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The Neglect of Virtue*

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Modern moral philosophy has devoted itself primarily to axiological and deontological matters.¹ There have been occasional stirrings—some recently—in the direction of what might be called agent-theory,² but it is undeniable that ends, means, utility, values, rules, principles, duties, obligations, responsibilities, and desert have been in the forefront of discussion. Virtue has been and remains generally neglected, or discussed merely as a derivative concept.

I want to make a plea for virtue—much in the spirit of Austin's plea for excuses—as a concept which should be central to moral theorizing. This has been done before,³ but it is clear that philosophers in general either still need convincing or need a more developed apologia than has yet been provided. I

*A shorter version of this paper was presented to the Hollins College Seminar in Philosophy, February 1974, and to the Western Division of the American Philosophical Association, April 1974.

1. A note on terminology: I use 'axiology' to indicate the tendency to take concepts of value to be primary (if not primitive) in moral theory and to ultimately decide (if not redefine) questions of duty and virtue in terms of value questions. 'Deontology' I use to indicate the tendency to take concepts of duty and obligation as primary. These two approaches to moral theory I occasionally lump together under the rubric 'act theory' or 'act morality' because they have a common focus on acts. 'Agent-theory,' 'agent-morality,' 'a virtues-vices approach,' and sometimes just 'virtue' I use to indicate the tendency to ascribe the central place in moral theory to concepts of virtue, vice, and the good person.

2. For recent writings, one may begin with John Rawls's "Outline of a Decision Procedure for Ethics," *Philosophical Review* 60 (1951): 177–97. There is also, of course, G. E. M. Anscombe's polemic against "law-type ethics" in "Modern Moral Philosophy," *Philosophy* 33 (1958): 1–19. The *Monist* did an issue on virtue in 1970, and the *Philosopher's Index* lists over fifty articles on virtue for the period 1967–73. But a look at the articles themselves reveals that most of them are analyses of earlier theorists' views on virtue and that only a handful are prepared to grant any primacy at all to a virtues-vices approach to moral theory. Those of particular value include R. B. Brandt, "Traits of Character: A Conceptual Analysis," *American Philosophical Quarterly* 7 (1970): 23–37; W. K. Frankena, "Pritchard and the Ethics of Virtue," *Monist* 54 (1970): 1–17; Edmund Pincoffs, "Quandary Ethics," *Mind* 80 (1971): 552–71; and J. O. Urmson, "Aristotle's Doctrine of the Mean," *American Philosophical Quarterly* 10 (1973): 223–30. As to books, one might mention Milton Mayeroff's *On Caring* (New York: Harper & Row, 1971).

3. See Pincoffs and my own attempt in *On Justifying Moral Judgments* (London: Routledge & Kegan Paul; New York: Humanities Press, 1973).

will offer some reasons for regretting the general neglect of virtue in modern moral philosophy and some illustrations of the ways in which its employment can be illuminating. Because I hope to persuade by adducing a wide variety of arguments, however, none of the specific arguments taken alone will be very fully developed. But they are each suggestive enough, I think, so that taken together they will be adequate support for my thesis: that the philosophical development of the concept of virtue, at least to the level of sophistication we possess for the central concepts of value and obligation, is a matter of considerable importance.

The explanation of the modern neglect of virtue is no doubt complex, but three factors must be largely responsible. First, it is commonplace to observe that there can hardly be any way of characterizing “the good person” without reference to some logically prior notion of good per se. And this point is made more emphatic when deontologists admit, as they sometimes explicitly do, that even their theories are parasitic on at least some “thin theory” of the good.⁴ On the other hand, the concepts of value and duty do not seem to be similarly parasitic on the concept of virtue, and so virtue may plausibly be treated as derivative.

Second, it may be remarked that the question of a person’s moral character is typically approached via questions of the worth of the things he or she does (or is disposed to do) and the motives and intentions behind those acts. Thus, matters of moral character seem not only dependent upon but exhaustively definable in the language of act morality.

