TRAGIC DILEMMAS, VIRTUE ETHICS AND MORAL LUCK

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Tragic dilemmas are cases in which an agent must choose between two horrific or repugnant options. Such choices are painful and accompanied by emotional suffering on the part of the tragic-agent. Specifically, I argue that the tragic-agent feels torn, guilty, and tainted. I further argue that these responses are appropriate – they are ones we would expect of a good moral agent. Precepts commonly employed by standard versions of consequentialism and deontology, however, make feeling torn, guilty, and tainted unfitting – the feelings are at odds with the moral reality generally espoused by these theories.

I argue that these emotions can be straightforwardly accounted for by employing a neo-Aristotelian theory. This framework recognizes multiple areas of human concern and defines virtue as responding appropriately to these concerns. Tragic dilemmas can be understood as situations where all choices available to an agent require the agent to choose in a way that undermines the very ends of virtue that she is disposed to, and committed to, realizing. This explains why agents feel torn. I go on to provide a virtue ethical account of right and wrong action whereby an act is right (or wrong) if and only if it is what a virtuous (or vicious) agent would characteristically do. Since the action in a tragic dilemma is one that is characteristic of the vicious agent, the action is a genuinely wrong action. This then explains why agents feel guilty. If wrongdoing diminishes goodness, then this also explains why agents feel tainted.

One concern with such an approach is that wrongdoing diminishes goodness and so one’s goodness is subject to luck. I address this objection and argue that there is reason to embrace rather than resist this conclusion. I further show how embracing this conclusion gives insight
into the tragic hero and can explain why the tragic hero is regarded as admirable precisely because she is guilty.
To my parents

for never asking, ‘What are you going to do with that?’
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1.1 Tragic Dilemmas, Moral Dilemmas, and Dirty Hands Scenarios

‘Tragic dilemmas’, ‘moral dilemmas’, and ‘dirty-hands scenarios’ all converge on a central thought: there can be situations where, through no fault of one’s own, all of one’s available options require one to perform a horrific, repugnant, or wrong act. While it is virtually indisputable that there can be situations whereby one must make hard choices between repugnant options, it is highly contested how these cases should be conceptualized. While some understand these situations to be simply hard choices, others understand these situations to be instances of inescapable wrongdoing where no matter what one does, one will do wrong. In order to determine how tragic dilemmas should be conceptualized, it is first important to be clear on what tragic dilemmas are. To that end, it is first necessary to consider the related topics of moral dilemmas and dirty hands scenarios and show how these are similar to and different from tragic dilemmas – the topic of this dissertation.

As Rosalind Hursthouse notes, the term ‘moral dilemma’ is used in two distinct ways.\(^1\) First, it refers to a species of dilemmas proper that deals with exclusively moral reasons. A dilemma, strictly speaking, is a situation that mandates a choice between two alternatives where there is no more reason to choose either of the alternatives over the other. Dilemmas proper are, by definition, *irresolvable*. That is, there is no further consideration that can be brought to bear to settle the matter in favour of one option rather than the other. A moral dilemma, then, is a dilemma that concerns moral reasons. A moral dilemma occurs when a person has as much moral reason to do \(x\) as she has to do \(y\) but cannot do both.

The second usage of ‘moral dilemmas’ refers to a choice between morally repugnant options. This deviates from the strict definition of dilemma. Instead of restricting dilemmas to

only those situations where each option has the same amount of moral reasons in its favour, this usage also includes cases where there is more reason in favour of one option than the others. When there is more reason to do one action than all others, the dilemma is said to be *resolvable*. While a dilemma might, in this way, be resolvable, choosing either of the options nonetheless involves choosing something of serious moral disvalue. Daniel Statman’s formal definition of a moral dilemma defines moral dilemmas in this second way. The conditions of a moral dilemma, according to Statman are, “(1) P ought to do A and ought to do B; (2) A and B are incompatible; (3) Doing A and B each (separately) involves a high moral loss.”

Dirty hands scenarios are closely related to the second definition of moral dilemmas in that they involve cases whereby one must choose between two competing instances of moral value where choosing either option will involve serious moral costs. Dirty hands scenarios are cases where one must do wrong in order to do right. To say that one has gotten one’s hands dirty is to presume that one has engaged in wrongdoing. The ‘dirty hands’ locution thus assumes that the action which is horrific or repugnant is also a *wrong* action.

‘Tragic dilemmas’ shares some affinities with both the second definition of moral dilemmas and dirty hands scenarios. First, tragic dilemmas deal with morally repugnant choices. Second, tragic dilemmas can be resolvable; there might be more reason to perform one action than the others. While there might be more reason to perform one action than the others, it nonetheless remains the case that one is acting in a way that violates or destroys an important instance of value. These are much the same sorts of cases covered by the ‘dirty hands’ locution. The ‘dirty hands’ locution, though, assumes that the action is an instance of wrongdoing. ‘Tragic

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dilemmas’, by contrast does not assume anything about whether the action is an instance of wrongdoing.

A tragic dilemma, then, is any situation where, through no fault of one’s own, the agent must choose between alternatives all of which involve doing serious violation to an instance of an important value. A tragic dilemma can be either resolvable or irresolvable. If it is resolvable, then there is a better choice to be made, but making this better choice will, nonetheless, involve serious violation of an item of value. If it is irresolvable there is no better choice to make, and whatever one does will involve a serious violation of an item of value.

Literary examples are useful for illustrating precisely what a tragic dilemma is. First, Agamemnon, leader of Argos, headed up an expedition to get Helen back from Troy. Lack of wind becalmed the expedition and, if not soon restored, would put the entire city and its people at peril. The only way to restore the wind was for Agamemnon to sacrifice his daughter, Iphigenia. Agamemnon thus faced a tragic dilemma: He had to choose between two conflicting values – his daughter or the city. Whatever Agamemnon chose, he would either be failing in his duty to his people as a leader of Argos, or he would be failing in his paternal duties.

Orestes’ tragic dilemma follows upon Agamemnon’s killing of Iphigenia. After Agamemnon killed Iphigenia, Clytaemestra killed Agamemnon in order to avenge the death of their daughter. Orestes, the son of Agamemnon and Clytaemestra, is now caught in a tragic dilemma: Orestes has a filial duty to avenge the murder of his father, but he also has a filial duty not to kill his mother, yet he can only uphold one filial duty by violating another.

Probably the most often cited modern literary example of a tragic dilemma is the choice of Sophie, from William Styron’s Sophie’s Choice. Sophie and her children are taken from their home and sent to a camp in Auschwitz. Upon arrival some prisoners were sent to their

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immediate deaths while others remained in the camps. As Sophie approached the guard with her
two children, the guard gave her a choice: one of her children would go to die immediately
while the other child would live in the camp, but Sophie must, herself, decide which of her
children would be sent to its immediate death. Sophie has parental duties to protect each child,
but in order to protect one child she must choose the death of the other.

In each of these stories, regardless of whether there is an all-things considered best course of
action, the protagonist must choose something which will violate or destroy and important
instance of value. This is the core feature of tragic dilemmas.

1.2 Why Tragic Dilemmas are Considered Problematic for Moral Theory

While it is indisputable that there can be cases where all options require the agent to do
something that is horrific or repugnant, there is disagreement over whether these are cases of
inescapable wrongdoing. There are two main concerns about understanding tragic dilemmas as
instances of inescapable wrongdoing. First, it might be thought that if there can be cases of
inescapable wrongdoing, then this threatens the coherency of morality. That is, if the primary
purpose of moral theory is to guide action where action guidance is understood as yielding a
singular determinate answer regarding what to do in any given situation, then a theory which
tells agents to do (or not to do) separate and incompatible things is incoherent and fails in its
action-guiding function. Second, if inescapable wrongdoing is possible then this would mean
one’s goodness is, in part, a matter of luck. That is, if wrongdoing is inescapable, and if
wrongdoing diminishes goodness, then it follows that one’s goodness will be subject to some
amount of luck. That one’s goodness might be subject to luck just does not seem fair, and if
anything should be fair, surely it is morality.
One response to these problems is to simply deny that there can be cases of inevitable wrongdoing and understand tragic dilemmas as nothing more than hard choices. While one’s options might not be very good options, there will always be a right course of action available to the agent. Further, since it is always open to the agent to choose the right course of action, performing this action, no matter how horrific or repugnant, will in no way diminish one’s goodness. One’s goodness remains entirely under one’s control. While tragic dilemmas may present us with hard choices, we cannot be forced to do wrong and so our goodness remains entirely under our control and morality remains essentially action-guiding.

While this solution neatly avoids both the problem of morality failing to recommend a determinate right action and the problem of goodness being subject to luck, it does not fit with some of our ordinary beliefs and practices. Such a solution does not account for why the possibility of inevitable wrongdoing is embedded in our ordinary thought, practices, and experiences of tragic dilemmas. The dictum ‘damned if you do and damned if you don’t’ expresses the very thought that there can be cases of inevitable wrongdoing. Plays and literature also portray precisely these cases. As we will see in subsequent discussions, there are several Greek tragedies which portray agents faced with choices conceptualized as choices where whatever the agent does he will be doing something wrong. This thought is not just a peculiarity of Greek drama, but is also expressed in contemporary literature. The protagonist in Ann-Marie MacDonald’s *Fall on Your Knees* pushes her father down the stairs and kills him in order to prevent him from killing her sister. She states,

> God did not put me on this earth to stand by while my sister Frances is killed. Beaten is one thing. Wrongly touched is one thing. Stabbed with a bayonet is another. Push. Be

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strong enough to carry the burden of sin that goes with doing the right thing. There is only one saint in this family and I’m not it.\(^5\)

In this passage the protagonist conceptualizes her action as a case where in order to do the right thing, she must commit a sin – she must do wrong in order to do right. The protagonist further expresses the thought that by committing this sin, her goodness will be diminished. Our plays, literature, and sayings seem to embrace the possibility of inevitable wrongdoing.

First-person reports also indicate that tragic dilemmas are conceptualized by actual people as instances of inevitable wrongdoing. A recent BBC news report interviewed a woman who would go each night to a neighbouring country and engage in prostitution in order to earn enough money to feed her children. In the interview the woman stated that she hoped that God would forgive her, but there were no other options and she had to feed her children. The fact that the woman hopes to be ‘forgiven’ indicates that she regards her engaging in prostitution as something terrible and wrong. But letting her children starve to death would be worse. It seems that this woman sees her situation as one where whatever she does she will be doing something wrong – she must either prostitute herself or let her children starve. She regards both as genuine instances of wrongdoing and hopes to be forgiven for her wrongdoing.

Consideration of people’s emotional responses connected with having to act in a tragic dilemma also suggests that these kinds of situations are conceptualized as inevitable wrongdoing. Agents who have found themselves in a tragic dilemma emerge feeling torn, guilty, and tainted and, furthermore, it seems that these are appropriate reactions. We would wonder about the person who could perform a tragic act and come out of it unscathed in these ways. Guilt and taint, though, seem to be intrinsically connected to the thought that one has done something wrong. The phenomenology of tragic dilemmas thus suggests that persons who perform tragic

actions conceptualize their action as a genuine instance of wrongdoing despite the fact that they could not have and believe they could not have acted any better.

The possibility of inescapable wrongdoing is embedded within ordinary ways of thinking about tragic dilemmas. While denying the possibility of inescapable wrongdoing avoids the problems that morality might fail to dictate particular actions in any and all situations and that agents’ goodness might be undermined through no fault of their own, it leaves both our common-sense beliefs as evidenced through literature, first-person reports, and the phenomenology of acting in a tragic dilemma unaccounted for. While some might be willing to simply dismiss ordinary practices and feelings as confused and irrelevant, there is good reason to think that ethical inquiry ought to proceed in a way that takes seriously common ethical beliefs and practices.

1.3 Folk Morality

Taking seriously firmly held beliefs and practices is not an unusual methodology when engaging in ethical inquiry. Aristotle begins inquiry into various topics in the *Nicomachean Ethics* by considering the range of positions held by the many and the wise. He also recommends considering ordinary beliefs about a subject after theoretical conclusions have been reached. He states,

> But we must inquire into it not only on the basis of our conclusion and the premisses of our argument, but also on the basis of the things people say about it: for a true view will have all the available evidence in harmony with it, while a false one quickly finds itself in discord with what is true.6

Similarly, John Rawls has endorsed the method of ‘reflective equilibrium’ whereby theoretical conclusions are weighed and revised in the light of firmly held beliefs and whereby beliefs are

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weighed and revised in the light of theoretical conclusions. The basic presumption behind this methodology is that we, the folk, have some basic moral knowledge. That is, there are certain central and widely held ethical beliefs or practices that are presumed to be correct. Ethical theory should not proceed without paying serious attention to these common-sense beliefs.

This methodology is one that is frequently employed when creating and assessing moral theories. For example, when a comprehensive ethical theory yields conclusions wildly at odds with common-sense morality, this is generally taken to put pressure on that moral theory. Moral theory must pay attention to and be concerned about conclusions that are wildly at odds with deeply and widely held moral beliefs. For example, if a moral theory yields the conclusion that we ought to kill an innocent person in order to quell an ensuing riot, or that we dismember one individual in order to take her organs to save several more individuals, this is generally regarded as problematic and something that the theory must address. The burden is then on the theorist to either provide an explanation as to why, exactly, our moral intuitions are wrong, or to alter the theory in such a way so that it does not yield such unpalatable conclusions. This interplay between the theoretical principles and our deeply and widely held moral beliefs is the process of reflective equilibrium which is commonly employed when doing ethical theory. This method requires that we pay attention to and be concerned with the deeply and widely held beliefs of the folk.

That ethical theory requires attention to the principles and practices of the folk does not, however, mean that ethics is a purely descriptive project devoted to the anthropological study of people’s ethical beliefs. There is and will be much substantive disagreement amongst people about what is, in fact, good, right, or virtuous and what the principles of morality are. Folk morality will change and evolve as these issues are debated and further considerations are

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brought to bear. The general strategy is to take common beliefs and weigh them against theoretical principles and alter both the beliefs and principles to yield an adequate theoretical account.

To take folk morality seriously is to take the beliefs and practices of ordinary people seriously and in so doing be able to elucidate and better refine our general moral principles. Some may object to this methodology on the grounds that it is not clear who this class of ordinary people is and even if we could define this class, there still doesn’t seem to be significant agreement about matters of ethics and so it would be nearly impossible to say anything about the practices or the beliefs of the folk.

To be sure, the boundaries of who ‘we’ are will be fuzzy and there is much disagreement between people about matters of ethics. This, though, does not undercut the possibility of saying anything intelligible about what ordinary people believe. Reference to what ‘we’ believe is a reference to beliefs held either explicitly or implicitly by members of our moral community. The moral community is that set of people who share enough basic beliefs and shared assumptions to reasonably coexist. Roughly, our moral community will consist of persons living in modern western countries. We share enough core moral beliefs that we can understand, debate with, and commune with one another. An undiscovered tribe in Africa would not be part of our moral community. They would likely have a radically different conception of who they are, what their relation to each other and the world is, and how to get along in society. While the boundaries of who ‘we’ are will be fuzzy, this does not, alone, undercut the possibility of saying anything intelligible about what ‘we’ believe and what ‘our’ practices are.

It is true that there is much ethical disagreement between people living in our moral community. It would be impossible to make any accurate claim about what ‘we’ believe
regarding abortion, euthanasia, the death penalty and other hotly debated moral issues. But these disagreements are at the peripheries of a set of shared and basic moral values. If ‘we’ didn’t believe in the basic value of human life and the value of a certain quality of life, these debates could not take hold. While there are disagreements about many particular moral issues, there are also many things are generally agreed upon. Indeed, a substantial amount of agreement seems to be a prerequisite for ethical debate in the first place. In discussing folk morality, Frank Jackson notes that moral disagreement amongst the folk does not belie the claim that there is a folk morality. Rather, he states, “And if we did not share a good number of opinions of this sort, it is hard to see how we could be said to have a common moral language. Genuine moral disagreement, as opposed to mere talking past one another, requires a background of shared moral opinion to fix a common, or near enough common, set of meanings for our moral terms.”

While there is substantial disagreement about many matters of morality, there are also many areas of agreement. The fact of disagreement, then, does not make reference to what ordinary people believe unintelligible.

Since ethical theory should take seriously the beliefs and practices of ordinary people, the discussion of how to best conceptualize tragic dilemmas should not be dismissive of such beliefs and practices. Our emotional reactions to tragic choices, along with our sayings, literature, and plays suggest that we think that inevitable wrongdoing is entirely possible. While taking seriously the beliefs of the folk does not mean that we should uncritically accept these beliefs as true, it does mean that a comprehensive and compelling ethical theory will have to take into account and provide an explanation of why it is people have these beliefs.

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1.4 Overview of Dissertation

In this dissertation, I will provide an account of tragic dilemmas which can straightforwardly account for the beliefs, practices, and emotional reactions of ordinary people. I will start by discussing the emotional reactions of agents acting in a tragic dilemma and argue that these emotional reactions are tracking the nature of moral reality: agents feel torn, guilty, and tainted because they are torn, guilty, and tainted. This line of argument has been dubbed ‘the phenomenological argument’.9 The phenomenological argument does not assert that we can derive facts about moral reality by appeal to the emotional reactions of agents. As Christopher Gowans notes, for the phenomenological argument to be plausible, it must be understood as an argument to the best explanation.10 In order to make an argument to the best explanation, there must first be a set of well-developed competing explanations that can be weighed against each other. The purpose of this dissertation is to present one such well-developed account of the phenomenology associated with acting in tragic dilemmas.

I explicate and develop a neo-Aristotelian ethical framework and show how this framework yields the conclusion that tragic dilemmas are genuine cases of inevitable wrongdoing. Agents thus feel torn, guilty, and tainted for their tragic choices because they are torn, guilty, and tainted. After showing how a neo-Aristotelian theory can account for what is going on in tragic dilemmas, I address objections concerning the unity of the virtues and practical reason and further speculate that what is really at the root of these objections is a concern that one’s goodness is not the sort of thing that should be subject to luck. I go on to address this objection as it is one of the primary reasons for thinking that inevitable wrongdoing

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10 Gowans, Innocence Lost: An Examination of Inescapable Moral Wrongdoing, p. 19.
is impossible in the first place. This dissertation thus provides a comprehensive and coherent account of what is going on in tragic dilemmas that can make sense of the phenomenology of acting in tragic dilemmas and provides a response to one of the central concerns with understanding tragic dilemmas as instances of inevitable wrongdoing: that one’s goodness is, in part, a matter of luck.\textsuperscript{11}

1.5 Overview of Chapters

I begin, in chapter two, by considering the emotional reactions of agents who have made a tragic choice. I argue that agents feel torn, guilty, and tainted for their tragic choices; the agent continues to feel moved by a moral reason that was outweighed in practical deliberation, the agent feels as if she has done something wrong or forbidden, and the agent feels as though she is somehow diminished as a person for performing this act. I go on to argue that these are appropriate emotional responses; we would think there was something quite wrong with an agent who failed to respond in these ways to her tragic choice.

In chapter three I show exactly how the presuppositions of standard version of consequentialism and deontology cannot straightforwardly account for the phenomenology of tragic dilemmas. That is, it seems that our emotional responses should more or less fit with reality. But the emotional responses in tragic dilemmas do not fit with the moral reality.

\textsuperscript{11} The first concern with understanding tragic dilemmas as instances of inevitable wrongdoing was that this threatens the coherency of morality since morality is supposed to provide determinate answers about what to do in any and all situations. But if inevitable wrongdoing is possible, then morality is unable to fulfill this central purpose as it directs agents not to do each of the options available to the agent, but yet the agent must do something. While I do not directly address this first concern in this dissertation, there is reason to think that the neo-Aristotelian framework laid out in chapter four along with the account of practical wisdom discussed in chapter six has the resources to handle this objection. That is, a neo-Aristotelian framework does provide action-guidance, but does not conceive of action guidance in terms of a determinate decision procedure. If we adopt this different understanding of the way in which ethical theory guides action, the problem of inevitable wrongdoing failing to provide guidance will likely dissolve. To be sure, this argument needs further development, but there is good reason to think that the neo-Aristotelian approach discussed and advocated throughout this dissertation has the resources to handle this objection. The focus of this dissertation, however, is on the second objection concerning the implication of inevitable wrongdoing on personal goodness.
espoused by standard versions of consequentialist and deontological ethical theories. The emotional responses suggest that the one perceives the situation in such a way that there are competing values each of which has a genuine pull on one, that one has engaged in wrongdoing, and that one is worse as a person for engaging in this wrongdoing. The moral reality espoused by consequentialism and deontology, however, denies each of these claims and so are unable to provide a straightforward explanation for these phenomenological features of tragic dilemmas.

The remainder of this dissertation argues that employing a neo-Aristotelian framework can provide a straightforward account of what is going on in tragic dilemmas that can readily accommodate the phenomenology of making a tragic choice.

In chapter four I explicate and develop a neo-Aristotelian framework which understands moral reality as consisting of multiple spheres of value. Virtues are understood as dispositions to choose appropriately within different areas of human concern where the appropriate response is determined by practical wisdom. While what the appropriate response is will be dependent upon the particularities of the circumstances and will be determined by practical wisdom, there are nonetheless some kinds of responses which will always be inappropriate. This basic structure grounds the virtue ethical account of right and wrong action. According to the standard virtue ethical account of right action, an act is right if and only if it is what a virtuous agent would do in similar circumstances. A parallel account of wrong action holds that an action is wrong if and only if it is what a vicious agent would do in similar circumstances where a vicious agent is one who characteristically responds in inappropriate ways to items of value.

In chapter five I show that applying this neo-Aristotelian framework can provide an account of tragic dilemmas that can also readily account for some of the phenomenological features of tragic dilemmas. I argue that a tragic dilemma is a situation where (a) the agent must
choose between two mutually exclusive and incompatible actions and (b) the agent must choose something that is in-itself undesirable in order to accomplish some other desirable end and (c) whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue and (d) the action is serious in that no adequate reparative actions are available to the agent and (e) the agent is one who is disposed to choose in ways that realize the ends of all the virtues. Such an account readily explains agents feeling torn and guilty for their tragic choices. The agent feels torn because she is disposed to respond appropriately to all areas of human concern, but in a tragic dilemma responding appropriately to one instance of value requires responding inappropriately to another instance of value. The agent feels guilty because she has engaged in wrongdoing. The virtue ethical account of wrong action holds that an action is wrong if and only if it is what a vicious agent would characteristically do. The tragic action, though, involves the agent in performing the sort of action characteristic of a vicious agent and so is a wrong action. The wrongness of the action gives rise to feeling guilty. That agents are tainted does not fall out of the neo-Aristotelian account of tragic dilemmas, but rather requires the additional premise the engaging in certain instances of serious wrongdoing will result in moral taint. This is taken up in relation to the moral luck objection in chapter seven.

I go on in chapter six to address two central objections to this account. First, it is generally thought that accepting the unity of the virtues thesis, which is an integral component of Aristotle’s ethics, will rule out the possibility of conflicts between virtues. Tragic dilemmas cannot then be conceptualized as instances where the ends of the virtues come into conflict. I distinguish between three types of unity theses: the weak, moderate, and strong, and argue that even if we accepted the strongest version of the unity thesis whereby having a virtue requires that one choose in a way that upholds the ends of all the virtues, there is still no conflict with
understanding tragic dilemmas as instances of inevitable wrongdoing. What follows is that by failing to respond appropriately to at least one instance of value, one is no longer fully virtuous. Second, I address the objection that the exercise of practical wisdom guarantees an appropriate response to each and every area of human concern. The practically wise person is one who is able to appreciate the particularities of each situation and see what the appropriate response is. I argue that while an emphasis on the particularities of the situation is, indeed, an important aspect of Aristotelian practical wisdom, this in no way guarantees that there will always be an appropriate response available to the agent. I go on to note that underlying both of these objections is a more basic objection to the thought that one’s goodness might be a matter of luck.

In chapter seven, I take up the moral luck objection: if tragic dilemmas involved cases of inevitable wrongdoing, then one’s goodness would be subject to the luck of not having found oneself in a tragic dilemma. This, however, seems unfair. To address this objection, I review reasons for thinking that our goodness cannot be subject to luck. The primary reason for thinking that goodness cannot be a matter of luck is that we are committed to the control principle which holds that we cannot be responsible for things that are not under our control. If we are responsible for our goodness, then our goodness must be under our control and so not a matter of luck. I argue that actions in tragic dilemmas are under the agent’s control and that the agent is morally responsible for these actions. What is not under the agent’s control is the set of options from which we have to choose. In order to hold that agents are not morally responsible for their tragic choices, the control principle would have to be applied regressively: not only must one have control over performing the action, itself, but also one must have control over the circumstances that gave rise to one performing the action. While regressive application of the control principle would indicate that we are not responsible for our tragic choices, it would also
yield the conclusion that we are not morally responsible for anything at all. That our goodness might be affected by moral luck is just one more way our moral lives and status is affected by the more pervasive moral luck problems – cases where responsibility outruns control. While we might find this to be disconcerting, it is not a special objection to the account of tragic dilemmas offered in this dissertation, but rather an objection to the possibility of moral responsibility in general. If we are responsible for anything at all, then we are also responsible for our tragic choices.

I conclude, in chapter eight, by showing how the neo-Aristotelian account of tragic dilemmas put forth in this dissertation can not only make sense of the phenomenology of tragic dilemmas, but it can also make sense of the paradox of the tragic hero. That is, usually guilt detracts from our estimation or persons, but the tragic hero is regarded as admirable precisely because of the burden of guilt that she bears. I suggest that what is admirable about the tragic hero is that she has and is committed to a correct view of moral reality and her role as a moral agent even when this comes at a significant cost to herself. This commitment and understanding is indicated through bearing the burden of guilt. This is why the tragic hero is admirable precisely because she is guilty.

The phenomenology of tragic dilemmas needs to be accounted for. A neo-Aristotelian framework can provide a comprehensive explanation for the phenomenology of tragic choices. According to this framework the emotions of the tragic agents accurately reflect the nature of moral reality; agents feel torn, guilty and tainted because they are. Not only can this account provide a straightforward explanation of the first-person phenomenology of tragic choices, it can also account for the seemingly paradoxical third-person reaction of admiration directed towards the tragic hero who bears the burden of guilt. These explanations stem from a comprehensive
and sophisticated ethical framework. These features will make the neo-Aristotelian account of tragic dilemmas a strong candidate when determining what is the best explanation for the phenomenological features of tragic dilemmas.
CHAPTER TWO: PHENOMENOLOGICAL FEATURES OF TRAGIC DILEMMAS

2.1 Chapter Introduction

Tragic dilemmas are situations where, through no fault of one’s own, all available choices require one to perform a horrific or repugnant act. That there can be such situations is virtually indisputable. It is also widely agreed that persons who act in these situations will and should suffer emotionally for having performed such an act. Tragic choices are painful choices. After the choice has been made, the agent does not carry on congratulating herself for acting as best she could mindless of or unaffected by the harm she has caused others or the values she has violated. Even after the agent has acted as best she could, there is something that continues to haunt, pull at, or plague the agent. Even Kai Nielsen – a staunch opponent of the existence of dirty hands scenarios12 and a firm denier that agents should feel guilt for making hard choices – admits that there can be situations where agents are forced to choose between the lesser of two evils and claims that,

Anyone in such circumstances with an ounce of humanity will feel anguish in so acting and very deep remorse for having so acted or for condoning such acts. It is not that he should just feel saddened over such acts. That is hardly an appropriate response. Indeed someone who did not feel anguish and remorse in such situations would hardly count as a moral agent.13

There can be hard choices – choices that involve choosing the lesser of two evils. Making such choices will (and ought to) have severe emotional repercussions for the agent. While there is wide agreement that hard choices exist and that these choices will be painful, there is disagreement about the nature of these hard choices and the exact nature of the emotions induced by these hard choices.

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12 As discussed in chapter one, ‘dirty hands scenarios’ are scenarios where, by definition, one has no choice but to do wrong and thus, by definition, one is guilty. By contrast, ‘hard choices’ does not presuppose that the repugnant act is ‘wrong’ and thus does not presuppose that one is thereby guilty.

In this chapter, I argue that in tragic dilemmas agents feel torn, guilty, and tainted; the agent continues to feel moved by a moral reason that was outweighed in practical deliberation, the agent feels as if she has done something wrong or forbidden, and the agent feels as though she is somehow diminished as a person for performing this act. In explicating each of these features I establish two claims: first, agents do, in fact, tend to feel this way when making tragic choices and second, there is a sense in which the agent ought to feel this way; we would think there was something wrong with an agent who, when faced with a tragic choice, did not have these sorts of emotional reactions. Identification and explication of these features is intended as simple observations about how people feel or are likely to feel and how we think they should feel in circumstances of tragic choice.

As discussed in chapter one, it is important to begin with an understanding of ordinary practices and beliefs. The central point of this chapter is to examine ordinary practices and beliefs to determine how agents do feel and how agents think they and others ought to feel for their tragic choices.

2.1.1 Emotions: Individuation and Justification

Before discussing the emotions generally attached to making a tragic choice, it is first necessary to discuss a rough framework for understanding the emotions themselves. To be sure, there are a variety of philosophical positions regarding the sorts of things emotions are. In keeping with the purpose of this chapter, though, what is important to elucidate is not a well-developed philosophical or psychological account of the kind of things emotions are, but rather to make clear certain general assumptions – either explicit or implicit –ordinary people have about the emotions.
The practices of people reveal a roughly cognitivist view of the emotions. That is, emotions require some sort of cognition of the world. The cognitive activity required for an emotion could be a judgement, a belief about what is true expressible in propositional terms, or a perception. To be sure, whether an emotion is a judgement, belief, or perception will make a significant difference to a well-developed theory of the emotions. These niceties need not be of concern here, however. Rather, what is of concern is laying out the assumptions embedded in a common-sense understanding of the emotions.

First, emotions have objects. Whereas one could have a mere feeling or mood, such as sadness or euphoria that is felt at nothing in particular, emotions such as anger or fear are felt at particular identifiable things. When one is angry one is angry at a perceived slight or wrong done to oneself or something or someone that one cares about. The slight or the wrong is the object of the emotion. That we think emotions have objects is revealed through our practices. For example, if one is angered by a slight but later comes to realize that this was a misperception on one’s part, likely one will no longer be angry. Furthermore, a third party might try to calm an angry person by explaining that what she perceived as a slight was not, in fact, a slight. The anger, then, seems to be directly linked to an object in the world – namely the slight. That one’s emotions will likely change as a result of a change in a belief about whether the object obtains, and that others use this fact to alter the emotional reactions of another is evidence that common-sense beliefs about the emotions include the belief that emotions are felt at objects.

Emotions are distinguished by their formal objects. According to Ronald de Sousa, “A formal object is a property implicitly ascribed by the emotion to its target, focus, or propositional object, in virtue of which the emotion can be seen as intelligible.”14 The formal object of an emotion distinguishes one emotion from another. For example, the formal object of guilt might

be wrongdoing or a moral violation. That one’s bad, anxious, uneasy feeling is felt at a moral violation is what makes the feeling guilt as opposed to dread or some other emotion.

In order for an agent to feel an emotion, the agent must have some perception of the formal object of the emotion obtaining. That is, if a person does, in fact, feel fear then it must be the case that the agent perceives some threat. If there is no perception of a threat, it is not the case that the agent feels fear. For example, if one claimed to feel fear at an image of Mickey Mouse, yet perceived Mickey Mouse to be a cute and cuddly cartoon character that was not at all threatening, we would wonder whether this person was a competent speaker of our language. It seems they must not know what fear is. In order to have an emotion, one must perceive the formal object of the emotion.

