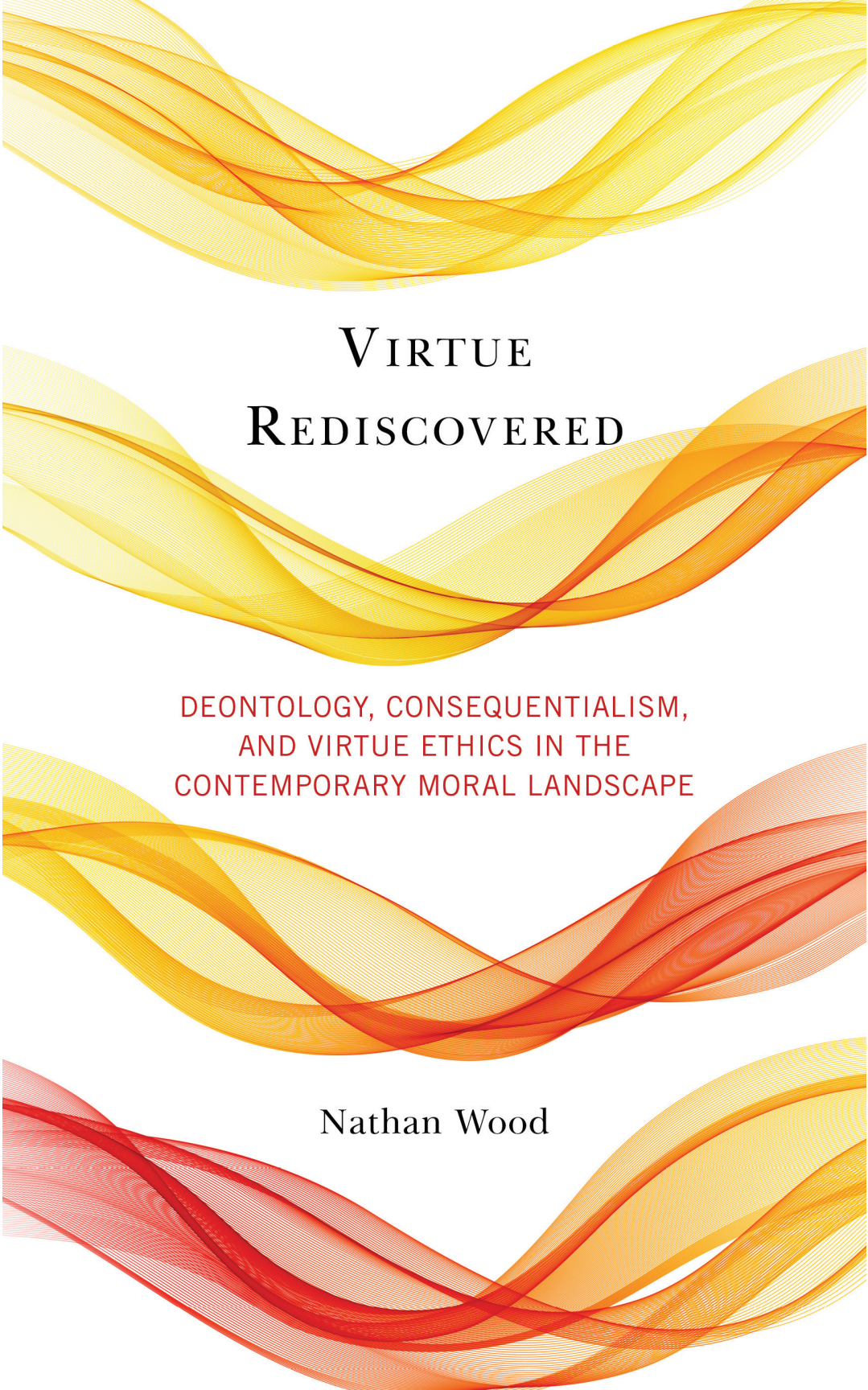

Virtue Rediscovered

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Preface

The central problem of this book concerns the relationship of virtue ethics with other prominent normative ethical theories and how we can best understand these differing positions. The controversy surrounding this topic is one that really only philosophers are aware, but the attempted resolution of this controversy is not solely intended for a professional philosophical audience. Ethics is not bound primarily within the walls of academia and the book is written such that anyone seeking clarity on the contemporary landscape of normative theories can gain some insights from the arguments and ideas discussed here.

The primary question this work aims to address revolves around a contemporary view in ethics that there are three main competing ethical theories: utilitarianism, Kantian deontology, and virtue ethics. While the first two are often granted such status without much debate, virtue ethics is consistently questioned as to whether it really belongs within such a group. In a certain sense, the critics are right. *Virtue ethics* does not properly contrast with the unique normative theories of utilitarianism and Kantian deontology; however, the assumed implication that virtue ethics is merely supplemental to these theories is unjustified. The problem is that such comparisons are category mistakes on two levels. First, virtue ethics is not properly comparable to more narrowly defined normative theories such as utilitarianism and Kant's deontology, but is a theory structurally more akin to consequentialism and deontology. Second, there is a sleight of hand occurring when we presume that "utilitarianism" and "Kantian deontology" can be unproblematically compared without specifying particular theories within utilitarianism and specific interpretations of Kantian deontology. Few claims are universally accepted among philosophers and universal consensus grows even smaller within an area of specific expertise. So, it seems only feasible to compare

and contrast particular utilitarian theories with particular deontological ones. Where this leaves us is in need of a way of speaking cogently about the general structural differences and similarities between ethical theories and this requires a framework of viewing utilitarian, Kantian, and virtue ethical theories as a species of the broader genus categories of consequentialism, deontology, and virtue ethics.[1] Thus, the challenge is to account for how virtue ethics is a substantive ethical theory alongside the likes of consequentialism and deontology (not utilitarianism and Kantian deontology) in the hope of gaining clarity as to where the differences truly lie.

Before moving on to the arguments it would be worth addressing up front a fundamental challenge. What is truly at stake in recognizing virtue ethics as a genuine contender at the level of consequentialism and deontology (or even utilitarianism and Kantian deontology, for that matter)? Is it simply a matter of pride (as a vice) or a young theories desire for recognition from more established and prominently argued ethical theories? Both utilitarians and Kantians believe that virtue has an important role to play in our moral lives, just not in the same way as the principle of utility or the Categorical Imperative. Character considerations are supplemental to our understanding of the principle of utility or the Categorical Imperative and "supplemental" does not mean unimportant. So, what is the purpose of arguing for a revised conception of virtue ethics as offering an alternative, not a supplement, to these established rivals?

There are four reasons why I believe this project is valuable. One reason is simply that it is a more accurate representation of the theoretical landscape of ethics, so for that noble pursuit of truth it is important to recognize virtue ethics as a genuine theoretical rival. If the truth alone does not persuade, then a second reason for this is what the truth can reveal about the nature of these ethical theories. It might be assumed from the nature of the debate that virtue ethics is the only theory in need of clarification, but it turns out that many of the commonly accepted distinctions between deontology and consequentialism are not as successful as some may believe. The arguments put forward in this book are not simply directed at clarifying virtue ethics, but will hopefully provide a clearer, if not new, framework for understanding consequentialism and deontology. This project will, hopefully, spread beyond the binding of this book to provide a basis for fruitful philosophical dialogue on the merits of each theory and inspire new directions of philosophical investigation and development. A deeper look into the underlying core values of these theories can help shed light upon the nature of ethics and provide an accessible framework for nonphilosophers to engage in ethical reasoning. Finally, in the analysis to come, I hope to show the deep historical connections between the three theories (consequentialism, deontology, and virtue ethics) that stretch back into the ancient roots of Western Philosophy. A clearer understanding

of our past values and how they developed through the substantial political, economic, and social transformations of the past few centuries can be an inestimable tool in saving humanity from an obscure and perilous future.

Nathan Wood
Charlotte, North Carolina, *2019*

NOTE

1. Virtue ethicists share some of the blame for the confusion regarding how these theories can be compared and contrasted because, while there are at least different theories that can fall under the genus categories for consequentialism and deontology, "virtue ethics" is ambiguous in that it can refer to a genus category or a more narrow species theory.

Introduction

It is a widely held view that there exist three main competitors in the current moral landscape.[1] The two competitors that have monopolized much of the normative philosophical conversation over the past few centuries are Kantian ethics and utilitarianism. The "new" rival is virtue ethics, which is somewhat ironic seeing as it is a moral theory as old as Western philosophy itself. In her book *On Virtue Ethics*, Rosalind Hursthouse claims that while for much of the twentieth century there was resistance to taking virtue ethics seriously, it now "is recognized as a rival to deontological and utilitarian approaches, as interestingly and challengingly different from either as they are from each other" (Hursthouse 1999, 2). Simply opening the cover of any recent anthology involving virtue ethics will echo this sentiment within the first few pages and may also mention the relatively recent excursion of virtue ethics into the area of applied ethics.

While a primary feature of current introductory ethics anthologies is the inclusion of virtue ethics as the third option, another ubiquitous feature is that the resurgence of interest in virtue ethics in the twentieth century is attributed to Elizabeth Anscombe's 1958 essay "Modern Moral Philosophy." This essay initiated a challenge that later virtue ethicists would adopt and develop in their own way, but each challenge in one sense or another represented a growing dissatisfaction with the choice of either "non-consequentialism" (e.g., Kantianism, intuitionism, emotivism) or utilitarianism. The questions sparked by this dissatisfaction developed into certain systematic critiques of the popular interpretations of Kantian ethics and utilitarianism. These pivotal critiques of Kantianism, deontology, utilitarianism, and consequentialism were not focused on secondary aspects that were peculiar to each of these theories but rather were aimed at central suppositions and commitments made by those theories. The shortcomings identified by virtue ethicists were

intended to point to problems that could not be resolved by small adjustments but would require a complete overhaul and, therefore, a complete rejection of the theory. They were systematic in this sense and, to some extent, were successful in motivating a transformation in approach toward understanding these theories.[2] Some of these critiques were intended as a *reductio* in favor of virtue ethics. However, showing the failings in a theory only lends support to a different ethical theory if the alternative theory on offer either avoids or can compensate for the deficiencies in the other theory. The claim that virtue ethics is vindicated by the failings of other theories presupposes that virtue ethics is both significantly different and comparably substantial (in terms of having a unique moral perspective with distinct claims and commitments of its own) in comparison to the other theories. Much of the writing in the wake of Anscombe's "Modern Moral Philosophy" was focused on the negative project of motivating a shift away from the major ethical theories of Kantian ethics and utilitarianism. Rosalind Hursthouse's *On Virtue Ethics* is a paradigmatic example of the positive project of showing how virtue ethics is different from yet comparably substantial to the other major ethical theories. While the negative project has been successful in motivating interest in alternative ethical theories, the other positive project has become a more pressing and controversial issue in contemporary ethical theory.

The criticisms raised by prominent virtue ethicists (e.g., Elizabeth Anscombe, Rosalind Hursthouse, Martha Nussbaum, Alasdair McIntyre, and many others) took the form of criticisms of Kantian deontology and utilitarianism, but in truth they were critiques of certain fundamental assumptions about the way ethics ought to be done. A common critique was that Kantian deontology and utilitarianism both suffer from an obsession with viewing ethics simply as a decision procedure for right action. Kant's Categorical Imperative and the utilitarian standard of the Greatest Happiness principle were both just rules for calculating whether an action was permissible or impermissible, obligatory or voluntary. The late twentieth-century shift in ethics away from a simplistic accounting of morally right action went hand in hand with a critique of how ethics was understood. Marcia Baron insightfully sees that those critiques were not necessarily of Kant and Mill's ethical theory but the way in which their moral philosophies were interpreted. The importance of the Categorical Imperative as a decision procedure to the exclusion of other elements in Kant's theory is due

> in part because it was thought to be the business of an ethical theory to provide such a procedure. Kant did normative ethics, so we asked what test he provided, and judged him according to the user-friendliness of the test and its tendency to generate either what we believed to be the correct results, or the results we thought he wanted. (Baron 2011, 16)

The shifts that these twentieth-century virtue ethicists initiated were shifts in how ethics ought to be understood and, therefore, how Kantian ethics and utilitarianism should be understood as ethical theories.

It was in this way that the critiques of the early resurgent virtue ethicists were successful, but what developed out of such a success was unexpected. In light of this shift, it became clear that the picture of Kant and Mill as exclusively concerned with ethics as a decision procedure and no real concern for issues of virtue and character was an oversimplification. Both Kant and Mill devote a substantial amount of writing to the virtues and the role of character in their ethical theories.[3] After all, Kant argues in the *Metaphysics of Morals* that "human morality in its highest stage can still be nothing more than virtue" (Kant 6:383). Mill famously defends the intrinsic value of virtue in chapter 4 of *Utilitarianism* during his discussion of what proof the principle of utility is capable of being given, writing, "Does the utilitarian doctrine deny that people desire virtue, or maintain that virtue is not a thing to be desired? The very reverse. It maintains not only that virtue is to be desired, but that it is to be desired disinterestedly, for itself" (Mill 2003, 123). The intended purpose of lumping Kant, Mill, Hume, and other philosophers into the camp of "modern moral philosophy" in order to expose their systematic failings exposed only an inadequate understanding of ethical theory in general as applied to these philosophers' ethical theories. They were not refutations of their particular ethical theories.

When virtue ethicists were leading the conversation on the role of character and virtue in moral theory it may have seemed that they held a monopoly over giving character and virtue a significant place within moral philosophy. An unintended consequence of the resurgence of interest in virtue ethics has been a rediscovery of the role that character and virtue play within the accounts of such moral philosophers as Kant, Mill, and Hume (just to name a few). Given that much of the impetus to resurrect virtue ethics was due to a failure of Kantian deontology and utilitarianism to adequately address concerns of character and virtue in moral philosophy, what are we to say about virtue ethics now that these moral philosophies have been interpreted with a more robust account of character and virtue? The approach was to show how the problems of Kantian deontology and utilitarianism somehow traced back to their lack of any significant role given to considerations of character and, therefore, because virtue ethics is centrally concerned with character it did not suffer from these problems. If the only thing different or unique about virtue ethics is its role for character, then in light of the revised interpretations of Kant, Mill, and Hume, the space given to character in virtue ethics is not anything especially unique at all. Thus, the seemingly unique insights of virtue ethics (specifically the moral relevance of character and virtue) are not only compatible with these other theories but can be adequately accounted for

by Kantian deontology or utilitarianism. What can virtue ethics offer that is unique and distinct from these other theories?

Therein lies the difficulty for any contemporary virtue ethic.[4] The critiques that set virtue ethicists apart in the last century no longer serve to clearly demarcate virtue ethicists from Kantians or utilitarians. Furthermore, there is no obvious and clear definition of virtue ethics that unambiguously applies to all accounts of virtue ethics and excludes Kantians and utilitarians. Here we come to the primary question of the book, given that virtue ethicists commonly understand their theory as distinct from such moral philosophies as Immanuel Kant's and John Stuart Mill's is there a way of understanding virtue ethics that can successfully distinguish itself from both? To put the point in a different way, for virtue ethics to be deserving of recognition at the normative table that Kantian ethicists and utilitarians sit they need to show clearly what virtue ethics uniquely contributes to the field of normative ethics. This book is an attempt to do just that.

For philosophers, this project is interesting as a piece of academic tinkering and conceptual clarification, but does it have any value beyond that? Is it really all that important to establish genuine distinctions between virtue ethics and other theories? Is it really worth attempting to define these different ethical theories to any satisfactory level of precision? A worry is that not only do we end up simply conferring what we already know, but we may also create illusory distinctions in the hope of clarity. The importance of clarifying the underlying nature of virtue ethics has broad consequences for clarifying the differences in approach toward answering moral questions among virtue ethical and non-virtue ethical theories alike. A clearer demarcation of virtue would also give virtue ethics a unity of purpose in how to address contemporary ethical questions as well as provide clarity regarding what is at stake for the various theories. Clarity in these areas can only benefit our overall understanding of where there is agreement among the theories as well as where the fundamental disagreements lie. However, even if the project to successfully distinguish these theories fails there is still something to learn in such a failure. For example, it may tell us something about the role of intuition at a fundamental level of our ethical concepts. It will also weaken the ability for virtue ethics to offer a stand-alone ethical perspective and may relegate the concept of virtue as an addendum to be tacked onto other theories.

A different potential objection to the project of this book is voiced by Marcia Baron in her essay "Virtue Ethics in Relation to Kantian Ethics: An Opinionated Commentary." While she is certainly sympathetic to the project of gaining clarity as to the essential claims that characterize virtue ethics, she is surprised by the response of some virtue ethicists to calls for more specification. She is frustrated with the "rival" conception of the field

of ethics that motivates a need for recognizing virtue ethics in opposition to Kantianism and utilitarianism. The surprising defensive response by many virtue ethicists was due to their viewing the question as an illicit attack upon the possibility of virtue ethics being taken seriously. Baron's puzzlement that the demand for clarity could seem hostile stems from the belief that "Philosophers are supposed to seek clarity, and to disentangle theses in order to be clear on what is being said, so why would virtue ethicists mind if this approach were taken to virtue ethics?" (Baron 2011, 8). Whether all the critics of virtue ethics intended the question in the philosophically innocent sense of Baron is unclear, but the problem seems to be that both parties are talking past each other. Some virtue ethicists might view the request as a demand to formulate their normative accounts in the terminology and framework that both Kantians and utilitarians sometimes operate (viz. specific decision procedures that dole out yes/no answers to particular scenarios). Such a demand is condescending when an important element of their virtue ethical account rejects that such a framework is either necessary or even important in an ethical account being worthy of serious consideration.

However, Baron's question points to a deeper underlying fear that virtue ethicists may have. The fear is that if virtue ethicists cannot do what Kantians and utilitarians do in the ways that they do it (i.e., normative decision-procedure ethics), then virtue ethics need not be taken seriously. Baron rightly proclaims that "I do not believe that taking virtue ethics seriously requires seeing it as a rival theory" (Baron 2011, 26). She points toward a recurring way that the debate is phrased by virtue ethicists such as Rosalind Hursthouse. The frequency of putting the project in terms of constituting virtue ethics as a "rival" to Kantian and utilitarian moral philosophy stems from a view that moral philosophy is largely theory-driven and that for a theory to be taken serious it must be recognized as a member of a certain club of moral theories. If virtue ethics becomes recognized as a "rival" to Kantianism and utilitarianism, then it certainly belongs to the club and must be taken seriously by other philosophers. The main problem with viewing the field of ethics as composed of competing ethical theories (the "rival" perspective) for Baron is that it courts distortion and confusion in "expecting all philosophers worth discussing to fit into one of our current cubbyholes" (Baron 2011, 26). She continues to emphasize that if the worry is that virtue ethics cannot be taken seriously unless it combatively establishes itself as a rival, then this is an unfounded concern because being worthy of serious consideration depends on how an idea or theory contributes to the philosophical conversation being had and virtue ethics certainly has a voice even if it is not specifically offering an alternative ethical theory.

An important point to make clear is that the underlying motivation for the need to more clearly understand the uniqueness of virtue ethics is not some

kind of primordial tribalism that seeks to create competition where none really exists. This motivation reflects the worry that Baron has with virtue ethics establishing itself as a rival theory. I take her objection seriously and it is why I have chosen the language of clarifying the "uniqueness" or "distinctiveness" of virtue ethics in order to try and shift the focus away from the perspective of combative rivalry. In fact, the real importance of this investigation reflects Baron's own desire for arriving at a clearer and more accurate picture of how virtue ethics relates to Kantianism and utilitarianism. What is fundamentally at stake with this project is whether virtue ethics offers something beyond the ways in which it can supplement Kantian and utilitarian moral accounts. The critiques of virtue ethics have certainly pushed Kantians and utilitarians into asking how their accounts can give sufficient attention and value to aspects of character and virtue, but is there some limit to where their accounts can go such that virtue ethics can push beyond? This is the underlying motivation for the investigation and the attempt to formulate a way that virtue ethics can accomplish such an ambition.

In distinguishing the various ethical theories, it is all too easy to forget, but vital to remember, where there is substantial overlap and agreement. The project of digging into the concept of virtue ethics to see what we will uncover has the complementary side effect of uncovering some of the bedrock of other theories as well. So, in learning more about virtue ethics we will necessarily be learning more about Kantianism, deontology, utilitarianism, and consequentialism. One of the most important practical elements of philosophy is its ability to instigate shifts in perspective, to looking at old problems under new lenses. This investigation is an opportunity for philosophy to do what it does best.

NOTES

1. The notion of the *moral landscape* is the current field of normative theories that are organized according to the way values are structured and grounded in a particular theory. What I aim to accomplish in this book is to split the field into two kinds of theories (genus and species) that are separated by different levels of normative specificity.

2. Gregory Trianosky claims that "what unifies recent work on the virtues is its opposition to various central elements of a view which I will call *neo-Kantianism*." These "central elements" are different interpretations of Kant's deontology and what it is fundamentally committed to that the specific ethicists would find problematic. "Neo-Kantianism," however, does not hold a monopoly upon the critiques of virtue ethicists. If more work is aimed at "neo-Kantianism," then it is because it is seen as a more sophisticated rival than utilitarianism. Or it is more closely aligned to what virtue ethicists want to say, but is somehow different than their account of virtue ethics.

The similarities between neo-Kantianism and virtue ethics will be explored in later chapters.

3. Kant has an entire book entitled *The Doctrine of Virtue* and in the *Metaphysics of Morals* spends considerable time discussing different virtues and vices; Mill raises the importance of character in his discussion of happiness in *Utilitarianism* as well as in chapter 3 of *On Liberty.*

4. The label of "contemporary" virtue ethics is intended to focus on the accounts developed after Anscombe revitalized the ancient questions of virtue, but that attempt to develop a virtue ethic that can address current questions in moral philosophy from a perspective that is not simply neo-Aristotelian, neo-Platonic, and so on. This label will be discussed in further detail in chapter 4.

Chapter 1

The Varieties of Virtue Ethics

The history of moral philosophy in the twentieth century played host to a revitalized interest in virtue ethics. It was through revealing the perceived limitations within the prevailing theories that virtue ethicists cleared enough space to continue developing virtue ethics as an alternative theory. However, these critiques had an unexpected consequence of kindling a revitalized interest in new interpretations of utilitarianism, Kantian ethics, and even deontology. From these embers developed a substantive refashioning of these theories that turned the critical eye back upon virtue ethics as to question how it fits within the newly remodeled moral landscape. It is a strange irony that the critiques of virtue ethics intended to reestablish virtue ethics as a competing theory ultimately resulted in its alienation from that select group of normative theories. For a theory that has steadily gained recognition among moral philosophers over a period of fifty or so years it still has yet to achieve a kind of full recognition within the philosophical community.

The detractors and critics have raised a number of different criticisms of virtue ethics as a substantive theoretical rival, but most every critique boils down to two particular problems: either a supposed irreducible vagueness within virtue ethics or a failure by virtue ethicists to clearly explain how virtue can be action guiding.[1] The lack of a clear, simple set of criteria for a theory being a virtue ethic is something virtue ethicists are aware, but as a problem it is often downplayed or written off. One example of this is Hursthouse's seminal work *On Virtue Ethics* (1998). Rather than treat the virtue demarcation problem as a serious concern she claims that it is not unique to virtue ethics and shares a similar amount of definitional vagueness within the definitions of deontology or utilitarianism. The variety of virtue ethical accounts "has meant that the lines of demarcation between the three approaches have become blurred. Describing virtue ethics loosely as an

approach which 'emphasizes the virtues' will no longer serve to distinguish it." The evolution of the variety and complexity of ethical theories generally is so great that "there are no longer satisfactory short answers to the questions 'What is deontology?' and 'What is utilitarianism'" (Hursthouse 1999, 4)? Hursthouse admits to a lack of any "short answer" regarding the nature of virtue ethics, but this is neither unique nor reasonable to expect given that this is a feature common to many different theories. If Hursthouse is correct, then we are confronted with a somewhat puzzling situation. The critiques mentioned earlier were systematic critiques and in order to give support to virtue ethics, it needed to show that as a system itself it did not suffer from these deficiencies. However, if the lines between the theories are blurred and it is unreasonable to expect any genuine clarification of the lines, then how can virtue ethics proclaim any systematic advantage over the other theories? Furthermore, the difficulty of answering the virtue demarcation problem is exacerbated by the fact that *virtue* is not a concept exclusive to virtue ethics in the way that the Categorical Imperative or principle of utility is to Kantian ethics and utilitarianism. While Hursthouse is certainly correct in rejecting the possibility of a simple or "short" answer, this does not negate the need for *an* answer as to just what is exclusive or unique about virtue ethics as a normative theory.

When confronted with the question of what makes virtue ethics unique, traditionally the answers have focused upon commitments to naturalism, teleology, or eudaimonism. While these may have been fundamental features of ancient accounts of virtue ethics in Aristotle or Plato, recent work on virtue ethics has diverged from these classical commitments, some accounts embodying one of the three and rejecting the others, while others accept none of the commitments.[2] Given these new varieties of virtue ethics the attempt to distinguish the position has centered on possible structural differences between virtue ethics and other ethical theories. One such structural distinction is between *virtue ethics* and *virtue theory*. The phrase "virtue theory" is meant to apply to any ethic that incorporates the use of virtue in its ethical system.[3] However, virtue theories are supposedly distinct from a virtue ethic that goes beyond incorporating virtue to making virtue somehow "central," "foundational," or "primary."[4] What exactly is meant by this is controversial, but Hursthouse formulates the distinction between *virtue ethics* and *virtue theory* as the latter claiming that (a) the concept of virtue is irreducible and (b) that an ethics of rules must supplement an ethics of virtue because a pure ethics of virtue cannot be action guiding. Virtue ethicists only accept claim (a) according to Hursthouse, but the tone and emphasis of the debate is different under the lens of this distinction.[5] Julia Driver explicitly endorses a "virtue theory" in the form of a consequentialist ethic that preserves an important role for virtue but is clear that virtue is valuable solely in light of the consequences

brought about by having certain virtues. Driver's theory exemplifies how virtue theories differ from a virtue ethic, namely where the value of the virtues is instrumental (either practically or conceptually) to some other more fundamental value (in Driver's case, the value being happiness or a good life). Whereas the previous characterization of the debate simply asked for a criterion of uniqueness, this distinction raises the challenge that virtue ethics cannot be a stand-alone ethical theory because it lacks a specific decision procedure for guiding action. This way of characterizing the debate leads to the confrontational "rival" approach that Baron is highly critical but seems to be a reasonable response when confronted with the condescending notion that virtue ethics can only really operate as a supplement to an ethics of rules.

The distinction between virtue ethics on the one hand and virtue theory on the other is meant to preserve a space for virtue playing a more central or primary role, but it may be a last act of desperation. However, the strategy of dividing theories into the categories of *virtue ethics* and *virtue theories* provides no resolution without examining the proposed feature of disagreement, namely, what it means to say that virtue is "foundational," "primary," or "central." In addressing the vagueness objection, there have been many responses that have tried to clarify how virtue ethics treats virtues as *primary* and this chapter will examine some of the most influential ways of conceptualizing how virtue ethics differs from virtue theory. Ultimately, these different accounts all fail to truly ground such a distinction because they fail to separate a Kantian account based on the goodwill from being a virtue ethic or they reduce virtue ethics to being indistinguishably consequentialist.[6] Clearing away these various attempts at grounding the distinction will be essential for motivating a theoretical shift in our understanding of how these theories really ought to be related.

VIRTUE ETHICS AS AGENT CENTERED

One common distinction made between virtue ethics and other theories is to divide them along the line of being an "agent-centered" or "act-centered" ethical theory. The general idea is that the former theories take the criteria of right action to be centered around certain features of the agent, while the latter category take right action to be the center. In other words, right action is derivative from features of the agent for virtue ethics, whereas with Kantian deontology and utilitarianism the criteria for right action lies at the heart of their theories. Karen Stohr dismisses such a distinction as a fallacious oversimplification of both Kantianism and utilitarianism. It is fallacious because such a characterization of Kantian ethics as "act centered" depends upon a "regrettably narrow focus on the categorical imperative" to the exclusion

of the importance that the notion of a goodwill plays within Kant's account (Stohr 2006, 22). Even utilitarianism cannot accurately be subsumed under this category because "new trends in consequentialism, especially virtue consequentialism, make it harder to call that theory act-centered without oversimplifying many things of interest" (Stohr 2006, 22). However, there is another reason that makes this distinction less useful than it might first appear. The distinction itself arises out of a certain conception of the purpose of ethical theories, namely, that they ought to primarily be concerned with providing a decision procedure. Such a conception of the task of ethics favors the question of how one discriminates between right and wrong action as opposed to a richer conception of ethical theories as involved in the debate of the foundations and nature of goodness. The reasons for why certain actions are right or wrong derive from the debate regarding the nature of goodness and the issue of right action cannot be taken as central or foundational without ignoring the larger and more nuanced debate regarding goodness.

Another way of demarcating virtue ethics from virtue theory is by pointing out the feature of duty that is prominent within Kantian deontology and utilitarianism but absent within virtue ethics. One way of characterizing the division is by distinguishing an "ethics of virtue" from an "ethics of duty." Gregory Velazco y Trianosky discusses this as "a central contrast" between virtue ethics and other theories, where an

> ethics of duty holds that only judgments about right action are basic in morality, and that the virtuousness of traits is always derivative in some way from the prior rightness of actions. Conversely, an ethics of virtue in its pure form holds that only judgments about virtue are basic in morality, and that the rightness of actions is always somehow derivative from the virtuousness of traits. (Velazco y Trianosky 1997, 43)

This distinction as presented is ultimately no different than that between the *agent-centered/act-centered* theories. Both take right action to be the focus for separating the two categories and it is how central the question of right action is within the theory that marks the key difference. From this light, an "ethics of duty" is primarily concerned with right action and any concern of virtue is secondary and derivative upon the question of right action. An "ethics of virtue" flips the hierarchy and makes questions of right action secondary and dependent upon questions of virtue because there is no significant theoretical difference the criticisms of the *agent-centered/act-centered* distinction already mentioned apply equally to this distinction.

However, there is another way that the distinction can be made that may be more promising. Rather than bringing in the notion of right action, there is a question as to whether virtue ethics can have a concept of duty at all. Virtue

ethics in the Aristotelian vein is eudaimonistic meaning that happiness is the final end of human activity and that the virtues characteristically lead to a flourishing life. Thus, having the virtues is a necessary and sufficient condition for flourishing. But why does this preclude involvement of duties or obligations? For many philosophers it makes no sense to tell yourself that you have a duty or obligation to pursue your own happiness. One reason is that wanting to be happy is not something you can rationalize yourself into taking an interest. In a similar way, one cannot reason their way into being attracted to someone if they are not already interested in that person to some degree. We do not *choose* to seek happiness; our interest in pursuing our happiness is instead a fact about our psychology. Thus, it is something that we will automatically seek because of the kinds of beings we are, just as our need for nourishment is not a rational choice. So what role does practical reason play in dictating to ourselves something we would do anyways? It seems to play no role, since we are inadvertently compelled toward fulfilling it regardless. But duties and obligations have a determinative role for action, since duties are necessary dictates of reason. In the case of happiness, the inclusion of a duty would fail to be determinative, since we would act regardless of the dictates of duty. Therefore, it would appear that it is impossible to have a duty to pursue one's happiness.

Another reason such an obligation may sound odd is because duties presuppose the possibility of not fulfilling them. An often-repeated truism in moral philosophy is "ought implies can." Typically, this is understood as meaning you cannot be obligated to do something you cannot do. An implication of "ought implies can" is that if someone says "I can do x" this also presupposes the possibility of not doing x. The phrase "ought implies can" picks out a certain category of action that lies in between impossibility and compulsion, namely, actions that can be freely chosen. Free actions are the only kinds of actions that we can have obligations to carry out and be held responsible for failing to act upon. So, a more accurate rendering of the truism would be "ought implies option."

The difficulty this poses for having an obligation to seek happiness is that our pursuit of happiness is not a compulsion in the way that we are forced to act on other compulsions. A coerced action requires specificity, otherwise you cannot determine whether the action was done unfreely. When someone claims that an action was coerced, they must be referring to a particular action. But to say that we necessarily pursue happiness is not reducible to any specific action but instead refers to a large collection of actions gathered through a lifetime. Happiness is an ambiguous concept but not a relative concept and, for virtue ethicists, it goes beyond the mere satisfaction of desires. *Eudaimonia* operates through the notion of "flourishing" and this concept is much more sophisticated than desire satisfaction. Part of the reason why it is more sophisticated is that virtue, the fundamental components of a

flourishing life, involves refraining from constantly satisfying our desires. Courage requires that we overcome our fear or desire to flee; honesty requires that we tell the truth when it may be uncomfortable to do so. In pursuing our happiness, we are not determined in the way we typically speak of coerced or forced actions because we can fail to achieve or accomplish happiness. In fact, virtue ethicists need not reject the claim that "ought implies option." It is possible to fail to actually pursue happiness, even though it is impossible not to want to pursue happiness.

This defuses the worry that an obligation to pursue our own happiness is impossible on a virtue ethical account. The problem revolves around the conception of happiness, a more fluid and dynamic conception of happiness leaves room for incorporating the language of duties and obligations. However, there may be a different worry regarding the involvement of duty within virtue ethics. On the *eudaimonistic* account of virtue ethics, the question is how to achieve the good life and virtues are seen as necessary components of the good life (primarily in the constitutive sense). Depending on how strong one views the connection between acting virtuously and living a good life, the virtues are seen to generally benefit their possessor. A question might arise at this point about whether duties really can be incorporated within virtue ethics, since duties (at least sometimes) will conflict with our pursuit of happiness. A fairly common example would be that if I promised to help a friend move on a certain day and when that day comes I in fact need to study for an upcoming exam that I put off until that day. I am nevertheless obligated to help my friend, even though getting a better grade on the exam would surely benefit my life more. It seems that I must choose between acting in alignment with duty or acting to pursue the good life for myself.

This construction of the example mistakenly treats the virtues as merely instrumental in the achievement of *eudaimonia*. One response is to deny that pursuing *eudaimonia* actually conflicts with our duties. A large part of what it means to say that the virtues are constitutive of happiness is that flourishing occurs through the active development of the virtues and this requires acting on such virtues. It may lead to a lower exam grade in the previous example, though of course my procrastination was a fault that should be examined and learned from this time around, but upholding the promises I make to others instills a confidence in one's ability to follow through with projects as well as gain the respect of others as someone who can be relied upon. Self-confidence and the respect of others are important elements of a good life and by acting virtuously you begin to build the foundations for achieving a fuller and more complete human happiness later on.

This discussion began with Velazco y Trianosky's separation of "ethics of virtue" from "ethics of duty." Such a division implies that an ethics of

virtue has no place for notions of duty or, at least, is not interested in giving any substantial role to duty within the ethical theory. Neither of these claims need be the case even if we grant that typically the notion of "duty" does not play a large role within contemporary virtue ethical accounts. What I have tried to show here is that there is nothing contradictory about virtue ethics incorporating deontic terminology into its ethical framework if it serves some purpose. Perhaps, Velazco y Trianosky's point was to suggest that as a kind of empirical fact, virtue ethicists do not generally incorporate deontic notions within their theories. If that is the claim, then it can only distinguish virtue ethics weakly. This is a contingent feature of virtue ethics and could be modified to incorporate (or translate virtue language into) deontic terms if so desired. If this feature is meant to serve as a reliable distinction, then it should carry more of an essential weight and not rely heavily upon the way previous philosophers have structured the conversation. Therefore, the distinction that Velazco y Trianosky attempts to provide fails to truly distinguish contemporary virtue ethics from other ethical theories.

From Hursthouse's discussion of the debate (1999) we get the impression that it revolves around whether virtue ethics can be action guiding in the way that Kantian deontology and utilitarianism are. Hursthouse seems particularly concerned to address the criticism (real or not) that if virtue ethics cannot provide determinate standards for right action, then the question of virtue ethics being unique is already answered. This is to say that the question of the uniqueness of virtue ethics rests on the question of whether virtue ethics can be action guiding.

One approach that takes up the baton of teasing out a red thread among virtue ethical accounts from the perspective of right action is made by Justin Oakley (1996). His approach focuses on the prominent disagreements between virtue ethicists and Kantians, as well as between virtue ethicists and consequentialists, and distills the claims into a list that shows at which points Kantian ethics and consequentialism diverge from virtue ethics. Oakley claims that what ties all virtue ethical accounts together and simultaneously marks them as different from other theories are the following six theoretical commitments:

(a) An action is right if and only if it is what an agent with a virtuous character would do in the circumstances.
(b) Goodness is prior to rightness.
(c) The virtues are irreducibly plural intrinsic goods.
(d) The virtues are objectively good.
(e) Some intrinsic goods are agent-relative.
(f) Acting rightly does not require that we maximize the good.

These are "six features which appear to be essential features of *any* virtue ethics view" (Oakley 1996, 129). Oakley is, therefore, presenting a strong claim that any theory that claims to be a virtue ethic will need to accept all six of these commitments.[7] Each claim serves the purpose of distinguishing virtue ethics from some other ethical theory and as you work down the list the number of theories still along for the ride narrows down to a small list. It will be worthwhile to dedicate some attention to how the various claims are thought to extract virtue ethical theories from the seemingly homogenized mass of theories.

The first criterion is seen as "central to any form of virtue ethics . . . [and] is a claim about the primacy of *character* in the justification of right action." He interprets the claims as meaning "right action is one that is in accordance with what a virtuous person would do in the circumstances, and what *makes* the action right is that it is what a person with a virtuous character would do here" (Oakley 1996, 129–30). This claim itself has a strong and weak version where the difference amounts to whether the claim is intended as an explanatory claim or a substantive claim.[8] Another way of putting the distinction is to ask, is this claim meant to *explain* or *describe* how right action follows from the virtuous agent? If it *explains* the relationship, then that means the virtuous person *determines* an act as right merely by performing the act as a virtuous person. If description is the intended meaning, then it means that a virtuous person would act in such a way, but this is not the sole determining factor for why an act is right or wrong. It appears that Oakley intends the explanatory version of the claim given that it serves to justify right action. On the other interpretation, as a description it cannot serve any justificatory function for establishing the rightness or wrongness of an action any more than a celebrity being a vegetarian justifies the morality of refraining from eating meat.

Oakley relies on Aristotle and Rosalind Hursthouse as the two sources for why this claim is so central to virtue ethics. However, it is questionable whether either accepts the claim as he formulates it. The claim has its most direct proponent in Hursthouse (1999) but also has a more ancient connection to certain interpretations of Aristotle's claims in the *Nichomachean Ethics* regarding the "doctrine of the mean." Virtues, according to Aristotle, aim at a kind of mean with regard to feeling and acting. According to this view, where we go wrong is due to either excess or deficiency in our passions or actions and, thus, what we must aim for is the right amount of both for the corresponding situation. Stipulating a right amount implies ways in which the right amount fails to be achieved and because this failure can happen in two general ways Aristotle argues that virtue falls somewhere in the middle between the two. Where Aristotle seems to be committed to a claim like (a) ("An action is right iff it is what an agent with a virtuous character would do in the circumstances") is in his account of how the mean is determined for

the passions and actions; "Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it" (Aristotle II, 6). It is the last statement that appears to commit Aristotle to the view that the mean of an action or passion is determined by the "man of practical wisdom," that is, the virtuous person. However, it is important that Aristotle qualifies that claim stating that the mean is "determined by a rational principle." Such a "rational principle" explains the action that achieves the mean and the person of practical wisdom that successfully judges accurately is considered virtuous. Aristotle views (a) as descriptive and not as explaining the rightness or wrongness of action and Hursthouse's (1999) discussion of the underlying importance of "v-rules" rejects the explanatory interpretation as well.

An alternative, and more generous, interpretation of (a) connects with (b) in that it really is concerned with rejecting the issue of rightness as central but derivative upon some other feature. On this understanding, to claim that the right action is what the virtuous person does in the circumstances is to perhaps imply that right actions flow out of a virtuous character. The important question, then, is not whether the action is right but what virtue trait is at stake in the circumstances. In other words, the goodness of the virtue trait is prior to and determining of rightness. The claim seems substantially less radical in this form and we can legitimately ask whether Kant or Mill would completely disagree with the claim that "right actions flow out of a virtuous character." If the point is to claim that right action cannot be had without virtuous character, then this is an area that both Mill and virtue ethicists will agree and Kant would claim that actions with moral worth flow out of a virtuous character. Kant defines virtue as "the moral strength of a *human being's* will in fulfilling its duty, a moral *constraint* through his own lawgiving reason, insofar as this constitutes itself an authority *executing* the law" (*The Metaphysics of Morals* 6:405). In order to act purely from the motive of duty this will require a strength of will in overcoming our inclinations to selfish desires that turn our attention away from what we are obligated to do by the moral law. Moral actions will require, at least sometimes, a strength of will and, thus, actions with moral worth presuppose a sufficiently strong will in acting purely from the motive of duty. For Mill, virtue is essential to happiness and happiness is the *summum bonnum* of all action. While his conception of virtue is less specific than Kant's, nevertheless a virtuous character clearly plays an important role in achieving happiness and acting rightly.