Third, it may be noted that as commitment to normatively neutral moral theorizing has grown, so too has neglect of the concept of virtue. It is no accident (and surely not due to an accurate estimate of their philosophic value) that large chunks of Aristotle’s *Ethics* are so widely unused.⁵ For there, as in seemingly all analyses of virtue which go beyond preliminaries, normative judgments abound—indeed, cannot be avoided.

Philosophers are not without an occasional sense of regret for this neglect of virtue. There are, for example, many times in the application of principles to practice when matters of moral character are of the first importance—times when the issue is not how much harm has been done, or the value of excusing the wrongdoer, or the voluntary nature of the offending behavior, but rather whether the sort of character indicated by the behavior is “acceptable” or not—perhaps even ideal—so that the “wrongful” conduct must be seen simply as an unavoidable defect of it. Oedipus, on a strictly utilitarian analysis, merely looks like an arrogant fool who didn’t know when to stop asking questions. But fools are not tragic heroes (pathetic, perhaps, but not tragic in the classical sense), and it is safe to say that Sophocles must have felt that Oedipus possessed the sort of human excellence that tragedies are made of—the excellence which contains the seeds of its own destruction.

4. See John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 395–99.

5. I think of books 3, 6–4, 6, 8, and 9.

The pursuit of such excellence may bring down whole houses, but it is not just like the behavior of a fool or a knave. We miss something very important about it when our moral theory leads us only in the direction of the conclusion that it is.

Further, the sense that act theory sometimes fails to get to the heart of things is generated when one moves over from third-person talk to first-person expressions about moral worth. People often try to make exceptions for themselves in practice. And this is part of what seems so properly self-corrective about moral theories which focus on universalization principles. But it is also the case that a part of the tendency to make exceptions for oneself is simply the wrongheaded outgrowth of a very reasonable concern: that often what is fundamental to me is not whether I have done the right thing, but whether I am, at bottom, a good person—not what my act *was*, but whether it was an index to my character. If I am satisfied that I am fundamentally a good person, then it is hard for me *not* to think I ought to be excused, because I will regard my wrongful acts either as necessary evils or as *blunders*, mistakes essentially out of character. And if I am dealt with solely in terms of my acts—their nature and consequences—it will be hard for me not to feel that that is somehow beside the point.⁶ Self-esteem is very often the crux of the matter in evaluations of one's own conduct. And self-esteem is not built entirely on estimates of the value or dutifulness of one's performance. No matter how many successes some people have, they still feel they "are" failures; no matter how many lies some people tell, they still feel they "are" fundamentally honest. Moral theorizing which ignores or slights this—as act theory tends to do—is very often beside the point in concrete moral situations.

Thus, the lack of a developed theory of virtue can be an embarrassment, and its lack in modern moral philosophy is a cause for regret. We have reels of analysis on the fact-value distinction, the sources and nature of obligation, and the concept of moral responsibility. But comparably detailed accounts—which go beyond the work of ancient philosophers—on the concepts of human excellence, on ideals, on the good person are in notably short supply. There are, as I have mentioned, some powerful reasons underlying this fact, so it will not do much good to simply point out a few places where it causes discomfort. I want, therefore, to present an array of examples which, taken together, do two things: (a) indicate that the unfortunate consequences of the neglect of virtue are too widespread in moral theory to be justifiably ignored and (b) indicate that considerations of moral character are more fundamental, theoretically, than is typically supposed. Thus, the arguments to follow will, I hope, not only blunt the force of the reasons behind the

6. Pincoffs's "Quandary Ethics" makes a similar point at pp. 558–59. His whole article is an argument for another source of the neglect of virtue: the modern assumption that the subject matter of ethics is fundamentally moral *problems*, i.e., the analysis of and help in the resolution of morally problematic situations. This focus, he argues, generates a tendency to slight agent morality.

neglect of virtue but constitute a coherent apology for reinstating it as a fundamental concept in moral theorizing.