That the agent must perceive the formal object of emotion in order to have the emotion implies nothing about whether the formal object of the emotion actually obtains. There can be non-veridical perceptions. For example, a person who has indulged in a psychedelic drug may feel intense fear at the image of Mickey Mouse. The formal object of fear is things that are threatening. The psychedelic drug user perceives the image of Mickey Mouse to be a threat and thus genuinely feels fear at the image of Mickey Mouse. The fact that he is mistaken about the actual threat posed by the Mickey Mouse image does not undermine the fact that what he feels is fear. Thus, emotions are individuated by their formal objects. In order to have an emotion, one must perceive that the formal object of that emotion obtains. This does not imply anything about whether or not the formal object does, in fact, obtain.

In this chapter, I make arguments about what emotions agents who make tragic choices have or are likely to have. I identify and individuate emotions according to their formal objects. I then appeal to perceptions of agents and show that since they are in an affective state seemingly
caused by perceiving those things identified as the formal object of one emotion and not another, that they thereby have that emotion. For example, the formal object of guilt is wrongdoing for which one is responsible. The agent who acts in a tragic dilemma perceives that her action was an instance of wrongdoing. As such, this is reason to think that the bad feeling the agent has is guilt. By drawing on agents’ perceptions of the situation, I establish that they do have the emotions of being torn, guilty, and tainted.

In addition to arguing that agents do feel torn, guilty, and tainted, I also argue that agents ought to have these feelings. It is important to be clear about the sense of ‘ought’ that is employed here. As Justin D’arms and Daniel Jacobson have pointed out, there are two distinct claims that are often conflated when talking about warrant for the emotions. One claim is that an emotion is justified or warranted just in case the object of that emotion obtains. For example, in order to be justifiably angered, it must be the case that someone or something one cares about has been wronged or slighted— the wrong or slight is the formal object of the emotion anger. If one feels anger where no wrong or slight has occurred, the emotional response does not fit with the world and so one’s emotion is not justified or warranted. D’arms and Jacobson term this sort of justification ‘fittingness’. The second thing that could be meant by saying that an emotion is warranted or justified is that it is ‘the thing to feel’. This sort of justification concerns the rightness or the propriety of feeling that emotion. D’arms and Jacobson term this sort of warrant ‘appropriateness’. An emotion is appropriate if it is the sort of emotion that it would be right or good to feel. For example, feeling amused rather than saddened by a child who was struck and killed by a car would be an inappropriate emotional response in that it is not right or good to feel amused at the death of a child. The morally correct response to the death of a child is generally

16 Ibid. pp. 69 ff.
taken to be one of sadness. Fittingness and appropriateness are thus two distinct ways that emotions can be justified. Fittingness concerns whether the object of the emotion obtains in the world whereas appropriateness concerns whether the emotion is the morally correct emotion to feel.

In this chapter, when it is argued that agents ‘ought’ to feel a certain way in response to their actions in tragic dilemmas, the argument is that these emotions are ‘appropriate’. That is, these feelings are the correct or right emotional responses. What makes these the correct or appropriate responses is left unanalyzed at this point, but there is a strong intuitive sense that these are, indeed, the right responses illustrated by the discomfort, uneasiness, or anger directed towards agents who fail to have these sorts of responses. This chapter does not address or make any claims about the fittingness of feeling torn, guilty, and tainted in a tragic dilemma. To make a claim about the fittingness of the emotions would be to make a claim regarding whether the perceived formal objects of the emotions actually obtains. This is not taken up in this chapter. Rather, the focus is on how things seem or appear to the agent; the focus is on the agent’s perception of the situation. The claim that the agent perceives herself to have engaged in wrongdoing or to have violated a moral value is a very different claim than that the agent has, in fact, engaged in wrongdoing or has violated a moral value. It is the former and not the latter sort of claim that is made in this chapter.

2.2 Feeling Torn

Agents acting in tragic dilemmas feel ‘torn’ even after they have made the best decision they can. Agents acting in tragic dilemmas perceive strong moral reasons against each of the available courses of action and these reasons continue to move them even once they have concluded their practical deliberation. I will first discuss feeling torn in ordinary non-moral
situations. These are situations where one perceives and is moved by competing and incompatible reasons for or against an action. I then show that moral conflict is different from non-moral conflict in that the moral reasons selected against in one’s practical deliberation do not go away simply because one has concluded one’s practical deliberation. Agents perceive that these moral reasons continue to make a claim on them. As such, one continues to feel torn at the conclusion of one’s practical deliberation. This phenomenon is illustrated by an ordinary example of a non-tragic moral conflict. In such cases, one finds another way to ‘make-up’ for the moral value that was outweighed in one’s practical deliberation. Once one has made-up for the outweighed value, the agent no longer perceives there to be an outstanding claim. In cases of tragic conflict, however, there is no way to make-up for the value violated. As such, one will continue to feel moved by the moral value that was outweighed in deliberation.

Feeling torn is an ordinary phenomenon that is not limited to tragic dilemmas or even to unhappy alternatives. To feel torn is to perceive competing and incompatible reasons for or against an action. For example, one could feel torn about whether to spend a dollar on a cup of coffee. One has reasons to save one’s money and not spend it on frivolous and unnecessary things. One also has reasons to have a cup of coffee – one desires it, and by getting a caffeine fix one will be able to function for the next few hours. One cannot both save one’s dollar and have a cup of coffee. There are thus reasons in favour of both options and so the agent is pulled in different and incompatible directions. One might thus feel torn about whether to buy a cup of coffee.

In ordinary non-moral cases feeling torn occurs at the initial stage of deliberation but goes away once the decision has been made. In making a decision one might rank one value as more desirable or important than the other and thereby makes a decision or, where ranking is not
clear or possible, one might employ some other decision-making technique. Once the decision has been made, the reasons that were outweighed cease to be relevant or motivating. There would be something seemingly wrong with a person who spent the dollar on a cup of coffee and then dwelt upon the dollar that one could have saved if one had not bought the cup of coffee. Opportunity costs are normal and expected in the course of a life. In living a life, decisions need to be made. By opting for one thing one is thereby foregoing something else. There seems to be something somewhat pathological about the person who continues to be moved by the option not chosen in these sorts of ordinary cases.  

Feeling torn, then, is an ordinary phenomenon whereby there are competing and incompatible reasons for or against mutually exclusive options. In ordinary non-moral cases, feeling torn occurs prior to making the decision; once the decision has been made, normally one ceases to feel torn.

Cases of moral conflict are different from ordinary conflicts in that persons continue to be moved by the outweighed moral reason even once they have concluded their practical deliberation. Furthermore, in cases of moral conflict, it does not seem odd or pathological that they feel this way. These are cases whereby the decision is between competing values where the values at stake are core ethical values or commitments. Agents perceive and are moved by the competing and incompatible moral reasons against the options available to them. A decision,

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17 I do not dispute that there might be some instances where people do dwell on how things might have been if only they had chosen differently from what they actually chose. One might argue that buyer’s remorse is an example of this. Perhaps instead of purchasing a cup of coffee, one purchases an expensive property and then suffers from buyer’s remorse. Here one wishes for both the property and one’s money, opts for the property, but then continues to lament all the money one has spent. It is important to be clear on what exactly is the source of this ‘remorse’. If the source of the remorse is that the agent believes she has made an error in her deliberation, then the agent is not dwelling on the value she believes to be outweighed by a more important value; instead, she is questioning the weighting she placed on the competing values. This might not be pathological. It is perhaps required in order to ensure and motivate better decisions in the future. If, however, the agent believes that the value of purchasing the property does, in fact, outweigh the value of the money in her bank account and even so continues to regret and dwell upon the money spent, this does seem somewhat pathological.
however, does not result in the moral reasons against an option simply disappearing or dissolving or becoming irrelevant. The reasons seem to remain and persons remain responsive, in some way, to these reasons even though these reasons were not the weightiest in making the decision. Bernard Williams coins this ‘moral remainder’ or ‘residue’.18

This phenomenon of agents perceiving the outweighed moral reasons as remaining and demanding some sort of response is perfectly ordinary. An example can illustrate: a parent may have promised to take her daughter to the zoo but, as a result of a large scale disaster, has been called into work at the hospital where her presence will directly result in saving numerous lives. The parent cannot both keep her promise to take her daughter to the zoo and go to work and save lives. There are moral reasons in favour of both options: Taking her daughter to the zoo would fulfill her promise to her daughter. Going to work will directly result in lives saved. All-things-considered, the parent ought to go to work to save lives. While it is clear that the reasons in favour of going to work outweigh the reasons in favour of taking the child to the zoo, this does not mean the moral reasons selected against – keeping her promise to her daughter – simply go away. The broken promise still remains and retains some pull on the agent as a reason or claim to which the agent must respond despite it being clear that breaking the promise was what the parent ought, all-things-considered, to have done. Likely the parent will try and ‘make it up’ to her daughter by scheduling an extra-long visit to the zoo on another day. By feeling the need to ‘make-it-up’ to the child, the parent perceives that the promise – even though it was outweighed in deliberation – continues to have some force.

A parent in such a scenario might give the following explanation to her child, “I’m sorry that I can’t take you to the zoo today like I promised. Some people were in an accident and I

have to go to the hospital to help them get better. But I promise I’ll make it up to you. How about we go for an extra long visit next week?” This sort of explanation is one that a parent might give to a young child. Note that embedded within such an explanation are all the elements identified in the analysis above: there are competing and incompatible moral obligations, one obligation outweighs the other, the broken promise is still important and still has weight, but will be made up at a later time. If this is the sort of explanation a parent might give a young child, this suggests that the ordinary person embroiled in a moral conflict does not perceive the value selected against to simply disappear. What Williams coined a ‘moral remainder’ seems to be a part of folk morality – ordinary people acting in ordinary moral conflicts perceive there to be some sort of remainder. Even though one has acted as best one could, one perceives that an outstanding moral claim remains.

The moral reason outweighed in the practical deliberation seems not to disappear simply by deciding what one ought to do, all things considered. The agent perceives the reason selected against to hang around and continue to place a claim on the agent just until the agent finds an alternate way to meet the claim; once the outstanding claim has been met, the remainder is thereby discharged and the agent perceives no further claim. In the case of the parent and the zoo scenario, it is only once the parent has taken her daughter to the zoo and ‘made-it-up’ to her that the remainder is discharged. The broken promise loses its force on the agent only once the agent has engaged in reparative action.

The case of the parent and the zoo is an example of a moral conflict. One must choose between keeping a promise and bringing about a greater good. While it is clear that bringing about the greater good is what one should do, the promise does not seem to disappear or become irrelevant. Ordinary responses to an ordinary conflict indicate that people, in practice, perceive
moral claims to persist even when they are outweighed by stronger moral claims. That is, just because one is morally justified in breaking a promise does not mean that one is thereby ‘off the hook’. In cases of ordinary moral conflict, it is not uncommon for persons to feel as though they must take some sort of reparative action to make up for the claim that was justifiably violated.

Tragic dilemmas are instances of moral conflict. As such, the agent perceives moral reasons that count against each option. The agent is thus conflicted about what to do; the agent is ‘torn’. Given that the reasons are moral reasons, the pull of the option selected against does not simply disappear once one has concluded one’s practical deliberation. Its claim on the agent remains until it can be met or made up for in another way. Tragic dilemmas differ, though, from less serious moral conflicts in that there is no way to meet and thereby discharge this residual claim. Tragic dilemmas involve doing serious and irreversible harm to a person, principle, or value. In such cases, compensation is not possible; there is no way to make it up. This does not mean, however, that there is no moral remainder and that the agent no longer feels ‘torn’. The agent perceives that the moral claim selected against remains. This is registered by the agent as an unmet claim. In this way, the agent who makes a tragic choice continues to feel torn even after she has made the best choice she could.

The foregoing considerations suggest that agents do perceive some sort of moral remainder in cases of moral conflict including tragic dilemmas. Unlike cases of ordinary non-moral conflict where there seems to be something pathological about continued attention to the outweighed reason, cases of moral conflict seem, by their very nature, to demand such continued attention – at least up until the point where the claim has been met in some other way.

Not only do agents feel torn in tragic dilemmas, there is a sense by which they ought to feel torn. Howard Curzer notes that there is wide agreement that a good person who found
herself in a ‘ticking-bomb’ dilemma – a dilemma whereby one must torture an innocent person in order to avoid a terrible disaster – would feel opposite pulls. In ticking-bomb scenarios, agents are repelled by all available options. On the one hand, one could safeguard the public good by torturing an individual. The thought of torturing, though, repels the good person who has a deep commitment to not harming and respecting the person of others. The other option, though, is to do nothing which will likely result in a terrible disaster. The death and destruction that will likely follow is also deeply repellent. The agent thus feels conflicted about what to do. Curzer comments that there is wide agreement that a good person would feel torn. This is tantamount to saying that persons ought to feel torn in such situations.

To state merely that persons ought to feel torn is consistent with persons feeling torn only at the initial stages of practical deliberation. My claim is that agents should feel torn even after they have made the best decision. That is, the reasons that counted against an action still count and still motivate agents even though the reasons were outweighed in the deliberative process. To illustrate this, let us again take up Curzer’s ticking-bomb case. Imagine that a person does, initially, feel torn. One recognizes strong moral reasons against both options. After deliberation, one decides that the best thing to do is to torture the innocent person and does so. We might think there is something wrong with the person who proceeds to torture and then, as she is wiping the blood from her hands, says, “Why should I feel badly about this? I weighed my options and did the best I could – I have nothing to feel bad about or apologize for.” If this sort of response seems more callous than virtuous, then this suggests that the morally good agent ought to act as though the outweighed moral reasons still exerted some sort of claim.

20 Ibid.
Martha Nussbaum’s analysis of Agamemnon provides reason to think agents making tragic choices ought to continue to be moved by the value selected against, even after they have chosen for the best.\textsuperscript{21} In order to restore the winds so that his fleet can continue to sail to win the war and save the country, Agamemnon must sacrifice his daughter. His choice is his daughter or his country of which he is the leader. Nussbaum notes that at first Agamemnon recognizes the pull of both claims and the horror involved in making such a decision.

Agamemnon states,

\begin{quote}
A heavy doom is disobedience, but heavy, too, if I shall rend my own child, the adornment of my house, polluting a father’s hands with streams of slaughtered maiden’s blood close by the altar. Which of these is without evils?\textsuperscript{22}
\end{quote}

Agamemnon must decide between killing his daughter and restoring wind to the expedition thereby saving his army and the country. After noting the two competing moral claims, Agamemnon decides what to do. The right thing to do is kill his daughter and restore wind to the expedition. Once Agamemnon has determined this, he proceeds to single-mindedly carry out his task. Nussbaum notes a marked shift in Agamemnon’s attitude after he has decided what he must do. Agamemnon moves from recognition of the evil involved in whatever he chooses to do to an attitude of optimism that having determined what the right thing is and having resolved to do the right thing, all might yet turn out well.\textsuperscript{23} Agamemnon states, “For it is right and holy that I should desire with exceedingly impassioned passion the sacrifice staying the winds, the maiden’s blood. May all turn out well.”\textsuperscript{24} This indicates that after having made the decision to sacrifice his daughter, Agamemnon is no longer moved by the reasons that count against

\begin{footnotes}
\item[22] Ibid. p. 35.
\item[23] Ibid. p. 35-36.
\item[24] Cited by Ibid. p. 35.
\end{footnotes}
sacrificing his daughter. According to Nussbaum, it is this for which the chorus rightly criticizes him:

The central theme in the Chorus’s blame of Agamemnon [is that] he adopted an inappropriate attitude towards his conflict, killing a human child with no more agony, no more revulsion of feeling, that if she had indeed been an animal of a different species.²⁵

Agamemnon must choose between two morally repugnant options. Although he may have chosen for the best, there is still something seemingly wrong with no longer being moved by the moral reasons against killing his daughter. Nussbaum’s analysis of Agamemnon suggests that we do think there is something wrong with the agent who ceases to be moved by the moral value outweighed in practical deliberation.

To feel torn, then, is to recognize and be motivated by competing and incompatible reasons for an action. Where these reasons are moral reasons, the fact that a reason has been outweighed does not annul the pull that reason has on an agent. By considering cases of ordinary moral conflict, we can see that people do act as if the outweighed reason continues to place demands on the agent. Furthermore, there seems to be something wrong with agents who fail to recognize the residual claim of the outweighed moral reasons. This suggests that there is a sense in which agents ought to continue to be moved by this outweighed value; agents ought to feel torn. These considerations suggest, then, that people making tragic choices are, we think, justifiably moved by different and incompatible moral reasons.

### 2.3 Feeling Guilty

There is wide agreement that agents who make tragic choices ought to have some sort of negative emotional reaction to their choice. There would be something wrong with the agent who kills a parent or child and continues on unaffected by the act. Consideration of agents

²⁵ Ibid. p. 33.
acting in tragic dilemmas shows that they are not unaffected by their tragic choices, nor should they be. The question, though, is whether agents ought to feel guilty for their tragic choice. In this section I argue that guilt is felt by agents who make tragic choices. In support of this, I first identify features of guilt by considering both the meaning of the word itself and some empirical work on the topic. I then show that an emotion felt by agents who make tragic choices maps onto the features of guilt identified. I go on to consider the objection that tragic agents do not feel guilt, but rather some other emotion such as regret, agent-regret, remorse, or tragic remorse. I consider each of these emotions and argue that the emotion fails to capture an important element of what tragic-agents feel, or the emotion either incorporates or collapses into guilt. I conclude that guilt is an appropriate emotional reaction to one’s tragic choices.

### 2.3.1 Features of Guilt

The feeling of guilt is an unpleasant and distressing emotion that is usually felt upon recognition of one’s actions as forbidden, wrong, damaging a value, or violating the rights of another.\(^\text{26}\) In addition, guilt focuses on the action done, guilt is felt at one’s own actions, and guilt motivates reparative action.\(^\text{27}\) Contrary to some conceptions of guilt, it need not involve excessive punishment of the self or beating up of oneself, but rather is best characterized by a sort of queasiness felt at the fact of one’s own moral transgression or wrongdoing.


\(^\text{27}\) This is not to deny the possibility of oddball cases of guilt which do not meet one or another of these conditions; these may not be necessary conditions for guilt. For example, one may feel guilt at actions which, upon rational reflection, one does not really believe to be wrong. Taboo guilt is an instance of this. One may feel guilt at violating the sexual mores of the religion in which one was brought up. One may reflectively think that these mores are, themselves, problematic and so think one has done nothing wrong, yet continue to feel guilt at violating these mores. Instances of collective guilt are cases where one may feel guilt for the actions of others that one identifies with. Survivor guilt is another puzzling case that doesn’t map onto the standard features of guilt. While these sorts of cases are interesting, they do not threaten the main point I am making here. My purpose is to show that the emotions felt by agents making tragic choices map onto the features of standard instances of guilt.
Guilt is widely taken to be conceptually connected to wrongdoing. A brief survey of dictionary entries reveals this link. According to the *Collins English Dictionary* guilt is, “1. The fact or state of having done wrong or committed an offence; 2. responsibility for a criminal or moral offence deserving of punishment or penalty; 3. remorse or self reproach caused by feeling that one is responsible for a wrong or offence.” According to the *American Heritage Dictionary*, guilt is “remorseful awareness for having done something wrong.” Not only do the dictionary entries suggest a strong conceptual link between guilt and wrongdoing, a look at the etymology of the term also suggests this link. According to the *American Heritage Dictionary* and the *Online Etymology Dictionary*, guilt comes from the Old English ‘gylt’ which is recorded as meaning offense, crime, sin, fault, or fine. The meaning of the word, itself, suggests a conceptual link to wrongdoing.

This conceptual link with wrongdoing is also reflected in some philosophical writings on guilt feelings. Kai Nielsen claims that guilt is essentially felt at wrongdoing. Herbert Morris states that “Our sense of guilt reveals itself in our feeling inhibited from doing what we believe wrong and feeling guilty when we do it.” While Gabrielle Taylor denies that actual wrongdoing is necessary for feeling guilty, there remains a strong link between guilt and wrongdoing in her account. She states, “[A person] feels guilty if what he does presents itself as a wrong, whether or not what he is doing can in fact be regarded as wrong, and whether or not he himself thinks it wrong when he views the matter from a more rational point of view.”

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31 Nielsen, "There Is No Dilemma of Dirty Hands."
Patricia Greenspan also denies that actual wrongdoing is required for guilt, but she does state, “Guilt amounts to discomfort at or about the thought of oneself as responsible for a wrong.”

Taylor and Greenspan both present accounts of guilt whereby guilt can be felt at things which are not regarded upon rational reflection as, all things considered, wrong. There remains, nonetheless, some sort of connection with something in the area of wrongness. Similarly, Baumeister, Stillwell and Heatherton define guilt in a way that posits a connection with wrongdoing albeit a very tenuous one. They state, “By guilt we refer to an individual’s unpleasant emotional state associated with possible objections to his or her actions, inaction, circumstances, or intentions. Guilt is an aroused form of emotional distress that is distinct from fear and anger and based on the possibility that one may be in the wrong or that others may have such a perception.”

Others characterize guilt in a way that does not employ the term ‘wrong’, but still draws on the thought that guilt is felt at an action that is seen, in some way, to be morally disvaluable. Suzanne Dovi claims that guilt is “an emotion that arises from a violation of a norm or ideal.” In another characterization of guilt, Taylor claims that it is felt at something forbidden. Guilt, then, is usually felt at wrongdoing or something closely connected to wrongdoing.

While these various characterizations of guilt differ with respect to exactly how and whether ‘wrongness’ is employed, they all identify guilt as an emotion felt at something in the area of wrongness. If it is not felt at wrongdoing, it is felt at something perceived to be wrong, or something that presents itself as wrong, or it is felt at a violation of a moral value, norm or

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ideals. The difference between violating a moral value or doing something forbidden, and doing ‘wrong’, is probably too fine a distinction to be reflected in ordinary concepts and usage of terms. Thus, while our dictionary definitions posit a conceptual conception between guilt and wrongdoing, some philosophical accounts seem to soften this connection. They all agree, though, that guilt is felt at actions which have some sort of moral disvalue attached to them. There is thus a strong link between actions which are of serious moral disvalue (which many term ‘wrong’ acts) and guilt.

Empirical research on guilt also confirms this link between guilt and acts of moral disvalue. According to June Price Tagney and Ronda Dearing, guilt is a moral emotion that frequently, if not always, arises in response to a perceived moral failure or transgression. They note that some degree of moral judgement would typically be a pre-requisite for an experience of guilt. Guilt feelings are felt in response to some sort of perception that one’s actions are in some way forbidden, wrong, or of serious moral disvalue.

In addition to this connection to wrongdoing or moral disvalue, there are other noteworthy features of standard instances of guilt. First, guilt involves a focus on the act done. The negative evaluation is primarily on the behaviour or the action, not on the self. As Helen Block Lewis notes, “In guilt, the self is not the central object of negative evaluation, but rather the thing done or undone is the focus. In guilt, the self is negatively evaluated in connection with something but is not itself the focus of the experience.” As Tagney and Dearing note, the focus of guilt is a specific behavior: ‘I did that horrible thing.’ Similarly, Taylor states, “[F]eelings

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39 Ibid. p. 43.
of guilt are localized …; they concern themselves with the wrong done ….”  
Guilt is thus felt at a particular action.

Second, the wrong done must be one’s own action. One cannot feel guilty for the actions of another. Taylor denies that one can be guilty for the deeds of others. She states, “Guilt itself cannot be vicarious, and feelings of guilt similarly cannot arise from the deeds or omissions of others.” Similarly, Morris notes that there is a special dissatisfaction that comes with thinking oneself responsible for a wrongdoing. Regarding oneself as responsible for the wrongdoing or moral transgression is a central feature of guilt.

Third, feelings of guilt give rise to certain motivational features. The person who feels guilty will be motivated to make it up to the person whom one has wronged. Guilt feelings normally induce attempts at reparations and apologies. Tagney and Dearing claim that feelings of guilt lead to a desire to confess, apologize, or repair. Taylor also notes guilt feelings motivate repayment or reparations. Morris, too, notes this motivational element of guilt. He states, “[I]n feeling guilty one feels burdened until steps are taken. One feels obliged to confess, to make amends, to repair, and to restore.” Similarly, Baumeister et al. state, “Guilt motivates people to apologize, to attempt to make amends, to try to repair damage to relationships, to confess and seek forgiveness, and to change their behavior ....” Guilt feelings thus incline one towards reparative actions.

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43 Morris, "The Decline of Guilt." p. 66.
46 Morris, "The Decline of Guilt." p. 66.
While it is widely held that guilt feelings are morally important in their function of motivating people to act morally, this view is disputed by Gilbert Harman in his paper entitled “Guilt-Free Morality”. Whether guilt feelings are important for this kind of motivation depends in large part on what sort of feeling one takes to be the guilty feeling. It turns out that this, too, is disputed.

The term ‘guilt’ seems to evoke different conceptions in different people. Some people understand guilt to be an all-consuming emotion directed at punishing oneself for one’s transgressions. This feeling is one that takes over one’s thoughts and life. One might replay the event over and over in one’s mind blaming and chastising oneself for acting as one did. This is a sort of ‘beating oneself up’ for performing the action. Whatever it is one has done, one feels really bad for doing this and guilt is a sort of self-punishment for performing the action. This is the sort of guilt Gilbert Harman is concerned with. He states, “One conception of guilt feelings identifies them with the feelings of remorse, involving deep regret, painful humiliation, distress, self-punishment, and / or self-flagellation.” This conception of guilt is not unique to Harman. Mosher defines guilt as “a generalized expectancy for self-mediated punishment … for violating, anticipating the violation of, or failure to attain internalized standards of proper behavior.” At the beginning of Shame and Guilt, Tagney also portrays this conception of guilt through a description of the concept through the eyes of a child. She describes a conception of guilt whereby one ought to beat oneself up and feel really bad for any instance of wrongdoing. The

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52 Ibid.
thought is that the better you are as a person, the worse you should feel about your transgressions.\textsuperscript{54}

While the thought that guilt is a form of self-punishment that involves excessive self-laceration on the part of the agent is an understanding of guilt not unique to Harman, there is reason to think that this understanding of guilt is misguided. Tagney goes on, after presenting the concept of guilt as self-punishment, to claim that their empirical research indicates that this conception of guilt is mistaken. She states, “You don’t have to feel \textit{really} bad to be a good person. In fact, if anything, the data suggests the contrary …. Moderately painful feelings of guilt about specific behaviors motivate people to behave in a moral, caring, socially responsible manner.”\textsuperscript{55} Baumeister et al. also confirm this finding. They state, “Empirical work has largely failed to demonstrate that guilty people wish to suffer or be punished.”\textsuperscript{56} While a popular conception of guilt associates it with beating oneself up over a transgression, this conception is not borne out in the empirical studies conducted on guilt. Thus, Harman’s general thesis that excessive chastising of oneself for one’s transgressions does not serve any moral purpose may very well be correct. But this is not to say that guilt serves no moral purpose as guilt is not this activity of self-laceration, but rather is better understood as a sort of queasiness or discomfort felt at one’s own moral transgressions.

\textbf{2.3.2 Guilt, Self-evaluation and Reparative Action}

While there is much agreement that guilt is felt at wrongdoing, that guilt focuses on the act done, that one can feel guilt only at one’s own actions, and that guilt motivates reparative action, there is disagreement about the impact of guilt on the evaluation of the self. Tagney and Dearing note

\textsuperscript{54} Tagney and Dearing, \textit{Shame and Guilt}. pp. 1-2.
\textsuperscript{55} Ibid. p. 2.
\textsuperscript{56} Baumeister, Stillwell, and Heatherton, "Guilt: An Interpersonal Approach." p. 256.
that guilt is felt towards specific actions and does not involve a global evaluation of the self; just because I did this horrible thing does not make me a horrible person. Others, however, claim that the concept of guilt involves seeing the self as tainted, disfigured or morally less worthy. Perhaps one way to make sense of these divergent claims about the relation between guilt feelings and self-evaluation is to consider the difference between cases where adequate reparations are possible and cases where reparations are either inadequate or impossible.

Guilt does not always involve a negative evaluation of one’s entire self. One can feel guilty for a particular action without this undermining or altering one’s self-conception – especially where reparations are possible. Guilt, though, does threaten one’s conception of the self. Given the link between one’s actions and one’s character, the fact that one performed a wayward action, at the very least, threatens or calls into question one’s self-conception. How could I, being the kind of person I am, have done such a thing which is at odds with who I take myself to be? Where reparations are possible, these can serve to stabilize or bring back into equilibrium one’s self-conception and one’s actions thereby removing the ‘taint’ that would otherwise stick to one’s character. Perhaps, then, the claim that guilt feelings do not seriously threaten one’s global self-conception is most true in instances of guilt where adequate reparations are possible. The transgression is seen to be at odds with one’s character. By engaging in reparative acts, the transgression and what it says about one’s character is thereby neutralized. If this is so, one’s self-conception, while temporarily threatened, is not normally undermined.

Some transgressions are so serious that reparations are either entirely inadequate or impossible. Without being able to make reparations, the discrepancy between the act and the

57 Tagney and Dearing, *Shame and Guilt*, p. 25.
conception of the self is not so easily brought back into equilibrium. In these sorts of cases feeling guilty may have a more serious impact on one’s self evaluation. One sees oneself as tainted and there is no way to remove this taint. In these cases, the fact that one performed such a repugnant act weighs heavily on the agent. One feels awful for having performed the act and feels diminished as a person. The thought is not only that I have done a horrible thing, but also that I am somehow less of a person for having done that thing. When one views oneself as guilty, one sees oneself as disfigured. One is burdened or stained by the wrongdoing. Taylor states, “The person feeling guilt believes that she has done something forbidden and that in doing something forbidden she has disfigured and harmed herself.”59 Similarly, Greenspan states, “[G]uilt does represent the self as somehow affected (tainted, stained, tarnished, or the like) by the wrong act attributed to it.”60 In cases where reparations are impossible, guilt feelings cannot be channeled into reparative acts. In such cases, guilt involves an assessment of the self as stained, tarnished or disfigured as a result of this wrongdoing. Persons experiencing guilt for transgressions which are irreparable have to live with the burden of knowing that they chose to perform this horrible deed. Where reparations are not possible, one demonstrates one’s disapproval of the deed by continuing to feel guilt and regarding oneself as somehow tainted or less than worthy person.

Different claims are made about the impact of guilt on one’s assessment of the self. One explanation for these divergent claims might be that the impact on self-assessment varies according to whether it is possible to engage in reparative acts for one’s transgression. This makes some sense if we look at where the claims are coming from. Tagney and Dearing, the psychologists who have engaged in empirical research about guilt, claim that guilt does not

59 Ibid. p. 103.
involve a negative evaluation of the entire self. The guilt situations and scenarios they deal with in their research tend, however, not to be tragic situations. That is, the transgressions tend not to be so serious that reparative acts are impossible. While they deal mostly with less serious guilt-inducing events, they do recognize that there can be some guilt-inducing events that are so serious that reparations will not be possible such as death of a neglected grandmother or killing a child through careless driving.\textsuperscript{61} Here they admit that these sorts of events “may pose real problems for the person because repair and resolution may be blocked.”\textsuperscript{62,63} The different claims about the effect of guilt on global self-evaluation can be accounted for by noting the difference between cases where reparations are possible and where they are not. If adequate reparations are possible, the guilt feeling can be laid to rest and there is no further negative evaluation of the self. Where reparations are impossible, the guilt feeling is not laid to rest and instead results in a negative evaluation of the self. The enduring taint that is spoken of in connection with guilt occurs where reparations are not possible.

