it is certainly true that philosophers in the modern period began to take seriously the non-eudaimonist possibility that considerations of impersonal or impartial good provide normative reasons independently of whether the agent himself benefits (Hutcheson is an excellent example), this thought is importantly different from the kind of supreme rational authority that modern moral philosophers, like Butler and Kant, came to claim for morality. Even Hutcheson (and Sidgwick himself) did not think that what is advisable or desirable from a universal point of view rationally trumps considerations of self-interest. They thought that the claims are either equally weighty or incommensurable. When philosophers in the modern period have claimed rational supremacy for morality, however, they have (at least implicitly) done so in terms of the “quasi-jural” notions of moral requirement and accountability. Their claim has been that the moral ‘ought’ is overriding when it is interpreted in terms of moral requirement and obligation. They have claimed, in other words, that the fact that an action is, all things considered, morally obligatory invariably is or entails sufficient reason to do it independently of the agent’s good or interest.
Sidgwick’s contrast is therefore that whereas ancient Greek philosophy and pre-modern thought deriving from it (including classical natural law theories deriving from Aquinas) were eudaimonist, taking the agent’s good to be the only ultimate source of normative reasons for action, many thinkers of the modern period came to believe in a juridical, distinctively obligating normative order, morality, that provides a source of reasons that is distinct from, and can potentially conflict with, prudence or rational self-interest, however broadly these are conceived.5

For Anscombe, Sidgwick, and their followers, the concept of morality is a distinctively modern concept.6 Though it has roots in the Stoic idea of natural law, divine law of the Abrahamic religions, and the classical natural law tradition deriving from Aquinas, the concept of morality that Anscombe and Sidgwick have in mind originates with the early modern natural law tradition of Grotius, Pufendorf, and the philosophers who followed them. Natural law, as these philosophers theorized it, is a set of juridical, obligating norms of right and wrong that any human moral agent is subject to independently of the contingencies of any given social or political order. It is what philosophers now call “morality.”7

In what follows, I want to explore what is special about morality. If, that is, Anscombe, Sidgwick, and their followers are correct about its provenance, what is distinctive about the modern concept of morality?8 It is a commonplace that morality, as the moderns conceive it, distinctively concerns agency and the will—how agents conduct themselves with respect to what is up to them. As Mill says in The Subjection of Women, “The principle of the modern movement in morals and politics, is that conduct, and conduct alone, entitles to respect” (Ch. IV, ¶5). I shall suggest that the reason this is so is because moral obligation as the moderns conceive it is tied conceptually to accountability and that this brings into play a set of attitudes, evaluations, and ways of regarding one another as mutually accountable moral agents or wills. What is distinctive about morality in the sense we moderns have in mind is that it consists of norms that any responsible agent can warrentedly be held to (by himself and others) as one mutually accountable agent among others. I have argued in the past that since accountability is inevitably a second-personal affair, so likewise is moral obligation. If its “quasi-jural” character is, therefore, a distinguishing element of our concept of morality, it will follow from my arguments that so also is its second-personal character,

Today, however, I would like to approach these points somewhat indirectly by considering Hume’s famous claim that the distinction between moral and non-moral virtues is at best a verbal distinction. Hume is led to this conclusion, I shall argue, because he does not sufficiently appreciate the second-personal character of the attitudes that are distinctive of morality. My hope is that seeing how a failure to appreciate the second-personal character of central forms of moral assessment leads fairly naturally to Hume’s conclusion can help us

5 So understood, morality or the “moral law” differs from law more properly so-called in having de jure authority or normativity whether or not it has authority de facto.
7 Grotius and Pufendorf’s French translator, Jean Barbeyrac, frequently uses ‘moralité’ (‘morality’) in discussing their natural law theories. See, for example, his Historical and Critical Account of the Science of Morality, appended to his translation of Pufendorf’s Law of Nature and Nations.
8 For a critique, see Irwin 2008. I criticize Irwin in Darwall forthcoming and Darwall unpublished.
to see that the difference between the moral and the non-moral must be tied, at least in part, to morality’s second-personal character.