Claim (b) ("Goodness is prior to rightness") is specifically intended to rule out Kantianism, deontology, and, perhaps, some versions of consequentialism. This relies upon understanding Kantianism as well as deontology as embracing the Rawlsian idea of prioritizing the right over the good. Virtue

ethics supposedly reverses the order in that "the notion of goodness is primary, while the notion of rightness can be defined only in relation to goodness; no account can be given of what makes an action right until we have established what is valuable or good" (Oakley 1996, 138). Whereas certain ethical theories begin with an account of the good (or the nature of goodness), Kant is understood by Oakley as providing an account of right action to which the concept of good is then derived. However, this characterization of Kant is perplexing given that he begins the *Groundwork* with a discussion about what could unconditionally be considered good and *not* with an account of right action. Interpreting Kant as endorsing the right over the good on this interpretation seems to misconstrue his moral philosophy as centered around the Categorical Imperative and forgets the central role that the goodwill plays within his theory. Furthermore, it is unclear whether Oakley's conception of "prioritizing the right over the good" depicts the two options as anything significantly different from the act-centered/agent-centered distinction already discussed. If the issue is whether the rightness takes center stage in the moral theory over other elements, then it points out the same feature of Kantian deontology that the phrase "act centered" is intended to highlight.[9]

Furthermore, it is unclear whether Rawls understands "prioritizing the right over the good" in the way Oakley does. Samuel Freeman describes the phrase in his helpful glossary on Rawls's work as where "moral principles of right (including justice) have priority over, and hence constrain and regulate, the rational (maximizing) pursuit of all goods or values. It is not the idea that a conception of right or justice can be justified independent of a conception of the good" (Freeman 2007, 479). Rawls himself gives substance to this interpretation in his essay "The Priority of Right and the Ideas of the Good" where he describes his position as "in justice as fairness the priority of right implies that the principles of (political) justice set limits to permissible ways of life" (Rawls 1988, 251). These "permissible ways of life" are reflections of different conceptions of the good, so the right has priority in terms of limiting the pursuit of our conception of the good. This way of categorizing different normative theories leads to teleological theories belonging in the same ethical category as utilitarianism, since these theories all share a final end conception of the good that serves as the ultimate justification for right and wrong action. Aristotle's virtue ethics takes the human good life to be the conception of goodness that fills in the content of flourishing, a concept that plays a pervasive role within Aristotle's ethics. However, if Oakley is using the conception of "prioritizing the right over the good" in a way similar to Rawls, then he commits a gross oversimplification in lumping virtue ethics and consequentialism together as if they were at a fundamental level indistinguishable. While virtue ethics may be teleological, it does not strictly endorse consequentialism. Thus, the other prominent way of understanding

the Rawlsian prioritization claim results in a confused distinction that fails to capture the important distinctions among teleological theories that does not really help Oakley's case in distinguishing deontology from virtue ethics.

Claims (c) through (f) aim at eliminating various forms of consequentialism. The first claim ("The virtues are irreducibly plural intrinsic goods") separates out the older monistic versions of utilitarianism based on pleasure, since theories such as Epicurean hedonism recognize only one *kind* of good thing that every other good thing is reduced into. However, this does not address contemporary preference-utilitarianism, so he adds (d)—"The virtues are objectively good"—that effectively rules out all preference-utilitarianism because the good is understood entirely subjectively in terms of satisfying people's preferences. There is no higher/lower distinction among preferences on this model, but what matters is merely the satisfaction of quantities of subjective preferences with no objective standard for organizing them into better and worse preferences for agents to endorse. Claims (c) and (d) go some way to eliminating consequentialism from virtue ethics, but there still remain some forms of consequentialism compatible with both (c) and (d) that are supposedly distinct from virtue ethics. However, many accounts that accept these views still hold that these goods are agent-neutral and this is where (e)—"Some intrinsic goods are agent-relative"—plays a role in eliminating these views. While Oakley believes that (c) through (e) have basically eliminated consequentialism from the realm of virtue ethics, he states that "there seems to be no in principle reason why a consequentialist could not allow that some values are properly characterized as agent-relative" (Oakley 1996, 143). Thus the final claim (f)—"Acting rightly does not require that we maximize the good"—deals the final blow to the inclusion of any consequentialist theory by striking at the very core of consequentialist theories (as Oakley views it), that is, rejecting the emphasis upon maximizing the good.

At this point Oakley moves on to divide the remaining virtue ethical theories into two groups: consequentialist and non-consequentialist. The distinction rests upon whether right action depends upon the *promotion* of a value or good (consequentialist) or *honoring/exemplifying* value or goodness (non-consequentialist). The phrase "promoting" here may sound awkward when applied to virtue ethics, since it is not a particularly central interest of virtue ethics to increase, perhaps even maximize, the amount of virtue in the world.[10] The case Oakley considers is a modified version of Bernard Williams's George the physicist case. In this modified version, George is offered the job at a nuclear arms plant solely intent on creating weapons of mass destruction (to which he is vehemently opposed personally) and told that if he refuses the job, then two other physicists that also oppose the use of science to enhance a country's weapons arsenal will have to take the job. What is at stake here is the virtue of integrity. On Oakley's distinction, a

non-consequentialist would recommend George not take the job, since such a choice would honor/exemplify acting on one's integrity. A consequentialist virtue ethic, however, would recommend that George take the job in order to promote integrity insofar as more people will have been able to act with integrity given his own action.[11]

This conception of "promotion" seems highly suspect when applied to virtue ethics. The large problem is that it fetishizes virtues as mere states of affairs, rather than aspects of an enduring character within agents. Perhaps, what Oakley means by "promotion" is not the promotion of states of affairs but the promotion of *opportunities for virtuous action*. However, this is a very problematic conception for promoting virtues in others. If I ought to always do what I can to promote the opportunities for others to act virtuously, then any case for potential virtue promotion (regardless of the balance of cost and benefit) requires that I do what *could* promote the virtue. It would also seem to construe truly horrible events as in fact good and valuable if such events required the victims to act on more virtues than they otherwise would have acted. The Holocaust could be reimagined as in some sense valuable because "it gave the Jews a wonderful opportunity to be courageous and noble"[12] (Dawkins 2006, 64). Furthermore, what role does the virtue of benevolence have within such a perspective? If what matters is the promotion of virtues in others, then any case where someone is in need of help could be understood in terms of a kind of "sink or swim" attitude, since in any case it could be said that one is *capable* of displaying courage, honesty, fortitude, and so on, no matter how unlikely the possibility. Such an attitude becomes an excuse *from* ethical judgment, rather than an engagement with a moral question. Perhaps even more problematic is that this way of thinking reduces the individual to a mere container for virtue promotion, a criticism that has haunted certain consequentialist theories for some time. What is of fundamental import for virtue ethics is how the virtues relate to living a good life and a good life is not simply the summation of the number of virtuous actions in one's life.[13]

Having said this, the meaning of the term "promotion" could be seen as having a connection with moral education and training. The importance of moral education and training is emphasized by Julia Annas as centrally important for virtue ethics because "understanding the process of ethical education is a part of virtue ethics. Ethical education is not something merely practical and so extraneous to theory. We cannot understand what virtue is without coming to understand how we acquire it" (Annas 2011, 21). One way in which we acquire virtues is through recognizing certain people as virtuous and inquiring as to how they have come to manifest such admirable character traits. The virtuous agents who serve as role models for children and those still in the early phases of developing the habits and

dispositions of virtue could be understood as *promoting* virtue within these students insofar as the virtuous role models are cultivating the habits and dispositions that will be vital in the person's capacity for virtue later on in their life. Thus, if we understand promoting in terms of education, then the focus becomes bringing about virtuous character traits instead of certain virtuous states of affairs in the world, which seems far more representative of virtue ethics than a focus on promoting particular states of affairs associated with virtues.

The relevance of promoting virtue within the elements of moral education and training as important aspects of any virtue ethic should actually lead us to a completely different conclusion than the one Oakley draws in separating certain consequentialist varieties of virtue ethics from non-consequentialist ones. Even on the generous interpretation of promoting as the importance of moral education for virtue ethics, there is a strange tension between the supposed two camps of virtue ethicists. It seems more reasonable that *both* consequentialist and non-consequentialist virtue ethicists accept the important role of moral education (understood as promoting) *and* the honoring/exemplifying of virtue traits, or they can at least translate their moral claims into the language of promoting and honoring.[14] To split these two commitments apart and expect the various theories to divide along that line fails to appreciate the importance of both claims for virtue ethicists. The education aspect is essential for our knowledge of the virtues, since it is by way of experiencing virtuous agents acting in the world that we largely come to learn how to be virtuous ourselves. The point of learning how one acts courageously or generously is not a merely academic matter but also an importantly practical issue. This forms the goal of *actually becoming virtuous* ourselves, which must also include the honoring/exemplifying aspect, otherwise there is a risk that our being virtuous is merely accidental or lucky. The promotion of virtue must be tied with a recognition of the kinds of reasons that matter and why they matter and this latter element is, at least in part, captured by the *honoring* virtue element. It appears, then, that rather than a split among virtue ethicists we have instead another source of agreement. Thus, while the distinction between consequentialism and non-consequentialism may be an informative distinction outside of virtue ethics, it does not accurately present any division within virtue ethics.

If we set aside these criticisms, there are still some unsatisfying aspects about the very approach that Oakley takes to answer the question of what makes virtue ethics unique. The first question is that the approach could be seen as question-begging given that there is a somewhat arbitrary choice of Aristotelian virtue ethics as setting the bar for what constitutes other theories as belonging to this category. The ancient world is full of different accounts of virtue and how it relates to ethical norms, so there would need to be a

strong defense of why Aristotle's formulation ought to receive privilege over that of Plato, Epicurus, and the Stoics. A related problem is that Oakley's thesis is far too strong. Even if many, or all, of the accounts that claim to belong to virtue ethics agree on all six points, these six points may still fail to capture what truly is uniquely representative of contemporary virtue ethics. Put simply, while these may be legitimate distinctions they may nevertheless be the wrong distinctions to emphasize as decisive for categorizing theories as a virtue ethic. While it is certainly true that oranges are round and carrots are long and conical, a distinction that would be more fundamental is that oranges are fruits and carrots are vegetables. The question regarding Oakley's methodology is whether the nature of virtue ethics can be gleaned from examining the variety of virtue ethical accounts and simply collecting the claims in which they agree and disagree with other theories. What such an approach ignores is that there may be a more structural distinction (such as distinguishing oranges from carrots by biological categories rather than their shapes, tastes) to be formulated which is capable of explaining those differences in theoretical commitments. The worry is that merely looking at the points of agreement and disagreement that virtue ethics has with other theories could only reveal superficial distinctions and not the more fundamental reasons for why those distinctions exist in the first place. What I aim to offer in this book is a structural conception of ethical theories that I believe to be a more fundamental explanation for the distinction between virtue ethics and certain other ethical theories in the following chapters.

THE CENTRALITY OF VIRTUE

A final widely discussed answer to the virtue demarcation problem that attempts to clarify what it means to treat virtue as *central* within the theory is defended by Christine Swanton. She begins with the question of what an adequate solution to the virtue demarcation problem would require. This question is complicated by the fact that there is both a wide variety of contemporary virtue ethical accounts and a long history of ethical accounts that dedicate a substantial role for virtue. Swanton shares the common goal of answering the pressing need for an explanation of how virtue ethics provides a distinct approach from other theories as well as situating the theory within the history of moral philosophy. It is tempting to think of virtue ethics as defined by a single tradition (Aristotelian, Confucian, Stoic, and so on), but Swanton emphasizes the importance of going beyond tradition to derive common features that tie these traditions together. This is important to recognize because there are significant internal debates within virtue ethical circles that require recognizing that various traditions belong together as a family distinct

from other families of theories. Like real families, each theory family has its own internal quarrels and debates, but they also defend each family member as engaged in a similar project in respect to outside ethical families.

In addition to these criteria for an adequate definition, Swanton includes certain holistic considerations regarding an inclusive, rather than exclusive, attitude toward understanding virtue ethics. The benefits of a more inclusive approach "allow us to recognize subtleties and nuances in virtue ethical conceptions of ethics which are not closed off by oversimplified, even caricatured, conceptions" (Swanton 2013, 317). The danger in attempting to define anything is that by narrowing the focus down to the most basic components we run the risk of being reductionist in our approach and, therefore, liable to overlook the importance of other aspects. It is important to not sacrifice genuine complexity for theoretic simplicity.

In the context of seeking an inclusive definition of virtue ethics, Swanton discusses three core concepts that could satisfy the inclusive criterion. The first is the core concept of eudaimonism and she begins with this concept because it is one of the more predominant interpretations of what makes virtue ethics unique and has a long history of being seen as fundamental to virtue ethics.[15] *Eudaimonism* itself has three aspects that could each be reasonably seen as definitive of virtue ethics. The three main concepts of eudaimonism are:

(1) A necessary condition of a trait being a virtue is that it least partially contribute to, or constitute, the flourishing (*eudaimonia*) of the possessor of the virtue.
(2) Practical wisdom is necessary for excellence of character.
(3) The basic "thin" concept in virtue ethics is excellence.

(Swanton 2013, 320)

The starting point in her analysis is with the first main concept. She explains it in a little more detail writing that "Eudaimonism is characterized by its attempt to yoke together the ideas that virtues both make you good *as* a human being and are characteristically good *for* you" (Swanton 2013, 321). Despite her quibbles regarding how to best interpret certain basic claims of eudaimonism, she focuses her attention upon whether it is the case that all virtue ethics ought to hold to the idea that, at least characteristically, all virtues are necessarily good for their possessors. While it would be difficult to deny that virtues ever benefit their possessor, it is a much stronger claim to argue that they *always* benefit their possessor. Hume and Nietzsche would both accept the weaker claim that some virtues characteristically benefit their possessors, but this is not a necessary feature of all virtues. Because she understands Nietzsche as putting forward an imperative regarding affirming

one's own life, the virtues that correspond with this imperative are virtues regardless of whether they benefit the one possessing them. For example, an artist who becomes a pariah of society because of their dedication to their artwork (in the sense of "affirming one's life") clearly holds character traits Nietzsche would label virtues, but they do not necessarily give her a better life or make her happier. In regard to Hume, "things are even clearer: important virtues may be virtues because they are useful or agreeable to oneself, but what makes other traits important virtues is their usefulness or agreeability to others" (Swanton 2013, 322). This aspect of eudaimonism is not representative of some contemporary directions in which virtue ethics is moving (See Slote 1995, 1997, and 2001 for a non-Aristotelian virtue ethic), nor does it square with some recently included philosophers into the canon of virtue ethics. For these reasons it cannot adequately serve as the definition for virtue ethics.

Swanton moves on the second and third concepts of eudaimonism, though there is some overlap in regard to the discussion of the third concept with the second. At stake in the second aspect is how strong of a role practical wisdom (*phronesis*) ought to play in regard to the virtues. Is it the case that every virtue requires a substantive role for practical wisdom to play? Swanton is decidedly less hostile to viewing this as a potential candidate and discusses a distinction between "Hard" and "Soft" virtue ethics introduced by Daniel Russell. On Russell's account all virtue ethics have some role for *phronesis*, but a pure virtue ethic gives practical wisdom a central role in the account. While Russell distinguishes between "hard" and "soft" versions of virtue ethics, Swanton claims there are really three different positions that could be maintained. "Hard" virtue ethics claims that *phronesis* "is an essential part of every virtue. Soft virtue ethics denies this. A stronger position, maybe we can call it Super Soft Virtue Ethics, claims that practical wisdom is not an essential part of *any* virtue" (Swanton 2013, 323). The underlying reason why the inclusion of *phronesis* itself into a theory does not simply qualify it as a virtue ethic is twofold. On the one hand, there is no unified position as to the role that *phronesis* ought to play within virtue ethics and is one of the internal disagreements that ought to be preserved as internal, rather than as a criterion for excluding certain theories from consideration as virtue ethical accounts. Furthermore, this lack of consensus regarding practical wisdom invites analogy and comparison with ethical theories supposedly outside of virtue ethics. It seems that there is no fundamental reason why a consequentialist could not give practical wisdom a substantive role within their theory, nor would it be shocking to find a Kantian deontologist interested in how practical wisdom could help inform our ideas of duty and obligation. Thus, the requirement of phronesis seems at best to be a necessary feature of virtue ethics but not a sufficient one.

The final concept of eudaimonism is a discussion over whether excellence, rather than admirability, is the appropriate "thin" concept of virtue ethics. The adjective "thin" in this context refers to a concept that does not designate any specific descriptive content. This is to say that the concept can be filled in potentially with a large variety of content. Generally, the term is contrasted with a thick conception, for example, ideas such as fairness, honesty, and so on. These are "thick" in the sense that these concepts designate fairly clear descriptive content as to what counts as fair or honest. As a thin concept in virtue ethics, excellence has been the standard answer ever since Aristotle. However, recently there has been some suggestion that perhaps it would be better to move away from excellence and speak of admirability instead (Hunt 1997). In many, perhaps even most, cases of virtue the character traits in question are both reasonably considered excellent and admirable. The controversy here revolves around the possibility that a focus on admirability may yield conflicting prescriptions for action with a focus upon excellence. For example, it may be an admirable trait that a medical surgeon be an optimistic person when he speaks to the family and loved ones of a person undergoing surgery. Because he is optimistic he may offer hope when there is very little and could potentially make confronting the loss of the person even more difficult for the loved ones to bear. Practical wisdom might instead suggest that the surgeon be honest and upfront with the unlikelihood of the person surviving, perhaps in part to not have it be such an unexpected shock if they surgery does not go as well as intended. The compassion and optimism that the surgeon shows are certainly admirable, but it could potentially display a lack of practical wisdom on their part. Furthermore, the tension can run in the other direction. It is possible, and Swanton in fact advocates this position, that it be a sufficient condition of a trait to count as a virtue if it is excellent even if it is not admirable. She argues that some traits may be too minor or too easily achieved to deserve the characterization of admirability. However, they can still be seen as small excellences and, therefore, as virtues. Eudaimonism seems hampered as a definition of virtue ethics largely by seemingly committing us to either focusing upon excellence or admirability, though such an exclusive focus on admirability may miss out on important "small" virtues like cheerfulness and a focus upon excellence may include certain traits that seem to lack compassion but are effective.

The second main concept Swanton discusses is thinking of virtue ethics in terms of being "agent-centered." This was a view discussed and rejected earlier by Karen Stohr; however, Swanton dives a bit deeper into the meaning of agent-centeredness for certain contemporary accounts of virtue ethics. First of all, the description of a theory as agent centered could focus on one of two things: (1) the character of an agent or (2) certain "inner states of the agent" that may contribute to building character but are not dispositions or

character traits themselves (e.g., motives, intentions, and emotions). Gary Watson (1990) defends what he refers to as "the primacy of character thesis," the main idea being that for an ethics of virtue "action appraisal is derivative from the appraisal of character . . . the basic moral facts are facts about the quality of character" (Watson 1990, 58). This is a somewhat more sophisticated distinction than the one Stohr proposes and rejects. Rather than vaguely referring to features of the agent, Watson specifically boils the agent feature down to character. While this does make it difficult to include Kantian deontology or any form of consequentialism, it has the reverse problem, namely, it oversimplifies the nature of virtue ethics and ignores accounts that argue that assessment of actions as virtuous or vicious is more primary than character. This group of agent-centered theorists (Garcia 1990, Slote 2001, Zagzebski 2004) focuses on the second understanding of "agent centered" and does not appeal to character but rather certain inner states, in order to understand the virtues. Since there are accounts that do not involve character at a fundamental level, it seems arbitrary to suggest that all virtue ethical accounts must give character such a fundamental status.

Regardless of whether a theory takes itself to be agent centered in the first or second way, there is another important distinction that Swanton raises to help clarify the nature of agent-centeredness in virtue ethics. The distinction is between "Strong agent-centeredness" and "Weak agent-centeredness." She describes each position as follows:

> *Strong agent-centeredness*. The evaluation of action as e.g. right or required is wholly derivable from the evaluation of character, motive, or intention, where those features in turn are evaluated as excellent or admirable without appeal to further features (such as value or flourishing) not wholly reducible to virtue.
>
> *Weak agent-centeredness*. The evaluation of action as e.g. right or required is wholly derivable from the evaluation of character, motive, or intention, where those features in turn are evaluated as excellent or admirable by appealing to further features (such as value or flourishing) not wholly reducible to virtue, but not wholly independent of virtue.
>
> (Swanton 2013, 327)

The distinction divides on the question of whether evaluation of action in terms of agent-centeredness solely involves appealing to virtue (and features reducible to virtue) or if other features that are connected (but not wholly reducible) to virtue. All in all, Swanton sees both strong and weak agent-centered accounts as "well represented in the literature," but seems to find a weak agent-centered approach more feasible (Swanton 2013, 328). The difficulty with the "Strong-agent centeredness" position is that it sees values as either wholly derivable from virtue or completely independent of virtue. However, this perspective has the difficulty of accounting for the value of

temperate pleasure or reacting nobly to failure. Pleasure is seen as a good but not a good without qualification. In order to qualify pleasure in terms of being temperate we would need to appeal to a conception of flourishing or some other value that is not reducible to a virtue notion. A similar kind of appeal must be made to understand reacting nobly to failure as in some sense good. The flexibility of the weak agent-centered approach allows for more nuance in regard to evaluating actions that also reflects the concern of many virtue ethicists for the important role of context.

Swanton does not herself rule out agent-centeredness as a potential definition for virtue ethics due to any particular internal incoherence with agent-centeredness. However, she does view it as a rather exclusive view that appears to be a rather new and limited development in virtue ethics. The third concept she finds to be the most suitable for defining an ethics of virtue. However, since this concept is primarily her own position and will require a substantial exposition of her ideas it will be more useful to delay the discussion until chapter 4.

The purpose of this chapter was to show that while there has been a lengthy discussion (both historically lengthy as well as lengthy in content) of what makes virtue ethics unique the proposed answers have failed to provide sufficient grounds to view the project of virtue ethics as somehow significantly different than other theories. A large part of the problem may be due to the fact that there is no clear consensus as to which theories virtue ethics is supposed to distinguish itself or, more specifically, which *kinds* of theories virtue ethics can be appropriately compared. In the next two chapters I will argue that virtue ethics is properly understood as a "genus theory," to borrow a distinction made by Swanton (2001), that includes deontology and consequentialism within such a category. Thus, in chapter 3 it will be important to gain some clarity upon the nature of both deontology and consequentialism in order to shed light on the possible space available where contemporary virtue ethics can stake its claim. How to understand the nature of genus theories will be the focus of chapter 2, while the question of how deontology and consequentialism fit within this genus/species structure will be the primary question throughout chapter 3 and will set up the framework for how to think about the uniqueness of virtue ethics in relation to these theories in the final chapter.

NOTES

1. In some critiques these criticisms are bound together in claiming that virtue ethics is vague insofar as it cannot provide action guidance, but each critique does not necessarily entail the other.

2. Michael Slote's account of virtue ethics in particular is interesting in rejecting all three classical characteristics, while maintaining a unique virtue ethic.

3. Some may find the distinction between "virtue ethics" and "virtue theories" to be odd in the sense that virtue ethics offers a theory of morality as well as other moral theories. Driver and Hursthouse are admittedly taking a broad term and giving it a specific and uncommon usage, but as they developed the substantial distinction in these terms it is reasonable to maintain the use of their terminology so long as we keep in mind the very specific purposes meanings that these phrases have.

4. The distinction is generally attributed to Julia Driver's 2001 book *Uneasy Virtue* (Cambridge University Press) and also developed in Driver (2006).

5. This confrontational way of reading the debate comes out starkly in the two articles written by Rosalind Hursthouse ("Are Virtues the Proper Starting Point for Morality?") and Julia Driver ("Virtue Theory") in *Contemporary Debates in Moral Theory*, edited by James Dreier.

6. The recurring appearance of Kant as a foil for virtue ethics is not a question begging appeal because many of the philosophers asking for clarification of virtue ethics are Kantian scholars and the demand for clarity in virtue ethics stems from the question of whether Kantian ethics and virtue ethics are truly distinct and comparable theories. The moral philosophy of Kant has had a powerful influence upon current moral and political philosophy, so he is a useful foil for any theory to test their theoretical explanatory power against.

7. Of course they may differ as to the reasons why they accept the claim in question, which is intended to still allow for the variety of differing virtue ethical accounts.

8. This distinction is due to Liezl Van Zyl in his essay "Virtue Ethics and Right Action" in *The Cambridge Companion to Virtue Ethics* (Russell 2013). What van Zyl means by "Substantive" is that there are independent reasons that the virtuous person takes into account when acting and *these* reasons are what makes the action virtuous (Russell 2013, 175). Therefore, the original claim can only have a descriptive value.

9. Interestingly enough, this yields a different result for utilitarianism. On the act-centered/agent-centered distinction it falls on the act-centered side, whereas on the prioritizing the right over the good/the good over the right distinction it falls on the other side than Kantian deontology, namely, as prioritizing the good over the right.

10. Oakley mentions Thomas Hurka's claim that "there are certain intrinsically valuable states of human beings, and . . . each of us should maximise the achievement of these states both in herself and in others" (Hurka 1987, 727). What's puzzling about including Hurka in this list as a version of a consequentialist virtue ethicist is that he clearly seems to violate criteria (f), which should disqualify his account as a genuine virtue ethic.

11. It is a complete mystery of course what "promoting" a value like integrity would mean in a 1:1 situation where the trade-off seems to cancel out the good or harm.

12. This quote is attributed by Dawkins to Richard Swinburne in attempting to answer the problem of evil in regard to God's noninterference in certain historical cases.

13. There may also be a problem analogous to the paradox of hedonism in that pursuing a maximally virtuous life in order to achieve the good life may close off certain aspects of the good life.

14. It is interesting to note that Oakley associates the exemplifying of virtue, that is, the role model dimension of virtue ethics, with the honoring of value, but it could also be closely tied to the promotion of virtue as I have argued. This is another indication that there is more continuity among these two kinds of valuing within virtue ethics.

15. See Swanton 2013, 320 for her discussion of this point.

Chapter 2

Restructuring the Debate

The debate surrounding the appropriate place of virtue ethics in the contemporary moral landscape may feel irresolvable. Theories within ethics are born out of the concerns and considerations of earlier theories, oftentimes bringing a variety of different strands of thinking to bear on how to understand our moral values and the foundation upon which they rest. If this is true, then the immediate suggestion would be that a search for ways of clearly demarcating these theories is an utterly futile endeavor. While I was studying contemporary accounts of virtue ethics in graduate school this was a general feeling that accompanied me throughout my studies of the various ethicists. However, as luck would have it, while I was searching for a dissertation topic I came across a curious footnote in one of the essays I was reading. While reading Marcia Baron's essay "Virtue Ethics in Relation to Kantian Ethics: An Opinionated Overview and Commentary" I became fixated upon what was surely intended as a seemingly straightforward terminological clarification. When Hursthouse writes in *On Virtue Ethics* criticizing the demand by moral philosophers for virtue ethicists to provide a clear answer to "what is virtue ethics?" she justifies her position by claiming that there is no clear answer or definition to give for deontology or utilitarianism and, therefore, it is unfair to expect one for virtue ethics. Baron justifies substituting "Kantians" for "deontologists" in her essay because she interprets Hursthouse as actually being interested in distinguishing virtue ethics from varieties of Kantianism and utilitarianism, since "the term 'deontologist' is misleading and courts confusion, particularly in a context of proposing or claiming that virtue ethics is a rival to consequentialism and 'deontology'" (Baron 2011, 20). It is misleading and confusing, according to Baron, because it is difficult to uncover a more specific way of defining "deontology" than as simply meaning "non-consequentialist." If it is true that the term "deontology" lacks substance, then

Baron is right to claim it would be unhelpful in providing a real distinction for virtue ethicists.[1] However, in a small footnote Christine Swanton raises a concern with swapping *Kantians* for *deontologists* "because like should be compared with like: virtue ethics is properly compared with deontology, Aristotelian virtue ethics (or any other particular kind of virtue ethics) with Kantian ethics (or any other particular type of deontological ethics)" (Baron 2011, 21n32). Swanton's objection is focused not on what Hursthouse actually intends but about the appropriate categories of comparison. While this might appear to be a minor point, given its location in a footnote, it actually represents a serious consideration. After all, if Swanton is right that virtue ethics is properly understood as an alternative to deontology and consequentialism, then perhaps much of the confusion regarding the demand for clarity regarding virtue ethics in relation to utilitarianism and Kantianism stems from this error in comparison. If Swanton is correct, then the virtue demarcation problem is primarily based upon a category mistake.

In the first chapter we examined various attempts at addressing the vagueness objection to virtue ethics. Hursthouse finds the demand for such a degree of clarity in the case of virtue ethics somewhat puzzling because other ethical theories (e.g., deontology and utilitarianism) lack a clear exposition of their distinction from other theories. While Hursthouse's rejection of the need for clarity in virtue ethics may suffer from a kind of *tu quoque* fallacy, her claim that the lines between the three theories have been blurred seems undeniable. Some moral philosophers have completely abandoned the use of "deontology" because of its obscurity and the line dividing all theories from each other is further clouded by the recent debate regarding whether all moral theories can be represented as consequentialist.[2] While this latter claim has not been widely accepted it nevertheless poses a serious question about what these various ethical categories can offer as insights into how we think about ethics. Furthermore, resistance to this "consequentializing strategy" seems to imply that the three rival theories do in fact hold significantly different views about the nature of morality and moral judgment that cannot be reformulated or translated into another theory without the loss of a key element within the original theory. The challenge, then, is to develop a way of characterizing the distinctions among these theories and this chapter will be largely devoted to doing just that. Furthermore, the second objection (viz., that virtue ethics cannot be action guiding) raised by critics of virtue ethics needs to be addressed and this chapter will begin with a discussion of the ways in which Kantian ethics and utilitarianism have been thought of as action guiding. What will hopefully become clear is the antiquated nature of such an expectation for moral theories (even Kantian and utilitarian theories) and why a theory being action guiding is not as desirable a feature for an ethical theory as it may seem.

DISTINGUISHING ACTS FROM AGENTS

Criticizing virtue ethics in its comparison with Kantian ethics and utilitarianism appears to commit a category mistake insofar as there is a different *kind* of ethical theory to which virtue ethics belongs. The inclination to fall prey to this category mistake can be closely linked to the action-guiding critique of virtue ethics largely by Kantians and utilitarians. They view their theories as offering clear methods for arriving at the moral rules which we should manifest in our actions. Virtue ethics is accused of lacking a clear way to decisively determine "what ought I to do?" in different situations because what virtue ethics offers is largely understood as an account of what it means to be a virtuous agent. It is by developing virtuous character traits that the individual will be able to discern the relevant moral factors and act well in the situation, so in principle there can be no clear list or set of rules that can be applied to every situation. The fundamental assumption in this criticism is that (1) other theories do have such a list and operate by applying that list to how agents should act and (2) it is better for an ethical theory to at least have a methodology for generating such rules that can then be applied to appropriate situations. Both of these assumptions are flawed and represent a fairly naïve way of understanding the very purpose of ethics. If these two assumptions are shown to be problematic, then this criticism will not be capable of separating virtue ethics from deontology or consequentialism and, thus, virtue ethics will have a more stable foothold in relation to deontology and consequentialism.

The action-guiding criticism is often connected with a distinction between an "act-centered" and "agent-centered" approach to ethical issues. Robert Louden provides one of the staunchest defenses of this distinction and begins his taxonomy of ethical theories stating that "contemporary textbook typologies of ethics still tend to divide the terrain of normative ethical theory into the teleological and deontological. . . . The fundamental question that both types of theory are designed to answer is: What ought I to do? What is the correct analysis and resolution of morally problematic situations" (Louden 1997, 180)? Teleological theories are distinguished from deontological theories by a "conceptual reductionism" of either the Good as prior to the Right (teleology) or the Right as prior to the Good (deontology). For the teleologist, the Good is primary and all other ethical claims are derived from that conception, whereas for the deontologist "the notion of the good is only a derivative category, definable in terms of the right. The good that we are to promote is right action for its own sake—duty for duty's sake" (Louden 1997, 181). Louden believes that virtue ethics is mirroring this strategy of conceptual reductionism but instead of "acts" being the primary focus it is the "agent." The conceptual reductionism Louden refers to is the idea that

> Just as its utilitarian and deontological competitors begin with primitive concepts of the good state of affairs and the intrinsically right action respectively and then derive secondary concepts out of their starting points, so virtue ethics, beginning with a root conception of the morally good person, proceeds to introduce a different set of secondary concepts which are defined in terms of their relationship to the primitive element. (Louden 1997, 182)

The different set of secondary concepts generated by virtue ethics leads to a broader categorical distinction between "agent-centered ethics" and "act-centered ethics," where virtue ethics is considered to be paradigmatic of the former theory type because its supposedly primary interest is in the question "What sort of person ought I to be?" rather than "What ought I to do?" Thus, it is claimed, "virtue ethics is structurally unable to say much of anything about this issue [i.e. what one ought to do]" (Louden 1997, 183).

One problematic feature with Louden's categorization scheme is that it fails to adequately explain where certain pivotal figures in the history of ethics belong; in particular Immanuel Kant and John Stuart Mill.[3] From a quick glance, Kant's ethical theory might appear to be an act-centered theory, rather than an agent-centered theory, since Kant's "Categorical Imperative" has traditionally been understood as a decision procedure for determining right action, a key feature of act-centered theories. If such an interpretation of Kant were accurate, then you would expect his *Groundwork for the Metaphysics of Morals* to begin by discussing the right-making features of moral actions. However, he begins instead by focusing on the question of what makes a will *good* and only later introduces a conception of right action that is distinct from actions with moral worth. The key distinction for Kant is between actions with moral worth and actions "in conformity with duty," that is, actions that match those done with a goodwill but have as their motivating force an inclination other than the moral law. Kant discusses a case where a shopkeeper refuses to overcharge his customers because in his mind it is the prudent business practice to be successful, rather than simply the honest thing to do. Such a case "however it may conform with duty and however amiable it may be, has nevertheless no true moral worth but is on the same footing with other inclinations" (*Groundwork of the Metaphysics of Morals* 4:398). If we can understand the term "right action" to apply to "actions in conformity with duty," then these are in some sense good because they imitate the actions done purely from the motive of duty. Thus, the conception of right actions for Kant is parasitic upon those actions done from the goodwill. Kant devotes the entire first section of the *Groundwork* to clarifying the features of a good moral agent and, in so doing, arrives at the fundamental claim that morally right action arises out a goodwill. This is important for two reasons. First, if Kant's foundation for morality begins with certain claims about the agent to

which claims about right action appear derivative or "secondary," then why characterize his view as act centered? While the Categorical Imperative as the supreme principle of morality is an important issue in the *Groundwork*, it is a question in service of filling out the concept of the goodwill. The importance of the Categorical Imperative in Kantian ethics should not be underestimated, but it should also not be overestimated as representing what Kantian ethics is all about. Much of the *Groundwork* and *Metaphysics of Morals* is concerned with understanding agent-centered concepts such as autonomy, freedom, and acting purely from the motive of duty. Second, Kant appears less concerned than many believe with providing a formula that provides universal prescriptions to each and every question of "What ought I to do?" In the *Doctrine of Virtue*, Kant repeatedly addresses cases where it is unclear whether a believed universal prohibition actually applies. For example, suicide is prohibited by the Categorical Imperative in the *Groundwork*, but in the *Metaphysics of Morals* Kant writes, "Is it murdering oneself to hurl oneself to certain death (like Curtius) in order to save one's country?—or is deliberate martyrdom, sacrificing oneself for the good of all humanity, also to be considered an act of heroism" (Kant 6:423)? Kant is noncommittal as to the moral status of such an action and the lack of resolve to exhaustively answer all such questions suggests that Kant may not be all that interested in giving a formula to decide every act as either forbidden or permissible. It is problematic, then, to identify Kant's ethical theory, as well as neo-Kantian ethical theories that adopt the basic elements of Kant's theory, as either act-centered or agent centered because his theory appears to satisfy the criteria of both.[4]

An interesting aspect of Louden's taxonomy is an implicit agenda underlying his criticisms of virtue ethics. Insofar as virtue ethics is considered an "agent-centered" theory, Louden's overall critique is that it cannot genuinely compete with "act-centered" theories like deontology and consequentialism. Louden's critique, then, is not simply a critique of virtue ethics but a critique of any attempt to move outside of the "act-centered" category.[5] A consequence of his criticisms is to narrow the scope of a legitimate ethical theory to those meeting the criteria of an "act-centered" theory. This taxonomy seems to leave us with the choice of the varieties of either deontological or consequentialist theories, since these are the traditional kinds of theories associated with a juridical concern for determining right action. However, the term *deontology* has come under fire in recent years and, as Marcia Baron mentions, there seems to be no substantial way of describing deontology other than as *non-consequentialist*. What truly results from Louden's taxonomy is a dichotomy of ethical theories where all theories are either consequentialist theories or non-consequentialist theories; the paradigmatic example of the latter being deontology. Deontologists typically do have a strong opposition to consequentialism, but it is problematic to assume that deontological theories

are somehow definitive of the non-consequentialist category of ethical theory. First of all, deontology is not synonymous with "non-consequentialism" because such an equation ignores the important distinctions among the various non-consequentialist ethical theories, many of which do not wear the title of deontology well (e.g., varieties of intuitionism, sentimentalism, contractualism, and natural law theories). Second, such a dichotomy gives more credence to consequentialism than it is due. If providing a formula for arriving at decisions on what to do is the definitive character of ethics, then it is difficult for any theory to outdo consequentialism in this feature. Thus, consequentialism becomes the ethical theory *par excellence* by which other theories must define themselves if they are to be taken seriously. Unraveling this dichotomy is an important first step to gaining a clearer picture of the relationship between deontological and consequentialist theories as well as their relationship to virtue ethics.

Furthermore, thinking of ethical theories in terms of their action-guiding potential misunderstands the nature of ethics and the role it plays within our lives. The most straightforward interpretation of what it means for a theory to be action guiding along the lines of Louden's description of act-centered theories is that the theory dictates which actions are permissible or impermissible. An ideally action-guiding theory (in this sense) would be one in which in every possible situation there exists an applicable rule or, at least, a methodology for deriving a rule regarding what the agent should do. Is this really the model that an ethical theory ought to be striving toward and by which other theories should be evaluated? Such a theory seems to strip out the importance of agency in being moral. If an ethical theory is simply about calculating the preordained moral rules in the world, then the only task afforded a person once they've discovered the rule is to enact it. This process seems completely inseparable from that of a computer or machine and lacks any component of human agency. Could human agency simply be the choice to either carry out or not to carry out the rule? It is not really the choice that matters but *why* the choice was made that makes the difference in terms of agency. A rule-following computer can make a particular choice, but the lack of agency has to do with its lack of understanding why it made the choice it did. Our moral decisions are supposed to reveal aspects of who we are as persons, but the mere action of robotic rule-following cannot even always attest to our being alive, let alone an individual person. Ethics is concerned with the manifestation of goodness in the world through rational autonomy and so it requires agency to play some kind of role and the expectation of an ethical theory to be characterized fundamentally by its action-guiding potential eliminates the moral agent altogether.

Given these concerns it is somewhat surprising how ethical theorizing came to be so dominated by such an expectation. The historical record holds some

inviting insights into the paradigm shift toward a focus on the action-guiding nature of ethical theory. What I will offer here can only be a brief sketch of the overall history that certainly deserves its own extended discussion, but it is nevertheless useful to have a general picture of the historical progression if we are to understand how to move beyond the dichotomy at the heart of "act-centered" ethics between consequentialism and "non-consequentialism."

THE HISTORICAL ASCENDENCY OF ACT-CENTERED ETHICS

The label of "act-centered" ethics is a fairly recent development that is connected to a way of separating ethical theories into either teleological or deontological theories that became popular in the early twentieth century that Louden relies upon to ground his own act-centered/agent-centered distinction. To be clear, this is a way of categorizing the history of, primarily, Western ethical theorizing and is not a distinction in operation in the theories of Aristotle, Spinoza, Mill, or Kant. However, the idea that certain theories are "act centered" in contrast to other theories that are "agent centered" is not a conception that simply happened to develop when it did independent of any historical developments within ethics. Rather, as I will argue, this conception grew out of a particular historical development within ethics that will help explain the powerful hold that this conception of ethics has held upon moral philosophy. The hope is that an understanding of the historical ascendency of the "act-centered" conception of ethical theory will loosen the constricting grip this notion has upon our imagination in thinking about ethics.

The concept of "act-centered" ethics structures ethical theorizing around the practical dimension of theorizing in determining how one should act in various circumstances and contexts. As a normative project, ethics is closely related to political philosophy in sharing this practical dimension that motivates the questions which the various theories attempt to answer. The history of philosophical investigation into ethics has long been entwined with political philosophy. Aristotle's *Nichomachean Ethics* is understood as a preliminary for thinking about the Good of the state; Plato bases the political structure of *The Republic* on the harmony in the soul of an individual (a prominent aspect of Plato's moral philosophy); Thomas Hobbes, John Locke, and Jean-Jacques Rousseau all develop accounts of primal feelings and emotions that become moral values through a process of contractual agreement within society. For the early utilitarian Jeremy Bentham, the relationship between politics and ethics is the same as the surface and underside of a playing card. In an era where the prominence and power of the scientific method was increasing exponentially, Bentham's moral philosophy was of particular

value in addressing questions of social policy and legislation. The mathematical moral calculus satisfied the craving for a "science of morals" that offered the hopeful promise of purely rational legislative decision-making. Disagreements about which social policies to adopt could be resolved by the facts of what consequences the policies brought about, rather than attempting to argue for a social policy based upon specific normative values that others may or may not share.[6] It is not a mere coincidence that Bentham's utilitarian calculus developed at a time when scientific investigation was growing in prominence and legitimacy throughout all academic endeavors and the influence upon Bentham from early scientific thinkers such as Francis Bacon demonstrates how seriously Bentham took the belief that the purpose of science, politics, and ethics was, as Bacon put it himself, "to relieve the condition of mankind" (Novum Organum I.73, Francis Bacon: A Selection of His Works, Macmillan 1965, 350–51).