### 2.3.3 Tragic Choices and Guilt

Guilt, then, is felt at wrongdoing or at violating a moral value. Guilt focuses on the act done, is limited to one’s own actions, and motivates reparative action. Where one can engage in reparative actions, guilt does not impact one’s overall evaluation of the self. Where the transgression is so serious that one cannot engage in reparative actions, guilt feelings may

\textsuperscript{61} Tagney and Dearing, \textit{Shame and Guilt}. p. 124.  
\textsuperscript{62} Ibid.  
\textsuperscript{63} They go on to suggest, however, that resolve to act better in the future may be just as effective in laying the guilt feelings to rest as reparative actions would be. I am somewhat skeptical of this claim. It would be surprising that the mother who kills her child as a result of driving under the influence of alcohol could put her guilt feelings to rest by resolving never to drive with her other children under the influence of alcohol. I suspect that where the transgression is serious and where no reparative actions are possible, the guilt feeling cannot be laid to rest; a simple resolve to do better in the future will not suffice.
negatively impact one’s self-evaluation. Given this account of guilt, we are now in a position to see that the negative emotion felt by agents who make tragic choices is best characterized as guilt.

Guilt is normally felt towards a wrongdoing or moral transgression. Agents who make tragic choices perceive their act to be a moral transgression and their emotional response reflects this, or at least ought to. This is made explicit in the stories of Orestes, Walzer’s politician, Sophie, and Agamemnon.

Orestes’ dilemma is that he must choose between killing his mother and failing to avenge the death of his father. There is textual evidence that Orestes regards his action as a moral transgression. In the scene before he kills his mother, Clytaemestra states, “A mother has her curse, child. Are you not afraid?”\(^6\) Orestes later responds, “How shall I escape my father’s curse if I fail here?”\(^5\) If one is cursed for one’s moral transgressions, then this indicates that Orestes believes that whatever he does will involve one or another moral transgression. One of the core features of guilt – that it is felt at moral transgressions – is present in the story of Orestes. While Orestes does not explicitly state that he feels guilty, the Furies that will follow him wherever he goes may well be interpreted as the personification of his guilt feelings.

Walzer’s politician also regards his actions as wrong. Walzer’s politician must choose between torturing an individual and procuring the greater good. In describing this scenario, Walzer states, “He orders the man tortured … even though he believes that torture is wrong, indeed abominable, not just sometimes but always.”\(^6\) Walzer’s example not only makes it explicit that the agent perceives his action to be wrong, but he also goes on to identify the

\(^{65}\) Ibid. Line 925.
emotional response of the agent to wrongdoing to be guilt. He states, “If he is the good man I am imagining him to be, he will feel guilty, that is, he will believe himself to be guilty.”

Sophie also regards her actions as serious moral transgressions. Stingo, the friend to whom Sophie recounts the horrors of her time in the Nazi camp, speculates as to the motives of the doctor that made Sophie choose, “And what, in the private misery of his heart, I think he most intensely lusted to do was to inflict upon Sophie, or someone like her – some tender and perishable Christian – a totally unpardonable sin.” By forcing Sophie to choose to send a child to its death, Sophie was forced to perform what she would regard as a sinful act. Not only is it more than likely that Sophie regards her act as wrong, she also explicitly states that she feels guilt at her tragic choice. She states,

So there is one thing that is still a mystery to me. And that is why, since I know all this and I know the Nazis turned me into a sick animal like all the rest, I should feel so much guilt over all the things I done there. And over just being alive. This guilt is something I cannot get rid of and I think I never will.

Sophie, herself, views her action as sinful or wrong and explicitly states that she feels guilt for her actions.

Finally, while Agamemnon does not feel guilt, the story still serves to illustrate that the emotion agents ought to have for their tragic choice is one that takes into account the serious wrong or moral transgression one has committed. Upon realization of his dilemma Agamemnon contemplates what to do,

My fate is angry if I disobey these, but angry if I slaughter this child, the beauty of my house, with maiden blood shed staining these father’s hands beside the altar. What of these things goes now without disaster?

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67 Ibid. p. 166. Walzer makes this statement in regards to a different dilemma he considers first, but the statement holds equally well for the later dilemma discussed here.
68 Styron, Sophie's Choice. p. 590. My emphasis.
69 Ibid. p. 349.
Nussabum’s translation of this passage has Agamemnon asking which of these things are without *evils* as opposed to which of these things are without disaster.\(^{71}\) This translation makes clear the recognition that either course of action will involve him in a distinctly moral transgression.

To be sure, Agamemnon does not, in fact, feel guilt for his action. As already discussed, though, Agamemnon’s response seems inappropriate. That we think this response is inappropriate tells us something about what we expect and think is the appropriate response. His emotional response is inappropriate because it does not continue to register the moral transgression. An appropriate emotional reaction seems to be one that registers this transgression. While Agamemnon does not feel guilty for his action, there is a sense that his emotional response is misguided. His emotional reaction is not one that includes the perception that he has engaged in a moral violation. This is deemed inappropriate.

Here one might complain that the only evidence provided for the claim that agents feel guilty for their tragic actions come from literary figures. Since these are merely fictional figures, their authors may attribute whatever words or emotional states to these characters as they please. As such, the evidence that agents do, in fact, feel guilty for their tragic choices is rather weak.

First, it is not clear that just because the examples come from works of fiction that it is open to the author to attribute any thoughts, sentiments, or words to the characters, whatsoever. It is sometimes said that one of the defining features of classical literature is that it deals with a universal experience or truth. That the work has somehow tapped into this universal them is what generates interest in and enjoyment of the work over time. Given that some of the fictional works appealed to are the ancient Greek tragedies, there might be some reason to think that the problems and sentiments of the characters accurately portray or get at some deeper universal

\(^{71}\) See Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*, p. 35.
experience or truth. If this is so, then it is not the case that the characters can say or feel anything just because it is a fictional work.

Second, while the examples thus far given are all fictional works, this is not to say that there isn’t evidence of this sort of emotional reaction in actual cases of tragic dilemmas. As mentioned in chapter one, the woman who had to engage in prostitution in order to feed her children, does regard her action as wrong as was indicated by her asking for God’s forgiveness. It can be inferred, however, that she views her responsibility to feed her children as a greater duty than her duty to herself. This, then, seems to be an instance of a tragic dilemma – she must either fail to feed her children and let them starve, or she must engage in prostitution. While each of these options are regarded as wrong, there is one which is, presumably, the lesser of two evils. Even so, the agent expresses hope for forgiveness which implies that she feels guilty for performing the lesser of two evils.

There is, then, evidence both from the literary tradition and from things that people actually say which supports the claim that agents do feel guilty for making tragic choice.

By looking at the emotions agents have for their actions in tragic dilemmas, we can see that the emotion is felt at a perceived wrongdoing or moral transgression. Not only is this a core feature of guilt thereby giving some reason to think that what the agent feels is guilt, but also some of the characters examined explicitly state that what they feel is guilt.

Other features of guilt are also illustrated in these stories. The focus is on the act done. When Sophie is recounting her feelings of guilt, she explicitly states that she feels guilt for her actions. She wonders why she should feel so much guilt over all the things she has done. In the case of Orestes, he states, “I grieve for the thing done.” This again demonstrates a focus on

72 Styron, Sophie's Choice. p. 349.
73 Aeschylus, The Libation Bearers. Line 1016
the action done. It is also the case that in each of these instances the act was an act of the agent; the act was a product of the agent’s choice. Each of the stories show, to some degree, the deliberative process the agent goes through in making their choice. Other features of guilt including a focus on the act done, that the act was an act of the agent’s are present in these stories.

Guilt was identified as an emotion that was felt at a moral violation, it focused on the act done and it concerns one’s own actions. The emotional reactions of agents acting in tragic dilemmas map closely onto the features of standard instances of guilt. Not only are the features of guilt present in the literary examples of tragic dilemmas, but also some characters make explicit avowals of their guilt feelings. This is thus reason to think that the emotion that agents do and should feel for their tragic choices is guilt.

2.3.4 Other Emotions

One might, however, deny that agents ought to feel guilt for their tragic choices and argue that other emotions better capture what agents feel for their tragic choices. Emotions such as regret, agent-regret, remorse or tragic-remorse are some candidate emotions. Examination of these emotions, however, reveals that they either fail to capture an important aspect of the tragic agent’s emotion, or they either incorporate or collapse into guilt, and, as such, cannot be genuine alternatives to guilt.

The object of regret is states of affairs or one’s own past actions.\textsuperscript{74} According to Williams the constitutive thought of regret is ‘how much better if it had been otherwise’.\textsuperscript{75}


\textsuperscript{75} Williams, "Moral Luck." p. 27.
While one wishes things had been otherwise, this does not imply that one wishes that one had acted differently. As Aristotle notes, a sailor may regret having to throw treasures overboard, but this does not mean he wishes he had done otherwise. The feeling of regret does not imply anything about one’s involvement in the act; I can regret that the corner-store clerk was killed in a hold-up even though I had nothing to do with it. Finally, regret is not a moral emotion. It can be felt over both moral and non-moral things alike. I can regret that a natural disaster struck a distant land where hundreds of thousands died just as well as I can regret that the supermarket was out of the spice I needed to bake the cake I intended to bake.

An agent can feel regret for one’s tragic choice in that one wishes things were otherwise; one wishes that the world was such that the repugnant choice simply did not arise. While a person in a tragic dilemma may very well feel regret this, alone, does not pick out the proper moral emotion. Regret, alone, is inadequate for the proper emotional response since first, others can also wish that circumstances were otherwise. Regret does not imply anything about the relation between the person regretting and the regrettable act. The proper emotional response for tragic choices must track that the act was an act of the agent’s. Second, regret fails to capture the fact that the act violated a serious moral value. Regret can apply to both moral and non-moral things alike. I can regret that I have to do laundry today just as well as I can regret having to kill a relation in order to save a city. The proper emotional response must register the moral disvalue of the act. Regret, then is not an alternative to guilt for the appropriate emotional response in a tragic dilemma.

77 Aristotle, Nicomachean Ethics. 1110a8-11.
Williams introduces another species of regret which he calls agent-regret. Agent-regret is a species of regret a person can feel towards his own past actions. While ordinary regret could apply to any state of affairs one deemed undesirable, agent-regret only applies to states of affairs which one brought about. There are two distinct types of agent-regret. Agent-regret understood in the first way does not pick out the emotion felt in tragic dilemmas. The second kind of agent-regret is indistinguishable from guilt. Thus, agent-regret is also not an alternative to guilt for the appropriate emotional response in tragic dilemmas.

According to agent-regret of the first sort, the agent only needs to be causally responsible for the undesirable state of affairs. Furthermore, this type of agent-regret implies that the agent wishes he had done otherwise. Williams’ example of the lorry driver typifies this case. The lorry driver who, through no fault of his own, runs over a child who darts in front of his truck will feel agent-regret. The fact that it was he that ran over the child is cause for a special sentiment that cannot be captured by the mere regret appropriate to spectators. In this type of agent-regret the agent wishes he had done otherwise. The agent wishes he had not run over the child.

Agent-regret of the first sort does not adequately capture the emotion of agents who make tragic choices since the agent is only causally responsible. In tragic dilemmas, though, the agent is not only causally responsible but also voluntarily chose the act. The act was one where the agent knew what he was doing and intended to do it. While agent-regret of the first sort frequently involves the wish that one had acted otherwise – I wish I had not run down the child – such a wish is not part of the emotional construct of the agent emerging from the tragic dilemma. In tragic dilemmas, the agent does not wish she had acted otherwise. She believes she has done the best she could and had she to do it all over again, she would choose the same.

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78 Williams, "Moral Luck." p. 27.
The second kind of agent-regret is directed towards one’s voluntary actions. Here the agent makes a choice where the choice is one that is regretted. In this case, one does not need to regret what one did, all things considered. Rather one wishes that one had not had to act as one did. Williams explains this type of regret as follows:

Regret necessarily involves a wish that things had been otherwise, for instance that one had not had to act as one did. But it does not necessarily involve the wish, all things taken together, that one had acted otherwise. An example of this, … is offered by the cases of conflict between two courses of action each of which is morally required, where either course of action, even if it is judged to be for the best, leaves regrets – which are, in our present terms, agent-regrets about something voluntarily done.79

This description seems to capture exactly the circumstances of tragic dilemmas. The conflict is a moral one, the agent voluntarily chooses one action over another, and the agent does not wish, all things considered, that she had acted otherwise.

It is not clear that agent-regret of this second sort picks out a unique or novel emotion. It looks to be the same emotion as guilt. In getting clear on what, exactly, agent-regret is picking out, Marcia Baron claims, “Agent-regret is felt toward the sorts of things which if done deliberately, would properly occasion guilt.”80 But the second sort of agent-regret is limited to the things one does voluntarily. These are things one does deliberately. If Baron’s characterization is right, it seems that voluntary agent-regret is picking out the same emotion as guilt. It is not clear what benefits there are to introducing a novel term to cover a concept that already has a perfectly good, widely used and understood term. While there is nothing conceptually problematic about saying that an agent ought to feel agent-regret of the voluntary sort, there is little to be gained by introducing a new term to cover an old concept.

Remorse is offered as another alternative for the bad feeling felt by agents acting in tragic dilemmas. Guilt and remorse share many similar features. Remorse, like guilt, can only be felt

79 Ibid. p. 31.
80 Baron, "Remorse and Agent-Regret." p. 262.
towards one’s own conduct. Remorse is felt at the violation of a moral principle or at acting against one’s own moral convictions. While one can feel remorse at having lied to a friend, one cannot ordinarily feel remorse for having to do laundry today. Remorse, like guilt, focuses on the deed and not on the self as the doer of the deed. It is the wrong done, not the impact of the wrong done on the self that is of primary concern. Also, remorse focuses on an agent’s voluntary actions. Some argue that remorse differs from guilt in that remorse implies that the agent would undo the action if she could; she wishes she had not performed the act. Taylor claims that it is impossible to feel remorse and believe that an act was overall right. Tying these thoughts together, Baron claims, “Remorse … involves a judgment on the agent’s part that she acted wrongly and should and could have acted differently.” The only difference posited between guilt and remorse is that remorse cannot be felt at actions that are overall right. For one to feel remorse, one must believe that one has acted wrongly where there was a better course of action available.

Remorse captures many of the components of what an agent making a tragic choice feels in that it applies only to one’s voluntary acts and its scope is limited to the range of morally significant acts. If we accept that remorse is different from guilt in that it is felt only at actions which one believes one ought not to have not done, all things considered, then it cannot replace

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82 Taylor argues precisely the opposite in Taylor, Pride, Shame and Guilt: Emotions of Self-Assessment. pp. 85-107. She claims that remorse and guilt are distinguished by remorse focusing on the deed and guilt focusing on the self. The empirical research of Tagney and Dearing, however, indicate the opposite conclusion. Their studies indicate that the guilt focuses on a specific behaviour whereas shame focuses on the self. Given these conflicting claims about the nature of guilt, it is best to go with the one that has empirical data supporting it.
86 The most charitable way to read this claim is that it is impossible to have justified feelings of remorse if one believed the act was overall right.
87 Baron, "Remorse and Agent-Regret." pp. 259, 267.
guilt as the emotion agents feel for their tragic choices, since the agent making the tragic choice believes she acted as she ought, all things considered.

One might, however, doubt whether there is a genuine distinction between guilt and remorse. Guilt and remorse are often defined in terms of each other indicating that the distinction between the two is, at best, fuzzy. Furthermore, if guilt is to be distinguished from remorse in that remorse implies that one wish one had not performed the deed, all things considered, then it should sound funny to say, ‘Agamemnon ought to feel remorse for killing his daughter’ since Agamemnon does not believe that he has acted, all things considered, wrongly. If it does not sound funny to say that Agamemnon should feel remorse, then this shows that the theoretical distinctions made between guilt and remorse are not reflected in the ordinary usage of the term.

The distinction made between guilt and remorse is also not evident in some philosophical discussions of guilt and remorse. Allan Gibbard does not distinguish between guilt and remorse in his *Wise Choices, Apt Feelings*. Kai Nielsen, in discussing the appropriate emotional response of agents who are forced to choose the lesser of two evils, states, “anyone in such a circumstance with an ounce of humanity will feel anguish in so acting and a very deep remorse for having so acted.” ‘These circumstances’ refer to circumstances where the agent has acted for the best, all things considered. If he identifies remorse as an appropriate emotional response, he must not understand remorse to be an emotion felt at all-things-considered wrongdoing.

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88 One entry in the *Collins English Dictionary, Third Edition* defines guilt as “remorse or self-reproach caused by feeling that one is responsible for a wrong or offence.” A definition given for remorse is, “a sense of deep regret or guilt for some misdeed.”
90 Nielsen, “There Is No Dilemma of Dirty Hands.” My emphasis.
These considerations, taken together, suggest that there may not be much of a genuine distinction between guilt and remorse.

Remorse is either different from guilt in that it is limited to actions regarded as all-things-considered wrong, or it is synonymous with guilt. If it is, in this way, different from guilt, it lacks an important element of what tragic agents feel. If it is synonymous with guilt, then it cannot be offered as a genuine alternative to guilt.

Stephen de Wijze claims that agents feel tragic-remorse for their actions in tragic dilemmas.\textsuperscript{91} Whereas remorse implies a perceived moral transgression for which there is no moral justification, tragic-remorse allows for a moral justification for one’s action.\textsuperscript{92} DeWijze identifies the \textit{sui generis} condition for tragic-remorse: “In the process of striving to do good, we find ourselves in situations where we are moved by moral considerations to further the immoral projects of others thereby destroying our moral innocence.”\textsuperscript{93} The agent who feels tragic-remorse will feel anguish, guilt and shame in recognition that she has done something wrong, but she recognizes that this is the result of circumstances beyond her control.\textsuperscript{94} Tragic-remorse does not involve the wish that the wrongful act not have been performed.

‘Tragic-remorse’ is not a genuine alternative to guilt when considering the emotion felt by agents making tragic choices. Recall that if there is a difference between guilt and remorse it is that remorse involves the wish that one had not performed the act. In constructing the emotion of tragic-remorse, de Wijze has removed this feature. Whereas remorse requires that one think the act was wrong, all things considered, tragic-remorse does not. But since this was the feature that purportedly distinguished guilt from remorse it is not clear how the ‘remorse’ in tragic-

\textsuperscript{91} See de Wijze, "Tragic-Remorse -- the Anguish of Dirty Hands."
\textsuperscript{92} Ibid. p. 464.
\textsuperscript{93} Ibid.
\textsuperscript{94} Ibid. p. 465.
remorse differs from guilt. It seems that the emotion de Wijze is trying to construct could just as aptly be termed ‘tragic-guilt’. Also, de Wijze builds the emotion of guilt (along with anguish and shame) into what it is to feel tragic-remorse. But if tragic-remorse just is a compound emotion where one of the components is guilt, then by accepting that tragic-remorse is an apt emotion to feel for one’s tragic choices, one is thereby also accepting that guilt is an appropriate emotional response. Tragic-remorse is thus not a genuine alternative to guilt.

One might think, though, that the guilt incorporated into tragic-remorse is not ordinary guilt, but is different in some significant respect captured by the modifier ‘tragic’. By adding this modifier, de Wijze aims to build in the highly constrained conditions under which the action was performed as an essential part of the emotion to be felt in cases of tragic dilemmas. The thought is that one should feel differently about one’s moral transgressions if the transgression occurred as a result of a forced choice than if the transgression occurred under conditions where one could have chosen a morally acceptable option. The emotional reaction of the person who kills her child because the evil plans of another made this the best available option should be different from the emotional reaction of the person who kills her child because she could no longer endure its screaming and whining. There seems to be something right about this thought. Surely the person who chose to kill the child in order to silence it should feel worse than the one who kills it because this was the best she could do under the circumstances.95

95 Here one might worry that if I am concerned with what an appropriate emotional response would be, I am concerned with what the emotional response of a good moral agent would be. This, though, seems to cause difficulty for discussing what a person who kills her child because she couldn’t endure it screaming should feel. That is, appropriate feeling is to be defined in terms of what a good moral agent would feel, but a good moral agent would never kill her child because it was screaming or whining. And so, it is not clear what is meant by stating that an agent who kills her child because of the constrained circumstances should feel worse than the agent who kills her child when there were better alternatives available.

While it is true that a good moral agent would never kill her child for screaming when there was a better response available, we can still talk about it being appropriate to feel worse for such an act. That is, a person who has done such an act and later comes to adopt the correct conception of the good will, once she has adopted that correct conception of the good, have certain feelings towards her past actions. So to say that one should feel worse
While it is true that a person who kills her child in order to silence it should feel worse than the person who kills her child because this was the best she could do in the situation, this does not give reason to think that the agent acting in the constrained circumstances feels some mitigated or qualified version of guilt. Rather, the thought that agents emotional responses to their actions should reflect whether they could have acted better, can be explained by accepting that there is a genuine distinction to be made between remorse and guilt and by holding that agents who could have acted better ought to feel remorse in addition to guilt.

The agent who kills her child when there was no better option available and the agent who kills her child when there was a better option available both feel guilty. Guilt is felt at the fact of perceiving oneself as doing something forbidden or wrong. When an agent undertakes a tragic action, she perceives herself as doing something that is forbidden or wrong. The fact that the circumstances were constrained in no way alters or lessens her perception that the action is one which is forbidden or wrong and so there is no reason to think that the emotional reaction would somehow be mitigated or lessened. If we take the response of the literary character of Sophie to emulate the responses ordinary persons might have in these sorts of situations, we have explicit evidence that recognition of the constrained circumstances does not, in fact, result in an emotion different from guilt. Sophie states,

So there is one thing that is still a mystery to me. And that is why, since I know all this and I know the Nazis turned me into a sick animal like all the rest, I should feel so much guilt over all the things I done there.96

In this excerpt Sophie does not say that she has some bad feeling akin to guilt but different in that it is tempered by recognition of the fact that her circumstances were highly constrained by

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96 Styron, Sophie's Choice. p. 349.
the Nazis. In fact, she states the precise opposite. She says that she fully recognizes that her choice was constrained. But even in spite of this recognition, she continues to have deep feelings of guilt for her actions.

De Wijze constructs an emotion he calls ‘tragic-remorse’ and argues that this is the emotion that agents making tragic choices do and ought to feel. The significant feature of this emotion is that it builds the highly constrained circumstances into the emotion itself. It is not clear, however, that recognition of these circumstances alters the type of emotion an agent, in fact, has. The difference in the emotional reactions of an agent who kills a child because of the evil plans of another and the agent who kills her child where there were better alternatives available, is better explained by the former feeling guilt whereas the latter feels both guilt and remorse. While it seems right that one should feel worse for doing something terrible when one could have acted better than if one did something terrible when there was no better choice available, this does not give reason to invent a new emotion of qualified or mitigated guilt and hold that recognition of the tragic circumstances somehow makes one feel less bad for performing the terrible action that one did. Rather, the thought that one should feel worse can be explained by holding that one ought to feel remorse in addition to guilt.

Given that the emotions felt by tragic agents map onto the features of guilt, and given that the other emotions put forward as alternatives to guilt fail to capture some aspect of the tragic agents’ emotions, incorporate guilt or collapse into guilt, there is good reason to hold that guilt is the emotion felt by agents who make tragic choices.
2.4 Feeling Tainted

When otherwise virtuous agents perform tragic actions, they feel tainted or stained. As de Wijze states,

When faced with choosing between the lesser of two evils, or forced to act so that a much-cherished moral principle will be violated, moral persons find that they are stained or polluted by having so to act … the result is … the loss of moral innocence. 97

And later, “[I]n some situations, moral persons who seek to do the right thing will have their ethical purity violated.” 98 Similarly, Stocker states, “What is morally unavoidable is said to tell against act and agent. … [E]ven if the torture is justified, perhaps obligatory, it none the less stains both the act and the agent.” 99 Metaphors of ‘loss of moral innocence’, ‘morally polluted’, ‘morally tainted’, ‘morally stained’ and ‘ethically impure’ are used to describe the impact the action in the tragic dilemma has on one’s character.

There are three central features embedded in the metaphors of moral pollution, staining or tainting. First, it is the character of the agent that is perceived to be polluted, stained, or tainted. The agent perceives herself to be less-good as a person than she was prior to her emergence from the tragic dilemma. Second, pollution, staining and impurities are bad-making features of a hitherto good character. Staining or pollution does not happen to things that are already tarnished or impure. For a character to be stained, the character must, prior to the incident, have been basically good. While a virtuous agent’s character can be stained by performing a repugnant act, a vicious agent’s character cannot since the vicious person’s character is already compromised. Third, in the absence of extraordinary measures, pollution, stains and impurities become permanent properties of the object or agent. When a person has been morally tainted or stained, this becomes an enduring property of the agent not easily, if at all, eliminable.

98 Ibid. p. 457.
Agents feel tainted and stained upon emergence from a tragic dilemma; after acting in a tragic dilemma, they perceive themselves to be somehow less good as people. The very fact of performing the repugnant act itself is what causes agents to feel tainted. As de Wijze states, “Some actions, or persons or states-of-affairs are so awful, so terribly wrong, that engaging in them must, it seems, leave the agent and his victims morally defiled or stained.” Some acts are so repugnant that the simple fact that a person performed the act affects both our evaluation of the person who performed it and the agent’s perception of himself.

That the simple fact of performing a repugnant action can tarnish or stain one’s character can be illustrated by considering an example of an agent who performs a repugnant action. In this example, while consideration of how the repugnant act came about might mitigate the blame or anger others feel towards the agent, it nonetheless remains the case that the very fact of performing the repugnant action stains or taints the agent. While this agent is clearly not vicious, it seems that he is also not pre-eminent in virtue either. The very fact of performing a repugnant action thus seems to undermine one’s character.

For example, consider a person who is a model member of the community. This person coaches soccer and little-league, donates substantial sums of money to worthy charities, is always willing to lend a hand, does random nice things for the neighbours and has whatever other qualities a virtuous person has. It is later discovered that this person has molested a young child. This act is so repugnant it alters our assessment of the agent’s character. Further, our assessment of the agent does not seem to be tempered by appeal to all the other good things he has done. That he has molested this child seems to be the relevant fact that overshadows these

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other facts. Knowledge of further facts about this person’s dispositional set is not required in order to judge that he is a less than virtuous person.

One might object that this example is not entirely apt. Our negative assessment of this person comes from now having evidence of a vicious disposition of which we were previously unaware. The repugnant act gives evidence that our previous judgements were mistaken. So it is not that we judge the person less good as a result of the act itself. Rather, we judge that the act, itself, is evidence of a disposition. It is on this basis that we judge the agent less good.

The case, though, can be elaborated so as to avoid this objection. Suppose it were discovered that the person who molested the child had a brain tumor that somehow caused the agent to desire young children. Given that this tumor was a recent development, previous judgments of this person as virtuous were not at all wrong. That the person molested the child is not evidence of a latent disposition of which people were unaware. Furthermore, since the tumor was only causing these wayward desires for a week —at which time it was removed — and since dispositions are patterns of response over a longer period of time, it cannot be that our judgement is referring to a dispositional property of the person during a specified period of time. This person did not and does not have a disposition to molest children.

What is our judgement of this person? To hold that this is a thoroughly vicious person seems inapt. Some may be inclined to pity this person rather than blame or punish this person. After all, the agent is not to fault for the growth of the tumor. While we do not regard this person as vicious, and while we may be reluctant to blame or punish, are we entirely comfortable saying that this person is, even after what he has done, pre-eminent in virtue? This seems equally uncomfortable. While we might not blame the agent for performing the repugnant act, it does seem to affect our assessment of him. Furthermore, the agent will likely not regard himself
as a fully virtuous person. He would likely feel ashamed, stop coaching, leave the community, etc. It seems that the very act of molesting the child has stained or tarnished him and has resulted in him becoming a less than fully virtuous person.

There is an irremovable stain that attaches to an agent solely according to the fact that the agent has performed a repugnant act. It is the fact of being the agent who did the repugnant act that makes the agent less good. It seems, further, that the agent who performed the repugnant act ought to regard himself as tainted as well. It seems that there would be something wrong with the child-molester if, after recovering from his surgery, he decided to resume life as before as an active part of the community, coaching the same little-league team, associating with the same people in the same way as before the incident. We might, instead, expect that the agent would and should feel so terrible for having molested the child that even if he does not leave the community, then he at least would stay away from children’s sports teams. If we find that there is something vaguely unsettling about the child molester expecting to resume his position in the community, this might be because we think that the person should feel tainted for his action and should not carry on as if he was the same person as before.

In tragic dilemmas, all choices available to the agent involve her performing a repugnant action. The very fact of performing a repugnant action, even when it is not technically one’s fault that one performed the action, leaves the agent tainted. Just as the fact of performing a repugnant action tarnished the agent’s character in the case of the brain tumor, so too will the fact of performing a repugnant action in a tragic dilemma tarnish the agent’s character. It is the fact of performing a repugnant action that causes the stain or the taint, even when the fact of performing the action can be explained by some further thing for which the agent is not responsible, be it the tumor, the circumstances, or something else.
2.5 Conclusion

Thus far I have argued that agents making tragic choices feel torn. They recognize and are moved by different and incompatible moral reasons against each available course of action. Even after the agent has decided on a course of action, all things considered, the agent still feels the pull of the reason selected against. That value still makes a claim on the agent after a decision has been made. Agents also feel guilty. They feel as if in violating this value they have done something wrong. Since reparations are not possible in tragic cases, the agent comes to feel tainted or stained for her actions in tragic dilemmas. The agent perceives herself to be less good as a person for performing the repugnant act. In addition to making the claim that agents do tend to feel torn, guilty, and tainted, I have made the further claim that agents ought to feel this way; this is the appropriate emotional reaction. We would think that there is something wrong with an agent who makes a tragic choice yet fails to have an emotional reaction that registers his role in doing something of serious moral disvalue. The emotions that register this are the emotions of being torn, guilty, and tainted.

These phenomenological features of tragic dilemmas capture how people feel or are likely to feel and how we think they should feel in circumstances of tragic choice. As discussed in chapter one, ethical theory needs to take the ordinary reactions of ordinary people seriously. Thus, these feelings need to be either accommodated or explained away by any comprehensive ethical theory. In the next chapter, I argue that puzzles arise for common versions of consequentialism and deontology if we take these phenomenological features of tragic dilemmas seriously. As such, these theories need to either accommodate or explain away these
phenomenological feature or we need to consider alternate theories that can better accommodate the seemingly appropriate emotional reactions of ordinary people.
CHAPTER THREE: PUZZLES

3.1 Chapter Introduction

In chapter two, I argued that agents who act in tragic dilemmas do feel torn, guilty, and tainted. Furthermore, these emotional responses are appropriate – there would be something wrong with the agent who did not have these emotional reactions. In this chapter I show how these observations create puzzles for common versions of consequentialist and deontological theories if we also accept that our perceptions and emotions should normally track reality. Certain precepts employed by standard versions of consequentialist and deontological theories would yield the conclusion that feelings of being torn, guilty, and tainted are not fitting. That is, if these ethical theories give us an accurate picture of our moral reality, and if we think that our emotions should be responsive to this reality, then there is no basis in moral reality for these emotions.

