

Intersubjectivity and moral judgment in *The Theory of Moral Sentiments*¹

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I

Does a moral theory need to be informed by a theory of mind? In the case of Adam Smith's *Theory of Moral Sentiments*, the answer to this might seem to be in the affirmative. If moral judgments are based on spectators' sympathetic responses to others' feelings, as Adam Smith argued, this seems to suggest that a theory of moral judgment presupposes a theory as to how spectators know, or take themselves to know, what others are feeling, as well as a theory as to how such sympathetic responses are morally constituted. Smith's account of moral judgment thus seems to presuppose a complex account of intersubjectivity. Yet, Smith apparently had relatively little to say concerning theory of mind. Consequently, scholars are not agreed as to what Smith's theory of mind might have been and this has resulted in substantial differences in their interpretations of his moral theory and the role of sympathy.

In this paper I argue that there is a consistent and intelligible theory of mind in Smith's *Theory of Moral Sentiments*, one which receives some support from recent research in psychology and neuroscience and which also helps to unravel some interpretative puzzles concerning intersubjectivity and moral judgment.

II

In *The Theory of Moral Sentiments* (TMS) moral judgment involves a spectator in comparing the original passions of another person with his² own sympathetic emotions in the case:

¹ This paper has gone through a number of versions, including those presented at the Smith-Husserl workshops, CSMN, 2007 and 2008; I am grateful for discussion at both those occasions. I am particularly grateful to Christel Fricke for comments and discussion on earlier drafts of this paper. Thanks also to Maria Alejandra Carrasco for discussion of an earlier draft. Brown (2011) originates, in part, from an interest in intersubjectivity that was stimulated by the Smith-Husserl workshops.

² In this paper I follow TMS in treating the spectator as male.

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 sympathise with them; and not to approve of them as such, is the same thing as to observe that we do not entirely sympathise with them. (TMS I.i.3.1; see also I.iii.1.9 note, II.i.5.11)

A spectator's moral approval or disapproval involves comparing the original passions of the person principally concerned with his [the spectator's] own 'sympathetic emotions'. The degree of concord or coincidence between the original passions of the other (the person principally concerned) and the spectator's sympathetic emotions explains the degree of approval or disapproval that the spectator bestows. There are thus three distinct items involved in moral approval and disapproval: first, there is the other's original passion; second, there is the sympathetic emotion of the spectator; and third, there is the spectator's comparison, of the other's original passion with his sympathetic passion, which explains the moral judgment. This sympathetic emotion is Smith's distinctive technical sense of 'sympathy' as an emotion/passion;³ it is an emotional response to the situation of the other and is of a like kind with the passion of the other. This sympathetic emotion of the spectator will be clarified in the course of this paper; for the moment, though, it needs to be differentiated from another sense of 'sympathy' as an emotion in TMS which is an emotional response to another's feelings. This second sense of sympathy as an emotion includes pity or compassion for the misery of another (TMS I.i.1.1) but can also include a joyful response to another's happiness or success (I.i.1.4-5). The difference between these two kinds of sympathy, both of which are sometimes called 'fellow-feeling', is that the technical sense of sympathy, which is relevant for the moral argument of TMS, is an emotional response to the *situation* of the other and so involves an element of judgment as to how one does or should respond in such situations; whereas in the second sense, which I term 'affective sympathy', sympathy is an emotional response to the *feelings* of the other – compassion for their sorrow, joy for their happiness. There is a second technical usage, involving the verb 'sympathise', as in the passage above, where a spectator 'sympathises' with another insofar as his sympathetic emotion corresponds to or coincides with the other's original passion. There is also a third technical usage involving 'sympathy', not as an emotion of any sort, but as the concordance, correspondence or coincidence of the spectator's sympathetic emotion with the other's original passion (eg I.i.3.3). In addition to the notion of affective sympathy, Smith's complex of technical uses involving 'sympathy' thus comprises three distinct senses:⁴ the spectator's sympathetic emotion, the spectator's sympathising with the

³ As the following quotation shows, 'sympathetic emotion' and 'sympathetic passion' are synonymous terms.

⁴ It was an early criticism of TMS that Smith used the term 'sympathy' in a variety of ways: 'I observe that the word Sympathy seems not to have always the same fixed and determinate meaning in this

other such that there is a correspondence between his sympathetic emotion and the other's original passion, and sympathy as correspondence between the spectator's sympathetic emotion and the other's passion.⁵

There is a further emotion of the spectator involved in moral judgment, beyond the sympathetic emotion itself, and that is the 'sentiment of approbation'. In a note added to the second edition, there is a clarification of the relation between the second and third items in the tripartite model of moral judgment, as follows:

in the sentiment of approbation there are two things to be taken notice of; first, the sympathetic passion of the spectator; and, secondly, the emotion which arises from his observing the perfect coincidence between this sympathetic passion in himself, and the original passion in the person principally concerned. This last emotion, in which the sentiment of approbation properly consists, is always agreeable and delightful. The other may either be agreeable or disagreeable, according to the nature of the original passion, whose features it must always, in some measure, retain. (I.iii.1.9 note)

The sentiment that accompanies approbation, the third item, is always pleasurable, even if the sympathetic emotion is unpleasant.⁶ Smith's model of moral judgment is thus complex, and has stimulated different interpretations.

This tripartite model suggests a developed account of intersubjectivity and raises two questions which, although related, involve distinct issues in the philosophy of mind. The first question involves the empirical issue of the neurophysiological processes involved in this model. In particular, there is the question of how spectators form a view about another's passion. If the tripartite model assumes that spectators have access to, or, at the least, take themselves to have access to, another's passion, how is this actually achieved? This is the question of how we have access to, or take ourselves to have access to, other minds. It is an important question for TMS as without some account of how spectators form a view of what others' passions are, Smith's account of moral judgment can hardly get off the ground. Discussion of this question has recently been re-invigorated by discussions in the philosophy of mind that draw on recent research in neuroscience and psychology. The second question is a conceptual one concerning the nature of the conceptual distinction between a spectator's accessing another's passion and the spectator's sympathetic passion. Some philosophers have doubted whether Smith had such a distinction, or even whether such a distinction can coherently be drawn, thus raising questions over the conceptual as well as the empirical viability of Smith's account.

System, nor to be so accurately defined as is necessary to make it the foundation of a distinct Theory of Morals' (Reid, Ms. 2131/3/1/28, in Stewart-Robinson and Norton, 1984, p. 313).