Utilitarianism's appearance of simplicity and practicality for legislation made appealing to utilitarian principles a popular methodology. As with any popular theory, it is only replaced by a contender if the new theory can do what the current theory already does *and* offers something that the current theory does not. This has an impact not only on how ethical theories are developed in themselves but also in how they are interpreted and understood by other people. This interpretative dimension plays a role in Baron's insightful point about Kant scholarship in the nineteenth and twentieth centuries:

> The understanding was that the Categorical Imperative was supposed to yield a decision procedure for determining what one should do, or at the very least a test of rightness of actions. That was a common view in part because it was thought to be the business of an ethical theory to provide such a procedure. Kant did normative ethics, so we asked what test he provided, and judged him according to the user-friendliness of the test and its tendency to generate either what we believed to be the correct results, or the results we thought he wanted. It is curious that we stuck to these views of what Kant was up to and faulted him for failing to provide what we assumed he intended to provide, rather than call into question our assumption that that was his intention. (Baron 2011, 16)

A likely explanation for why Kant's ethical theory was interpreted through the lens of a decision procedure for determining the rightness of actions is that his theory was viewed, rightly, as a contemporary competitor to Bentham's utilitarianism, which explicitly laid out a calculus for determining right action. For some time after Bentham, normative ethical theories have been judged through this lens, but some philosophers have begun to move away from such a perspective. For instance, certain influential Kantians (Baron 2011; Herman 1993) have shifted away from conceptions of ethics as primarily focused on formulating a decision procedure because Kant's

ethics involves more than just the Categorical Imperative and a more fruitful engagement with Kant involves more than the Categorical Imperative procedure. Furthermore, the interest in indirect consequentialism (e.g., rule-utilitarianism) involves a similar move away from a specific concern about employing ethical theory to directly decide what one ought to do and focuses upon the acceptance of rules and general practices or habits one ought to adopt (or whatever characterizes the specific indirect focus of the consequentialist theory).[7] The denial that accounts of right action have a special or deservingly prioritized place within ethical theories has been a common criticism made among virtue ethicists, but this is now a growing concern for many non-consequentialist ethical theories.[8] This shift opens a door to explore different ways of understanding the task of normative ethical theories as well as how the normative theories can be differentiated from one another.[9] While the primary concern of this essay is on the comparative question (i.e., "how are deontology, consequentialism, and virtue ethics related to one another?"), the question of how to best understand the purpose of ethical theory is not entirely disconnected, but this broad question must be set aside for a separate inquiry.[10] What this brief history intends to demonstrate is that the prominent acceptance of the juridical conception of ethics (i.e., a conception of ethics focused upon determining right action) is at least in part due to the needs of a certain time period and does not represent *the* essential or even necessarily the most important elements of an ethical theory. Of course, this is not to claim that accounts of right action are unimportant or unnecessary. Rather, the point to keep in mind is that there is more to an ethical theory than simply its account of right action.

ETHICAL THEORIES AS GENUS THEORIES

The underlying concern for right action has been the traditional battleground for deontology and consequentialism, which virtue ethics has been expected to accept if it is to count as a genuine alternative theory. The failure to find a satisfactory way of understanding virtue ethics is a problem equally shared by deontology and has led many philosophers to drop the usage of the term entirely and simply refer to *Kantian*, *Rossian*, or *Pritchard's* versions of deontology. If we take seriously the consideration that Christine Swanton raises in her objection to Marcia Baron's dropping of the term "deontology," then any comparison of virtue ethics with Kantian ethics makes a category mistake. The inquiry into the nature of virtue ethics by Kantians and utilitarians is a comparison of each theory to virtue ethics, which presumes that virtue ethics operates within a similar category or at a similar level defined by a similar function as either Kantianism or utilitarianism. The problem of

comparing different categories of ethical theories is analogous to a religious comparison between Islam and Baptist Christianity. The general and broad features of Islam that the various particular sects of Islam share with one another lack the specificity of claims that makes the Baptist sect of Christianity unique. This is a distinction in the levels of specificity within the various religious sects and the comparison of two religions at different levels must drag one religion into the other's level, that is, either the Baptist religion is examined at the level of its Christianity to compare with Islam or the specifics of the Baptist religion demand the specifics of a sect within Islam. Say, for example, that you wanted to compare the two religions based on their central point of disagreement, namely, the divine nature of Jesus as the only true prophet. The holy text of Islam, the Quran, rejects the view that Jesus was the actual son of God and views him as the penultimate prophet, the final prophet being Muhammad. Where the Baptist and Islamic religions disagree is primarily upon issues that are definitive of being Christian, not specifically Baptist. Thus the appropriate level of comparison with Islam is Christianity and not a sect, or *species*, of Christianity.

If virtue ethics belongs at a different level than Kantian ethics and utilitarianism, then it is no wonder that the demand for clarity at such a level has been left wanting. Theories at the level of Kantian ethics and utilitarianism make specific normative claims intended to be action guiding, but at the different level of deontology and consequentialism the function of the category serves a different purpose than stipulating the guidelines for right action. So if the question "What is virtue ethics?" is not properly a question about the action-guiding normative features, then the confusion caused by trying to define virtue ethics at that action-guiding level resembles the difficulty in defining deontology. Those Kantians such as Marcia Baron who ask virtue ethics what it's all about and find their answer difficult to compare with Kantian or utilitarian answers make the mistake of comparing different categories of ethical theory. Virtue ethics is most properly understood as a *genus* ethical theory to which there is a multitude of *species* moral theories. What Kantians and utilitarians are looking for is a level of specificity that belongs to a species level theory and virtue ethics is not a species but a genus level theory of ethics.[11] In order to discover if virtue ethics has a unique role to play within contemporary moral philosophy, it must properly be compared with other genus level theories, which include consequentialism and deontology.

Swanton briefly introduces the conceptual distinction between "genus" and "species" among ethical theories in her book *Virtue Ethics: A Pluralistic View*. There she describes virtue ethics as a genus theory and the various types of virtue ethics (e.g., eudaemonist, Confucian, Nietzschean, Humean sentimentalist) as species.[12] While she does not clarify this distinction in her own work, Philip J. Ivanhoe explains that

> virtue ethics is a class of ethical theories that share a common emphasis on virtues as central features of their account of morality. Different species of virtue ethics disagree not only what the proper list of virtues is but also about the nature of the virtues, how they relate to one another, and how they do or do not fit or hang together to define a good life. (Ivanhoe 2013, 50)

What Ivanhoe offers us is not actually a description of the distinction between the genus ethical theory and its species but instead gives an account of the genus virtue ethics and some of the disagreements among species theories of virtue ethics. What we need first is a clearer picture of what it means to be a genus ethical theory and, correspondingly, what it means to be a species of a genus. The suggestion by Swanton that "like should be compared with like" motivates an inquiry into deontology and consequentialism as genus theories to see whether the genus-species taxonomy can reveal some insight into central considerations that demarcate the two theories. Part of the historical explanation as to why the boundaries between the three normative theories have dissolved is due to the waning influence of a particular historical conception of the purpose of ethical theorizing as primarily focused on determining right action. Once we appreciate this background it will be easier to see how fruitful a move away from this traditionally dominant conception of ethical theorizing can be in providing a new space for the distinction between deontology and consequentialism.[13]

Aristotle speaks of "genus" as the maximally general category (in the sense that it cannot be subsumed under another category). The category genus aims to capture a feature (or group of features) broad enough to cover multiple instances, while still allowing for differences among those particular instances. This means the definition at the genus level must lack a degree of specificity, otherwise it could be criticized for its narrowness. In applying this concept to the categories of ethical theories, two features of any successful characterization of a genus category appear: (1) a feature that can be accepted by a variety of theories meet the criteria of *broadness*; (2) a feature that highlights a distinguishing mark in the right way in regard to the kinds of distinctions being made meets the criteria of *relevance*. This second criterion is intended to get at not simply any shared feature among a set of theories but to locate a shared feature that is representative of the members that share it. This shared lineage in development offers some hope that there are certain features preserved and maintained within lines of thinking about ethics that could meet the two criteria of broadness and relevance. When new theories are developed it is through a dialogue with earlier theories that the new theory takes its form. It would be very surprising to find that a developing ethical theory rejects other theories wholeheartedly, instead of rejecting particular important claims while agreeing with others. By taking inspiration from an

established ethical theory and developing some of its central ideas in new and innovative ways the new theory preserves an aspect (or aspects) of the older theory as well as situating them within a new ethical framework. The fact that ethical theories have developed in response to earlier established ways of thinking about ethics gives us some hope that there may in fact be some shared features among the species theories that, once distilled, could reveal the genus theory.

Of course, here certain worries arise as to the difficulty of exhaustively defining a category without any context or purpose for the definition. To simply give a definition of "sports," for instance, becomes a problematic and question-begging enterprise without a function that the category is meant to serve (e.g., as a list of competitive activities that groups of people can compete in to win as a form of entertainment). While there are many ways for people to entertain themselves, it seems "sports" fulfill a particular social function for satisfying the competitive impulse of some community members as well as promoting physical health, entertainment, and so on. The criteria of relevance for defining a genus ethical theory reflects the need for a definition to operate within a specific context or function that the categorization is intended to fulfill. Contexts can also be characterized by the expectations set by certain paradigms. The view that ethics must offer a theory of right action was the predominant paradigm in academia for much of the modern era and it constituted the way ethical theories were defined and categorized. However, the movement away from this paradigm necessitates a modification of our expectations for what counts as an ethical theory. The description of the "genus-species" categories of ethical theory aims to contribute to this ambitious and challenging project.

So far we have clarified the question motivating the categorization of deontology, consequentialism, and virtue ethics as genus theories as well as the two primary criteria needed for a satisfactory shared feature that could serve as a suitable representation for each theory. I would like to make a final remark regarding the form of the shared feature that can adequately represent each genus. The attempt to capture the distinction among the three theories through appealing to conceptions of right action failed in part because such accounts are specific to each individual theory. For instance, the account of right action that Ross provides differs importantly from Kant's account insofar as Ross believes that our duty is to take into consideration certain fundamentally important values (e.g., fidelity, non-maleficence, reparation, gratitude, beneficence, self-improvement, and justice) that we intuitively recognize as valuable. The right action for Ross is whichever consideration is the most appropriate for the specific situation as determined by a complicated process of weighing the different considerations and determining the value most deserving of being acted upon in the situation. For Kant, this kind of

indeterminate intuitionism has no place within his conception of right action. The three formulations of the Categorical Imperative are binding upon all rational beings and serve to guide (in some interpretations "determine") our thinking on which actions are permissible and which are impermissible. It is unhelpful to say that both require one to act on their duty because they seem to understand the concept of duty differently from one another. If the genus category is not to be explained through appeal to the theory's account of right action, then what should the genus category involve that also embodies the defining features of broadness and relevance?

GENUS THEORIES AND THE INTERNAL/EXTERNAL DIVIDE

The introduction of the genus/species distinction serves to not only distinguish certain theories from other theories but also create a distinction in the *kinds* of distinctions that apply between genus theories and species theories. There are two levels of ethical theory on this model and each level distinguishes theories in different ways. A helpful analog is between different languages and different dialects within a language. The kinds of differences between German and Italian are of a different sort than the differences between Saarländisch (the dialect of German spoken in the Saarland region) and Hochdeutsch (High-German). Importantly, the kinds of normative distinctions typically made by theories will not be sufficient at the genus level to distinguish deontology, consequentialism, and virtue ethics.

Luckily, we do not need to devise an entirely new structural framework in which to ground these distinctions; it is already fairly common within philosophy, more specifically, in the philosophy of mind and epistemology. In regard to the nature of knowledge and justification, the debate is often construed as one between *internalist* and *externalist* theories of epistemic justification.[14] The issue in this debate is the process by which our beliefs acquire justification and, ultimately, become knowledge. Some paradigmatic examples of philosophers who have defended internalist views of epistemic justification include Plato, Descartes, and more recently Alvin Plantinga and Laurence BonJour. It is perhaps Descartes that best captures the spirit of internalism, even though his own methodology has been abandoned as a model for justification. For Descartes, the importance of justification lies in discovering "clear and distinct ideas" within his mind whereby he can deduce other ideas that receive their firm grounding from such indubitable ideas. His foundationalism is not the important aspect of internalism but the realm of salience with regard to justification. When confronting the question of "where does justification occur?" his philosophical intuitions turn inward into the

arena of the mind. Whatever the process of justification is, for Descartes, it must be found inside one's mind.

In contrast to internalism, Alvin Goldman is by far the most well-known defender of externalism in epistemic justification. His position, known as process reliablism, extends justification outside of the boundaries of one's own mind and focuses upon the circumstances in which our beliefs are formed. For this position we are justified in a belief when the process by which we came to form that belief is a "reliable" one. What is interesting, and importantly relevant to our discussion, about this view is that this standard for justification points outward to the more objective and empirical processes by which our beliefs are formed. Thus, instead of focusing on whether our belief is justified in light of other beliefs and ideas in our mind (internalism), the process reliablist will turn to ask how our belief was formed or is connected to the outside world. The externalist, then, finds the realm of salience to be in the world outside our minds when justification is concerned.[15]

A similar divide occurs within the philosophy of mind regarding the nature of consciousness. The debate surrounding consciousness revolves around whether certain internal features are essential for consciousness or if consciousness is simply an elaborate stimulus-response system. What characterizes the debate is often a focus upon the qualitative character of our mental states ("qualia") and how any system that lacks such a feature cannot be conscious. Interestingly, this internal focus on where to search for consciousness is shared by physicalists (or "materialists") who believe that consciousness is intimately bound up in the human brain. Both defenders of qualia and physicalism begin with an intuition that whatever consciousness is it must be an internal feature of our bodies or minds, which eliminates the possibility of seeking for consciousness outside our minds or bodies; this is to say that they rule out an external criterion for consciousness.[16] Of course, there exists such an externalist position within this debate, commonly known as *functionalism*. Ned Block defines functionalism as the claim that "each type of mental state is a state consisting of a disposition to act in certain ways *and to have certain mental states,* given certain sensory inputs and certain mental states." This view takes its inspiration from the behaviorist approach of B. F. Skinner and other psychologists insofar as "[b]ehaviorism identifies mental states with dispositions to act in certain ways in certain input situations . . . [and] functionalism replaces behaviorism's 'disposition to act' with 'disposition to act and have certain mental states'" (Block 1978, 262). From this perspective, the mind is a certain stimulus-response mechanism and the features of the mind that are properly testable and capable of scientifically understanding are our behaviors. They ignore and block out any internal mental features and focus on the two ends of the stimulus-response mechanism. The view of functionalism takes this idea and claims that consciousness *just*

is this stimulus-response system. To be in the mental state of pain is merely to *respond* in the appropriate manner to appropriate stimuli. So, where the functionalist seeks explanations for consciousness is in the particular behavioral outcomes of a response system, whether that system is human or not is irrelevant to whether a conscious mental state is occurring. Here again we see a theory marking out the territory of relevance before developing a more specific theory about the criterion for consciousness. For the externalist about consciousness the realm of salience revolves around the outcomes and behaviors that are public and occur out in the world.

It may seem that functionalism as an externalist view in the philosophy of mind is different than process reliablism as an externalist position in epistemology. Whereas functionalism focuses upon behavioral outcomes, the reliablist is concerned with external processes that produce certain beliefs. However, both externalist positions share an emphasis upon the outcomes or consequences of certain processes. For the process reliabilist this means evaluating the outcomes of certain processes for acquiring ideas and determining their reliability. There is also an important element of functionality regarding knowledge that epistemic externalists endorse in their thinking, since we are to evaluate certain ideas as justified or unjustified based upon the function of certain sensory systems or other processes for acquiring ideas. The overlapping concern with understanding justification or consciousness in terms of the outcomes or consequences of something is the shared feature for these externalist positions.

This distinction between an internalist and externalist perspective plays a fairly ubiquitous role within many areas of philosophy and it can have a substantive role in organizing perspectives within ethics as well.[17] A feature of the emphasis upon right action is that the various ethical theories are understood in terms of specific claims of the sort "the deontologist/consequentialist/virtue ethicist believes X makes act A right," but as we have already seen this is a problematic starting point for attempting to clarify both the similarities and differences among the three theories. As a different strategy to pursue, it is worth applying the internalist/externalist framework to that of deontology, consequentialism, and virtue ethics to see what fruit that framework can bear.[18]

As a genus theory, each view adopts a particular moral perspective whereby certain features are brought into central focus from that lens, while others become residual without disappearing entirely. The particular perspective that the genus theory adopts represents the *core concern* regarding the nature of morality for that theory. It is a particular axiomatic claim about which features of the world are fundamentally salient for morality.[19] Something akin to the kind of fundamental perspective I am describing here can be found in the concept of *moral worth* in Kant's ethical writings. Kant's theory

distinguishes between "acts done purely from the motive of duty" and "acts done in conformity with duty," claiming that the former are the actions that have moral worth. A famous example Kant uses is that of a shopkeeper who returns the excess money that a customer has paid not out of a sense of duty but because to not do so may keep the customer from returning or negatively impact other customers from shopping there. It is certainly one's duty to be fair and honest in our dealings (yes, this includes commercial dealings as well) with others and in the strict sense the shopkeeper meets this condition. However, there seems to be something missing from the action, after all it is a purely selfish motive that was the basis for the shopkeeper's action. While the shopkeeper's act is "in conformity with duty," it is not done "purely from the motive of duty" and this is the additional ingredient that makes the action worthy of *esteem* for Kant (*Groundwork* 4:398). Allen Wood explains that

> when Kant distinguishes between actions that have 'moral content' or '[true, authentic, inner] moral worth' and those that do not . . . he is drawing [a distinction] between what has a special, fundamental, essentially or authentically *moral* value from what is valuable from the moral standpoint but does not have the sort of value that lies right at the heart of *morality*. (Wood 2008, 28)

This idea of certain values "at the heart of morality" is analogous to the "core concern" within each genus theory, however, while Kant takes the motive of duty (or what he labels a "Good Will") to lie at the heart of morality, the core concern of a genus theory is a more general realm in which such criteria can be found. As in the debates in epistemology and philosophy of mind mentioned earlier, the starting point is a general realm in which to seek the criteria for a satisfactory account of justification or the kernel of consciousness. Similarly, in the case of these genus ethical theories the primary claim being made is not a specific action-guiding rule but a theoretical claim regarding which portions of the world we can seek to find the basis for moral values. Where deontology, consequentialism, and virtue ethics stake their territorial claim for constructing their theories will be the focus of the remaining chapters.

Before moving on to this part of the project, it would be worth addressing certain questions regarding the nature of the theory offered here. One question that could be raised is whether the account of a core concern is a meta-ethical or normative account. The distinction between the two is not entirely clear and at first impression it seems that these core concerns share features of each. A very basic way of distinguishing meta-ethics from normative ethics is that the latter is concerned generally with prescriptions of "what we ought to do," whereas meta-ethics concentrates on questions concerning the conditions for either doing ethics or why/how ethical norms exist in the first

place. The core concern of an ethical genus theory is a concept that guides considerations of salience in regard to where the basis of moral values can be structured. Thus, there is a normative commitment (i.e., a right or wrong way of thinking) made by deontology, consequentialism, and virtue ethics as to where the heart of morality lies and, therefore, these theories should be seen as normative but in a very unique sense.

Closely associated with the question of whether the account is a normative or meta-ethical account is a related issue in meta-ethics concerning moral realism. The basic commitment of moral realism is that moral judgments can be said to be true insofar as they make factual claims. In this respect the account is also a realist and cognitivist account because the kinds of reasons that the genus theory offers are not subjective or simply up to the individual to determine. While there is an interpretative element to the genus theories in being sensitive to the kinds of reasons relevant to the central questions of the genus theory, each genus theory places limitations around the kinds of acceptable reasons one ought to be concerned with in making moral decisions. The theory, thus, sets an objective standard for assessing the reasons taken as worthy of consideration in a particular case within a genus theory.

This chapter began with a critique of the expectation that theories be "action guiding" and it seems that we ought to reject such a demand as Hursthouse appears to recommend. However, another option worth considering is that we've been thinking of the nature of ethics as action guiding in the wrong way. In a sense, what unites these theories is how they are action guiding, not in the rules that they offer but in the core concerns offered by each theory. Each theory offers a unique perspective of the nature of morality and stakes a foundational claim about where the core concern of morality lies. It is this core concern that these genus theories recommend that is supposed to shape our perceptions of moral salience (not just "how" we evaluate actions, events, and characteristics in the world but "what" we even recognize as having moral relevance) within the world. Our actions are guided in the direction of where morality lies by the genus theories and this allows for us to creatively seek out an understanding of morality within that clearing. Just how each theory envisages the space in which the heart of morality rests is the question we can now turn to answer.

NOTES

1. Samuel Freeman takes this broad understanding in his encyclopedia article on deontology in the *Encyclopedia of Ethics*, Second edition (2001), but is also understood this way in the "deontology" selection written by David McNaughton and Piers Rawling in *Ethics in Practice*, edited by Hugh LaFollette.

2. Examples of this debate include notably James Dreier's "Structure of Normative Theories," *Monist*, 76 (1993); John Broome, *Weighing Goods* (Oxford: Blackwell, 1995), ch. 1; Jennie Louise, "Relativity of Value and the Consequentialist Umbrella," *Philosophical Quarterly*, 54 (2004); multiple papers by Douglas Portmore, including "Can Consequentialism Be Reconciled with Our Common-sense Moral Intuitions?" *Philosophical Studies*, 91 (1998); "Position-Relative Consequentialism, Agent-Centered Options, and Supererogation," *Ethics*, 113 (2003); "Combining Teleological Ethics with Evaluator Relativism: A Promising Result," *Pacific Philosophical Quarterly*, 86 (2005); and "Consequentializing Moral Theories," *Pacific Philosophical Quarterly*, 88 (2007). There are also examples of the blurring between Kantian ethics and utilitarianism alone, see R. M. Hare "Could Kant have been a Utilitarian?" in *Sorting Out Ethics* (Oxford: Oxford University Press, 1998); and David Cummiskey *Kantian Consequentialism* (Oxford: Oxford University Press, 1996).

3. Whether it is ultimately all that important to categorize moral philosophers is a valuable question to answer, but insofar as Louden is proposing a taxonomy whose purpose is, at least in part, to explain how certain ideas held by various philosophers relate to each other in a structural manner it is a serious failing of the taxonomy if it cannot adequately answer its own question of how Kant's theory is related to Mill's. Part of the problem, I will argue, is that Louden's taxonomy is too specific to really capture the general perspectival disagreement between figures such as Kant and Mill.

4. At this point I am primarily concerned with rejecting the "act-centered"/"agent-centered" distinction, but simply rejecting this does not itself address the characterizations of deontology and consequentialism that Louden offers. I will address that particular distinction separately in the next chapter.

5. It is telling that many of the criticisms Louden levels at virtue ethics (in particular the criticisms of a failure to engage with juridical questions and applied ethics) can be extended to sentimentalist ethical theories as well.

6. Of course, consequentialist theories such as utilitarianism stipulate normative values, but valuing good outcomes is a difficult value to reject. Theories that do reject consequentialism typically avoid outright denying that enhancing the welfare and happiness of a large amount of people is morally neutral, but argue that there are more fundamental concerns than simply achieving certain results that morality points us toward.

7. In a sense this is still not a move entirely away from approaching ethics from an act-centered perspective because the question is still "what ought I do generally?" Even this inclusion of "generally" indicates a movement away from ethical theory taking the role of deciding in each case the right action because the concern is about attitudes and habits one ought to adopt, which is somewhat different than an explicit concern with right action.

8. For interpretations of Kantian ethics that diverge from a central focus upon right action see Herman 1993, Baron 2011, and O'Neill 2013.

9. Onora O'Neill in particular does much to rehabilitate the focus upon rightness of actions in Kantian scholarship in her 1983 NEH Institute for Kantian Ethics lectures as well as her 1989 book *Constructions of Reason.* See also Barbara Herman

1993 for an account of Kantian ethics that diverges from an emphasis upon the rightness of actions as well as Marcia Baron 1997 and 2011 for her rejection that Kantian ethics is focused on action, especially to the inclusion of considerations of character.

10. Discussion of the how the conception of normative theories has changed is a topic that will be given some discussion in chapter 3.

11. There may still be a lingering criticism here that even at the species level of virtue ethics there is not the same degree of specificity regarding the criteria for right action when compared with deontology or consequentialism. While this is true to some degree it is important to also keep in mind that species accounts of virtue ethics such as Hursthouse 1999 and Swanton 2003 *do* provide criteria for right action within certain understandings of virtue.

12. This simpler classification is somewhat contradicted in her article "The Definition of Virtue Ethics" (2013) where she labels eudaimonism as a genus with a variety of types of eudaimonism. One reason she may opt for this interpretation later on is because she believes that there is no unifying characteristic(s) at the genus level for all virtue ethics, which is the purpose of this essay to defend. It at least seems worthwhile to try and develop an account with the first version of the distinction before abandoning it.

13. Since the focus here is the relationship of virtue ethics to deontology and consequentialism, the former will need its own investigation in the next chapter. The *genus* and *species* categories of moral theories involves a shift away from understanding ethics as primarily a method of determining right action. A reasonable question to ask is "a shift towards what?" The importance of this question demands a separate investigation and so this question cannot be adequately answered given the focus of the book. All that is needed for the arguments in this book is that a movement away from this traditional conception of ethical theorizing opens a space for new ways of understanding conceptual moral categories such as deontology, consequentialism, and virtue ethics.

14. There is a great deal of controversy over how to even define these two positions and what is offered here in terms of defining these two positions will ultimately be an oversimplification of the important philosophical division between the two positions. However, my purpose here is not resolve the epistemic debate between internalists and externalists, but to apply the broad distinction between the approaches to the arena of ethics.

15. Internalists and externalists do not reject the salient features of justification of each other's theories. It is not as though internalists deny the importance of having reliable processes for forming beliefs and neither do externalists deny the legitimacy of deduction or induction. The point is not that they differ in rejecting the importance of the other view's criteria, but deny that it is the ultimate or core concern for justification. This will come to play an important role in explaining the overlapping features of the different theories while accounting for how they are nevertheless distinct positions from one another.

16. This should not be confused with eliminating any role for external features to play in forming or developing consciousness. However, it does rule out such external features as primary or essential components for consciousness.

17. Incidentally, there is a debate in ethics about the nature of moral motivation and how strongly it is tied to moral judgments that uses the labels of "internalism" and "externalism." These genus theories, however, are not necessarily committed to any meta-ethical claim regarding the nature of moral motivation (though a particular theory may find itself in the internalist or externalist camp because of its motivational commitments). An *internalist* genus theory takes moral values to originate from a feature within an individual, but this does not necessarily make a claim about whether moral judgments alone are capable of motivating an agent to act accordingly. *Motivational* internalism or externalism seems a theoretically distinct question from the internal or external core concern of a genus theory.

18. The inclusion of three theories here may seem confusing and discount the applicability of the framework to that of ethical theories, however, as I will argue virtue ethics is unique in fusing the internal with the external perspective. Thus, this framework maintains its explanatory power despite the unorthodox inclusion of a third theory.

19. By "axiomatic" here I mean in the Aristotelian sense that it is a foundational concept used to construct and build a theory of values upon it, but it is not necessarily argued for or ultimately justified by a more fundamental foundation.

Chapter 3

Resurrecting Deontology

DEONTOLOGY OR NON-CONSEQUENTIALISM?

There are a variety of ways of understanding deontology, but traditionally there are four historically prominent conceptions: (1) an ethical theory that prioritizes the "right" over the "good" (sometimes characterized as the distinction between deontological and teleological theories); (2) an ethical theory that focuses on one's duties and obligations; (3) an ethical theory that contains "side-constraints" on our permissible actions; and (4) an ethical theory that is agent centered.[1] Almost as important as any direct definition of deontology is the theory's relationship to another ethical theory, that is, consequentialism. The belief that deontology is the most direct opponent to consequentialism is such a commonly held belief among moral philosophers that even the *Stanford Encyclopedia of Philosophy* entry on deontology states that "deontological theories are *best* understood in contrast to consequentialist ones" (Alexander and Moore 2012, emphasis added). Thus, *deontology* cannot be sufficiently understood without any definition also accounting for its opposing relation to consequentialism. Recently, though, there has been a disillusionment with deontology as a coherent and useful categorization of ethical theories. One source for this waning support is that the variety of definitions given for deontology has failed to unify the specific theories that wear the label of "deontology"; most notably Kantian ethics as well as the theory of prima facie duties endorsed by W. D. Ross. Related to the evaporating influence of deontology is a new emboldened kind of consequentialist thesis claiming that all moral theories can be "consequentialized," meaning that any normative claim made by a theory can be translated into a consequentialist claim supposedly without anything of theoretical or moral value lost in the process of translation. The consequentializing strategy aims to show that

consequentialism is truly the most basic form of moral thinking, since on this view it has the unique ability to transpose the moral claims of any other theory into its own consequentialist syntax. To reject this argument implies that there exists at least some theory to which the consequentializing strategy fails to adequately capture. The best candidate for this role is deontology and, as such, defying the consequentialist temptation becomes a defining feature of any adequate understanding of deontology. This section develops an improved conception of deontology as a genus theory while preserving certain key features of other significant interpretations in an attempt to capture the unique brand of non-consequentialism that cannot be sufficiently accounted for in consequentialist moral prescriptions. As a litmus test for the different characterizations of deontology it will be helpful to apply such characterizations to Kant's ethical theory (the deontologist *par excellence*) as well as to other pivotal figures in the history of deontological ethics in the hope of developing a way to speak positively of what characterizes deontology such that the opposition to consequentialism flows from the definition and does not merely define itself negatively in opposition to consequentialism.[2]

If deontology is truly a detrimental term that ought to be done away with, then this has the unintentional result that consequentialism becomes the only clear candidate for being considered a genus theory with either no genuine rival at that level or a broad category encompassing all non-consequentialist theories. This possibility is no idle threat because the "consequentializing strategy" claims just that. James Dreier (1993) offers a widely discussed account for how this is possible that has been adopted and adapted by Cummiskey (1996), Brown (2011), Louise (2004), Peterson (2010), and Portmore (2007). For any theory that assigns a value to a certain type of action, the strategy is to simply rephrase the wrongness in terms of that act counting as a bad consequence. The example Dreier gives is that if a theory claims that we are not to break our promises, then the consequentializing strategy is to reformulate the value judgment as stating that the fact that a promise has been broken is a bad consequence. What about a theory that makes promise breaking absolutely impermissible? This absolute constraint can also be accommodated by giving "a lexically prior negative weight to promise-breaking" (Dreier 1993, 23). This makes promise breaking always something bad and, depending on how absolute the prohibition against something is, the negative weight can be given as high or low a value in accordance with the strength of that prohibition. While this strategy is contested by philosophers for different reasons, it nevertheless demonstrates the need for an understanding as to why there is something "lost in translation" when the consequentializing strategy is applied.[3] The best strategy, or at least one of the best, would be to provide a clearer conception of deontology that explains what exactly the consequentialist translation is missing.

The concept of deontology is important for rejecting a fairly radical "consequentializing" view about normative theories. The view that consequentialism is the most fundamental moral perspective is at odds with the vigorous debate between consequentialists and self-professed non-consequentialists over the value of the common good in comparison to other values any moral agent should hold. It is not merely the case that non-consequentialists believe consequentialism cannot accommodate important constraining features but also that the whole focus of consequentialism is wrong. It is the consequentialist obsession with bringing about a quantitative amount of the good (either maximizing or satisficing amounts) that is problematic because for non-consequentialists it is not the whole picture or even the *primary* picture. If everyone were truly a consequentialist when it came down to it, these would really be internal disputes between thinkers on how best to understand a shared conception of the moral perspective. However, the nature of the disagreement seems more like a rivalry between families than a quarrel among siblings. Such a disagreement cannot be accounted for if one side's value judgments either are actually compatible with the other side or can be reformulated while preserving the original meaning of those value judgments.

Another problem that arises with the loss of the term "deontology" deals with the broad description of theories as "non-consequentialist." The various theories included in the broad category of non-consequentialism (e.g., Kantian deontology, virtue ethics, emotivism, Humean sentimentalism) would only truly overlap in their rejection of consequentialism.[4] However, this is a similarity only in title because it is not necessary that they even share the same reasons for rejecting consequentialism. Such a grouping is artificially drawn along the line of a superficial similarity. Also, the result of this ultimately dissolves the theoretical usefulness of stipulating a category of genus theories separate from their species components because any distinctions would ultimately require examination at the species level. Such a vague category does not represent the apparent unified front against consequentialism that you see in philosophers such as Rawls, Nozick, Korsgaard, Herman, and Scheffler. Their accounts insist that our duty to treat others as individual persons be given more weight than pursuit of the common good in our moral theorizing. It is the sense of a uniquely unified moral perspective that is lost without a common unifying genus theory.

At the level of conceptual comparison between ethical theories, deontology has traditionally been the most substantive non-consequentialist type of theory, in the sense that a *substantive* moral theory offers a unique moral perspective and not simply features of morality that can be adopted by other moral theories. Of course, this does not rule out the development of a different kind of non-consequentialism that could be a substantive alternative; however, it is somewhat telling that no strong genus style alternative has

appeared. It is unclear what theory could really take its place and, perhaps, there isn't one. Virtue ethics is not a consequentialist theory, though it has certain ties to consequentialism that make it difficult to label it as a non-consequentialist theory in the way that deontology and Kantian ethics are seen as non-consequentialist. The relationship of virtue ethics to consequentialism appears to be very different than deontological theories, which is one reason why all three seem deserving of the genus status. The most important reason for preserving the category of deontology is to prevent consequentialism from reasserting its prominence in a dichotomy of choosing either consequentialism or non-consequentialism. Kantians and most virtue ethicists should applaud a greater diversity of ethical theories that offer alternative visions from that of consequentialists. The purpose of categorizing the various types of ethical theories is to try and capture the reason behind our intuitive distinctions, but it is also important to try and maintain some fidelity to the historical development of ethics through dialogue and disagreement with other theories.

REVIVING DEONTOLOGY

The etymology of the term "deontology" means "the scientific study of duty," which fits the normative concepts employed by ethicists such as Kant and Ross. *Duty* is the obligation one has to either perform or refrain from a certain act, where "act" can apply to a behavior of one's body in the world or a mental operation. However, the concept of duty is not a sufficient distinguishing feature because it is not an exclusive concept to deontology, since any ethical theory that endorses moral objectivity could (and many do) include reference to the duties one has as a moral agent. Rule consequentialism, for instance, derives the duty of promise keeping from an objective moral principle regarding valuable outcomes akin to the utilitarian Greatest Happiness Principle but is an ethical theory that shares more affinity with consequentialism and not deontology.[5] Virtue ethics could in principle incorporate the concept of duty, if it is understood in relation to one's identity.[6] For instance, as a citizen I have certain obligations and duties to fulfill in voting and contributing to the growth and development of my community and that these involve particular virtuous character traits in acting on these obligations. An important element of an objective moral theory is that one does not simply get to choose what is right/wrong, good/bad but is constrained in a way by the facts of their relationship to other people and beings (e.g., nonhuman animals, the environment). Obligations are one aspect of this constraint but not a particularly unique element.

As the paradigmatic deontologist, it is worth noting that Kant never described his own position as deontological. The first attribution of the label "deontology" to Kant was in John H. Muirhead's *Rule and End in Morals*.

Muirhead discusses a shift in the history of ethics from the "Platonic and Aristotelian emphasis upon the good life as the end of all moral activity with the rise of influences Stoic, Roman, Christian and other, under which the idea of that which it is Right to do, of a rule according to which men should direct their conduct" culminating in theories of "the immediate apprehension of rightness and wrongness as qualities of particular actions, or of general rules given *a priori* from which the qualities may be deduced, ending in the magnificent idealization of the law of Duty as the pronouncement of Reason in Kant" (Muirhead 1932, 6). He goes on to claim that, insofar as deontology is concerned, rules cannot be dismissed because they play an important role within moral psychology, since "actions are judged right or wrong, good or bad, simply in view of the situation" and within such situations the moral agent "reflects on his general principles and the recognized rules of Right, and studies the situation in the light of them" (Muirhead 1932, 8). This is an understanding of deontology that flows out of a particular conception of how deontology determines right action, namely, through appeal to the "rules of Right." On this interpretation, it is the Categorical Imperative that is the central component to Kant's deontology because it is the mechanism by which certain subjective principles of action ("maxims") can be classified as permissible or impermissible regardless of any relation to claims of goodness. The separation of "rules of Right" from claims of goodness is the key distinction between deontological and teleological ethical theories and will dominate the interpretations of Kantian ethics for a significant portion of the twentieth century.

In John Rawls's monumental 1971 work *A Theory of Justice* he adopted the distinction between "teleological" theories of justice and his own theory, which he labeled "justice as fairness." This is primarily a work of justice, but in constructing the mechanisms of justice Rawls is explicitly engaged in questions of moral philosophy and incorporates normative distinctions into constructing the conception of justice as fairness. One such important distinction is between teleological theories and, what could be labeled, deontological theories. The distinguishing mark for teleological theories is that "the good is defined independently from the right, and then the right is defined as that which maximizes the good" (Rawls 1999, 21–22). His own view reverses the order and gives theoretical primacy to considerations of right that limit the scope of goods that can be considered part of a reasonable conception of the good life. Rawls proceeds to derive principles of right (Rawls's "principles of justice") that everyone could reasonably be expected to agree upon that cannot be sacrificed in the pursuit of the Good. It is in this sense that Rawls's principles are more fundamental than the Good, since they are defined independently of the Good and take priority in consideration when certain questions of obligation and permissibility arise in relation to fair constraints upon

the pursuit of my own conception of the Good. While Rawls is not offering a full ethical theory of our obligations in *A Theory of Justice*, he does make certain normative claims regarding justice, such as "the duty of justice": "From the standpoint of justice as fairness, a fundamental natural duty is the duty of justice. This duty requires us to support and to comply with just institutions that exist and apply to us" (Rawls 1999, 115). He later presented an account of his ethical theory which he referred to as "Kantian constructivism" that understood Kant to be committed to a form of constructivism in his own writings. What is characteristic of any constructivist account is that moral truths are established through an idealized process of rational choice, deliberation, or agreement. Rawls's theory is constructivist because the circumstances of justice imply a cooperative organization of people whose conflicting conceptions of the good require principles of justice as arbiters for fair constraints on the pursuit of our conception of the good. The principles are decided upon through rational self-interest under the veil of ignorance and the basic structure of society is constructed by these principles. As an abstract and ideal procedure for determining principles is concerned, Kant's theory is interpreted by Rawls as engaging in a similar project with universal law formulation of the Categorical Imperative, which commands one to "act only in accordance with that maxim which you can at the same time will that it become a universal law" (Kant 4:421). The process of determining whether a maxim can serve as a universal law requires abstracting the maxim away from the actual world and situating it in an imagined world where everyone accepts the maxim as permissible. Furthermore, the third formulation of the Categorical Imperative endorses an idealized harmony of each particular will among other wills in light of the universal moral law. Kant states that

> The concept of every rational being as one who must regard himself as giving universal law through all the maxims of his will, so as to appraise himself and his actions from this point of view, leads to a very fruitful concept dependent on it, namely that *of a kingdom of ends.* By a *kingdom* I understand a systematic union of various rational beings through common laws. Now since laws determine ends in terms of their universal validity, if we abstract from the personal differences of rational beings as well as from all the content of their private ends we shall be able to think of a whole of all ends in systematic connection (a whole both of rational beings as ends in themselves and of the ends of his own that each may set himself), that is, a kingdom of ends, which is possible in accordance with the above principles. (Kant 4:433)

The concept of a "kingdom of ends" serves to emphasize the consistency among competing kinds of interests and desires that the universal law contains by necessity. As an arbiter of what is morally good and fair, an important feature of the moral law is "as [the] supreme condition of its harmony

with universal practical reason, the idea *of the will of every rational being as a will giving universal law*" (Kant 4:431). The kingdom of ends presents an ideal union of all wills living consistently with one another through each will acting in accord with the motive of duty. Thus it seems plausible to understand Kant as endorsing an idealized process of rational deliberation in determining our duties and obligations. The key underlying feature to constructivist thought is the notion that the idealized procedure *constructs* or *makes* certain principles or acts as right or wrong. It is the rational procedure alone that accounts for why certain principles or actions have the normative character that they do, which avoids any appeal to conceptions of goodness to justify the rightness of beneficence and the wrongness of murder. Therefore, on Rawls's view, Kant prioritizes the right in the same way that his theory prioritizes the right over the good.