This chapter explicates three puzzles generated by accepting certain presuppositions of some consequentialist and deontological theories. First, if a theory incorporates a model of practical deliberation whereby salient aspects of the situation are relevant only insofar as they contribute to determining one all-things-considered best or right course of action, then there would be no reason to feel torn after deciding what to do. Second, if we accept that guilt is felt at perceived wrongdoing and also adhere to a conception of wrongdoing which holds that one cannot have acted wrongly if one has acted according to one’s highest duty or if one has acted as best one could, then there is no reason to feel guilty for actions in tragic dilemmas. Agents acting in tragic dilemmas have (and believe they have) acted as best they could or according to their highest duty and so, according to consequentialism and deontology, could not have acted wrongly. Thus, guilt would not be a fitting emotional reaction. Third, feeling tainted is puzzling for theories that assess character in terms of possessing those dispositions that reliably bring
about the good or the right. If the ultimate goal of ethical practice is to bring about the good or the right, then there is no reason to think oneself less good as a person when one has succeeded in bringing about the end of ethical practice.

After developing these puzzles, I note that there are various ways these puzzles could be addressed. The project of this dissertation is to develop one compelling explanation: the emotional reactions of agents in tragic dilemmas accurately reflect the nature of moral reality. I suggest that a neo-Aristotelian theory will be able to provide the theoretical foundations from which to make sense of situations whereby whatever one does, one does wrong. Such a theory can thereby legitimate the feelings of being torn, guilty and tainted that agents suffer for their actions in tragic dilemmas. Such an approach would deem these feelings fitting.

3.2 Feeling Torn

Agents making tragic choices feel torn. They recognize that there are strong moral reasons against each of the available courses of action and these reasons continue to move them even once they have concluded their practical deliberation. What initially counted against one of the options still counts and retains its pull on the agent despite the fact that the agent has concluded her practical deliberation. For example, Walzer’s politician must choose between torturing an individual and averting a terrible disaster\textsuperscript{101}. While the politician determines that the harm to be averted by torturing is so great that it justifies torturing, settling the matter does not settle his mind. The agent perceives the moral reasons that counted against torturing to remain. The moral disvalue of torturing continues to move the agent despite the fact that practical deliberation has determined that, all things considered, one ought to torture.

\textsuperscript{101} Walzer, "Political Action: The Problem of Dirty Hands."
The fact that agents continue to feel torn even after they have concluded their practical deliberation is not readily accounted for according to one model of practical deliberation employed by some consequentialist and deontological theories. According to this model of practical deliberation, a central goal of ethical theory is to guide action. To determine what to do, the agent recognizes and takes into consideration all salient aspects of the situation. The agent then deliberates in order to determine either the best course of action or one’s highest duty. The deliberation concludes with a judgement about what course of action one should, all things considered, take. Given that the only goal is to determine what to do, all salient features of a situation are important only insofar as they contribute to making this all-things-considered judgement. Once it is determined what one should do, all things considered, the considerations that weighed in at the deliberative stage are discharged and, as such, should no longer move the agent. Through practical deliberation one resolves the dilemma without remainder. That is, once the decision has been made, there are no remaining or outstanding claims on the agent. According to this model of practical deliberation, reasons are only relevant as inputs into determining what to do all things considered. Once that has been determined, the individual reasons lose their pull on the agent.

Understanding practical deliberation as yielding nothing more than an overall determination of what to do is difficult to reconcile with feeling torn about making a tragic choice. According to this model of practical reasoning, the partial considerations that were factored into an overall evaluation of what to do are discharged after it has been determined what to do. But if the partial considerations really are discharged, then there would be no reason to feel torn after the decision has been made. But as argued in chapter two, there seems to be something wrong with the agent who fails to feel torn. There is thus tension between how it is appropriate for agents making
tragic choices to feel on the one hand, and what a person has reason to feel if we understood the proper end of practical deliberation to yield nothing more than an overall judgement about what to do, on the other hand.

3.3 Feeling Guilty

Agents do and should feel guilty for their actions in tragic dilemmas. Feelings of guilt are puzzling, though, if (1) we accept that guilt is felt at perceived wrongdoing and (2) we adhere to a conception of wrongdoing which holds that one cannot have acted wrongly if one has acted according to one’s highest duty or if one has acted as best one could.

The first presupposition is that guilt is felt at wrongdoing. If one feels guilty, then one perceives oneself to have done something wrong. For one’s feeling of guilt to be fitting, it must be the case that one has actually done something wrong. Guilt is felt at wrongdoing; without the perception of wrongdoing there cannot be genuine feelings of guilt and without actual wrongdoing, one cannot be guilty.

The second presupposition is that right and wrong are all-in action-guiding terms. That is, if an act is ‘right’, then it is what, all things considered, one should do. If an act is ‘wrong’, then it is what, all things considered, one should not do. According to standard versions of consequentialism, one ought to do what is best; according to standard versions of deontology, one ought to adhere to one’s highest duty. According to these theories, it is always open to the agent to act as best she can or to adhere to her highest duty. As such, there can never be situations of inescapable wrongdoing. Although deontological and consequentialist theories have different accounts of what makes an action ‘right’ or ‘wrong’, both tend to employ a conception of rightness and wrongness that precludes inescapable wrongdoing.
Consequentialist theories define the good state of affairs and take that as basic. Rightness is then understood by reference to the basic concept of goodness. Where good states of affairs are taken as basic, the right act will be understood as that which brings about the best state of affairs. If one has acted for the best then, by definition, one has acted rightly. An act is right if and only if it brings about the best outcome. It is always open to the agent to perform the best action available to her. As such, it is always open to the agent to act rightly.

Deontological theories recognize multiple rules of rightness. For example, ‘do not lie’, ‘do not kill other humans’, ‘perform benevolent acts’, and ‘keep your promises’, are all rules of right. These rules of right translate into duties. It is incumbent on agents to conform their actions to these rules of the right. Where there are multiple rules of the right, there appears to be the possibility of conflict between duties. Historically, most deontological theories deny that there can be any actual conflict. Rather, the conflict is only apparent; some duties always trump others. There will always be an ordering of duties such that one’s actual duty in any given situation will never conflict with any other actual duty. Rightness, then, is context sensitive.

General rules of the right are *prima facie* duties. *Prima facie* duties, though, are not genuine duties. As W. D. Ross states,

I suggest ‘*prima facie duty*’ or ‘*conditional duty*’ as a brief way of referring to the characteristic (*quite distinct from that of being a duty proper*) which an act has in virtue of being of a certain kind (e.g. the keeping of a promise), of being an act which would be a duty proper if it were not at the same time of another kind which is morally significant. Whether an act is a duty proper or actual duty depends on all the morally significant kinds it is an instance of.\(^{102}\)

Ross goes on to note difficulty with the terminology of *prima facie* duties:

The phrase ‘*prima facie* duty’ must be apologized for, since (I) it suggests that what we are speaking of is a certain kind of duty, whereas it is in fact not a duty, but something

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related in a special way to duty. Strictly speaking, we want not a phrase in which duty is qualified by an adjective, but a separate noun. 103

While *prima facie* duties provide general rules, when they come into conflict some rules must give way to whatever rule trumps – one’s actual duty. Upon further investigation it is determined that what appeared to be one’s duty is not, in fact, one’s actual duty. For example, one may have both a *prima facie* duty not to lie and a *prima facie* duty not to kill innocent people. If, in some extraordinary circumstance, these two duties came into conflict, then one would have to determine which of these is one’s actual duty. If one’s actual duty was not to kill innocent people, then one’s duty not to lie was only a *prima facie duty* and, as such, was not a genuine duty at all.

Some theories that take the right as primary will specify which duties take priority. Apparent conflicts are resolved by identifying one actual duty which is more binding than the other apparent duties. Alternatively, some theories that take the right as primary do not identify priority rules. Instead of appeal to a predetermined set of priority rules agents are instructed to intuit which of one’s *prima facie* duties is strongest. Whether one appeals to priority rules or intuition, there remains a presumption that in cases of apparent conflict there is one and only one actual duty – one’s absolute obligation. While theories that set out priority rules and theories that hold that the right thing to do is a matter of intuition differ with respect to how the actual duty is to be determined, they nonetheless share the presumption that in cases of apparent moral conflict there is always a right course of action available.

Many forms of consequentialism and deontology employ a conception of rightness which holds that ‘right’ just means the action that, all things considered, is recommended in this situation. ‘Wrong’ just means the action which, all things considered, is not recommended in

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103 Ibid. p. 20.
this situation. Many consequentialist theories recommend actions according to their propensity to promote the basic good state of affairs. Many deontological theories recommend actions according to whether they honour one’s genuine duty where it is assumed that one cannot have conflicting genuine duties. The shared assumption, though, is that there will always be one course of action which is recommended all things considered; there will always be a right course of action available to the agent no matter how horrific or repugnant that right action is.  

That agents should feel guilt for their actions in tragic dilemmas is puzzling when we accept the presuppositions that (1) guilt is an emotion felt at perceived wrongdoing and (2) there is always at least one right option available to agents. Agents making tragic choices choose either according to what is best or according to what is their highest duty and thus, according to standard consequentialist and deontological theories, act rightly. If feelings of guilt are conceptually tied to perceived wrongdoing, and if the agents recognize that in doing the best they could or in honouring their highest duty they have acted rightly, then there is no reason to feel 

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104 The argument here is not that no consequentialist or deontological theory could ever, in principle, make sense of inescapable wrongdoing. A satisfying version of consequentialism which holds that one acts rightly so long as one responds in a good enough way may be able to accommodate inescapable wrongdoing if all the options available to the agent do not allow the agent to respond in a good enough way. There is also room for a deontological theory that recognizes multiple actual duties that can come into conflict. Philippa Foot’s discussion of type-1 and type-2 oughts shows how there might be conflicting actual duties. In Philippa Foot, "Moral Realism and Moral Dilemma," in Moral Dilemmas and Other Topics in Moral Philosophy, ed. Philippa Foot (Oxford: Oxford University Press, 2002), Foot distinguishes between two types of ought statements. Type-1 propositions are pro-tanto oughts. This is the type of ought that applies to engagements. In the case of engagements, conflicting oughts presents no real puzzle. One can be engaged to meet Sue at the park at 12:00 and Bob for lunch at 12:00. The existence of conflicting oughts does not imply that one of the oughts is not real or that in deciding against an ought, the ought goes away. It can be true both that I ought to a and I ought to b even where I cannot both a and b. In addition to type-1 ought statements, there are type-2 ought statements. These statements tell us what is the right thing to do all-things-considered. Type-1 ought statements provide the grounds for type-2 ought statements. To determine what ought to be done, all things considered, one must appeal to one’s type-1 oughts. Whereas type-1 ought statements can come into conflict with each other, a type 2 ought statement can never come into conflict with another type-2 ought statement. Thus, one cannot all-things-considered be required to a and all-things considered be required to not-a. Sometimes what one ought to do all-things-considered is something that does not honour a type-1 ought. Since type-1 oughts are genuine oughts, its violations is still a wrongdoing. This sort of account would allow for inescapable wrongdoing. While there may be room within broadly consequentialist and deontological frameworks for inescapable wrongdoing, the fact remains that there is very little precedence for theories developed in this way. Historically these theories employ a conception of wrongness that does not allow for inescapable wrongdoing.
This conclusion, though, is at odds with the observation that persons do and ought to feel guilt when making tragic choices.

### 3.4 Feeling Tainted

Agents acting in tragic dilemmas feel tainted or stained; they feel diminished or less good as a person as a result of making a tragic choice. This, though, is puzzling if we accept deontological or consequentialist grounds for character evaluation. Consequentialist and deontological theories both view the virtuous person as one who has those dispositions which reliably bring about whatever the central concern of ethics is – the good or the right. Daniel Statman describes the relation between virtue and rightness shared by both deontologists and utilitarians as follows:

> [T]he value of character traits is dependent on the value of the conduct that these traits tend to produce, and it is the concept of right behaviour that is theoretically prior, not that of virtue.\(^{106}\)

If the ends of ethical practice provide the ultimate grounds for character evaluation it is not clear how agents could rightly feel tainted for acting in a way which brought about these ends.

A more sophisticated account of the relation between character evaluation and act evaluation may be able to account for how agents could feel tainted for bringing about the ends of ethical practice. Julia Driver provides a consequentialist account of character evaluation which might be able to explain the taint felt by agents making tragic choices.\(^ {107}\) One’s character need not be assessed *directly* according to whether one brings about the best state of affairs.

Rather, to have a good character is to possess those dispositions which tend to foster the end of

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\(^ {105}\) Kai Nielsen argues precisely this point from a consequentialist perspective in Nielsen, "There Is No Dilemma of Dirty Hands.". He argues that guilt is not the emotion to feel in situations where one must choose between the lesser of two evils since guilt is essentially felt at wrongdoing and so long as one has chosen for the best one has not acted wrongly.


ethical practice. These are not dispositions to maximize good; rather, these are the dispositions of courage, benevolence, charity, justice, and the like. Under normal operating circumstances having and acting from these dispositions does, in fact, lead to performing the best action. Character evaluations proceed by evaluating the sorts of dispositions persons have. A disposition is good when it leads to good consequences under normal operating conditions.\textsuperscript{108}

While character is evaluated in terms of possessing certain good dispositions, acts are evaluated according to what is best in particular situations. Dispositions which lead to good consequences under normal operating circumstances may not lead to good consequences in unusual circumstances.\textsuperscript{109} In abnormal circumstances acting from one’s settled dispositions will not further the end of the practice. In these circumstances action evaluation and character evaluation can come apart. One can act charitably, benevolently, etc. and thereby be doing the wrong thing. Or one can do the right thing, but in order to do so one cannot be acting charitably, benevolently, etc. Characters and actions are thus evaluated according to different criteria.

Driver argues that this approach is able to make sense of our intuitions about hard cases.\textsuperscript{110} Interestingly, the hard case she uses as an example turns out to be a tragic dilemma: A sheriff is forced to choose between saving an innocent man or allowing a substantially large number of innocent people to die in a riot. A consequentialist calculation shows that more good is brought about by not saving the innocent man and hence this is the right course of action. Driver’s account has the resources to claim that “the sacrifice is the right thing to do, [but] we may have doubts about the character of an individual who could do it.”\textsuperscript{111} She goes on to claim, “We often do recognize that good people act wrongly, and perhaps act wrongly on some

\textsuperscript{108} Ibid. p. 73.
\textsuperscript{109} Ibid.
\textsuperscript{110} Ibid. p. 72.
\textsuperscript{111} Ibid. p. 72.
occasions precisely because they are good.” ¹¹² In tragic cases like the one of the sheriff, one can either do the right thing or one can exhibit a virtue but one cannot do both. If one does the right thing, one will have acted against one’s disposition to do what is just.

Driver’s account which splits action evaluation and character evaluation may appear to have the resources with which to explain the taint that agents feel after having made a tragic choice. Acting against one’s virtuous dispositions tarnishes one’s character. How can one perform a grossly unjust action, yet regard oneself as fully virtuous? By having hanged an innocent person one thereby sees oneself as deficient in the virtue of justice. One’s goodness has been diminished by the very fact of performing this horrific action. Splitting action evaluation from character evaluation might appear to be a promising way to account for the feeling of taint felt by persons who have made a tragic choice. Even though the agent has acted as best she could, she feels tainted for having acted contrary to her good dispositions.

Employing a consequentialist account which separates action evaluation from character evaluation can make sense of moral taint only if agents making tragic choices do not distinguish between what is instrumentally valuable and what is intrinsically valuable. According to Driver, character traits are evaluated according to their propensity to bring about the end of ethical practice. The ultimate justification for calling any disposition ‘good’ is its relation to the ultimate goal of ethical practice – promoting the good. The ultimate concern of ethics, according to consequentialists, remains the good; the good is the only thing of intrinsic value. Certain dispositions – charity, justice, benevolence, etc. – are thus only instrumentally valuable in bringing about the ultimate and genuine end of ethical practice.

Presumably, moral experts can distinguish between those things that are of instrumental value and those things that are of intrinsic value. The moral expert would not place any intrinsic

¹¹² Ibid. p. 72.
value on having or acting from certain dispositions since she knows that good dispositions are only good instrumentally – they are good because they tend to promote the end of the practice. We would further expect that these moral experts would be able to identify tragic dilemmas as anomaly cases. They should know that in these cases acting according to a certain disposition will not promote the genuine end of ethical practice. It is not clear, then, why the moral agent should feel tainted in tragic circumstances.

To make this point clear, it may be helpful to draw an analogy with the non-moral practice of driving. The goal or end of driving is to safely reach one’s destination. There are certain practices which, under normal circumstances, promote this end. One should obey traffic signals, stay on one’s own side of the road, and obey the speed limit. We might call a person who fails to obey traffic signals, does not stay in her own lane, and drives too fast (or too slow) a bad driver. There can, however, be anomalous driving situations where adhering to these general rules will frustrate rather than promote the end of safe driving. For example, if one is driving on a deserted back country road after a heavy snowfall, driving down the middle of the road will be more conducive to safely reaching one’s destination than driving on one’s proper side of the road since driving down the middle of the road gives one more time and space to recover from the skids that occur when driving on icy and snow-covered surfaces. In addition, one might not come to complete stops and stop signs in order to avoid getting stuck. The expert driver will be one who is able to recognize the anomalous situation and adjust her driving in a way that is most conducive to achieving the end of the practice – safely reaching her destination. It would be odd for our expert driver to reach her destination and say, “Thank-goodness I made it – I am such a terrible driver. I drove down the middle of the road the entire way here. I didn’t come to complete stops at the stop signs and I drove far too slow – I was driving twenty miles under the
speed limit. They ought to take my licence away.” To think oneself a horrible driver because one did not abide by the practices which, under normal circumstances, promote the end of safe driving is absurd. Anomalous situations demand that one adjust one’s responses.

Both ethical practice (of the consequentialist and deontological variety) and driving practice have a defined end. In the case of ethical practice, the end is to bring about the good or the right. In the case of driving it is to safely reach one’s destination. In both cases there are ways of acting which, under normal circumstances, promote this end. In the case of ethical practice, acting from certain dispositions promotes the end. In the case of driving practice, adhering to certain rules of the road promotes the end. Just as we call someone who follows the rules of the road a ‘good’ driver, we call someone who acts from good dispositions a ‘good’ person. They are good because they tend to act in those ways which are generally agreed to promote the end of the practice. But just as their can be anomalous driving situations so too can there be anomalous ethical situations. These are cases where what, under normal circumstances, usually promotes the end of the practice undermines the end of the practice. Staying on one’s side of the road and coming to complete stops at stop signs will not be conducive to safely reaching one’s destination in certain anomalous driving situations. Acting from one’s dispositions in tragic situations will not be conducive to bringing about the right or the good. The expert is one who is able to identify anomalous circumstances and alter her actions accordingly. The expert does not lose sight of the end of the practice; she understands that rules / dispositions are valuable just because of their relation to promoting the end of the practice. Just as it is absurd to think one’s self a horrible driver when, in anomalous situations, one deviates from the rules of the road that normally promote the end of driving, so too would it be absurd to
think oneself a horrible (or less good) person when, in anomalous situations, one deviates from those dispositions that usually foster the end of ethical practice.

Driver’s account which splits character evaluations from action evaluations understands dispositions as good when, under normal operating circumstances, they foster the end of the practice; they are instrumentally valuable in achieving the good or the right. Feeling tainted for acting against one’s dispositions would be a failure to heed the distinction between what is instrumentally valuable with what is intrinsically valuable. The moral expert, though, by virtue of being an expert would likely be alert to such a distinction. As such, the moral expert would have no reason to feel tainted for acting against her settled dispositions in order to bring about the proper end of ethics.113

Consequentialist and deontological accounts evaluate character in terms of the ultimate ends of the practice. Given that agents acting in tragic dilemmas do accomplish the ends of the practice, there seems to be no reason for agents to feel tainted. While adopting a more sophisticated account of character evaluation that splits action from character evaluation could make sense of moral taint, this would require that they not register the distinction between instrumental and intrinsic value. Thus, feeling tainted for one’s actions in tragic dilemmas is not something that consequentialist and deontological theories can readily account for.

The puzzle thus remains. According to consequentialist and deontological theories, the ends of ethical practice provide the ultimate grounds for character evaluation. Feeling tainted –

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113 One might argue that an indirect consequentialist theory could hold that ignorance about the true nature of value is required to be a morally good agent. That is, if we held that the ultimate goal of ethics is to maximize the good, but also knew that if people actually believed and acted according to some other theory this would, in fact, maximize the good, the upshot would be a theory whereby our moral exemplars would be ones who do not distinguish between what is instrumentally valuable and what is intrinsically valuable. This sort of structure, though, will not help to make sense of the taint felt in a tragic dilemma. Even if we did hold that it is best if people believe that they always ought to act according to their dispositions this could, at most, explain why people feel tainted for acting against their dispositions. It could not explain the dilemma element of tragic dilemmas, since good agents must not be aware of the ultimate foundations of ethics. As such, the agent would not recognize a separate ‘right’ action that differs from what they are disposed to do and would thus not feel the force of the dilemma.
to feel less good as a person – for successfully bringing about the ends of ethical practice thus seems irrational.

In chapter two I argued that not only do agents feel torn, guilty and tainted for making a tragic choice, but also that these feelings are appropriate; we would expect good agents to have these sorts of emotional reactions to their tragic choice. In this chapter, I’ve show how this is puzzling if we accept certain precepts common to consequentialist and deontological theories and also accept that normally our emotions and perceptions ought to track reality. Agent’s emotional reactions are not responsive to the moral reality as defined by these theories. If the goal of ethical reasoning is to tell us what, all things considered, we ought to do, then it is not fitting that agents should continue to feel torn after having arrived at an overall determination of what they ought to do. If guilt is essentially felt at wrongdoing, and if one has acted rightly so long as one has acted as best one could or has acted according to one’s highest duty, then feeling guilty would be irrational. Finally, if character is assessed in terms of possessing those dispositions that tend to promote the right or the good, then regarding oneself as diminished for bringing about the right or the good is again not fitting. Each puzzle arises by noting that there are certain phenomenological responses appropriate to persons make a tragic choice. Certain theoretical presuppositions, in addition to the assumption that emotions ought to be responsive to reality, yield the conclusion that agents should not feel torn, guilty or tainted. There seems to be a systematic incongruity between agents’ actual and appropriate emotional responses and the emotional responses that would be fitting according to standard consequentialist and deontological ethical theories. When there is a seeming divergence between the conclusions our theoretical presuppositions lead to and observed phenomenon, an explanation is required.
3.5 Possible Solutions

There are various explanations that could be offered regarding the divergence between agents’ actual and appropriate emotional responses and what many consequentialist and deontological theories would deem fitting emotional responses. First the phenomena could be explained away. Perhaps some sort of evolutionary explanation could be given about why it is beneficial for us to have feelings that do not accurately track the true nature of all situations. Perhaps our emotional faculties are not fine-tuned enough to adjust our emotional responses to odd-ball situations. Our survival is enhanced by having emotional faculties that get it right most of the time. This sort of approach would acknowledge that people do in fact have these feelings. Furthermore, these feelings are appropriate in that it is good to have those emotions that enhance or promote our survival as a species. But just because people do have these emotional reactions, it does not follow that these emotional reactions track anything about the situations themselves. This sort of explanation would account for the phenomenon, and leave our theories and presuppositions undisturbed.

A second approach would be to argue that each of the puzzles rested upon one or another mistaken assumption. An oversimplified account of practical reasoning gave rise to the puzzle that agents feel torn. Employing a more sophisticated account of practical reasoning may be entirely consistent with the commitments of consequentialist and deontological theories and may be able to provide an account of why agents feel torn. The claim that feelings of guilt are irrational according to most consequentialist and deontological theories may be a result of employing a mistaken account of guilt. Guilt may not be essentially tied to wrongdoing. If an alternate account of guilt were employed, feeling guilt at making a tragic choice may be not at all puzzling. The claim that moral taint cannot be readily made sense of by appeal to
consequentialist and deontological accounts of moral character might rest upon dubious claims about the psychology of the moral expert. Moral experts may not be able to adjust their emotional reactions to the moral facts because they are, after all, humans. Human dispositions might work in such a way that they cannot be turned on and off by simply recognizing certain facts of the situation. Thus, one way to approach these puzzles is to call into question the presuppositions used to generate the puzzles. It is important to note, however, that each of these puzzles needs to be accounted for. As such, pointing to an alternate account of guilt, for example, will not make headway in addressing the feelings of being torn or tainted. One might wonder whether such a piecemeal approach is the best approach given that the feelings of being torn, guilty and tainted seem to be closely related.

A third explanation is that agents feel torn, guilty and tainted for acting in tragic dilemmas because they are torn, guilty and tainted. These feelings are appropriate – what the agent ought to feel – because they are fitting – they track the nature of moral reality. The thought is that the emotional reactions of the good moral agent ought to be in tune with moral reality. In making a tragic choice they have performed an action which is wrong – even if it was the best they could do in the circumstances. Feeling torn, guilty and tainted are not only appropriate emotional reactions, but they are also fitting. Agents feel torn, guilty, and tainted because their perception of the situation accurately tracks the reality of the situation.

The strategy of identifying certain common and seemingly right emotional reactions to tragic choices and using this as support for the claim of the existence of inescapable wrongdoing has been dubbed ‘the phenomenological argument’. It is important to note, though, that the conclusion ‘there could be inescapable wrongdoing’ does not follow from the identification of certain emotional reactions to making tragic choices. In running this argument there are three

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distinct claims that could be made. First, the claim could be a descriptive one: people do, in fact, have these feelings when making tragic choices. But the fact that people do feel this way does not establish anything about the nature of the situation itself. It could be that, for whatever reason, people’s emotional tendencies do not accurately track the true nature of the situation. That people do in fact feel a certain way upon emergence from a tragic dilemma does not establish anything about the nature of the dilemma situation.

The second claim that could be being made is the normative one: Not only do people feel this way, but also these feelings are somehow justified; it is what the tragic agent should feel. Here, again, it needs to be clear what is meant by ‘justified’. If by ‘justified’ we mean ‘appropriate’, we are simply saying that this is what the good moral agent would feel. That a good moral agent would feel this way establishes nothing about the nature of the situation itself unless it is also stipulated that the good moral agent’s feelings are responsive to the facts of the situation. This additional stipulation, though, introduces ‘fittingness’ of the feeling into the relevant sense of ‘justified’. That is, an emotion is justified just in case it adequately tracks the nature of the situation. But if this is the claim made by the phenomenological argument, it is question-begging. If we assert that feelings of being torn, guilty and dirty are fitting in tragic dilemmas, we must also be assuming that the agent has engaged in wrongdoing and so we cannot then conclude that attention to how agents ought to feel provides independent support for the claim that there can be inescapable wrongdoing.

While the phenomenological argument seems to be correctly identifying something about how agents tend to feel when acting in tragic dilemmas, no conclusion directly follows from this. Gowans summarizes this point,

In short, the phenomenological argument appears subject to the following dilemma. The first premise claims that there are moral conflicts in which inescapable moral distress
either natural or appropriate for agents. If the claim is that these feelings are natural, the premise may well be true, but it is invalid to infer from this that moral wrongdoing is inescapable. But if the claim is that these feelings are appropriate\textsuperscript{115}, then the inference is valid, but the argument begs the question. So the argument is unpersuasive on either interpretation.\textsuperscript{116}

In my discussion of the phenomenology of tragic dilemmas I make the descriptive claim that agents do feel torn, guilty, and tainted. I do not, however, suppose that any conclusions about the nature of the world follow from this. I also make a normative claim that agents ought to feel this way. Recall, though, that there are two distinct things that could be meant when we are talking about justification for the emotions. First, one could mean that the agent’s emotions accurately track reality. This sort of justification is termed ‘fittingness’. Second, one could mean that this is the sort of emotional response a good agent would have. This is termed ‘appropriateness’. When I state that agents ought to feel torn, guilty, and tainted I am making a claim about the appropriateness of these emotions; I am stating that this is what a good agent would feel. I do not suppose that any inference can be drawn from the feelings of a good agent to the nature of reality. My claim that agents ought to feel torn, guilty, and tainted is not a claim about the fittingness of these emotions. Thus, I am not stating that agents ought to feel this way because their feelings would thereby be responsive to their moral reality. My discussion of how agents do and ought to feel for their actions in tragic dilemmas does not give rise to any claim about the nature of reality.

While no conclusion immediately follows from identification of the phenomenology alone, the observations are not thereby irrelevant or uninteresting. It is the goal of any theory – including ethical ones – to either accommodate or explain away observed phenomena. The fact that agents do and seemingly ought to feel torn, guilty, and tainted for their tragic choices

\textsuperscript{115} By ‘appropriate’ Gowans likely means ‘fitting’.

\textsuperscript{116} Gowans, \textit{Innocence Lost: An Éxamination of Inescapable Moral Wrongdoing}. p. 100
demands some sort of explanation. My aim is to further develop this third option by employing certain elements of a neo-Aristotelian theory. The goal of this dissertation is to develop this positive account. I neither pretend that this is the only explanation for these phenomena nor do I argue that the account given here is the best explanation. An argument to the best explanation would require not only positive development of this account, but also an analysis and evaluation of all competing accounts. This would be well beyond the scope of this work. Rather, my aim is to highlight relevant aspects of neo-Aristotelian theory and show how employing this framework can provide a plausible and coherent explanation of what is going on in tragic dilemmas. This account will have the resources with which to make sense of the puzzles presented in this chapter and will shed further light on other interesting aspects of tragic dilemmas.
CHAPTER FOUR: NEO-ARISTOTELIAN VIRTUE ETHICS

4.1 Chapter Introduction

In Chapter two, I argued that agents do and ought to feel torn, guilty, and tainted for their actions in tragic dilemmas. These are the reactions we would expect of an otherwise good moral agent. In chapter three, I showed how these feelings were puzzling for standard versions of consequentialist and deontological theories given certain presuppositions commonly employed by such theories. If the sole end of practical deliberation is an all-things-considered judgement about what to do, there is no reason for agents to continue to feel torn after they have made their tragic choice. If guilt is felt at wrongdoing, and if by acting as best one can or by adhering to one’s highest duty one cannot have done wrong, agents who act as best they can when making tragic choices have no reason to feel guilt. Finally, if character is to be assessed according to the ultimate end of the practice itself, then there would be no reason for the agent to feel tainted for acting in a way that brought about the end of the practice. An implicit assumption is that our emotions ought normally to track reality; anger should be felt only when a slight has occurred, pride when an accomplishment is present, and so on. The cases outlined above, though, are cases where the emotional reactions are at odds with the moral reality espoused by these theories. There is a systematic disconnect between the emotions agents tend to and ought to feel and the moral reality espoused by these ethical theories; these feelings are not fitting.

One response to these puzzles that needs to be taken seriously is that agents do and ought to feel torn, guilty and tainted because they are torn, guilty and tainted. Elements of a neo-Aristotelian theory, I argue, can supply the framework from which to understand these feelings as both appropriate and fitting. The purpose of this chapter is to explicate key elements of such a framework. According to neo-Aristotelian accounts, the ultimate end of human life is human
flourishing and exercise of the virtues is at least partially constitutive of flourishing. *Virtues* are understood as dispositions to choose appropriately within different areas of human concern where the appropriate response is determined by practical wisdom. I then go on to give an account of virtuous actions, and right actions. *Virtuous actions* are those that hit the end of virtue and proceed from a virtuous disposition. *Right action* is an action that a virtuous agent would characteristically do and wrong action is an action that a vicious agent would characteristically do. These elements of a neo-Aristotelian account provide the necessary theoretical foundation which, as I will argue in chapter five, can provide a compelling account of tragic dilemmas and account for the feelings of being torn and guilty suffered by agents who make tragic choices.