⁵ Otteson (2002, pp 17-18) argues that Smith's technical concept of 'sympathy' denotes only the correspondence element, thus excluding sympathetic emotions from Smith's technical apparatus of 'sympathy'.

⁶ This note was added to the 2nd edition of TMS in response to David Hume's criticism (in Letter of 28 July 1759; Smith 1987, p. 43) that Smith had failed to show that all kinds of sympathy are necessarily pleasurable. Smith's clarification is that it is the sentiment of approbation that is always pleasurable, even though the sympathetic emotion, being of the same kind as the original passion, might not be pleasurable.

On the question whether we have access to other minds, recent philosophical debate has been focussed mainly between proponents of the theory-theory of mind and the simulation theory of mind, although there now seems to be an acceptance that the two approaches are not mutually exclusive. According to the theory-theory, access to other minds is based on a theory we have about the workings of other minds. There is some dispute about the details of the developmental process in babies and young children, and the extent to which the evidence suggests that this ‘theory’ is innate, being hardwired in the human brain, or whether it is learned as part of the social acculturation of the young; but, howsoever the origins of such a theory are explained, it is the possession of such a theory of how other minds work that is held to explain the human ability to understand others’ mental states. According to simulation theory, access to other minds is achieved by simulating or imagining how it is for others. Again, there are differences in the details of different accounts but the common idea is that we understand others’ mental states by simulating or imagining what it is like for them in their situation. What is particular to the human species in knowing other human minds is thus not so much a cognitive understanding of others’ mental states, as a facility of the human imagination to step outside ourselves and participate in or reenact the mental lives of others.

In spite of the importance for Smith’s account of moral judgment of access to others’ passions, some scholars have argued that Smith was sceptical as to whether access to others’ minds is possible at all. According to these scholars, Smith accepted that there is an absolute, unbridgeable, privacy of individual experience. They therefore doubt whether there is anything much in the way of a theory of mind in TMS. For example, T.D. Campbell (1971) argues that TMS asserts the ‘essential privacy of individual experience’ (p. 97). Campbell cites the passage at I.i.1.2 as illustration of the imaginary change of places that enables us to ‘build up a picture of what we should feel were we in another’s place’, thus taking the passage as an account of ‘imaginative sympathy’ which is the process that produces sympathetic feelings. Campbell recognises the importance for TMS of comparing these sympathetic feelings with the original or real passions of the other person, but he argues that TMS provides no explanation of how spectators can form an awareness of the other’s feelings:

The activity of comparing sympathetic and real sentiments does presuppose that we can have some awareness of the sentiments of others, for, if this were not the case, we could never know the actual feelings of others and so we could not compare them with our own feelings. Smith says little about how we can discover the real feelings of others, but we must simply assume that it is possible to get some idea of the sentiments of others by drawing inferences from their overt behaviour and verbal reports without imagining ourselves in their position. (Campbell 1971, p. 97)

Campbell thinks we should ‘simply assume’ that we get an idea of others’ passions by drawing inferences from their overt behaviour and verbal reports without imagining ourselves in their situation. As there is no explanation of this in TMS, Campbell proposes that the deficit might be filled by passages in the unpublished *Lectures on Rhetoric and Belles Lettres* on the literary description of passions (LRBL 1963, pp. 59, 71). Campbell takes these passages to suggest that internal states are known by

their effects, with the implication that the spectator infers the passions and affections of others from their observed behaviour (p. 97). On this reading Campbell seems to attribute Smith with something of a default theory-theory of mind in LRBL. A problem with this interpretation, however, is that the passage at LRBL (1963 p. 71; 1983 i.181-3, p. 75) differentiates between external and internal effects for describing the internal facts of passions and affections: it recommends description of vehement passions in terms of their external effects and description of less violent passions in terms of their internal effects. Introducing internal effects for describing gentler passions undercuts the argument that spectators rely on observable behaviour to infer others' passions. Furthermore, LRBL is here concerned with literary descriptions of passions and affections by the omniscient narrator who aims to make these feelings vivid and touching for the reader, not with how we know what others feel in ordinary life, so there seems little justification for trying to interpret it in terms of a theory of mind.

James Otteson (2002) also claims that Smith believes there is an absolute privacy of personal experience such that there thus remains an 'ineluctable gap' between the actual experience of the other and our imagined experience (p.20). Otteson takes the view that 'we are unable to overcome this gap as a matter of fact' and he remarks on the 'lack' that 'Smith develops no significant theory of mind at all' (p. 21). According to Otteson, therefore, all we can do is 'judge what another's sentiments are on the basis of his actions', since 'the actions of others are the sole evidence we have regarding the inner feelings of others; we simply have nothing else to go on' (p.21). As with Campbell, however, Otteson does not leave it at that. He suggests that Smith calls on the reader to fill the gap for him: 'I think Smith is willing to rely on the personal experience of his reader to prove that this gap is routinely bridged' (p. 21). Otteson thus seems to suggest that Smith assumes that the ineluctable gap is somehow or other bridged in practice, perhaps according to the theory-theory view of inference from observed behaviour, even though TMS lacks an account of this.

Other scholars, however, reject the view of an unbridgeable privacy of individual experience in TMS. Their interpretations tend to see similarities between Smith's argument and simulation theory, thus casting Smith's approach as an anticipation of recent developments in simulation theory. Robert Gordon (1995) presents an influential interpretation of TMS in terms of simulation theory, and argues that Smith's account of moral judgment requires two distinct kinds of simulation, viz. psyching out what the other feels, which Gordon terms 'empathy', and having an independent response to what causes the other's feeling, which Gordon terms 'sympathy'. Gordon argues, however, that Smith fails to differentiate between these two psychological processes and so 'misses the distinction' between the two kinds of simulation in giving the impression that the same method is used both for psyching out the other's feelings and for having one's own response to what caused the other's feelings (Gordon 1995, p. 741). In support of this claim Gordon quotes two passages to illustrate these two processes. As illustration of the psyching-out process or empathy, he adduces: 'As we have no immediate experience of what other men feel, we can form no idea of the manner in which they are affected, but by conceiving what we ourselves should feel in the like situation' (I.i.1.2);⁷ and as illustration of the sympathy process involving the spectator's independent response, he adduces: 'We

⁷ Gordon mistakenly cites this as TMS p. 109 (III.1.2).

either approve or disapprove of the conduct of another man according as we feel that, when we bring his case home to ourselves, we either can or cannot entirely sympathise with the sentiments and motives which directed it' (III.1.2). Gordon argues that these passages miss the distinction between: 'imagining being X in X's situation' (psyching out the other's feelings; empathy); and 'imagining being in X's situation', also expressed as 'imagining myself being in X's situation',⁸ (responding independently to what caused the other's feelings; sympathy) (pp. 740-1). This distinction is important for Gordon because it is the element of independence, in *not* imagining being X, which he pinpoints as essential for moral judgment, whereas imagining being X is essential for psyching out the other or empathy. Thus, although Gordon takes a simulationist reading of TMS, he agrees with Campbell and Otteson that Smith fails to provide an account of the psychological process of empathy, in the sense of psyching out what the other feels, distinct from the process of sympathy.

