

Chapter 6

Doing the Right Thing from Malice

In Chapter 3 I concluded that consequentialism can support MM, and do so in cases where this claim has plausibility.

MM: There is an action X such that if X were performed from one motive it would fall into one deontic category, and if X were performed from another motive it would fall into a second deontic category in virtue of this difference in motives.

Chapters 4 and 5 gave us the opportunity to see how Kantianism compares to consequentialism in the way that it treats the deontic relevance of motives. It is fair to say at this point that consequentialism seems to be more satisfactory.

In this chapter I turn to consider another approach, virtue ethics. This is now thought of as the third major type of ethical theory being actively developed by English-speaking philosophers. I will begin our investigation of this approach by discussing how the problem of the deontic relevance of motives relates to the aims of some important virtue ethicists. In fact it is an issue that a number of them do not find important. This is because they do not wish to describe actions as right or wrong. We will focus on some of the virtue ethicists who do wish to describe actions as right or wrong. Two of them will be important for our purposes. Rosalind Hursthouse develops a version of virtue ethics that entails that MM is false. This counts against her theory. Michael Slote's version of virtue ethics, as presented in his book Morals from Motives, entails that MM is true.¹ This is a point in its favor. We will therefore look closely at how Slote supports MM. His theory entails that there are strongly wrong-making motives. In Section IV we look

closely at an example of his that puts the claim that there are strongly wrong-making motives to the test. I argue that we can see that the motive Slote focuses on, malice, is not wrong-making in this case. This gives added support to my conclusion, made in the last chapter, that there are no strongly wrong-making motives. In Section V I try to bolster this assertion with a further criticism based on the ranking of motives that Slote seems to construct. I communicated these criticisms to Slote in an earlier draft of this chapter, which he kindly read and commented on. In the final section I describe his response to me. I will show that it results in a significantly different theory from the one in Morals from Motives. Instead of entailing that MM is true, it is similar to Hursthouse's theory in entailing that MM is false. So we are brought back to another problematic position. We do not find in either sort of virtue ethics that he develops a theory that affirms MM in just the cases that we find it plausible to say that motives are relevant deontically.

I

Virtue Ethics and Deontic Judgments

Virtue ethics as a distinct approach to moral theory is traced back at least to Aristotle's Nicomachean Ethics. (c. 330 BC) Aristotle's central problem is understanding what he calls the highest good for human beings. He tries to determine what this good is by finding the "proper function" of human beings. This function, he asserts, is "activity of the soul in accordance with virtue."² Consequently he investigates the nature of the various virtues that he is familiar with—courage, temperance and friendliness, among others—as well as the corresponding vices. Aristotle's work had a tremendous influence in the later middle ages, and afterwards, although his Christian scholastic admirers had to

make some significant changes to his theory. As Hursthouse notes, “charity or benevolence...is not an Aristotelian virtue”³, so Christians needed to add this virtue to his list, along with ‘faith’ and ‘hope’. The main streams of modern moral theory, consequentialism and deontology, were perhaps originally not much indebted to Aristotle. (Ross’s later form of deontology is another matter.) It is generally said that virtue ethics emerges in English language moral philosophy with the publication in 1958 of G. E. M. Anscombe’s paper, “Modern Moral Philosophy”.⁴ Anscombe herself sharply contrasts modern moral theories with what she took to be the approach of ancient philosophers such as Aristotle. She argues that while modern theories utilize the deontic concepts of moral obligation, wrongness, and permission, these are no longer intellectually defensible. A deontic concept like moral wrongness presupposes the idea of a divine lawgiver, but it is no longer widely accepted that such a lawgiver exists.⁵ Anscombe therefore urges philosophers not to utilize the concept of wrongness in speaking about an action of, say, judicial corruption; they should instead employ virtue terminology and say that it is unjust. In order to understand concepts such as justice and injustice, she says, philosophers must again take up the philosophical program of Plato and Aristotle, which was to produce “an account of human nature, human action, the type of characteristic a virtue is, and above all, of human ‘flourishing’.”⁶

In the last 50 years a number of moral philosophers have focused their work on the virtues and vices, and virtue ethics is now a lively school of moral philosophy.⁷ However, a good deal of virtue ethics is not directly concerned with moral judgments about action at all, focusing instead on the nature of morally significant character traits, and their evaluation. If we turn our attention to those virtue ethical theories that entail