**Hume’s Claim: “Moral Virtues” vs. “Natural Abilities”**

“No distinction is more usual in all systems of ethics,” Hume writes in the *Treatise*, “than that betwixt natural abilities and moral virtues” (3.3.4.1). Under “natural abilities,” Hume includes involuntary “mental qualities” like wit, intelligence, and “good humour” that are “on the same footing with bodily endowments” in being “almost invariable by any art or industry” (3.3.4.1,4). Moral virtues contrast with these, according to the writers that Hume is criticizing, in distinctively concerning the will; only character traits that are expressed in voluntary choice are genuine moral virtues. One such writer, especially salient to Hume, was Frances Hutcheson. Hutcheson held that moral good and virtue are realized only in agents’ motives and, therefore, that “no external circumstances of fortune” or “involuntary disadvantag[e] can exclude any mortal from the most heroick virtue” (Hutcheson 2004: 234).9

Hume has a further disagreement with Hutcheson that is intimately related to their difference about the reality of the distinction between moral virtues and estimable natural abilities. Hutcheson holds that judgments of virtue and vice, moral good and evil, involve distinctive sentiments (“simple ideas” that Hutcheson calls “approbation” and “condemnation,” respectively). However, despite the fact that Hume titles the section in which he develops his own sentimentalist account “Moral Distinctions Deriv’d From a Moral Sense,” using Hutcheson’s term for the human sensitivity to the simple ideas of moral approbation and condemnation, Hume quite explicitly rejects Hutcheson’s theory that judgments of vice and virtue involve any such “original instinct” (Hume 3.2.1.6-7). Rather, these moral judgments are made through the same psychological mechanism, sympathy, that is involved in esteem and disesteem quite generally, whether moral or non-moral.10

Hume recognizes that there is something “modern” about the idea he is opposing, since he contrasts it with a tendency among “the antients” to include “under the title of moral virtues” “qualities” that are no less “involuntary and necessary” than wit, “judgment and imagination”—characteristics like “constancy, fortitude, and magnanimity” (3.3.4.3). Only the fortunate are in a position to show Aristotelian magnanimity, for example.11 For the more recent writers that Hume has in mind, however, this disqualifies magnanimity from being a genuine moral virtue.

Hume was profoundly suspicious of this modern idea. As he saw it, the mere performance of an act of whatever kind “has no merit” in itself. “When we praise any actions, we . . . consider the actions as signs or indications of certain principles in the mind

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9 When Hutcheson sketches a way of estimating moral good, he consequently argues that what matters is the ratio of the good someone produces to his abilities and opportunities (Hutcheson 2004: 126-134. Unless we discount for fortune in this way, we don’t home in on a person’s moral goodness, according to Hutcheson, since these can only concern his will.

10 I discuss this difference between Hume and Hutcheson and its relevance to their respective relations to utilitarianism in Darwall 1994.

11 We should note for the record, however, that Hume thinks that “all moralists” would agree with “the antients” in classifying Aristotelian magnanimity as a “moral virtue” (3.3.4.3).
and temper” (3.2.1.2). And whether those principles should be regarded as moral virtues or natural abilities is at best “merely a dispute of words” (3.3.4.1). Philosophers who enter into it “encroach upon the province of grammarians” (Enquiry, Ap.4.1). Worse, Hume harbored a proto-Nietzschean suspicion that what really lay behind the modern tendency was an attempt by religionists to reduce the ethical to self-abnegating obedience to divine sanction and command. “Upon the whole,” Hume wrote to Hutcheson, “I desire to take my Catalogue of Virtues from Cicero's Offices, not from the Whole Duty of Man,” referring to a text of his Calvinist upbringing.12

So far as Hume can see, there is only one putative rationale for restricting moral virtue to the voluntary, and it is at once beside the point and mischievous. Intentional conduct “may be chang’d by the motives of reward and punishment,” he writes, so “legislators,” “divines, and moralists, have principally applied themselves to . . . regulating . . . voluntary actions, and have endeavour’d to produce additional motives for being virtuous in that particular” (3.3.4.4). But even if the desire to avoid sanctions can lead someone to perform an act that is the normal expression of some virtue, say, a beneficent act that might otherwise have been motivated by benevolence, a desire to avoid sanctions is a motive of the wrong kind for virtue. The resulting conduct is, say, beneficent without being benevolent, so not really virtuous. Thus the fact that voluntary conduct responds to sanctions is at best beside the point; truly virtuous conduct does not. Worse, the attempt to read the involuntary out of the catalogue of virtues on these grounds smacks to Hume of an ecclesiastical agenda to stifle and suppress benign aspects of human nature that should be resisted. Better, like the ancients, to think of ethical virtue not in terms of obedience to any kind of law, but as intrinsically estimable qualities and traits, whether these are voluntary or not (hence moral or non-moral).