Rawls's stated purpose in *A Theory of Justice* was to provide an alternative to utilitarian conceptions without being committed to either empirical or metaphysical definitions of the good.[7] In so doing he models his conception after the social contract theorists, to which he includes Kant alongside Hobbes, Rousseau, and Locke. The importance of Rawls's theory within twentieth-century political philosophy cannot be overstated and it became *the* theory opposed to utilitarianism and teleological theories more generally. Allen Wood writes that "Rawls and [his] students are responsible both for returning Kantian ethics to its rightful place at the center of ethical reflection among philosophers and also for the way Kantian ethics has come to be understood by contemporary analytical philosophers" (Wood 2008, x). Being at the center of "ethical reflection" set the terms of the dialogue to be had regarding deontology. For example, Will Kymlicka opens his 1988 essay "Rawls on Teleology and Deontology" with the remarks that "It has become a commonplace that most contemporary liberal theory is 'deontological,' that is, gives priority to the right over the good, in contrast to its utilitarian predecessors, which were 'teleological,' that is, gave priority to the good over the right" (Kymlicka 1988, 173). This distinction is a very simple way of presenting the difference, but Kymlicka goes on to argue that it ultimately obscures where the critics of liberalism and liberals divide. It is not over the question of prioritizing the right or the good because the right and the good are simply translations of the same egalitarian ideal shared by liberalism and most of its critics. Ronald Dworkin explains this as "the interests of the members of the community matter, and matter equally" (Dworkin 1983, 24). This is an idea shared by all egalitarians, whether they are liberals, libertarians, Marxists, democrats, socialists, or others. Where they differ is on how to best enact this principle within society. As far as theories of justice are concerned, it appears that the distinction between *deontological* and *teleological* theories is not all that fundamental. If the distinction doesn't serve the purpose in the political

realm, then it seems less likely to be the best candidate in the closely related realm of moral philosophy.

Another problem with relying upon Rawls's constructivist taxonomy that divides theories into either deontology or teleology is discussed by Barbara Herman in her book *The Practice of Moral Judgment*. She devotes the last chapter to the question of the relevance and usefulness of the concept of deontology regarding Kant's moral philosophy. She argues that "whatever it is that makes Kantian ethics distinctive, it is *not* to be found in the subordination of all considerations of value to principles of right or duty. In this sense, Kantian ethics is not a deontology" (Herman 1993, 210). While Kymlicka rejects the distinction made by Rawls as a particularly useful one in the political realm, Herman rejects the usefulness of the distinction within the ethical realm. Her argument is that insofar as Kant is concerned with how practical rationality can legislate morally, Kant must be fundamentally concerned with questions of value. Otherwise, "without a theory of value, the rationale for moral constraint is a mystery . . . [and] it is not at all clear how we are to make the reasoned comparative judgments necessary for deliberation in circumstances containing competing moral considerations" (Herman 1993, 210–11). Rationality gives us the means for deliberating among competing moral considerations to determine what is right, which requires appealing to values underlying these determinations of what is right. Thus, it cannot be said that Kant prioritizes considerations of the right over the good in the sense that he aims to derive principles of right independently from considerations of the good so long as Kant is providing an account of practical rationality connected to morality.

Insofar as we understand Kant to be aiming at giving a systematic analysis of morality that takes the concept of moral laws seriously, it only makes sense that Kant would take questions of value as fundamental. A prominent feature of Kant's interest in providing a "metaphysics of morals" is to account for the character of necessity that accompanies moral obligation and this vital feature of morality for Kant cannot be accounted for simply by a focus upon questions of right. The project of prioritizing questions of right has the unfortunate limitation of inviting moral skepticism through an inability to provide any sufficient response to why a person must act in accord with obligation. Kant is thus, at least initially, convinced "that a law has to carry with it absolute necessity if it is to be morally valid—valid, that is, as a basis of obligation . . . [and that] the ground of obligation must here be sought, not in the nature of human beings or in facts about the way the world is, but solely a priori in concepts of pure reason" (Kant 4:389). Whereas other philosophers have sought the ground of obligation in the concept of happiness and the good life, Kant aims to convince us that the law-like necessity of moral obligations is

deeply grounded in the nature of Reason. In Kant's case, then, an investigation into questions of "the Good" must take a central role.

SIDE-CONSTRAINTS: DEONTOLOGICAL OR CONSEQUENTIALIST?

Deontology is not simply an ethical theory focused on our duties nor does it appear to be a theory that prioritizes "the Right" over "the Good." What seems to be uniquely constitutive of deontology is its stark resistance to the idea that the wrongness of a kind of act can be overridden by an appeal to the greater good. If stealing is wrong, then it is always wrong. It is a misrepresentation of the deontological position to say that stealing is wrong in spite of how much good it could bring to other people. It is more accurate to say that "the good it could bring other people" is irrelevant to the moral question in the first place. Moral questions are not decided by what produces the most good but rather how our actions embody goodness through our will. Robert Nozick captures this idea through the concept of "side-constraints," developed in his book *Anarchy, State, and Utopia*. In that work he is specifically interested in presenting an alternative to a teleological or "end goal" account of political justice and relies upon certain fundamental prohibitions upon the pursuit of our goals which he labels "side-constraints." His account is referred to by some philosophers as deontological because it preserves this basic idea that in some cases it is impermissible to act on what would bring about the greatest good in terms of the outcome. Another prominent idea within deontology after Kant is that one cannot use another person merely as a means and Nozick's "side-constraints" preserves "the inviolability of other persons" by adopting Kant's famous second formulation of the Categorical Imperative. The exact difference between treating someone as an end as well as a means is complicated by the fact that we often use other people as a means to our ends. Whenever you buy groceries from a clerk you are using the clerk's position to purchase the food you need to eat; students use their teachers for learning; and lovers use each other as sources for love and support. What makes these relationships not a case of *merely* using someone as a means is that the relationship furthers certain ends they have *and* they consent to the relationship. The clerk took the job at the grocery store to make money themselves, which the person buying groceries contributes to the wealth of the store by which they pay their employees. This is a powerful idea that contributes to the ways in which deontology differs from consequentialism because the rights of other persons are fundamental and cannot be overridden. From this understanding, we can see at least one basic idea of deontology as

the claim that where there are cases where pursuing the greatest good would violate certain fundamental constraints, such action is impermissible.

Interestingly enough, however, Nozick's side-constraints are not completely incompatible with certain forms of consequentialism, for example, rule-utilitarianism. A rule-utilitarian agrees with Nozick that certain rules cannot be violated, even if it would be to bring about the most good in that instance. In fact, Nozick himself formulates his account of side-constraints as a kind of rule-utilitarianism, "A *goal-directed* view with constraints added would be: among those acts available to you that don't violate constraints *C*, act so as to maximize goal *G*. Here, the rights of others would constrain your goal-directed behavior" (Scheffler 1988, 137). The only possible difference between Nozick's side-constraints and the rules of rule-utilitarianism is how they are derived. For the rule-utilitarian, the fundamental rules are justified by appealing to the kinds of consequences brought about by adopting such rules. Nozick, on the other hand, takes it for granted that rights, understood as side-constraints, are basic facts about human beings that we intuitively understand and, thus, have no need for a deeper theoretical derivation.[8] Nozick's side-constraints have difficulty truly separating themselves from consequentialist thinking and, therefore, cannot offer us the criterion of deontology we seek.

The close affiliation to rule-utilitarianism that Nozick appears to validate is one important way in which side-constraints cannot serve the function of distinguishing deontology from consequentialism and virtue ethics. However, even if we were to ignore this difficulty, it is still possible that even act-utilitarians could claim to have at least one side-constraint, namely, maximizing the good for the greatest number of people. The notion of side-constraints is not as definitive a divider as it may have been thought. After all, the distinction is supposed to be theories that have side-constraints and theories that do not, but if all a side-constraint need be is a fundamental inviolable principle, then act-utilitarians can reasonably claim the Greatest Happiness Principle as their choice side-constraint. This probably would not bother Nozick because his purpose is to reject a specific kind of consequentialist claim, namely the claim that a politically just society ought to be focused on minimizing rights violations. He was not out to reject *all* forms of consequentialist thinking necessarily (how could he given his formulation of the "goal-directed view of side-constraints?"). Although the notion of "side-constraints" captures powerful and important aspects of deontology, it cannot separate deontology from *all* forms of consequentialism.

AGENT-RELATIVITY AND DEONTOLOGY

One way of possibly strengthening the account of side-constraints is to understand them in the context of a different distinction, namely, the agent-relative/

agent-neutral dichotomy. The distinction separates the kinds of reasons a person has for acting into two general categories: (1) the kinds of reasons that irreducibly refer back to the agent performing the action and (2) the kinds of reasons that do not necessarily refer to any specific agent in performing the action. The former kinds of reasons are considered agent-relative, while the latter are understood as agent-neutral.[9] As an example of an agent-relative reason we could take the case of someone visiting their friend in the hospital to make them happy. There are two ways that this reason could be formulated: (1) I am going to visit my friend in the hospital so that they are happier and (2) I am going to visit someone in the hospital so that it will make them happier. The person visited, and therefore made happier, could be the same person in both cases; however, the difference between the two reasons is that reference to myself is essential to the first statement's meaning, since being *my* friend implies a relationship of that particular person to myself. If reference to myself is taken out, then it is indistinguishable from the second statement. The irreducibility of self-reference in these reasons is distinct from the agent-neutral form that reasons take under utilitarianism. For act-utilitarians, what is important is that the best outcome available among the options is realized. This commandment is not essentially tied to the particular identity of any individual. In fact, we all share the obligation to maximize the greatest good for the greatest number in the world. For utilitarians, it is not important who specifically does the good thing but that the good thing is done. Take the case where an unarmed bandit snatches someone's wallet and continues running down a crowded street. From the perspective of utilitarianism, we all share the obligation to stop the thief, but it is only necessary that one person (maybe two depending on how large the thief is) actually stops the thief. The form of the obligation that we ought to take as our specific reason for acting is neutral to the identity of each person and could look something like this:

Act so that robberies are prevented or stopped to the fullest possible extent.

This formulation of the reason to act has a universal character that does not necessarily refer directly to any particular agent. It seems clear that the agent-neutral reason has a universal character, but does this mean that the agent-relative reasons are essentially subjective in a nonuniversal sense?

In one sense yes, but they are not merely particular or simply subjective. Thomas Nagel developed the agent-relative/agent-neutral distinction as a way of understanding objective reasons for action as opposed to subjective reasons in his book *The Possibility of Altruism*. An important aspect of how he understands "objective" and "subjective" reasons is that reasons are always universal by their very nature. He claims that "every reason is a predicate R such that for all persons *p* and events A, if R is true of A, then *p* has prima facie reason to promote A" (Nagel 1970, 47). What this means is that

if someone has a reason to act, then it is a reason that anyone can adopt as a reason for also acting in such a way in similar circumstances. In other words, if you believe that protecting your life from a burglar is reason to assault the burglar, then implicitly this is a reason in favor of the action that anyone can adopt in similar circumstances. Notice that this is not a sufficient reason for the action (perhaps the burglar is stronger than you and attacking him might put yourself in more danger), but it is always a reason in favor of the action. There may always be other reasons that overpower the reason in favor of acting. On Nagel's account, then, the term "subjective" indicates universal reasons that others can (perhaps even should) adopt and cannot be formulated without reference to the identity of the person giving the reason.

So how does Nagel's "agent-relativity" fare as a way to understand deontological ethics? What is particularly insightful about thinking of deontology in terms of agent-relative reasons is that "deontological systems direct an agent to what she should do rather than what she should make it the case that is done by her and others. If there is a deontic prohibition on killing, this shows that you, *qua* agent, have a strong moral reason not to kill" (Gaus 2001, 185). The reasons for moral action are internalized within the agent in the sense that they become personal commitments or projects that the individual understands themselves as obligated to carry out. What this gets right is that deontic rules are rules specifically for me and determine my behavior when appropriate. That I appeal to such rules in determining my behavior is one way of understanding autonomy, a vital moral capacity for any deontological ethic.[10]

In his later work *The View from Nowhere*, Nagel wrestles directly with the question of agent-relative reasons encompassing the nature of deontology. As a way of exploring the difficult issue that deontic restrictions raise for him, he describes a scenario where you and your friends were in a terrible accident and the only house nearby is a little farmhouse occupied with an elderly woman and her adolescent granddaughter. You knock on the door and anxiously ask if you can borrow the woman's car to drive your friend to the hospital; however, the woman is overwhelmed by your request and in a panic grabs her keys and locks herself in the bathroom. She refuses to unlock the door until you leave, but in her panic she left her granddaughter in the living room with you. The thought crosses your mind that twisting the young girls arm would possibly be sufficient to force the grandmother out of the bathroom and surrender her keys. As far as deontic restrictions are concerned, the basic idea behind such restrictions is the notion that we owe others certain kinds of treatment, that is, treatment that does not harm others.[11] The difficulty for Nagel is how to account for values and good things without falling into a requirement of maximizing such values and goods. Where he places his hope is in the concept of agent-relative reasons. From the perspective of these reasons, we are primarily concerned with my obligations (thus my reasons)

for doing one thing over another. The concern is not with what others do and an essential component of maximizing the good involves appealing to what others do, since what is important is that as many people promote the good as possible. Therefore, because agent-relative reasons avoid any appeal to the actions of others, they avoid being committed to maximizing the good.

This seems to solve the problem, but what explanation can be given for why we actually have these agent-relative reasons? In other words, why think that causing the young granddaughter pain violates an agent-relative reason, rather than an agent-neutral reason?[12] Doesn't it seem more appropriate to talk of the deontic restriction against causing others intentional harm as an objective, impersonal value that I act upon ("don't harm others intentionally"), rather than a specific obligation applying only to me in the instance (*I* shouldn't harm others intentionally)? Why think that such a restriction is more accurately understood as an agent-relative reason, rather than an agent-neutral reason?[13]

While Nagel admits of puzzlement toward how we can account for favoring the agent-relative form of the reasons against twisting the granddaughter's arm over the agent-neutral reasons, he ultimately explains it this way:

> It is as if each action produced a unique normative perspective on the world, determined by intention. When I twist the child's arm intentionally I incorporate that evil into what I do: it is my deliberate creation and the reasons stemming from it are magnified and lit up from my point of view. They overshadow reasons stemming from greater evils that are more "faint" from this perspective, because they do not fall within the intensifying beam of my intentions even though they are consequences of what I do. (Nagel 1986, 180)

From the perspective of a deontologist it does seem to be the case that my intentionally committing an evil act is in some sense morally more problematic than the occurrence of an evil act. This seems consistent with Kant's thoughts in the essay "On a Supposed Right to Lie from Philanthropy." Here Kant addresses the difficult question of why lying even to a person who is trying to harm another person is nevertheless wrong. The scenario under discussion is that a murderer arrives at your doorstep asking where your significant other is because they would like to murder them. Kant then goes on to argue that you nevertheless have a duty not to lie. One reason Kant gives to support this conclusion is that perhaps your significant other escaped out of the house without your knowing and if you were to lie to the would-be-murderer and send them somewhere else, you may have inadvertently pointed them in the right direction. It may be tempting to focus on this hypothetical as Kant's response to the problem and leave it at that. If we take this route, then his response is profoundly inadequate and is subject to being criticized for failing

to treat the victim as an end. We at least have an obligation to protect and help others if we can and it is no excuse that you didn't know what would happen if you intervened. However, this interpretation ignores the larger point he is trying to make with the hypothetical situation. What Kant actually begins with is the claim that "if you have *by a lie* prevented someone just now bent on murder from committing the deed, then you are legally accountable for all the consequences that might arise from it. But if you have kept strictly to the truth, then public justice can hold nothing against you, whatever the unforeseen consequences might be" (Kant 8:427). The problem is also not that you can be taken to court if you intervene with a lie. Rather, the possibility of you being legally accountable means that you are now seen as responsible, at least in part, for what happens. What makes you responsible for all the future consequences relevant to that event if you lie but not responsible if you are honest? The underlying reason is not obvious and Kant does not explain why you are responsible only in the case of intervening with a lie, but Nagel's description that our doing an action can magnify its wrongness aligns with Kant's reasoning for adhering to the prohibition against lying.

If we return to Nagel's "intensifying beam" metaphor to explain the difference between the two kinds of responsibility, the fact that you committed that action magnifies the reasons for the action and this magnification correspondingly magnifies your responsibility. But what explains this magnification in the first place? Nagel argues that in such cases as the intentional lie from a philanthropic desire or twisting the granddaughter's arm to save the lives of other people we make the evil act the aim of what we do. This runs contrary to the very common sense idea that "the essence of evil is that it should *repel* us. If something is evil, our actions should be guided . . . toward its elimination rather than toward its maintenance. . . . When we aim at evil we are swimming head-on against the normative current" (Nagel 1986, 182). There exists a kind of internal contradiction that we accept when we intentionally incorporate evil into our choices. What is the contradiction? It is not simply that our willing is inconsistent but rather that the very distinction between good and evil is threatened. If evil is not *necessarily* something that we must avoid, then why is the good something we must *necessarily* aim at achieving? The very meaning of these words is meant to establish their distinction but such a distinction between good and evil prescribes following good and avoiding evil.

This interpretation of Nagel's position also has the virtue of explaining why good intentions are not magnified to a similar degree as evil intentions. Eric Mack raises this problem arguing that

> It is natural to wonder why intention does not similarly magnify good results. Specifically, although if I forbear from twisting the child's arm, my friends' lack

> of medical attention will be merely foreseen, if I do twist the child's arm, their receiving medical attention will be the intended consequence of my action. So if I were to proceed to inflict that pain as an intended means, shouldn't the magnified disvalue of the child's pain be overbalanced by the magnified value of my friends' getting medical attention? Or if intention bestows salience, shouldn't the child's loss and my friends' gain have equal salience—with the greater original magnitude of my friends' gain overbalancing the lesser original magnitude of the child's loss? (Mack 1998, 74)

The special magnifying property that Nagel attributes to intention can only explain why deontology makes acting solely from good motives (or maxims) more important than bringing about good states of affairs if the magnification only works in one direction. If it were to apply equally to both good and evil intentions (and if it applies to both it is unclear why it shouldn't apply equally), then the degree of magnification has changed but the qualitative relationship between the good and evil intentions has not. Thus the magnification would be pointless. Mack's concern is that there is no reason for only applying the magnifying effect to evil intentions and not good intentions, but this criticism overlooks the fact that allowing for evil intentions threatens to unravel the meaningfulness of the distinction between good and evil. Good intentions do not threaten this possibility, so the stakes are higher with allowing evil intentions than including good intentions. The conceptual threat posed is one reason for thinking why evil intentions have this special magnifying property, while good intentions do not.

Nagel's line of reasoning about the basic deontological idea also seems compatible with Kant's reservation against lying for philanthropic reasons. Kant's primary reason is that by lying "I bring it about, as far as I can, that statements (declarations) in general are not believed, and so too that all rights which are based on contracts come to nothing and lose their force; and this is a wrong inflicted upon humanity generally" (Kant 8:426). The problem that both Kant and Nagel (in my interpretation of his account) identify is that to accept the permissibility of evil (lying or otherwise) threatens to make the normative distinctions that arise from those concepts meaningless. Allowing for the permissibility of evil intentions threatens the obligation to only follow the good in the same way that intentional deception calls into question any obligations to respect contracts made with others. In other words, it is the conceptual implications that both Nagel and Kant ultimately find to be so problematic.

While this makes sense of many aspects of deontological morality, this interpretation raises a problem with Nagel's assessment that deontological constraints are agent-relative. Eric Mack (1998) and Gerald Gaus (2001) criticize Nagel's account of deontological restrictions as agent-relative because

deontological restrictions are more appropriately understood as agent-neutral reasons. It appears that Nagel is actually in agreement with them given my interpretation of his account of deontological constraints. Recall that these kinds of reasons are contrasted with agent-neutral reasons that "can be given a general form which does not include an essential reference to the person who has it" (Nagel 1986, 152). The kind of reasons that both Kant and Nagel really appeal to in understanding deontological constraints are agent-neutral and not agent-relative because the underlying reason for the prohibition of intending evil is that in doing so "we are swimming head-on against the normative current . . . [and] what feels peculiarly wrong about doing evil intentionally even that good may come of it is the headlong striving against value that is internal to one's aim" (Nagel 1986, 182). Swimming "against the normative current" sounds bad, but what accounts for that is that it is fundamentally contradictory to how you are supposed to swim (morally speaking). Allowing for the permissibility of evil intentions is contradictory because doing so violates certain prescriptions that follow from the very meaning of the words "good" and "evil." The threat that is posed by doing evil from a philanthropic desire contains no essential reference to any specific agent but is a concern regarding the conceptual meaningfulness of "good" and "evil." Therefore, Nagel's deontological constraints actually derive from an agent-neutral reason and not an agent-relative one. Thus, it appears that deontology and consequentialism speak in terms of agent-neutral reasons, which cannot serve to give a clear delineation between the two.

KANT AND ROSS AS DEONTOLOGISTS

Even though the agent-relative/agent-neutral distinction is not completely able to account for deontological constraints, there is something powerful and persuasive behind the idea insofar as an understanding of deontology is concerned. Importantly, the focus is on what kinds of moral intentions or motivations an agent can rationally adopt. Perhaps what Nagel's account gets right is where the focus lies regarding deontological ethics. In this section I will argue for an understanding of deontology as a genus theory that views morality through the lens of an agent's motives.[14] This interpretation is compatible with what Nagel takes to be "the phenomenological nerve of deontological constraints" and also has the benefit of explaining that such contested philosophers as Ross and Kant can both be understood to be deontologists, even though it may appear that their disagreements are so fundamental as to make any unification impossible.

While Ross and Kant are taken to be paradigmatic representatives of the deontological approach to ethics, they hardly appear to agree on much of

anything. Ross was particularly critical of Kantian ethics for what he believed was an oversimplified perspective on how morality works on a daily routine for people. Ross denied that the rightness or wrongness of acts can be captured by asking whether it belongs to a rule capable of being universalized (Ross 1939, 189). In fact, Ross goes so far as to reject the coherency of universal rules in ethics, in the sense of moral rules that lack any exception to them (Ross 1954, 3, 18, and 93). There is no single thing composing "the Good," rather we recognize a multitude of good things that we must navigate ways of compromising among them.

This is the real business of ethics for Ross and the fundamental construct that his account incorporates is the notion of prima facie duties. Because Ross believes in a plurality of good as well as evil things, rather than any one fundamentally good or evil thing, there is no single principle that we can always invoke in deciding moral questions of rightness and wrongness. The lack of any single principle as a decision procedure leaves us in the position of leaning heavily upon intuition in understanding what things are at a fundamental level good and evil as well as how best to determine which goods to follow in cases of conflict among various goods. While there is no single principle to rely upon, there must be a way of determining which goods trump others in cases of conflict and it is from this motivation that he formulates a set of duties that each of us must recognize and weigh accordingly in each situation. These fundamental goods are labeled as "prima facie duties," but it is actually unclear whether they can be said to be genuine duties. The purpose of formulating the category of "prima facie duties" is to allow for the possibility that one duty can be overruled by another prima facie duty in a given situation. The problem is that what sense does it make to say you have a "duty to *x*" when it can be defeated by something else? A duty is an obligation to act, but if duties can be overridden, then you can have both an obligation to act and an obligation not to act by acting differently. The only way that such "duties" could be overridden and remain genuine duties is if the duty was dissolved by its being trumped. For instance, if I promise my friend that I will pick her up at the airport (what Ross would consider a "duty of fidelity"), but before leaving I find out that my mother desperately needs me to take her to the hospital because she is feeling sick ("duty to non-maleficence") I can reasonably override the first duty and pursue the latter. It does not help to say that "only a different duty can override another duty" because the problem is in the very notion of "duty." This reasonably assumes that we recognize the moral good of fidelity even when it is overridden by the good of helping others in desperate need and does not *dissolve* the good or the duty to pursue it. In fact, if you reject this, then duties do not *override* one another at all; they actively negate the goodness of certain duties, which poses many more problems for the concept of obligation than it solves. What Ross really intends them to be are

values that we must incorporate in our thinking about moral situations. Thus, the prima facie duties are not genuinely duties at all but rather intrinsically valuable commitments that ought to be respected in moral decision-making. Phillip Stratton-Lake interprets these responsibilities (such as fidelity, non-maleficence, gratitude) in a similar fashion as reasons counting for or against certain action in a particular situation.[15] These are responsibilities of moral consideration, rather than responsibilities to action. In other words, the responsibility we have toward each of these "*prima facie* duties" is to incorporate their consideration within our moral decision-making. None of them are absolute and all of them are important because of their intuitive appeal.

If these two figures are deontologists, then it must be what they commonly agree upon that constitutes deontology as such. They do not agree that moral rules are universalizable or without exception and they also diverge on the meta-ethical question regarding the nature of the Good as being monistic or pluralistic. There is some controversy as to whether Ross offers genuine "duties" in his account, but even so these "duties" can only be such if we think of them as "duties of moral consideration" and not "duties to action," since we can have no obligation to *act* one way or the other outside of the specific context for Ross. It may appear that understanding Ross's prima facie duties this way poses a drastic contrast to Kant's conception of duties as duties to act. However, we have already called into question the traditional interpretation of Kantian ethics as focused solely upon determining right action and a more nuanced alternative is defended by Barbara Herman's "moral salience account" of Kantian ethics. On her account, our routine judgments (which are not incompatible with intuition) cover our day to day moral judgment making, the rules of moral salience obligate us to consider what features are significant enough to warrant a nuanced maxim to respond. For Ross, the prima facie duties really just pick out the morally salient considerations within different situations. This seems compatible with the account of routine judgment according to the moral salience account since we need to be consistently aware of which features of the situation employ which routine rules as well as whether the situation demands further deliberation. The only difference seems to be that Kant introduces a phase where a universal standard can be introduced when the situation is sufficiently dissimilar from the norm.

At one level this point of agreement between Kant and Ross just affirms the structure of deontology as a genus theory. That duties are understood in terms of moral considerations is actually nothing unique to deontology; in fact, on the account defended in the previous chapter it is common to all theories at their genus level. However, the particular kinds of moral considerations that Kant and Ross are concerned with do show a unique concern for questions of motivation. Both Ross and Kant see our practical engagement in morality from this moral perspective. The various duties that we could choose to act

upon for Ross in a certain situation makes the question of appropriate motivation a primary concern because the difficult task is deciding which duties are at stake and, if there exists any conflict, which duty to give more weight than the other(s). What it means for someone to have a "good will" according to Kant is to be motivated by the right kinds of reasons in their actions, namely, the reason that it is commanded by duty. The connected concept of moral worth is seen by Onora O'Neill as "giving a precise statement of what it means by 'acting with a good intention' or 'from a moral motive'" (O'Neill 2013, 236). While only actions done purely from the motive of duty can be counted as having moral worth, there is nevertheless something good and admirable about, for instance, helping others out of love and concern for them. These latter kinds of actions Kant labels "beautiful" because such actions only have the appearance of goodness, which is something to be admired but is not to be equated with the real source of moral goodness, that is, a will determined by the motive of duty. Even if we act only in accordance with duty, these motivations are sanctioned by their reference to our obligations. Take for example the case of helping a friend move simply because they are your friend and you like helping them when you can. This is not an action done "purely from the motive of duty" and, therefore, cannot be an action of moral worth, but it can nevertheless be considered as having some value if only an admirable action and not a praiseworthy one. Why is this so? The reason is because the maxim that one acted upon is in accordance with one's duty. The specific motivation (i.e., the specific maxim) for the action is valuable insofar as it is sanctioned by the moral law. What seems to be defining of how Kant thinks of morality is a sense that we as human beings recognize the value of the moral law and must legislate our wills to be in harmony with it. The moral law for Kant is to "act only in accordance with that maxim through which you can at the same time will that it become a universal law" (*Groundwork for the Metaphysics of Morals* 4:421). Because the focus is the relation between our will and the moral law, this locates the crux of moral evaluation upon the content and structure of our maxims, that is, the subjective principle of volition or, put more broadly, our motivation.[16] Insofar as Kant and Ross are representative deontologists, in moral situations the discussion turns toward questions of motivation, as opposed to outcome (consequentialism) or character (virtue ethics).[17] The central concern is about being, first and foremost, properly motivated. How exactly to best understand "properly motivated" is one fault line which separates the species theories of deontology from each other.

Kant not only discusses goodness and the moral law in terms of our maxims but also the nature of evil relies heavily upon examining our maxims. In *Religion within the Boundaries of Mere Reason* Kant argues that humans have a propensity toward evil that cannot be eradicated. More specifically,

evil is a propensity to choose maxims contrary to the moral law, but it has three different degrees; frailty, impurity, and depravity. The first two degrees recognize the supremacy of the moral law as an incentive to act but either fail to fully carry it out (*frailty*) or require other incentives to act on the moral maxim (*impurity*). The third degree (*depravity*) is the most serious in that it is truly deserving of the characterization of "evil." This category is "the propensity of the power of choice to maxims that subordinate the incentives of the moral law to others (not moral ones). It reverses the ethical order as regards the incentives of a *free* power of choice; and although with this reversal there can still be legally good (*legale*) actions, yet the mind's attitude is thereby corrupted at its root" (Kant, *Religion within the Boundaries of Mere Reason,* 6:30). A heart is depraved when it "subordinates" the moral law as an incentive to action in favor of other nonmoral incentives. The term "subordinate" means to place under the power of another or make something the condition of something else. In the case of our maxims and the moral law, the subordination of the moral maxim to a maxim of self-love may in some cases lead to acting contrary to it. It is telling that Kant takes the depraved heart to be one that fails to recognize the supreme value of the moral law by subordinating it to a maxim of self-love. Evil for Kant is a specific relation of one's maxims to the moral law, that is, a question about how the moral law incentivizes or motivates our actions. Therefore, Kant relies heavily upon the agent's motivation to understand what it means to act morally well and what is lacking in the actions that fail to meet the standard of morality. Whatever the standard is, it is located within the agent's motive. Since maxims can reasonably be understood as the motive behind our action and are the arena of moral evaluation, Kant meets the criteria for being a deontologist.

Perhaps the most convincing reason in support of Kant placing one's motive at the center of his view of morality deals with the underlying intention for attempting to prove the objectivity of the moral law and who he was arguing against in doing so. In much of Kant's work he found a stimulating opponent in the figure of David Hume and, in regard to the source of moral normativity, Hume's confrontational view that "reason is and ought to be the slave of the passions" sparked Kant on his quest to prove Hume wrong. For Hume, reason may explain why we are bound by certain normative claims, but reason alone cannot *motivate* me to act. Thus I must look outside of reason for the source of motivation to act according to any moral norm, which has the consequence of relocating the bindingness of morality outside of reason as well, since the bindingness of morality cannot be entirely impotent in motivating me to act. Otherwise, in what sense is morality "binding?" Hume's solution turned away from reason toward an account of our emotions and sentiments, but Kant took up the challenge and, as Christine Korsgaard puts it, the "problem was to find an account of obligation that combines the two elements of normativity: motivation and

bindingness" (Korsgaard 1996, 45). Korsgaard interprets Kant's argument in *Groundwork I* as a form of "motivational analysis," which is an approach that views the rightness of acts as determined by the motive of a morally good person. Even if it is the case that we do not always act from good motives, Korsgaard believes that

> right acts can be defined or identified in terms of motives even if they are not always done from those motives; they can be defined as the ones a person with good motives would do, or ones that good motives would prompt. The strategy is thought to be characteristic of virtue-centered ethical theories, but . . . it is also Kant's. (Korsgaard 1996, 69n12)

Kant and Hume are embroiled in what is today referred to as the internalism/externalism debate. The question at the heart of this debate is whether duty, or obligation, can be a sufficient motive for action. As a defender of this thesis, Kant makes it the centerpiece of his ethical theory through the definition of the goodwill as a will motivated purely by a sense of duty.[18]

Ross similarly characterizes the moral perspective as centered around questions of motivation. In his magnum opus *The Right and the Good* he claims that "The first thing for which I would claim that it is intrinsically good is virtuous disposition and action, i.e. action, or disposition to act, from any one of certain motives. . . . It seems clear that we regard all such actions and dispositions as having value in themselves apart from any consequence" (Ross 1930, 134). This is strikingly similar to Kant's opening remarks in the *Groundwork* concerning the only intrinsically valuable thing being the "good will." In fact, the prima facie duties concern what our actions ought to be motivated by, that is, our actions ought to be motivated by loyalty, honesty, and so on. What is important to recognize here is that when asking whether an act was good or wrong the discussion turns toward the motivation behind the action. For example, say that a friend had told you in secret that they were feeling suicidal and considered ending their life sometime in the next few days. Before telling you this they made you promise not to tell anyone else. However, you end up telling the principal at school and your friend is delivered to a psychiatric hospital. Simply put in this way we cannot tell whether the action was right or wrong according to Ross. We need to ask *why* the student told the principal. If they acted out of concern for the life and safety of their friend, then we have grounds for believing it to be a good act. On the other hand, if the student took the opportunity to get revenge on his friend for dating a girl he liked, then this drastically changes our evaluation of the act to an immoral one. The difference in the case has nothing to do with the action that occurred but everything to do with the motivation behind the action. Ross's prima facie duties see the moral value of the action as lying squarely within the motivation of the agent.

SIDE-CONSTRAINTS REVISITED

The concept of constraints has become a commonly accepted dimension to deontological theories and, therefore, it is an important question whether there is a place for constraints to play in this account. David McNaughton and Piers Rawling begin their article "Deontology and Agency" by claiming that "Any adequate account of the distinction between consequentialist and deontological moral systems must take account of the central place given to constraints in the latter" where "Constraints place limits on what each of us may do in the pursuit of any goal, including the maximization of the good" (McNaughton and Rawling 1993, 81). These constraints, for someone like Kant at least, are self-imposed restrictions upon our actions and there is an important insight to be had behind Nagel's explanation that what may be felt to be so wrong about doing evil to do more good is that you are legislating evil action, which is for Kant fundamentally irrational but is prescribed as what rationally ought to be done. Nagel's metaphor is that we are swimming against the normative current, but another way of explaining the problem is to say that we are internally self-contradictory; the very meaning of evil dictates that we refrain from willing such acts, yet we will them knowingly in order to bring about some other good. This is only a serious concern for an ethical theory that takes motivation to be the core concern for morality. However, this does not mean that questions of motivation are logically or temporally prior to other considerations in the theory, rather the point of a core concern is to identify the realm of salience for moral values. For deontology, motives are where the substantive work of occurs in the same way that the core concern of a welder is the activity of soldering metal together. Being a welder will certainly involve certain secondary tasks such as creating receipts for customers as well as advertising the business, but these are elements of the job that accompany the main task; they do not define it. Similarly, with deontology, the arena of motivation is where the deontologist "goes to work," even though they will have to also worry about how their decisions will affect others and if other people are unintentionally harmed or made worse off by their choices (i.e., the consequences of their actions).[19]

Such a focus explains the deontic belief that my committing evil is worse than the mere fact that evil has occurred. This claim is centrally important to rejecting the consequentializing move because it makes the agent-relativity of a moral prescription central to the meaning of the moral prescription. The normative value of the prescription for a deontologist is in large part determined by the agent-relativity because motives are inherently self-referential, they are always about what *I ought to do*. The characterization of deontology defended here, therefore, can account for the agent-relative insights to deontology while at the same time ruling out the possibility of rephrasing motives

in agent-neutral language. All ethical theories must stake a claim about what morality centrally involves. For deontologists such as Kant and others the concern is first and foremost about which considerations ought to motivate our interactions with other people and the world generally. The worry about being "internally self-contradictory" is only a serious concern for an ethical theory that takes motivation to be of central importance. That an inconsistency in the will is of such importance speaks volumes to how deontologists take motivation to be of primary concern and represents the "phenomenological nerve" of deontology that Nagel describes.

NOTES

1. This is not intended as an exhaustive list of *all* the proposed conceptions of deontology in the philosophical literature. I approach this chapter as building off the ambitious and excellent analysis of a much broader variety of deontological conceptions in Raymond Gaus' two-part article entitled "What is Deontology?" (*Journal of Value Inquiry*, 35 [2001]). Gaus has done a remarkable job in narrowing down some of the most influential candidates that I have chosen to focus on here.

2. It may appear question-begging to identify particular moral philosophies to define a suitable conception of deontology because it reverses the explanatory direction. In other words, Kant is a deontologist because of the shared feature of deontology, not that the shared feature of deontology is what is shared by the theory of Kant. If there were no independent reason for focusing upon Kant's ethical theory for understanding deontology, then this would be a very real concern. However, the basic agreed upon feature of deontology is a type of theory that diametrically opposes consequentialism. In *this* respect, Kant's ethical theory is certainly a good candidate for being a deontological theory.

3. It should be noted that Robert Nozick argues this strategy is "gimmicky" in Nozick (1974). However, Vallentyne (1988), Sen (1983), and Broome (1991) argue that it is not and represents a natural way of differentiating and comparing ethical theories.

4. Some of these examples (Humean sentimentalism and emotivism) can be interpreted as consequentialist accounts, but there is nothing inherently contradictory with a non-consequentialist emotivist or sentimentalist theory. Emotivism and sentimentalism can take up whatever feelings it likes and there seems to be no necessary reason to privilege one's feelings about the consequences over other criteria for moral rightness.

5. Similarly, an appeal to rules as an exclusive feature of deontological theories will not do because consequentialists (specifically rule consequentialists, such as Brad Hooker and J. O. Urmson) explain their ethical theories in terms of the rules one ought to be guided by in their ethical life. Many other theories *could* translate their accounts of moral obligations into rules, for example, sentimentalists such as Hume and Reid.

6. This insight was developed by Jackson Schwartz in one of our many dialogues regarding virtue ethics.

7. Near the beginning of section 5 he writes "My aim is to work out a theory of justice that represents an alternative to utilitarian thought generally" (20).

8. See the opening pages of *Anarchy, State, and Utopia* (Basic Books, 1974) for his discussion of the foundation of rights. Nozick largely takes his cue from Rawls and Locke that we have rights, but it is unclear whether he would accept the justifications that either Rawls or Locke provide for why we have these inviolable rights.

9. The distinction was originally coined by Derek Parfit as a way of understanding Thomas Nagel's position in *The Possibility of Altruism* (Princeton, 1970), which Nagel eventually adopted as well.

10. Kant's distinction of autonomous wills from heteronomous wills clearly emphasizes this importance. See in the *Groundwork* 4: 440–44.

11. See Nagel's *The View from Nowhere* (Oxford University Press, 1986) 165 for his definitive statement.

12. Nagel puts the point this way: "But how can there be relative reasons to respect the claims of others? How can there be a reason not to twist someone's arm which is not equally a reason to prevent his arm from being twisted by someone else" (Nagel 1986, 178)?

13. Nagel is very clear in stating that deontological restrictions "are not themselves to be understood as the expression of neutral values of any kind. . . . Deontological constraints have their full force against your doing something—not just against its happening" (Nagel 1986, 177).

14. The purpose of this section is not necessarily to give the necessary and sufficient conditions for a theory to be labeled as deontological, rather the intent is to understand how deontology should be understood in relation to virtue ethics. The relation that I am defending in this essay will become clearer in the next chapter that focuses upon virtue ethics.

15. See his introduction to *The Right and the Good* (Oxford University Press, 2002) by W. D. Ross for his discussion of this interpretation.

16. For Kant, maxims pick out an action done for a specific reason under certain circumstances (e.g., as the shopkeeper holds, "I will give customers correct change when they make purchases in my shop out of respect for their status as fellow persons"). While motivations typically pick out particular inclinations or desires, there is nothing inherently problematic with expanding our understanding of motivations to include the intended action, its circumstances, and our reason for acting. It is a virtue of theories that they recognize nuance and complexity and viewing maxims as a particular way of interpreting motivation benefits from this virtue.

17. This is not to claim that motivation is irrelevant to consequentialism or virtue ethics, but motivation is secondary or derivative with regard to the fundamental standard for goodness in consequentialism (i.e., outcomes) and is not singularly the good-making feature of virtue ethics (this point will be defended in chapter 6).

18. It may seem that a commitment to internalism in the sense described here is a feature of all deontological theories because a focus on whether I am appropriately motivated in my actions presupposes a capacity to control or determine what

motivates a person. The acceptance of internalism may be a feature that many deontological theories share, but it is not a necessary feature because it is possible for a theory to focus on certain emotional feelings as the correct kinds of motives (even if we do not have direct control over them, but can only influence them indirectly through habituation) and this would align such a theory with a deontological orientation. In fact, Korsgaard interprets Ross as a paradigm of such an account by arguing that

> By itself, then, rightness has no normative force. This makes it clear why Ross must be an externalist. Since rightness is not a value, the desire to do what is right is not a response to a value. . . . Like the natural affections favored by sentimentalists, it is merely a motive we happen to have. So rightness by itself neither motivates nor binds, nor are we bound to the desire to do what is right by any tie of reason or duty. Thus it turns out that, for Ross, the whole normative force of rightness springs from the supposed intrinsic value of acting from a certain motive, which we simply happen to have. (Korsgaard 1996, 54)

19. It is worth distinguishing the issue to be discussed here from the question of the deontic relevance of motives. While there is some overlap in the concerns and issues raised in regard to the question of the deontic relevance of motives and motives as the locus of normativity according to deontology, the question of whether certain motives can *ever* change the moral status of an action is a much broader question than where the locus of normativity lies within a particular moral theory. Furthermore, as genus theories are not defined in terms of constituting the rightness or wrongness of actions, the focus of each issue differs significantly.