moral judgments about actions we can then divide them into two main types. The first is what has been called the neo-Aristotelian form that follows Anscombe and bases its judgments on claims about human ‘flourishing’—an idea presumably connected with Aristotle’s teleological notion of the ‘proper function’ of human beings. This first type can then be subdivided. The first subdivision includes the neo-Aristotelians who also follow Anscombe in renouncing the application of deontic terms to actions, confining themselves to ‘thick’ judgments about actions like ‘just’ or ‘wise’. The second subdivision includes the neo-Aristotelians who are prepared to use deontic concepts, and who try to establish the truth of some deontic judgments. Hursthouse’s theory is an example. The second main type of virtue ethical theory is non-Aristotelian. Theories of this type establish claims about virtues and vices, as well as about actions, without appealing to a teleological conception of human nature. We have already encountered one theory that could be so categorized: Hurka’s recursive value theory. Hurka’s focus is character traits, and their evaluation, although we saw that his theory entails that certain desires are intrinsically good and bad. Hurka does not base his claims about the intrinsic goodness and badness of character traits on the idea of a proper function of humans. Instead, he builds up his theory from ‘base-level’ claims about intrinsic value. Slote’s virtue theory is also non-Aristotelian. Within the non-Aristotelian type of virtue ethics we can again in principle distinguish two subdivisions. There is a subdivision that renounces the use of deontic concepts, and subdivision that does not. Slote’s and Hurka’s theories fall in to the latter subdivision: both of them are prepared to make deontic judgments. Hurka thinks of the theory of right action that results from his value claims as being consequentialist.

In other words, we can divide virtue ethical theories as follows:

- I. Theories devoted only to analyzing the nature of the virtues and evaluating character traits.
- II. Theories that yield moral judgments about actions.
 - A. Neo-Aristotelian Theories (grounded in claims about ‘flourishing’).
 - 1. Theories that only employ ‘thick’ terms like ‘just’. (Anscombe)
 - 2. Theories that employ deontic concepts. (Hursthouse)
 - B. Non-Aristotelian Theories.
 - 1. Theories that only employ ‘thick’ terms like ‘just’. (?)
 - 2. Theories that employ deontic concepts. (Slote, Hurka)

In light of Anscombe’s claims it may be surprising to encounter a version of virtue ethics that is neo-Aristotelian and accepts the use of deontic concepts. But we saw in Chapter 1 that Aristotle himself might be cited in support of PRC.

PRC: All actions that are morally obligatory are specified without mentioning their motives.

Aristotle writes, “Acts are called just and temperate when they are such as a just or temperate man would do; but what makes the agent just or temperate is not merely the fact that he does such things, but the fact that he does them in the way that just and temperate men do.”⁸ This passage does not contain the word ‘obligatory’, but Ross in fact cites it in support of his claim that “the main lines of ethical theory”, both ancient and modern, accept PRC.⁹ Clearly Ross, unlike Anscombe, believed that Aristotle did utilize deontic concepts, if only by implication.

Given our interest in MM we will focus on the virtue theories that are prepared to apply deontic concepts to actions. These are the theories that fall under headings II A 2

and II B 2 in the outline. It is the task for another day to consider the arguments for dispensing with the deontic conceptual apparatus altogether.

II

Hursthouse's Neo-Aristotelianism

We will begin with Hursthouse's theory. She defends this statement:

Hursthouse's Claim (HC): An action X is right for S in circumstances C if and only if a completely virtuous agent would characteristically X in C.¹⁰

Hursthouse utilizes the Aristotelian idea of a completely virtuous agent and connects that directly to the idea of right (that is, obligatory) action.¹¹ We are interested in how her claim relates to MM. Robert Johnson makes some remarks that help to clarify this.¹² I take Johnson to be saying that Hursthouse's claim conceives of obligations as conforming to PRC. That is, Hursthouse is saying that the concept of a completely virtuous agent is used to determine what action is obligatory, but that this action is specified without a motive. (This latter claim is what Ross took Aristotle himself to be saying.) An agent can carry out an obligation by performing it from non-virtuous motives, and even, it seems, from vicious ones. However, Hursthouse affirms another of Aristotle's claims when she says that if a virtuous agent does choose to do X she will do it 'for the right reason'.¹³

Hursthouse does not give a comparable definition of wrongness. It would be natural, though, to suppose that she claims this:

HCW: An action not-X is wrong for S in circumstances C if and only if a completely virtuous agent would characteristically X in C.

And it would also be natural to suppose that doing not-X in C is wrong, no matter what motive leads an agent to do it. If these two further suppositions are correct, then Hursthouse's virtue ethics leads to the conclusion that MM is false. In that case, Hursthouse's theory is similar to the deontology of Prichard and Ross, as well as to the consequentialism of Mill and Moore: all these theories utilize deontic concepts, but deny the deontic relevance of motives. I have argued that this is a problematic position to take.