### 4.2 Virtue Ethics, Aristotle, and Neo-Aristotelian Virtue Ethics

Virtue ethics is an approach to moral theory which focuses primarily on character and the virtues as opposed to duties and rules or good and bad consequences; virtue ethics takes character as primary. As Rosalind Hursthouse states, “‘Virtue Ethics’ is a term of art, initially introduced to distinguish an approach in normative ethics which emphasizes the virtues, or moral character, in contrast to an approach which emphasizes duties or rules (deontology) or one which emphasizes the consequences of actions (utilitarianism).”¹¹⁷ Michael Slote also defines the virtue ethical tradition in terms of its focus on character. He states, “In virtue ethics, the focus in on the virtuous individual and on those inner traits, dispositions, and motives that qualify her as being virtuous.”¹¹⁸ Virtue ethics, then, is a tradition in normative ethical theory that takes considerations of character or virtue to be primary.

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An account which takes character or virtue as primary can be developed in a variety of ways. The neo-Aristotelian approach is the dominant way of developing such an account. This approach which takes as its inspiration Aristotle’s ethical theory as developed in the *Nicomachean Ethics*, has many distinctive aspects which contemporary theorists adopt as the core of a contemporary virtue ethical theory. In particular, Aristotle’s approach is *eudaimonistic*. That is, the virtues are understood and justified in terms of their connection to *eudaimonia* or human flourishing. The account is one which recognizes multiple human concerns and regards virtue as a disposition to respond appropriately to these concerns. Christine Swanton attributes to Aristotle “the idea that virtue is a state of appropriate responsiveness to, or acknowledgement of, what I call the ‘demands of the world’, where the criteria of ‘appropriateness’ of that acknowledgement are shaped, at least in part, by a correct conception of human flourishing.”\(^{119}\)

Another distinctive feature of this approach is the emphasis on the importance of practical wisdom whereby both one’s reason and one’s emotions are well-ordered. Again, Swanton attributes to Aristotle a “conception of virtue itself as a disposition in which both reason and emotion are well-ordered. In a state of virtue the agent has (at least standardly) practical wisdom, right ends which are both expressed in and promoted by her actions, and correct affective states.”\(^{120}\) In what follows I will outline the structural features of an account of virtue which is taken almost directly from Aristotle’s account in the *Nicomachean Ethics*. This account recognizes the relation between virtue and *eudaimonia*, understands virtue as a disposition or *hexis*, takes virtues to concern themselves with distinct areas of human concern, understands virtuous responses to concern both the agent’s actions and emotions, and emphasizes the role of

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\(^{120}\) Ibid. p. 8.
practical wisdom in determining the appropriate response. In these ways the account of virtue provided here is an Aristotelian account.

While the ideas explicated in the section on virtue can be traced back to Aristotle’s ethical writings, the overall virtue ethical account is neo-Aristotelian. It is neo-Aristotelian in that it takes Aristotle’s writing as a point of departure, remaining committed to the general structure of his theory. It is not, however, committed to the truth of everything Aristotle said. While Aristotle’s account includes a list of actual virtues, it is open to neo-Aristotelian accounts to dissent over what qualities do and do not qualify as virtues. Second, there can be disagreement regarding whether and in what sense the virtues are unified. Third, Aristotle’s ethical writings include odious views about women and slaves that contemporary accounts would do well to reject. Fourth, he did not say everything there was to say about matters important to ethical theory. In particular, he did not directly address the question of ‘right action’ which many take to be a central component of any normative ethical theory. As such, the task of contemporary neo-Aristotelian accounts is to extrapolate from what he does say about virtue and create a plausible account of right action. The ‘neo’ of neo-Aristotelianism thus allows for theorists working in this tradition to reject errors and non-essential aspects of Aristotle’s theory, and allows them to extrapolate from the core Aristotelian basis in order to provide accounts of issues that Aristotle did not discuss. 121

4.3 Virtue

Aristotle’s ethical system is teleological. That is, Aristotle begins by identifying eudaimonia or human flourishing as the ultimate end or good at which all human activity aims. While a flourishing life involves exercising the virtues, one does not exercise the virtues merely as a

121 See Hursthouse, On Virtue Ethics. p. 8. for a similar discussion.
means to attain the end of flourishing; rather, exercising the virtues is at least partly constitutive of flourishing. Part of what it is to flourish is to lead a life of virtuous activity. Virtues, then, are an integral part of the ultimate goal – human flourishing.

Aristotle defines virtue as “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 *phronimos* would determine it.”\(^\text{122}\) The first part of this definition provides a formal definition of virtue (a state of character concerned with choice lying in a mean relative to us) whereas the second part of the definition concerns how we come to know what the mean response is. The formal definition of virtue is arrived at by employing a two-fold strategy: First, spheres of value are identified. These are areas of human concern with which the individual virtues deal. Virtue is then defined as the disposition to respond appropriately to these concerns. The following sections will further elucidate this conception of virtue by discussing what a disposition is, identifying spheres of value as sufficiently important areas of human concerns, identifying the relevant responses as both responses in actions and emotions, and discussing the appropriateness of the response in terms of hitting the mean. In discussing appropriateness, I also briefly discuss the role of practical wisdom (*phronēsis*) in coming to know what, exactly, the appropriate response is. Explicating each component of this definition of virtue provides a clearer conception of the overall account of virtue.

### 4.3.1 Dispositions

Dispositions are tendencies to feel and choose in certain ways. In determining what sort of thing a virtue is, Aristotle identifies virtue as a *hexis* – a state of character or disposition. He goes on to discuss dispositions in terms of dispositions to feel in certain ways. Dispositions are not,

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themselves, affections such as joy, anger, fear, etc., but rather are the way that we tend to feel things. Aristotle states, “It is in terms of [dispositions] that we are well or badly disposed in relation to the affections.” 123 Whereas we are not praised or blamed for the simple fact of feeling anger, or joy, or fear, we are praised or blamed for the way in which we stand in relation to these affections. Aristotle goes on to say that if we are violently or sluggishly disposed to feel anger, then we are badly disposed, but if we feel it in the intermediate way, we are well disposed. 124 A disposition, then, is a stable tendency to stand in a certain way in relation to one’s affections; it is not that we feel things, but the way in which we feel things that merits praise or blame. A virtue, then, is a disposition to feel things in an appropriate manner. 125

The initial part of Aristotle’s discussion on dispositions primarily focuses on dispositions as dispositions to feel in certain ways. Towards the end of the discussion, though, he goes on to claim that the simple feelings of anger and fear occur without choice, but the virtues are modes of choice or involve choice. The link between dispositions to feel and dispositions to choose is not made clear in this passage. Contemporary commentators, however, have provided explanations of this link.

Aristotle explicitly states that ethical dispositions concern the way agents stand in relation to one’s affections. This, though, is closely related to and informs the sorts of choices one makes. Usually one’s choices will follow from one’s dispositions; how one stands in relation to one’s affections will motivate action that reflects this. Taking pleasure in the right sorts of things will thereby motivate the right sorts of actions. As Aristotle states, “For excellence of character

123 Ibid. 1105b26.
124 Ibid. 1105b25 – 1106a5.
125 Richard Kraut also makes this point in section 5.1 of "Aristotle's Ethics," in The Stanford Encyclopedia of Philosophy (Spring 2008 Ed.), ed. Edward N. Zalta. He states, “Aristotle describes ethical virtue as a 'hexis' ('state' 'condition' 'disposition') – a tendency or disposition, induced by our habits to have appropriate feelings.”
has to do with pleasures and pains: it is because of pleasure that we do bad things, and because of
pain that we hold back from doing fine things.”126 What one chooses to do will normally follow
from the sorts of things that one takes pleasure in. What one takes pleasure or pain in will
importantly impact the sorts of choices one makes. As Broadie notes, “dispositions play a role in
shaping decisions themselves in so far as they are dispositions for liking and disliking the
ethically right, or wrong, things, they encapsulate a variety of values and priorities.”127 Aristotle
makes explicit the close link between the dispositions one has and the choices one makes in his
summary of what a virtue is. He states, “Excellence, then, is a disposition issuing in decision,
depending on intermediacy of the kind relative to us, this being determined by rational
prescription and in the way in which the wise person would determine it.”128

It is not entirely clear, given what Aristotle says, whether the disposition is strictly a
disposition to feel, and the choice is one that follows from one’s feelings or whether the
disposition encapsulates both one’s feelings and one’s choice. Aristotle’s claim that virtues are
modes of choice or involve choice suggests that the dispositions encapsulate both the feelings
and the choices whereas his claim that excellence is a disposition issuing in decision suggests
that the disposition is one thing – a disposition to feel – which gives rise to another thing – the
choice. Following what is said in the *Nicomachean Ethics*, dispositions are certainly dispositions
to feel in appropriate ways and if it is not a disposition to also choose in certain ways, then at the
very least the disposition to feel in certain ways will give rise to dispositions to choose in certain
ways.

127 Sarah Broadie, "Philosophical Introduction," in *Nicomachean Ethics*, ed. Sarah Broadie and Christopher Rowe
(Oxford: Oxford University Press, 2002). p. 44.
128 Ibid. 1106b35-1007a2. My emphasis.
Contemporary neo-Aristotelian accounts of what an ethical disposition is are somewhat clearer. They include not only tendencies to feel in certain ways, but also tendencies to choose in certain ways. Hursthouse describes dispositions as firmly entrenched mental and emotional complexes which impact our choices, actions, feelings and values. Sarah Broadie identifies dispositions as “an unconditional preparedness to act, feel, and respond in ways typical of [an ‘x’] person.” An ethical disposition can thus be understood as a deep and stable tendency to feel and choose in certain ways.

Ethical dispositions are inculcated through habitually performing actions of a certain sort. By repeated actions of a certain sort, one develops similar dispositions. Once one has developed a disposition, this disposition then gives rise to future choices of a similar sort. For example, by repeatedly performing just actions one will come to know what the just action is in a wide variety of situations, take pleasure in performing the just action and be motivated to perform further just actions. Once one has developed the just disposition, future choices will stem from and reflect that just disposition. By repeatedly performing actions of a certain sort, it becomes one’s second nature to make choices of that kind. One becomes primed to respond in certain ways – both in emotion and choice – to certain sorts of situations.

One’s ethical dispositions are a sort of second nature. As such, choosing in accordance with one’s dispositions is pleasant whereas choosing against one’s dispositions is painful. If one is disposed to perform generous actions, then making generous choices will be pleasant. If, however, one has a stingy disposition, making a generous choice will be painful since the agent is acting ‘against the grain’. As Aristotle states, “the pleasure or pain that supervenes on what

people do should be treated as a sign of their dispositions.”

Dispositions can thus be inferred from the pleasure or pain that one feels at their actions.

**4.3.2 Spheres of Value**

Virtues concern and are individuated according to certain areas of human concern. What differentiates one virtue from another is the set of concerns with which it deals. Different virtues – courage and generosity – concern different things. For example, courage deals with fear and confidence in threatening situations whereas generosity deals with what to give to whom and when. In defining the various virtues, Aristotle first identifies areas of human concern. One area of human concern deals with feelings of fear and confidence, another concerns pleasures and pains, another the giving and taking of money, and yet another honour and dishonour. As Neera Badhwar states, “Each virtue, according to Aristotle, has its own sphere of application, for example, courage applies in the sphere of physical danger, justice in the sphere of ‘useful and hurtful’ distributable things (1134a7-8) and so on.”

Both Martha Nussbaum and Christine Swanton recognize this Aristotelian strategy. Nussbaum states,

> Many of the … human excellences are identified by focusing on a sphere of activity in which human beings necessarily and more or less inevitably make choices: excellent activity is then defined as appropriate activity within this necessary sphere. Moderation, for example, is appropriate activity with respect to bodily pleasure and pain, especially where food, drink, and sex are concerned. Courage is appropriate activity with respect to situations of risk.

While Swanton refers to the areas of human concern as ‘fields of virtue’, it is nonetheless the same Aristotelian idea at play. She states,

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132 Ibid. Books II and III.
The field of a virtue consists of those items which are the spheres(s) of concern of the virtue, and to which the agent should respond in line with the virtue’s demands. These items may be within the agent, for example, the bodily pleasures which are the focus of temperance, or outside the agent, for example, human beings, property, money, or honours. They may be situations, for example, the dangerous situations which are the concern of courage; abstract items such as knowledge or beauty; physical objects such as one’s children, friends, sentient beings in general, art works or cultural icons, or the natural objects which are the concern of the environmental virtues.\footnote{Swanton, \textit{Virtue Ethics: A Pluralistic View}. p 20.}

Virtues are thus individuated according to their areas of concern.

The concerns that are relevant to ascriptions of virtue must be one’s that are sufficiently important in leading a good human life. As Badhwar states, “a thing’s importance has to do with the depth of its involvement in human life.”\footnote{Badhwar, "The Limited Unity of Virtue." p. 318} Some things are simply not that important. As such, one’s responses to these things would not merit ascriptions of virtues and vice. In discussing the concept of importance Badhwar states,

\begin{quote}
[\textit{A}n appropriate self-confidence in facing physical or social risks can be symptomatic of courage because of the importance of such risks in a human life: had such risks been trivial matters, an individual’s positive or negative attitudes towards them would not have counted as morally significant.\footnote{Ibid.}]
\end{quote}

Just as courage requires that the risk one takes be important for living a good human life, so too does generosity require that we are dealing with things that are important to living a human life.

Badhwar provides the following thought experiment:

\begin{quote}
Imagine that Delta’s attitudes towards brightly colored buttons are isolated from her attitudes towards other material objects, so that whereas she consistently overvalues or undervalues money and other material goods, giving away either too little or too much of them, she values brightly colored buttons at their true worth, neither hoarding nor wasting them. I strongly doubt that we would call Delta practically wise and generous with respect to brightly colored buttons because buttons as such, whether brightly colored or dull, simply are not \textit{important} enough to support such an ascription.\footnote{Ibid.}
\end{quote}
Normally, how one responds to and distributes brightly coloured buttons is just not important enough to the overarching concern of flourishing for one’s actions in this area to merit virtue and vice ascriptions. General areas of human concern become spheres of value or fields of virtue when the concern is one that is important for leading a flourishing or good human life.

4.3.3 Response

Responding appropriately concerns one’s responses in both choices and emotions; one’s choices and emotions are the relevant responses which can be more or less appropriate. The choices one makes are the actions one means to undertake where the agent has (or believes she has) at least one other available alternative. One of the relevant responses to an area of human concern is the choices one makes within that area of concern. For example, persons can make different choices regarding how they act concerning bodily pleasures. One person might choose to indulge excessively in bodily desires, whereas others might choose to refrain as much as possible from satisfying bodily desires, while still others might choose to satisfy bodily desires in a moderate way. These choices are responses to areas of human concern which can be more or less appropriate.

One’s emotions, in addition to the actual choices one makes, can be more or less appropriate. How one feels about situations and the choices one makes is a response that can be more or less appropriate. For example two people can each choose appropriately regarding the choices they make concerning their bodily desires. This, though, does not exhaust what it is to respond appropriately. The emotional reactions of the agent need also to be taken into consideration. If a person is pained at choosing in the appropriate way, then her emotional reaction is thereby inappropriate whereas if a person takes pleasure in making the appropriate
choice, her emotional reaction is thereby appropriate. The emotional reaction of agents is a relevant response to an area of human concern which can be more or less appropriate. As Broadie states,

Aristotle, of course, treats the virtues as dispositions to act and behave, but he is equally interested in them as dispositions to feel appropriately. Partly this is because feeling often directly issues in action, which is then the focus of judgments of appropriateness. But Aristotle is also concerned with appropriate and inappropriate feeling on its own account. In this he would surely be right, since feeling and lack of feeling manifest character no less than action and failure to act. It would be absurd to draw the boundaries of the concept of morally significant response so narrowly that our reactions to the conduct of agents beyond our control, or our feelings about some course off action which we had to decide not to take, say nothing about us morally.  

Virtue is a disposition to respond appropriately to areas of human concern. An appropriate response includes responses in both actions and emotion. Thus, in order to have a virtue one need not only be disposed to choose in the right way, but one must also be disposed to feel in the right way as well.

4.3.4 Appropriateness

The different virtues are defined and individuated according to the concerns with which they deal. To have a virtue is to be disposed to respond appropriately to a particular area of human concern. Part of what is involved in responding appropriately is that the agent aims at achieving the ends or the target of the particular virtues. Different virtues will have different targets or ends. For example, the end or target of just distribution might be everyone getting what they are entitled to, and the end of a courageous action might be to perform noble deeds even when doing so is very risky.

Whereas the spheres of value or areas of human concern identify general areas that will confront most forms of human life, demarcating the spheres of value tells us nothing about what

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The virtuous response is. The virtuous response is an appropriate response. An appropriate response is one that aims at certain sorts of results in the world. The appropriate response relative to a sphere will be one that is concerned to bring about certain sorts of ends. Virtuous dispositions are outward looking and seek to realize certain ends in the world. The virtuous action, then, is identified at least partly by appeal to the ends at which it aims. Jennifer Whiting states,

"Each of the canonical virtues is associated with a certain sort of external result at which stereotypically virtuous actions of the relevant sort typically aim: stereotypically generous actions typically aim at the welfare of others, stereotypically just actions at the sort of distribution in accordance with merit by which the stability of the polis is maintained, stereotypically temperate actions at health and good dispositions and stereotypically courageous actions at the security of one’s friends and fellow citizens. In each case, aiming at a certain sort of external result is part—though not the whole—of what makes a virtuous action the kind of action it is."140

To have a virtue is to be disposed to respond well or appropriately to a particular area of human concern. Responding well or appropriately involves choosing actions which aim at, or at least do not violate, the ends of the individual virtues. Each virtue has a distinct set of ends at which it typically aims. The virtuous agent is disposed to choose in a way that brings about these ends. An appropriate response will be one that takes into account and adequately respects these ends.

To respond appropriately is, roughly, to get it right, where getting it right is, in part, determined by the ends of the virtues. One will act and feel the right things, at the right times, towards the right objects with the right motive, in the right way, etc. Aristotle’s discussion of the doctrine of the mean is a discussion of the appropriateness of responses. In this discussion Aristotle claims that hitting the mean is required to realize the end of virtues.141 That is, one must avoid excess and deficiency in one’s actions and passions in order to hit the mean and thus

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141 Aristotle, *Nicomachean Ethics*. Bk. II.
achieve the end of the individual virtues. For example, with respect to fear and confidence if one feels too much fear one would be a coward whereas if one felt too much confidence one would be rash or foolhardy. To have the virtue of courage is to hit the mean with respect to one’s actions and feelings. One gets it right by feeling just the right amount of fear and confidence in the particular situation and by acting accordingly. Virtue, then, is a disposition to respond in both one’s actions and in passions in an intermediate or right way. Aristotle states,

[Moral virtue] is concerned with passions and actions, and in these there is excess, defect, and the intermediate. 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 at the right times, with reference to the right objects, towards the right people, with the right motive, and the right way, is what is both intermediate and best, and this is characteristic of virtue.¹⁴²

Virtue, then, is the disposition to respond appropriately to spheres of value where the appropriate response is one that avoids excess and deficiency thereby hitting the mean.

Defining virtue as the appropriate response to a sphere of value where the appropriate response is one that is neither excessive nor deficient is not overly informative. This account does not tell us much, if anything, about what is, in fact, the appropriate response. The second part of Aristotle’s definition of virtue concerns how the appropriate response is determined. Aristotle states that the mean or appropriate response is determined by a rational principle as the practically wise person would determine it.¹⁴³ Practical wisdom is the faculty that determines what the appropriate response is. Practical wisdom involves knowledge of what is important in a good or flourishing human life. The practically wise person is one who correctly perceives morally salient facts and has the ability to weigh the competing values correctly in the light of the final end of human flourishing.

¹⁴² Ibid. 1106b16-23.
¹⁴³ Ibid. 1107a1-2.
To respond appropriately is to hit the mean – to avoid excess and deficiency. What exactly the mean response is cannot be laid down in advance but is determined in the particular situation by the person of practical wisdom. The practically wise person is able to perceive the morally salient facts and can weight competing goods and values in the light of the overall goal of flourishing to come up with an overall appropriate response.

While the appropriateness of a response cannot be determined without knowledge of the particularities of the situation, some responses can still be identified as clearly inappropriate. In abstract cases where the situation is not fully specified it will not be possible to determine what, exactly, the mean response is. Even so, one can know that some responses fail to hit the mean regardless of what the exact particularities of the situation are. There are cases where it makes sense to say, ‘although I may not know what, exactly, the appropriate response consists of, whatever it is, this isn’t it.’ Nussbaum points to a quotation from Heraclitus to illustrate this point: “They would not have known the name of justice, if these things did not take place.” She goes on to note that ‘these things’ are instances of injustices – probably harm, deprivation, and inequality. These injustices are clearly inappropriate responses to the area of life having to deal with lawfulness and equality. Even if one does not know what, exactly, the mean or appropriate response is, one can know that some responses are inappropriate. Similarly, while there may be much disagreement about appropriate responses to one’s children – some hold ‘spare the rod spoil the child’ and ‘coddling will make them soft’, whereas others think children need continual and unconditional love, affection and affirmation no matter what they do – there is wide agreement that slaughtering one’s child is an inappropriate response. There is also disagreement about what counts as appropriate response to others. Some hold that ‘good fences

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make good neighbours’ whereas others hold that intimate knowledge of the neighbours’ lives makes for good community. While there can be disagreement about what is the appropriate response to one’s neighbours, all can agree that gratuitous physical harm to one’s neighbours is an inappropriate response. Whatever the appropriate response is to one’s neighbours, torturing and maiming them is not it. While there may be disagreement about what the appropriate response in fact is, there nonetheless remains a wide area of agreement about some responses that are clearly inappropriate.

Aristotle, himself, notes that some responses will never admit of a mean but are, in themselves, bad. These actions or emotions are ones that will always be inappropriate. The examples he gives are spite, shamelessness, envy, adultery, theft, and murder. According to Aristotle these are, themselves, names of excesses or deficiencies and, as such, to do any of these things is always wrong. As Kraut notes, Aristotle is not making the tautological claim that wrongful killing, sex, or taking is always wrong. Rather, the claim is a more substantive one that these particular actions are always wrong. While we might not know what, precisely, the appropriate response is to other persons and their property, we do know that feeling envy, stealing, killing, etc. is not going to be it. While an exact specification of what the appropriate response is cannot be laid down in advance as a result of the unique nature of different situations and different agents, it remains the case that some responses are always inappropriate. As Kraut states, “[A]lthough Aristotle holds that ethics cannot be reduced to a system of rules, however complex, he insist that some rules are inviolable.” There is thus evidence in Aristotle and room in a neo-Aristotelian account for recognition of actions which will always be inappropriate.

\[\text{\cite{Aristotle,Nicomachean Ethics,1107a8-26.}}\]

\[\text{\cite{Kraut,"Aristotle's Ethics."}}\]

\[\text{\cite{Ibid.}}\]
An appropriate response, then, is one that gets it right, in both action and emotion, regarding areas of human concern. The appropriate response in any situation is determined by practical wisdom which negotiates between the demands of various goods required for flourishing. The appropriate response is contingent upon the particular circumstances and so cannot be laid down in advance. While there may be no account available of what, exactly, the mean or appropriate response is in any given situation, some responses can still be identified as inherently extreme and always inappropriate.

Virtue, then, is a disposition to respond appropriately to spheres of value. While a description of virtue is central to any virtue ethical theory, consideration of how virtue relates to action is also important. The following two sections will address a distinction, made within a virtue-ethical framework, between virtuous action and right action.

4.4 Virtuous Action

For an action to be a virtuous action, the action must not only be an appropriate response, but it must also stem from an underlying virtuous disposition. For an action to be virtuous one must not only respond rightly to an item of value, but this response must also come about in the right way – that is, it must come about as a result of exercising one’s disposition. Whether or not an action is a virtuous action will depend on more basic facts about the dispositions of the agent. Aristotle states,

But if the acts that are in accordance with the virtues have themselves a certain character it does not follow that they are done justly or temperately. The agent must also be in a certain condition when he does them; in the first place he must have knowledge, secondly he must choose the acts and choose them for their own sakes, and thirdly his action must proceed from a firm and unchangeable character.148

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In order for an action to be a virtuous action, not only must one choose appropriately, this choice must be generated from the correct disposition.

For example, the end of generosity might be to give to the right people, at the right time, in the right way. Success in achieving this end does not, alone, make the action a generous action. In order for the action to be generous, one must also perform the action out of one’s underlying generous dispositions. Thus, if a politician gave the right amount, to the right people, in the right way, it would not follow that this was a generous act. If the action was done in order to curry favour with her electorate instead of out of an underlying generous disposition, the act would not be a generous or virtuous action. Virtuous action requires both that the action hit the end of the virtues and that the action be performed out of one’s underlying virtuous dispositions.

### 4.5 Right Action

As discussed at the beginning of this chapter, part of the contemporary neo-Aristotelian project is to extrapolate from the core features of Aristotle’s account to provide accounts of issues important for contemporary ethical theory on which Aristotle was silent. An account of right action is taken by many to be an essential component of any complete ethical theory. Aristotle, himself, did not provide an account of right action. Contemporary neo-Aristotelians, most notably Rosalind Hursthouse, have done much by way of developing a neo-Aristotelian account of right action.\(^{149}\) The standard virtue ethical account of right action holds that an act is right if and only if it is what a virtuous agent would do in similar circumstances. In this section, I explicate the standard account of right action and develop a parallel account of wrong action which defines wrong action in terms of what a vicious agent would characteristically do. I then consider objections that the virtue ethical account of right action can sometimes yield too many

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\(^{149}\) See Hursthouse, *On Virtue Ethics*. 
and sometimes no answer regarding the thing to do and so fails to be sufficiently action-guiding. Given that action-guidingness is the primary purpose of an account of right action, the virtue ethical account of right action fails. This objection stems from understanding ‘right’ as simply meaning ‘the thing to do’. I argue that fulfilling the action-guiding requirements of an account of right action does not require a determinate decision procedure that always yields one and only one course of action as the thing to do; meaningful guidance can come in the form of ruling out some options and leaving other options open. Thus, the virtue ethical account of right and wrong action, by appealing to what the virtuous agent would do, does provide meaningful action-guidance, albeit not action-determination.

According to the standard virtue ethical account of right action, “an act is right if and only if it is what a virtuous agent would characteristically do in similar circumstances.” Right action is understood by reference to some fact about the virtuous agent – namely what she does. It is the virtuous agent’s expertise and reliability in responding well to areas of human concern that makes this link plausible. The virtuous agent has practical wisdom and, as such, knows what the appropriate response is and is motivated to respond appropriately. Looking to what the virtuous agent would characteristically do thus reliably picks out what an appropriate response is and provides an account of right action.

Right action is understood in terms of what the virtuous agent would characteristically do. According to Hursthouse, including ‘characteristically’ in the definition is designed to “rule out the everyday ways in which virtuous people act ‘out of character’ – when they are exhausted,

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151 Defining right action as what a virtuous agent would characteristically do does not make the trivial things a virtuous agent does candidates for right action. For example, a virtuous agent might tend to choose to eat peanut butter rather than egg salad for lunch. This does not make eating peanut butter a right action. Rather, appeal to the characteristic actions of virtuous agents is an appeal to how the virtuous agent characteristically responds to items in the spheres of value or fields of virtues. As Neera Badhwar discusses in Badhwar, "The Limited Unity of Virtue.", it is only those things which are sufficiently important that are candidates for right or wrong action.
dazed with grief, ill, drunk (through no serious fault of their own, we must suppose), shell-
shocked, and so on.”152 These ‘out of character’ acts are ones whereby one’s actions are not
arising from one’s dispositions; one’s dispositions are frustrated from engaging in the ways that
they normally would and thus one’s actions or inactions are not one’s which flow from one’s
dispositions. For example, usually a virtuous person would notice that a person was in need,
care that the person was in need, and know just what to do to help that person. If, however, one
was exhausted with grief, one might be simply too tired to notice or care. The action, or lack of
action, in this case is one that is out of character since, as a result of grief and fatigue, one’s
dispositions temporarily fail to engage in the way they normally would and so one’s actions or
inactions are not those which flow from one’s dispositions. Given that the actions do not flow
from the disposition, the actions or inactions are ‘out of character’. One acts characteristically if
one’s actions are those that flow from one’s dispositions. To say that a right action is what a
virtuous agent would characteristically do is to say that a right action is any action a virtuous
agent performing actions which flow from her dispositions would perform.

Right action, unlike virtuous action, does not require that the action actually proceed
from an underlying virtuous disposition. While knowing what the right action is relies on appeal
to the dispositions and actions of a virtuous agent, whether a particular action is, in fact, right
does not require appeal to the dispositions of the person performing the act. It only needs to be
the case that the action is one that a similarly situated virtuous agent would characteristically
perform. Understanding right action in this way allows for doing the right thing for the wrong
reasons or from misguided motivations.153 For example, we might know that a generous person

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152 Hursthouse, *On Virtue Ethics* p. 78.
153 Separating right action from the actual dispositions of the person who performs the action also allows for moral
learning and moral improvement. That is, one can become virtuous and develop the dispositions of a virtuous
person by habitually performing right actions.
would provide assistance of a certain form to certain people in need. A generous person would perform this act from her underlying disposition of generosity thereby making her act a generous (and thus virtuous) act. A politician may also provide assistance of exactly the same form to exactly the same people. The politician does what a virtuous agent would characteristically do thereby making the action a right action. But given that the politician performed the action not from an underlying disposition of generosity, but rather in order to curry favour with her electorate, the action is thereby not a virtuous action. The generous person acts both rightly and virtuously whereas the politician acts rightly but not virtuously. That an individual action is right only requires that it is what a virtuous agent, acting from her underlying virtuous dispositions, would do; it does not require that the person who is, in fact, performing the action be acting from underlying virtuous dispositions.

While discussions in the virtue ethical literature are primarily concerned with an account of right action, an account of wrong action is equally important. One might think that an action is wrong just in case it is not right; if one performs an act that a virtuous person would not characteristically perform, that act is thereby wrong. This way of developing an account of wrong action is, however, problematic. There may be actions which are not exactly those that a virtuous person would characteristically do, but seem not to be genuine instances of wrongdoing. While these actions ‘miss the mark’, they are not so wide of the mark as to be instances of wrongdoing. An agent lacking the perfect practical wisdom of the generous person may fail to hit the mark of an appropriate action, but only by a little. For example, a parent who prefers not to drive his teenaged child to all of her extra-curricular activities purchases a car for the child. A virtuous agent might determine that purchasing a car for the child is not an appropriate response since it prevents the child from realizing the value of the car, it does not force the child to work
for things she wants, it is done out of the self-interest of the parent as opposed to what would foster the right values in the child, etc. While the parent acts in a way that is not characteristic of a virtuous agent, it does not seem as though purchasing a car for a child is a genuine instance of wrongdoing. The parent misses the mark, but only by a little. What the parent does is not exactly what a virtuous agent would do, but this does not seem enough to make the action an instance of wrongdoing.

Wrong action is better defined in terms of the vicious agent. Just as the account of right action appeals to what a virtuous person would characteristically do, an account of wrong action appeals to what a vicious person would characteristically do: an action is wrong if and only if it is one that a vicious agent would characteristically do. It is characteristic of vicious people to show disregard for the well-being of others, place some positive value on the sufferings of others, and to view others as merely instrumental in achieving their own ends. Activities like torturing, maiming, and killing others, breaking promises and violating rights are thus the sorts of actions that would be characteristic of a vicious person.