1. ON DEFINING THE GOOD PERSON

The first such line of argument concerns some peculiarities in the notion of a good person. It has already been noted that one's self-concept (whether of oneself as a good or a bad person) is not derived solely from a tabulation of one's performances (e.g., I lie more often than I tell the truth; therefore I am a liar) or even a tabulation of motives and intentions (e.g., On balance, I do things more often for ignoble motives or from malicious intent than otherwise; therefore I am not a good person). But it may be felt that this is merely a psychological fact about the way people judge themselves and that we all acknowledge, when we judge others, the *logical* force of such tabulations toward assessments of character. After all, how else can we possibly get an index of a person's character? And how could one (objectively) conclude that a person who typically lied—in all sorts of situations—or who typically acted from base motives or malicious intent was not deficient in character?

I do not wish to claim that performance—particularly with regard to motive and intent—is irrelevant to assessments of character. Indeed, it is an important criterion. But the focus on *acts*, their values, motivations, and relations to dutifulness, misses something crucial. There are people whose performance is consistently good—even saintly—who seem untouched by ignoble purposes to the degree we have come to expect in our fellows, and whom we still will not call, in any unreserved sense, “good people.” We will not so describe them when we think that their virtue is simply blind adherence to authority-training, for example—or, as for one of Steinbeck's characters, merely due to a lack of energy. Similarly, there are people whose performance is consistently bad—even malevolent—but who exhibit not just remorse after the fact, and surely not just regret, but rather a tragically accurate self-perception which makes us unable to call them, in any unreserved sense, “bad people.”⁷

Why this is so is surely an important thing to investigate. The best one can do, at present, is to make some very vague suggestions as to what must be at stake here: that what must count as much as performance toward our judgment that someone is a “good person” is the degree to which that person's dispositions to act—for the good or the bad—are closed to the changes which can be wrought through self-perception and deliberation. We must feel—with the Greeks—that the equipment for “self-making” (or, less opaquely, the ability to perceive accurately and to be changed as a result of experience) is a central element of human moral excellence. This is evidently an important feature of our common moral convictions, and I submit that we have not developed anything like the expertise in explicating and justifying

7. For a fascinating analysis of some features of this problem, see Adam Smith, *The Theory of Moral Sentiments*, pt. 2, sec. 3. I am indebted to Thomas Nagel for calling this passage to my attention.

(or disjustifying) it that we have developed for the familiar value and obligation questions we discuss.

2. ON DEFINING STANDARDS OF PERFORMANCE

We are similarly ill-equipped to develop any sustained and illuminating account of standards of performance for moral conduct. Preoccupied with questions raised by attempts to decide what sorts of conduct are justifiable or required by duty, we have largely ignored the uneliminable question of what standards of performance are to be required. The existence of a duty of care toward others immediately raises the question of how much care is to be taken. We need criteria for deciding when someone has “done enough” to fulfill a given duty. Discussions of the problem are virtually nonexistent in philosophy.⁸ One must turn instead to the law for help.

In tort law, the existence or nonexistence of a duty of care is a question to be decided by the court. The requisite standard of care is, however, regarded as a separate issue, and a question for the trier of fact (e.g., the jury, when there is one). But it is notable that the standard of care is to be arrived at in terms of an agent-theoretic model—usually the mythical “reasonable man.” The trier of fact is not encouraged to consider what would be “best for everyone on balance,” or the extent of one’s duty to do a duty. The question is, rather, what standard of performance might be expected of a reasonable person who is aware of the duty and is attending to its performance. The law insists that the appropriate standard does not depend on consequences (e.g., if the victim is injured, you didn’t do enough; if not, you did do enough). Nor does it depend on the satisfaction of some deontological principle such as a duty to act reasonably. Instead, the duty to act reasonably follows from the adoption of the ideal of reasonability. It is the ideal which determines what is right and just in the context of a duty of care, let the consequences fall where they must.