Hursthouse's claim about the actions of 'a perfectly virtuous agent' raises another issue that is worth considering. The role that this idealized agent plays in her theory makes it comparable to some important consequentialist and deontological moral theories in another respect.¹⁴ For example, the Formula of Universal Law (FUL) in Kant's theory examines the results of certain social processes in the universalization situation. This is also conceived of as establishing deontic judgments. In both cases, there is idealization in the sense that we are being asked to make a simplified set of suppositions and consider what follows from them. There are other examples of idealized agents in moral theory. Perhaps the best known is the set of agents in Rawls' 'original position'.¹⁵ Another is 'the ideal observer'.¹⁶ One difference among these four conceptions is whether they are idealized in a second sense. Hursthouse's perfectly virtuous agent and the ideal observer are morally ideal.¹⁷ In contrast, the agents in Rawls' original position are not morally ideal: they are described as "mutually disinterested".¹⁸ Kant's FUL test is indeterminate on this issue. The maxims tested by it have a place for a description of the agent's motive. We examined how certain racist maxims fare in the test, but I noted that it should be able to show that, say, a self-interested maxim favoring truth telling will pass the test.

And nothing in the structure of the FUL test rules out testing maxims incorporating admirable motives like the sense of duty or benevolence. The imaginary contractors in the original position could also be assumed to have admirable motives, but Rawls chooses not to work from such a supposition.¹⁹

Obviously there must be a special structure of suppositions governing the activity of agents who are not morally ideal if the theories utilizing these assumptions are to yield reasonable deontic judgments. In Kant's FUL and Rawls' 'original position' these suppositions form what we might describe as filtering devices that reject certain proposed maxims or principles. In Kant's FUL the filtering device is the operation of the social processes I called Reeps and Veeps. With Veeps certain maxims that are acted on are thwarted by the countermeasures of their rational potential victims. In Rawls' 'original position' the filter consists, first, in the fact that the other agents are rational and must agree to any proposed principles of justice, and, second, that all of the agents are behind a 'veil of ignorance'. The veil has the effect of filtering out proposed principles that are designed to benefit inordinately some specified category of person. We might then say that for Kant and Rawls a completely virtuous agent is someone who fully internalizes one of these filtering devices—or at least an extensional equivalent of it—so that she rules out doing whatever it characterizes as wrong, and always does what it characterizes as obligatory.²⁰

We can now make an important distinction among all of the moral theories that utilize conceptions of agents who are idealized in the first sense. On the one hand there is the foundational set of claims about the idealized moral agent or group of agents. These claims might be understood in various ways. We might interpret them as semantic, that

is, as stating what terms like ‘obligatory’ or ‘wrong’ mean. Or we might interpret them as metaphysical, that is, as stating the nature of obligatoriness or wrongness. (HC is presumably intended to be taken in this way.) Or, finally, we might interpret them as epistemological, that is, as stating the way, or a way, that we know what is obligatory and wrong. On the other hand, there is a second level of substantive deontic principles and judgments that follow from the foundational claims. Generally these principles and judgments are established by the choices or actions of the idealized agent.²¹ Our interest, in the first place, is in these judgments and principles, and the role that motives play in them. MM asserts that sometimes the deontic status of an action is dependant on its motive. The role that motives play in the foundational claims is a logically distinct matter. Hursthouse’s perfectly virtuous agent, for example, must have some structure of motives if she is going to make certain choices in various circumstances. But Hursthouse’s theory entails that motives are never deontically relevant at the substantive level, since the actions that are obligatory for non-ideal agents retain that status no matter what motive leads to their performance, and the actions that are wrong retain that status no matter what motive leads non-ideal agents to perform them.

In general the fact that moral theories make motivational assumptions about idealized agents in their foundational claims neither entails the substantive assertion MM, nor its denial. Kant’s FUL test makes variable assumptions about the motives of the idealized agents in the universalization situation, but this foundational test could in principle show that MM is true. Hursthouse makes some assumptions about the motives of a completely virtuous agent at the foundational level, but denies MM. Furthermore, there are moral theories that do not make any foundational claims about what idealized

agents will do or feel. Here again there is no entailment with respect to MM. A theory that makes no foundational claims about what an idealized agent will do or feel can affirm MM or deny it. Ross's intuitionist deontology, for example, makes no foundational claims about what an idealized agent will do or feel. He denies MM. But it would be possible for an intuitionist deontologist to accept it. Such a deontologist could hold that MM itself is intuitively certain, or that an assertion about the deontic relevance of a specific motive like malice is intuitively certain.

III

Slote's Motive-Based Virtue Theory

In this section I present the main features of Slote's theory. As I noted, he conceives of his work as standing in the virtue ethics tradition.²² Like Hurka he tries to work out a type of virtue ethics that is non-Aristotelian. Slote understands the historical sources of his own theory to be the 'moral sentimentalism' of writers like Hume and Adam Smith. (viii-ix)²³ Like Hursthouse and Hurka, Slote believes that virtue ethics is capable of delivering conclusions about the deontic status of actions. And like Hurka (but unlike Hursthouse) Slote's theory supports MM. The fact that it supports MM invites our close attention.