Just as right action does not require that the act proceed from a virtuous disposition, wrong action does not require that the action proceed from a vicious disposition. An action is wrong if it is the sort of action that a vicious person would characteristically perform. Just as persons with non-virtuous dispositions can perform right actions, persons with non-vicious dispositions can perform wrong actions. For an act to be wrong it only needs to be the case that it is an action that a vicious person would characteristically perform. Pursuing the ends that a virtuous person would characteristically pursue marks an action as right whereas pursuing the ends a vicious person would characteristically pursue marks an action as wrong. For both right and wrong action we need not know the actual dispositions that gave rise to the action, we only
need to know that it is the sort of action a virtuous or vicious person would characteristically perform.\textsuperscript{154}

The virtue ethical account of right action holds that an act is right if and only if it is what a virtuous agent would do and an act is wrong if and only if it is what a vicious agent would do. If we want to do the right thing and avoid doing the wrong thing, then we should aim to do what a virtuous agent would do and avoid what a vicious agent would do.

Here one might be worried about exactly how parallel the account of wrong action can be. It is one thing to say that if an action is characteristic of a vicious agent then it is wrong. It is quite another to state that if an action is wrong then it is what a vicious agent would do. The biconditional formulation of the account of wrong action is committed to both: an action is wrong if and only if it is what a vicious agent would do. Surely, one might think, there can be actions which are wrong but are nevertheless not characteristic of a vicious agent. It might be characteristic of a vicious agent to seek to maximize the pain and suffering she causes others. As such, if this person were to shoot others, she would shoot as many as she could. If a vicious person were disposed to maximize suffering, then bringing about a lesser amount of suffering (shooting only one) would not be characteristic of the vicious person. If an act is wrong if and only if it is what a vicious agent would do, and if shooting one is not what the vicious agent would do (because she’d shoot more than one), then it follows that shooting the one is not wrong. This is clearly an absurd conclusion. If this is a consequence of the virtue ethical account of wrong action, then that would be reason to reject or revise the account.

\textsuperscript{154} Just as appealing to what a virtuous person would characteristically do to define rightness is an appeal only to ethically significant actions, so too is appeal to what a vicious agent would do an appeal to ethically significant actions of a vicious agent. Thus, if a vicious agent happened to always choose chocolate cheesecake for dessert, this does not make the eating of chocolate cheesecake a wrong action.
That it is not wrong to kill one is not a consequence of the virtue ethical account of wrong action. The mistake in the argument is to suppose that just because a vicious agent might go for maximal suffering that any and all vicious agents must also go for maximal suffering. There could very well be vicious agents who are content to bring about just enough suffering. Just as the account of right action is developed in terms of what a virtuous agent would do, so too is the account of wrong action developed in terms of what a vicious agent would do. An act is wrong if and only if it is what a vicious agent would do. So long as shooting another is an act that a vicious agent would do, we are not left with the counterintuitive implication that the act of killing one is not wrong.

4.6 Action Guidance

A common objection leveled against virtue ethical accounts of right action is that it is unable to provide adequate action guidance. ‘Right’, it is argued, denotes ‘the thing to do’ in any situation; to say that an act is ‘right’ is to say nothing more than it is ‘the thing to do’. That is, right action is essentially an action-guiding term where action guidance comes in the form of a decision procedure that yields a singular and determinate answer about what to do in any given circumstance. Persons who take ‘right’ simply to mean ‘the thing to do’ object to the virtue ethical account of right action since application of the virtue ethical account of right action will sometimes yield the conclusion that multiple courses of action are right and sometimes yield the conclusion that no course of action is right. The virtue ethical account of right action does not yield a singular determinate answer about what to do in each and every situation. If the purpose of an account of right action is to determine the thing to do, and if an account gives sometimes too many and sometimes too few answers regarding what to do, then the account is seriously
deficient as an account of right action. So, the objector argues, the virtue ethical account of right action fails in its essential action-guiding function.

In this section, I first elucidate the ways by which the virtue ethical account of right action can yield both too many and too few answers regarding what the right action is and then argue that this is not a deficiency of the account. While the purpose of an account of right action is to provide action guidance, guidance can be provided in the absence of a determinate decision procedure that yields one and only one answer regarding the thing to do. Guidance is provided by ruling out (or giving strong reasons against) certain actions which are characteristic of a vicious person and leaving open (or giving strong reasons for) certain actions which are characteristic of a virtuous person. In determining what one ought to do, having a range of options that one ought not do is, itself, a form of guidance. The virtue ethical account of right action thus rejects the central assumption of the objector – that right simply means ‘the thing to do’. While the virtue ethical account recognizes that ‘right’ is an action-guiding term, this does not guarantee that there will always be one and only one thing to do.

Employing the virtue ethical account of right action may yield the conclusion that multiple courses of action are right. There could be different and incompatible actions undertaken by different virtuous agents which would mean, according to the virtue ethical account of right action, that there is more than one right action. An act is right if and only if it is what a virtuous agent would do. In a particular situation, two (or more) virtuous agents might choose different and incompatible things. Thus, according to the definition, all actions are ‘right’. Hursthouse’s example of a happy dilemma illustrates instances where there could be more than one right action. A parent is deciding which gift to buy for her child’s birthday. Given her wealth, relation to the child, the child’s expectations, etc., it is appropriate for her to

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buy the child one and only one gift, so she must decide between several gifts. One virtuous agent might choose gift A whereas another virtuous agent might choose gift B. According to the virtue ethical account of right action, both actions would be ‘right’ since both actions are ones that would be done by a virtuous agent. The account of right action thus yields the conclusion that there are different and incompatible actions all of which are ‘right’.

That there are multiple right courses of action may not be overly worrisome in the case of a happy dilemma. It might be more of a concern, however, with harder choices. Hursthouse also considers a case whereby one is deciding whether to take one’s mother off of life support and argues that two different virtuous agents might choose differently.\(^{156}\) If this is possible, then we have a situation where both taking one’s mother off of life support and not taking one’s mother off of life support are right actions. If one finds oneself in a similar situation and appeals to a virtue ethical account of right action for guidance, all the account will tell one is that both actions are right. This indeterminacy might be taken to be a failure of the account of right action. An account of right action is needed to determine what to do in any particular situation. The virtue ethical account of right action can yield the conclusion that multiple, incompatible courses of action are right and so leaves one wondering what to do. If the purpose of an account of right action is to tell one what to do by determining one and only action which is right, the virtue ethical account of right action is thereby deficient.

In addition to sometimes yielding the conclusion that multiple courses of action are right, the virtue ethical account of right action will also sometimes yield the conclusion that no action is right. If one is in a situation where there is no action available that would be characteristic of a virtuous agent, then it would follow from the account of right action that there is no right action.

Ordinary people might get themselves into situations in which a virtuous agent would never find

\(^{156}\) Ibid. pp. 69-70.
herself. Perhaps you have had an illicit affair with a friend’s lover. The friend is now considering marrying this man who is clearly a cad and you are certain that your friend would be making a big mistake if she were to marry this man. What should you do? Appeal to what a virtuous agent would do is not going to be much help here since a virtuous agent would not have had an affair with a friend’s lover in the first place. While there is nothing a virtuous agent would characteristically do in these circumstances, you are nonetheless looking for some guidance about what you should do. Here, again, the virtue-ethical account of right action seems unable to provide guidance. If a right action just is what a virtuous agent would do, and there is no action in this situation that is characteristic of a virtuous agent, it follows that there is no action which is right. Again, if the purpose of an account of right action is to tell one what to do by providing one and only one action which is right, the virtue ethical account of right action is thereby deficient.157

The objection that the virtue ethical account of right action fails to provide adequate action guidance is compelling only if we accept that the purpose of an account of right action is to provide a determinate decision-procedure that yields one and only one answer regarding what to do. It is not clear, however, that ‘the thing to do’ is what is meant by ‘right’. To be sure, ‘right’ does have an important action-guiding function. Considerations of rightness and wrongness do guide actions in important ways. Recognizing that ‘right’ is action-guiding does not entail that ‘right’ implies a determinate decision procedure that yields one and only one course of action. ‘Right’ can be action-guiding without always being action-determining. In what follows, I will show how the virtue ethical account of right action provides meaningful guidance by allowing some options and ruling out others. The ruling out of options and the

157 For a discussion of similar problems facing the virtue ethical account of right action see Robert Johnson, "Virtue and Right," *Ethics* 113 (2003).
narrowing of possibilities is a meaningful and important form of action-guidance even when it does not yield a singular ‘right’ course of action.

The first worry was that the virtue ethical account of right action could lead to multiple and incompatible actions being right. Different virtuous agents might choose differently in similar situations. The result is that either action would be right.

Part of the worry that multiple actions could be right can be addressed by focusing on the ‘similar circumstances’ clause in the definition of right action. It does not follow from the fact that different virtuous agents might choose differently thereby yielding different and incompatible ‘right’ courses of actions, that each ‘right’ option is equally right for you. In seeking direction one must look to what a virtuous agent would do in similar circumstances. One’s circumstances not only include facts such as ‘it is my child’s birthday’ or ‘my mother is on life support and I have power of attorney’, but also include certain facts about one’s self. In the case of what to buy one’s child for her birthday one’s means are a relevant fact of one’s circumstances. One virtuous agent might buy her child a trip around the world and another virtuous agent might buy her child a pair of shoes without holes at the local Goodwill. Given that these are both actions characteristic of a virtuous agent and so are ‘right’ actions, it does not follow that either of these actions are right for you. To figure out what you should do you need to appeal to what a similarly situated virtuous agent would do where one’s means are part of what is included in being ‘similarly situated’. This will significantly narrow the range of acceptable options.

Certain of one’s justified beliefs are also included in the relevant facts about one’s circumstances. Hursthouse explains the differing judgements of the two virtuous people deciding whether to take their mother off of life support by reference to differing beliefs. One
has a scientific / medical background and so believes (justifiably) that the prognosis is virtually hopeless. There is all but no chance of the mother regaining consciousness. This belief, in part, gives rise to her decision that taking the mother off of life support to be the right thing to do.

The other virtuous agent has a religious background and believes (justifiably) that there is always hope and focuses on the medical miracles that happen all the time. As such, this person decides to keep her mother on life support. Both agents are virtuous agents who, in making this decision, employ their generous, kind, and just dispositions. That they come to different judgements about what the right thing to do is a result of differing beliefs. The differing beliefs of each agent make them dissimilarly situated.

If one is looking to the virtue ethical account of right action to assist in determining what one ought to do, one’s actions are to be guided by what a *similarly situated* virtuous agent would do. That two different virtuous agents choose differently regarding whether to take their mother off of life support does not entail that *you* could either take your mother off of life support or not take your mother off of life support and be acting rightly. You must look to what a *similarly situated* virtuous agent would do where ‘similarly situated’ includes certain facts about the agent herself including facts about her justified beliefs. That virtuous person A believes in science whereas virtuous person B believes in miracles (where, let us suppose, they are both justified in their beliefs) is a difference that makes them dissimilarly situated. As such, if you are looking for what *you* should do in this situation, it is not the case that either answer is equally right for you. You cannot appeal to just any virtuous agent, but must appeal to a virtuous agent who is similarly situated.

Remembering that guidance must be obtained by looking at what a *similarly situated* virtuous agent would do serves to limit or constrain the range of acceptable options and so
mitigates, to some degree, the indeterminacy worry. To be sure, emphasizing the importance of being similarly situated does not ensure a determinate answer to what one should do. There may very well be cases where two virtuous agents are similarly situated but still choose differently. Such cases will again yield the conclusion that multiple incompatible courses of action as being ‘right’. There may still be indeterminate answers yielded by the virtue ethical account of right action.

That the virtue ethical account of right action might still yield indeterminate answers does not mean that it is bereft of action-guidance. Meaningful guidance can be obtained in the absence of a determinate decision procedure that yields one and only one right course of action. To seek guidance is to seek direction. Direction can be provided through consideration of what a virtuous agent would characteristically do and what a vicious agent would characteristically do: one should perform those actions a virtuous agent would characteristically perform and avoid those actions a vicious agent would characteristically perform. A virtuous agent characteristically performs actions which are kind, honest and just, and a vicious agent characteristically performs actions which are unkind, dishonest, and unjust. The characteristic actions of virtuous and vicious agents give rise to certain prescriptions to do what is honest, charitable, generous, and to not do what is dishonest, uncharitable or mean. Hursthouse labels these prescriptions the ‘V-rules’.¹⁵⁸ These prescriptions or rules provide guidance or direction.

These prescriptions provide direction by looking at considerations that count for and against an action. If an action is fine or praiseworthy – one that a virtuous agent would characteristically do – this counts in favour of that action. If an action is deplorable – one that a vicious agent would characteristically do – this counts against that action. Certain actions are ruled out on the basis of their being actions characteristic of a vicious agent. Other actions –

those characteristic of a virtuous agent – are left open. This narrows the range of acceptable actions in any given situation. Narrowing the range of acceptable options is, itself, a meaningful form of guidance.

That meaningful guidance can be provided by ruling some options out and leaving others open can be illustrated through considering the role and function of a guidance counselor. A high school guidance counselor is charged with assisting students in making decisions about future career paths. Typically, the guidance counselor assists students in analyzing their abilities and interests and uses these to rule out some career options and leave for further consideration other options. For example, if a student is incompetent at math and science and hates these subjects, these are strong reasons against pursuing a career as a biologist, engineer or doctor. Relevant information is taken into consideration and used to rule out some options. The strengths and interests of the student are assessed and careers that use these abilities are left as options for the student to pursue. The wide range of options is narrowed down according to the interests and abilities of the student, but many options remain. In the case of the guidance counselor, we do not think that just because multiple options are left available to the student that the counselor has failed in her role of providing guidance. Guidance has been provided by making clear the relevant considerations (abilities and interests) and then, in the light of these, ruling some options out and presenting some options as better than others. This attention to relevant considerations and ruling out of options is, itself, meaningful guidance.

Much the same thing can be said for action guidance in the moral sense. Here one takes stock of the relevant considerations including the quality of the actions. If an action is the sort of action that a virtuous agent would characteristically do – if it is the sort of thing a charitable or just person would do – then these are strong reasons in favour of performing that action. If the
action is one that a vicious agent would characteristically do – if it is terrible and causes great harm – then these are strong reasons against the action. In determining what one ought to do in any given situation, these are extremely important considerations which do provide meaningful action-guidance. One should aim to do the sorts of things a virtuous agent would do and avoid the sorts of things that a vicious agent would do. That is, one should aim to do those actions which an honest, courageous, just, generous, and kind person would do and avoid those actions which a dishonest, cowardly, unjust, ungenerous, or unkind or person would do. This is a form of guidance.

Even when the virtue ethical account of right action yields the conclusion that there are multiple right actions, guidance has still been provided by narrowing the range of acceptable options. This form of guidance is applicable even in cases where there is no action that a virtuous agent would characteristically do. The case presented earlier which is an instance of this situation was that your friend is considering marrying a man with whom you have had an affair during the time that they were dating. You believe that she would be making a big mistake in marrying this man and wonder what you should do. Appeal to what a virtuous agent would do might seem useless since a virtuous agent would not have had an affair with a friend’s lover in the first place and so there can be no ‘right’ action in this situation. This conclusion does not, however, establish that the virtue ethical account of right action fails to provide action guidance. Given the terrible thing that you have done, there is now no right action available to you; you cannot act rightly. But even so, there are still better and worse ways to respond to this situation and even if right action is no longer available to you, you still want to know what it is you should do. In cases where there is no particular action that would be characteristic of the virtuous agent,
guidance can still be provided by appeal to a virtue ethical account of right action and wrong action.

Guidance can be sought by appeal to what the vicious agent would characteristically do; one should not do what the vicious agent would characteristically do. Even in situations where there is no right action amongst the range of possible actions, there will likely be many wrong actions available. In considering what to do, you should not engage in actions characteristic of the vicious agent. The virtue-ethical account of right action instructs one to do what a virtuous agent would do and avoid what a vicious agent would do. While one may get oneself into circumstances in which there is nothing a virtuous agent would do, there remain many actions that would be characteristic of a vicious agent. If an action is characteristic of a vicious agent, this gives strong reasons against that action. Ruling out certain options is a meaningful form of guidance.

Not only is guidance provided by ruling out certain options, guidance is also provided by considering – in the abstract – the sorts of actions a virtuous agent would do. While there is no particular action a virtuous agent would do since the virtuous agent would never be in such circumstances, there are nonetheless certain types of things that the virtuous agent would generally aim to do. One knows that a virtuous person is one that is concerned with the well-being of others and is concerned to avoid harm to others. Even though a virtuous person would not find herself in these circumstances, considerations of what, given the circumstances, would promote the flourishing and well-being of one’s friend can and should come into play. What Hursthouse calls the V-rules are precisely these abstract formulations of what a virtuous agent would do in situations in which she found herself. Do what is kind, charitable, just, etc. Appeal to these V-rules can guide action even in situations where no virtuous agent would find herself.
If one is convinced that one’s friend will be ruining her life by marrying this man, and if one believes that a virtuous person is committed to the well-being of a friend, then this gives strong reason in support of telling the friend of the affair. We can still see that some amount of action-guidance can be given by appeal to what a virtuous agent would do even if there is no particular thing that a virtuous agent would do in these specific circumstances and thus no right action.

If one has got oneself into a situation where there is no action characteristic of a virtuous agent then given that there is no particular action a virtuous agent would do, there is no right action since right action just is what a virtuous agent would do in similar circumstances. There might be circumstances where, either through prior wrongdoing or bad luck, all actions available are terrible enough that none would be characteristic of the virtuous agent; there is no ‘right’ action available. That there might be cases where there is no particular action that a virtuous agent would do does not leave us without any guidance regarding what one ought to do given the circumstances. First, the virtue ethical account of right action provides guidance in the form of ruling out certain actions. One should not do those actions which are characteristic of a vicious agent. Ruling out actions is a form of meaningful guidance. Second, we can appeal to what a virtuous agent would do in a more abstract sense to provide guidance even in situations in which a virtuous agent would not find herself. We know that, in general, the virtuous agent is one who is concerned to promote the well-being of friends. Appealing to the abstract interpretation of what a virtuous agent would do, as embedded in the V-rules, gives some guidance about what one should do even when the thing that one should do is bad enough it does not deserve to be called ‘right’.
4.7 Conclusion

The first aim of this chapter was to sketch salient elements of a neo-Aristotelian account of virtue. To summarize, the ultimate goal or end is flourishing or living well. Part of what it is to flourish is to exercise the individual virtues. Individual virtues are individuated according to the areas of human concern with which they deal. A virtue is then defined as a disposition to respond appropriately to these areas of human concern. To respond appropriately is to hit the mean; that is the agent must avoid excess and defect in her actions and her emotions. Responding appropriately is, roughly, to get it right. What the appropriate response is is highly contingent upon the circumstances. As such what, exactly, is involved in getting it right may be impossible to articulate in advance. While appropriateness in response is contingent upon the circumstances there are, however, some actions which will never be appropriate.

I then argued that virtuous actions are those actions whereby the agent actually responds appropriately and where this response comes from the agent’s underlying virtuous dispositions. Right action, by contrast, has the agent responding appropriately in action, but this need not come from an underlying virtuous disposition. It only needs to be the case that the action is one that a virtuous agent would characteristically do. Similarly, wrong action is an action that would be characteristic of a vicious agent. For an action to be wrong, though, it need not stem from an actual vicious disposition.

The next chapter will make use of the elements of a neo-Aristotelian theory outlined in this chapter in order to make sense of what is going on in tragic dilemmas.
5.1 Chapter Introduction

Chapter two argued that agents do and should feel torn and guilty for their actions in tragic dilemmas and chapter three argued that this fact is not readily accommodated by standard versions of consequentialism and deontology. Chapter four laid out central features of a neo-Aristotelian virtue ethical framework. Virtue was defined as a disposition to respond appropriately to spheres of value or areas of human concern. Responding appropriately involves making choices that aim at the ends of the particular virtues. In addition to explicating the conception of virtue that is at the core of neo-Aristotelian virtue ethics, I also provided a neo-Aristotelian account of right action. The standard virtue ethical account of right action holds that an act is right if and only if it is what a virtuous agent would do. I adopt this account of right action and supplement it with a parallel account of wrong action which holds that an act is wrong if and only if it is what a vicious agent would characteristically do.

This chapter draws on the moral framework outlined in chapter four to provide an account of what is going on in tragic dilemmas. The first part of this chapter, section 5.2, develops a definition of tragic dilemmas: *A tragic dilemma is a situation where (a) the agent must choose between two mutually exclusive and incompatible courses of actions and (b) the agent must choose something that is in-itself undesirable in order to accomplish some other desirable end and (c) whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue and (d) the action is serious in that no adequate reparative actions are available to the agent and (e) the agent is one who is disposed to choose in ways that realize the ends of all the virtues.* After developing this account of tragic dilemmas, I go on, in section 5.3, to argue that the virtue ethical account of right action outlined
in chapter four gives rise to the conclusion that tragic agents must do wrong in order to do right; they must get their hands dirty.

Section 5.4 shows how this account of tragic dilemmas can readily explain the phenomenological features of tragic dilemmas identified in chapter two. Agents feel torn and guilty because they are torn and guilty. The agent feels torn because she is disposed to respond appropriately to all areas of human concern. In a tragic dilemma, in order to respond appropriately to one value one must respond inappropriately to another. As such, the agent is torn between two values both of which she is committed to. Agents feel guilty because they have engaged in wrongdoing. The virtue ethical account of right and wrong action defines right action in terms of what a virtuous agent would characteristically do and wrong action in terms of what a vicious agent would characteristically do. The tragic choice involves performing an action characteristic of a vicious agent – one must torture, kill, or violate people’s serious rights. Since the tragic choice is one that has the agent choosing those actions which are characteristic of a vicious agent, it follows that the tragic choice involves wrongdoing. Guilt is felt at instances of wrongdoing and in making the tragic choice, the agent has engaged in wrongdoing. Agents thus feel guilty because they are guilty. While chapters two and three identified three phenomenological features of tragic dilemmas – feeling torn, guilty, and tainted – the neo-Aristotelian account, alone, explains only feeling torn and feeling guilty. Explanation of the feeling of taint would require an additional premise: that some instances of wrongdoing diminish personal goodness. While this doesn’t follow from a neo-Aristotelian account, it is also not inconsistent with such a framework. This issue is taken up in relation to the moral luck objection in chapter seven.
This chapter develops the positive account of what a tragic dilemma is and gives reason to think that it can make progress in resolving the puzzles raised in chapter three. The following two chapters – chapters six and seven – deal with objections to this account. In chapter six I consider objections stemming from the unity of the virtues thesis and the nature of practical wisdom and in chapter seven I consider the objection that this account must be misguided since it implies that one’s character can be subject to moral luck.

5.2 Tragic Dilemmas

‘Tragic dilemmas’, ‘moral dilemmas’, and ‘dirty-hands scenarios’ all center around the same thought: there can be situations where, through no fault of an agent’s own, the options are constrained such that pursuing any of the available options would involve the agent in performing a horrific, repugnant, or wrong act, or in allowing something terrible to occur that one ought to stop. The crucial features of moral dilemmas identified by Terrance McConnell are that,

[T]he agent is required to do each of two (or more) actions; the agent can do each of these actions; but the agent cannot do both (or all) of the actions. The agent thus seems condemned to moral failure; no matter what she does, she will do something wrong (or fail to do something that she ought to do.)\textsuperscript{159}

According to Daniel Statman, a tragic dilemma occurs when (1) P ought to do A and ought to do B; (2) A and B are incompatible; (3) Doing A and B each (separately) involves high moral loss.\textsuperscript{160} Foot describes moral dilemmas as cases where “one principle enjoins one action and another another, and it is impossible that the agent should do both.”\textsuperscript{161} Examples of tragic agents include Sophie who had to choose which of her children would be sent to its death, Walzer’s

\textsuperscript{159} McConnell, "Moral Dilemmas."
\textsuperscript{160} Statman, "The Debate over the So-Called Reality of Moral Dilemmas." p. 206.
\textsuperscript{161} Foot, "Moral Realism and Moral Dilemma." p. 38.
politician who had to choose between torturing a person and the greater good, Agamemnon who had to choose between killing his daughter and saving the country and Orestes who had to choose between killing his mother or avenging the death of his father. These are cases where pursuing any of the available options involve the agent in doing something horrific, repugnant or wrong or in allowing something even more terrible or horrific to happen. This general idea of what is involved in a tragic dilemma can be precisely formulated in a way that coheres with an underlying ethical theory by drawing on elements of the neo-Aristotelian moral framework outlined in chapter four.

The neo-Aristotelian framework outlined in chapter four holds that the moral universe is comprised of multiple spheres of value. As such, it is unsurprising that at times trade-offs will have to be made between one item of value and another. Tragic dilemmas can be understood as involving a conflict between items of value. In a tragic dilemma, one’s choice is between realizing one instance of value or realizing another instance of the same or another value where one cannot realize both instances of value. For example, Agamemnon must choose between his daughter and his city; Orestes must choose between killing his mother and avenging the death of his father; Sophie must choose between sending her daughter or her son to their death. In these situations, realizing one instance of value precludes the realization of another instance of value. Tragic dilemmas are cases where there is a conflict between items of value. By acting to realize one instance of value, one is thereby not realizing another instance of value. The first feature of a tragic dilemma, then, is that they are (a) situations where agents must choose between realizing mutually exclusive and incompatible instances of value.

While tragic dilemmas are situations where agents must choose between realizing mutually exclusive and incompatible instances of value, there is nothing tragic about this per se.
Rather, this is a fact of ordinary choice and ordinary life. Life is filled with numerous choices. By investing one’s energy and resources into pursuing and realizing one good, one is thereby not investing one’s energy and resources in realizing another good. Over the course of a life in choosing to realize some values one is *ipso facto* choosing not to realize some other values. There is nothing particularly tragic about this. Everyday choices can range from the trivial to the significant, but usually involve pursuing one good which means one is thereby not pursuing another good. For example, one might have to choose between spending a dollar on a cup of coffee and putting that money towards one’s vacation fund. Or one might have to choose between an exciting and satisfying career and a family. Or one might have to choose between contributing money to charity that will help save the lives of numerous children in another part of the world and investing that money into a college fund for one’s own child. There are countless choices that people must make in their lives that involve pursuing one good to the exclusion of others; these choices will involve trade-offs between different goods. Ordinary life involves choices between mutually exclusive and incompatible instances of value and there is nothing particularly tragic about this. The choice between two different and incompatible instances of value is thus a necessary feature of tragic dilemmas but does not, alone, distinguish tragic dilemmas from circumstances of ordinary choice.

In addition to tragic dilemmas (a) involving choices between mutually exclusive and incompatible instances of value, a tragic choice also involves (b) *doing something that is not, itself, desirable in order to accomplish some other desirable end*. For example, killing one’s mother or children is something that is not, in itself desirable, but is done in order to realize some other instance of value. That is, Agamemnon kills his child, not because doing so is regarded as, itself, good but rather because doing so is necessary to bring about some other value – the
welfare of the city. Similarly, Orestes kills his mother not because killing one’s mother is, on its own, regarded as a good action, but rather because doing so is required to bring about some other instance of value – namely avenging the death of his father. The reason that the tragic agent would engage in something that is not, in itself, desirable is to bring about some other instance of value; the undesirable action is done as a means to bring about something else. Tragic dilemmas thus involve the agent performing an action which is not itself desirable in order to realize some other instance of value.

Understanding tragic dilemmas as instances where (a) the agent must choose between mutually exclusive and incompatible courses of actions and (b) the agent must do something that is in itself undesirable in order to bring about another instance of value still does not uniquely pick out tragic dilemmas. An action which is performed in order to bring about some other end is an instrumental action. Instrumental actions are not, themselves, tragic and regrettable but, again, are part of ordinary life. For example, spending one’s money is not in itself desirable; normally, one does not choose to spend money simply for the sake of spending money. Rather, one spends money in order to attain some other good that one also values. Spending money to buy a cup of coffee is an instance of choosing an act which is not itself desirable in order to realize some other value. This, though, is not a tragic action. Also, one who is committed to the well-being and flourishing of one’s child might choose to do something that is not itself desirable relative to that end in order to bring about some other value. For example, a parent might decide to immunize one’s child. This involves sticking the child with needles which is painful for the child and may also cause mild illness in the child. Causing pain and sickness in one’s child is not, itself, desirable. This is done, however, in order to bring about some greater good – namely the prevention of serious life-threatening diseases later in the child’s life. Again, we have a case
where an agent does something that is not itself desirable in order to bring about another instance of value. This, though, is not particularly tragic. Actions which involve doing things that are not in themselves desirable to bring about some other value are instrumental actions. There is nothing particularly tragic about instrumental actions \textit{qua} instrumental actions.

In addition to (a) having to choose between mutually exclusive and incompatible actions and (b) having to choose something that is in itself undesirable in order to accomplish another end it is also the case that (c) \textit{whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue}. Tragic dilemmas are different from merely instrumental actions in that in tragic dilemmas, the action performed as a means to accomplish some other good is an action which undermines the very end or target of a virtue; the agent must act to undermine an instance of the very value which she is committed to realizing.

In chapter four, I argued that virtues were individuated according to the particular sphere of value with which they were concerned. The individual virtues had particular targets or ends. The ends of the virtues are the sorts of things that an agent exercising the virtues seeks to accomplish in the world. Making choices which will expectably accomplish these ends are part of what it is to exercise a virtue. For example, the virtue of justice concerns the distribution of things. An appropriate distribution is everyone getting what they are entitled to, or everyone having their fair share of benefits and harms. The end of the virtue of justice, then, is that persons get what they are entitled to. If one has a just disposition, then one is committed to realizing the end of the virtue of justice – one is committed to bringing about a state of affairs where everyone gets what they are entitled to. Tragic dilemmas, though, require the agent to choose in a way that undermines the end of a virtue to which she is committed. Thus, in a tragic dilemma, one who is committed to the ends of justice will have to choose in a way that
undermines the ends of justice. Choosing to act in a way where one person receives a disproportional share of harmful things is choosing to act in a way that undermines the very end of a virtue to which one is committed. In a tragic dilemma, the agent must choose in a way that undermines or goes against the very ends of the virtues she seeks to exercise. She must actualize something of serious disvalue in order to accomplish some other end. Tragic choices, then, are choices where whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue.

The three conditions identified – that (a) the agent must choose between two mutually exclusive and incompatible courses of action; (b) the agent must choose something that is in-itself undesirable in order to accomplish some other desirable end; and (c) whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue – are not yet sufficient to uniquely pick out tragic dilemmas. One thing that is often said in the discussions of tragic dilemmas is that the action is ‘serious’. The thought is that tragic dilemmas are different from other sorts of dilemmas in that the action undertaken is ‘really bad’ or ‘serious’. This seriousness caveat does seem to be an important feature of a tragic dilemma. We can see this by revisiting a case presented in chapter three which happens to meet all of the criteria given thus far, but still seems to fall short of the tragic.