Chapter 4

Clarifying Consequentialism

THE NATURE OF CONSEQUENTIALISM

While the meaning of the term "deontology" is a point of controversy among its own proponents and other philosophers, "consequentialism" as a term is its complete opposite in this regard as well. Unlike "deontology" the key component can be found in the very position's title, namely, "consequences." Avram Hiller and Leonard Kahn define consequentialism as the belief that "the rightness or wrongness of an agent's action depends solely on the value of the consequences of this action, compared to the value of the consequences of any other actions that the agent could have undertaken" (Hiller and Kahn 2014, 3). This interpretation is repeated by Walter Sinnott-Armstrong in his *Stanford Encyclopedia of Philosophy* article on "Consequentialism" as the claim that "normative properties depend only on consequences" (Armstrong 2015). It should not be inferred that there is *no* disagreement about how to define consequentialism among moral philosophers (alas, such universal agreement on *any* question among philosophers is incredibly elusive). Some think that such a weak claim is insufficient to truly define consequentialism and that it must be paired with other normative claims, for example, that all consequentialist theories must also be agent-neutral (McNaughton and Rawling 1991, Howard-Snyder 1994, Pettit 1997). However, as a genus theory the basic interpretation made by Armstrong, Hiller and Kahn, is absolutely sufficient for understanding that consequentialism takes questions of the consequences to be the perspective by which moral agents ought to view the world and how to evaluate their interaction with others. If other considerations are morally relevant (e.g., character, motive), then it is in terms of the consequences of including them as relevant that grants them any normative status. Only the outcomes of our actions have immediate moral value. Since a basic

description of consequentialism is sufficient for understanding it as a genus theory it is not necessary to analyze and discuss the various ways of defining consequentialism. Rather, the final section of the chapter will focus on two separate issues: (1) clarifying the concept of consequentialism as a genus theory and (2) showing that the conception of deontology given in the previous section is a distinct and unique moral perspective that cannot genuinely be "reduced to" or "captured by" a consequentialist reinterpretation. The aim is to show consequentialism to be a unique perspective on how the world appears in answering its central moral concerns and the kinds of reasons that come to shape the moral perspective on the world.

Typically, once the term "consequentialism" is defined, the next task is to distinguish between "act consequentialism" on the one hand and "rule consequentialism" on the other. This distinction raises a potential problem for understanding consequentialism as a genus ethical theory. If there is a division between two types of consequentialism, then does this mean that consequentialism itself is not a unified genus category? Should we more accurately speak of "act consequentialism" as a genus category separate and distinct from "rule consequentialism?" Hiller and Kahn define these categories as such:

> *Act* Consequentialism: It is morally right for agent A to do action F if and only if the value of the consequences of A's doing F is greater than the value of the consequences of A's doing any other action available to her.
>
> *Rule* Consequentialism: It is morally right for A to do F if and only if the value of the consequences of accepting a set of rules which permits doing F is greater than the value of the consequences of A's society accepting any other set of rules.

"Rule Consequentialism" is sometimes referred to as *indirect* consequentialism because the moral focus lies upon a broader conception of which consequences ought to be taken as morally relevant. What this debate ultimately boils down to is a disagreement about the scope of definition for the term "consequence." This contemporary distinction has an unfortunate consequence that the semantic cart is put before the theoretical horse. The question of what the term "consequence" should include in its meaning is a question that can only be settled by gaining a more specific understanding of the normative conception of consequence that one accepts. Thus, this distinction is a question that comes once a more detailed normative conception is formulated, not at the general level of a genus theory.[1] For example, a moderate Epicurean could weigh both immediate pains and pleasures with expected pains and pleasures, thus justifying exercise and avoiding indulging in fine wines and delicious foods. The meaning of "consequence" is clarified and given more

precision once the theoretical commitments about what is good is formulated in the theory. It doesn't seem to be necessary for the Epicurean to decide one way or the other regarding the scope of "consequence" before thinking about what would be good and right. If they need not make a decision beforehand, then such a distinction of semantic scope does not lie at the bedrock foundation of a consequentialist perspective. Rather, it is a question that the more specific normative species theories must wrestle with answering.

OBJECTIVE VS. SUBJECTIVE CONSEQUENTIALISM

The primary distinction I am defending between deontology and consequentialism rests on the role of motivation within the theory's moral perspective. There are two ways that a consequentialist theory could be constructed that would pose a problem to the genus theory schema proposed here. One way is to argue that what is characteristic of deontology can actually be characteristic of a consequentialist theory. The other possibility is a theory that is plausibly understood to be a consequentialist theory but rejects the central significance of outcomes or consequences. This second possibility is very unlikely given that other features of consequentialist theories imply that consequences are the source of normative claims. Thus, the focus here will be on the first kind of problematic possibility. Some consequentialist thinkers have attempted to give motivation a more substantive role and such accounts threaten to weaken the strength of the proposed distinction between deontological and consequentialist genus theories. As I will argue, though, such accounts cannot fully incorporate concern for any specific motivations at the fundamental level of a consequentialist theory, though at the level of a species theory these concerns can become more important than in other consequentialist species theories. The consequentializing thesis previously mentioned is one possible way that a consequentialist theory could include motivation in an important role, while other prominent accounts are given by Peter Railton's distinction between "subjective" and "objective" consequentialism and Robert Merrihew Adams's "motive-utilitarianism."[2]

Before moving on to develop the account of consequentialism as a genus theory an important clarification should be made regarding the term "motive" insofar as the historical development of consequentialism in classical utilitarianism makes a distinction between "motives" and "intentions." In his book *Utilitarianism*, John Stuart Mill makes the somewhat puzzling claim that "The morality of [an] action depends entirely upon the intention—that is, upon what the agent *wills to do*, but not at all upon the motive" (Mill 2003, 146). It is important to gain some clarity regarding this distinction for two reasons: (a) we need to understand the consequentialist analog for motive in

the way that deontologists are characterized as relying upon the concept and (b) address the potentially problematic interpretation of Mill as endorsing the deontological focus upon motives.

Mill's understanding of the term "intention" owes much to Bentham's own discussion of it in *The Principles of Morals and Legislation* and in a comment on his father's chapter on "Intention" in his *Analysis of the Human Mind*, John Stuart Mill comments that

> when we are said to intend the consequences of our actions, means the foresight, or expectation of those consequences, which is a totally different thing from desiring them. The particular consequences in question, though foreseen, may be disagreeable to us; the act may be done for the sake of other consequences. . . . But it is the intention, that is, the foresight of consequences, which constitutes the moral rightness or wrongness of the act. (Mill 1981, 252–53)

Michael Ridge sums up Mill's distinction between "motive" and "intention" writing that

> An intention is either an agent's aiming to do something, or the agent's foreseeing a consequence of what the agent aims to do. . . . A motive, by contrast, is a feeling, and such feelings may (though they need not, and do not, always do so) cause one to intend to bring about the state of affairs, the contemplation of which gives one the feeling. (Ridge 2002, 58)

The concept of "motive" in the way it is attributed to deontology includes both "intentions" and "motives" in the sense that Mill understands them. Insofar as the motive has propositional content, that is, is a reason of some sort for acting, the term is meant as analogous with Mill's "intention," although Mill's focus of intention upon the *consequences* of the action is not the kinds of reason deontologists will incorporate into their motives. However, a deontological account may also include certain feelings as the appropriate kinds of motives (this leaves open the possibility of a sentimentalist deontology) and if such feelings are the appropriate kinds of motives for the theory in question, then "motive" is used synonymously with Mill's meaning.

Does the claim by Mill pose a potential problem for the understanding of deontology? The challenge is that Mill seems to make intention the focus of moral evaluation insofar as the "morality of action depends entirely upon the intention" and, thus, Mill could be seen as defending a deontological account. Even if this were the case it does not necessarily contradict the account but would merely point out an error within the history of philosophy that so confidently characterized Mill as a consequentialist. It would be question begging to simply assert that any theory of consequentialism by which Mill does not count as a consequentialist must therefore be flawed. However, it is

not the case that this claim by Mill offers sufficient reason to categorize him as a deontologist but, to the contrary, reaffirms our suspicions that Mill is properly understood as a consequentialist. The reason why Mill takes intention to be so fundamental to the morality of an action is because the action to be morally evaluated is determined by the intention. As Michael Ridge explains the point, "Before we determine whether a given action is right or wrong, we need to know just what action is in question. Hence, determining the rightness of a given action requires having some way of individuating actions. Mill's suggestion seems to be that actions should be individuated, at least in part, in terms of their intentions" (Ridge 2002, 59). Consequentialism is concerned with evaluating the consequences of an action, but in order to do this we must have a way of determining what the action includes in its description. An often quoted example from Mill is that of a man who rescues another man from drowning only to keep him alive to torture him later. The consequences which will be evaluated depend on what we count as the action and the action can be described in various different ways. One description could simply be the rescuers physical body movements, another could just be the immediate event of pulling the man out of the water and saving his life, while a third description of the action is preventing the man from dying before the person has the opportunity to torture them. The third description is properly understood as the "action" to be evaluated for Mill because it includes all the foreseen consequences that the agent intended. If the case were slightly different and the person rescuing the other did not realize that a group of mafiosos were waiting around the corner to torture him after he was rescued, the action is described differently and, perhaps, as an act of heroism rather than villainy. Thus, for Mill, the intention is not actually granted any special place of consideration for the agent because they do not raise the same sets of questions as the deontologists ("why did I act the way I did?" and "was my motive the morally appropriate kind of reason for acting?"). Intentions serve the role of evaluating the action after it has already been done and, in the way Mill understands them, the intentions are solely concerned with the consequences of the intended action. Thus, Mill is properly understood as a consequentialist on the understanding of both deontology and consequentialism defended in this essay.

In the last section the attempt at consequentializing theories was introduced as a way to motivate the importance of preserving the category of deontology. However, a lurking worry may have been that if the consequentializing thesis is correct, then does this nullify the uniqueness of deontological theories? The position of the consequentializing thesis is a claim that all moral theories can ultimately be reduced to a consequentialist formulation. In other words, the prescriptions of all moral theories are not simply compatible with consequentialism but also *reducible to* consequentialist prescriptions. If this

is correct, then consequentialism might trivially include motivation within its possible prescriptions because it includes all possible kinds of prescriptions; even those about which motivations one ought to act from or in accordance with. Thus, on this position, the consequentializing thesis would nullify the distinction between deontological and consequentialist genus theories because it nullifies the distinction between any non-consequentialist theory and consequentialism.

The strength of the claim is important to recognize because it parallels the claim of egoism, which claims that any prescriptive claim is necessarily compatible and ultimately reducible to a claim about how such an action is believed to truly benefit the individual actor. If this analogy with egoism is accurate, then this raises three particular problems with the consequentializing thesis. The first is that because such claims are taken as universally applicable to every moral prescription the theory becomes *descriptive,* rather than *prescriptive*. In the case of egoism this results in the position of psychological egoism, which merely describes all actions as arising out of some kind of concern for self-interest. It does not make sense to argue one ought to base their actions on their self-interest because we necessarily already do that. Similarly, consequentialism would become a description of how we think morally, rather than a way that we ought to make normative choices. If normativity is understood as dependent on a kind of choosing related to what we ought to do, then consequentialist prescriptions lack normative force because they are simply descriptions of how we necessarily make moral decisions anyways.

A second problem related to this is that if the consequentializing thesis is correct, then consequentialism is trivially true. The problem here is that there seems to be a substantive moral perspective that consequentialists argue for and such arguments seem to presuppose substantive theoretical differences among the theories. However, if consequentialism is trivially true, then these theoretical differences can only be superficial differences; deontologists are just a kind of consequentialist arguing against utilitarians. There is no fundamental difference in the moral thinking of deontologists, consequentialists, virtue ethicists, sentimentalists, intuitionists, etc. according to the consequentializing thesis. This ignores very different responses to moral problems that these theories represent and, therefore, the consequentializing thesis fails to account for the important plurality of moral responses available. Furthermore, if consequentialism is trivially true, then the history of moral philosophy has exaggerated and inflated the disagreement among moral theories to a reprehensible extent and made a discipline out of an actually minor disagreement. This view of the history of philosophy seems incredibly disingenuous and inaccurate, which is a powerful reason for rejecting the trivial truth of any moral theory. For these reasons the consequentializing thesis is very

problematic and fails to take serious the genuine moral disagreements among the different theories.

The strength of the consequentializing claim is the most likely source for the problem; that it claims all theories are both compatible and reducible to consequentialism. The criticism that the consequentializing thesis fails to represent the disagreements between consequentialists and non-consequentialists as genuine disagreements results from the claim of reducibility. But what about an account that maintains only the *compatibility* with consequentialism? Peter Railton famously offers an interpretation of consequentialism that is compatible with an agent adopting and acting according to non-consequentialist moral theories insofar as doing so would maximize happiness and well-being. To make this case, Railton distinguishes between "subjective consequentialism" and "objective consequentialism," the distinction he explains as follows: *Subjective consequentialism* is the view that whenever one faces a choice of actions, one should attempt to determine which act of those available would most promote the good, and should then try to act accordingly. One is behaving as subjective consequentialism requires—that is, leading a *subjectively consequentialist life*—to the extent that one uses and follows a distinctively consequentialist mode of decision-making, consciously aiming at the overall good and conscientiously using the best available information with the greatest possible rigor. *Objective consequentialism* is the view that the criterion of the rightness of an act or course of action is whether it in fact would most promote the good of those acts available to the agent.

The distinction then has to do with the role that the utility calculus plays within moral deliberation. A "subjective consequentialist" accepts a fairly common view regarding the connection between an ethical theory's basic principle and moral deliberation. Bernard Williams interprets subjective consequentialism as the only legitimate interpretation of the utilitarian agent, since "There is no distinctive place for *direct* utilitarianism unless it is, within fairly narrow limits, a doctrine about how one should decide what to do" (Williams 1973, 128). Williams's famous integrity objection to utilitarianism rests on the claim that the Greatest Happiness Principle not only states the criterion for what makes an action right or wrong (i.e., whether the action maximizes utility more so than any alternative) but also features centrally in a person's deliberation about what to do in a specific situation. The notion that "the criterion for determining rightness in action implies that agents ought to use that criterion when figuring out what they ought to do" may be a reasonable assumption to make about an ethical theory, since for most other theories that inference not only is plausible but also intended by the theoretician. However, Railton steps out of this tradition because the "flexibility" of objective consequentialism allows for multiple ways to actually achieve the criterion of consequentialism. A truly consistent consequentialism must

be *global* in evaluating every feature of human life connected to maximizing utility, including human psychology, motives, education, and physical height and weight, even which ethical theory ought to guide your moral decision-making. If the world were such that everyone's being a deontologist maximized utility, in the sense that you accept the theoretical tenets and principles of deontology *as ways of deliberating about moral decisions*, then objective consequentialism would recommend being a deontologist. Of course, this would come as quite a surprise to deontologists who lived in such a world that they might really just have been objective consequentialists all along! Nevertheless, if Railton is correct, then it is possible that objective consequentialism could be compatible with endorsing deontology in moral deliberation while maintaining significant theoretical disagreements between the two theories.

Railton's distinction between "subjective" and "objective" consequentialism may seem to reveal a disingenuous element that undermines the distinction itself. However, upon deeper reflection it becomes difficult to identify exactly where the problem lies. Bertrand Russell mentions a similar problem in relation to Anselm's ontological argument in that "it is easier to feel convinced that it must be fallacious than it is to precisely find out where the fallacy lies" (Russell 2004, 536). Luckily, the task at hand is not to refute Railton's account of "objective consequentialism" as a moral theory but to evaluate whether objective consequentialism poses a threat to the schema of deontology and consequentialism as genus theories. In order for Railton's account to undermine the distinction between deontology and consequentialism it would have to properly be a consequentialist theory that directed the questions to be asked at the fundamental level of the moral point of view to be centered on questions of what kinds of motives one ought to adopt in thinking about what is morally significant and morally relevant. At first it may seem that Railton's account *does* provide this kind of guidance to moral deliberation, after all if asking questions about which motives one ought to adopt maximizes utility, then doesn't his view recommend an emphasis on motives at the fundamental level?

A first point to make is that in deciding how to structure one's moral deliberation, if the agent is first concerned with the consequences of their choices (i.e., how their decisions will impact others, lead to happiness, increase pleasure, and so on), then they are in a certain sense already thinking within the framework of consequentialism and asking basic questions about the outcomes. The objective consequentialist is busy filling out what specifically gets included in the phrase "consequences" by applying it to moral deliberation. However, even if we overlooked this issue and the person could somehow erase from their mind that they were originally motivated by consequences in adopting an emphasis upon motivation in their moral deliberation, Railton's

account still does not pose a threat to the distinction between deontology and consequentialism as genus theories.

There is a kind of slipperiness in Railton's use of objective consequentialism. On the one hand, Railton wants to view the account as a determinative influence upon how we are to structure our moral deliberation. On the other hand, all the theory of objective consequentialism can tell us is that (at best in hindsight) adopting a certain structure of moral deliberation would have maximized utility more so than other structures, which *cannot* determine our immediate decision as to how to structure our moral deliberation, since this would be to fall into the position of subjective consequentialism. The position of "objective consequentialism" is not really a theory of moral deliberation but rather a detached description of a causal chain of utility. Railton himself acknowledges that "it becomes an empirical question (though not an easy one) which modes of decision-making should be employed and when. It would be a mistake for an objective consequentialist to attempt to tighten the connection between his criterion of rightness and any particular mode of decision-making: someone who recommended a particular mode of decision-making regardless of consequences would not be a hard-nosed, non-evasive objective consequentialist, but a self-contradicting one" (Railton 1984, 156). The potential worry is that Railton's view could recommend taking motivation as a primary moral concern (forgetting, of course, that you care about this only because it could maximize utility) and, thus, potentially count as a consequentialist theory compatible with motivation being a primary moral concern. However, objective consequentialism cannot be a theory of moral deliberation (i.e., how we ought to deliberate about morality) for the simple reason that the criteria for determining how we ought to deliberate are inaccessible to us. A theory of moral deliberation provides a way that we can figure out how to best structure our moral deliberation. The criteria of objective consequentialism that will determine which structure of moral deliberation (or "mode" as Railton puts it) we ought to adopt are *all* the causal facts in the universe, since each cause has a determinative influence upon what can happen that will necessarily maximize utility or it will not. Our capacity for knowledge of these causal facts is extremely limited by our perceptual and cognitive capacities. The only way that objective consequentialism could be a theory of moral deliberation is if we had perfect knowledge of all relevant causal facts in a completely deterministic universe (i.e., where *all* entities operate deterministically). Both aspects are, in the least, questionable if not entirely false and, therefore, objective consequentialism cannot genuinely provide a way for us to figure out how to structure our moral deliberation.

What this ultimately means for Railton's objective consequentialism is that it is a descriptive theory about what happened and what could have happened

and to what degree such events maximized utility. It is descriptive in the way that the actual causal sequence of the Big Bang occurred and lead to the formation of the universe. This actual causal sequence is what many scientific theories attempt to capture and represent, but the theories that scientists develop are different than the actual and true causal sequence of the Big Bang. The potentially problematic claim of objective consequentialism for my view is that whatever will *actually* or *truly* lead to maximizing happiness is the standard for how we ought to deliberate morally to which a focus upon motives could be one candidate among many. However, this is as frustrating a claim as saying that how we should approach testing the development of the universe should be determined by what actually occurred during the Big Bang. Everyone agrees that this position of knowledge would be ideal, but the nature of the specific events leading up to the Big Bang are mysterious and, therefore, cannot help us *practically* in figuring out what developments in the universe to look for or even how to go about testing for the specific developments. Because objective consequentialism is not truly a theory of moral deliberation, then it cannot determine what kinds of questions agents ought to ask at the fundamental level of the moral point of view. If a scientist is wondering how he ought to decide which experiment to run next to calculate the age of the universe it is no help to simply point out that "there is an objective truth of the matter as to which experiment will yield better results over other experiments." Simply acknowledging that there is a truth of the matter will not help her decide how to go about deciding which experiment to adopt if such facts are inaccessible to her knowledge. What is so interesting and unique about Railton's distinction between "subjective" and "objective" consequentialism is the idea that a consequentialist account can be wholly separated from an account of moral deliberation. Making this theoretical dissection offers the consequentialist a way to answer certain powerful criticisms that rest on the assumption that consequentialist theories adopt a symmetry between their basic principles and theory of moral deliberation. However, the consequentialist (even of the "sophisticated" variety) cannot have it both ways. Once this theoretical dissection is made, it is not clear that the principle can be sutured back with an account of moral deliberation in any straightforward way.

MOTIVE-UTILITARIANISM

Railton's view seemed to open a space at the fundamental level of consequentialism for an emphasis upon motive in our moral deliberation, but the concept that made such a space possible is actually incapable of having any truly determinative influence upon the structure of moral deliberation. This

shuts the door on this way of including an emphasis upon motive at the fundamental level. Another approach that on the face of it could grant motivation a nonderivative fundamental role within a consequentialist theory is "motive-utilitarianism." In this theory Robert Adams attempts to carve out a unique focus for utilitarian consideration located on the specific motivations that moral agents adopt. He is at pains to differentiate the view from act-utilitarianism and deny that motive-utilitarianism is simply derivative from the former because, in his view, there are situations where the two conflict in their evaluations of whether the agent acted rightly or wrongly.[3] What Adams seems particularly interested in developing is a way of including the evaluation of motives within utilitarianism that does not simply value motives as instrumental to producing maximizing behavior. Classical utilitarians, such as Jeremy Bentham, derive the value of motive because of its connection to right action; "If they [motives] are good or bad, it is only on account of their effects: good, on account of their tendency to produce pleasure, or avert pain: bad, on account of their tendency to produce pain, or avert pleasure" (Bentham 1961, 102). From the earlier discussion in this section, there is a clear distinction between "motive" and "intention" that both Bentham and Mill recognize. While Adams does not clarify his own view, in relation to their distinctions he defines "motives" as

> principally wants and desires, considered as giving rise, or tending to give rise to actions. A desire, if strong, stable, and for a fairly general object (e.g. the desire to get as much money as possible), may perhaps constitute a trait of character; but motives are not in general the same, and may not be as persistent, as traits of character. (Adams 1976, 467)

This understanding of "motive" does not really fit neatly within either "motive" or "intention" as Mill and Bentham understood the terms. Adams's use of the term shares some similarities with Mill and Bentham's use of "motive" insofar as Adams refers to desires or wants in an emotional sense, but wants and desires often have some propositional content to them and in this sense they are perhaps closer to "intentions." Adams is concerned with a wider category of human psychology in his usage of "motive" than Mill or Bentham and, insofar as Adams is distancing his account from classical utilitarianism, his point seems to be that consequentialists (more specifically utilitarians) ought to focus on specific kinds of wants and desires that are connected to producing good results. Neither Mill nor Bentham sought to give motive *or* intention a normatively determinative role (intentions are fundamental and determinative of the morality of actions in the same way that the meaningfulness of words determine the morality of actions) and this is what Adams is trying to develop in his account of "motive-utilitarianism."

In a similar fashion to Railton's rejection of any necessary symmetry between the Greatest Happiness Principle (or whatever principle the consequentialist species theory advocates) and how we ought to deliberate, Adams is also picking apart a commonly held connection between motive and action. However, the exact formulation of his position does not make it obvious what he truly intends. For instance, at the beginning of his essay on motive-utilitarianism he makes this claim:

> Accordingly, the theory that will be my principal subject here is that one pattern of motivation is morally better than another to the extent that the former has more utility than the latter. The morally perfect person, on this view, would have the most useful desires, and have them in exactly the most useful strengths; he or she would have the most useful among the patterns of motivation that are causally possible for human beings. Let us call this doctrine *motive utilitarianism.* (Adams 1976, 470)

This appears to be the official formulation of the view that he wants to defend, which is a claim about the *utility* of certain motives over others. However, in other places in the essay Adams talks of motive-utilitarianism as a normative account that contains a standard of right or wrong motives, not simply better or worse motives. In discussing his thought experiment of Jack visiting a cathedral in Chartres he characterizes Jack's motivation as "right by motive utilitarian standards, even though it causes him to do several things that are wrong by act-utilitarian standards" (Adams 1976, 471). A little further on in the essay he claims, "[m]otive utilitarianism is . . . about what motives one ought to *have*" (Adams 1976, 474).[4] These are normative claims that assume some kind of standard for distinguishing between right and wrong motives. A helpful distinction here is perhaps between "direct" and "indirect" consequentialism:

> *Direct Consequentialism—X* is right or wrong solely in regard to the consequences that follow from *X*.

> *Indirect Consequentialism—X* is right or wrong in regard to the consequences that follow from *Y*, where *Y* is something causally related but not identical to *X*.

Act-utilitarianism in its classical formulation is the paradigmatic form of direct consequentialism where an act is right if the act maximizes utility. In other words, what makes the action in question right or wrong is simply what results from that action. Rule-utilitarianism is a version of indirect consequentialism where acts are right if they abide by certain rules which, if followed, maximize utility. The second interpretation of motive-utilitarianism as a normative theory would most closely resemble the position of indirect

consequentialism because Adams is explicitly concerned with distancing his interpretation of the role for motives in utilitarianism from classical utilitarian thinking that sees motives as good or bad depending upon their conduciveness to right action (i.e., maximizing utility through acts). In other words, the attempt by Adams is to formulate a theory where the locus of moral evaluation is not on the actions which produce consequences but rather on seeing the actions as consequences produced by certain motives. Thus, it seems reasonable to understand his view as an indirect version of utilitarianism, namely, that having certain kinds of motives maximizes utility indirectly through the actions that result from having certain motives.

Adams uses the term "useful" to describe how we should understand the role that motives can play in maximizing utility. What is puzzling is that there seems to be an independent criterion of goodness for which motives count as useful because Adams rules out the classic utilitarian account of seeing motives as at best instrumentally valuable in bringing about good consequences. The consequences resulting from certain actions is thus not how good motives are distinguished from bad ones. That there is an independent criterion for the rightness or wrongness of certain motives also allows for cases where good motives lead to wrong action, yet motive-utilitarianism characterizes such scenarios as good and appropriate. Thus, we have one criterion (the Greatest Happiness Principle) that tells us the action was wrong and a separate criterion telling us that the motive was good. But where do we get this extra criterion from? As a utilitarian theory, the goodness or badness must be directed somehow to the utility or usefulness of having such motives, but how does one make sense of the usefulness of a motive without considering it in its instrumental connection to an action's consequence?

This leaves Adams's position in a dilemma where either (1) the goodness or badness of a motivation reduces to the consequences that follow from holding such a motivation (sometimes referred to as *direct* consequentialism of motives) or (2) the motivation's normativity is not tied to the resulting consequences and holding certain motives is good regardless of what actions follow. The second horn is not a utilitarian claim at all but rather resembles a claim about intrinsically valuable motives. Seeing that Adams labels his position motive-*utilitarianism*, it seems reasonable to reject this option. The first horn has two senses in which this claim could be interpreted. One is the claim that the usefulness of motive is tied to how they produce right action, but this is clearly something that Adams wants to reject given that he distances his account from the classical utilitarian derivation of the value of motives from the more fundamental value of acts. Another option is the attempt to make the point that the kinds of consequences that matter stem from the motives an agent holds, rather than the consequences arising from the acts. This is a false distinction because what results from having certain motives is supposedly a

particular action, which brings about the consequence that can be evaluated as good or bad. An agent who is motivated by honesty will *do* the honest action. The production of specific actions is the consequence of particular motives and any evaluation of those motives for the utilitarian and consequentialist must focus on what the action brings about. Thus, motives are still only instrumentally valuable for the consequentialist.

Whether Adams is offering a direct or indirect consequentialist account of motives is ultimately beside the point because either interpretation is really more appropriately understood to be a species theory of consequentialism and not a genus theory. Both versions already accept a more fundamental claim about the consequences being what really is of primary moral concern. The motive utilitarian is concerned to establish that "one pattern of motivation is morally better than another to the extent that the former has more utility than the latter" (Adams 1976, 470). Having "more utility" seems to mean that having one motivational pattern will lead to better consequences than having an alternative motivational pattern. This claim already accepts that the consequences of the motives are what matters, not the specific motives themselves. If a person lived in a world where generosity was cruelly punished by other citizens once they discovered it, then generosity would be a bad motivational pattern to have according to motive-utilitarianism.

This is not meant to suggest that consequentialists do not or cannot ask themselves questions about which motives they ought to adopt. They most absolutely can and do, but this question presumes a large amount of theoretical baggage that sets up even the possibility that motives could be seen as morally relevant in the first place. All one has to do is ask, "why do you think motives matter at all?" and the answer will pull you toward the more fundamental perspective that the theory is offering. In the case of consequentialism, the answer is something akin to "because there is an important link between having certain kinds of motives and bringing about good results and outcomes." In the case of deontology, a rough and general answer might be that "because the kinds of motives you adopt are indicative of what is morally important and you ought to be consistent in what you take to be morally significant.[5]" If motive-utilitarianism is a theory of value, then it does not make a claim about the moral importance at the genus level but from within a more substantive normative position that sets the criteria for determining moral value. On the other hand, if motive-utilitarianism is a normative position in its own right (thus a *species* of consequentialism), then it is an interpretation as to which kinds of consequences matter specifically in moral judgment. Even here the presumption is that our moral gaze ought to be turned toward the consequences of our decisions (in this case our choices about motive), which is wholly compatible with the genus theory distinction of consequentialism from deontology.[6]

MOTIVES OR CONSEQUENCES

The claim I have been attempting to establish in this chapter is largely a negative one, namely, that motive is not the core concern within consequentialism. Exactly why this is the case is a very difficult and complicated question, but at least one reason is that the focus of consequentialism is turned outward onto the world in hopes of achieving and producing good states of affairs. The kinds of consequences we ought to set as ends is heavily contested within the various species consequentialist theories, but even if the end is clearly stated, there is rarely only one means toward accomplishing the end. This focus reflects the "flexibility" that Railton finds so important within the moral theory. Many of the well-known criticisms of consequentialism (and utilitarianism) either expressly identify the lack of concern for the agent's specific motive as problematic or implicitly hint at that feature being problematic. For example, Bernard Williams's critique of utilitarianism (as the dominant form of consequentialism) examines two cases that are intended to capture three problematic features of utilitarianism. George is a nuclear physicist and a devoted pacifist who is offered a promotion by his supervisor to work on developing nuclear weapons, something that George is adamantly opposed to but is told that if he doesn't accept the promotion, then it will almost certainly go to someone more interested in developing nuclear weapons that will only hasten nuclear proliferation. In the other case, Jim is a journalist traveling through a foreign country and inadvertently comes across a village ruled by an authoritarian dictator that has just rounded up a group of ten random civilians who he plans on murdering to quell any protests or rebellions. The dictator is a great admirer of your country and as a welcome gift he decides that you can choose to shoot one and he will release the other nine civilians. In both cases, utilitarianism would command the agent to set aside their reservations and minimize the amount of suffering in Jim's case and the dangerous threat posed in George's case. One problematic feature this shows is that for utilitarianism it does not matter *who* does the action. A second problem is that utilitarianism makes no moral distinction between actively bringing something about and allowing something to come about. The third problem is that integrity has no place within utilitarianism. All three of these problems revolve around the lack of motive playing any kind of important role within consequentialism. The identity of the person doing the action can matter in a moral sense only if the reasons for why a specific choice was made matters morally. In regard to the second problem, the distinction between "acting" and "allowing" *as a moral distinction* is made on the basis of the difference in kinds of motive. Without the involvement of motive, there are just two different kinds of action; one where you directly intervene and another where you do something other than directly intervene. What makes this a

moral distinction for some philosophers is in the difference of motivation that accompanies acting directly versus the motivation accompanying refraining from direct action. The final problem is the claim that utilitarianism cannot appropriately respect integrity because acting in line with one's convictions will at times conflict with actions that would maximize the best consequences and that in adopting a consequentialist moral perspective one cannot truly hold any convictions for any reason other than because they will maximize good consequences. Williams puts his point this way:

> It is absurd to demand of such a man, when the sums come in from the utility network which the projects of others have in part determined, that he should just step aside from his own project and decision and acknowledge the decision which utilitarian calculation requires. It is to alienate him in a real sense from his actions and the source of his action in his own convictions. It is to make him into a channel between the input of everyone's projects, including his own, and an output of optimific decision; but this is to neglect the extent to which *his* projects and *his* decisions have to be seen as the actions and decisions which flow from the projects and attitudes with which he is most closely identified. It is thus, in the most literal sense, an attack on his integrity. (Williams 1973, 117)

The threat to integrity that Williams is concerned with stems from the alienating impact that utilitarian thinking has upon an individual. It is not simply the problem that a person cannot just do whatever they want, since such a theory would only offer redundant prescriptions and, thus, be an incompetent moral theory. What is particularly troubling to Williams is that these decisions and choices do not ultimately flow from one's own freely chosen "projects," but are handed down to him as the "output of optimific decision[s]." Even on Railton's account of objective consequentialism, the convictions one ought to have are determined by an impartial utility calculus. The criticism in regard to the two cases is not to say simply that the convictions of George and Jim conflict with the act that would maximize utility but rather to say that their convictions are permissible only to the extent that they are sanctioned by the utility calculus. The problem, then, might be said to be that, though in many situations consequentialism is shown to be quite flexible and sensitive to contextual features, here it is lacking an important kind of flexibility, namely, a flexibility in how agents formulate their convictions. Whether or not you are personally convinced by Williams's criticisms, the point here is that they all involve some reference to the fact that motive plays no central role in the moral point of view at the basic genus level.

The difference between deontologists and consequentialists is best captured, I believe, by the disagreement as to whether we ought to be concerned with our motives or the consequences as a core concern of moral theorizing.

These two emphases upon our moral point of view are mutually exclusive in the sense that motives point inward and consequences lie beyond our personal perspective. There is a fairly traditional dichotomy at work here between the internal and the external, but it is grounded in the distinction between thinking and acting. The starkness of the distinction between thinking and action has been weakened, but acknowledging that there exist these two realms of moral activity is to recognize a phenomenological fact of humans as moral agents. These are two important elements of being moral and the disagreement between deontology and consequentialism is about which side should get priority in our approach toward being moral. It is not that deontology *only* involves the internal, while consequentialism *only* involves the external elements. Both genus theories attempt to capture the elements of living a moral life, but there is a clear priority placed by each upon their respective realms of moral salience. Thus the divide is on the issue of emphasis and this feature of the two genus theories will become especially important in how virtue ethics can be understood to relate to both at the level of a genus theory.

NOTES

1. This goes for other "kinds" of consequentialism as well. For example, Sinnott-Armstrong mentions "Maximizing Consequentialism," "Aggregative Consequentialism," "Evaluative Consequentialism," and many others. These all represent different claims that a consequentialist theory could adopt, but all of them imply the basic consequentialist claim that normative properties depend only upon the consequences.

2. Thomas Hurka also offers an account that attempts to incorporate motives into a consequentialist framework, however, Steven Sverdlik offers a powerful critique of his arguments in *Motive and Rightness* (Oxford University Press) that ultimately shows "Consequentialists should therefore say that motives like sympathy, the sense of duty, friendship, and gratitude are good, but only extrinsically good; malice, racism, revenge, and ingratitude are bad, but only extrinsically bad" (Sverdlik 2011, 74). The problems that Sverdlik identifies model the same problems that would be raised in any analysis of Hurka's view offered here and, interestingly enough, also draws the conclusion that motives can only be extrinsically valuable for the consequentialist.

3. It is worth noting that an admirable feature of Adams's account is an attempt to try and drag utilitarian thinking out of a simplistic focus on right action to include more morally relevant items to put under the microscope of consequentialist thinking.

4. The difficulty in parsing out Adams's intended understanding of motive utilitarianism is addressed in a clear and thorough manner in Fred Feldman's essay "On the Consistency of Act- and Motive-Utilitarianism: A Reply to Robert Adams" (*Philosophical Studies*, 70, no. 2 [1993]: 201–12).

5. Note that these answers are *not* definitive of deontology or consequentialism as genus theories, but the fact that an answer to the question of why something is morally

important pulls you down to a further level is indicative that you are not working at the fundamental level of the genus theory. At the level you have a basic outlook that is only appropriately formulated through the kinds of questions that matter within that perspective.

6. There may be another interpretation that what Adams is doing is simply trying to show that always acting from the motive of utility maximization may, somewhat paradoxically, lead to producing less utility than if a person were to focus on other things besides utility maximization. If this is what motive utilitarianism is trying to get at, then Adams is in line with Railton's distinction between "objective and "subjective" consequentialism and would therefore be liable to the same limitations of Railton's view.

Chapter 5

Virtue Ethics in a New Light

In the ancient periods of Western civilization there was no denial that virtue ethics was a substantive ethical theory, since virtue ethics was really the only game in town. There was a diversity of views about virtue in the ancient world and there exists today a similar diversity of virtue ethics that can be labeled "contemporary virtue ethics." The use of the phrase "contemporary virtue ethics" is not intended to exclude ancient or classical accounts as genuine virtue-ethical accounts or to diminish their status as virtue ethics in any way. However, ancient Greek philosophers did not have to contend with the virtue demarcation problem because the question of whether virtue ethics is a substantive normative theory is a *contemporary* problem. In the classical world there was no question that virtue ethics was a substantive moral theory, but with the development of deontology and consequentialism new questions and new ethical challenges arise. The change in paradigms of scientific knowledge and human psychology over the centuries alone requires a reevaluation of the tenets of an ancient theory of the good and morality and this belongs as part of the motivation for the inquiry into contemporary virtue ethics.

As with deontology, it is important to address at the outset a potential skeptical challenge about the very possibility of uncovering the unique elements of contemporary virtue ethics. The challenge is slightly different depending on which philosopher is formulating the criticism and, somewhat surprisingly, is even put forward by philosophers who either identify as virtue ethicists or whose work is closely affiliated with virtue ethics. Generally, the critique is that contemporary virtue-ethical approaches are a wholly disorganized, disparate set of theoretical approaches primarily concerned with rejecting either utilitarian or Kantian ethical theories and offering a conception of virtue as an adequate remedy to their theoretical ills. Martha Nussbaum, for instance, argues that "[while] there is some genuine unity to the set of concerns that

lead all these thinkers, and many others, to take an interest in the category of virtue . . . this area of agreement, though philosophically significant, is thin. It does not demarcate a distinctive approach that can usefully be contrasted with Kantian and Utilitarian ethics" (Nussbaum 1999, 168). Virtue ethicists might not be unified in what they agree on, but they are at least unified in the critique of both utilitarianism and Kantian ethics. However, Nussbaum questions this and states that virtue ethicists are actually divided even in this area into two camps: the virtue theorists sympathetic to the Kantian project of giving reason a more substantive role in our moral and political life and the virtue ethicists extremely dissatisfied with Kantian ethics and desiring the emotions to play a greater role within moral philosophy. Jonathan Sanford echoes this critique of contemporary virtue ethics when he claims that "although contemporary virtue ethics has a loose unity as a historical movement, it lacks a substantive unity of the sort that entails a cohesive, comprehensive, and coherent moral theory" (Sanford 2015, 142). Sanford offers his own distinction of contemporary virtue ethics into "mainstream" or "conventional" virtue ethics and a more radical or "unconventional" approach.[1] The "unconventional" approach takes up the mantle initiated by Anscombe of rejecting the very language of moral philosophy insofar as it relies on outdated terms such as "ought," "obligation," "rightness," and "wrongness" prompting a return to Aristotle and other classical thinkers on questions of virtue. On the other hand, "mainstream" virtue ethicists are content to "play the game" of morality in an analogous way to how it has traditionally been played by Kantians and utilitarians by accepting the "modern moral project," as Sanford labels it. While Sanford does not give any clear definition of what constitutes the "modern moral project," it seems reasonable to see his own usage of the phrase as adopting Anscombe's usage in her famous article "Modern Moral Philosophy." If this is accurate, then we have a fairly clear way of understanding the pivotal distinction as being one of agreement or disagreement with Anscombe's critique and warnings in "Modern Moral Philosophy."[2]

In Sanford's critique of contemporary virtue ethics, he mentions three aspects in which contemporary virtue ethics falls short, namely, it fails to be a "cohesive, comprehensive, and coherent moral theory." The issue of cohesiveness is largely the point that Nussbaum is making, namely that the points of agreement among contemporary virtue ethicists are "thin," while the comprehensiveness and coherency point toward somewhat different considerations. By "comprehensiveness," Sanford means "able to be utilized in all areas of ethical reflection" which then raises the question "can virtue ethics be used to pursue answers to all questions pertinent to philosophical ethics" (Sanford 2015, 132)? If virtue ethics were a coherent theory, then such a theory would "enable us to identify a virtue when we see one, give a

satisfying account of what makes that virtue a virtue, and be able to explain its function with respect to our lives" (Sanford 2015, 139). These three criteria construct a certain model of a "moral theory" that serves particular functions and offers specific answers to particular questions about the nature of virtue and how to identify virtues as such. However, this is to treat "virtue ethics" as a moral theory at a similar level to utilitarianism or Kantian ethics in the kinds of specificity required in its moral account. My claim in this work is that attempting to understand virtue ethics at this level will inevitably lead to confusion and a lack of clarity with regard to the cohesiveness in the answers to such questions offered by various contemporary virtue ethicists. Nussbaum's critique also appears to suffer from this category mistake of seeking a theory that shares an analogous degree of specificity and agreement that characterizes Kantianism and utilitarianism. However, Swanton reminds us to keep in mind that "if virtue ethics as a category is analogized to consequentialism rather than utilitarianism (as it should be), there will be seen to be many types of virtue ethics. So in that sense, the approach is no more unitary than consequentialism" (Swanton 2001, 296). In and of itself, this claim does not *disprove* the worries that Nussbaum and Sanford raise. That would require offering a characterization of contemporary virtue ethics as a unified ethical approach, which is what this chapter begins to develop and answers in the next chapter.