Stephen Darwall (1998) cites Gordon (also the simulation theorist Alvin Goldman) in support of a simulationist interpretation of Smith's sympathy as 'projective empathy'. Darwall does not follow Gordon's distinction between empathy and sympathy as two kinds of simulation, but argues that Smith's empathy 'already involves sympathy' (p. 267; TMS I.i.1.2). Noting that the term 'empathy' was not available to Smith because it entered the English language only in 1909 as a translation of '*Einfühlung*', Darwall argues that Smith's 'sympathy' actually refers to 'empathy' (1998, p. 262).⁹ Hence, Darwall interprets Smith's sympathy in terms of what he terms 'projective empathy'¹⁰:

We place ourselves in their situation and work out what we would think, want, and do, if we were they. The idea is not that our thought is explicitly self-conscious: 'If I were she, I would feel thus and so, so she probably feels thus and so.' Rather, we unselfconsciously project into the other's standpoint, respond imaginatively from that perspective, and attribute the result to the other. (Darwall 1998, pp. 267-8)

Darwall's conception of Smith's sympathy as projective empathy is that the spectator projects himself into X's situation, works out what he would feel if he were X, and then attributes this response of his to X. Darwall's projective empathy is thus equivalent to 'imagining myself being X in X's situation', such that what I imagine of

⁸ Cf. Gordon's description of sympathy, where the spectator holds back from identifying with the other when engaged in moral assessment: 'We imagine ourselves being in the other's situation, ourselves faced with whatever is causing the other's emotion. Then, in imagination, we respond independently, in our own way, to the imagined cause.' (Gordon, 1995, p. 741)

⁹ 'Indeed, "empathy" only entered English when Edward Titchener coined it in 1909 to translate Theodor Lipps's '*Einfühlung*', which he in turn had appropriated for psychology from German aesthetics in 1905 and which derives from a verb meaning "to feel one's way into". Both Hume and Smith had used "sympathy" to refer to the distinctive forms of empathy they described.' (Darwall, 1998, p. 262). Vernon Lee translated '*Einfühlung*' as 'aesthetic empathy' in her Gallery Diary of 20 February 1904, also referring to it as 'aesthetic sympathy' (Lee and Anstruther-Thomson 1912, p. 337). Noting Titchener's translation of it as 'empathy', Lee elsewhere remarks that '*Einfühlung*' is analogous to 'moral sympathy'; the example she provides is sympathy with the grief of neighbours (Lee and Anstruther-Thomson 1912, p. 20). Although her explication of these terms does not correspond with the interpretation I offer in this paper, her example of moral sympathy with grief raises a question whether she might have been familiar with TMS VII.iii.1.4. See also n. X below.

¹⁰ Darwall reserves the term 'sympathy' for compassion (Darwall, 1998, p. 261).

myself being X in X's situation is what I ascribe to X in X's situation. Darwall's projective empathy is thus something of a hybrid of Gordon's 'imagining being X in X's situation' and 'imagining myself being in X's situation'.

As Darwall's spectator attributes to the other what the spectator imagines he would feel if he were that other in his situation, Darwall's projective empathy is normative:

It is important that projective empathy is not simply copying others' feelings or thought processes as we imagine them. Rather, we place ourselves in the other's situation and work out what *to* feel, as though we were they. This puts us in a position to *second* the other's feeling or dissent from it. (Darwall 1998, p. 268).

Darwall's projective empathy is concerned not simply with feeling what the other feels, but with working out what *to* feel if we were that other person in their situation, thereby ascertaining whether to second or dissent from the other's feeling. Darwall thus reads the passage at I.i.1.2 as a statement, not of empathy with another in the sense of psyching out what the other feels, but of projective empathy in the sense of ascertaining whether to second what the other feels.¹¹ Thus for Darwall, knowledge of other minds is normatively constituted. If a spectator does not think the other's feelings are warranted, it will be difficult for him to share them through projective empathy: 'one's relative inability to empathise will itself be an expression of thinking the other's feelings to be unwarranted' (p. 269). Projective empathy is thus central for Darwall's notion of 'normative communities' where understanding others' feelings implies agreement with those feelings (p. 270). Furthermore, this seconding of others' feelings is as from *their*, first-person, standpoint, that is, from the standpoint of those having the emotion, not from the third-person standpoint of the spectator (pp. 268-9). Projective empathy is therefore first-personal, not third-personal, with the third-person standpoint reserved exclusively for compassion for another, as from the perspective of one-caring, which Darwall terms 'sympathy'.

Darwall's proposal of a composite normative notion of projective empathy, according to which understanding and endorsing others' feelings constitute a single process, might be thought to provide a response to Gordon's missed distinction and Campbell's and Otteson's lacuna, but only by denying the significance of the distinction between empathy and sympathy for TMS's account of moral judgment. In spite of their differences, this puts the interpretations of Gordon, Campbell and Otteson against that of Darwall. Yet one point of similarity in what are otherwise the different interpretations of Darwall on the one hand and Campbell and Otteson on the other, is rooted in their shared view that the key passage at I.i.1.2 is about sympathy. In contrast, Gordon interprets I.i.1.2 as about empathy, in the sense of psyching out another's feelings, even though, he argues, the passage fails to differentiate the psychological process from that involved in sympathy.

In a recent contribution to the debate, Bence Nanay (2010) takes Darwall's approach one step further by questioning whether Gordon's distinction between the two kinds of simulation, between 'imagining being in X's situation' and 'imagining being X in

¹¹ 'When we do share others' feelings through projective empathy, consequently, we second their feelings and thereby confirm them' (Darwall 1998, p. 269).