You have promised to take your daughter to the zoo. Lately you have been extremely busy and have not been able to spend near enough time with your child. Your daughter is looking forward to this – it is all she has been talking about for the last week. That morning, however, a call comes in from the hospital alerting you that a large-scale disaster has occurred. You are a surgeon and your presence would be instrumental in saving numerous lives. You must choose between going to work and saving lives or taking your daughter to the zoo.
The structure of this case meets all three features of a tragic dilemma thus far identified. First, you are forced to choose between two mutually exclusive and incompatible courses of action – you must choose between taking your daughter to the zoo as promised or going in to work to save numerous lives. Second, you must choose something that is in-itself undesirable in order to accomplish some other desirable end. That is, you must decide to break a promise to your daughter (which is in itself undesirable) in order to save the lives of numerous strangers. Finally, whatever you do you will be frustrating the ends of one or another virtue. If you go to work, you will be breaking your promise to your daughter and, yet again, be failing to spend the time with her that you ought to. If you keep your promise to your daughter, numerous lives will be lost that you could have saved. Arguably, this would frustrate the end of a virtue concerned with the well-being of others or a role-obligation associated with being a surgeon. All three conditions thus far given of a tragic dilemma have been met. One might, however, suspect that breaking a promise to take your daughter to the zoo in order to save the lives of others is not a tragic dilemma.\textsuperscript{162} That you must, on this occasion, break a promise and disappoint your daughter is simply not serious enough to constitute a tragic dilemma.

Tragic dilemmas are limited to actions which are sufficiently serious. There is an intuitive distinction to be made between actions like breaking a promise to one’s child, and actions like killing one’s parent or child, or torturing another. One action seems ‘serious’ or ‘really bad’ and the other somewhat trivial. There needs, though, to be a principled reason that grounds the distinction between the intuitively serious and the intuitively trivial. The fourth condition of tragic dilemmas separates the seriously bad actions which are the stuff of tragic

\textsuperscript{162} In this example I assume that breaking a promise to your child in order to work / save lives is a rare circumstance. If, however, one’s life were such that this trade-off needed to be made too frequently such that, overall, one was failing to fulfill one’s parental duties, then it might be a tragic dilemma. Martha Nussbaum discusses this in her article "The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis," \textit{Journal of Legal Studies} 29 (2000).
dilemmas from non-tragic actions. That is, (d) *tragic dilemmas involve actions for which it is impossible to make adequate reparations to the person harmed.* In breaking a promise to one’s daughter one can make subsequent reparations for this action. One could promise to take one’s daughter for an extra long visit to the zoo on another day. Tragic dilemmas, however, involve killing others or doing serious and irreversible harm to others. These are the sorts of things for which there cannot be adequate reparations. It is right, then, that the actions in tragic dilemmas are serious. A plausible way to distinguish serious actions which are the stuff of tragic dilemmas from less serious actions which are not tragic is to consider whether adequate reparations are possible. If reparations are not possible for actions which undermine the ends of one or another of the virtues, then the act is sufficiently serious to be a tragic action. The fourth condition, then, of tragic dilemmas is that (d) *the act must be one for which it is impossible to make adequate reparations to the person harmed.*

The final condition of a tragic dilemma is that (e) *the agent making the choice must be one who is disposed to choose in ways that realize the ends of the virtues.* It must be the case that the agent, her values, and her conception of the good is one that is right or good enough. The choice between which of one’s children one will send to its death is tragic only for the agent who values the life and well-being of each child. The agent who did not particularly care for her children and found that being rid of at least one of them was a good thing, would, if faced with a choice similar to Sophie’s, not be a tragic agent. For the choice to be a tragic one it must be the case that the agent is forced to act against her values and conception of the good. If an agent had a misguided conception of the good whereby she did not value both of her children, then being forced to choose which one would die is not tragic.
If we revisit the tragic cases with which we have been working, these five conditions uniquely pick out tragic dilemmas. In the case of Sophie, Sophie is committed to a parental virtue of promoting the flourishing and well-being of both of her children. In choosing which of her children is to die she is choosing something that undermines, violates or destroys the very end to which she is committed. Ending the life of a child is usually inconsistent with the end of promoting the well-being of that child. Thus, she chooses in a way that undermines the end of a virtue to which she is committed. Choosing the death of one’s child is serious enough to be tragic in that there are no adequate reparative actions available to the agent. After one has chosen the death of one’s child, one cannot, at a later time, make it up to that child. In the case of Orestes he is committed to the end of honouring or respecting each of his parents. Killing one parent undermines or violates that end. Again, given that the choice involves death, this is not something for which there is any reparative action available. Walzer’s politician is committed to respecting the serious rights of all individuals. Torturing an individual actively undermines that end. Again, while the one tortured may survive, any reparative actions will likely be inadequate to repair the damage done; in these cases reparations would, at best, be symbolic.

A tragic dilemma is a situation where (a) the agent must choose between two mutually exclusive and incompatible courses of actions and (b) the agent must choose something that is in-itself undesirable in order to accomplish some other desirable end and (c) whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue and (d) the act is one for which adequate reparations are impossible and (e) the agent is one who is disposed to choose in ways that realize the ends of the virtues.
5.3 Dirty Hands

Discussions of tragic dilemmas and dirty-hands scenarios are closely related. The central idea in both discussions is that agents will have to do something terrible, horrible, or repulsive in order to accomplish some morally worthy end. The difference, though, is that the dirty-hands formulation frames this thought in terms of ‘doing wrong in order to do right’ whereas many discussions of tragic dilemmas avoid formulations in terms of wrongdoing. The definition of tragic dilemmas provided above, in conjunction with the virtue ethical account of right and wrong action outlined in chapter four, gives rise to the conclusion that agents may find themselves in situations where they must do wrong in order to do right; some circumstances are such that a virtuous agent cannot emerge without getting her hands dirty. There can be cases of inevitable wrongdoing.

As discussed in chapter four, right action is defined in terms of what a similarly situated virtuous agent would characteristically do and wrong action is defined in terms of what a similarly situated vicious agent would do. If we consider an example of a tragic dilemma and apply the virtue ethical account of right and wrong action, we can see exactly how it leads to the conclusion that these are situations where one must do wrong in order to do right.

Howard Curzer’s ticking-bomb scenario can illustrate. According to this scenario, “[A] morally good agent has a reasonably good chance of averting a probable, terrible disaster only by torturing an innocent person.”\textsuperscript{163} This is a resolvable tragic dilemma. Despite the fact that pursuing any of the options would require that the agent act in a way that frustrates the ends of the virtues to which she is committed, there is, nonetheless, an all-things-considered better course of action – namely torturing the innocent individual to avert a terrible disaster.

\textsuperscript{163} Curzer, "Admirable Immorality, Dirty Hands, Ticking Bombs, and Torturing Innocents." p. 32.
The virtue ethical account of right action holds that an act is right if and only if it is what a virtuous agent would characteristically do. The virtuous agent is one who is disposed to respond, in a good enough way, to the ends of all the virtues. In any situation, the virtuous agent will employ her practical wisdom and determine which action best realizes the ends of all her virtuous dispositions. That is, the agent will aim to respond in ways that are kind, generous, just, etc. The circumstances of tragic dilemmas, however, thwart this goal. Whatever the agent chooses, she will be acting in a way that undermines the end of at least one of the virtues in a serious and irreparable way. She will be forced to do something that is unjust, unkind, mean, etc. The fact that the virtuous agent cannot act in a way that adequately realizes the ends of all her virtuous dispositions does not thereby result in the agent throwing up her hands and saying, ‘it doesn’t matter what I do.’ Rather, the virtuous agent will still seek to determine and do the best thing overall. She will aim to do the least damage to the ends of the individual virtues. Virtuous agents, then, aim to act in a way that adequately realizes or respects the ends of each of the individual virtues. When circumstances make this impossible, the virtuous agent will do what is best – what does the least violation to the ends to which she is committed. The virtuous agent will opt for the course of action which is the lesser of the evils. It is thus characteristic of the virtuous agent to realize or respect the ends of all the virtues and where this is not possible, to act for the best.

In the ticking-bomb case, the best thing an agent can do is torture the individual in order to obtain the necessary information. Since right action is defined in terms of what the virtuous agent would characteristically do, and since the virtuous agent characteristically acts for the best, it follows that in this situation, torturing an innocent individual is a right action.
The act of torturing an innocent individual in order to gain information necessary to prevent a large-scale disaster does not, however, seem ‘right’ in the same way that performing just or temperate actions are ‘right’. While the action is one that a virtuous agent would do, the action is so terrible it seems as though it could never be ‘right’. Furthermore, the virtuous agent, herself seems to regard the action in this way. The act of torturing an innocent individual is odious to the virtuous agent. Even though this is the best thing she can do in the circumstances, the action is one which violates another person’s serious rights and inflicts severe pain on another and this goes against the very things the virtuous agent is committed to. As such, performing the tragic action is cause for considerable pain and guilt. While the action in a tragic dilemma is ‘right’ according to the virtue ethical account of right action, it nonetheless seems importantly different from other standard instances of right action.

The right action in tragic dilemmas is importantly different from other sorts of right action since in order to do the right action, the agent also had to do something terrible. In order for the virtuous agent to do or bring about what is best, the agent must also perform an action that is characteristic of the vicious agent.\(^\text{164}\) Hursthouse says as much when she claims,

\[\text{[I]f a genuinely tragic dilemma is what a virtuous agent emerges from, it will be the case that she emerges having done a terrible thing, the very sort of thing that the callous, dishonest, unjust or in general vicious agent would characteristically do – killed someone or let them die, betrayed a trust, violated someone’s serious rights.}\]\(^\text{165}\)

In the ticking-bomb dilemma, the agent must torture an innocent individual. The imposition of severe and prolonged pain on another person as a means to accomplish one’s own ends or goals is an action characteristic of the vicious agent. As such, acting for the best in the ticking-bomb

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\(^\text{164}\) In stating that an agent must perform an action that is characteristic of the vicious agent, it is not being stated that the agent will perform an action \textit{in the way} that a vicious agent does. While a vicious agent would perform the action with glee, the tragic agent will feel considerable pain and reluctance at performing the action. This observation, though, cannot be used to claim that the tragic person doesn’t perform an action characteristic of the vicious agent. There is a distinction to be made between what a person does and how a person does it. This is the distinction between virtuous and vicious actions and right and wrong actions discussed in chapter four.

dilemma thus requires that the agent perform an action characteristic of a vicious agent. The virtue ethical account of wrong action holds that an action is wrong if and only if it is an action characteristic of a vicious agent. Since in order to do what is best, one must perform an action characteristic of a vicious agent, it straightforwardly follows that in the course of doing what is right, the agent must also perform an action which is wrong.

In tragic dilemmas, the agent acts as a virtuous agent would act. She acts as one who is committed to the ends of each of the virtues and when she cannot fulfill the ends of all the virtues seeks to do what is best. The tragic agent also performs an act characteristic of a vicious agent. She performs a terrible and repugnant act which undermines the ends of the virtues to which she is committed. The tragic agent performs an action characteristic of a vicious agent only in order to accomplish what is, all things considered, best where doing what is best is characteristic of the virtuous agent. Since right and wrong are defined in terms of what the virtuous and the vicious agent would characteristically do, it follows that the tragic action is a case of doing wrong in order to do right.

Application of the virtue ethical account of right and wrong action, in conjunction with the account of tragic dilemmas, straightforwardly yields the conclusion that the action undertaken in a tragic dilemma will be ones where the agent must get her hands dirty. This dirty hands formulation of doing wrong in order to do right is one that directly follows from a neo-Aristotelian account of tragic dilemmas.

5.4 Phenomenology Revisited

Given this account of tragic dilemmas, progress can be made in accounting for the phenomenological features identified in chapter two. In chapter two I argued that agents feel
torn, guilty and tainted for their actions in tragic dilemmas and that these feelings were somehow appropriate – they are the emotional reactions we would expect of a good moral agent. In chapter three I showed how these emotional reactions were puzzling for many versions of consequentialism and deontology given certain of their usual commitments. Accounting for tragic dilemmas from this neo-Aristotelian framework, however, provides a straightforward account of why agents feel torn and guilty: agents feel torn and guilty because they are torn and guilty.

5.4.1 Feeling Torn

Agents feel torn when having to make a tragic choice. To feel torn is to feel moved by each of the competing values even after one has concluded one’s practical deliberation and determined what one ought to do, all things considered. According to the neo-Aristotelian framework, the moral universe consists of multiple spheres of value or areas of human concern. Virtue is the disposition to respond appropriately to each of these concerns. To be disposed to respond appropriately is to be committed to aiming at the ends of the individual virtues. Thus, if one has a generous disposition, one is committed to aiming at bringing about those things that benefit others. In tragic dilemmas, though, one’s dispositions are necessarily frustrated. All choices available to one are those which undermine the ends of at least one of the virtues to which one is committed. While one is disposed to respond appropriately to all instances of value, one must, nonetheless, act in a way that undermines one or another instance of value.

The definition of tragic dilemmas stipulated that the agent acting in the tragic dilemma must be one who is disposed to respond in ways that hit the end of the virtues. The agent is one who is disposed to bring about the ends of generosity, justice, charity, etc. The agent’s internal
psychological state is one that both knows what the generous, just, and charitable response is and is also motivated to respond accordingly. In tragic dilemmas, though, it is impossible to respond appropriately to all values; the agent will inevitably fail to adequately meet the ends of one or another of the virtues. The agent must act in a way that undermines one or another value. But the fact that it is impossible for the agent to respond appropriately to the ends of all the virtues does not mean that she is no longer disposed to respond appropriately. That the agent remains disposed and committed to realizing the ends of each of the individual virtues, even when doing so is impossible, accounts for the agent continuing to feel torn even after she has concluded her practical deliberation. Despite concluding that performing action $x$ instead of action $y$ was the thing to do, all things considered, the fact that action $y$ embodies a value to which the agent remains committed is enough to account for the pull that action $y$ retains on the agent. Even if the agent cannot respond appropriately to each value, each value retains its pull on the agent. In a tragic dilemma, the agent recognizes the pull that each value has on her given her commitment to realizing the ends of certain virtues. It is not the case that her commitment to the value selected against wanes simply because it was selected against. Rather the agent’s commitment to the value remains even when she is acting to undermine an instance of that value. In a tragic dilemma, the agent recognizes the legitimate pull of each competing instance of value. It is this recognition that accounts for the agent feeling torn. The agent feels torn because she is torn. The agent is rightly committed to each value and so each pulls her in a separate directions. Recognition of the legitimate pull of each value is a recognition that one is torn. Feeling torn thus follows from a genuine appreciation of the moral reality.
5.4.2 Feeling Guilty

Agents feel guilty for their actions in tragic dilemmas because they are guilty. The standard account of guilt holds that the proper object of guilt is one’s own wrongdoing. That is, for one’s feelings of guilt to be fitting – to accurately track reality – it must be the case that one is responsible for wrongdoing. Wrongdoing, then, is the proper object of guilt. According to the virtue ethical account of right action an act is right if and only if it is what a virtuous agent would characteristically do and an act is wrong if and only if it is what a vicious agent would characteristically do. Since the action performed in a tragic dilemma is one that is characteristic of the vicious agent, it follows that the action is wrong. Given that the agent has performed a wrong action, guilt feelings can be made sense of. The agent feels guilty because she is guilty. The agent accurately perceives that her terrible action was an instance of wrongdoing. Her emotional response of guilt is one that registers this fact of wrongdoing.

In chapter two I argued that agents do feel torn and guilty for their actions in tragic dilemmas and that these emotional reactions were appropriate – these are emotions we would expect of an otherwise good moral agent. In chapter three I showed how these feelings create puzzles for standard versions of consequentialist and deontological theory. That agents have these feelings cannot be ‘fitting’ according to the moral reality espoused by these theories. The rift between what agents feel and what the theories say is fitting to feel needs to be explained. One way to explain why agents do and ought to feel torn and guilty is to embrace the account of tragic dilemmas given here. Following this framework, the emotional reactions of agents accurately reflect their moral reality. It is in fact the case that the agent is torn. The agent recognizes competing values because there are competing values both of which have a legitimate pull or claim on the agent. The agent feels guilty because she is guilty. One is guilty if one has
engaged in wrongdoing. According to the virtue-ethical account of right action, an act is wrong if it is what a vicious agent would characteristically do. The tragic choice is one that is characteristic of the vicious agent and, as such, is wrong. The agent thus perceives this wrongdoing and feels guilt at having done wrong. A neo-Aristotelian ethical framework can provide a compelling account of what is going on in tragic dilemmas and of the phenomenological features of acting in tragic dilemmas. The feelings of being torn and guilty are feelings that accurately perceive and register salient facts about one’s moral reality.

5.4.3 Feeling Tainted

The third phenomenological feature of tragic dilemmas identified in chapters two and three was that agents feel tainted for their tragic choices. That is, agents regard themselves as less good as a result of performing the tragic action. There is nothing that immediately follows from the neo-Aristotelian account outlined in chapter four that, alone, can explain the feeling of taint. Rather, explanation of the feeling of taint requires accepting an additional premise: at least some instances of wrongdoing – including those which occur in a tragic dilemma – diminish one’s goodness. If it is thought that some instances of wrongdoing diminish goodness, then the very fact that one perceives oneself to have done an irreparable wrong will explain the feeling of taint. While the premise that some instances of wrongdoing diminish character does not follow from a neo-Aristotelian framework, it is also not inconsistent with such a framework. This premise will be further examined in chapter seven in connection with the moral luck objection. For now, though, it should be noted that the feeling of taint has yet to be accounted for by the neo-Aristotelian framework outlined in chapter four. This issue will be revisited in chapter seven.
5.5 Conclusion

This chapter has argued that the neo-Aristotelian framework outlined in chapter four is well-equipped to provide a coherent and compelling account of what is going on in tragic dilemmas. Drawing on a framework that (1) recognizes the existence of a plurality of values, (2) understands virtues as dispositions to respond appropriately to or aim at the ends of these values, and (3) defines right and wrong action in terms of the characteristic acts of the virtuous and vicious agent, provides much of what is necessary to account for tragic dilemmas, dirty hands, and the feelings of being torn and guilty which tend to accompany tragic choices.

Tragic dilemmas can be understood as situations where (a) the agent must choose between two mutually exclusive and incompatible courses of actions and (b) the agent must choose something that is in-itself undesirable in order to accomplish some other desirable end and (c) whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue (d) and the action is serious in that no adequate reparative actions are available to the agent and (e) where the agent is one who is disposed to choose in ways that realize the ends of all the virtues. This account of tragic dilemmas captures well the features that are part of the stock examples of tragic dilemmas. Furthermore, this account of tragic dilemmas, in conjunction with the virtue ethical account of right and wrong action, gives rise to the conclusion that there can be genuinely dirty hands cases. That is, there can be cases where one must do wrong in order to do right. Drawing on a virtue ethical framework, the thought that there can be dirty hands cases is given theoretical backing and is thus not puzzling, incoherent, or inconsistent with ethical theory. Finally, this account can make sense of why agents feel torn and guilty. Agents feel torn and guilty because their emotions are accurately tracking their moral reality. In these tragic dilemmas it is the case that the agent is
pulled in two different directions by two different and incompatible instances of value. The
agent thus feels torn because she is torn. The agent feels guilty because she accurately perceives
her action to be an instance of wrongdoing. The agent thus feels guilty because she is guilty.
The neo-Aristotelian account, alone, says nothing about the issue of taint, however. In order to
explain why it is that agents feel tainted for their tragic choice, we would have to accept an
additional premise which asserts that wrongdoing undermines goodness. This premise neither
follows from nor is inconsistent with the neo-Aristotelian account provided in chapter four.
Further discussion of this premise occurs in chapter seven.

This chapter has offered an account of what is going on in tragic dilemmas and argues
that understanding tragic dilemmas from a neo-Aristotelian perspective can offer a solid
theoretical basis to make sense of phenomena which is not so easily accommodated by standard
versions of other ethical theories. While the ability to provide a theoretical account of ‘doing
wrong in order to do right’, and the ability to make sense of feelings of being torn and guilty are
beneficial features of this account, there remain several strong objections to this account.

The following two chapters will address three objections to this account. Chapter six will
discuss the unity of the virtues objection and an objection based in the nature of practical
wisdom. According to the unity of the virtues objection, the virtues are unified in that if a person
has one virtue, then she must have all the virtues. If the virtues are unified, in this way, then it
seems misguided to conceptualize tragic dilemmas as cases where the virtues conflict – where
one can only uphold the ends of one virtue by undermining the ends of another. After addressing
the unity of the virtues objection, I consider the practical wisdom objection. This objection is
levered by persons who believe that there are no limits to the powers of practical wisdom. The
thought is that so long as one has exercised one’s virtuous dispositions in deliberating about what
to do, that one’s response will necessarily be an appropriate one. Tragic dilemmas are not instances where one must act to undermine the ends of one or another of the virtues, but rather instances where the appropriate response takes on an unorthodox form. Whereas normally the sort of action an agent performs in a tragic dilemma would be wrong, the particular circumstances make it right. If practical wisdom will always yield an appropriate response, then it is mistaken to hold that tragic dilemmas are cases where one must act to undermine one or another instance of value. In chapter six, I develop and respond to both of these objections. In chapter seven, I consider the objection that accepting this account of tragic dilemmas commits one to the repugnant conclusion that our goodness can be a matter of luck. I argue that while this conclusion may very well be an implication of the account, it is not one that is to be resisted or presumed false.

The initial strength of this account lies in its simplicity and ability to explain certain phenomenology and beliefs that are difficult to explain following the moral framework of standard versions of other ethical theories. This account is further developed and strengthened by considering several forceful objections to this account which is the purpose of the following two chapters.
CHAPTER SIX: UNITY OF THE VIRTUES AND PRACTICAL WISDOM

6.1 Chapter Introduction

Chapter five argued that a neo-Aristotelian account of virtue can readily make sense of what is going on in tragic dilemmas. Given this neo-Aristotelian framework, the following definition of tragic dilemmas was developed. A tragic dilemma is a situation where (a) the agent must choose between two mutually exclusive and incompatible courses of actions and (b) the agent must choose something that is in-itself undesirable in order to accomplish some other desirable end (c) whatever choice the agent makes, the agent must choose in a way that will expectably undermine the ends of one or another virtue and (d) the action is serious in that no adequate reparative actions are available to the agent and (e) the agent is one who is disposed to choose in ways that realize the ends of all the virtues. I then argued that this account of tragic dilemmas, in conjunction with the virtue ethical account of right and wrong action, yields the conclusion that agents would emerge from tragic dilemmas with dirty hands. That is, tragic agents must do wrong in order to do right. This account of tragic dilemmas is, I argue, well-equipped to make sense of the puzzling phenomenology identified in chapter two. I argue that according to this framework, agents feel torn and guilty because they are torn and guilty.

This chapter and the next chapter will address three objections to this account. First, if the virtues are unified – if having one virtue implies having them all – then it seems that tragic dilemmas cannot be conceptualized as instances where the ends of the virtues come into conflict. Second, practical wisdom might be understood to always issue in an acceptable response. If practical wisdom guarantees an acceptable response, then tragic dilemmas cannot be understood in terms of acting to undermine the end of one virtue in order to realize the end of another virtue where undermining the end of a virtue is an inappropriate response. Finally, an implication of
this account is that one’s goodness would be subject to moral luck. Some take this implication to be obviously false and so point to the purported falsity of this implication as a means of establishing that there cannot be cases of inevitable wrongdoing. This chapter will address the unity of the virtues and the practical wisdom objections. Chapter seven will address the moral luck objection.

6.2 Unity of the Virtues

An essential feature of tragic dilemmas is that the agent must act to undermine the end of one or another virtue in order to accomplish some other good; one can only uphold the ends of one virtue by undermining the ends of another virtue. The claim is that employing a neo-Aristotelian framework, with the components outlined in chapter four, can readily make sense of this account of tragic dilemmas. A central feature of Aristotle’s ethics and many neo-Aristotelian accounts, however, is that the virtues are unified. In order to have any one virtue one must also have all the other virtues. A person cannot have the virtue of justice without also having the virtue of generosity, temperance, etc. If the virtues are, in fact, unified, it seems incoherent to understand tragic dilemmas as cases where one must undermine the ends of one or another virtue in order to realize the ends of another. As Terence Irwin states,

We might be tempted to suppose that the mere existence of moral conflicts refutes [the unity thesis]; but I reply that it refutes [the unity thesis] only if these conflicts must be understood as conflicts between virtues.\textsuperscript{166}

There thus appears to be a tension between the unity thesis and understanding tragic dilemmas as conflicts between virtues. If one regards the unity thesis as an integral component of neo-

Aristotelian theory, then one might thereby object that a neo-Aristotelian theory cannot, as I have argued, account for what is going on in tragic dilemmas.\(^{167}\)

To maintain that tragic dilemmas are cases whereby one can only uphold the ends of one virtue by undermining the ends of another, there must be reason to believe that either the unity thesis is false or that this conception of tragic dilemmas is not inconsistent with the unity thesis. Consideration of the role that practical wisdom plays in generating the unity thesis gives reason to think that the unity thesis is not obviously false. While considering the role of practical wisdom makes the unity thesis somewhat plausible, some argue that the conclusion that to have one virtue implies having them all simply does not follow from the unity of practical wisdom. Rather, all that follows is that to have one virtue one must have some knowledge or awareness of the demands of all the other virtues; only a weak or limited unity thesis follows. A weak unity thesis is consistent with understanding tragic dilemmas as conflicts between virtues.

The weak unity thesis takes practical wisdom to be a purely intellectual kind of knowing. Aristotelian practical wisdom requires that one also have the emotional dispositions proper to each virtue.\(^{168}\) Since emotions are under the purview of virtue, the virtues are unified in a much stronger way: not only must one have the intellectual understanding of what all the other virtues require, but one must also have the emotional dispositions of all the other virtues. This stronger version of the unity thesis is also not in tension with tragic dilemmas being understood as a conflict between virtues. According to the moderate unity thesis, virtues are simply dispositions to feel and act in a certain way. The fact that the world is such that one is, in fact, unable to act

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\(^{167}\) While the unity thesis is an integral component of Aristotle’s ethical theory, it is not clear whether or to what extent neo-Aristotelian theories need to take this on board. This may be one of the non-essential components of Aristotle’s theory that can be revised or rejected by neo-Aristotelians. I take no stand on how neo-Aristotelian theory should approach the issue of the unity of the virtues. My argument here is simply that even if one does think that the virtues are unified, this does not call into question the analysis given of tragic dilemmas in chapter five.

in a way that reflects all of one’s dispositions in no way calls into question the fact that the agent in fact has all the relevant dispositions. Thus, there is no direct tension between the moderate unity of the virtues thesis and tragic dilemmas as conflicts between the ends of virtues.

There may yet be an even stronger version of the unity thesis. Virtue may be more than knowing what each virtue demands and having proper emotional dispositions. Virtue might require making actual choices or decisions that stem from one’s dispositions. For the virtues to be unified, then, it must be the case that a choice which upholds the ends of one virtue must also adequately uphold the ends of all virtues. This strong unity thesis appears to be in direct tension with understanding tragic dilemmas as instances where one must act to undermine the ends of one or another of the virtues. If having one virtue implies having them all, and if having a virtue involves making choices in accordance with the end of that virtue, then tragic dilemmas cannot be cases which require undermining the end of one virtue in order to uphold the ends of another virtue. There is not, however, a contradiction between this understanding of tragic dilemmas and the unity of the virtues thesis. If one has failed to respond appropriately to one sphere of value, then one is not fully virtuous. What follows is not a problem for understanding tragic dilemmas as conflicts between the ends of virtues, but rather acceptance of the claim that tragic dilemmas can undermine one’s goodness and so one’s goodness is a matter of luck. To be sure, many find this a repugnant conclusion which ought to be outright rejected. That one’s goodness cannot be subject to circumstantial luck is, however, a separate objection which I will address in the next chapter. The central point for this chapter is that there is no contradiction between understanding tragic dilemmas as conflicts between what the virtues demand and the unity of the virtues thesis.
6.2.1 Objections to the Unity Thesis

The unity thesis holds that to have one genuine virtue, one must have them all. As Neera Badhwar defines it,

**The Unity of Virtue (UV)** One virtue implies all; hence the absence of even one implies the absence of all. For example, if a person, P, is generous she must also be just, courageous, kind, and temperate, and if she lacks even one of these virtues, she must also lack the rest.\(^{169}\)

Or, as John Cooper defines it, “to have any one of the human virtues, where the term “virtue” is carefully and strictly applied, means that you have all the rest of them as well.”\(^{170}\) According to the unity thesis one cannot have some virtues, and not others.

While all the major Greek philosophers adopted one version or another of the unity thesis\(^{171}\), the thesis has been questioned in contemporary moral philosophy. The facts of our experience simply do not bear out the claim that having one virtue implies having them all. There does not seem to be anything puzzling or odd about a person who would give you the shirt off his back but who would not abstain from the last drink. Such a person seems to have the virtue of generosity but lacks the virtue of temperance. Furthermore, there is no reason to think that his weakness for the drink should undermine his generosity. Similarly, there is nothing odd about a person who can justly and even-handedly apply the law, but lacks kindness and compassion in her personal dealings. Persons who possess some virtues but lack others seem commonplace. Our experience indicates that most people are good in some ways and not so good in others. These sorts of observations have led some to outright reject the unity thesis. As Peter Geach states, “It would need an extremely cogent argument to overthrow the teaching of human experience all over the world that a man may be very laudable in some respects and very

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\(^{169}\) Ibid. p. 307.


\(^{171}\) Ibid.
faulty in others."\textsuperscript{172} The facts of our experience are inconsistent with the claim that to have one virtue is to have them all.

Given that the facts of our experience are inconsistent with the unity thesis, and given that there is precedent amongst contemporary theorists in denying the unity thesis, it might be reasonable to simply deny the unity thesis. This would then dissolve the problem the unity thesis seems to pose for understanding tragic dilemmas as conflicts between virtues. Simply denying the unity thesis, though, is far too quick. To take the unity objection seriously, it is necessary to consider why one might endorse the unity thesis in the first place.

\textit{6.2.2 Natural Virtue, Full Virtue, and Practical Wisdom}

The unity thesis concerns \textit{full} virtue as opposed to \textit{natural} virtue. Natural virtues refer to certain emotional tendencies or dispositions of an agent. The person with the natural virtue of courage will be one who fearlessly risks life and limb in battle. These emotional tendencies are only natural and not full virtues since these dispositions are not directed or constrained by practical wisdom. That is, these dispositions are exercised without a view to their role in a flourishing human life.

Instances where a person appears to have one virtue but lacks another is put forth as a counter to the unity thesis. Such observations, though, are observations about the natural virtues. The claim, though, is not that \textit{natural virtues} are unified. As such, it is perfectly comprehensible that there be people who seem to be generous but intemperate so long as it is these natural dispositions that we are referring to. These sorts of observations, then, do not undermine the unity thesis.

\textsuperscript{172} Peter Geach, \textit{The Virtues} (Cambridge: Cambridge University Press, 1977).
The distinction between natural and full virtue is that full virtue requires practical wisdom whereas natural virtue does not. The unity thesis stems from considerations of the relation between full virtue and practical wisdom. The unity thesis is taken to follow from this passage in Aristotle:

> It is clear, then, from what has been said that it is not possible to possess excellence in the primary sense without wisdom, nor to be wise without excellence of character. But this conclusion also offers a means of resolving the argument one can employ, in a dialectical context, to show that the excellences can be possessed independently of one another – i.e. that the same person is not best adapted by nature to all of them, so that at a given moment he will have acquired one, but not another, for this is possible in relation to ‘natural’ excellences, but in relation to those that make a person excellent without qualification, it is not possible, since if wisdom, which is one, is present, they will all be present along with it. 173

It follows from this passage that (1) full virtue requires practical wisdom. (2) Practical wisdom is a single state. Therefore, (3) the virtues are unified. In order to fully grasp the unity thesis, it must be determined why full virtue requires practical wisdom, and why we should think that practical wisdom is a single state.