Furthermore, this model itself is not chosen primarily on axiological or deontological grounds—though admittedly it is buttressed by arguments for its utility and for its compatibility with the requirements of procedural fairness. It is chosen primarily because the character-trait of reasonability is itself regarded as the measure of what counts as good or dutiful conduct in this context. Good conduct, right, just, and dutiful conduct, is *defined* here in terms of an agent-theoretic concept. Similarly for some other uses of the reasonability standard in the law: in determining what counts as provocation, when that is used as a defense against a criminal charge such as murder; and

8. Moral philosophers have often failed to see this, no doubt because of the disfavor in which casuistry has been held and the philosopher’s penchant for distinguishing analytically things which are not sharply distinguishable in practice at all. Thus, one may rid himself (philosophically) of the question of standards of performance by first distinguishing that question from the one of the *existence* of a duty or a principle for conduct and then consigning the former to casuistry and assuming that moral philosophy can proceed—unmised—by working only on the latter.

in determining what counts as a mistake (of either law or fact) which can be used as a defense against charges such as bigamy or theft.⁹

Now it is not the case that the law has simply fallen into the only plausible way of fixing standards for conduct. There is at least one other ideal—the “average person”—which occasionally replaces that of reasonability, for reasons which are too often obscure.¹⁰ There are significant differences in these ideals, and because it is clear that no moral principle for action is complete without some specification of a standard of performance, the detailed analysis of standard-setting ideals should have a central place in moral philosophy. It does not, however, and I lay the blame on the general neglect of the concept of virtue.

In fairness, two sorts of objections to this argument about standards should probably be considered: first, that axiological and/or deontological considerations lie behind the selection of standard-setting criteria after all; and second, even on the assumption that this is not so in practice, it ought to be so, and philosophers have been quite right in refusing to fall in line with the existing practice.

The answer to both charges must be that the concepts of good and of virtue are *reciprocally* related: one cannot get very far beyond a few crude “behavioral preferences” in defining what counts as a virtue and what counts as a vice without appeal to consequences—to values in general.¹¹ But neither can one get very far beyond what Rawls calls a “thin theory” of good—a bare list of those things which are preconditions for the existence of any goods at all—without dealing with the question of standards. A thin theory of good is no moral theory by itself because the “guidance” it gives is so radically ambiguous that one can reasonably claim it gives no significant guidance at all. Until disputes about what standards of performance are required of one are settled, one can fairly say that very little about moral issues is settled.

Now surely the best—indeed, perhaps, the only—way to set standards for performance is in terms of some ideal for human conduct. Any attempt to fix a standard axiologically (in terms of the values to be derived from various levels of performance) will run the risk of itself being a rule or principle for conduct which requires the specification of a performance standard. Similarly for the attempt to fix standards deontologically (that is, in terms of a duty to perform to a certain level). The danger here again is one of infinite

9. Indeed, the whole theory of the law of crimes (who, when, and how to punish with the public law responses of the criminal law) seems to me to rest on an agent-theoretic basis, i.e., on a distinction between socially stable and unstable character traits. But that is a very long argument; see my paper “Criminal Attempt and the Theory of the Law of Crimes,” *Philosophy and Public Affairs* 3 (1974): 262–94.

10. See the recent Supreme Court decision on pornography, *Miller v. California*, 93 S.Ct. 2607 (1973), in which the standards for determining the arousal of a “prurient interest in sex,” the “patent offensiveness” of the portrayal of sex, and the presence of “serious literary, artistic, political, or scientific value” is to be that of the *average* person applying contemporary community standards.

11. See, for the development of this line of argument, chap. 9 of my book (n. 3 above).

regress. The only way to avoid such a regress is to specify—in the form of a duty, perhaps—precisely what acts are required to fulfill the principle or duty “up to standard.” But then one has not set a standard at all which will permit the necessary flexibility in dealing with borderline or novel cases. Any student of the law will appreciate that it is the flexibility inherent in the reasonability standard which allows the law to respond rationally to unforeseeable cases. And it is surely fair to say that what is true of the writing of laws in this regard is also true of the formulation of moral principles: that no formulation specific enough for action-guidance will be adequate (without case-by-case reformulation in terms of some standard of performance) for the full variety of cases to which it will be expected to apply.