The resurgence of interest in virtue coincided with a revival of interest in the moral philosophy of Aristotle and other classical philosophers that addressed the topic of virtue.[3] In Julia Annas's excellent examination of the philosophical tradition of ancient Western moral philosophy, *The Morality of Happiness*, she argues convincingly that "the classical version of the tradition [i.e., virtue ethics] . . . underlies all of ancient ethical theory" (Annas 2006, 515). What is characteristic of the "classical version" is a central emphasis upon practical reasoning and a conception of the end, or *telos*, of life as morally significant. Ancient ethical theory was unified in the paradigmatic questions it posed as well as the ways in which it sought to answer such questions. However, these shared questions and approaches to answering them are features of morality which are called into question by modern ethical theories. Kantians reject any appeals to happiness or generic ends of human beings as a standard for moral goodness and consequentialists generally avoid any particular commitments to what constitutes "the good life" and instead speak of maximizing the good, whatever that may end up being. In lieu of this rejection it may be tempting to point toward the concept of *eudaimonia* as unifying all accounts of virtue ethics. While there is a strong case to be made that *eudaimonia* played a role in virtually every ancient Western account of virtue ethics, it does not hold such a pervasive role within contemporary virtue ethics.[4] Eudaimonist virtue ethics makes two primary claims:

(1) The virtues are beneficial to individual persons in the sense that having them allows for the individual to flourish and be happy.
(2) A character trait counts as a virtue only if it is necessary to have for the individual to flourish and be happy.

Some eudaimonist virtue ethicists are divided as to what the appropriate strength of these claims should be. For instance, some virtue ethicists posit a strong connection between virtue and happiness in that the virtues are both the necessary and sufficient condition for happiness; in other words, happiness *just is being virtuous*. However, virtue ethicists in agreement with Aristotle only posit a necessary connection between having the virtues and living well or being happy. "Living well" and "being happy" depend on more than just virtuous character traits because, in a certain sense, the world must be aligned in such a way that the individually virtuous person can receive basic necessities and live a life that is attractive and pleasurable to a degree. A virtuous person who suffers immensely because they happen to live in a place with very few resources or that they live in an unjust and capricious world cannot be said to be happy for Aristotle. While Aristotelians want to preserve the necessary connection between virtues and happiness the very connection itself has become questionable for some virtue ethicists. Swanton (2001) poses a challenge to eudaimonists through the case of a moral saint who dedicates her life to helping the poor and sick in a remote jungle area that receives little attention or aid. She clearly values her work and knows she is doing good, but in her activity she suffers constantly from illness herself and eventually dies prematurely. Such a person is clearly admirable and praiseworthy in her virtue, but it would be very strange to have labeled her life a happy one. At first this may seem exactly in line with the Aristotelian position that the virtues are only a necessary condition and do not guarantee happiness. However, the problem is that for the Aristotelians what goes wrong in such cases is a kind of bad luck and that there were unexpected problems that arose. If the problems were capable of being foreseen, then it's not quite an issue of bad luck rather than poor planning. But the plight of our virtuous moral saint is not merely an instance of bad luck nor was it an issue of poor planning. Going to work in the conditions she did contains a reasonable expectation that there will be illnesses and diseases that you may contract, but this potential danger cannot be eradicated from the situation. In fact, that this danger exists is part and parcel of why her work is so important and virtuous in the first place. If it is not a case of bad luck nor poor planning, yet she still suffers through horrible circumstances, then the reason why her having the virtues she does is good and valuable cannot simply be because they benefit her. Perhaps, then, the virtues are not so closely connected to happiness after all.

While eudaimonism may have been an overarching feature of ancient Western philosophical accounts of virtue ethics, their contemporary progeny lacks any unanimity regarding the connection between happiness and the virtues. One conclusion that can be drawn from this is that the defining feature of contemporary virtue ethics, that is, what *does* unify their positions under a cohesive approach toward ethics, lies in something other than agreement regarding the nature of *eudaimonia*.[5]

If contemporary virtue ethics is a viable and coherent position when understood as a genus theory, then it will be important to examine its development. The revival of interest in virtue ethics in the mid-twentieth century is largely credited with G. E. M. Anscombe's influential article "Modern Moral Philosophy." Her article sets up virtue ethics as an alternative approach to the dominant contemporary theories of Kantian ethics and utilitarianism.[6] However, while her account in "Modern Moral Philosophy" was significant in reviving interest in virtue ethics, it is not a view that clearly provides a structure for the moral perspective of contemporary virtue ethics. It is an incomplete picture of what virtue ethics has to offer in contrast to deontology and consequentialism. In constructing a conception of virtue ethics the account of Christine Swanton in *Virtue Ethics: A Pluralistic Approach* offers a very useful discussion of the complex nature of virtue ethics. The account to be defended in this chapter will develop out of her pluralistic virtue ethic but will not be unique to her view. In fact, it will be shown to be compatible with three other prominent accounts of "acting well" defended by various virtue ethicists.

THE THIRD ALTERNATIVE

Much as with deontology's malaise regarding consequentialism, contemporary virtue ethics begins with its dissatisfaction with the options of choosing between deontology and consequentialism. The resurgence of interest in virtue ethics in the twentieth century is generally attributed to Elizabeth Anscombe's 1958 essay "Modern Moral Philosophy." Roger Crisp begins the anthology *How Should One Live? Essays on the Virtues* describing her critique of the two predominate moral theories at that time, Kantianism and utilitarianism.[7] Anscombe's response to the binary choice was to reject the underlying modern moral philosophical project that both positions represented in favor of reviving an Aristotelian inspired approach of relying upon aretaic terms to make normative evaluations. This foundational critique of the dualistic landscape of moral theories had such a significant impact upon the philosophical field such that one "effect of this work has been the emergence, or perhaps re-emergence, of what is now called 'virtue ethics'" (Crisp 1996,

298). Anscombe's essay arises within a philosophical atmosphere hostile to conceptions of ethics as anything more than emotional appeals. The position now known as "non-cognitivism" developed out of the early influence of G. E. Moore's work *Principia Ethica* and found its most sophisticated proponents in A. J. Ayer and C. L. Stevenson, who published his major non-cognitivist work *Ethics and Language* in 1944, fourteen years before Anscombe's essay. The fog of logical positivism in the early twentieth century precluded viewing ethics as an area worthy of philosophical consideration. Instead it was believed that ethics is more appropriately suited for psychology departments and behaviorist study. If ethics is no more than our emotional reactions, then an understanding of ethics is simply an understanding of our reactions, that is, our psychology. Anscombe's response to non-cognitivism is to try and provide an alternative version of cognitivism that avoids many of the critiques of emotivism. She begins this task by presenting three theses that summarize her views on the situation of moral philosophy at the time:

> The first is that it is not profitable for us at present to do moral philosophy; that should be laid aside at any rate until we have an adequate philosophy of psychology, in which we are conspicuously lacking. The second is that the concepts of obligation, and duty—*moral* obligation and *moral* duty, that is to say—and of what is *morally* right and wrong, and of the *moral* sense of "ought," ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it. My third thesis is that the differences between the well-known English writers on moral philosophy from Sidgwick to the present day are of little importance. (Anscombe 1958, 1)

What exactly is included under the title of an "adequate philosophy of psychology" is somewhat vague, but this is generally understood to mean a better understanding of intention, action, and the other psychological aspects of ethical reflection and decision making. The first thesis accepts the critiques of the non-cognitivists but sets aside any serious debate that can be had until we have a better understanding of moral psychology in order to truly be able to evaluate the emotivists' conception of moral philosophy. It is the second and third theses that are of particular interest regarding the question of whether Anscombe's account can be the bedrock from which a contemporary virtue ethics can be constructed.

Her critique of modern moral philosophy in her second thesis is broad and addresses Kantianism, Humean sentimentalism, and utilitarianism among others. The main thrust of her argument rejects the existence of a special kind of "moral ought" that is disconnected from any deity to command and uphold such an obligation. The result of this is to reject the "is/ought" distinction

because there is no substantive meaning to "ought" other than an empirical fact. As famously pointed out by Hume, "ought" is meant to be a special kind of fact about our moral natures that are not settled by empirical facts. If someone claims that "one ought never tell a lie," then this is a claim that requires nonempirical evidence in order to justify it. These "moral ought's" (a kind of fact for any moral philosopher that takes "moral ought's" to be universal) only make sense, according to Anscombe, if they are underpinned by a deity. For Anscombe, the notion of a "moral ought" is merely carried over from older traditions of ethics that relied upon an objective lawgiver (i.e., God) to ground the normative force of moral obligation. In the modern era moral theories maintained the legalistic moral language of "obligation" and "ought" in a moral sense while abandoning the crucial element of an all-powerful divinity to command and uphold such law. Her recommendation at the end of the piece is to turn away from talk of moral obligation and "return to the ordinary 'ought,'" by which she means a nonmoral sense of ought that represents a means-end functionality for any prescriptive claim. For instance, "a tree ought to have deep roots" involves the word "ought," but not in any special moral sense because it does not make sense to say that a tree is *wrong* to not have deep roots, it is simply better for achieving the health and flourishing of the tree if it does have deep roots. In other words, the hypothetical imperative is that "if the tree is to flourish, then it must have deep roots" and the term "ought" simply indicates a necessary means-end relationship between a tree's flourishing and having deep roots. If the modern moral philosophies depend upon a concept they no longer accept, then

> It might remain to look for "norms" in human virtues: just as *man* has so many teeth . . . so perhaps the species *man*, regarded not just biologically, but from the point of view of the activity of thought and choice in regard to the various departments of life . . . "has" such-and-such virtues: and this "man" with the complete set of virtues is the "norm," as "man" with, e.g. a complete set of teeth is a norm. (Anscombe 1958, 12)

Thus, our moral language should evolve to understanding any norms or prescriptions in terms of virtues, rather than any talk of moral rights or wrongs.

Given the reception of this article by moral philosophers sympathetic to a transition toward virtue playing a larger role within ethics, it might seem that Anscombe herself is providing if not an account of virtue ethics, then at least a basis for structuring a contemporary virtue ethic within her "Modern Moral Philosophy" essay. However, it is not quite the case for three reasons. The first reason surrounds her third thesis and her discussion of consequentialism that informs an important element of her own view regarding moral

absolutism. This thesis presents a claim that she devotes a majority of the essay to examining the history of modern moral philosophy since Henry Sidgwick and John Stuart Mill. A unique feature of all the major English moral philosophers since Mill and Sidgwick is that they have endorsed, in one way or another, a philosophy by which "it is not possible to hold that it cannot be right to kill the innocent as a means to any end whatsoever and that someone who thinks otherwise is in error." She claims that this way of thinking is entirely incompatible with the Hebrew-Christian ethic that teaches "there are certain things forbidden whatever *consequences* threaten" (Anscombe 1958, 8). The distinction set up here appears to center around whether a theory can rule out in principle certain kinds of actions. She categorizes the English moral philosophers as "consequentialists," but her definition of such a position is not the typical understanding of the position (the one also defended in the previous chapter) that makes a claim regarding the rightness of an action solely being determined by the consequences. Rather, it is the fact that it cannot rule out any particular kinds of actions because the circumstances of the scenario determine the permissibility of the action. However, there is an important question as to what exactly Anscombe finds problematic about the position of consequentialism as she understands it. There are two possibilities as an answer. One possibility is that the problem is the mere fact that consequentialists even *consider* the possibility that a certain case could be deemed morally permissible, or even obligatory (call this the "Consideration Objection"). Another interpretation is that as a result of the theoretical commitments of consequentialism it does not end up ruling out the possibility of certain actions being impermissible in every instance (call this the "Externality Objection").

An interesting test case that can help clarify the distinction between the two objections is Kant's ethical theory. For Kant, the Categorical Imperative offers a method for determining the permissibility of acting on a particular maxim. The first formulation of the Categorical Imperative requires that a maxim be universalizable if it is to be permissible, meaning that it must be possible that a world in which everyone accepts the maxim in question as permissible could exist. If trying to imagine such a world results in either a "contradiction in conception" or a "contradiction in the will," then such a maxim is ruled out as impermissible. Because Kant's theory can successfully rule out certain actions (insofar as the maxim determines the action) as always impermissible, his theory avoids the "Externality Objection." However, interestingly enough, Kant's theory would seem to fall prey to the "Consideration Objection." The reason is because in testing the maxim the theory implicitly considers the possibility that it could be permissible because the results have not yet come back from the Categorical Imperative test. Kant's theory cannot rule out the possibility of, for instance, "judicially punishing a man for

what he is known not to have done" being permissible until it has applied the maxim to the Categorical Imperative. But is there a reason to favor interpreting Anscombe's criticism as either of the two objections?

The "Consideration Objection" is a fairly extreme interpretation of what Anscombe could mean in criticizing consequentialism for not ruling out certain kinds of actions as always impermissible. This interpretation gains some weight from an often-cited quotation of Anscombe's, "But if someone really thinks, in advance, that it is open to question whether such an action as procuring the judicial execution of the innocent should be quite excluded from consideration—I do not want to argue with him; he shows a corrupt mind" (Anscombe 1958, 14). The difficulty with this passage here is with the phrase "excluded from consideration" because it is importantly ambiguous as to the two objections. On a straightforward, literal reading Anscombe is pointing to the problematic feature that consequentialists believe it is open to question (i.e., possible to consider) whether the "judicial execution of the innocent" should always be deemed unjust and, therefore, immoral. On the other hand, she may be pointing to the fact that "the judicial execution of the innocent" should always be considered unjust, yet consequentialists will have to conclude in certain cases that such an action would be the just thing to do. This reading supports the "Externality Objection" because the problem is that consequentialists commit an error in thinking that there is ever a case where punishing an innocent could be considered just.

The reason for focusing so much on these two objections is to clarify in what sense Anscombe could be considered a "moral absolutist"; namely, whether it is an absolutism claiming that certain possibilities should be absolutely ruled out without any consideration or if certain kinds of actions should always be deemed wrong regardless of any other factors. The confusion as to the specific content of her form of moral absolutism may be the result of a subtle equivocation. As an example of a moral absolute she continually returns to an "example of the intrinsically unjust: if a procedure is one of judicially punishing a man for what he is clearly understood not to have done, there can be absolutely no argument about the description of this as unjust" (Anscombe 1958, 13). It is a fairly convincing example of injustice, she even goes so far as to describe it as a case that is "intrinsically unjust." But does it amount to anything more than an analytical definition of injustice? The problem is that her claim really disguises a substantial amount of theoretical inferences to establish such a claim. For instance, for the case in point to be considered "unjust" it must be the case that "justice" means something along the lines of "being treated fairly" or "getting what you deserve or is owed to you." Now what the terms "fairness" and "desert" mean is also a conceptual question, such that "fairness" could mean "the equal and unbiased consideration of a person's interests in relation to other people's interests." On *this*

definition of fairness, the "paradigm case of injustice" no longer seems obviously unjust *if* such a person's interests were weighed equally with others and justice is simply an issue of *fairness*. John Stuart Mill echoes this strategy where in his book *Utilitarianism* he writes:

> It appears from what has been said that justice is a name for certain moral requirements which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others, though particular cases may occur in which some other social duty is so important to overrule any one of the general maxims of justice. Thus, to save a life, it may be not only be allowable, but a duty, to steal or take by force the necessary food or medicine, or to kidnap and compel to officiate the only qualified medical practitioner. In such cases, as we do not call anything justice which is not a virtue, we usually say, not that justice must give way to some other moral principle, but that what is just in ordinary cases is, by reason of that other principle, not just in this particular case. By this useful accommodation of language, the character of indefeasibility attributed to justice is kept up, and we are saved from the necessity of maintaining that there can be laudable injustice. (Mill 2003, 144–45)

What this line of thinking rejects is the notion that there are any normatively charged "brute facts" about situations and that the normative terms of rightness and wrongness, as well as just and unjust, require a theoretical framework by which to understand these terms. This is one consequence of the gap between "is" and "ought" because mere descriptions of an action are not sufficient for characterizing whether the action ought to have been done, which is the same thing as characterizing the action through positive or negative normative terms. Even in virtue-ethical accounts that endorse a naturalist perspective (Aristotle and Foot are particularly poignant examples) the moral judgments of virtue and vice and attribution of "good" or "bad" stem from the account of human nature that requires a theoretical understanding of the entities in order to justify claims about certain natural processes having normative value. No actions are, in themselves, intrinsically just or unjust, good or bad, outside of an ethical theory that sets the criteria for such terms.

Anscombe's version of moral absolutism appears to be committed to a view of moral "brute facts" by which certain kinds of actions are by their very nature honest/dishonest, just/unjust, and so on.[8] This commitment makes it problematic to build a conception of contemporary virtue ethics because it is a very strong stance on a meta-ethical question that there is no clear agreement among virtue ethicists. The question of whether "brute (moral) facts" exist may be a divisive one, but it is a question that virtue ethicists could reasonably disagree with each other. Thus, it is better to view this important element of Anscombe's view as motivating a debate within virtue ethics, rather than constructing the criteria for being a virtue ethic.[9]

A second problematic feature of Anscombe's account for serving as a way to understand contemporary virtue ethics is that there is some controversy as to whether Anscombe actually supports a revival in virtue ethics. Julia Driver understands Anscombe's basic claim in the article as the conditional statement: "If religiously based ethics is false, then virtue ethics is the way moral philosophy ought to be developed." The argument in the article is traditionally understood as a modus ponens argument that confirms the antecedent of the conditional that leads to the conclusion that virtue ethics is how we ought to develop moral philosophy. However, another possibility is that Anscombe is attempting to show (in a *reductio ad absurdum* argument) that a religiously based ethics must be true, since the only other option would be virtue ethics. This second interpretation has gained a certain amount of credibility in light of the fact that within the article she sees little hope of actually developing an account of either human flourishing or human nature being developed in a philosophically adequate way (Anscombe 1958, 15). Furthermore, this interpretation supports much of Anscombe's own religious views as well as her support for absolutist moral positions on issues such as Truman's decision to drop nuclear weapons on Japan that killed innocent civilians in order to expedite the end of Japan's involvement in World War II.[10] It seems strange to attribute to Anscombe a complete rejection of the use of moral "right" and "wrong" when she believes that certain actions are fundamentally prohibited, for example, the sacrifice of an innocent person that would bring about more good as a consequence.

Thirdly, even if she is supporting a return to Aristotle's virtue ethics it is a very different kind of virtue ethics than what some contemporary virtue ethicists endorse. One problem is that Anscombe looks to Plato and Aristotle for understanding how virtue terms can replace the legalistic moral language of modern moral philosophy, but these accounts are essentially eudaimonistic while in contemporary virtue ethics there has been a strand of theories that have abandoned eudaimonism (Swanton 2001, 2013) and, thus, would potentially offer to narrow an account of virtue ethics. Also, if Anscombe is recommending the virtue-ethical approach she is offering virtue ethics as a substantive alternative to Kantianism and utilitarianism because it lacks the legalistic moral terminology that makes claims about morally "right" or "wrong" acts. Virtue ethics is an alternative for Anscombe in the sense that it does not make claims about morally "right" or "wrong" acts but rather claims about specific virtues or vices. However, many contemporary virtue-ethical accounts try to maintain a way of labeling acts as *morally* right or wrong. Hursthouse's "V-rules" are probably the best known example of a contemporary virtue ethic that believes we can coherently speak of right and wrong actions in terms of the virtues but it seems to be a fairly common feature of most contemporary virtue ethics that the virtues can provide a way for people

to speak of *moral* norms. It does not seem reasonable that a virtue ethic *must* be committed to rejecting the usefulness or possibility of incorporating the terminology of moral rightness or wrongness into the account. Rather, this seems better suited to be an internal disagreement among virtue ethicists. As far as her account in "Modern Moral Philosophy" is concerned, the position is still underdeveloped.[11]

THE UNEASY RELATIONSHIP BETWEEN CONSEQUENTIALISM AND VIRTUE ETHICS

It may seem that given Anscombe's staunch moral absolutism and adamant rejection of consequentialism, she would leave no room for consequences to factor into our moral judgments. Surprisingly enough, she in fact does recognize a role that consequences play within morality. For example, Duncan Richter argues that Anscombe finds it perfectly reasonable in certain cases to weigh the consequences of our intended actions and choose the "lesser of two evils," when we are truly faced with such a case. One such case often discussed in moral philosophy is that of the Jewish fugitive in Nazi Germany whom you are hiding when you are unpleasantly visited by a Nazi SS officer asking if you are hiding enemies of the state. There are only two real options available, either you can lie to the SS officer about the fugitives you are hiding or you can tell the truth (remaining silent is almost certain to raise the suspicions and reveal that further investigation in your home is necessary). In such a case,

> Anscombe thinks one should lie rather than give the fugitive away . . . but she denies that there is anything consequentialist about this position. As she sees it, lying is wicked, but so is telling the truth in this situation, since telling the truth is betraying the fugitive, which is even more wicked than lying. So it is not that lying is the right thing to do. . . . But *if* one can think of no other options than two wicked acts, *then* one ought to choose the less wicked of the two. (Richter 2011, 66–67)

Anscombe does not fall into endorsing a version of consequentialism because she still holds the belief that certain actions are always bad, which is different than the consequentialist claim that lying in this case is *good*. To put it another way, the consequentialist never has to choose "the lesser of two evils" because if one option is less worse than another (and there is no better option than that), then that option is the right and *good* thing to do. While "Both Anscombe and the consequentialist take consequences into account . . . only the consequentialist takes nothing but consequences into account. Anscombe also cares about responsibility and she believes that some acts

are always bad, even if they are sometimes the best one can think of in the circumstances" (Richter 2011, 67).

Because Anscombe never develops a fully flushed out moral account we must fill in the gaps ourselves as to how she reconciles her moral absolutism while maintaining the relevance of consequences. The revealing cases that will clarify Anscombe's moral thinking are those where a conflict arises between acting to preserve an absolute value and bringing about a good state of affairs. It will be useful, then, to look at a specific instance of moral evaluation and a prime example is her criticism of Harry Truman receiving an honorary degree from Oxford after he had decided to drop the nuclear bombs on Hiroshima and Nagasaki. The often-cited justification for dropping the nuclear bombs on Hiroshima and Nagasaki has been that doing so will end the war far quicker than it would otherwise, saving potentially thousands of American soldiers.[12] In her essay "War and Murder," she calls into question the morality of such a justification through an examination of what makes violence in war evil. She does not support the pacifist claim that *all* actions of coercion and violence by the state are evil because it is necessary to defend society from its enemies, both internal and external. However, this does not give the state *carte blanche* with regard to the extent it uses its powers of coercion and violence and, in particular, the "principal wickedness is a temptation to those engaged in warfare is the killing of the innocent, which may often be done with impunity and even to the glory of those who do it" (Anscombe 1961, 46). More specifically, it is the intentional killing of innocents that Anscombe finds to be unjustifiable, but she makes an important qualification of what counts as an intentional act. If we return briefly to the distinction made by Bentham and Mill between "motive" and "intention," we recall that "intention" is defined in terms of willing the action and foreseen consequences. Thus, a person who kills another person in self-defense is seen as intending to kill their attacker but that such killing is justified because it is done with the intent of self-defense. For Mill and Bentham the foreseen consequences must be included in the intention; however, Anscombe adamantly rejects this claim and argues that there are clear cases where foreseen consequences should not be considered as intended. For example, in a case where I am being blackmailed with the options of being framed for murder or committing a murder myself, if I refuse to commit murder because of my deep religious conviction that God forbids the intentional killing of another person, then I will be arrested and sent to prison for the other murder. In making my decision I clearly understood that in doing so I would lose my job and home, but it would be strange to suggest that because I foresaw those occurrences that, therefore, I intended to bring them about. Anscombe argues that in such a case as this the outcomes merely being foreseen is not sufficient for considering them as intended because considering them as intended describes

a somewhat different action than the one described, namely, an action where I wanted to get out of my job and get rid of my house. The disagreement between Mill, Bentham, and Anscombe is over whether there can be foreseen consequences that can be considered unintended. Mill and Bentham do not believe so, while Anscombe defends such a possibility.

Making this qualification allows Anscombe to defend a position where the use of violence and coercion is not inherently evil unless the action is intended to commit evil. In a case of self-defense,

> The plea of self-defence (or the defence of someone else) made by a private man who has killed someone else must in conscience—even if not in law—be a plea that the death of the other was not intended, but was a side effect of the measures taken to ward off the attack. To shoot to kill, to set lethal man-traps, or, say, to lay poison for someone from whom one's life is in danger, are forbidden. (Anscombe 1961, 47)

She defends the resolute adherence to categorical prohibitions against intentional killing (for private citizens at least) through the "doctrine of double effect." This is a theory of how to evaluate the permissibility of an action that will both bring about some good and some harm or evil originally developed by Thomas Aquinas to address how killing in self-defense could be thought to be morally permissible, even though it seems to contradict the important commandment "Thou shalt not kill." The basic idea is that you cannot will evil as a means toward achieving some end, though evil can be permitted to occur if it is a mere side effect of your action. In a case of self-defense, while the death of your assailant may permissibly be a side effect, you cannot intend to kill the other person. If through the struggle to defend your own life the assailant is fatally injured accidentally, that is, without you specifically intending to inflict such a fatal wound, then the assailant's death is a side effect of your intended action of self-defense. Anscombe's unique contribution to the "doctrine of double effect" is identifying its credibility as a moral distinction to rest upon the distinction between intended and foreseen consequences. It is fairly clear to see how this doctrine rejects the consequentialist cliché that "the ends justify the means," but it also rejects a specific feature unique to the consequentialist perspective. Because consequentialists are concerned with the results of our actions and bringing about the best possible results in each scenario, in evaluating which action we ought to choose there is no distinction between intended and foreseen consequences; in fact, Mill *defines* "intention" as essentially including all foreseen consequences. Anscombe finds this to be a highly problematic move in large part because it "has led to a universal forgetfulness of the law against killing the innocent" (Anscombe 1961, 60). While she discusses the doctrine of double effect in its relation to Truman's decision to lay waste to an entire population of innocent

people, its application is much broader and appears, for Anscombe, to serve as a way to generally evaluate the pursuit of ends.

Whether or not Anscombe is offering a consistent picture of maintaining a commitment to moral absolutism as well as leaving room for consequences to play a role in our moral deliberation is an interesting question, but what is important about Anscombe's complicated relationship to the moral relevance of the consequences of our actions is that this complicated relationship appears to be a shared similarity among many other contemporary virtue ethicists. One complication that arises in most any contemporary account of virtue ethics is the connection between *eudaimonia* (or "flourishing") and virtuous character traits. Virtue ethicists are quick to cut off the consequentialist line of thinking that reduces and defines character traits as virtuous *simply* because they will lead to happiness or flourishing. Hursthouse makes this claim within a discussion of what it means to say that "the virtues benefit their possessor":

> It should be immediately obvious that the answer to the particular question "Does doing what is virtuous (what is, say, honest or courageous or charitable) on a particular occasion always benefit the agent, enabling her to flourish, etc.?" is "No." Here is an occasion where, say, if I speak out as I should, I am going to be shut in an asylum and subjected to enforced drugging; here is another where doing what is courageous maims me for life; here is another where if I do what is charitable I shall probably die. The answer to the particular question, on these occasions, just cannot be "If you want to be happy, lead a successful, flourishing life, you should do what is honest or courageous or charitable *here*—you will find that it pays off." (Hursthouse 1999, 171)

In this quote, Hursthouse is rejecting a particular kind of consequentialist claim, namely that being or acting virtuous is only morally important because of what it can do for you, that it will "pay off" somehow in the end to be generous or honest. The consequences that arise from having virtuous dispositions are, in a certain sense, irrelevant to those virtues being morally valuable. Julia Annas accounts for this feature by explaining that it is "clear that any consequentialist account of virtue fails to account for the important point about a virtue . . . namely that it involves a commitment to goodness *because* it is goodness. This is what marks virtues off from neutral dispositions and vices, and shows that what makes a disposition a virtue is not the results it produces" (Annas 2011, 111). A rejection of consequentialism from contemporary virtue ethicists also comes in the form of a defense of the compatibility of virtue ethics with, at least certain, moral absolutes. For example, Slote claims that "there are virtue-ethical analogues of Kant's perfect duties, and certain kinds of killing, maiming, negligence, disloyalty, untrustworthiness, and the like are intuitively deplorable, or even terrible, ways of acting

(and feeling)" and Hursthouse concedes that "[Peter Geach] may well be right about there being some absolute prohibitions too. I am quite willing to stick my neck out and say that we find the world to be such that no genuinely virtuous person would ever sexually abuse children for pleasure"[13] (Slote 1997, 204; Hursthouse 1999, 87). These claims all reject the consequentialist perspective that sees the consequences of an action as the only and truly fundamental good.

Such a rejection of consequentialism does not lead to endorsing the opposite claim, namely, that consequences are *never* morally relevant or have no significant role to play within our understanding of normativity. In fact, much like Anscombe, other contemporary virtue ethicists preserve a role for consequences to play within moral deliberation as well as the evaluation of a person's character and their actions. Slote is perhaps the most up front concerning his theoretical sympathies with consequentialism. In his book, *Morals from Motives*, he envisions his account of agent-based virtue ethics as "a kind of internal analogue of act- or direct-utilitarianism" because all normative assessments and evaluations of actions are based upon the motive of universal benevolence, which is most commonly associated with act-utilitarianism (Slote 2001, 79). Also, further on in the discussion of justice, Slote writes:

> Common-sense morality differs from act-consequentialism in requiring agents to refrain from certain sorts of harmful action. . . . But common-sense also tells us that when the stakes are high enough this deontological permission/obligation is displaced or superseded. If killing an innocent person is necessary in order to avoid a large-scale human catastrophe, then one *may* and even should perform the killing. (Slote 2001, 96)[14]

Annas and Hursthouse are less willing to openly associate their own views with utilitarianism but, nevertheless, leave a role for consequences to play within their conceptions of virtue ethics. For instance, Annas discusses the concept of "heroism" in regard to virtue ethics, wondering if such a moral idea is better captured by virtue ethics than other theories. Her view develops an understanding of the heroes as achievers, but such a conception does not justify comparisons of "ordinary people" as *less* virtuous than such heroes because "how virtuous each of us is, is determined by the reasons we responded to and the readiness with which we did it, not how often we did it. . . . Virtue ethics does not discount the consequences or the scope of actions, but distinguishes them from the issue of what it is to act virtuously" (Annas 2015, 17). It is not a matter of simply doing more virtuous actions than others to be considered heroic but to maintain one's stable character dispositions and respond appropriately to the situation. What it means to act virtuously involves the agent thinking of the various values and reasons

involved and considering the consequences of the various actions, but this must all be in connection with a stable character trait (honest, courageous, generous, and so on) from which the action stems. On this understanding of Annas's account, the consequences of an action are involved in shaping the appropriate action but do not solely determine which action should be done.

Hursthouse develops this kind of connection between the virtues and the consequences in her discussions of irresolvable and tragic dilemmas in *On Virtue Ethics*, but the relationship perhaps comes out clearest in her essays on applied ethics. In her article "Virtue Theory and Abortion," Hursthouse makes the claim that "pregnancy is not just one among many other physical conditions . . . comparable to a haircut or an appendectomy" because it involves a much deeper connection to significant and worthwhile aspects of human life, which might include being born, belonging to a family, experiencing parenthood, continuing a family legacy, etc. (Hursthouse 1997, 236). For someone to dismiss the complications involved in a choice about whether to have an abortion by stating that "it is just like any other procedure" or that "it is just a clump of cells" is to act callously and cruelly. However,

> The fact that pregnancy is not just one among many physical conditions does not mean that one can never regard it in that light without manifesting a vice. When women are in very poor physical health, or worn out from childbearing, or forced to do very physically demanding jobs, then they cannot be described as self-indulgent, callous, irresponsible, or light-minded if they seek abortions mainly with a view to avoiding pregnancy as the physical condition that it is. (Hursthouse 1997, 238)

There are vicious and non-vicious ways of referring to the physical elements of a pregnancy as reasons worthy of consideration in deciding whether to terminate a pregnancy prematurely. What is the distinction between those reasons? Largely, the reasons that are deemed appropriate deal with the consequences of the pregnancy upon the mother's health. Hursthouse's application of virtue ethics to questions of nonhuman animal welfare justifies similar distinctions on the basis of consequences. In her article "Applying Virtue Ethics to Our Treatment of the Other Animals," she is primarily interested in asking what our response to the agricultural and scientific abuses of animals should be as virtuous agents? Many of us are not directly involved in the factory farming or scientific research labs where the cruel treatment of nonhuman animals takes place, so our response must be different than someone in those areas who can refuse to be a party to such practices. However, she does consider the case where someone is able to get onto the ethics committee that regulates the use of animals within the university or research lab. If you simply veto every experiment that comes under scrutiny because it proposes to include animals within the experimentation, then you will most

likely be thrown off the committee and lose your ability to positively impact the kinds of experiments that the committee will support. This already is beginning to sound like a justification that could be offered by a utilitarian for having a greater and more positive impact by tempering one's convictions and remain on the committee. But if you truly believed in the wrongfulness of using animals in experimentation at all, "Is it not a failure of integrity, or shameful hypocrisy, to allow any of the experiments to pass without protest, however fruitless? How could a virtuous agent do that" (Hursthouse 2006, 149)? The example that Hursthouse turns to is that of Nazi Germany and the figure of Oskar Schindler keeping, even strengthening in some cases, his ties to powerful SS leaders and his own membership within the Nazi party. It was because he maintained his position in the Nazi party and his friendships with Nazi leaders that he was able to save the lives of so many Jews from concentration camps and extermination. It seems quite obvious that Schindler was not an anti-Semite and even that he believed the treatment of Jews to be horribly wrong as an analogous kind of conviction that many animal rights activists share. Hursthouse's point is that in relation to other German citizens who did little to nothing to keep Jews from the concentration camps because they refused to compromise their principles and "cooperate" with the Nazis it would seem wrong to criticize someone like Schindler of "hypocrisy or lack of integrity" (Hursthouse 2006, 150). If it would be wrong to criticize Schindler's actions as vicious, it can only be because of the significant amount of good that his remaining a prominent member of the Nazi party was able to accomplish.

These kinds of subtle distinctions that Hursthouse makes regarding virtuous action despite the agent finding themselves in a position of compromising on certain principles has led to certain criticisms of Hursthouse as not simply giving consequences a role within her theory but also actually endorsing consequentialism in Anscombe's sense of the term.[15] The worry is that certain traditionally wrong actions as lying or killing may be allowed or permitted *if* they are done with a cautious, caring, honest, attitude. Hursthouse is careful to say that

> the situations in which we find it very difficult to decide what to do do not come to us conveniently labelled as distressing or tragic *dilemmas*, and that it will be the mark of someone lacking in virtue that they too readily see a situation as one in which they are forced to choose between great evils, rather than as one in which there is a third way out. . . . For the thought that we find the world to be such that one is not infrequently forced to lie or kill is the thought of someone not virtuous but seriously lacking in virtue. (Hursthouse 1999, 86)

It is more often the case that people lack the ethical creativity or imagination to recognize alternative resolutions to what *seems* like a dilemma than

that they are actually confronted with a genuine moral dilemma. However, this is a claim about the failure to accurately recognize whether one is in a dilemma, it does not tell us what the virtuous agent should or must do when caught in a genuine dilemma. Christopher Miles Coope criticizes Hursthouse as essentially evading the question and that "All this suggests a consequentialist attitude; for after one has checked, and double checked, to be quite sure one has not been 'too ready', one is presumably to go ahead. One is not to lie or to kill the innocent *too often*" (Coope 2006, 51). Setting aside the question of whether this is the least generous interpretation of Hursthouse's position, the primary problem with Coope's critique is that Hursthouse does not offer an answer to the question he wants to ask, namely whether there are any actions absolutely prohibited on her view. One reason this might be, and how Coope appears to understand her view, is that she is ultimately a consequentialist in denial of what her position really entails. While that certainly is one conclusion to draw from a lack of any direct answer to the question of moral absolutes it seems to rest primarily on an argument from ignorance. Perhaps a better question to ask is why Hursthouse does not come out directly one way or the other on the matter? Given her repeated insistence throughout *On Virtue Ethics* that it is not a theory that begins from a conception of right action and then derives claims about the moral status of an agent. Instead, the questions virtue ethics is interested in are "what is the good life?," "what kind of person ought I be?," and "how does one become and be a virtuous person?" Answers to these questions are not answers to whether there are any actions fundamentally ruled out *a priori*. Thus, the orientation of the question presupposes a focus for virtue ethics (viz. upon conceptions of "right action" that, ironically, are prominent within the modern moral philosophy tradition that Anscombe criticizes) that Hursthouse does not see as particularly informative regarding the questions of virtue ethics. Furthermore, Coope's inquisition presupposes that virtue ethics can make a claim about specific actions being ruled out independently of the action's relation to the specific agent performing the action. This is because the claim that "lying is always wrong" is either a "brute fact" or certain actions are established as lying and being wrong because of a theoretical apparatus that offers a criterion for the rightness/wrongness of actions. For instance, Kant's Categorical Imperative condemns false promising as always wrong *regardless* of who makes false promises. A moral absolutist position that claims certain kinds of actions are always wrong makes universal claims that are agent-neutral, but this means that the claim is to be evaluated independently of whoever is acting. In other words, the question of moral absolutism as posed by Coope presupposes a virtue ethics that could justify a universal claim about all instances of a type of action without reference to any particular kind of agent, but virtue ethics as a unique type of moral theory is agent-relative (or "agent-focused" to use

Slote's terminology) in its evaluations and prescriptions for action. The point here is not that there is no legitimate question to be asked regarding the limitations of what a virtuous agent can do but that for a virtue ethicist an answer must deal with specific persons and the situations they find themselves in. Because specific features of the agent are always relevant to the morality of the action in question, to claim that a certain action is always wrong is identical to claiming that there is no agent who could be virtuously motivated and commit the action in question. This is an inductive question not dissimilar to the cliché of how to prove all ravens are black. It is not that there could be certain actions that no virtuous agent would ever do (Hursthouse is quite clear that she believes this) but that it is difficult to see how such a claim can be conclusively proven within virtue ethics and difficult to see why it matters so much to have a conclusive answer.

One of the primary criticisms made against contemporary virtue ethics is that it diverges from Anscombe's objection to consequentialism insofar as such theories are incompatible with moral absolutes. However, this criticism risks overshadowing the complicated, but important, relationship that virtue ethicists have to the consequences of actions. Ultimately, any virtue ethicist that includes a conception of *eudaimonia* that serves some justificatory or explanatory role in the virtues must be incorporating the consequences of our actions as, in some sense, morally relevant *without conceding that the consequences are wholly determinative of the virtues.* One particularly difficult issue in understanding virtue ethics is understanding the relationship between our love of the virtues as good in themselves while maintaining the moral importance of how those virtues are made manifest in the world. As it was argued earlier, her account in "Modern Moral Philosophy" is a problematic model for contemporary virtue ethics, but insofar as it establishes a difficult relationship with the moral relevance of the consequences of actions, this *is* something that recurs throughout a substantial number of virtue ethicists. How to theoretically balance the noninstrumental value of virtue with the consequences of an agent's actions is a difficult question that every virtue ethicist must address, but, perhaps, this difficulty is in fact a starting point, rather than a dead end, for how to understand virtue ethics as a genus theory.

NOTES

1. I avoid attaching "virtue ethics" to the radical approach because, as Sanford points out, many of the philosophers under this label (Anscombe, MacIntyre, Nussbaum, and Foot) are questionably involved or even interested in affiliating themselves with any movement or larger scale project of developing virtue ethics. This distinction is a modified version of one offered by Solomon 2003.

2. A particular oddity of Sanford's account is that he leaves no room whatsoever for anyone who is in partial agreement with Anscombe's project. Either you accept her three theses and abide by them or you do not. The lack of nuance allowed in thinking about how contemporary virtue ethicists engage with the history of work on the virtues in the twentieth century is a puzzling oversight of Sanford's account. His distinction represents a dogmatic "either you're with us or you're against us" mentality that ignores the obvious possibility of interpreting Anscombe's own philosophical insights in a variety of ways and agreeing with her to a certain degree or in a certain sense, but disagreeing with her in another sense. There is nothing sacred about Anscombe's essay and its usefulness in reviving the importance of virtue in moral philosophy does not dictate that all virtue ethicists must take up her project in the same way that Rawls revived the possibility of doing political philosophy, but the kinds of political philosophies developed and defended today are not simply reworkings of "justice as fairness."