Slote describes his method as that of constructing a theory that is "agent-based". Such a theory "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." (5) That is, we first present our judgments about

which motives, character traits and persons are good or admirable, as well as which ones are bad or vicious. (Slote often phrases his evaluations in terms of ‘admirability’.) These will enable us to say which actions are right and wrong. They will also enable us to make other moral judgments about actions, such as whether they themselves are admirable or vicious. Slote believes we have non-derivative beliefs about the admirability of motives and character traits that are secure enough to allow us to determine the deontic status of actions. These judgments of admirability are not necessarily certain. Hence it is possible that a sort of reflective equilibrium process will occur in which we revise our judgments of admirability in light of their implications about the deontic status of actions.(18) Still, Slote affirms his belief that “moral judgments about motives can be made on a strong intuitive basis.”(19)

Slote’s formulation of the idea of agent-basing makes clear that he does not ground deontic judgments only on judgments about the admirability of motives as such. He also mentions judgments about “character traits and individuals”. Since he regards his theory as a version of virtue ethics, we in fact expect these latter two concepts to be primary. On the other hand, there is in fact a close connection between the admirability (or lack thereof) of many character traits and of motives. This is because many character traits are, at least in part, dispositions to act from specific motives. For example, the character trait of compassion involves a disposition to act from the motive of compassion, or at least to act from it in certain circumstances.²⁴ There is dispute about whether all valuable character traits involve dispositions to act from specific motives: ‘virtues of self-control’ like prudence and courage are sometimes said to be different in this regard.²⁵ But for the many character traits that involve dispositions to act from certain motives it would

seem that Slote's theory gives the same evaluation to the trait that it gives to the associated motive. So in these cases judgments about character traits duplicate judgments about motives.

We need to examine, then, the significance of Slote's reference to judgments about the admirability of individuals, as distinct from motives. He rejects a simple suggestion about how judgments concerning the admirability of individuals are connected to deontic judgments. This is the suggestion that what a vicious person does is wrong and what a good person does is right. Slote writes, "even malicious people have to eat and sleep, and an agent-based morality of caring can treat (some) such actions as morally permissible because they don't express or reflect the malice of those who perform them." (100. Slote's emphasis. Cp. 17) This point seems to push us back to focusing on judgments about character traits (and their distinctive motives) and then connecting these to deontic judgments. But this he does not endorse. That is because he acknowledges that actions that stem from good traits (or motives) can be wrong.

...it seems implausible to hold that one invariably acts rightly if one is influenced by some motive that counts (in general) as a good one. Someone who cares about the well-being of one particular person and acts for that person's benefit acts, in some individualistic or narrow sense, from a good motive. But if such action involves neglecting the well-being of other people he knows or doesn't know, then it may demonstrate an overall bad character and may count as wrong-doing. ... a more holistic approach represents the best way to develop agent-basing. Thus, someone who neglects the vital interests of many people in order to help a friend or relation in some trivial way can be said to act wrongly because, even if she has a particular good motive, her action reflects overall motivation that we would deplore (we would say that she has too much concern for near and dear and/or too little for human beings generally). (33)

Slote's particular version of virtue ethics basically advocates "balanced caring" between the people near and dear to the agent and all other human beings. (70) That is, an

admirable or virtuous person will care for those near to herself, and manifest about the same amount of care for the rest of humanity. (There is a further balancing that involves concern for oneself. (77-8)) Therefore, Slote can say that an action motivated by benevolence to someone dear to oneself is sometimes wrong. He brings in the idea of an admirable person here because such a person manifests a certain balance in her motives. She will sometimes act from the same motive that leads the agent in the example to help someone dear to her. But the admirable person in that situation would have another motive that would lead her to perform the alternative act. (We might picture the admirable person as ‘torn’ between performing the two acts before deciding to help many people.) Slote uses this idea of the balancing of good motives that the admirable agent carries out to generate deontic judgments. Notice that he seems to be rejecting the idea of a strongly obligation-making motive.

I think that Slote’s Claim (below) represents the most succinct statement by Slote of the connection he wishes to make between judgments about motives and persons, on the one hand, and the deontic categories on the other. It not only states the general structural relationship he endorses, but also some of his specific views on the admirability of motives (“balanced caring”).

Slote’s Claim (SC): “...an act is morally acceptable if and only if it comes from good or virtuous motivation involving benevolence or caring (about the well-being of others) or at least doesn’t come from bad or inferior motivation or indifference to humanity.” (38. Cp. 27)

This is not a complete statement of Slote’s position. (He introduces it by the phrase “for example”.) I take it to state necessary and sufficient conditions for broad moral

permissibility (on the assumption that “acceptable” means permissible). It entails that some motives—which are not enumerated—are so bad that acting on them is impermissible. Slote’s assumption, which is reasonable enough, seems to be that there are some motives an admirable person never acts on. SC also entails that actions which stem from motives that are neither bad nor inferior nor indifferent to humanity—which again are not enumerated—are broadly permissible.