Thus the conclusion seems clear: the setting of standards for performance is a central problem for moral philosophy, and we have too long neglected the development of the best tools for setting such standards—the concepts which cluster around the notion of virtue.

3. ON EXCUSES

Equally interesting testimony to the usefulness of agent-theoretic concepts comes from a consideration of excusing conditions. Attempts to provide a general rationale for our excuse-practices in terms of axiological theory and in terms of voluntarism and moral responsibility are well known. But what is lacking in these accounts (particularly the deontological ones) is an explicit appreciation of the perspicuousness provided by a virtues-vices approach to the problem.

Our common moral intuitions dictate that when I commit a crime in ignorance (such that it cannot even be said that I should, as a reasonable man, have known what I was doing), or when I commit a crime under an extremity of duress no one could reasonably be expected to endure, or when I am swarmed by bees and, as a reflex, slam on the brakes and cause a fatal traffic accident, I have done nothing to damage the judgment that I am a man of good character. And, indeed, there appears to be quite a general coincidence between acts, however damaging or otherwise wrongful, which are “consonant” with good moral character and acts for which we excuse our fellows from blame. What this suggests as an interesting line of investigation is a principle such as the following: Acts fully consonant with good moral character are fully excusable, and, to the degree that an act is not so consonant, to that degree it is not excusable.¹²

12. R. B. Brandt has considered this line of argument approvingly in the general context of “A Utilitarian Theory of Excuses,” *Philosophical Review* 78 (1969): 337–61, esp. pp. 353–58. The principle he suggests, however, is that an act is to be excused if it *does not manifest some defect of character* (p. 354). I think this may be restrictive. We do not have to say that a person’s character is *defective* to rule out an excuse, because one blameworthy act does not necessarily manifest a “defect” (except relative to sainthood). The more inclusive phrase “consonant with good moral character” is probably better. For further relevant discussion from Brandt, see his “Blameworthiness and Obligation” in *Essays in Moral Philosophy*, ed. A. I. Melden (Seattle: University of Washington Press, 1958).

Of course, one immediately wants to know what counts as good moral character and what it means to say that an act is consonant with it. The poverty of current moral theory to be of much help here is obvious. And this shortcoming is to be regretted, not only because of the values of perspicuity which might be gained for the understanding of excuses through this neglected route, but also because an agent-theoretic account of excuses may not require an analysis of human freedom in anything like the metaphysical glory deontological accounts do. Consider, for example, Aristotle's analysis of excusing conditions. In his description of the sorts of conduct generally held to be excusable, he makes reference to voluntariness, involuntariness, non-voluntariness, and the like. But his account of such matters is ultimately tied to questions of character, not to questions of freedom. The ultimate issue at stake, therefore, is not whether an act was "metaphysically free" but whether it was a product of good or bad character. In such a context, talk of free action looks like an eliminable descriptive device, or at least one which does not generate the thickets of metaphysical argument endemic to modern philosophy.

I do not mean to suggest that agent-theory can stand on its own here. Clearly, questions of why certain traits are regarded as excellent, why certain standards of performance are regarded as adequate, and the general justifying aims of punishment all will require answers involving the theories of value and obligation. But it seems unassailable that the whole analysis of excuses could be helped immensely by developing the lines suggested by agent-theory.

4. ON RESCUE VERSUS PREVENTIVE ACTION¹³

A further need for a development of agent-theory comes from a consideration of certain sorts of rescue cases. These are the cases in which, for one reason or another, one must choose between the rescue of those in imminent danger and the prevention of such danger in the future. Political kidnappings are a clear example. It is obvious that a "hard-line" approach—such as the British government has taken for its diplomats—is the way to eliminate or at least minimize the practice. The British simply refuse to deal, ignoring threats of torture and death against an already kidnapped diplomat, on the ground that any other policy encourages future kidnappings. And indeed, after handling, in this manner, the kidnapping of a high-ranking diplomat taken by Argentinian guerillas in 1971, the British have not had further problems of this kind. Similarly, it has been suggested from time to time that banking laws be changed to make the obtaining of ransom money (i.e., untraceable currencies in sizable quantities) impossible through legal channels, taking the profit out of, and thus eliminating, some forms of kidnapping.