X's situation', is conceptually viable.¹² Nanay construes 'imagining being in X's situation' as interchangeable with 'imagining *myself* being in X's situation' (pp. 88, 101 n. 2), for which there is some support from Gordon as noted above. But Nanay then goes on to construe 'imagining being X in X's situation' as interchangeable with 'imagining *myself* being X in X's situation' (p. 90), which has the effect of importing the spectator himself into the empathetic process of trying to psyche out the other's feelings. Nanay's construal of Gordon's empathy is thus similar to Darwall's notion of sympathy as projective empathy which, I argued above, is equivalent to 'imagining myself being X in X's situation'. This gives Nanay a new construal of Gordon's distinction, as between 'imagining myself being in X's situation' and 'imagining myself being X in X's situation', which has the effect of blunting the point of Gordon's distinction that the spectator retains something of himself in the former (sympathetic) process, not in the latter (empathetic) process. This leads Nanay to question whether the distinction is viable:

As imagining being X in X's situation is imagining *myself* being X in X's situation ... , there is a sense in which I indeed imagine myself in such a way that I cannot be unaware that it is myself about whom I imagine. So imagining being X in X's situation may turn out to be as genuine a form of imagining *de se* as imagining being in X's situation. But then what is the difference between the two?
(Nanay 2010, p. 90; original emphasis)

Irrespective of whether Nanay's distinction here is viable, it is a different question from whether Gordon's distinction is viable. This is further illustrated by Nanay's argument that 'the crucial question' is whether there is a difference between 'imagining being X' and 'imagining being in X's situation' (p. 90). Again, this misses the distinction that Gordon draws, since 'imagining being in X's situation' involves an element of independence for the spectator that 'imagining being X' does not. The difference lies in the conception of the role of the spectator's subjectivity in the imagining process, together with any implications this has for the construal of the relevant situation, not in the individuation of situation *per se* as Nanay argues (pp. 90-3).

Nanay's reliance upon individuation of situation without a conceptual distinction such as Gordon's leads him to conclude that, as sympathy in TMS may apparently be characterised by either an absence or a presence of correspondence between the mental states of the spectator and the other, it must be the case that sympathy implies nothing about such correspondence (p. 93-8). Nanay is thus led to reject what has been a common assumption amongst Smith scholars that sympathy constitutes some kind of intersubjectivity even if its precise delineation has proved problematic. He argues instead that sympathy is a visceral reaction: 'sympathy can only be a visceral, quasi-automatic reaction of imagining ourselves in a certain situation – the situation we perceive or believe someone else to be in' (p. 97). Nanay thus posits a new response to the question regarding Smith's theory of mind in TMS: according to Nanay, the question is misconceived as Smith's sympathy is not a kind of

¹² Nanay also agrees with Darwall that if the term 'empathy' had been available, Smith would have used 'empathy' not 'sympathy' (2010, p. 87).

intersubjectivity at all, requiring a theory of mind for its explanation, but a visceral reaction.

In spite of the clarity of Smith's description of his tripartite model of moral judgment, scholars have thus struggled to explain it in terms of Smith's theory of mind. And with these struggles, we also see quite different interpretations of the relation between Smith's sympathy and moral judgment. As we have seen, Nanay takes sympathy to be merely a visceral reaction, whereas Darwall takes sympathy (projective empathy) to be normative in character so that knowledge of other minds is normatively constituted. Projective empathy without approval is thus impossible for Darwall. Charles Griswold (1999), however, comes to the opposite conclusion that it is possible to sympathise irrespective of whether one approves: 'Because one can sympathise with almost any passion, it must be possible to "sympathise" with someone and *not* approve of them. ... In sum, sympathy is not to be equated with approval ...' (1999, p. 85; original emphasis). But Griswold construes sympathy in terms of 'our fundamental understanding of others as "beings like us"' – which in Gordon's terms is empathy not sympathy. This explains how Griswold can conclude that equating sympathy with approval is wrong because it would 'entail that disapproval amounts to no more than the inability of a spectator to empathise with an actor' (p. 85). In moving almost imperceptibly from 'sympathy' to 'empathy', Griswold does not consider whether there might be distinctive roles for 'sympathy' and 'empathy' in understanding TMS, in that if it is 'empathy' that accounts for 'our fundamental understanding of others as "beings like us"', the role of sympathy is explained in relation to approval. Thus, rephrasing Griswold to differentiate between empathy and sympathy, we might say that 'Because one can empathise with almost any passion, it must be possible to "empathise" with someone and *not* approve of them. ... In sum, empathy is not to be equated with approval – since approval is the role of sympathy'. Although Darwall and Griswold thus come to opposite conclusions as to whether Smith's sympathy implies approval, they share an interpretative stance based on a composite notion of 'sympathy', based on I.i.1.2, that is not differentiated from Gordon's sense of 'empathy'.

Do we conclude from this that TMS is irremediably confused on the relation between empathy and sympathy? In the remainder of this paper I argue that there is an intelligible theory of mind in TMS that supports the tripartite model of moral judgment and hence clarifies the distinct role of intersubjectivity for moral judgment.

III

My starting point is Smith's tripartite model of moral judgment. Smith's model of moral judgment requires that spectators approve of another's passion to the extent to which there is a concordance between it and their own sympathetic passion. This model requires that spectators can form a conception of what another's passion is, distinct from the spectator's sympathetic passion with the other's passion. This raises the two questions, broached above, of the conceptual distinction between these mental operations by the spectator and the psychological or neurophysiological characterisation of these two distinct imaginative processes. This section addresses the question of the conceptual distinction between these two mental processes and the

concluding section briefly addresses the psychological and neurophysiological question.

I concur with Gordon (also Campbell and Otteson) that TMS needs a distinction between empathy, in the sense of ‘psyching out what others feel’,¹³ and sympathy, in Smith’s distinct sense relating to his model of moral appraisal. But I depart from Gordon in proposing that the core distinction that informs the argument of TMS is not best thought of in terms of what the spectator ‘imagines *being*’. Instead I propose that the distinction that is important for TMS involves what the spectator ‘imagines *feeling*’. The core distinction for TMS is thus between a spectator’s ‘imagining what X feels in X’s situation’ (empathy) and a spectator’s ‘imagining what he would feel if he were X in X’s situation (sympathetic emotion)’. The former, ‘imagining what X feels in X’s situation’, captures the essential characteristic of empathy in that the aim of the spectator’s imagining is *to feel as X feels in X’s situation*. Here the spectator aims to feel just as the other feels. The latter, ‘imagining what he (the spectator) would feel if he were X in X’s situation’, captures the essential characteristic of sympathy in that the aim of the spectator’s imagining is *to feel what he (the spectator) would feel if he were X in X’s situation*. Here the spectator aims not to feel as the other feels but to feel as he would feel if he were that other in the other’s situation. The difference between the two is that, in the case of sympathy, the spectator reserves something of his independence in the process – by imagining what he would feel if he were the other in the other’s situation. This satisfies Gordon’s stipulation that what differentiates sympathy from empathy is the element of independence that the spectator maintains in his sympathetic response, since it is this independence that is necessary for marking approval or disapproval. Precisely what might be involved in this element of spectatorial independence is something that requires further consideration; for the moment, I just lay it out as conforming to Gordon’s stipulation that it registers the point that the spectator brings to bear an element of appraisal that is independent of (what is imagined to be) the feelings of the other person.