I take Slote’s version of virtue ethics to differ from Hursthouse’s in how they connect the idea of a virtuous or admirable person with deontic judgments. Hursthouse directly connects the actions of a virtuous person with obligatory action. Slote uses the notion of a virtuous or admirable person, in part, to determine that certain motives are fundamentally bad, and then to claim that any action that these motives lead to is wrong. Slote can be thought of as establishing a sort of ranking of motives and persons that he maps on to the deontic categories. We can think of this ranking as involving a vertical scale of motives and persons. SC suggests that there is a cut-off point a certain way up the scale that corresponds to a division between wrongness (below) and broad permissibility (above). This cut-off point means that there are strongly-wrong-making motives; a motive that falls below it will always lead an agent to perform an action that is impermissible. This assertion entails that MM is true.

IV

Prosecuting from Malice

Slote's commitment to strongly wrong-making motives also comes out in his discussion of the example of a public prosecutor who pursues a case against a suspect from malice.(14-15) He asserts that she acts wrongly in virtue of her motive.

Let us examine this claim now by putting it to the test of 'reflective equilibrium'. As I mentioned, an example of this nature can be traced back at least to the twelfth century. Peter Abelard writes, "The same thing is often done by different people, justly by one and wickedly by another, as for example if two men hang a criminal, one out of zeal for justice, and one out of hatred arising from an old enmity."²⁶ Bentham imagined a complainant or informer moved by such a motive.²⁷ In order to probe the issue properly we need to describe it carefully. We must suppose that the prosecutor is aware of clear evidence of illegal conduct in the jurisdiction by the suspect: these suppositions serve (roughly) to stipulate objective facts that establish a moral obligation to prosecute. Let us also suppose that the suspicions concern seriously illegal conduct, that there is no other prosecutor available to take on the case, and that the prosecutor is motivated to carry the case forward 'from an old enmity' with the suspect. The issue, then, might be put as follows: is her act of prosecuting from malice wrong?

This way of framing the issue is unsatisfactory, though. As Locke noted, a motive like revenge has a pronounced tendency to go "too far".²⁸ We saw in Chapter 2 that motives can affect how someone performs a type of action, or set of actions: someone

killing from malice, say, will often do so in a cruel way. So if we imagine a legal official prosecuting a criminal case from malice we naturally suppose that she will cut procedural corners in order to get a conviction. This is why we can applaud the moral wisdom contained in Kant's insistence—noted in the last chapter—that “no punishment, no matter from whom it comes, may be inflicted out of hatred.”²⁹ A wonderful anecdote about Plato suggests that he himself obeyed this injunction: it is reported that he once said to a disobedient slave of his, “I would beat you if I weren't angry.”³⁰ But the issue here is whether this represents good advice given the proclivities of human nature, or a necessary truth about the deontic relevance of certain motives. So the question should really be: is the act of prosecuting from malice necessarily wrong? There are authors who state or suggest that the answer is ‘yes’.³¹ Others state or imply ‘no’.³² A careful presentation of a case suggests that the correct answer is ‘no’.

I think that our initial inclination to say that prosecuting from malice is wrong is due to two factors. First, we believe that it would naturally lead the prosecutor to cut procedural corners (by withholding exculpatory evidence from her lawyer, say), and to treat the suspect cruelly (by keeping her waiting for appointments, say). Second, we disapprove of the motive itself. In order to test whether prosecuting from malice is necessarily wrong we need to suppose that none of its common excesses are present. We cannot eliminate the disapproval we feel for the motive itself without altering the supposition that the prosecutor is acting from it, but we can still try to see whether that supposition is sufficient to lead us to judge that she acts wrongly. It is unlikely in any actual case that a malicious prosecutor would cut no corners, and exhibit no cruelty, but the thesis that malice is strongly wrong-making must hold in imaginary cases where this

is true. We might therefore further suppose that the prosecutor believes she is being watched by powerful people who will react strongly to any excessive or cruel behavior. Another way to decide the question is to consider a range of imaginary cases. I think we find that our initial belief that the prosecutor acts wrongly clearly tends to diminish as we picture actions of gathering evidence and presenting the case to a jury that are more and more closely in conformity with whatever external behavior we believe is morally required. We finally picture an agent who performs a set of actions ‘by the book’, but from a motive that we condemn. I submit that we do not believe that she acts wrongly in this case. Rather, we believe that she does the right thing for the wrong reason.

I believe we can generalize this result and say the same thing about any other motive that might be thought to be strongly wrong-making, such as racism, anti-Semitism, or revenge.

V

The Problem with Drawing the Line

There is another helpful way to examine Slote’s theory. This is to look closely at the way that SC places a cut-off point on the continuum of motives and persons.

SC tells us that an action that might otherwise be obligatory is wrong if performed from a bad enough motive. So Slote rejects the idea that there are any objective obligations. But SC does not give us details about how good S’s motive needs to be before the action that it leads to can fulfill her obligation. Slote does say at one point that “acts are right if they come from motivation that is close enough to universal

benevolence.” (27, his emphasis) I take it that he is here referring to those actions that an admirable agent would perform from that motive, since he allows that an admirable agent would sometimes act from motives less concerned with the good of humanity. The statement that in these cases an agent need not act from universal benevolence is an important concession on Slote’s part. Acts of charity, for example, need not be performed from the most admirable motive.