Such proposals are conceptually convincing as to utility. It seems clear

13. This section was suggested by Lewis H. LaRue's "A Comment on Fried, Summers, and the Value of Life," *Cornell Law Review* 57 (1972): 621.

that the possible sacrifice of the initial victims(s) by a refusal to deal, coupled with a vigorous police effort to capture the culprits, will eliminate future attempts which are at all rationally conceived, whereas dealing—even if capture and conviction eventually result—can only be a stimulus to future attempts. Yet there is great resistance to taking the hard line on kidnap cases. The United States cannot bring itself to do so, and it is doubtful the British would extend their policy for diplomats to citizens (say, in an airline hijacking).

Similar dilemmas occur in accident cases. We (and mineowners) will typically spare no expense to rescue trapped miners but hedge at spending the same money taking preventive measures—even if it is demonstrable that the preventive action maximizes the number of lives saved. Battlefield examples put the same problem in a more extreme form: diving a submarine while crew members are on deck; deciding whether to try to rescue an injured soldier in no-man’s-land. Rationality, here, seems again to dictate a “hard-line” approach, just as in the kidnapping cases. Maximize the number of lives to be saved; and if that means—for economic or other reasons—that one cannot both rescue and prevent, then prevent.

What discussions of such problems typically ignore is the force of agent-morality considerations in assessing what the rational course of action must be. As LaRue puts it, “The values we hold . . . can be used for our own self-definitions—to give a particular shape and meaning to our life. Furthermore, they can be used to represent the type of society in which we wish to live. If we return to the combat . . . example, we might note that men in such a plight might think it important to live on a ‘band of brothers’ principle.”¹⁴ I would put the same point by noting that we have (rationally defensible) worries about the sort of moral character represented by people who propose to stand pat and let present victims die for the sake of future possibilities. One who can fail to respond to the call for help is not quite the same sort of character as one who can fail to maximize prevention.

It would be interesting to get to the bottom of this—that is, to be able to say just what character traits are at issue here and why. There is no guarantee, of course, that we would ultimately be able to defend current practice over the “hard-line” approach. But it is clear that the investigation of this whole nest of problems needs an emphasis on the concept of virtue—even if what we justify as virtues are those traits which have “utility” or value. The neglect of virtue here—whether or not it is ultimately the primary or primitive moral concept—distorts our understanding of the problem.¹⁵

5. ON CIVIL DISOBEDIENCE

As another illustration of the illumination to be gained from agent-

14. *Ibid.*, p. 630.

15. The same may be said of some classic problems of utilitarian theory. Why should we refrain from punishing the innocent if great benefit is to be gained from it? Why should we keep a promise when nothing is to be gained (or lost) from doing so? These and similar problems are helped greatly by a focus on virtues—even if one eventually were to justify the list of virtues in a utilitarian way.

theory, consider the problem of the justification of civil disobedience. Typical analyses treat the question as one of determining the existence and extent of one's obligation to obey the law. They focus on notions of legitimacy and consent to a social contract as sources of obligation. Such an approach is the natural one to take. Given the generally deontological character of law, it does seem an obvious thing to do to start with the question of an obligation to obey. The strengths and weaknesses of this approach are well known and need not be recited here. My purpose is not to challenge its fundamental soundness but to suggest an additional line of analysis which helps to round it out—and to give rational support to some commonsense reactions to civil disobedience.