Put this way, Hume's complaints about “modern moral philosophy” resonate with more recent critiques, with Nietzsche's in the nineteenth century, and those of Anscombe, Williams, and others, in the twentieth. Hume may not have had as sophisticated an appreciation or genealogy of reseventiment as Nietzsche, but he is certainly in the same neighborhood when he rejects the “monkish virtues” of “self-denial” and “humility” on the grounds that

A gloomy, hair-brained enthusiast, after his death, may have a place in the calendar; but will scarcely ever be admitted, when alive, into intimacy and society, except by those who are as delirious and dismal as himself (Enquiry. 9.1.3).

Anscombe's famous manifesto against “modern moral philosophy” sounds themes that are similar to Hume's when she argues that modern moralists have helped themselves to a law conception of morals without the theological metaphysics necessary to give it authority and that ethical philosophers would do better to return to the kind of ancient virtue ethics found most notably in Aristotle (Anscombe 1998). And Bernard Williams carries elements of Hume's and Nietzsche's critique forward when he argues that the modern concept of moral obligation tends toward an all-consuming obsession that subjugates the self and alienates us both from ourselves and from each other (Williams 1973: 111-118, 1981, 1985). Better to

12 Hume to Francis Hutcheson, Sept. 17, 1739.
return, as Williams does in *Ethics and the Limits of Philosophy*, to the broad Socratic question of how one should live (1985: 1).13

Now Hume takes judgments of virtue to concern a certain kind of warranted sentiment or response. As we shall see, he allows that there are subtle differences between the response that admired natural abilities often stimulate and that which is more typically inspired by the motives and traits that moderns like Hutcheson place within a catalogue of genuine moral virtues. The former, Hume thinks, most frequently give rise to “esteem,” while the latter tend to be the object of “love.” But Hume’s point is that, whatever their differences, these responses are fundamentally similar—both are disinterested pleasures we feel in contemplating a person’s qualities, hence pleasures any spectator can be expected to feel toward the quality when she contemplates it on a “general survey” or from a general (third-personal) point of view (3.2.2.24; 3.3.5.1).

I think that, considered in his own terms, Hume is right about at least some of this. But I also think that when we properly diagnose why he is, we see something important that his account misses. I shall argue that what is common to love and esteem, as Hume understands them, is that they are essentially observer’s or spectator’s responses; in a word, that they are fundamentally third personal. In this way, they are like aesthetic responses. It is no accident, therefore, that Hume often refers to virtue as moral beauty (e.g., 3.1.1.22; 3.2.1.8). The crucial point is that neither Humean esteem nor love involves any form of relating to its object, actual or imaginary. Consequently, one can have either response without having to presuppose any capacities in its object to relate back in some way that might reciprocate the response.

Humean love and esteem differ in this way from the distinctive responses that P. F. Strawson called “reactive attitudes,” which Strawson influentially argued mediate mutual accountability (Strawson 1968). When you and I feel reactive attitudes—whether “personal” reactions like resentment or guilt or “impersonal” ones like indignation—we implicitly address demands to the objects of these attitudes; we take up what Strawson called an “interpersonal” and I prefer to call a “second-personal” standpoint toward someone and imaginatively hold her responsible (Darwall 2006). We view her from the perspective, as Strawson says, of “involvement or participation in a human relationship” with her, as opposed to from an “objective” point of view. When you view someone “objectively,” by contrast, Strawson says, “then though you may fight him, you cannot quarrel with him, and though you may talk to him . . . , you cannot reason with him” (Strawson 1968: 79). It is this second-personal character of reactive attitudes that enables them to mediate mutual accountability. And it is also this aspect that explains a reactive attitude’s distinctive focus on, and its implicit assumptions about, its object’s will. I shall argue that the responses that Hume points to lack this interpersonal or second-personal aspect that is in play whenever you and I hold ourselves and one another to account morally.