The difference between empathy and sympathy in TMS thus lies in *whose feeling* is being experienced in the spectator’s imaginative episode. In the case of empathy, it is the other’s feeling that is experienced in the spectator’s imaginative episode; whereas, in the case of sympathy, it is the spectator’s feeling that is experienced in the spectator’s imaginative episode. The difference between them lies in the role of the spectator as independent moral agent; this is absent from empathy but present in sympathy. In both cases, however, the imaginative episode is the result of the spectator’s imagining himself into the person and situation of the other.

What is the evidence for this distinction in TMS? One part of the evidence is to be found in the second paragraph (I.i.1.2). The subject of the paragraph is how we can form an idea or conception of ‘what other men feel’, ‘what he suffers’, ‘what are his sensations’, and how we are then ourselves affected by having this conception of what others feel. Gordon considers only the opening sentence of this paragraph, that ‘we can form no idea of the manner in which they are affected but by conceiving what we

¹³ There are different construals of ‘empathy’ in the psychological and philosophical literature, but for the purposes of this paper I accept Gordon’s characterisation as ‘psyching out what the other feels’. This notion of empathy involves nothing in the way of emotional or compassionate responses to what the other feels.

should feel in the like situation' (p. 741),¹⁴ but reading further into the paragraph provides a different emphasis. In order to conceive what others feel, we aim to become 'the same person' as the other: 'we enter as it were into his body, and become in some measure the same person with him, and thence form some idea of his sensations, and even feel something which, though weaker in degree, is not altogether unlike them' (I.i.1.2). The objective of 'placing ourselves in the other's situation' by means of the imagination is thus to experience *his feelings as if we were him*. Smith recognises that this process is approximate: we only form 'some idea of his sensations', and what we feel is 'weaker in degree' than what he feels. Yet, in spite of this, what we feel in the imagination is 'not altogether unlike' the feelings experienced by the other. And, in any case, it is all we have. Smith does not claim that we have perfect access to others' feelings, only that there is no other way in which we can form an idea or conception of the manner in which others are affected. This constitutes Smith's explanation of empathy.

The passage goes on to argue that having this conception of what others feel, approximate though it may be, in turn affects us: 'His agonies, when they are thus brought home to ourselves, when we have thus adopted and made them our own, begin at last to affect us, and we then tremble and shudder at the thought of what he feels ...' (I.i.1.2). Having thus imagined what the other feels, we are then affected by those imagined feelings. This provides an explanation of affective sympathy: we are affected by others' emotions (here sorrow and pain) only because by the imagination we are able to form a conception of those emotions, and this conception of their emotions then affects us.

This account in paragraph two follows seamlessly from the opening paragraph's argument that pity and compassion are emotional responses to 'the misery of others'. Pity and compassion are here examples of affective sympathy. We respond affectively to the misery of others; we 'often derive sorrow from the sorrow of others'. What paragraph two then provides is a psychological explanation of this affective sympathy by way of an account of placing ourselves in the situation of others in order to conceive what they are feeling, since without being able to conceive what others feel we would be unable to respond to others' feelings at all. Explaining how we take ourselves to have a conception of what others feel thus provides an explanation of how we come to be affected by others' feelings. Paragraph two thus provides an account of empathy in the context of explaining the affective sympathy introduced in the opening paragraph. Paragraph two is thus an explanation of empathy, not sympathy (= sympathetic emotion).¹⁵

Paragraph three is introduced as follows: 'That this is the source of our fellow-feeling for the misery of others, that it is by changing places in fancy with the sufferer, that we come either to conceive or to be affected by what he feels, may be demonstrated ...' (I.i.1.3), where 'this' refers back to paragraph two. As 'our fellow-feeling for the misery of others', illustrated in the first paragraph, is what I term 'affective sympathy'

¹⁴ Gordon (p. 741, n. 19) incorrectly cites this passage as III.1.2, TMS p. 109 - his 'ibid'.

¹⁵ Most scholars take I.i.1.2 to be about sympathy, see Broadie (2006), Campbell (1971), Carrasco (2011), Darwall (1998), Forman-Barzilai (2010), Griswold (1999), Macfie (1967) **check**, Nanay (2010), Otteson (2002), Reid (in Stewart-Robinson and Norton, 1984), Sugden (2005). A dissenting voice is Raphael (2007) p. 14, n. 1.

for the misery of others, this shows that paragraph two explains the source of affective sympathy for the misery of others in our ability to empathise with them, where empathy involves changing places in fancy with the sufferer. According to paragraph three, therefore, paragraph two explains the source of affective sympathy in terms of our ability to change places in fancy with the sufferer and hence empathise with what they feel.

‘Sympathy’ is not introduced until paragraph five, and there it is explained as ‘our fellow-feeling with any passion whatever’. In contrast with ‘pity and compassion’, again referencing back to the opening paragraph, ‘sympathy’ here is a fellow-feeling with any passion, including others’ happiness as well as with their sorrows (paragraph four). This is an elaboration of affective sympathy. The first mention of the word ‘sympathy’ in TMS (at I.i.1.5) thus refers to affective sympathy, not the technical sense of a sympathetic emotion. After paragraph five there is some discussion as to how this sympathy = affective sympathy can arise merely from a view of another’s passion (ie emotional contagion), which seems to be ‘transfused’ from one to another, without any process of changing places in the imagination to experience what the other feels. Further discussion of affective sympathy continues, including considerations about anger. An introduction of the notion of the ‘cause’ of another’s feelings appears in paragraphs eight and nine, preceding a decisive switch in paragraph ten from ‘sympathy’ as a responses to others’ emotions to sympathy as a response to the situation which excites others’ emotions: ‘Sympathy, therefore, does not arise so much from the view of the passion, as from that of the situation which excites it’ (I.i.1.10). This switch from affective sympathy introduces Smith’s technical sense of a sympathetic emotion in the tenth paragraph.