Consider the line of argument in the *Crito* where the Laws are personified and given arguments against the escape Crito proposes for Socrates. The Laws present themselves as having had a quasi-parental function. They assert the existence of an obligation on Socrates, to be sure. The source of the obligation is understood to be a bargain or contract which Socrates has at least tacitly accepted by being—and remaining—an Athenian citizen. But the argument has other strands as well: the Laws have been good to Socrates. In a real sense they *made* him and have kept him from many sorts of harm which might have befallen him but for their presence. In short, the implicit suggestion is that the nurture, protection, and benefits they have provided—their actions on his behalf, if you like—are “worth something.” These benefits provide *an occasion appropriate for gratitude* on Socrates' part, and the suggestion is clear that disobedience would be inconsistent with this fact—indeed, that it would be somehow an act of *ingratitude*.

Now say what you will about the “perfect right” one may have to do something, or the utility of certain tactics and the way they work for a greater balance of good over evil, the *sort of person* who is doing the act has a significant impact on how we regard the act morally. This is often ridiculed as a silly obsession with style; and it is used to manipulate us by way of “image-making” techniques. But it is a deeper issue than that. The right course of action, as existentialists are so fond of pointing out, is very often prospectively ambiguous. One simply has to act and take the consequences of responsibility applied by hindsight. Now in these situations, we quite reasonably are concerned with the moral character of the agent and the way in which his acts are an index to it. For ultimately we may have to settle the question of justice in terms of the standards set by the actions of people of good moral character. Insofar as insensitivity, ingratitude, and lack of hospitality are felt to be parts of moral character, their presence or absence in the actions of the civilly disobedient will be a matter of concern.

Surely this line of investigation organizes nicely what we find so unsettling about some sorts of disobedience (even, perhaps, some sorts of the carefully circumscribed civil disobedience defined by Rawls)¹⁶ and not about other sorts: some disobedience shows no awareness of the appropriateness of

16. See John Rawls, “The Justification of Civil Disobedience,” in *Law and Philosophy*, ed. E. A. Kent (New York: Appleton-Century-Crofts, 1970), pp. 343–54.

any sort of gratitude at all to one's fellows for the creation and maintenance of those parts of the law which do promote justice. It is not that one can claim such gratitude as an obligation (for that is also inappropriate). It is merely that one senses something akin to a violation of the conventions of hospitality in such ingratitude. I submit that something like this sense of inappropriateness is what is (rationally) unsettling about acts which, in the name of however long a list of injustices, seem not so much blind as insensitive to what justice there is. And similarly, it is the apparent presence of such sensitivity which can render even the most disruptive acts of civil disobedience (rationally) reassuring.

6. ON TORTURE, TERRORISM, AND STRATEGIC BOMBING

There is a commonly felt reluctance, in what might be called popular moral sentiment, to treat with equal harshness wrongs done indirectly and wrongs done personally. The reluctance finds expression in many ways. On the one hand, the soldier who machine-guns a group of passive, unarmed civilians is cause for national turmoil; the episode is called a massacre. On the other hand, the pilot who drops bombs to obliterate a village he knows contains mostly civilians is not a cause for such turmoil; his act is called the result of an intolerable policy or an inevitable consequence of modern warfare. Similarly, the person who solicits another to commit a crime is typically not subject to as severe a penalty as the one who actually commits the crime—especially if the crime involved is a felony of the first degree or a capital offense.¹⁷

A further example is the typical reaction to the suffering inflicted by torture or terrorism as opposed to similar suffering produced by “uncivilized” warfare. The revulsion felt toward the interrogator who methodically inflicts burns upon a victim is overwhelming in a way that the revulsion toward the pilot dropping napalm is not—at least not typically. People speak of the “barbaric” methods of terrorists (indiscriminate assassinations, the placing of bombs in public places, skyjackings) when, of course, they know very well that “civilized” warfare necessarily results in just as much if not more indiscriminate killing.