Hume, Nietzsche, Anscombe, and Williams are all correct, in my view, in maintaining that the distinctively modern concept of morality is of a kind of law that moral agents are responsible for, and can be presumed capable of, complying with just by virtue of having the capacities for moral agency that make them subject to it.

13 See Baier 1993 for a related critique of Kant’s ethics and defense of Hume.
Being bound by moral obligation is therefore different from being subject to just any norm or standard, say a standard of excellence or virtue, or even a standard of base-level performance that determines being “up to standard.” It is part of the very idea of moral obligation that one is accountable for compliance, whether to God, as theological voluntarists thought, or to one another (and ourselves) as equal members of the moral community, as Strawson and I would urge. And it is part of the very idea of having the authority to hold someone responsible, oneself or someone else, that one has the authority to expect or demand some conduct. Nothing like this is any part whatsoever of the general idea of applying a standard to someone, even one of minimally competent performance. If I try to play the trombone, then, like anyone else, I am subject to standards for trombone playing, which determine whether my playing is minimally competent, excellent, or whatever. But I am not answerable or accountable for complying with these standards in the way that we are with moral obligations. To be warranted, reactive attitudes, like blame or guilt, require some further basis.

It is the idea of authoritative demand and what we presuppose when we hold one another and ourselves accountable that brings a focus on the capacity for moral agency and its exercise. From Hume’s perspective, characteristics of a person’s will are simply one of a variety of things that we may evaluate about her and esteem or love her for, including, perhaps, her powers of trombone playing, and there is no more reason to think that they are objects of a fundamentally different kind of evaluative response than there is to think that we have a different kind of response to fine trombone playing. We can admire people for their skill and accomplishments on the trombone no less than for their steady commitment to just and honest dealing. From this point of view, the modern focus on the will can seem a kind of fetish.

My Strawsonian counter claim is that reactive attitudes, like moral blame, that are involved in assessing moral responsibility are essentially interpersonal (second-personal) responses to someone’s will. They implicitly address a putatively authoritative demand on another’s will, thereby express the will of the person who has the attitude, and call for reciprocation in the will and practical reasoning of their objects. They are not just one kind of disesteem among others.

Hume’s Argument

Let us turn now to the specifics of Hume’s critique of the modern distinction between estimable natural abilities and moral virtues. Hume allows, again, that there are frequently differences between the responses that are normally inspired by natural abilities and those to which modern moral philosophers’ virtues more typically give rise. Natural abilities often inspire “esteem” rather than the “love,” which, Hume and Hutcheson agree, is the appropriate response to a moral virtue like benevolence. But although natural abilities like “good sense” and “genius” beget “esteem,” Hume thinks that others, like “wit” and “humour” give rise to “love” (3.3.4.2). And things are complicated further, since, although many virtues, strictly so-called, beget love, there are others that we naturally respond to with esteem.

14 In the next several paragraphs, I am indebted to discussion with Julian Darwall.
The characters of *Caesar* and *Cato*, as drawn by *Sallust*, are both of them virtuous, in the strictest sense of the word; but in a different way: Nor are the sentiments entirely the same which arise from them. The one produces love; the other esteem: The one is amiable; the other awful: We could wish to meet with the one character in a friend; the other character we wou'd be ambitious of in ourselves. (3.3.4.2)

Admirable natural abilities are perhaps more usually objects of esteem than of love, qualities we are likelier to be ambitious of in ourselves than desirous of in a friend. But this is not always true, since we appropriately respond to wit and humor with love also and want them in friends no less than in ourselves. But neither are all moral virtues that manifest themselves in choice objects of love rather than esteem. Courage and other character traits that Hume collects under “greatness of mind,” which he contrasts with “goodness” and “benevolence,” inspire awe rather than love.