There are reasons to think that Slote in fact takes a fairly relaxed view about which motives can fulfill obligations. SC in effect says that actions from neutral motives are not necessarily wrong. Slote seems to have self-interest in mind, since it is often thought of as neither good nor bad as a motive. (Bentham, for one, seemed to think so.³³) In saying this, Slote may be utilizing the ‘reflective equilibrium’ methodology that takes account of common sense moral judgments. Slote suggests that his theory is built upon such judgments about the admirability of motives and persons, but those are not the only moral judgments we make; we also have beliefs about the deontic status of actions. It is clear that moral common sense accepts that an agent can ‘do the right thing for the wrong reason’—at least in many cases. This means, in particular, that many obligations can be carried out from self-interest and related motives. If a wealthy person gives a great deal of money to a charity that universal benevolence would favor, and does so from self-interest, we might well say that she has fulfilled her obligation of beneficence. So to have any intuitive plausibility Slote’s theory has to yield a concept of moral obligation that is objective to this great extent, and that approximates to asserting PRC.

Slote’s Claim does seem to say that acting from a motive that involves “indifference to humanity” is wrong. But we have seen reason to doubt that this is

invariably true: acting from self-interest sometimes amounts precisely to this. Parfit says that treating someone simply as a means is based on an attitude of complete indifference to a person's welfare and claims. But an agent manifesting this attitude can speak the truth or make the appropriate payment for something. I agreed that in these cases such an agent does not act wrongly. It is not clear that Slote would disagree.

This brings us to those motives like malice that SC asserts are so bad that an agent cannot fulfill an obligation when she acts from them. Here the idea of the right act for the wrong reason disappears in Slote's theory, and in these cases he is denying that PRC holds. The difficulty is in seeing why this is true, given what he has already granted. Slote holds that an agent's obligation of beneficence can be fulfilled when she acts only from self-interest. Let us accept for the sake of the argument that self-interest is neither good nor bad as a motive. We should not be misled by this apparently anodyne axiological judgment: self-interest is quite different in its normative structure from universal benevolence. There is a radical normative difference between relieving the suffering of, say, 10,000 people as an end, and relieving the suffering of these people only as a means of gaining fame for one's self. Yet Slote has apparently granted that the latter act could fulfill an agent's obligation of beneficence. This much of a deviation from the most admirable motive is "close enough" to it to allow us to say that the action that it leads to is permissible. We now need an argument to explain why a motive that deviates further from it could not lead to an action that is permissible. Slote's cut-off point is arbitrary.

The two criticisms I have presented of Slote reinforce each other. Given the nature of malice it is clear that it would be unusual for it to favor an action we otherwise

would suppose is obligatory. In virtue of its normative structure malice generally leads people to perform actions that any moral theory must recognize as wrong—setting fire to things, wounding people, and so on. But if we construct a version of Slote’s example of the prosecutor carefully, we do not find that she is acting wrongly in acting from malice. This confirms our sense that it is arbitrary to claim that an agent can fulfill an obligation of beneficence, say, from self-interest, but not from malice. If an agent can fulfill an obligation of beneficence from self-interest then she can fulfill the prosecutor’s obligations from self-interest. But a prosecutor who fulfilled her obligations only from self-interest would also be tempted in certain cases to cut procedural corners, say, if she thought a conviction would advance her career. If Slote is granting that such a self-interested prosecutor can nonetheless fulfill her moral obligations it is hard to see why it would be impossible for her to fulfill them if she acted from malice.

In the last chapter I presented a structural argument to show that the idea of a strongly wrong-making motive undermines the claim that deontic status is largely objective. We now see in two other ways why this is a problematic position. We can thus say that Slote’s virtue ethics is another moral theory that overshoots the mark. The Formula of Humanity and Slote’s virtue ethics both support MM. But they do this by claiming that some motives are strongly wrong-making. This claim is not correct. Whatever motives there are that are wrong-making are only weakly wrong-making.

VI

Back to the Denial of MM

I mentioned that I communicated to Slote the criticisms of his theory that are presented in sections IV and V of this chapter. I will describe his response.³⁴

Slote now is inclined to grant that the prosecutor does not act wrongly. He argues that the assertion that she does not act wrongly follows from his theory, properly understood. One basic idea of his theory is that an action is wrong if it reflects a bad motive. (Recall his assertion that “an agent-based morality of caring can treat (some) ... actions as morally permissible because they don’t express or reflect the malice of those who perform them.”) (100) He now says that we do not determine the deontic status of an action merely by considering the occurrent motives of the agent. If she would have performed the very same action if she had good motivation overall, then what she does is morally required. That is, an action does not ‘reflect’ bad motivation in an agent if she would have done it anyway, were she admirably motivated. Since the prosecutor would have pursued the case if she were moved by, say, a sense of justice or universal benevolence, then what she does is morally obligatory, not wrong.