In contrast with empathy, a spectator’s sympathetic emotion involves imagining what he would feel if he were the other in the other’s situation. The aim of sympathy is not to experience the other’s feelings as the other has them – that is empathy. It is generally agreed amongst scholars that the most developed statement of sympathy in TMS occurs at VII.iii.1.4; and I accept this view. The question then is what fundamentally differentiates the passage at VII.iii.1.4 from the account of empathy at I.i.1.2. The passage is as follows:

But though sympathy is very properly said to arise from an imaginary change of situations with the person principally concerned, yet this imaginary change is not supposed to happen to me in my own person and character, but in that of the person with whom I sympathise. When I condole with you for the loss of your only son, in order to enter into your grief I do not consider what I, a person of such a character and profession, should suffer, if I had a son, and if that son was unfortunately to die: but I consider what I should suffer if I was really you, and I not only change circumstances with you, but I change persons and characters. *My grief*, therefore, is entirely upon your account, and not in the least upon my own. (TMS VII.iii.1.4; emphasis added)

The context for this passage is an account of those systems that ‘deduce the principle of approbation from self-love’. Hobbes is directly named (VII.iii.1.1) and scholars

generally accept that Mandeville is also a primary target. Smith is thus contrasting the self-love systems with his own, and in this specific context he argues that his own system is not liable to the charge of selfishness. The point of the passage is thus to argue that sympathy is not selfish: when I condole with another for the loss of an only son, my grief is upon the other's account, not upon my own. A selfish response, where I grieve upon my own account, would be to imagine what I would feel if I were to lose my only son. Selfishly grieving upon my own account would involve 'imagining what I would feel if I were in the same kind of situation as X's situation'. According to Smith's unselfish account, however, when I condole with X on the loss of his son, my grief is felt on account of *his* loss in his situation, not any imagined loss of mine in a similar situation to X's. My grief is thus felt entirely upon his account, in view of his circumstances, person and character. Yet, this grief is '*my grief*'. My grief at the loss of X's son thus involves 'imagining what I would feel if I were X in X's situation'.¹⁶

The contrast this passage at VII.iii.1.4 draws is thus between the selfish principle of 'imagining what I would feel if I were in the same kind of situation as X's situation', and the sympathetic response of 'imagining what I would feel if I were X in X's situation'. The contrast between empathy and sympathy that we are searching for is thus the contrast between a spectator's 'imagining what X feels in X's situation' (empathy) and 'imagining what I would feel if I were X in X's situation (sympathy)'.

This formulation of the distinction between empathy and sympathy preserves the independence of the spectator's sympathy. This is important because it is in being *my* grief, even though upon the other's account, that the sympathetic emotion is normative. The rationale for this is that in TMS a spectator's sympathetic emotions provide a 'standard' or 'measure' for normative appraisal. Sympathetic emotions / sentiments constitute the spectator's standard or measure (I.i.3.1), rule or canon (I.i.3.9), of what is right. As Smith puts it with reference to how another judges me: 'upon all occasions his own [sympathetic] sentiments are the standards and measures by which he judges of mine' (I.i.3.1). Later on, the spectator's sympathetic emotion is described as 'the natural and original measure' of the proper degree of the affections (VII.ii.3.21). This comprises an important difference between sympathetic emotions and what is described at I.i.1.2: sympathetic emotions constitute the spectator's standard of what is 'just and proper', whereas conceiving what (we take it that) the other feels is not normative but represents our best attempt to feel as the other feels. Smith's technical notion of sympathetic emotion is thus normative in providing the spectator with a standard or canon of what is right. It follows that sympathetic emotions are technically impossible without this normative element.

It also follows that normative appraisal is essentially third-personal, as from the spectator's standpoint.¹⁷ The spectator's imagining of what he would feel if he were X

¹⁶ The passage goes on to argue that as we (ie the male 'we') can feel sympathy for a woman in childbirth, this is evidence that the sympathetic emotion is not selfish since it is impossible for a man to imagine himself as giving birth. This illustrates the point that the sympathetic emotion is not imagined upon our own account but on account of the other.

¹⁷ This suggests that Darwall's argument, that 'the perspective of moral judgment, according to Smith, is not strictly a *spectator's* standpoint at all ... 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' (1999, p. 141; also 2004, pp. 131-2), derives from not differentiating between empathy, which is first-personal, and sympathy, which is third-personal.

in X's situation constitutes his standard or measure of what is right in the circumstances. For sure, the spectator's grief is imagined as if he were X in X's situation, but it is still the spectator's imagined grief – not the other's imagined grief – that provides the benchmark. Very often in descriptions of sympathetic emotions in TMS it is taken for granted that the spectator does have a conception of the other's passion, because this empathetic conception of the other's passion is necessary for moral judgment which requires a comparison of the sympathetic passion with the other's passion. But an empathetic conception of the other's passion is distinct from the sympathetic emotion. An empathetic conception of the other's passion is not actually necessary for sympathy because a spectator can experience sympathy with another in ignorance of what the other's passion actually is (II.1.5.11).¹⁸ This again confirms the distinction between empathy and sympathy: sympathetic emotions are possible without an empathetic conception of the other's passion, although such instances are insufficient for judgments of propriety.

This is not to suggest that sympathy is identical with moral judgment. According to Smith's tripartite model, moral judgment requires the spectator's observation or perception of the concordance or coincidence between (what the spectator takes to be) the other's feelings and the spectator's sympathetic emotion. The spectator's sympathetic emotion is the standard by which the other's passion is judged: if (what the spectator takes to be) the other's emotion corresponds to this standard, the spectator judges favourably, but if it does not correspond to this standard, the spectator judges unfavourably. Although the standard and the judgment are not the self-same thing, it is not possible to exercise favourable judgment without there being a corresponding sympathetic emotion, just as it is not possible to judge unfavourably without a lack of correspondence between the sympathetic emotion and the other's passion.