As interesting as these differences are, Hume thinks that love and esteem are nonetheless “at the bottom the same passions, and arise from like causes” (3.3.4.2n; see also 2.2.2.10). According to Hume's psychology, both love and esteem are pleasurable sentiments that arise by sympathy (in Hume’s technical sense of an idea of a feeling’s being transformed into the feeling itself) when we contemplate things that are related to someone in some way that brings pleasure to him or others. When I contemplate someone’s benevolence, my mind is carried by an association of ideas to its normal consequences, pleasure in others, which sympathy transforms into pleasure in me, the observer. This pleasurable sentiment then takes the other as object, by Hume’s “double relations” of sentiments and objects, and love for the benevolent person results. When I contemplate someone’s riches, natural beauty, or genius, my mind is similarly carried by association to the pleasure of the person who has these qualities, which sympathy then transforms into pleasure in me. Here, again, this pleasurable sentiment in me can take the other person as its object, via the requisite double relations, and I can love the other person.

But Hume thinks that we also naturally “compare” our position to others and that this comparison can compete with sympathetic pleasures. So if I am ambitious of riches, natural beauty, or genius, and I am contemplating someone who has more of these, this can also, by the same double relations, tend to make me feel humility. Hume’s idea seems to be that esteem is produced when these feelings are mixed together, resulting in a sentiment that, although “more severe” or “serious” than love, is nevertheless still a pleasure (3.3.4.2n).

Thus Hume’s view is that love and esteem are fundamentally the same response in that both are pleasurable sentiments we feel when we contemplate someone’s qualities. Of course, not even Hume is willing to count someone’s riches and fine house as part of his virtue or merit. He restricts the latter to a person’s “mental qualities,” although it seems doubtful whether he can do so on other than verbal grounds since his view of the relevant psychology seems in all respects the same (3.3.4.1). We need not bother with that, however, since we are interested in what is common to love and esteem of mental qualities in general and why Hume thinks that the usual distinction among modern moralists is at best verbal. The central point is Hume’s contention that what makes something a merit or demerit, praiseworthy as a virtue or “blameable” as a vice, whether it is concerned with voluntary choice or not, is that it is appropriately the object of a pleasurable or painful sentiment when we contemplate it “on a general survey,” that is, from a *third-person point of view* (3.3.5.1).
In the second *Enquiry*, Hume attempts to finesse the whole issue by advancing his claims in more general terms of “merit” and “demerit.” He admits that “some blameable or censurable qualities are called defects, rather than vices” (Ap4.1). But he claims, again, that this is merely a verbal preference that does not mark any underlying evaluative difference. Whatever mental qualities “are the object of love or esteem . . . form a part of personal merit.” And those that “are the object of censure or reproach . . . detract from the character of the person possessed of them,” whether they have to do with voluntary choice or not (Ap4.1). Moreover, Hume claims that even the usual verbal preference is not consistently marked. “Who did ever say, except by way of irony, that such a one was a man of great virtue, but an egregious blockhead?” (Ap4.2). “A blemish, a fault, a vice, a crime;” Hume adds; “these expressions seem to denote different degrees of censure and disapprobation; which are, however, all of them, at the bottom, pretty nearly of the same kind or species.” (Ap4.22)

Now again, I follow Strawson in holding that Strawsonian reactive attitudes have an ineliminable “interpersonal” or second-personal aspect that suits them to holding people responsible. But there is nothing in praising and blaming responses, as Hume understands these, that involves any such imaginative address or, consequently, any presupposition that the object of the address is capable of recognizing its validity and regulating his own will by the legitimacy of the demand that is implicitly addressed. The perspective from which we feel Humean esteem, love, disesteem, and hatred, and so judge merit or demerit, is a third-person standpoint; we do not imaginatively address or relate to the object of these feelings (second personally) through the feelings themselves. It is possible to be put off this point by the fact that Hume frequently uses ‘blame’ to refer to the negative response to vice or demerit. When one looks at these uses in context, however, it becomes clear that by “blame,” Hume does not mean anything that is implicitly addressed to its object, as when we hold someone culpable with Strawsonian reactive attitudes. Rather, Hume uses ‘blame’ to refer to any attribution of defect whether it is “a blemish, a fault, a vice, or a crime” (Ap4.22).

When someone feels disdain for an “egregious blockhead,” there is clearly no implicit demand that the object of his disdain stop being so stupid or answer for his stupidity. Neither is the disdain intelligible only on the assumption that its object is capable of understanding what a blockhead he is. To the contrary, it is even more intelligible on the assumption that he isn’t. And those who feel the disdain (as opposed, say, anger at another for “acting like an egregious blockhead”) are far likelier to express their disdain, whether actually or imaginatively, to other *cognoscenti* than to the blockhead himself.