3. Rachel Wiseman makes the interesting suggestion in her project "(In Parenthesis)" that this revival of interest in the classical approach toward ethics was spearheaded by a number of women (Anscombe, Foot, Midgeley, Murdoch) who attended Oxford during World War II. What is interesting about the situation they found themselves in is that many of the famous and (soon to be famous) male philosophers that also attended Oxford were conscripted into the war effort. This left the university with smaller classes and a smaller group of professors that have deeper and more focused conversations with their female undergraduates in philosophy. Nussbaum makes a similar point in her article "Virtue Ethics: A Misleading Category?" in stating that many of the philosophers engaged in revising the interpretations of Kant to give more emphasis to his concerns regarding character formation and virtue were also a group of brilliant female philosophers coming out of Harvard (Korsgaard, Herman, Annas, Sherman, Hampton, Antony, Wolf, and Nussbaum herself). She draws the thought provoking insight that one "element in the rise of virtue ethics . . . is the rise of feminism, together with the entry of significant numbers of women into the profession" (Nussbaum 1999, 175). The reason why she takes this to be relevant is that women

> often had to focus somewhat more intently than have men on juggling conflicting commitments—between children and career, between love and self-expression . . . the experience of repeatedly facing conflicts of values would have prevented each and every one of us from saying some of the silly things about moral conflicts that the tradition has sometimes said: for example, that they do not exist, or that reason can always discover that one of the conflicting obligations is not a real obligation. (Nussbaum 1999, 177)

4. Annas makes this claim in the "Introduction': "Ancient ethics has a structure—the notions of happiness and virtue are primary in it" (Annas 1993, 9).

5. Another possibility is that there actually is no cohesive approach toward virtue ethics anymore, since the original unifying criteria for ancient virtue ethics is no longer defining nor unifying. In some sense this question is only tangentially relevant to the primary question of the essay (viz. whether virtue ethics can be understood in a way that allows for comparison with the traditionally prominent moral theories of deontology and consequentialism) because it would require a discussion of evaluating

different kinds of virtue ethics as better or worse models for a contemporary virtue ethic, rather than different accounts of what makes a theory a virtue ethic. Some discussion of this more specific evaluation of different virtue ethics will be taken up in chapter 5.

6. Thus, even Anscombe's analysis of virtue ethics as a third alternative unfortunately situates virtue ethics in relation to Kantianism and utilitarianism, rather than at the more appropriate level of deontology and consequentialism.

7. For similar proclamations of Anscombe's essay initiating the resurgence in virtue ethics, see Daniel Statman's introduction to *Virtue Ethics: A Critical Reader* (1997), Timothy Chappell's article "Virtue Ethics in the Twentieth Century" in *The Cambridge Companion to Virtue Ethics* (2013), and Michael Slote's "Virtue Ethics" in *Three Methods of Ethics* (1997).

8. She uses this term in "Modern Moral Philosophy" when explaining "that I owe the grocer such-and-such a sum would be one of a set of facts which would be 'brute' in relation to the description 'I am a bilker'" (Anscombe 1958, 4).

9. There are some virtue ethicists who have been largely critical of other virtue ethicists because they have abandoned the insights that Anscombe laid out in "Modern Moral Philosophy" (see Sanford 2015 and Coope 2006 for examples of this critique). However, it should be noted that the project of understanding the criteria for what makes a theory a virtue ethic is not the same as what makes for a *good* virtue ethic. It is more generous an interpretation to view Coope and Sanford as arguing for the criteria of a *good* theory of virtue ethics, rather than the basic criteria for a theory being a virtue ethic.

10. See her pamphlet *Mr. Truman's Degree* that criticized Oxford University for awarding an honorary doctorate to Harry Truman because of his decision to use nuclear weapons against Japan.

11. This is certainly not intended to be a criticism of Anscombe. She is very much aware that she does not have the requisite philosophical tools and clarifications needed to develop the moral account in a satisfactory way and leaves that project to future philosophers.

12. Here I am only considering justifications that have some reasonable moral weight and not other potential "justifications" that could have been given (e.g., as payback against the Japanese for Pearl Harbor or the cliché that "all is fair in love and war").

13. Some moral philosophers are not convinced that Hursthouse or Slote are capable of truly distancing their accounts from endorsing consequentialism (Coope 2006, Sanford 2015), but from their own comments it seems fairly clear that they do not intend to endorse consequentialism in its entirety. Their comments, at least, do not reflect an intention to endorse consequentialism in the way that Driver 2006 does.

14. Slote is not using "common-sense morality" as a distinct kind of morality than what he is prescribing because he takes his view as a defense of an inuitionist account of how to understand and apply universal benevolence. For the importance Slote gives to common-sense morality see Slote 1984.

15. This critique is most forcefully put forward in Coope 2006, but is repeated and modified in Sanford 2015.

Chapter 6

Virtue Ethics as a Whole

THE TWO CONDITIONS OF VIRTUE ETHICS

It is clear that virtue ethics has a complicated relationship with the consequences of our actions; it neither wholeheartedly accepts them nor rejects them outright. This leaves the theory in a vague position, which could explain why both virtue ethicists and critics of virtue ethics doubt the coherency of contemporary virtue ethics as a substantive ethical theory comparable to Kantian ethics or utilitarianism. Of course, these comparisons go wrong in failing to compare "like with like" and the real question is whether virtue ethics is an ethical theory comparable to the genus theories of deontology and consequentialism.

From the earlier chapters it may appear that virtue ethics rejects both consequentialism and deontology, but in fact it may be more accurate to say that virtue ethics accepts key ideas of *both* consequentialism *and* deontology.[1] We already have something of a model for what this might look like from Zagzebski's account of virtue epistemology. In the description of her account she writes:

> In virtue ethics, the concept of a virtue has almost always combined internally accessible and internally inaccessible criteria for its possession. . . . On my account, a virtue has a component of motivation, which is the disposition to have a certain motive, and. . . . The other component is success in reaching the ends of the motivational component . . . it is important to see that while this account of virtue in terms of motivation plus success is my own, the concept of virtue has almost always combined internally accessible and (potentially) internally inaccessible elements. So the blend of internal and external aspects is something that comes with the concept of virtue and that gives it an enormous

> advantage in epistemology, where it is becoming apparent that it is desirable to avoid both extreme externalism and extreme internalism. (Zagzebski 1996, 331–32)

This model accepts that virtue is a kind of hybrid concept that employs both an internal and an external component. While she was primarily concerned with explaining how this made sense within epistemology, the question that now confronts us is whether a similar model can be applied to the theory of virtue ethics. What I intend to argue in this section is, first, that virtue ethics as a genus theory is a moral perspective characterized by certain internal and external components of virtue and, second, that prominent contemporary accounts of right action in virtue ethics are compatible with this conception.

Perhaps the best way to capture the feature of virtue ethics I will defend is in an often-repeated phrase which is stated by Julia Annas that the "virtuous agent does the right thing, undividedly, for the right reason" (Annas 2006, 516). Linda Zagzebski echoes this kind of description in developing her account of virtue epistemology by defining a virtue as "a deep and enduring acquired excellence of a person, involving a characteristic motivation to produce a certain desired end and reliable success in bringing about that end" (Zagzebski 1996, 137). Zagzebski's use of reliability here is developed into a more substantive claim in this view, but in this quote "reliable" should be understood as one's character disposition in hitting the target of the virtue flows from that person's character and it is not accidental. Rather, it is something we should expect from a virtuous person because virtues are dispositions that are "persisting, reliable, and characteristic" (Annas 2011, 8).

It was thought for some time that what made virtue ethics distinct was its peculiar lack of any account of right action, but the work of virtue ethicists such as Hursthouse, Slote, and Swanton has demonstrated the resourcefulness of virtue ethics in developing such accounts. The mistake made by many in the debate about the nature of virtue ethics in relation to other ethical theories is thinking that because action guidance is important in an ethical theory, and therefore any ethical theory must be capable of saying something about how to distinguish good actions from bad ones, that it must also be "what distinguishes one normative theory from another, [i.e.] what makes it a form of consequentilialism rather than deontology, say, is its answer to these questions" (van Zyl 2013, 172). However, virtue ethicists often emphasize a distinction between upon acting *rightly* and acting *well*. The problem that virtue ethicists may have with the term "right" is that such a term might suggest some formula or clear criterion that decides the correct action to be done or taken. But this way of thinking commits us to seeing every moral decision to be made as *either* permissible *or* impermissible and fails to capture much of the experiences in our world of moral dilemmas, some of which may be

resolvable and others that could be considered "irresolvable."[2] A person faced with the responsibility of choosing between killing one person directly and letting ten people die is experienced as a dilemma even if a theory in fact provides an answer as to what the person ought to do. If the person in such a situation does not experience the situation as a dilemma, then there is something faulty about their response even if they end up doing the action that satisfies the theory's criteria for moral rightness. This leads virtue ethicists like Hursthouse to emphasize the point in reference to a women's right to have an abortion that "[supposing] women have such a moral right, *nothing* follows from this supposition about the morality of abortion, according to virtue theory, once it is noted (quite generally, not with particular reference to abortion) that in exercising a moral right I can do something cruel, or callous, or selfish, light-minded, self-righteous, stupid, inconsiderate, disloyal, dishonest—that is, act viciously" (Hursthouse 1991, 235). A rule-consequentialist response might be that "what really ultimately matters is that a right was not violated, the other stuff is extra and might be important in keeping people following rules or motivating them to do the right thing in the future, but as an action it is perfectly right." Even here we see somewhat the inadequacy of the terms "right" and "wrong" to capture the spectrum of moral evaluation because the phrase "perfectly right" seems a little strange. A woman who has an abortion five days before her due date because giving birth would conflict with her vacation plans is callous and selfish, but if she does not violate another person's rights, then how can the theory of rule-utilitarianism say anything other than that she was right to do what she did? It does not help to complain that there is a distinction between perfect and imperfect duties nor does it make a difference whether we can praise or blame the to-be-vacationer. If you do not do something wrong, then have you not, in a certain sense, done what is right? Even if there is a conceptual way to untangle this problem, the point is that the *language* suggests a stark dichotomy between "right and wrong" that *suggests* we can classify things as *either* right *or* wrong.[3] The phrase "acting well" helps to avoid this oversimplified approach to thinking about ethics and virtue ethicists take this feature of our moral phenomenology seriously and attempt to incorporate the way we react into an understanding of morality generally.

Swanton embodies this kind of concern in how she defines virtue as "a disposition to respond well to the 'demands of the world'" (Swanton 2001, 21). The imperfect world confronts us with situations that require us to choose how we should respond. The situations that require a response are termed "the field of a virtue" by Swanton and it "consists of those items which are the sphere(s) of concern of the virtue, and to which the agent should respond in line with the virtue's demands" (Swanton 2001, 20). The kinds of things that count as the "field of a virtue" include situations, internal items, natural

objects, among others. Anything that could serve as an appropriate answer to the question "what are you concerned with/about?" is a candidate for being included in the "field of a virtue." In regard to the items within a virtue's field there are many "modes of responsiveness" that dictate the ways in which we can act in respect to those items (e.g., *lovingly* in respect to a grandparent's embarrassment in forgetting where she is by *comforting* him or her). The "profile of a virtue" is "that constellation of modes of moral responsiveness which comprises the virtuous disposition" (Swanton 2013, 22). Each virtue has many "modes of moral responsiveness" and is defined as the collection of these various modes. For example, benevolence as a virtue can be manifested by promoting the well-being of another person, but an action might not count as benevolent in certain cases if you override the person's free will and autonomy and make a decision for them when they are perfectly capable. On the other hand, keeping your distance may not count as benevolent if the person really does require your intervention because they are not capable of making an informed decision on their own. These are just three modes of responsiveness that define "benevolence" as a virtue and the profile of benevolence is the collection of *all* the modes of moral responsiveness appropriate for that virtue.

Swanton's virtue ethic is an attempt to wrestle with the complicated nature of the virtues as "disposition[s] to respond well to the 'demands of the world.'"[4] The key word "respond" refers to the modes of responsiveness and these modes involves two distinct *kinds* of responses: an internal response that expresses "fine inner states" and an external response that is an action which hits the target of the virtue. By "internal" I mean those features of our psychology that are attached to valuing a virtue as noninstrumentally valuable (having the right kind of motive) and "external" means how we impact other people and manifest the virtues in the world outside our mind (the particular target construed as the consequences of our action). All virtue ethical accounts contain a focus of responding through the expression of fine inner states *and* hitting the target of the virtue (i.e., successfully manifesting the virtue in action).

But what is included in the "expression of fine inner states"? The phrase is intentionally vague because it is meant to allow for a broad diversity of ways of defining what counts as "fine inner states" as well as what it means to "express" them. Swanton provides a general description that expressing fine inner states is an aspect of the profile of the virtues, for each mode of moral acknowledgment comprising that profile, be it promoting value or respecting individuals, must express those states. For example, parental virtue involves love of one's children, but that form of moral acknowledgment must not be suffocating or expressive of one's own pathological needs if it is to display virtue. Insofar as promotion of good is a central feature of benevolence, for

the virtue ethicist that promotion must at least be well motivated if virtue is to be displayed.

It seems that Swanton is describing various "attitudes" one can take toward the items in a virtue's field, though she does not use this term to describe the fine inner states. However, she contrasts a virtue ethic that endorses the expression of fine inner states as a requirement for acting well with an account of virtue that lacks any such internal requirement. Julia Driver's "virtue consequentialism" defines a moral virtue as "a character trait (a disposition or cluster of dispositions) which, generally speaking, produces good consequences for others" (Driver 1996, 122). On Driver's account of moral virtue, the mode of acknowledgment "neither requires good intentions nor good motives if it is to manifest a state of virtue" (Swanton 2001, 27). By contrast, then, Swanton is emphasizing the importance of "good intentions" or "good motives" in order to count as a virtuous response to "the demands of the world." But what are the intentions or motives that could count as "good?"[5]

For Kant, the only intention that counts as *truly* good is when an action is brought about from an intention to act from a sense of duty. On the interpretation of Ross defended in chapter 3, the prima facie duties are obligations to consider certain moral rules in the various moral situations and contexts we find ourselves in and hierarchically organize those rules in relation to their moral salience and importance in the given situation. Virtue ethicists commonly understand good intentions and good motives to involve the valuing of a virtue noninstrumentally. Annas characterizes this internal expression of fine inner states as "expressing a *commitment to goodness*, a commitment to *positive* value . . . [that when a brave person acts] He is putting forward efforts to achieve an aim with value for his life as a whole: it is important for him to be brave in this kind of situation" (Annas 2011, 102). The brave person formulates a specific commitment to the value of bravery as an important feature of the way he wants to live his life. It is important to keep in mind that bravery, for example, is not taken as valuable because it will produce any specifically good results. Rather, the brave person loves bravery because it is virtuous. But what does it mean to "love something because it is virtuous?" There are many different answers that can be given to this and at the genus level this phrase has an appropriate degree of vagueness that can be more clearly specified at the level of the species theories. Some examples of answers to this question include claiming that "the virtues are essential components of living a flourishing life and are, therefore, valuable in themselves" or that "the virtues are admirable traits that express the natures of the kinds of beings we are in an excellent manner." Generally speaking, the virtues are thought to be *constitutive* of the good life, which means that they are necessary components that must be had in order to live a good life, but as demonstrated by the paradox of egoism the virtues cannot be acquired if their value

is only seen as instrumental. At the genus level of virtue ethics, there appears to be an important emphasis upon the internal component of loving virtue for its noninstrumental value.

The role of appropriate emotional responses is a frequent component of practically every account of virtue ethics and it is often cited as the distinguishing feature from other theories. In the *Nichomachean Ethics*, Aristotle distinguishes between the continent person (the person with *enkrateia*) and the person with complete virtue (*arête*) as a distinction between a person who typically has one's desires in line with doing what is virtuous (the fully virtuous person) and the person who must act contrary to their desires in order to do what they believe to be good (the continent person). For Aristotle, the temperate person "abstains from bodily pleasures and *delights in this very fact,* while the man who is annoyed at it is self-indulgent" (*Nichomachean Ethics* 1104b5, emphasis added). The idea that the fully virtuous person takes pleasure in acting virtuously suggests two points: (1) that there is no psychological struggle or turmoil within the virtuous agent insofar as acting virtuously is concerned and (2) that acting well implies at least a pleasant emotional response within the virtuous agent when confronted with a situation demanding virtuous action. The virtuous agent certainly feels a kind of pleasure or delight in acting virtuously, which could be understood in the way Annas puts the point as a "commitment to goodness," but what about other kinds of emotional responses? It is at this point that Aristotle introduces the importance of the mean or midpoint for our thinking about virtue:

> I mean moral virtue; for it is this that is concerned with emotions and actions, and in these there is excess, deficiency, and the mid-point. For instance, both fear and confidence and appetite and anger and pity and in general pleasure and pain may be felt both too much and too little, and in both cases not well; but to feel them when you should, with reference to what you should, towards the people you should, with the end you should have, and how you should—this is what is both midway and best, and this is characteristic of virtue. (*Nichomachean Ethics* 1106b15)

Actions are vicious if they are either deficient or excessive in some way and the same goes for the way we feel in responding to a moral situation; our emotional response is problematic if we feel too much of the emotion or too little of it. Most people, including Aristotle, recognize a sense of righteous anger that is a virtue of a person *unless* in the situation the degree or amount of anger is excessive or deficient. When another driver cuts you off while driving on the interstate, it is perfectly reasonable to experience some anger and indignation that the person acted poorly and endangered your life and potentially the lives of many other people on the interstate by driving recklessly. It would be vicious, however, if you became so enraged that you

would drive out of your way following the vehicle and at a stoplight get out of your car and attack the other person for cutting you off. Such "road rage" is an excessive emotional response, but it would also be odd to have little or no emotional reaction to being cut off. The goal is to find a midpoint between excess and deficiency because that is where the appropriate or good response lies.

It might be thought that because our emotional response is so important that we should then distinguish an internal emphasis upon (i) loving virtue for its own sake and (ii) experiencing the relevant emotions to the appropriate degree and in the appropriate amount as two separate requirements upon acting well. To treat these as separate conditions implies that the virtuous agent could be considered to satisfy (i) ("love virtue intrinsically") and fail to satisfy (ii) ("feel appropriately"). However, it seems that while it is possible to feel love and concern for another person to the appropriate degree without valuing benevolence intrinsically, it is not clear that you can value benevolence intrinsically without also feeling love and concern for the other person to the appropriate degree. For example, if I take benevolence as an important value that I am committed to embodying and I see a person who is struggling to carry a stack of books, then it would seem strange for my emotional response to come apart from my commitment to the intrinsic value of benevolence. In other words, it would not count as a virtuous act if I claimed that I take helping others as valuable without also feeling concern for other people to an appropriate degree. What about the case of a person who is *too* concerned with the plight of others? Take a social worker who is deeply invested in helping people who are suffering from poverty or mental illness. This social worker is not going through the motions to fulfill her job description, but *feels* worried and concerned about the suffering of her clients to such a degree that she is a nervous wreck at the end of the workday from worrying so much. Is this a case in which (i) and (ii) come apart? It is difficult to conclusively answer this because it is not clear that the social worker expresses an *inappropriate* degree or amount of concern for the other people. It certainly impacts her own flourishing and well-being in an adverse way, but the assumption that she is "too emotional" implies that recognizing the injustice and suffering of her clients *should not* adversely affect her mental health. That someone who must confront injustice and serious cases of suffering also suffers themselves from such confrontations seems to manifest the opposite of an inappropriate degree of concern and love for the other people. Such people manifest a saintly and exceptionally admirable amount of concern for the plight of others. The fact that doing so takes a toll upon such virtuous agents is more a reflection of the imperfect and unfair world in which the virtuous agents live, not whether they fail to understand what it means to truly love and show concern for other people.

If the social worker can be said to fail in any way it might be with regard to the way she values herself in an expression of the virtue of self-love, not a failing in either direction of excess or deficiency with regard to benevolence. So, the case of the benevolent social worker does not necessarily demonstrate how loving a virtue as valuable in itself can be separated from feeling appropriately.

In the first scenario where you feel appropriately but fail to love virtue intrinsically, this seems possible because one might "get lucky" in simply having the right emotional feeling toward a situation through no choice of their own. The ways in which our emotions develop are not entirely under our control and some emotions develop on a nonrational path (i.e., they are not responsive to particular reasons). However, the majority of our emotional responses is in relation to reasons and, thus, have a significant connection to rationality. Hursthouse takes this point even further by claiming that "the claim that full virtue involves feeling emotions correctly makes it clear that this would not be possible (in general) without the influence of reason" (Hursthouse 1999, 109). This prompts the question of why virtue ethicists even care about our emotions? If they are a nonrational aspect of our psychology that we have little to no control over, then a theory that makes feeling appropriately essential to being virtuous makes virtue an issue of pure luck; the agents who are lucky to have the right responses are considered virtuous, whereas others no matter how hard they try cannot become virtuous until their emotions line themselves up correctly. Such a view would be fatal to any ethical theory, but it is good reason to not saddle a virtue ethic with any such claim. Feeling appropriately should be understood as a matter involved with an agent's rationality and not wholly divorced from it because our emotions are often, but not always, deeply connected to value judgments. Hursthouse offers a vague connection between emotion and morality as one of involving "ideas or images (or thoughts or perceptions) of good and evil, taking 'good' and 'evil' in their most general, generic sense, as the formal objects of pursuit and avoidance" (Hursthouse 1999, 111). Her position may seem to contradict my description of feeling appropriately as "deeply connected to value judgments" in that "the vague remark stating the general connection falls far short of the much more explicit claim that the emotions involve, or are, evaluative *judgments*. The burnt child fears the fire and is distressed by its mother's anger long before it is of an age where we can talk of its making judgements, evaluative or otherwise" (Hursthouse 1999, 112–13). While the relationship between the emotions and our rational judgments is qualified as often, but not always, being connected, the important case to keep in mind is where the virtuous agent acts well. In such cases where the virtuous agent feels appropriately it will be because it is connected to a value judgment, namely a judgment about the intrinsic value of the relevant virtue. Hursthouse

echoes the idea that the virtuous agent's commitment to the value of honesty is reflected in their actions and choices and is manifested in their

> emotional reactions as well. Valuing honesty as she does she . . . disapproves of, dislikes, deplores dishonesty, is not amused by certain tales of chicanery, despises or pities those who succeed through deception rather than thinking they have been clever, is unsurprised, or pleased (as appropriate) when honesty triumphs, is shocked or distressed when those near and dear to her do what is dishonest and so on. (Hursthouse and Pettigrove 2016)

The virtuous agent's emotional response is an extension of their commitment to goodness, or love of virtue in itself. Recognizing this relationship within the virtuous agent helps to clarify how the two seemingly separate requirements for virtue are actually tied together and only come apart insofar as we fail to align our emotional responses with our value commitments. Thus, we have an answer to the earlier question as to what the virtue ethicist means by "expressing fine inner states" or "good intentions." It is the complicated concept of the love of virtue in itself that broadly captures the fine inner states and what counts as good intentions.

THE EXTERNAL CONDITION OF VIRTUE ETHICS

I have argued that the internal dimension of virtue ethics involves an emphasis upon loving virtue in itself (or noninstrumentally) and that this also captures the seemingly separate requirement held by many virtue ethicists of feeling appropriately. When we act virtuously we "get it right" insofar as we act from a state of virtue (i.e., valuing the virtue in itself). However, virtuous action also has an external requirement in regard to the kind of action we perform. If we return to Swanton's framework for virtue ethics, the way in which we respond to the demands of the world orients our attention to an internal requirement about our values *and* how we actualize those values in the world through acting. She relies upon the metaphor of "hitting the target" of a virtue in order to capture and explain this external requirement. The notion of a virtue's "target" depends upon a distinction that Swanton attributes to Aristotle between acting from a state of virtue and a virtuous act (*Nichomachean Ethics* 1105a9–b2). The basic idea is that one can perform a temperate or generous act, but what is required for it to count as a virtuous action is that it also be done temperately and generously, that is, from a state of virtue. Immediately this raises warning signs because it may seem to contradict the view that an agent's virtuous character is primary in moral evaluations and determines the moral value of the action. In other words, the morality of the action is not an

independent matter from the agent's character. In a certain sense this is still true on Swanton's account, but because a virtuous act must also be done from a state of virtue. So, even though Swanton distinguishes between a temperate act and the virtue of temperance, a moral assessment of the action cannot be made without reference to an internal feature of the agent's character.

Swanton's account offers a thorough discussion of the different aspects involved with the concept of "hitting the target" of a virtue that will be useful in gaining a clearer idea of just what is involved in such an idea as it applies to virtue ethics as a genus theory. Also, it will be helpful to discuss her view in some depth as it will allow for clarification as to where her account and the one offered here differ. She defines "hitting the target" of a virtue as "a form (or forms) of success in the moral acknowledgment of or responsiveness to items in its field or fields, appropriate to the aim of the virtue in a given context" (Swanton 2001, 233). She gives the example of benevolence understood as having the target of promoting the good of another person. In a situation where benevolence is the relevant virtue, then an agent hits the target of benevolence if they in fact promote the good of the other person. This presents the task of hitting the target of virtue as relatively straightforward and clear; however, it is complicated by five other considerations. The first is that because "There are several modes of moral response or acknowledgement appropriate to one kind of item in a virtue's field . . . hitting the target of a virtue may involve several modes of moral response" (Swanton 2001, 233–34). While in some cases Swanton believes that just behaving in a certain way is sufficient for the act to count as "just" or "benevolent." However, it is more often the case that for an act to count as just or benevolent it will require multiple responses, rather than just a particular behavior. For example, acting courageously not only may require successfully overcoming a difficult and dangerous challenge or obstacle but doing so also may require that you adopt a cautious attitude toward the situation in order to successfully achieve the end of courage in that situation.

This is related, but different, from another point Swanton makes that the targets of the virtues can be plural. While there will be times and situations where the target of the virtue is focused on one item within the field of a virtue, it may be the case that there are multiple targets. She gives the example of courage as involving the regulation of fear as well as the successful handling of a dangerous or threatening situation. Why is the regulation of fear not a mode of response in the way that adopting a cautious attitude counts as a mode of response and not an extra target? The distinction has to do with whether the response is important as a means to achieving another end. If it is, as in the case of adopting a cautious attitude in order to increase the likelihood of achieving the end of courage as successfully handling the difficult or dangerous situation, then it should be understood as a mode of

responsiveness. If it is a separate and distinct end in addition to another end, then it will not be instrumentally important for achieving the end but a condition that must also be met in addition to the other characteristic end. Whether or not the targets of virtues actually are plural is a point up for debate, but Swanton is careful to note that her view is not committed to there only being one target per virtue.

Swanton argues that while a majority of the targets will be external, there may also be internal targets for different virtues. The example of regulating fear with regard to courage is an example of an internal target and she also mentions determination as a virtue whose target involves "trying hard in a sustained way, and that target may be reached even if the agent fails rather consistently in her endeavors" (Swanton 2001, 235). What is important to keep in mind about the way Swanton uses "external" is that it means, roughly, activity that occurs outside of one's mind.

The fourth consideration is that a virtue's target(s) may depend upon context and could even vary from one context to another. In a situation where a person with a large amount of change in their pockets decides to give it all to the homeless person they come across it will appear to be a generous act. But once we realize that they gave the person their change because they were irritated by the constant noise of the coins banging together and weighing down their pant pocket, we might reconsider judging the act as generous. However, Swanton believes there may be other cases where just performing the action that alleviates the need of another person would be sufficient to count as a generous act regardless of their motivation, which poses a potential problem for my account that I will address shortly.

The fifth and last consideration for what it means to hit the target of a virtue is that a virtue's target can be the avoidance of something or a certain *in*action on the part of the agent. Though she admits that the majority of targets will include a kind of positive prescription for acting, there may be certain virtues where the target is to not act at all or to avoid acting in the manner typical of the relevant virtue.

The two qualifications upon the idea of "hitting the target of a virtue" that appear problematic for the interpretation of virtue ethics as a genus theory defended in this chapter are the third and fourth considerations. On my understanding of virtue ethics as a genus theory, there is both an internal and an external focus that defines the *core concern* of virtue ethics. This seems to conflict with Swanton's third consideration in two possible ways: (1) not all virtues have an external target, but the claim that there is an internal and external focus in virtue ethics seems to imply that every virtue has an external target and (2) that some virtues only have an external *or* internal target seems to contradict the claim that the virtues require both an internal and an external focus. The first apparent conflict arises from a difference between Swanton's

use of "external" and what I mean by "external" in regard to the focus of virtue ethics as a genus theory. Swanton takes "external" to refer to the activity outside of one's mind (i.e., in the sense of the "external world"). Thus, the activity of courage will happen outside of my mind, whereas the activity of determination will be a purely mental struggle to continue a pattern of thinking or focus in order to achieve a specific resolution (viz. find an answer to a problem, complete a translation, or even potentially continue an activity of my body in the external world, such as running or weight lifting). However, where the activity or action occurs is not the important point for a genus theory (though it is important for a species theory). By "external" I mean that the criteria for determining how the characteristic end of a virtue is brought about lies outside of the agent's mind, that is, the consequences of the action and considerations of efficiency and utility are the criteria for determining the form of the act. What counts as a benevolent act appeals to the consequences of certain acts in achieving the characteristic end of benevolence. What counts as determination also appeals to consequences but of a different kind than what benevolence is concerned with including. For us to count as "trying hard in a sustained way" we must consider what will be efficient and effective in accomplishing the goal that we are determined to meet. A student who is cramming for an exam the night before must take into account both the intensity of the alertness rush she will get from her energy drink and the crash that inevitably follows. Thus, because she has a long night of studying ahead of her she might opt instead to take small breaks and do jumping jacks or stretch in order to keep her brain awake and alert. The strategy for achieving the end involves calculations of effectiveness in the means by which we attempt to achieve the end. So, while certain virtues like determination or mental strength may have their targets within our psychology, what accounts for the external dimension is that the appeal to consequences extends beyond the individual's mind.

The analogy of "hitting the target" of a virtue involves some kind of reliable success criterion for virtue. But how successful must an agent be to count as virtuous on this account? Linda Zagzebski (1996) offers one such account of virtue ethics that is concerned not simply with an agent being appropriately motivated but also with reliably achieving the ends set by the motives. Success in achieving the ends of the virtues stems from her belief that "we would normally say that if the world as a whole were not better off for the presence of a given trait in individual persons in typical cases, we would simply not consider such a trait a virtue" (Zagzebski 1996, 100). There is a deep connection between the goodness of the world and the goodness of virtue entailed by Zagzebski's success criterion but it also is committed to the strong claim that without a "track record" of being successful in achieving the aim of the virtue a person cannot be said to have

the virtuous trait in question. While this is a fairly strong interpretation of the requirement, a more moderate version of the success criterion would be a counterfactual account of the virtue traits, namely that if someone were in the appropriate situation and had the appropriate character then they would successfully achieve the target of the virtue. The key difference between this view and that of Zagzebski's is that while her position requires success in a variety of environments (including those that actively thwart the accomplishment of the end of the virtue), the other version is more flexible by building in certain environmental considerations for success. While the success component of the external condition of virtue ethics is a significant feature of contemporary virtue ethics it is important to keep in mind that as a genus theory the core concern is about synthesizing the internal and external realms of moral salience.[6] At this level we are only concerned with a general notion of moral salience (i.e., the foundational and axiomatic conditions for morality) that guides us in the direction of developing criteria for acting well. It is at the species level of virtue ethics where there will be a need to more clearly specify any success criterion for "hitting the target" of a virtue and how strong or weak that criterion should be.

These clarifications will help to defuse two common objections to a success criterion of virtue ethics. The first objection is that there may be situations where I fail to be successful in achieving the target of the virtue through no fault of my own. Such cases rule out those where the agent is inept or should have known better to act differently and applies only to those cases where luck interferes and changes the anticipated consequences. In such situations it may be the case that there is no real target of the virtue, though we may falsely believe that such a target does exist, because it would be impossible to achieve the "target." If an evil demon whose sole intent is to thwart my generosity by immediately stealing whatever resources I give to the people in need, then in such a situation what could the target of generosity be? The target of a virtue cannot be something impossible, since that would be inconsistent with the traits being a virtue in the first place. We do not count as virtues traits that are impossible to actualize in the world because they cannot be part of a good life by their impossibility. Where the agent finds themselves in such dramatically unlucky situations the target may in fact be something actually achievable but atypical as a target for the virtue. While the typical target of beneficence is helping someone or easing their pain, a parent who is watching their child struggle with a difficult mathematics problem might have to let the child struggle and figure it out in order to hit the target of beneficence. In the "evil-demon" scenarios of being actively thwarted in achieving the supposed targets of a virtue, such a world is analogous to the radically false world in which it appears that you have true beliefs, but in fact they are all false because they are merely about

a computer program. In such a world you are incapable of knowledge and because virtue is a description of a character trait that is reliably successful in leading to a good life, the agent is also incapable of virtue. However, it is worth noting that situations where moral luck thwarts ones intended consequences are incredibly rare and receive an undue amount of attention in the philosophical literature that contributes to making them seem more commonplace than they really are and this sentiment applies even more forcefully to "evil-demon" scenarios. Most of the time the problem does lie with the kinds of considerations and mental habits that the individual agents acted on while thinking through what to do.

The second objection is raised by J. L. A. Garcia in that "The claim that virtue has a necessary component of reliably successful behavior seems also to have a distasteful implication. If one must try to help others with reliable success in order to be benevolent, say, then it is hard to see how those severely incapacitated either physically or mentally can be virtuous" (Garcia 1997, 34). This objection presumes a static conception of the targets of the virtues and that they are ways that people relate to others in the world. If someone is incapable of relating to other people in the world, then it seems perfectly reasonable to say that such a person is incapable of virtue. Someone who has been in a coma for most of their life should not be described as virtuous, which is not to say they are evil or bad; the common terms of moral evaluation just simply do not apply to a person in such a situation. However, someone such as Stephen Hawking who is severely incapacitated is surely capable of benevolence insofar as he is able to offer comfort to those who are sad, anxious, or depressed and his famous sense of humor has a unique effectiveness in making people smile. Of course, the ways in which he can be benevolent are limited, but that does not rule out the possibility of him embodying the virtuous character trait of benevolence; it only changes the targets that such virtues can take. But this is not something special or unique to Hawking's situation because the virtues are *always* relative to a person's physical and mental capabilities. It makes no sense to say that we fail to be virtuous if we cannot leap across buildings to save someone from danger, though Spiderman may be a different case altogether. Thus, it is wrong to suppose that the reliable success condition of virtue ethics implicitly rules out virtues as a possibility for those who are disabled, yet in many other ways still functional and capable of living a good life.

The other potential inconsistency between Swanton's third condition and the account of virtue ethics defended in this chapter is the opposite side of the first problem. It appears from Swanton's account that it allows for the possibility that virtues have *either* internal *or* external targets or, to put the claim in a weaker form, that there are certain virtues that *only* have an external target. The difficulty here is that there appears to be a subtle ambiguity at work.

Recall that Swanton adopts Aristotle's distinction between virtuous acts on the one hand and acts done from a state of virtue on the other. In one sense it is appropriate to say that a virtue's target is external (in the way that I am using the term) and has no internal target for the virtue; for example, honesty might have the end of truth-telling or, at least, not intentionally deceiving. But we must keep in mind that achieving the characteristic end through our behavior does not meet the requirements for acting well because the right act must be done for the right reasons, namely from a state of virtue. A person who suspects that someone *may* misinterpret what they say and does not warn them against such an interpretation would not seem to count as being honest, even though they satisfied the end of honesty by not intentionally deceiving them.[7] It is fairly clear that Aristotle, and most other virtue ethicists for that matter, take the distinction between a virtuous act and acting from a state of virtue both to be required for acting well in all cases; not one or the other and sometimes both. Thus, the third condition does not directly contradict the account defended here.

In her fourth condition Swanton seems to allow for the possibility that in certain contexts achieving the external (in my sense of the term) end of the virtue is all that will be necessary for the act to count as a generous, honest, just, or benevolent act. The resolution of this problem has already been given in the previous discussion because the act can only be considered *truly* generous, honest, just, or benevolent if it is done from a state of virtue or expresses fine inner states. But do we not call an act that achieves the end of the virtue by successfully promoting the good of others a benevolent act without any need to ask why the person acted the way they did? Again, in one sense this is understandable, but in another it is false. What might help to clarify the difference is to say that certain actions can "appear to be" or "are in accordance with" certain virtues. The case given in the previous paragraph then would be labeled as an apparent honest action or in accordance with honesty.

ACTING WELL AND THE DUAL-ASPECT THEORY

I have relied upon an examination of Swanton's pluralist account of virtue ethics because I believe that it attempts to systematically capture the complexity of virtue ethics as an account of our moral experience in responding to the demands of the world. However, the purpose of this chapter is not to endorse her specific account of virtue ethics but to use it as an example to pull out key fundamental features that are significant parts of *any* virtue ethic. These two features are the expression of fine inner states and hitting the target of the virtues. Taken together they capture the general insight virtue ethicists

share that doing a "right action" must be done from the "right reasons" in order to count as virtuous activity or acting well. The view that the virtues necessarily have an internal and external dimension, I will label as the *Dual-aspect Theory of Virtue Ethics*.[8]

It should be fairly clear that Swanton's virtue ethics is consistent with the dual-aspect theory because her account was used to develop the dual-aspect theory. For the dual-aspect theory to be an adequate representation of contemporary virtue ethics it should be consistent with a variety of other specific accounts of virtue ethics. Thus, it will be useful to examine three other prominent accounts of right action proposed by virtue ethicists to show how they are consistent with the dual-aspect theory and could serve as species theories. While a "theory of right action" is often spoken of as a clear and unambiguous theoretical demand, there is an important ambiguity with regard to which question a "theory of right action" is answering; viz. "what makes an action right" and "what do all right actions share in common?" These two questions are not the same and an answer to one need not be the same answer to the other.[9] Liezl van Zyl categorizes accounts of right action as either "substantive" or "explanatory" depending on which question the account is intended on answering. "Substantive" theories provide an account of what all right actions share in common, whereas "explanatory" theories intend to give a criterion for what makes actions right.[10] The three accounts of right action are as follows:[11]

(1) *Qualified Agent Account*—"An action is right iff it is what a virtuous agent would characteristically do in the circumstances" (Hursthouse 1999, 28).[12] This is a substantive account of right action that employs the virtuous agent as an ideal by which we can evaluate what right actions have in common within one another.
(2) *Agent-Based Account*—An explanatory account claiming that actions are right iff they arise from a good or virtuous motivation or, at least, not from a vicious or bad motive (e.g., malice of indifference to humanity).
(3) *"Thick" Virtues Account*—An account of right action that uses aretaic terms (honest, courageous, magnificent, and so on) to distinguish right action from wrong action. These are considered "thick" virtue concepts (as opposed to "thin" virtue concepts) because they can be used for prescribing and evaluating actions, which goes beyond what a "thin" virtue concept is capable of offering us. Anscombe could be said to offer such an account in her "Modern Moral Philosophy" when she recommends turning to use aretaic terms in their nonmoral sense. Such an account would best be understood as a substantive account of right action because Anscombe wants to avoid thinking of actions in terms of moral rightness she is not interested in answering the explanatory question.

With Anscombe's recommendation of simply relying upon aretaic terms that lack any specific moral sense it is somewhat strange to talk of "right action," but she certainly thinks that the aretaic terms offer some kind of prescriptions, even if they are not backed by moral law. This account gives us very little guidance as to a more specific account of acting honestly or bravely means, but where she does offer a more specific account is in her use of the doctrine of double effect. Recall that the doctrine of double effect requires that in the case of two outcomes, one which is good and the other bad, there is a requirement that the agent not perform the action with the intention of bringing about the evil outcome. You cannot intend to kill your assailant to justify your self-defense, but if you act with the intention only of protecting yourself and your assailant happens to die in the process, then you satisfy the requirements of the doctrine of double effect. In light of Anscombe's reliance upon the doctrine of double effect there clearly is a balance being struck between certain values and the consequences of one's actions. The doctrine of double effect can be said to interpret the internal condition of "expressing fine inner states" by the constraint on which kinds of intentions one can justifiably have in acting. The external dimension of hitting the target of the virtue is consistent with the good that the person is aiming to do without intending the evil.

Michael Slote's agent-based account of virtue ethics offers a unique alternative to much of the Aristotelian inspired versions of virtue ethics that dominate contemporary virtue ethics. An account is "agent-based" if such an account "treats the moral or ethical status of acts as entirely derivative from independent and fundamental aretaic (as opposed to deontic) ethical characterizations of motives, character traits, or individuals" (Slote 2001, 5). His theory is best described as a sentimentalist version of virtue ethics that emphasizes the rightness of actions as depending solely upon certain virtuous motives (or, at least, the absence of vicious motives). More specifically, he aligns his theory with the theory of care ethics that stresses an overarching concern or care as essential for moral activity and labels his view "morality as universal benevolence." In light of this emphasis, an action can be deemed right, or at least not wrong, "if an only if they [the person acting] don't exhibit or reflect a lack of empathic concern for others" (Frazer and Slote 2015, 203).