Furthermore, normative appraisal does not necessarily imply that the standard of appraisal is a moral standard. The structure of Smith's argument in TMS is first to present judgments relating to propriety (I.i.3-4) and to merit (II.i). Spectators make judgments about others based on the degree of concordance between their own sympathetic emotions and (what they take to be) the emotions of the other person (whether the person principally concerned in the case of judgments of propriety, or the patient in the case of judgments of merit). Such sympathetic emotions are the standard or measure for spectators of what is right in the circumstances, but Smith does not elaborate on the normative credentials of these sympathetic emotions. Part III, however, provides a model of the impartial spectator that grounds *moral* appraisal in impartiality. The impartial spectator model is introduced by means of an analogy between judgments about others and judgements about oneself. Just as judgments about others are made by changing places in the imagination, with the spectator's ensuing observation of the degree of concordance between his sympathetic emotions and (what he takes to be) the emotions of the other person, so judgments that the spectator makes about himself are made by his imagining how another would see him, and then considering whether that spectator would observe a correspondence between his (that spectator's) sympathetic emotions and his own emotions. The innovation at this point is that the spectator to ourselves – the one whose imagined sympathetic

¹⁸ This applies to judgments of propriety. It does not apply to judgments of merit as the spectator may judge of the merit of, say, a beneficent action without knowledge of the response of the recipient.

response is taken as determinant for our judgment about ourselves – is specified as ‘a fair and impartial spectator’ (III.1.2). We thus judge ourselves as we imagine an impartial spectator would judge us; and, in order to secure the approval of the impartial spectator, we lower our passion to the pitch that we imagine the impartial spectator can go along with. Herein lies the virtue of self-command, one of the most important virtues in the TMS, and the one in whose light other virtues tend to take their principal lustre (XX). We exert ourselves in exercising self-command in order to elicit the approval of the impartial spectator, just as the other person exercises self-command by lowering his passion in order to elicit the spectator’s approval (I.i.4.6-8). Moral judgment thus involves applying the measure or standard, not of actual spectators, but of the impartial spectator: ‘That precise and distinct measure [by which the fitness or propriety of affection can be ascertained or judged of] can be found nowhere but in the sympathetic feelings of the impartial and well-informed spectator’ (VII.ii.1.49). This model of the impartial spectator provides the crucial distinction between ‘social’ judgments and ‘moral’ judgments: the former kind of judgment is made by a spectator applying only conventional standards, whereas the latter kind of judgment is made according to the standard of the impartial spectator. Fundamental to TMS is thus a distinction between the ‘social gaze’ and the ‘moral gaze’, such that the former reflects conventional mores, frequently treated with disdain by the didactic voice of TMS, whereas the latter is given by the eye of the impartial spectator (Brown 1997).

In so far as the measure or standard of the impartial spectator is internalised by moral agents,¹⁹ his ‘precise and distinct measure’ is applied by them as spectators in making judgments about others, as well as in judging about themselves. Or, rather, given that the spectator as moral agent makes judgments about himself based on impartial sentiments as standards of what is right, those same impartial standards are applied when judging others too. The process of attunement between a spectator as moral agent and the person principally concerned thus converges on the standard of the impartial spectator: the spectator applies his internalised version of the impartial spectator’s standard, and the person principally concerned lowers the pitch of his passion to harmonise with the sympathetic emotion of the spectator. The sympathetic emotions of the spectator as moral agent are, therefore, not just any subjective or conventional sympathetic emotions, which the spectator happens to take as normative for judging; they are the sympathetic emotions which the impartial spectator would have were he involved in the judging. In adjusting to the sympathetic emotions of spectators who are moral agents, we thus adjust our emotions to the standard of the impartial spectator.²⁰

In this section I have argued that the conceptual distinctions between empathy and the various senses of sympathy are crucial for the argument of TMS. This can also help to make sense of some of the examples in the first chapter which some commentators have found puzzling. For example, Nanay (2010) points out that some of the examples in the first chapter show that sympathy does not necessarily guarantee a correspondence between the feelings of the spectator and the other person. This

¹⁹ I here leave aside issues of how problematic it might be to ‘identify’ with the impartial spectator, see Brown (1994, chs. xx).

²⁰ Whether this measure or standard of the impartial spectator is sufficient to establish that TMS is not liable to the charge of moral relativism, is a question that lies outside the scope of this paper. For contrasting treatments of this question, see Forman-Barzilai (2010) and Carrasco (2011).

inclines him to reject the premise that sympathy implies a correspondence between the mental states of the sympathiser and the other, and to see it simply as a visceral reaction (pp. 93-97). But the tripartite model of moral judgment shows that favourable moral judgment depends on the extent to which the spectator's sympathetic emotion corresponds with the emotion of the other. There is thus no presumption that the presence of a sympathetic emotion implies a correspondence with the emotion of the other, or even that the other has any particular emotion in the circumstances; only that the presence of a correspondence explains positive judgments of appraisal (whether conventional or moral). Hence, the case where we 'blush' for the bad behaviour of another is an example of where the other's emotion does not correspond with the spectator's sympathetic emotion; here the spectator's blushes accompany a negative judgment on the other (I.i.1.10). Lack of correspondence between the spectator's sympathetic emotion and the emotion of the other is thus indicative of spectatorial disapproval. In cases of 'illusion of the imagination', however, there is a lack of correspondence because the spectator's sympathetic emotion could not in principle be felt by the other. The examples of illusive sympathy in chapter 1, however, relate to affective sympathy where we feel compassion for another on account of misery or distress that they cannot in principle feel; the lunatic, the baby and the deceased cannot in principle feel the wretchedness that prompts our compassion (I.i.1.11-13).²¹

IV

The argument of TMS thus requires two kinds of imaginative processes – one that makes possible empathy and another that makes possible the sympathetic emotions. Both empathy and sympathy might be accompanied by actual emotions as affective sympathy. Empathy might result in affective sympathy as the spectator responds affectively to the original passion of the other, with compassion in response to the other's distress or joy in response to the other's happiness. Sympathetic emotions might be accompanied by affective sympathy: as well as experiencing sympathetic grief, the spectator might feel compassion in response to the other's grief. What is common to empathy and sympathy, however, is the power of the human imagination in experiencing emotions as a result of changing places in fancy with another: we imagine what the other feels, and we imagine what we should feel if we were the other in his situation.