For Hume, moral assessments are fundamentally aesthetic. “The approbation of moral qualities . . . proceeds entirely from a moral taste, from certain sentiments of pleasure or disgust, which arise upon the contemplation and view of particular qualities or characters” (3.3.1.15). Disgust is thus, for Hume, a kind of “blame,” but obviously it is not one that implicitly involves interpersonal relating or address. Indignation or anger at the weather is a kind of anthropomorphizing, seeing the weather as something that is appropriately held responsible and to which demands to change are appropriately addressed. Not so with

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15 “One whose head is blockish or ‘wooden’; an utterly stupid fellow.” *Oxford English Dictionary.*

16 According to *Past Masters*, ‘blame’ appears 36 times in Books II and III of the *Treatise*. I conjecture that in no instance is it used to express a Strawsonian reactive attitude.
disgust at a foul taste or smell or even, indeed, with disgust at moral corruption or wrongdoing. We feel, no doubt, that people should be held, or that they should hold themselves, responsible for corruption and moral wrong, but to feel disgust for these things is not itself to feel that they should. Finally, as I remarked, above, Hume frequently speaks of virtue and merit as “moral beauty,” and of vice and demerit as “moral deformity.” The perspective throughout is one of aesthetic distance rather than any standing to relate to others and address demands, much less that of common membership in a moral community.

**MORALITY, ACCOUNTABILITY, AND HUME’S CRITIQUE**

Recall Hume’s suspicion that modern moralists suppose a real distinction between moral virtue and natural abilities because they want, mistakenly, to model morality on divine law. As Hume sees it, their desire to restrict the moral to the voluntary derives from their misidentifying moral virtue with the desire to avoid sanctions. Hume is of course right that there is nothing virtuous about any such desire. However, here again, I believe Hume misunderstands the way that sanctions enter into the modern concepts of moral accountability, culpability, and guilt, and, consequently, the resources that modern moral theory has, and has made use of, to avoid the misidentification of which Hume accuses it.

A useful example here is an early modern natural lawyer who actually does hold that morality is a law God imposes on his creatures that is made valid by God’s superior authority, Samuel Pufendorf. Pufendorf has a philosophically subtle and penetrating theory of what such a view of morality must be committed to if it is to avoid the kind of criticism Hume lodges. Pufendorf explicitly distinguishes between deference to superior power or the desire to avoid sanctions, on the one hand, and the kind of motivation that must characterize an agent under genuinely obligating law, on the other. To put the point in terms made famous in the last century by H. L. A. Hart, there must be a distinction between being obligated and being obliged (Hart 1961: 6-8). For Pufendorf, God can impose genuine law on his creatures only through their recognition of his authority so to direct them. His theory brings into play a whole battery of concepts—accountability, imputation, and authority—along with the capacities to operate with these concepts in practical thought.

Pufendorf makes a fundamental distinction between merely imposing oneself on another’s will and this being done legitimately, with authority. And he connects this to an equally basic, and reciprocal, distinction within the obligated agent’s motivation and practical reasoning between being moved by fear of a threatened sanction (“sense of an impending evil”), on the one hand, and being moved by respect for the legitimacy of the sanction (seeing that the evil “falls upon him justly”), on the other (1934: 91). In the latter case, Pufendorf says, the obligated will must be able “to judge itself worthy of some censure, unless it conforms to a prescribed rule” (1934: 91). Only then, he says, does the “obligation affect the will morally” (1934: 91). The “main difference between obligation and compulsion” is that “in the latter the mind is forced to something by merely external violence contrary to its intrinsic inclination, while whatever we do from obligation is understood to come from an intrinsic impulse of the mind, and with the full approbation of its own judgment” (1934: 386).