I think that Slote’s response abandons SC. To say that the prosecutor’s action, as it is motivated in the original description of the case, does not reflect her malice but rather the benevolence or sense of justice that would have motivated her is to establish the deontic status of actions by reference to the actions of an admirably motivated agent. This is the same basic idea that is incorporated in HC.

Of course, it is likely that Slote's specific conception of perfect admirability (that involves balanced caring) differs from Hursthouse's specific conception of a completely virtuous agent. So it is likely that they differ about whether certain actions are right or wrong. But the sort of virtue theory that Slote's response generates is structurally identical to Hursthouse's in that it makes motivational claims or assumptions at the foundational level but denies the substantive claim MM. And this is problematic.

The tensions in Slote's thinking about motive and rightness in the context of virtue ethics are instructive. He tries to develop a version of the theory that generates deontic judgments about actions, and that also recognizes the moral significance of motives. One of his guiding ideas is that virtuous people do not act from certain motives like malice. He therefore asserts that actions stemming from these motives are wrong. This connection between virtue, motives, and deontic status establishes that some motives are strongly wrong-making, and thereby affirms MM. We have seen that the idea that there are strongly wrong-making motives is unconvincing for many reasons, some of which Slote himself now acknowledges. His present view, as I understand it, is fundamentally different. He generates deontic judgments by asking what virtuous people will do. This is indeed a natural way to connect the ideas of virtue and right action. It is the way that Hursthouse endorses. But it has significantly different implications about the deontic relevance of motives at the substantive level. We not only get a theory that affirms PRC, and thereby denies that there are any strongly wrong-making motives. We get a theory that denies MM. This is also unconvincing. As I said, what we do not find in either sort of virtue ethics that he develops is a theory that affirms MM in just the cases

that we find it plausible to say that motives are relevant deontically. Nor do we find this in Hursthouse's theory.

The only sort of virtue ethics that I know of that might affirm MM in the right cases is Hurka's. We will return to it in Chapter 8.

¹ Michael Slote, Morals from Motives (Oxford: Oxford University Press, 2001). I will refer to pages of this work by parenthetical numbers in the body of the text.

² Nicomachean Ethics I vii.

³ Rosalind Hursthouse, On Virtue Ethics (Oxford: Oxford University Press, 2000), p. 8.

⁴ Reprinted in G. E. M. Anscombe, Ethics, Religion and Politics (Minneapolis: University of Minnesota Press, 1981), pp. 26-42.

⁵ Ibid., p. 26.

⁶ Ibid., p. 41.

⁷ Hursthouse, op. cit.; Philippa Foot, Virtues and Vices (Berkeley: University of California Press, 1978); Foot, Natural Goodness (Oxford: Oxford University Press, 2001); James Wallace, Virtues and Vices (Ithaca, N.Y.: Cornell University Press, 1978); Alasdair MacIntyre, After Virtue (Notre Dame, Indiana: University of Notre Dame Press, 1981); Dent, Moral Psychology of the Virtues, op. cit.; Christine Swanton, Virtue Ethics (New York: Oxford University Press, 2003). VVV and Driver, Uneasy Virtue, op. cit., also discuss the virtues, but from a consequentialist perspective.

⁸ Nicomachean Ethics II iv.

⁹ Ross, Foundations, op. cit., p. 139.

¹⁰ Hursthouse, op. cit., p. 28. I have changed the variables.

¹¹ Hursthouse explains what Aristotelian claims she accepts, Ibid., pp. 8-16.

¹² Robert Johnson, "Virtue and Right," Ethics 113 (2003), pp. 810-834, at 813-14; 832. His aim is to contrast Slote's virtue theory with that of Hursthouse and Swanton.

(Johnson bases his remarks on earlier work of Slote.) I have some difficulty in fully accepting the contrast he draws with Swanton. See now her Virtue, op. cit., ch. 11.

Swanton allows that motives may sometimes be relevant deontically (pp. 231, 235). On the other hand, her formal definition of right action (239-40) seems to categorize many actions deontically without respect to their motives, and she does say that she seeks to "recognize a virtue-ethical variant of a distinction between good and right act." (246) Ramon Das presents another discussion of these three virtue ethicists' approach to right action in his "Virtue Ethics and Right Action," Australasian Journal of Philosophy 81 (2003), pp. 324-39.

¹³ Hursthouse, op. cit., p. 124. Cp. Nicomachean Ethics II iv.

¹⁴ Hursthouse herself presents another sort of comparison with all deontological and consequentialist theories, op. cit., pp. 25-31.

¹⁵ TJ 118-47.