In explaining empathy and sympathetic emotion as two kinds of imagined feelings, this economy of explanation is in accordance with the view expressed in LRBL concerning the attraction of explaining events in terms of a few connecting principles (LRBL xx). Such economy of explanation would have been compromised had TMS resorted to a theory-theory of mind to explain empathy whilst using the imagination to explain sympathetic emotions. Such a bifurcated approach would also have failed to deliver the necessary commonality of the two items being compared according to TMS's tripartite model of moral judgment. It is because empathy and sympathetic emotions are both imagined feelings – different kinds of a single genus – that direct comparison of them is possible. If the other's passion were known to the spectator only as the result of the application of a theory about the other's feelings, the spectator's knowledge of the other's feelings would be propositional, viz. that the

²¹ Elsewhere it is remarked that our sense of merit is often based on an illusive sympathy: 'illusive sympathies, by which, when we bring home to ourselves the case of another, we are often affected in a manner in which the person principally concerned is incapable of being affected' (II.i.5.11; cf. II.1.2.5).

other is sorrowful, for example; and this would imply that moral judgments involve the spectator in comparing his sympathetic emotion with a propositional understanding of the other's feelings. It is thus not only for reasons of economy of explanation that empathy and sympathetic emotions are of the same genus; the model of moral judgment also requires such commonality.²²

There are other shared features in these imagined emotions. One is that both are weaker than the actual emotions they are tracking. In the case of imagining what the other feels, as noted above, the sensations we imagine the other to have are 'weaker in degree' than the other's actual sensations (I.i.1.2). This divergence results from the fact that an imagined passion is likely to be felt less acutely than an original passion. Moreover, we become only 'in some measure' the same person as the other; the imagination does not allow us to 'identify' fully with the other.²³ In the case of sympathetic emotions, our emotions are also weakened by being only what we imagine we should feel. The imaginary change of situation for the spectator is 'but momentary' and there is 'the secret consciousness that the change of situations, from which the sympathetic sentiment arises, is but imaginary', with the result that the sympathetic emotion is lower in degree and perhaps not even of exactly the same kind as the original emotion of the other person (I.i.4.7-8).

In positing imagined feelings, TMS is positing emotions that are neither known propositionally nor experienced in actuality as actual emotions. Imagined feelings thus constitute a third category. This is suggestive of some recent research in psychology and neuroscience. Given that neuroscientific research is still a developing area with a complexity beyond the technical competence of philosophical scholars, caution is required in suggesting that TMS has support from contemporary scientific research. Nonetheless, some neuroscientists have linked their results to what they see as an account of empathy in the opening paragraphs of TMS. For example, Rizzolatti and Craighero (2005) argue that mirror neurons explain empathy and they link this to the account of empathy in the early paragraphs of TMS. They argue that observation of actions and emotions in others activates the same parts of the brain as if the observer were engaged in those actions and emotions, and that it is this neural facility that gives observers 'a first-person experience' of others' actions and emotions (pp. 117, 119). The neural basis of empathy is thus identified in terms of providing a first-person perspective of what it means to experience an emotion: not merely to know that another is in pain, but to know what it means to be in pain. Gallese (2003) goes further in proposing the 'shared manifold of intersubjectivity' hypothesis that mirror neurons could be the neurological underpinning for an enlarged empathy which makes possible the intersubjective relations within which social life is mutually intelligible to its participants and where emotions are shared with others. Gallese here cites Smith's TMS and Husserl's *Cartesian Meditations* and *Ideas II* (pp. 175-6).²⁴ These authors' notions of 'empathy' in TMS are not quite the same, however, as the

²² My interpretation thus differs from those who think that the (imagined) sympathetic emotion is compared with the actual emotion of the other (cf Raphael 1985, p. 30) or the observed emotion of the other (cf Raphael 1985, p. 86).

²³ Although some commentators think that sympathy involves 'identification' with the other, the word 'identify' is not used in respect of the other in TMS. It is only used in connection with the impartial spectator, and in that context such identification is never complete at the moment of the event; it is only possible afterwards (cf. III.3.25, 28-29, III.4.4).

²⁴ For Gallese's comments on the history of '*Einführung*', see (2003, pp. 175-6).

one I presented above: Rizzolati and Craighero (2005) infer an enlarged notion of 'empathy' which includes altruism as well as voluntary and automatic processes (TMS I.i.1.1-3; 2005 pp. 107-8, 119-20); and Gallese (2003) interprets Smith's empathy in terms of 'our capacity to interpret the feelings of others in terms of sympathy' (p. 175). Alvin Goldman, a prominent simulation theorist, notes the presence of motor mimicry (I.i.1.3) and affective simulation / hedonic contagion (I.i.2.2) in TMS, as well as morality's requirement that we project 'ourselves into the shoes of an impartial judge' (2006, pp. 17, 280, 294); and he sees these as illustrative of some of the general ideas behind simulation theory. Goldman's project goes beyond mirror neurons, however, in developing a two-level account of simulation as mind-reading or mentalizing, a form of empathy that excludes emotive or caring connotations and is closer to the notion of empathy in TMS developed above. The imagination is central to Goldman's notion of simulation which involves 'enactment imagination', or 'E-imagination', as producing 'pretend' or imagined mental states. Although Goldman sees mirror neurons as central for low-level mental simulation, such as emotional contagion, he argues that high-level simulation-based mindreading goes beyond mirror neurons in involving perspective taking and enactment imagination (E-imagination) (esp. chs 2, 6-7). Crucially this involves attributing mental states to others by putting ourselves in their shoes, that is, by taking their perspective and hence E-imagining what they feel or what it is like to have their feelings. This high-level simulation might be similar to what I have characterised as empathy at TMS I.i.1.2.

This is a highly technical area of debate. Whether or not further advances in neuroscience and psychology support simulation theory as an explanation of empathy in TMS, there is evidence that current research suggests that TMS has an intelligible account of empathy that might well receive further support.

V

Differentiating between Smith's empathy and sympathy has a number of advantages, apart from the interpretative clarity and consistency that it provides. One advantage is that, by differentiating between empathy and sympathy as forms of intersubjectivity, it clarifies the question whether Smith's empathy has empirical support. Given the current research interest in empathy, this is a considerable gain. Another advantage is that it allows us to differentiate between issues of empathy / mentalizing and normative / moral issues. According to TMS, our ability to empathise marks us as social creatures and thereby makes morality possible, but it is not to be conflated with morality. Empathy is therefore not normative whereas sympathetic emotions are normative. Furthermore, the normativity of sympathetic emotions can be constituted either by social mores (the social gaze) or by impartiality (the moral gaze). Intersubjectivity is therefore not *per se* moral; it is not even *per se* normative. Yet Smith's moral theory is informed by a theory of mind that is still relevant to current philosophical and scientific debates about intersubjectivity.

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