We can put these points in Strawsonian terms. When we hold ourselves answerable for complying with legitimate demands, we take up an “interpersonal” or “second-personal”
perspective on ourselves and make ourselves vulnerable to reactive attitudes like guilt that are the first-party reciprocals of second-party resentment or third-party indignation or moral blame. As Pufendorf sees it, only God has the standing or authority to resent violations of his legitimate demands. But if God’s demands are genuinely legitimate, therefore genuinely capable of obligating rather than merely obliging, then they must warrant not just God’s resentment, but also the violator’s feeling guilt, and anyone’s moral indignation or blame. Mill calls guilt a kind of “internal sanction,” but it is important to appreciate that guilt is not merely painful, or the (painful) fear of further (external) sanctions (Mill 1968, Ch. III). It is the painful sense of having done wrong, having violated a legitimate demand that comes, not just from someone else, say God, but also that one implicitly makes of oneself, through blaming oneself in feeling guilt.

Modern moral theorists who follow Pufendorf and Strawson are thus committed to agreeing with Hume that the moral motive is not the desire to avoid sanctions. But they disagree with him that modeling morality on law is committed to this. To the contrary, in their view, an adequate juridical theory of morality is committed to denying it. Moral obligations are what we are accountable for doing just as one moral agent among others, and that requires that moral agents be able to hold themselves accountable in their own practical thought, finding there distinctively moral motivation for acting as they are obligated that cannot be reduced to the desire to avoid sanctions.

A further indication of Hume’s failure to appreciate the role of accountability, and accountability-seeking attitudes, in moral thought can be found in his theory of justice. Justice, for Hume, is an “artificial virtue.” For issues of justice to arise at all, a mutually advantageous “convention” must exist (literally, a convening of individual wills into something like a joint resolution, however implicit) to comply with specific “rules,” the rules of justice, that structure mutually advantageous social practices, specifically, those of property, contract, and promise (3.2.2.9-10). Hume distinguishes two “obligations” to justice. The “natural obligation” is the self-interested motive everyone has to see that mutually advantageous practices are maintained (3.2.2.23). And what Hume calls the “moral obligation” is the sympathy-created third-personal esteem and love that arises when one considers the benefits that justice has for all (3.2.2.23-24).

Hume’s conventional account of justice is of course brilliant in its way, but it faces well-known problems in accounting for the motivation to be just. As Hume himself realizes, neither self-interest nor any sympathy-created concern responding to the interests of others can reliably motivate just acts, since justice may sometimes require acting contrary both to individual and to collective interest, as in Hume’s example of repaying a loan to a “seditious bigot” rather than putting the loaned money to some higher social purpose (3.2.2.22). Interpreters find different attempted Humean solutions to this problem, including, for example, Hume’s doctrine of “general rules.” My interest here, however, is not so much to pursue this issue as to note Hume’s tone deafness to the connection between justice and accountability and to the role of accountability-seeking attitudes, like resentment. Since the perspective of moral assessment is steadfastly third personal for Hume, this should come as no surprise.

We should note that the kind of justice with which Hume is here concerned is tied conceptually to rights, indeed, to rights of the kind that Grotius dubbed “perfect” rather
than “imperfect.” What is in question is not some notion of equity or desert that generates no legitimate demand or enforceable claim. Property, promise, and contract all involve individual right-holders who have, by virtue of their right, a standing or authority to claim or demand certain treatment. We should also note that a central feature of the modern concept of morality is that it is developed in tandem, and to be integrated, with a theory of universal (perfect) rights, which include “moral powers,” as Pufendorf calls them, to acquire property and undertake (perfect) obligations to, and rights against others through promise and contract, to consent to others’ acts that would otherwise wrong them, and so on.

Moreover, as Grotius himself makes clear, perfect rights bring into play a distinctive kind of accountability, namely, to the individual right holder, that is additional to the accountability that is always involved whenever moral obligation is in question. A perfect right, Grotius says, is a “Faculty” of the person that includes the standing or authority to “demand what is due” to him, including under this head, “Liberty,” or “power over ourselves” (or over others who are under his authority) and property (Grotius 2005: I,138-139). This faculty “answers the Obligation of rendering what is owing” (2005: I,139).

An imperfect right, by contrast, is not a “Faculty” but an “Aptitude.” Under this heading, Grotius includes considerations of “Worth” and “Merit” that can recommend actions as more or less worthy or meritorious, but that no one has standing to demand (2005: I,141). Grotius notes that “Ancients” like Aristotle, and “Moderns” who follow him, may take considerations of the latter kind to be included within what they call “justice” and so “right.” (It is what Aristotle and his followers include under “distributive justice”.17) Nonetheless “Right, properly speaking, has a quite different Nature,” namely, “doing for [others] what in Strictness they may demand” (2005: I,88-89).