Slote presents his view as a version of sentimentalist virtue ethics that incorporates certain elements common to utilitarian moral theories, but Julia Driver labels his view a paradigmatic example of "*pure evaluational internalism*, which holds the moral quality of persons or actions to be completely determined by the inner states of the agent" (Driver 1995, 282). Insofar as Slote's only criterion for acting well is that one acted from a state of concern or care for others, this seems an apt label. From that interpretation, Slote's account seems to resemble deontology more than a virtue ethic by focusing

specifically on the motive and if this interpretation is correct, then his theory would be best understood as deontological. However, Slote was in good company with other virtue ethicists in having a complicated relationship to the role of consequences within morality. Deontologists avoid such a problematic relationship to the consequences of our actions by taking our motive or will to be the core concern of morality and barring consequential considerations from effecting the moral worth of an action. Kant writes that

> A good will is not good because of what it effects or accomplishes, because of its fitness to attain some proposed end, but only because of its volition . . . [even] if with its greatest efforts it should yet achieve nothing and only the good will were left . . . then, like a jewel, it would still shine by itself, as something that has its full worth in itself. Usefulness or fruitlessness can neither add anything to this worth nor take anything away from it. (*Groundwork for the Metaphysics of Morals,* 4:394)

Furthermore, Kant argues that the goodwill is a "concept that always takes first place in estimating the total worth of our actions and constitutes the condition of all the rest" (4:397). Thus, while Slote's agent-based ethics certainly satisfies the internal condition of virtue ethic, can he also be said to meet the external condition?

In order to answer this we need to look at a criticism leveled at Slote's theory by Julia Driver. She begins by contrasting what she labels "pure evaluational internalism" with "pure evaluational externalism," with the latter being defined as the position "which holds that the moral quality of persons and actions is determined completely by factors external to the agent" (Driver 1995, 282n2). What exactly is meant by "external" is unclear, but her use of "internal" seems compatible with the way we have been using the term in this chapter. So, a problem immediately arises: it would seem that in order to explain how Slote's account is compatible with the dual-aspect theory he would have to somehow endorse *both* "pure evaluational internalism" and "pure evaluational externalism," but on the face of it to even compromise between the two is to negate the qualification of "pure." Such a requirement is in fact unnecessary because while Slote's view seems to be an obvious example of "pure evaluational internalism" this label is ultimately inadequate for capturing his view of "morality as universal benevolence." In order to see why it will be necessary to examine more closely his response to the objection, made by Driver, that his view divorces the agent from the reality outside their mind. Driver claims that "The reality of moral luck connects us to the world, making us realize and take seriously how our acts have an effect on the world around us. A consequentialist would point out that it makes us more sensitive, as we should be, to the possible ramifications of our actions"; however, Slote's "pure evaluational internalism" seems incapable

of accommodating such features of our moral experience (Driver 1995, 284). Slote acknowledges this as a significant concern but believes that his view of morality as universal benevolence can in fact accommodate the features that consequentialists take as unique to their view:

> Agent-basing does not entail isolation from or the irrelevance of facts about the world. . . . If one is really benevolent, for example, one doesn't just throw good things around or give them to the first person one sees. Benevolence isn't really benevolence in the fullest sense unless one cares about who exactly is needy and to what extent they are needy, and such care, in turn, essentially involves wanting and making efforts to know relevant facts, so that one's benevolence can be really useful. (Slote 1995, 87)

The strategy here is that in fact the relevance of the consequences of our acts determines whether our actions genuinely *count* as benevolent, regardless of the specific motive we had when performing the action. In regard to issues of justice, Slote's account would seem to align itself with a kind of Rawlsian liberalism or an arch libertarianism that stresses the liberty of the individual to the exclusion of concerns for well-being or promoting the good in society. However, Slote contrasts his view to that of liberals and libertarians who have erred on the side of individual liberty at the expense of the well-being of others. For example, Slote mentions cases where women who claim to have been threatened with physical violence and sought a restraining order against the husband and father of their children being denied restraining orders *unless* there is substantial evidence that the woman can provide to "prove" that her safety and/or the safety of her children are indeed threatened. Slote claims that morality as universal benevolence "thinks differently about this. It holds women's (welfare interest in) security and safety to be morally more important than the complete freedom of movement of husbands, and it claims that a general empathic concern for others will be sensitive to this difference of importance and therefore defend the justice of promptly issuing a restraining order" (Frazer and Slote 2015, 204). The sentimentalist variation of virtue ethics that Slote endorses also criticizes the reluctance of liberals to combat hate speech and sees the support of, for example, the right of neo-Nazis to march and speak in Skokie, Illinois, during the 1970s in a city with a large population of Holocaust survivors blurs "that important moral distinction" between offensive and harmful speech. It is beyond doubt that Slote understands morality as universal benevolence to in fact give the world around us and our impact upon it a great deal of concern.

However, this raises an interesting point about the account Slote defends. He reiterates the point that morality as universal benevolence "insists that the *moral* evaluation of motives depends upon their inherent character as motives rather than on their consequences," yet what "counts" as having a benevolent

motive or acting from benevolence appeals to the consequences of the action performed (Slote 2001, 26). It is not true then that the moral quality of persons and actions is determined completely by *either* just the motive *or* the consequences and, therefore, the label of pure evaluational internalism does not fit his account. As Slote himself puts the point,

> if one morally judges a certain course of action or decision by reference to, say, the benevolence of the motives of its agent, one is judging in relation to an inner factor that itself takes into account facts about people in the world. One's inward gaze effectively 'doubles back' on the world and allows one . . . to take facts about the world into account in one's attempt to determine what is morally acceptable or best to do. (Slote 1995, 98)

Rather than making our practical determinations of the consequences a separate calculation or feature of our moral deliberation, Slote builds it into the very notion of "benevolence." In this sense, Slote's morality as universal benevolence meets the dual-aspect theory's conditions of an internal component expressing fine inner states and an external component of hitting the target of a virtue.

The qualified agent account takes the virtuous agent as an ideal by which we can understand what right actions share in common. It should be noted that the view is not the viciously circular position that right action is what the virtuous agent does and the agent counts as virtuous if what they do is the right action. The virtuous agent has reasons for choosing one action over another and, importantly, uses *phronesis* (practical wisdom) to decide what ought to be done. It is because of the fact that there are independent reasons that the virtuous agent acknowledges that sets the virtuous agent in a unique position to decide the right action because of their *phronesis*. These reasons are not the imposition of universal rules that decide what is permissible or impermissible but rather the reflection of subtle evaluations on what matters in the situation and, for this reason, the qualified agent account "emphasize[s] the role of practical reasoning, understood as the capacity to appreciate or discern what is right or appropriate conduct in particular situations" (van Zyl 2013, 175). The dual-aspect theory of virtue often shows up in the reliance of a theory upon *phronesis* as a central component. Liezl van Zyl describes *phronesis* (or practical wisdom) as

> a kind of know-how, an ability to find the means to a given end. For example, a benevolent person does not merely desire to help others; she also knows how to be benevolent in a particular situation, that is, she has an understanding of what is truly beneficial. . . . This kind of knowledge allows the virtuous person to do the right thing for the right reasons: she accepts the offer of a promotion because

> it will allow her to improve her family's quality of life, and not because it will impress the neighbors. (van Zyl 2015, 190).

Slote's claims about what counts as benevolent action involving more than just having a certain motive could be understood as relying upon practical wisdom to determine how to achieve the end of benevolence in the specific case (though it should be noted that he avoids using this language in describing his position) and Swanton's notion of hitting the target of a virtue involves practical wisdom as well in deciding which modes of moral responsiveness ought to be used to perform one act over another. It would be a mistake, however, to characterize practical wisdom as *simply* means-end reasoning in the way the phrase "instrumental reasoning" is often understood because practical wisdom not simply selects which means will achieve the stated end but also specifies what exactly the end of the virtue in question is to be pursued. Daniel Russell labels this the "specificatory view" and endorses it as the

> best [way] to understand "the things towards the ends" as including specifications of the content of ends that one's moral character finds appropriate. On this "specificatory" view, when Aristotle says that virtue makes one's end the right one, and phronesis makes right "the things toward that end" (*NE* VI.12, 1144a7-9; cp. *MM* I.18), he means that virtue supplies the right general end, and that phronesis gives that end the right sort of specification. Phronesis, then, is the excellence of practical reasoning whereby one specifies the contents of one's ends well. (Russell 2009, 8)

One virtue of the "specificatory" view is that it can make sense of how phronesis not only determines the means that will satisfy the end but also specifies the end it is involved in determining the meaning of a particular virtue's end. While it would be too strong to claim that practical wisdom is concerned with reasoning about ends themselves and which ends one ought to adopt, it does play a role in our reasoning about ends insofar as the specification of certain ends may reveal that they are inappropriate for a particular situation, thus leading us to consider the other virtues that may be more appropriate for the case. For instance, in a situation where a homeless person is asking for food or money it may seem that generosity as a virtue holds the end of alleviating the need of others, but if you find out beforehand that the person is collecting money so that he can buy a gun to rob a bank, then generosity does not seem like the relevant issue and, perhaps, empathy or justice is a more appropriate candidate. Thus, practical wisdom is instrumental reasoning, but it goes beyond means-end reasoning in specifying what the end really is that one is pursuing and, in that sense, practical wisdom does deliberate about ends.

This account of *phronesis* in relation to virtue may pose a problem for the *dual-aspect theory* because while the *dual-aspect theory* claims each virtue to have an internal and external component, the "specificatory view" Russell defends appears to leave the external component up to *phronesis* and separate it from the internal aspect. In other words, on this view, virtue is concerned with valuing good character traits appropriately and *phronesis* is concerned with "hitting the target" of the virtue. Thus, virtue really only has an internal component and the external component is left up to practical wisdom.

The response to this concern ultimately depends upon how *phronesis* accomplishes its task and whether the virtues are objectively constituted. On the one hand, we could understand the faculty of practical wisdom to *morally determine* the appropriate means to achieving the target of a virtue and, thus, the faculty of *phronesis* would imply a subjective nature to the virtues. However, this model of using the virtuous agent as the criteria for what is virtuous is viciously circular and is not the model endorsed by most virtue ethicists sympathetic to the qualified agent account. The alternative option is that the role *phronesis* plays is in the agent coming to understand certain objective facts regarding what it would mean to hit the target of the particular virtue. These facts would be mind-independent and available to anyone who is suitably capable of perceiving them. As it has been defined by Russell and van Zyl, *phronesis* is centrally concerned with our knowledge of a virtue's target, not specifically in constituting a virtue's target. The objective facts of the world are what constitute the target of the virtue, but it is through *phronesis* that we come to know and perceive those facts in the relevant ways. What will actually hit the target of honesty is a feature of the circumstances and context of a situation; practical wisdom is how we come to recognize and understand how to hit the target. The way in which we come to know the target of a virtue is distinct from a virtue having a specific target and, thus, the inclusion of *phronesis* does not negate the *dual-aspect theory* of virtue.

Not only is there no inconsistency but the depiction of practical wisdom that Russell and others offer also reinforces the prevalence of the two conditions of the dual-aspect theory. In specifying the ends of the virtues the consequences of the possible actions are taken into account and hitting the target is of paramount importance. The internal condition of expressing fine inner states are the ends set by the virtues, which must themselves be chosen for their own sake (*Nichomachean Ethics* 1105a28–33). Thus, insofar as the qualified agent account makes practical wisdom a central feature, any version will satisfy the dual-aspect theory's conditions. Furthermore, Russell's interest in clarifying the role of *phronesis* within deliberation is to then make the case that *phronesis* is a fundamental part of every virtue. If this is true, then it necessarily follows that any virtue ethic will be concerned not only with the right internal states but also with how the end of the virtue is specified

and realized in the world. The view Russell defends ("Hard Virtue Ethics") is a response to the development within certain accounts of virtue ethics that weaken the role *phronesis* must play in understanding the virtues. It is worthwhile to note that while Russell's account supports the dual-aspect theory of virtue ethics, the latter view does not depend upon Russell's view for its own feasibility. The position Russell endorses is one among many varieties of virtue ethics at the species level.

STOICISM AND THE DUAL-ASPECT THEORY OF VIRTUE ETHICS

The dual-aspect theory of virtue ethics presents a conception of contemporary virtue ethics that offers new pathways and horizons for virtue ethics to explore but it is also an ancient theory as old as ethics itself. It was developed out of considerations that Aristotle and Plato took as central and important features of morality. Aristotle and his account of *phronesis* was frequently discussed in relation to the contemporary accounts of virtue ethics and right action, but other ancient theorists can reasonably be seen as endorsing the dual-aspect theory of virtue ethics. Plato in *The Republic*, Bk. II, Socrates is discussing with Glaucon the nature of justice and to which form of the good it belongs. Socrates responds that "[justice] belongs to the finest kind, which the man who is going to be blessed should like both for itself and for what comes out of it" (Plato *The Republic*, Bk. II, 358a). That justice should be valued for itself meets the internal condition *and* for "what comes out of it" suggests that the good outcomes of justice also matter (which meets the external condition) because they arise out of an internal commitment to the goodness of justice. Stoicism, however, will be a trickier issue to address. In this final section, I will first look at Stoicism as an ancient moral philosophy and examine whether it belongs to virtue ethics understood by the dual-aspect theory as not simply a taxonomic question but also as one that serves as a surprisingly tricky test case for certain important distinctions made by the dual-aspect theory. In addition to the difficult question of classifying Stoicism, there are three potential objections worth examining that help to clarify other elements of the theory in how it distinguishes contemporary virtue ethics from the positions of deontology and consequentialism.

The Stoics are commonly categorized as offering a version of virtue ethics that takes a great deal of inspiration from certain views of Socrates as well as the Cynics. Some of the most notable Stoic claims include that "virtue is the only good" and that this involves living in accord with our nature, which is understood as reason (Seneca ep. 76.10). Their Socratic heritage stems from adopting such claims as "that it is better to be wronged than to do wrong, that

the good man cannot be truly harmed, that people do evil only through ignorance or error, and that we should seek out virtue before all else, since true wealth comes from the cultivation of good character, rather than vice versa" (Sharpe 2014, 30). All of these claims portray Stoicism as fundamentally concerned with only our internal rational capacities and what we can control, which would seem to align Stoicism with the kind of internal focus that deontology is characterized by endorsing. In fact, the term "deontology" was adapted from Jeremy Bentham by the British Idealists as a translation of *Pflichtenlehre,* a German term of art used for the ethical teachings of the Stoics (Herman 1993, 208n1). Furthermore, the Stoic argument for why virtue is the only good preempts the strategy of Kant's argument for why the goodwill is the only thing that is good in and of itself. In their strategy of arguing for what is ultimately good in and of itself, they both seek something incorruptible that cannot be misused for justifying bad ends and this leads both Kant and the Stoics to reject conceptions of ethics that include factors external to the agent as, at least partially, determinate of moral value, which for the Stoics also applies to their conception of *eudaimonia*. Finally, in considering what it would mean for the Stoic to "hit the target" of a virtue, as will be discussed in more detail further down, the answer is ultimately that simply knowing the virtue is identical to hitting the target of the virtue because the Stoics accept the Socratic claim that "virtue is knowledge." Given these similarities and the orientation of the moral perspective for Stoicism, it seems that Stoicism is best understood as a theory of deontology rather than virtue ethics.

However, the issue is not quite as simple as that. While Stoicism agrees with Kant in rejecting a certain account of happiness, they do not believe that happiness is irrelevant to morality. Rather, Stoicism is a *eudaimonist* philosophy in the sense that they take *eudaimonia* to be the highest good and what all other endeavors in life aim toward.[13] Thus, the Stoics believe "in common with Socrates and the other Greek schools, [that] the good is defined as whatever benefits or is useful to us" (Sharpe 2014, 31). The reason why virtue is the only thing good in and of itself is that other external sources of happiness (wealth, pleasure, health, or good reputation) are at best only reliable sources of happiness but are neither necessary nor sufficient for achieving happiness. Rather, if these "external goods" are to even become good at all "we need to know how to use and enjoy them when fortune places them at our disposal . . . [which requires] something prior to these external things—namely, the kind of *epistēmē* a virtuous person has about how to turn such external things to benefit" (Sharpe 2014, 31). This characterization of Stoicism reflects the consequentialist theorizing of how best to achieve good outcomes and that the good is characterized as "beneficial" and "useful." The *eudaimonistic* element within Stoicism seems to conflict with the internal deontological

elements that emphasize the importance of one's attitudes and sense of control. What are we to make of this seeming inconsistency?

In a certain sense, the fact that Stoics share an uncomfortable relationship with the consequences of one's actions means they are in good company with many other virtue ethicists. But the question of whether Stoicism should be included within virtue ethics requires that the account can meet, in the right way, the two internal and external conditions of the dual-aspect theory of virtue ethics. Two of the main claims taken from Plato and Socrates is that "knowledge is virtue" and "vice is ignorance" as well as the rationalist emphasis on controlling the emotions. The caricature of Stoicism is that we must aspire to be cold, emotionless, and purely rational beings in order to achieve and demonstrate virtue. However, the reason why Stoics accept the Platonic claim that knowledge is virtue is that knowing why and how things are beneficial is to align one's passions with their reason and make suppression unnecessary. For instance, it is common for people to take certain kinds of food to be good and this can lead to gluttony, but in recognizing that what is *truly* good for me is "temperance," I will harmonize my passions and my rationality without needing to suppress them. The very need to suppress an emotional impulse toward something is an indication that we do not fully understand what is truly good for us. Thus, insofar as virtuous activity on the Stoic account is a harmonization between my reason and my passions, virtue requires knowledge of what is truly good. This connects importantly with another iconic Stoic claim that virtue requires "living in accord with Nature," or in other words living one's life in such a way that your desires and passions do not conflict with the way the world is but rather harmonize with such facts.

The potential problem is that the Stoics make *phronesis* centrally important within their moral philosophies and it was claimed earlier that any account that made *phronesis* central would meet the criteria of the dual-aspect theory. Virtue for the Stoics is living in accord with Nature and so hitting the target of virtue means acting in agreement with Nature. The caricature of Stoicism that represents the Stoic as cold, distant, and always inside their head misses the importance of engagement with the world that this principle requires. The idea that Stoicism has an account of hitting the target of virtue is demonstrated by the distinction made by Stoics between *kathêkonta* and *katorthôma*, the first term meaning "proper functions," "befitting actions," or "duties" and the latter term meaning a "perfectly befitting action" or "virtuous action." Whether or not Stoicism ought to be classified as a virtue ethic depends upon whether hitting the target of a virtue can be described separately from the internal condition of valuing the virtue for itself. While a prominent interpretation of Stoic deliberation would understand hitting the target of a virtue as indistinguishable from knowing the target, the distinction

between *kathêkonta* and *katorthôma* offers a way of keeping these distinct. Tad Brennan explains *kathêkonta* as

> broadly, what one should do in each case, whether one is virtuous or not. If I (who am not virtuous) do the right thing, perform the correct action, then I have done a befitting action, no matter what my thoughts or motivations were in doing it. Had a Sage been in the same circumstances, she would have done the same thing. However, when the Sage performs a befitting action, they do so from their special virtuous disposition, which makes their action a perfectly befitting action, or a perfect action, or a virtuous action (a *katorthôma*). (Brennan 2015, 41)

The notion of a "befitting action" is an action in agreement with nature, that is, the kind of being the agent is. In Stoic metaphysics we are limited to controlling our attitudes and motivations and recognizing that having the right motivation in acting is what separates the Stoic Sage from simply a "befitting action" (*kathêkonta*). The basic moral components of the Stoic view do not contain an impetus for reliable success in achieving the target(s) of virtue because the events and states of affairs outside of our control cannot be moral concerns as it is not in our nature to determine such things.[14] Thus, it appears that Stoicism adopts an ethical perspective different from virtue ethics understood as a genus theory, but then which perspective does Stoicism adopt?

It is worthwhile to examine the connections between Kantian ethical theory and Stoicism to see where the two converge as well as diverge. While Kant rarely mentions specific Stoic philosophers or their works some scholars see the relationship more as one in which Kant is more interested in using Stoic ideas to develop his own, whether or not they are accurate interpretations.[15] The affinities with Kant's ethical theory are multiple and substantial, but what separates their ethical outlooks is on the question of where the source for normativity lies. This centrally important question depends crucially upon the controversial debate surrounding the normativity of the commitment to naturalism. A. A. Long defends what Daniel Doyle and José M. Torralba label the "cosmic viewpoint" insofar as "life according to reason is *entailed by* life according to Nature; but life according to Nature is not obligatory *because* it accords with reason" (Long 1970, 150). This leads Doyle and Torralba to claim that "the Stoics treat nature as both a normative and a factual principle" (Doyle and Torralba 2015, 273). This is contrasted with a "reason-centric viewpoint" defended by Annas that interprets the Stoic claim that "virtue is a consistent disposition" to mean a *rational* consistency. What matters on the "reason-centric viewpoint" is that acting virtuously is "acting on a certain kind of reason, rather than achieving the results of so acting"

(Annas 1993, 169). Where the normativity lies in Annas's reading is within the rational consistency of the Stoic Sage, whereas the "cosmic viewpoint" locates the locus of normativity within Nature and our living in agreement with Nature. However, the distinction between these two models makes little difference in whether Stoicism has a place for a success criterion in their ethical theorizing. Annas makes the point that in acting the virtuous agent has two aims, "One is her *telos* or overall aim, of living virtuously and acting from motives of virtue. . . . The virtuous person's other aim is what the Stoics call her *skopos* or immediate target, which is what is aimed at in any particular case of acting virtuously" (Annas 2003, 24). What matters to the Stoics in performing a virtuous action (*katorthôma*) is being successful in achieving the overall aim of the virtues, which Annas describes as "a matter of having the right motivation" because living virtuously is a matter of being appropriately motivated from a stable character disposition that has been intentionally cultivated within the agent. It seems a fair characterization of Stoicism to say that they consolidate the external condition of success into the internal condition by making "hitting the target of virtue" identical with loving virtue in and of itself and this also appears closely connected with Kant's emphasis upon recognizing the supreme value of the moral law and acting according to it as the meaning of "success" insofar as such a term can be applied to Kantian ethics. Where the Stoics and Kant do part ways is in the fact that the Stoics are *eudaimonists* and, thus, take happiness and flourishing as moral concerns (in the sense that living in agreement with Nature is the key to happiness and flourishing) that play a fundamental role in determining which traits ought to be considered virtues. For Kant, happiness cannot play such a determinative role that would shape our duties and obligations, since that role is filled by the moral law within our rational nature.

One of the three potential objections was that Kant's theory might be said to meet both the internal and external conditions; however, both Stoicism and Kant consolidate the external condition into the internal condition. Thus, both theories are incapable of satisfying them as *separate* conditions working in tandem. There remain two other objections that are important to address now that a clearer picture of virtue ethics to work with. The first objection deals with the role that consequences play within virtue ethics. Some have criticized accounts of virtue ethics for giving the consequences too large a role within the theory and the dual-aspect theory defended here maintains a significant role for the consequences to play within any account of virtue ethics. There are a variety of reasons for why different philosophers find inclusion of the consequences to be problematic, but one possible reason that potentially threatens the rationale of the entire project is that a theory that gives the consequences a substantial role risks the theory becoming simply another version of consequentialism. Virtue ethics could be classified as a

form of "non-consequentialism" in the sense that it denies the exclusivity and single importance of the consequences for normative evaluations, yet preserves a significant role for the consequences to play. As a form of non-consequentialism, virtue ethics must have a coherent way of justifying constraints upon the pursuit of consequences, otherwise the promotion of consequences could override any other considerations and, thus, we would have a *de facto* consequentialist theory if not in name. What does serve as a constraint upon the promotion of the good is the internal condition of expressing fine inner states. This condition serves as a constraint in two ways: (1) the pursuit of an end must be done virtuous*ly* and (2) the commitment to goodness as valuing the virtue for its own sake prevents adopting certain reasons that make the value of the virtue merely instrumental. We have already seen the first way in Hursthouse's emphasis upon the way that certain actions are done as in part determining the moral evaluation of an act. In a situation where lying to someone would maximize good outcomes but to do so you must be cruel, this would not satisfy the internal condition of the dual-aspect theory and, therefore, would be a vicious action. The second way that the internal condition constrains the promotion of the good deals with the kinds of reasons adopted for acting. In some cases, the reasons themselves may be vicious or cruel and, therefore, align with the first way of constraining the consequences, but there may also be cases where a certain act will maximize the good consequences without the act requiring one to act viciously, but it will be for reasons that express an instrumental appreciation of the virtue's value. For example, a son whose mother has been physically and mentally ill for quite a long time slips into a coma and the doctors are not sure whether she will ever recover. She has no written will that clarifies her wishes for such a scenario, but her son knows that she has repeatedly mentioned her wish to stay on life support because there might be chance that she could remain living. Of course, the son has devoted an enormous amount of financial resources and personal time and effort to keep his mother alive that has been drain on his marriage and kept him from spending time with his spouse and children. In one sense the son's choosing to take his mother off life support is understandable because of all the difficulties and sacrifices associated with caring for an elderly parent. However, the reasons that the son appeals to treat the values of honesty and respect as instrumental to other values. While the son may feel remorse and a heavy sadness in taking his mother off life support, where he goes wrong is in treating the relevant virtues of honesty and respect as instrumental to the other values dealing with family and possibly even self-love.[16]

The second potential objection stems from the resemblance that the conditions of the dual-aspect theory have to deontology and consequentialism. The internal condition of expressing fine inner states is analogous to the deontological focus upon the motive and the external condition of hitting the

target involves the appeal to consequences. The account may seem to merely be a combination of the two emphases and, thus, it might be thought that this leaves virtue ethics with nothing truly unique about it. While the internal condition is analogous to the focus on motive that is characteristic of deontology, the fine inner states of virtue ethics deal specifically with character traits as a commitment to goodness in the form of certain virtues. Deontological kinds of motives are typically more akin to the maxims of Kant's ethical theory, rather than as certain values embodied in character traits. However, the truly unique feature of the dual-aspect theory of virtue ethics is that it is a "dual-aspect" theory whereas deontology and consequentialism monist ethical theories. Virtue ethics differs from deontology in that the heart of morality for the deontologist focuses on an inner realm largely within our control and makes the outcomes of our action secondary in importance (which is *not* to say unimportant). For the virtue ethicist, the focus upon virtue as the heart of morality *necessarily* encompasses the internal motive requirement as well as the external outcomes/consequences requirement. The content of the virtue of honesty requires both a particular motive and certain targets/outcomes.

The difficulty in demarcating virtue ethics, deontology, and consequentialism in large part stems from the fact that no theory has a monopoly on the concept of "virtue." Each uses it in a variety of ways that can agree with each other in one dimension and radically disagree in another. In the position defended here, virtue ethics overlaps with both deontology and consequentialism in capturing the core concern of both moral perspectives within the concept of virtue as understood and argued for by a variety of virtue ethicists. Some of the confusion regarding the current debate about how virtue ethics is related to other ethical theories stems from the overlap among the three theories and given the fact that all of the philosophers involved in developing these theories were in dialogue with their predecessors. Each successive theory took what they thought insightful about morality in earlier moral philosophy and developed it within their own account. The dialectical history of moral philosophy is indicative of such overlapping concerns and we should be suspicious of any understanding of virtue ethics, deontology, or consequentialism that makes such theories radically dissimilar from the other ethical theories. In one sense, this was the worry that generated my interest in coming to answer how virtue ethics is related to other prominent theories of ethics. The notion that virtue ethics was so unique a theory that it could not really be set next to other prominent ethical theories seemed incredibly problematic because such a disconnected theory can hardly have arisen out of so much philosophical dialogue, agreement, and refinement of the theories that has occurred among virtue ethicists, Kantians, and utilitarians. At the level of a genus theory, the relationship among the different theories comes into clearer focus.

NOTES

1. A potential objection at the start is that an account which includes any appeal to the consequences risks simply becoming a consequentialist theory. At this point we must set this objection aside until we have more clarity as to what virtue ethics as a genus theory looks like.

2. Hursthouse argues at length that our experience of moral dilemmas tells us something important about ethics itself and is not simply a failure on the part of the world to live up to certain ethical standards. Dilemmas, in the way that Hursthouse describes them, are largely outside of the agent's control and arise from the imperfection and limitations of the world around us.

3. This understanding of the terms "right" and "wrong" likely derives from their juridical usage and the courts only recognize two kinds of labels for defendants, "innocent" or "guilty." The legal dichotomy of "right" and "wrong" has become pervasive enough to dominate how we think about these terms in their moral usage. The claim here is not that there is something inherently dichotomous about the terms "right" and "wrong," but that practically they are incapable of adequately translating our dynamic moral experiences into ways of cognitively appreciating the subtleties.

4. In an important sense the word "respond" is unfortunate because it seems to imply reaction and might be assumed to preclude the existence of any proactive modes of responsiveness. However, insofar as virtuous actions involve a cognitive component to some degree (such actions are not the result of blind, unthinking habit) they are always responding or reacting to reasons, regardless of whether the action to be taken would be proactive or reactive. I can act virtuously in a proactive manner by recognizing a situation as potentially harmful or dangerous and avoiding the situation entirely, but notice that my proactive action was a *reaction* to my recognition of potential danger.

5. I am not intending to conflate the two distinct meanings of "intention" and "motive" here. Both are mentioned because it is not yet clear whether virtue ethicists need to adopt one over the other as what counts for the expression of fine inner states.

6. As it will be claimed later on, the consequences of our actions matter morally in the way that the targets of the virtues can be multiple and varied and change from situation to situation. What the appropriate target of beneficence is will depend upon the circumstances and the consequences of our actions can change what the target of the virtue(s) will be. Thus, the consequences have a morally determinate effect upon, as Swanton puts it, constructing the *profile* of a virtue.

7. It may be tempting to say that this is actually a case of intentional deception because they know that someone will make the wrong interpretation, yet they bring about the false belief. However, the key qualification is that the person thinks they *might* misinterpret what they are saying and this would seem to make it not a case of intentional deception because the person may just be apathetic or careless with regard to how people interpret their words. In such a case the problem is that they do not act *honestly* or from the state of honesty as a virtuous disposition.

8. While this view is a claim about the nature of the virtues, since virtue ethics as a genus theory treats virtue as its core concern it will necessarily endorse this claim.

Thus, since virtue has this dual-aspect nature, any virtue ethic will also endorse this dual-aspect account.

9. Roger Crisp argues that a theory could explain that what is common to all right actions is that they promote the best consequences, but what makes an action right is that "it is in accordance with the correct moral rule" (Crisp 2010, 23–24).

10. These accounts may be used as criteria for action guidance and action assessment, but are not necessarily capable of serving as a decision-procedure. Furthermore, if a criterion for right action can tell us what we ought to do in a certain case, this does not necessarily imply that it must also tell us how to assess actions because, as Hursthouse and many other virtue ethicists will argue, there may be cases where an agent will do what they ought to do, but because the choice was between two bad options having acted so will not count as a "right action." Van Zyl makes the point that most deontologists and consequentialists tend to view action guidance and action assessment "as two sides of the same coin: when an agent does what he ought to do, he ends up performing a right action" (van Zyl 2013, 173).

11. This list is taken from Swanton (2011), but van Zyl (2013) discusses the first two accounts in addition to Swanton's target-centered approach. The inclusion of the third approach takes seriously Anscombe's recommendations from her "Modern Moral Philosophy."

12. For similar qualified agent accounts of right action see Zagzebski (1996, 232–54) and Annas (2011, 16–51).

13. See Irwin (1986, 206–7) and Long (1996, 182–83) for exposition and defense of *eudaimonia* being a commonly shared commitment of all Greek ethics, including stoicism.

14. Interestingly, the lack of a reliable success component in stoicism may constitute an early version of deontology that takes as a basic conception of moral goodness the motive of an agent.

15. See Schneewind (1996, 292–93) for discussion of this point.

16. Another way of constraining the promotion of the good is through the doctrine of double effect. Anscombe's version of virtue ethics (if she does offer a virtue ethic) uses the doctrine of double effect to limit the kinds of actions done to only those that do not involve a vicious or forbidden intention.

Conclusion

This project has been an effort to show that contemporary virtue ethics offers something valuable and unique insofar as other substantive moral theories such as deontology and consequentialism are concerned. The debate surrounding virtue ethics has suffered from a confusion of levels of theorizing in what virtue ethics has been compared with and the flexibility of both deontologists and consequentialists to modify their own species theories to adapt to certain worries and concerns raised by virtue ethicists. That evolutionary adaptability of the theories seemed to reinforce the notion that the territory of moral philosophy was largely dominated by deontology and consequentialism. The project of gaining clarity as to the nature of virtue ethics is, therefore, important not only in clarifying how the theory is distinct from other ethical theory where the central focus lies on elements other than virtue but also in clarifying the distinction between, what Driver has labeled, "virtue theory" and "virtue ethics" (Driver 2006). There are many ethicists interested in developing an account of virtue without committing themselves to making virtue of central importance in their theory. Such an approach is paradigmatic of "virtue theory," whereas philosophers such as Rosalind Hursthouse, Michael Slote, and Christine Swanton (just to name a few) are attempting to provide a "virtue ethic" insofar as their ethical theory is compatible with the dual-aspect theory defended in this work. Thus, while there is an important job of delineating the defining lines among virtue ethics, deontology, and consequentialism, there is a related task in sorting out the multitude of accounts that incorporate virtue into "virtue theories" and "virtue ethics." The purpose of this sorting is *not* to merely prop up or denigrate any theory because it belongs within one category or the other but to aid in gaining a better understanding of what the account itself is trying to accomplish. The dual-aspect theory of virtue is a tool for grounding and explaining some of

the diversity among moral philosophers working with the concept of virtue and its intended aim is to facilitate a more productive discussion about the role of virtue within ethics.[1]

The aim of developing the dual-aspect theory is to give contemporary virtue ethics a strong and clear voice within moral philosophy but such a progressive step is not necessarily welcome among certain moral philosophers. The rebirth of virtue ethics as a viable alternative leads certain moral philosophers to endorse not only virtue ethics but also virtue ethics as a rejection of the tradition that deontology and consequentialism represent, namely, modern moral philosophy. This strain of virtue ethics leads to two kinds of criticisms of contemporary virtue ethics: (1) that the field of contemporary virtue ethics was too disorganized and incoherent to genuinely represent a unique theoretical approach and (2) that certain accounts of contemporary virtue ethics betray the "founding" (or perhaps "refounding") commitments of virtue ethics by engaging with the modern moral philosophical project, primarily through accepting the demand that virtue ethics provide an account of right action. The response to the first criticism has been the development of the dual-aspect theory of virtue, which provides a unique conception of virtue ethics shared by a wide variety of species virtue ethical accounts. If the dual-aspect theory of virtue ethics is accurate in representing a core set of beliefs shared by all contemporary virtue ethicists, then it is a false representation of the field of virtue ethics to claim it is disorganized and incoherent. The depictions of disorganization and incoherency of contemporary virtue ethics are somewhat understandable when there are no clear criteria for what to compare virtue ethics to and this essay has, at least, hopefully clarified this matter. Once a clearer division between genus theories and species theories is understood, a clearer account of the functions of certain level of moral theorizing can be seen and comparisons of theories that share similar functional roles offer a criterion for comparison.

The second critique is a potentially more damaging one to the project of this essay. The criticism of theories that offer an account of right action and generally appear sympathetic toward asking how virtue ethics can answer some of the questions raised by deontologists and consequentialists is that doing so reintroduces the moral senses of "rightness" and "obligation" that are long thought to be abandoned because they presuppose a deity to enforce them. However, there is an ambiguity in this criticism, where on one interpretation the criticism is perfectly compatible with the project in this essay and represents an internal dispute among virtue ethicists, while another interpretation recognizes only those accounts of virtue ethics that adequately embody the concerns proffered by Anscombe in her "Modern Moral Philosophy" essay. The first interpretation is that the best account of virtue ethics is one that endorses Anscombe's account of virtue ethics proposed in "Modern

Moral Philosophy." As a criticism of accounts as better or worse understandings of virtue ethics the resolution of this question lies outside the scope of this work, but it is perfectly compatible with the dual-aspect theory of virtue ethics defended here. However, the second interpretation is attempting to distinguish between "true" or "genuine" accounts of virtue ethics as those which remain faithful to Anscombian principles and this second interpretation would reject any definition of contemporary virtue ethics that allows for theoretical diversions from Anscombe's account to count as virtue ethics as the dual-aspect theory of virtue ethics allows.[2] One problem with this second interpretation is that it is incredibly narrow in its understanding of virtue ethics as a genus theory. Providing a definition of virtue ethics as a genus theory is like providing a definition of "art" in the sense that a definition of either should allow for the possibility of instances that are qualitatively worse than others, yet are still considered examples of art or a theory of virtue ethics. In other words, an adequate definition of both virtue ethics and art will make room for the existence of "bad art" and "bad theories of virtue ethics." It is important for a genus theory to allow for a broad diversity of species theories because, for one, an understanding of virtue ethics that is too narrow is indistinguishable from a species theory in its function, but even if it is a narrow focus that allows for a small variety of species theories the threat of dogmatism becomes greater the less diverse a genus theory's species accounts become. A vibrant and growing moral philosophy must have new horizons to challenge old interpretations and grow in our understanding and wisdom. The diversity of species theories compatible with the dual-aspect theory of virtue ethics is quite broad as is demonstrated by its compatibility with Aristotelian and non-Aristotelian approaches, eudaimonistic and non-eudaimonistic foundations, and rationalist and sentimentalist accounts. Thus, this second critique of contemporary virtue ethics offers no theoretical advantages to the dual-aspect theory but may suffer from a narrow dogmatism and excludes a great amount of work done on the virtues.

What the discussion of Aristotelian and Platonic moral philosophy shows is that there is a great amount of continuity between the ancient virtue ethicists and contemporary virtue ethicists. It is a line of ancestry that helps shape a certain moral perspective, but the ways in which we develop the more detailed species accounts of virtue ethics are not limited to being Aristotelian, Stoic, or Platonic in form and this opens up the possibility of a more diverse and inclusive field of virtue ethics. A significant dimension lacking in the analysis provided within this work is the inclusion of non-Western moral philosophies (such as Confucian, Buddhist, Daoist, Hindu, and many other conceptions of virtue). The absence of these accounts is due not to their worthiness of consideration as accounts of virtue ethics but instead to more comfortable areas of personal philosophical familiarity and a desire (as well

as an epistemic need) to check the ambitions of the position and begin from a small, and to a certain degree arbitrary, starting point within the primarily Western philosophical debate surrounding the identity of virtue ethics. An important project that this essay sets up is the deeper investigation into the variety of virtue ethical accounts to see where their differences and similarities lie among other virtue ethics as well as other ethical theories.

Clarifying that virtue ethics has a genus theory to which many species theories can belong sets up a further project in clarifying those more particular normative accounts. The dual-aspect theory of virtue ethics claims that a virtuous agent will aim to hit the target of a virtue that is recognized as intrinsically valuable, but this does not tell us specifically *which* virtue in a specific case ought to set the target. There are many cases where, at least seemingly, various virtues offer different prescriptions for action in prescribing different targets. In some cases this means we may need to hit multiple targets (Swanton, in fact, specifically includes this as a concern in her normative account). However, it seems difficult to deny, though it certainly has been by proponents of the "unity of the virtues," that there will also be cases where virtues offer contradicting targets and the task at hand will require a judgment of which virtue ought to be realized. The example of the murderer at the door which gave Kant so much consternation presents at least two relevant virtues at stake: honesty and beneficence. Most people's intuitions fall on the side of lying to the would-be murderer in favor of protecting the life of the innocent person and it would seem that many virtue ethicists would also agree with such a course of action (especially in light of Hursthouse's discussion of the virtues that Schindler possessed in lying to protect as many Jews as possible). But how does the virtue ethicist make such a judgment between the two virtues and still preserve a recognition of honesty as valuable in itself? To recognize a virtue as valuable in itself is to recognize its importance as a reason worthy of moral consideration when applicable, but this does not necessarily mean that such a reason cannot be outweighed or overridden by other reasons. Furthermore, the very notion of honesty as a virtue should not be construed as mere "fact telling," but as a social practice within a social milieu that may influence the meaning of honesty as having an important social dimension that characterizes the targets of honesty. Such a strategy at least opens the door for honesty in fact not necessarily being relevant if the social dimension of honesty is in part characterized by a responsibility to benefit others.[3] These are of course a few suggestions as to how to approach such difficult questions, but the hope is that the dual-aspect theory of virtue ethics can provide a clearer path for how such issues can be addressed and to what degree they can be answered. The skepticism surrounding contemporary virtue ethics as a substantial theoretical alternative to deontology and consequentialism has been removed and the task for virtue ethicists is to push the concept of virtue

to its boundaries in this confusing and complicated contemporary world. For surely there can be no progress in humanity's future without virtue coming to play a substantive role in our lives, but what role and which virtue is now and will be the pressing question that can preserve our humanity in face of the dramatic changes to come.

NOTES

1. While Swanton and others may speak of virtue ethics as taking virtue notions to be "central" or "primary," the account offered here points more toward a dualistic concern as definitive of virtue ethics. In one sense, though, taking virtue as central or primary is to recognize how virtue embodies these two kinds of considerations, but "virtue theories" can recognize one side and exclude the other in their accounts. A virtue ethic that did so would be found wanting.
2. See Sanford 2015 for a defense of such a view.
3. This is merely a suggestion as to how we ought to address such a concern and it should not be too quickly dismissed. We believe commonly that when the telling of facts will have no efficacious impact on another person's development it would demonstrate a vicious character trait if someone were to tell them anyways. For example, a student that is struggling and feels hopeless will not be inspired to work hard and develop if they are reminded of how poor their academic performance is compared to other students. The teacher in such a case ought not tell them the facts of their academic performance, but should rather offer encouragement and positivity. One explanation for not telling the factual truth in this case is because of the social function that honesty plays.

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About the Author

Nathan Wood is discipline chair of the Philosophy, Religion, and Humanities Department at Central Piedmont Community College in Charlotte, North Carolina.