Moralists often respond to these common sentiments by arguing that they are irrational. Surely the person who hires a killer is every bit as causally responsible for the murder, in a sense relevant to moral culpability, as the one who pulls the trigger. Surely the one who solicits murder intends it to happen just as fully as the murderer does. What ground is there, then, for grading the two crimes differently? Similarly with the flyer versus the foot soldier. Killing civilians is killing civilians, whether from fifty or fifty

17. See Wayne R. LaFare and Austin W. Scott, Jr., *Handbook on Criminal Law* (Saint Paul, Minn.: West Publishing Co., 1972), pp. 415–16. The American Law Institute's *Model Penal Code* 5.05(1) recommends making the penalties for solicitation and commission equal in most cases but still recommends lighter penalties for solicitation in the case of first-degree felonies and capital crimes.

thousand feet. If both *know* what they are doing, what ground is there for holding one act to be more horrible than the other? And as for the supposed barbarity of torture and terrorism as military methods, is it not sheer sophistry which allows one to feel morally superior as long as the methods he uses (and which produce just as much human suffering) are sanctioned by international conventions?

What I have to say about this apparent conflict between popular moral sentiment and reflective moral judgments is difficult to put in a way which does not lead to misunderstandings, but basically it is that there is a kernel of rationality in the reluctance to identify, morally, the one who does a wrong “indirectly,” “impersonally,” with one whose wrongdoing is very direct and very personal. I am not at all sure that the former is always (or ever) *less* culpable than the latter. I simply want to advance some considerations which suggest that the two are not plausibly regarded as on an equal footing, morally.

The considerations to which I refer all relate to what might be called “personal distance”—that is, to the “distance” in space, time, or “awareness” between one person and another. Spatial distance and temporal distance need no explanation and figure in what follows only insofar as they affect what I have called distance in “awareness.” A detailed analysis is not possible here, but for present purposes it will suffice to mention just two aspects of “awareness distancing” which are of moral importance: cognitive distance and intentional distance.¹⁸

By ‘cognitive distance’ I mean the sort of intellectual “pullback” which allows one to know what is going on in a “general” way without being forced to attend to the “details.” By ‘intentional distance’ I mean the sort of intellectual pullback which allows one to define what is being done as, for example, solving a complex problem rather than solving a complex problem which will permit the development of a weapons system.

Personal distance in both senses is related to moral character in important ways. Some people are simply unable to do certain things without the requisite sort and amount of personal distance. Anesthesia and the sheets which drape a patient’s body have important functions for the surgeon’s psyche as well as for the patient’s welfare. Eichmann, who could bring himself to murder tens of thousands when it was merely a matter of inventing ways of having others (far away) do it, was apparently not so competent at close range.¹⁹ There is no dearth of data to show that, for most people, an increase in the amount of personal distance involved correlates directly with an increase in the injuries they are capable of doing to their fellows.²⁰

The interesting question is how we are to regard such correlations—that is, with respect to what we call *defects* of character. Even cursory consider-

18. Aesthetic distance and emotional distance may perhaps be understood as products of various mixes of these types.

19. See Hannah Arendt, *Eichmann in Jerusalem* (New York: Viking Press, 1963).

20. See, e.g., Stanley Milgram, *Obedience to Authority* (New York: Harper & Row, 1973).

ation will reveal competing lines of argument. On the one hand, it may be argued that what the person who requires a great deal of personal distance lacks is courage and the ability to take responsibility for his or her conduct. On the other hand, it may be argued that the tendency to distance ourselves is not always a defect, and the self-exploitation of this tendency for moral wrongdoing is less appalling than the behavior of those who need no self-deception to do the same things.

How the competing arguments will be resolved is not clear. What is clear, and what is my point here, is that conscientious consideration of concepts of moral character is a necessary element in the philosophic discussion of this whole range of problems.

One could bring forward many more examples to show how fundamental are considerations of moral character in moral philosophy, and how many of the traditional difficulties of axiological and deontological theories are eased by an agent-theoretic approach. The concept of "double effect," the problem of whether to punish for attempted crimes as severely as for successful ones, and the troublesome promise-keeping cases (mentioned earlier) all would yield similar evidence for the thesis. But the range and fundamental character of the examples already presented should be sufficient—sufficient to show that our fascination with value and obligation (to the exclusion of virtue) has damaged moral philosophy, and sufficient to stimulate more interest in philosophical work in agent theory.