Perfect claim rights do not simply entail that the person against whom the right is held is morally obligated simpliciter.18 They entail that the latter individual is also obligated to the right holder and this brings in a form of accountability that is distinctively to her. The right holder has an individual authority, which she can exercise at her discretion and not as a representative of the moral community to demand that moral obligations be complied with in general, to hold others accountable to her for how they treat her in particular, to authorize or consent to actions that would otherwise violate her rights, to claim compensation or not at her discretion, to forgive or not, and so on.

The accountability-seeking attitude that is distinctively in play in injustices that violate claim rights is therefore resentment. Only the victim can warrantedly resent a violation of her rights. And the question of whether to forego, suspend, or attempt to work through resentment and perhaps forgive is a question only for her. Others have no standing to exercise her individual authority on these matters unless they have somehow been authorized to do so, if she is competent, by her.

Compare, then, the way resentment enters into Adam Smith’s theory of justice with the way it enters into Hume’s. Smith holds that we judge whether harm to some victim was unjust by projecting ourselves impartially into the perspective of the victim (as someone in

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17 On the curious difference between this traditional and our contemporary notion of distributive justice, see Fleischacker 2004: 17-28.
18 Other things being equal, of course.
her position) and assessing whether there is reason to resent the injury, in Smith’s words, whether resentment is a “proper” response (Smith 1982: 79). Moreover, although he is not always consistent, Smith understands resentment as attempting, not primarily to retaliate against the injury. What, he says, our resentment is “chiefly intent upon, is not so much to make [the person who harms us] feel pain in his turn, as . . . to make him sensible that the person whom he injured did not deserve to be treated in that manner” (Smith 1982: 95-96). The implicit aim of reactive attitudes is thus to make others feel our authority to demand different treatment and to hold the other answerable for it.

Now consider the following remarkable passage from Hume’s second Enquiry.

Were there a species of creatures, intermingled with men, which, though rational, were possessed of such inferior strength, both of body and mind, that they were incapable of all resistance, and could never, upon the highest provocation, make us feel the effects of their resentment; the necessary consequence, I think, is, that we should be bound, by the laws of humanity, to give gentle usage to these creatures, but should not, properly speaking, lie under any restraint of justice with regard to them, nor could they possess any right or property . . . (Enquiry: 3.1.18).

Resentment, for Hume, is not an attitude that is tied to justice conceptually and that mediates its distinctive form of accountability. Rather, resentment functions to create costs for the resented that have to be figured into their calculation to determine whether accepting rules that give victims specific rule-based authorities and rights would be mutually advantageous or not. If others’ power is sufficiently inferior to ours, then restraining our treatment of them by such rules will not be advantageous to us, and we will consequently owe them no obligations of justice.

Hume’s approach to justice thus alternates between self-interested calculations of advantage (the “natural obligation”) and third-personal assessments of overall benefit (the “moral obligation”) in a way that makes him blind to justice’s distinctively interpersonal (or second-personal) character. Here again, Hume fails to appreciate the distinctive character of accountability-seeking attitudes that moral assessments, in this case of justice and injustice, involve. From the third-person perspective of esteem and disesteem, the features of will that moral evaluation brings distinctively into view, seem simply one valuable or disvaluable feature among others.

As against Hume, I have been arguing that our (modern) concept of morality is a juridical one and that a fundamental connection between moral obligation and moral accountability has been widely held to be an important aspect of this concept from Grotius on. It is no accident that Hume’s third-personal theory of moral evaluation blinds him to these features. I take it, therefore, that Hume’s conclusion that the distinction between the moral and the non-moral is merely verbal is some evidence that morality’s connection to fundamental forms of accountability is indeed where the real difference between the moral and the non-moral lies. What makes morality distinctive among normative notions is its network of juridical ideas, including forms of accountability that assume, in the idea of morality, a fundamental, de jure normativity that is lacking in any de facto system of law, that is, in law, more properly so called.

Stephen Darwall