¹⁶ The best-known contemporary version of this is defended in Roderick Firth, "Ethical Absolutism and the Ideal Observer," Philosophy and Phenomenological Research 12 (1952), pp. 317-45.

¹⁷ However, to avoid circularity in his analysis of ethical terms Firth refrains from explicitly asserting of his ideal observer that she is virtuous. Cp. *Ibid.*, pp. 321 and 341.

¹⁸ TJ 146. Cp. 127-8. Rawls makes clear that the agents may have interests in others and in causes that encompass more than their own self-interest, but behind the ‘veil of ignorance’ they do not know what these other interests, if any, are. So the agents try to secure the most ‘primary social goods’ for themselves that they can. He also stipulates that these agents have no envy, and care about the well-being of the next generation of their family. TJ 143; 128.

¹⁹ TJ 146, heading 8.

²⁰ See the concluding sentences of TJ 587. But this characterization of virtue in Kantian and Rawlsian theory still misses the idea of the agent’s acting ‘for the right reason’. Instead, we have at best the idea of an agent who always does the right thing (for some reason or other). But we do not have even this, since false factual beliefs may lead someone who has fully internalized the device to do what is wrong. The most accurate statement is, then, that someone who has fully internalized the device will always do what she believes is right (for some reason or other). See Chapter 2, n. 34, above.

²¹ Firth’s ideal observer is different. The relevant event is simply the observer’s feeling ‘moral approval’ or ‘moral disapproval’. “Ethical Absolutism,” *op. cit.*, pp. 325-9.

²² In his most recent work, Slote is actually less inclined to describe his work as virtue ethics. See Michael Slote, *The Ethics of Care and Empathy* (London: Routledge, 2007), pp. 7; 86. (Hereafter abbreviated ECE.) He now emphasizes the place of his work in the tradition of care ethics. For his account of this tradition see ECE Introduction and ch. 1. The connection to care ethics was already important in *Morals*, *op. cit.* See, e. g., pp. 29f. For Slote’s most recent treatment of motives, see ECE 10; 16-17; 31-33.

²³ Cp. ECE 3. These writers are also the sources for Firth’s Ideal Observer theory.

²⁴ Richard Brandt takes a virtue to be “a (certain kind of) relatively unchanging disposition to desire an action of a certain sort (for example, helping one in distress, not stealing) for its own sake.” “The Structure of Virtue” in *Morality*, *op. cit.*, pp. 289- 311, at 289. Hursthouse insists that a virtue involves more than a disposition to act for a certain reason. *On Virtue*, *op. cit.*, pp. 10-14.

²⁵ See the discussion in Brandt, “Structure”, *op. cit.*, pp. 296-306. He grants that there is no specific motive characteristic of a virtue like self-control, although he contends that it is still “motivational”.

²⁶ Peter Abelard, *Ethics*, ed. D. E. Luscombe (Oxford: Oxford University Press, 1971), pp. 28-29. Alan Donagan comments on this passage in *The Theory of Morality* (Chicago: University of Chicago Press, 1977), pp. 126-27.

²⁷ IPML 124. See also MetM 253 (461); ME 202-3; C. D. Broad, “Some of the Main Problems,” *Broad’s Critical Essays*, *op. cit.*, p. 239; Michael Stocker, “Act and Agent Evaluations,” *The Review of Metaphysics* 27 (1973), p. 58; Bennett, *Act Itself*, *op. cit.*, p. 196.

²⁸ John Locke, *Second Treatise of Government*, sec. 13.

²⁹ MetM 253 (461).

³⁰ Diogenes Laertius, *Life of Plato*, 3.38-9.

³¹ The anecdote about Plato, *Ibid.*, might be taken this way. So might Abelard, *op. cit.*, p. 29. Donagan, *op. cit.*, pp. 126-27, interprets him to be asserting a difference of deontic

status in the two actions. I find the text ambiguous. See also Thomas Aquinas, Summa Theologiae II-II q.64 a.7 c; MetM 253 (461); Stocker, “Act and Agent,” op. cit., p. 58; Stocker, “Intentions and Act Evaluations,” op. cit., p. 602; Stocker and Hegeman, Valuing Emotions, op. cit., pp. 157-8.

³² IPML 124; Sidgwick (with some hesitation), ME 202-3; Broad, “Some of the Main” op. cit., p. 239.

³³ IPML 115. It is an important to add that this neutral evaluation of the motive does not mean that Bentham believes that actions from self-interest in general produce no net increase in happiness for the parties affected by the action. For discussion of this point see Joseph Butler, Dissertation of the Nature of Virtue, paragraph 9; ME 428; Moore, Principia, op. cit., p. 172; Rawls, A Study, op. cit., pp. 207-10. Their idea is that human beings commonly act from self-interested desires, so that the amount of good these actions produce establishes a sort of baseline for our evaluation of other motives.

³⁴ Personal communication of 6/5/08.