Full virtue differs from natural virtue in that it requires practical wisdom. Practical wisdom involves knowledge of what is important in a good or flourishing human life. Given the plurality of goods required for flourishing, it is unremarkable that at times realization of some goods will come at the expense of others. It is practical wisdom that decides how competing goods are to be weighed and determines the appropriate response; practical wisdom negotiates between the demands placed on the agent by the various values and yields an appropriate response. An appropriate response could not be determined if one was systematically blind to the demands of one or another value. In order to determine what goods should be realized on what occasions and to what degree, one must be able to determine the relative value of all human goods in the light of the overall goal of flourishing. The sort of knowledge that practical wisdom

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Practical wisdom, then, is knowledge of the relative importance of the various goods in a flourishing human life.

Taking practical wisdom to be this kind of comparative knowledge gives rise to the unity claim. Wolf continues her thought,

…one’s sense of the importance of one value is not fully, conceptually detachable from one’s sense of the importance of others. 175

The knowledge that constitutes practical wisdom is not a piecemeal sort of thing. Understanding of a good or flourishing human life is ‘holistic’ or an ‘organic unity’. It is impossible to realize any part of the good without fully understanding the whole. As Irwin states, “If the good has an organic structure, we cannot understand the full value of each element in it without understanding the relation to other elements.” 176 Since knowledge of the relative importance of any one component requires knowledge of all components, the knowledge is unified. One cannot know about the importance of generosity in a human life if one does not also have knowledge of all the other virtues. McDowell explains the unity that stems from practical wisdom as follows:

Possession of the virtue must involve not only sensitivity to facts about others’ feelings as reasons for acting in certain ways; but also sensitivity to facts about rights as reasons for acting in certain ways; and when circumstances of both sorts obtain, and a circumstance of the second sort is the one that should be acted upon, a possessor of the virtue of kindness must be able to tell that this is so. So we cannot disentangle genuine possession of kindness from the sensitivity that constitutes fairness. And since there are obviously

175 Ibid.
no limits on the possibilities for compresence, in the same situation, of circumstances of the sorts proper to sensitivities to which constitute all the virtues, the argument can be generalized: no one virtue can be fully possessed except by a possessor of all of them, that is a possessor of virtue in general.177

It is the job of practical wisdom to determine appropriate responses to situations. This requires an awareness of the relative value of all the goods in a good and flourishing human life. One cannot be practically wise with respect to only one area of human activity. It is the job of practical reason to find the appropriate balance between the claims of the various human goods. To do this one must have wisdom regarding each area of a good human life and wisdom regarding how they relate. Practical wisdom is unified since it requires knowledge of the relative importance of all the competing goods in a human life. To have knowledge of the relative importance of any good implies knowledge of the relative importance of all goods. If full virtue requires practical wisdom, and if practical wisdom is unified, then full virtue must also be unified.

While the unity of the virtues thesis asserts that in order to have one virtue, one must have them all, it does not deny that the demands of different values will, at times, be in tension. This is a fact of life and is not peculiar to tragic dilemmas. It is the job of practical wisdom to negotiate between these different demands. Normally, negotiating between competing demands does not undermine any one virtue. For example, the claims of charity impel one to provide assistance to persons in need. The claims of justice, though, prevent one from stealing from another to provide this assistance. As Foot notes, the thought that the claims of justice and the claims of charity may conflict does not, itself, undermine the unity thesis. She states, “For in so far as a man’s charity is limited only by his justice – say the readiness to help someone by his recognition of this person’s right or the right of some other person to non-interference – he is not

less than perfect in charity.” 178 A person who refuses to steal to help another is not thereby lacking in the virtue of charity. Rather, such a person, through the exercise of practical wisdom has determined the relative value of these competing goods and determined that the appropriate response is not to steal from one to help another.

The demands of virtue may conflict in that they place initially competing demands on the agent. Charity demands that one help another whereas justice demands that one not steal. This, though, is not a case where in acting one must undermine the end of a virtue for the sake of another. Some virtues will be tempered or constrained by other virtues. Thus, a charitable person will recognize that a person needs assistance and will be motivated to provide this. The charitable person, though, will not steal money from a stranger as a way of exercising his charity. Rather, justice will constrain what the charitable person can and will do in the name of charity. The fact that justice constrains the charitable response does not make the person any less charitable. The constraints of justice have not undermined the person’s charity. That demands of various spheres of value will compete does not, itself, pose a problem for the unity thesis.

The case of tragic dilemmas, though, is different from ordinary cases whereby practical wisdom finds an appropriate response to various competing demands. In the case of tragic dilemmas one must respond to a value in a way that is inappropriate or undermines the end of a particular virtue. Whereas refusing to steal from another is not an inappropriate response and thus does not undermine the virtue of charity, assenting to kill one’s child to accomplish some other good is an inappropriate response and does undermine the end of a virtue. Tragic dilemmas, then, may pose a problem for the unity thesis in a way that ordinary competing demands do not. In order to see whether tragic dilemmas pose a problem for the unity thesis, it is first necessary to be clear on what, exactly, is supposed to be unified when it is stated that the

virtues are unified. I thus consider three different accounts of what is unified and argue that none of these versions are in tension with understanding tragic dilemmas as conflicts between virtues.

6.2.3 Weak Unity Thesis

The argument for the unity thesis is that (1) virtues require practical wisdom; (2) practical wisdom is a unified state; so (3) virtue must be a unified state. Some authors, while agreeing with both premises, deny the conclusion that virtue must be a unified state.\textsuperscript{179} All that follows, they claim, is that in order to have one virtue, one must be aware of or sensitive to the demands of the other virtues. Knowledge of what virtue demands does not imply that one’s emotions are properly disposed in all areas. Since right emotional dispositions are required for virtue, the unity of practical wisdom does not thereby imply the unity of the virtues.

Wolf argues that the special knowledge of practical wisdom is only one component of virtue. Not only must one be sensitive to the demands of all the virtues, but one must also have natural virtue – one must be inclined to act according to this knowledge. The knowledge of practical wisdom, then, is necessary but not sufficient for virtue. Similarly, Gary Watson argues that the argument for the unity of the virtues from the unity of practical wisdom at most establishes the weak unity thesis: if you have any one virtue, you will have some sensitivity for the considerations relevant to all the others – you will have, in one sense, all the virtues to some degree.\textsuperscript{180} This, though, is not equivalent to the claim that to have one virtue is to have them all. Watson goes on to argue that two further assumptions are required for the unity thesis one of which is that a person with proper sensitivity to welfare will have the effective will to act

\textsuperscript{180} Watson, "Virtues in Excess."
accord ing to his understanding in these other contexts.\footnote{The first assumption Watson points out is that knowledge exhibited in one area projects onto other areas. See Badhwar, "The Limited Unity of Virtue." for a in depth discussion of this assumption.} Julia Annas puts this position in the form of the following question: “could I not have the intellectual basis of the other virtues – the grasp of what they contribute to the agent’s good, which enables the agent to make correct judgements in their case – but not have the appropriate emotions and feelings?”\footnote{Julia Annas, *The Morality of Happiness* (New York: Oxford University Press, 1993). p.77.} This idea is also found in Kraut,

Even if we grant [Aristotle] the premiss that understanding one good requires understanding them all, we would still need to be persuaded that if one has successfully integrated certain emotions with one’s reasoned conception of the good, then one has been equally successful with all of one’s emotions.\footnote{Richard Kraut, "Comments on 'Disunity in the Aristotelian Virtues', by T.H. Irwin," *Oxford Studies in Ancient Philosophy* Supplementary Volume (1988). p. 85.}

The fact that practical wisdom is unified only shows that a person must understand or appreciate the importance of the demands of the other virtues. This, though, is a far cry from establishing that the virtues, understood as the actual disposition to respond appropriately, are unified.

The claim that to have one virtue requires knowledge of the demands of all virtues has been labeled the weak unity thesis by Watson.\footnote{Watson, "Virtues in Excess." p. 60.} The weak unity thesis holds that in order to have any one genuine virtue, one must be perceptive to the demands of all the other virtues. Thus, if one has the virtue of courage, one must be perceptive to the demands of generosity as well. The weak unity thesis implies nothing about our emotional dispositions. As such, one could have the full virtue of courage since one recognizes what generosity demands yet, at the same time, lack the full virtue of generosity since one lacks the requisite emotional dispositions of generosity. One is pained at the prospect of parting with one’s possession even though one knows this is the proper response. According to the weak unity thesis, having one virtue only
implies having the knowledge appropriate to them all. This, though, falls short of the claim that to have one virtue must have them all.

If virtues are only weakly unified then there is no tension with understanding tragic dilemmas as conflicts between virtues. The weak unity thesis only claims that in order to have one virtue, one must be aware of the demands of all the other virtues. Agents making tragic choices are sensitive in this way to the demands of virtue. They recognize and understand the demands of all the competing spheres of value. Orestes recognizes both that he must avenge his father’s death and that he should not murder his mother. The problem is not one of inadequate knowledge. Tragic dilemmas understood as conflicts between virtues are thus consistent with the weak unity thesis where the weak unity thesis holds that in order to have any one virtue one must have knowledge of the demands of all the other virtues.

6.2.4 Moderate Unity Thesis

While the weak unity thesis is consistent with tragic dilemmas understood as conflicts between virtues, there may be reason to think that the virtues are unified in a much stronger way. Aristotle’s articulation of the relation between virtue and practical wisdom implies more than that the virtuous agent needs to be aware of the requirements or demands of all the virtues in order to fully possess any one virtue. Aristotle states,

> What we have said, then, makes it clear that we cannot be fully good without prudence, or prudent without virtue of character. … for one has all the virtues if and only if one has prudence, which is a single state.\(^{185}\)

What is posited here is a biconditional relation. The claim, then, is not only that one must have practical wisdom in order to have any of the virtues, but one must also have the virtues in order to have practical wisdom. As Badhwar argues, virtues are required for practical wisdom since

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practical wisdom is more than a mere knowledge of the comparative worth of various goods in leading a flourishing human life. Practical wisdom also requires one be emotionally disposed in the right way. Emotional dispositions affect the quality of one’s understanding. If one lacks the proper emotional dispositions with respect to even one area, one’s perceptiveness will be undermined. To have practical wisdom one must have proper emotional dispositions. As Julia Annas states,

Making the right judgements and decisions in an ever more unified and coherent way both presupposes and encourages the development of the appropriate feelings and emotions. … Intelligence [phronesis] implies virtue, for you are not reasoning intelligently unless in your reasoning you are constrained by and sensitive to considerations of virtue.\textsuperscript{186}

Both parts of the biconditional must be taken seriously. To have any one virtue fully, one must have practical wisdom; one must be sensitive to the demands of all other virtues. But in order to be adequately perceptive or aware of the demands of the virtues, one’s emotional dispositions must be rightly ordered. This requires having the virtues. To be practically wise, one must have the proper emotional dispositions where these are given by the moral virtues and in order to have a moral virtue, one must be practically wise. This, then, is a moderate unity thesis. In order to have one virtue, one must not only have knowledge of the comparative value of all the goods in a human life, one must also be emotionally disposed to bring about each of these goods.

The moderate unity thesis is not in tension with understanding tragic dilemmas as conflicts between virtues. To have a virtue just is to be appropriately disposed where the disposition encompasses having the right knowledge and right emotion. In cases of tragic dilemmas, the agent has knowledge of what is the appropriate response and is disposed to act accordingly. Orestes knows that the appropriate response to his father’s death is to avenge it and

\textsuperscript{186} Annas, \textit{The Morality of Happiness}.\n
he is inclined to do so. He also knows that killing his mother is an inappropriate response and is horrified at having to kill her. Orestes has the right knowledge and right emotion concerning each of these values. This, though, does not rule out moral conflict. Despite knowing and feeling as one ought with respect to all human goods, it can nevertheless be the case that one cannot always act according to one’s knowledge and emotions. Tragic dilemmas occur when one cannot respond in a manner consistent with one’s dispositions concerning a particular sphere of value. The conflict, though, is not between the dispositions themselves. Rather the conflict is in the circumstances which prevent the agent from acting on all her dispositions. But if the virtues are unified, and the virtues are essentially dispositions, then it is the dispositions that are unified. If what is unified is the dispositions themselves, then the fact that one cannot always act in the ways one is disposed to act does not imply anything about one’s dispositions and thus is not in tension with the unity thesis.

According to this view, having a virtue just is knowing what to do and having the emotional disposition to act accordingly. So long as you have both the knowledge and the emotions, you have virtue. Tragic dilemmas are instances where the world is such that you cannot act according to your knowledge and your emotions. But since, according to this view, virtue just is knowledge and emotion, an uncooperative world does not diminish one’s virtue. If virtue is purely dispositional, then tragic dilemmas don’t undermine virtue since the circumstances of the world do not affect one’s knowledge and emotions regarding what virtue demands. As Annas states,

[The unity thesis] in no way denies that the agent might be faced by an insolvable moral dilemma; it merely insists that the source of the dilemma cannot be conflicts within the agent’s phronēsis.187

187 Ibid. pg. 79
That the world is such that one cannot respond appropriately to one or another sphere of value has no bearing on one’s ability to recognize the appropriate response and be emotionally disposed to respond appropriately. Tragic dilemmas involve a conflict in the world – one can only respond well in one way by responding poorly in another way. The unity thesis is a claim about virtue where virtue is a purely internal, dispositional property of the agent. Understanding virtues as only correct knowledge and correct emotions means that there is no direct tension between stating that tragic dilemmas are conflicts between virtues, and that the virtues are unified.

### 6.2.5 Strong Unity Thesis

The objection to the account of tragic dilemmas presented in chapter five is that if the unity of the virtues thesis is true, then it is a mistake to conceptualize tragic dilemmas as instances whereby one must act to undermine the ends of one or another of the virtues in order to uphold the ends of another virtue. I have thus far argued that the neither the weak nor the moderate version of the unity thesis is in tension with this understanding of tragic dilemmas. A strong unity thesis might, however, appear to be in tension with this understanding of tragic dilemmas. According to the strong unity thesis, in order to have any one virtue not only must one have the knowledge and emotions appropriate to all the virtues, but one must also make choices which follow from these dispositions; virtue requires that one choose in a way that upholds the ends of the virtues. In Watson’s discussion of the unity thesis, he states that not only must one know what the other virtues demand, but one must also have the \textit{effective will} to bring this about. For one’s will to be ‘effective’ it seems that one must make actual decisions which reflect and stem from this will. Thus, the actions one undertakes must reflect one’s underlying will or
dispositions. Paul Farwell expresses a similar thought when he states, “complete virtue is not simply *proairesis* but a specific *praxis* as well, since if we only have the intention to do the right thing, without the specific action, our intention is only a mere wish, *boulesis*.\(^{188,189}\) Part of what it is to have a virtue is to engage in actions which reflect the underlying commitments embedded within one’s dispositions. If we include the action chosen by the agent in what it is to have a virtue, and if having any one virtue implies having them all, then one must be able to choose and act well with respect to each and every virtue.

If virtue requires choices which aim at the ends of the virtues, then to say that virtues are unified is to say that if one has any virtue, then one (1) has knowledge of what all virtues require, (2) has the emotional dispositions inclining one to respond accordingly to all the virtues and (3) one makes choices that aim at the ends of the virtues. If having a virtue requires aiming at the ends of the virtue, and if having one virtue implies having them all, then to be virtuous implies that by aiming at the end of any one virtue, one is thereby aiming in a way consistent with the ends of all the virtues. According to the strong unity thesis, part of what it is to have a virtue is to make choices which aim at the ends of that virtue. In order to have any one virtue, one must respond in a good enough way to the ends of all the virtues.

It might appear that the strong unity of the virtues thesis is in tension with conceptualizing tragic dilemmas as instances where one must act to undermine the end of one virtue in order to uphold the ends of another virtue. If having any one virtue implies appropriate responses with respect to all virtues, then one might think that it would be incoherent to also hold


\(^{189}\) Farwell takes the claim that complete virtue requires action to be an Aristotelian claim and it is not clear that this is correct. In NE 1095b31-1096a2, Aristotle states that one might be virtuous when one is asleep or otherwise inactive. Regardless of what Aristotle’s position is on this matter, my central point is that even if we did adopt the strongest version of the unity thesis whereby in order to be virtuous one must make choices which aim at the ends of the virtues, this would still not show that the unity of the virtues thesis is inconsistent with the account given of tragic dilemmas.
that tragic dilemmas are situations where one necessarily fails to respond in a good enough way to at least one instance of value.

Despite the apparent tension between the strong unity thesis and conceptualizing tragic dilemmas as cases where one must act to undermine the end of one or another virtue, the strong unity thesis is not inconsistent with this conceptualization of tragic dilemmas. Virtue requires knowledge, emotion, and choices that stem from these dispositions. To respond with right knowledge, emotions, and choice in one area implies the same in all other areas. Conversely, if one’s response was deficient in one area then this marks a deficiency with respect to all the virtues; one cannot possess any virtue fully. In a tragic dilemma one’s response is deficient in one area – one does not successfully respond to one or another value. If we accept the strong unity thesis, what follows is that the person is not fully virtuous. If tragic dilemmas are conflicts between virtues and if the virtues are unified in this strong way, then tragic dilemmas are cases where the agent emerges not fully virtuous. Because the agent cannot respond in a good enough way to at least one value, the agent is no longer a completely virtuous agent. This conclusion is entirely consistent with understanding tragic dilemmas as conflicts between virtues. While many find this conclusion repugnant, the purported repugnancy of this conclusion is the basis for an objection distinct from the objection that there is an irresolvable tension between the account of tragic dilemmas presented in chapter five and the unity of the virtues thesis.

Whatever version of the unity thesis one wishes to advocate, none are, alone, in tension with the conceptualizing tragic dilemmas as instances where one must act to undermine the ends of one or another of the virtues.
6.3 Practical Wisdom

There is a second objection to the account of tragic dilemmas argued for in chapter five which is closely related to the unity of the virtues objection. According to this objection, it is not simply that the virtues are unified in that having one virtue implies having them all (although the unity thesis may be a consequence of this second objection), but rather the claim is that exercise of one’s practical wisdom guarantees an appropriate response to each and every area of human concern. So long as one has exercised and acted according to one’s practical wisdom one cannot act wrongly. If practical wisdom guarantees acceptable responses to each and every instance of value, then it cannot be the case that tragic dilemmas are cases where there is no alternative but to act in a way which undermines one or another instance of value.

In this section I will discuss the arguments given in support this position. It is claimed, rightly, that Aristotelian and neo-Aristotelian ethics demand that the particularities of the circumstances be taken into account in determining whether any given action is right or wrong. Actions which, under normal circumstances, would be wrong can, in unusual circumstances, be right or appropriate. This is determined by practical wisdom. It is then suggested that tragic dilemmas are unique circumstances where actions which are usually taken to be wrong turn out to be appropriate responses in those particular circumstances. The thought is that since one has exercised one’s practical wisdom, one will thereby come up with an appropriate response even though what, in these particular circumstances, counts as appropriate would normally not be an acceptable response. I argue that while the objector is certainly right that Aristotelian and neo-Aristotelian theories do and must take into account the particularities of the circumstances in determining the appropriate response, and that the objector is also right that sometimes actions which would normally be deemed unacceptable turn out to be the appropriate response in
unusual circumstance, this does not adequately support the assertion that practical wisdom will always yield an acceptable response in each and every circumstance. First, there is a difference between acting in a way which is normally taken to be wrong, but in the particular circumstance is appropriate, and acting in a way that undermines the ends of the virtues and so is inappropriate. Second, while most actions cannot be determined to be always unacceptable in advance of the circumstances, Aristotle does take some actions to be always inappropriate. While neo-Aristotelians may or may not agree that the specific actions identified by Aristotle are always wrong, there is nonetheless room in a neo-Aristotelian theory for a class of actions which will always be inappropriate. These will be actions which necessarily undermine the ends of one or another virtue – perhaps actions like murder or torture. Appeal to the particularist features of neo-Aristotelian theory does not establish that there will always be an option available that adequately respects the ends of a virtue. As such appeal to the particularist features of neo-Aristotelian theory does not establish that practical wisdom will always guarantee an appropriate response to each and every situation. I conclude by suggesting that the reason one might think that practical wisdom must guarantee an appropriate response is, again, a concern to avoid moral luck. This, though, is a separate objection which will be discussed in the following chapter.

The objection, then, is that practical wisdom will always guarantee an appropriate response. It is charged that those who think that tragic dilemmas will result in virtuous agents engaging in wrongdoing fail to appreciate the particularist orientation of Aristotelian and neo-Aristotelian theory. Fully appreciating the particularist orientation of neo-Aristotelian theory would result in understanding tragic dilemmas not as instances of the agent actually doing wrong, but rather as unique circumstances where the right or appropriate thing to do is something that would normally be taken to be wrong. Tragic dilemmas are situations where agents must
perform actions which are normally wrong but are not actually wrong in these unique circumstances.

A feature of neo-Aristotelian virtue ethical accounts is that what the virtuous, right, or appropriate action is defies codification. That is, there can be no pre-determined list of virtuous and vicious actions. The quality of an action is determined by the particularities of the circumstances. The person with practical wisdom is one who is able to perceive the relevant aspects of the situations and is skilled at negotiating between the competing values in order to come up with an overall appropriate response. While there can be no pre-determined list of morally acceptable and unacceptable options, what is an appropriate response is determined within the particular circumstances by the person of practical wisdom. Karen Nielsen calls this general approach ‘mitigated circumstantial relativism’. She states,

Aristotle is a mitigated circumstantial relativist because he thinks that, with a few exceptions, no list specifying the type of actions without applying terms of virtue and vice can determine in advance what kinds of actions are ‘shameful’, ‘disgraceful’, ‘courageous’, ‘temperate’, ‘just’, and the like. Nor can we specify in abstracto which actions are advantageous. We cannot, for instance, say that ‘returning what one owes’ is always just, that ‘eating one piece of chicken’ is always temperate or that ‘throwing one’s cargo overboard is always disadvantageous’. Although such acts are for the most part just, temperate, disadvantageous, and the like, there are exceptions. 190

It is the particular aspects of the particular situation itself that will inform what the virtuous response is. To know what virtue requires cannot be determined independently of the particular circumstances. As such, particular acts cannot be deemed to be virtuous or vicious without first knowing the circumstances surrounding the act.

Because of the emphasis on the particularities of the circumstances, it can be the case that actions which are normally not the sort of thing a virtuous person would do can, in fact, be virtuous. For example, normally the virtuous person will return what she has borrowed. If,

however, one has borrowed an axe from one’s neighbour who has since gone crazy and wants you to return it so that he can injure certain others who have offended him, appeal to the particular circumstances might yield the conclusion that in this case the overall virtuous response is not to return the axe. In certain circumstances acts which would usually be the kind of thing a virtuous agent would not do become precisely what the virtuous agent does. Usually the virtuous agent returns what he has borrowed. In this unusual circumstance not returning what one has borrowed is the appropriate thing to do.

Appreciating this particularist nature of Aristotelian and neo-Aristotelian ethics will, it is claimed, give rise to an understanding of tragic dilemmas that does not involve the tragic agent in inevitable wrongdoing. Tragic dilemmas are not cases where one must do something that is actually wrong in order to do right; rather, tragic dilemmas are unique situations whereby what turns out to be the appropriate or right course of action is one that under normal circumstances would be wrong or unacceptable. The agent acting in tragic dilemmas will use her practical reason and determine what needs to be done in this particular circumstance. To be sure, the action the agent chooses will be one that is normally taken to be wrong, but in this circumstance it turns out to be the acceptable, appropriate or right response. Tragic circumstances are simply very unusual circumstances and so what the appropriate response is in a tragic dilemma will look very different from the sort of response which is, under normal circumstances, appropriate. The thought, then, is that practical wisdom will always determine an appropriate response. To hold that the response in tragic dilemmas is inappropriate is simply a failure to take in the relevant aspects of the unique situation. This thought is expressed by Leizl Van Zyl:

Virtue ethics is generally conceived of as employing a particularist or situation-based form of reasoning, evaluating each act on its own merits rather than resorting to general
rules or principles and this would support the view that an act such as torture could be morally right under certain (exceptional) circumstances. ¹⁹¹

The central thought behind the objection, then, is that it is within the powers of practical wisdom to always find an appropriate response to each and every situation. Sometimes the response might not be the sort of response that is generally taken to be appropriate (such as torturing or killing), but given the special nature of tragic circumstances, these are, in fact, appropriate responses. To say, then, that tragic dilemmas are situations where one must act to undermine the end of a virtue to which one is committed is mistaken; the agent does not undermine the end of a particular virtue so much as her commitment to this value and to virtue in general takes on a very different expression than it normally would given the special nature of the circumstances. So long as the agent exercises her practical wisdom, she will be able to determine an acceptable course of action that does not involve her in any actual wrongdoing.

The objector is correct that neo-Aristotelian virtue theories require appeal to the particularities of the circumstances in determining what to do. There is and can be no comprehensive list of right actions and wrong actions that can be determined to be such apart from consideration of the unique features of the circumstances. The objector is also correct in noting that sometimes actions which are normally taken to be wrong can, in certain unique circumstances, actually be right. The objection goes astray, however, in thinking that these observations adequately support the conclusion that tragic dilemmas are cases whereby the action one undertakes is not actually wrong but is simply one that is normally taken to be wrong. Tragic dilemmas are not situations where the agent’s expression of her virtue takes on an atypical form. Rather, in a tragic dilemma, a virtuous agent must act in a way that is inconsistent

with a virtue she possesses; the tragic agent aims to act in a way that undermines the very ends to which she is committed. There is a marked distinction between virtues being expressed atypically and responding in a way that undermines virtue.

To illustrate the difference between virtue taking a non-standard form and a virtue being undermined, consider the following case where extreme circumstances result in an atypical expression of virtue: A parent exhibiting parental virtues may not generally hit one’s child. This practice is commonly labeled ‘child abuse’. If, however, one’s child has sustained serious injury (perhaps a drug overdose) where it is necessary that he remain conscious until arriving at Emergency, the exercise of one’s parental virtues may lead one to repeatedly hit one’s child in order to prevent him from dozing off. This is done because one knows that if the child falls asleep before being treated this could be bad for the subsequent prognosis and recovery of one’s child. In this instance, then, the particularities of the circumstances mean that the expression of parental virtues of care, love, etc. take on a very different form than they usually do. Usually care and love are not expressed by hitting the beloved. In this extreme circumstance, however, hitting just is an expression of one’s genuine care and love. Here the end of the parental virtues – the well-being of one’s child – is attained through non-standard means. Normally, the well-being of one’s child is not promoted by hitting him. The particularities of this circumstance, though, are such that the end of the virtue – the child’s well-being—is, in fact, promoted by hitting him. The extreme circumstance results in the expression of one’s virtue taking on an atypical form.

It is certainly right, then, that the expression of one’s virtues can vary according to circumstances. This, though, is not the stuff of tragic dilemmas. Tragic dilemmas do not consist merely in the virtuous agent engaging in behaviour not in keeping with normal expressions of
vogue. Rather, tragic dilemmas consist in actions which themselves undermine the ends of one
or another of the virtues. Tragic dilemmas are instances where the agent must respond
inappropriately to value; the agent must act in a way that frustrates the end of the virtue itself. If
the end of the parental virtues is to promote the well-being of a child, acting in a way that
undermines that virtue is to act in a way that frustrates or is inconsistent with that end. For
example, killing one’s child when this does not promote her well-being is inconsistent with or
undermines the ends of the parental virtues. Both Sophie and Agamemnon act in a way which
results in the death of their children. Sophie saying ‘take the girl’ and Agamemnon slaughtering
his daughter are not unusual means required in extreme circumstances to promote the well-being
of their children. Rather, these sorts of acts are acts that frustrate or undermine the very end at
which the parental virtues aim. It is this latter class of actions – those that undermine the end of
a virtue – that is the stuff of tragic dilemmas.

The second thing to note in response to the objector’s appeal to the particularist features
of neo-Aristotelian theories is that while most actions cannot be determined to be right or wrong
without knowledge of the particular circumstances, there is, nonetheless, a small class of actions
which can be determined to be absolutely wrong in advance of the circumstances. Aristotle,
himself, makes explicit statements to this effect and there is room in neo-Aristotelian theory for a
small class of actions which are absolutely prohibited. So long as there is even one action which
is absolutely prohibited, this opens the door for agents to find themselves in situations where
they cannot avoid wrongdoing. If there can be such situations, then this establishes that there are
limits to practical wisdom. That is, there are situations whereby the exercise of practical wisdom
cannot guarantee an appropriate response; exercise of practical wisdom does not guarantee that
one can avoid wrongdoing.
It is a central feature of neo-Aristotelian theories that what the acceptable action is resists codification for the most part. There are, however, certain actions which Aristotle recognizes as always wrong. Aristotle states that some actions will never admit of the mean but are, in themselves, bad. He states,

But not every action nor every passion admits of a mean; for some have names that already imply badness, e.g. spite, shamelessness, envy, and the case of actions adultery, theft, murder; for all of these and suchlike things imply by their names that they are themselves bad, and not the excesses or deficiencies of them. It is not possible, then, ever to be right with regard to them; one must always be wrong. Nor does goodness or badness with regard to such things depend on committing adultery with the right woman, at the right time, and in the right way, but simply to do any of them is to go wrong.192

As Kraut states, Aristotle is not making the tautological point that wrongful killing or wrongful taking is always wrong. Rather, Aristotle is making a substantive claim that actions of a certain kind are always wrong.193 Neo-Aristotelian accounts may not wish to take on this list in its entirety, but it is open to neo-Aristotelian accounts to develop its own list of actions which are always wrong. The criterion employed to determine whether an action is one that is always wrong is whether the action is one that necessarily undermines the end of one or another virtue. Arguably specific actions such as murder or torture might fit this criterion. Some actions, then, might always be wrong and can never be done in the right way, at the right time, to the right person.

Neilsen, herself, makes passing reference to this passage in Aristotle where he identifies actions which are absolutely prohibited. In defending the view that Aristotle is a mitigated circumstantial relativist, Nielsen states that Aristotle thinks that with few exceptions, there can be no list specifying types of actions as acceptable or unacceptable.194 She goes on to admit that

193 Kraut, "Aristotle's Ethics."
Aristotle recognizes a small sample of exceptionless rules but then goes to note that he repeatedly states that the virtuous agent is one who exercises practical wisdom given the particular cases. To be sure, for the most part acceptable actions are determined by the circumstances. But that this holds for the most part does not establish that tragic dilemmas are impossible, it only establishes that they are unusual. Given that there is room for some absolute prohibitions, tragic dilemmas remain a live possibility within an Aristotelian or neo-Aristotelian framework. What is important here is that there is room, however small, for absolute prohibitions in both Aristotle and neo-Aristotelian virtue ethics. If there is a class of actions, however small, which are absolutely prohibited, then it follows that there can be limits on the powers of practical wisdom. That is, there can be cases where practical wisdom cannot determine an appropriate response since all responses will require that the agent engage in an action which is absolutely prohibited.

The objector is certainly right, then, to highlight the importance of the particular elements of the particular circumstance in determining what to do. The objector is also right in pointing out that there are very few actions which are, in themselves, unequivocally wrong. The wrongness of an action will depend largely on the circumstances. But noting these general features of Aristotelian or neo-Aristotelian theory is not enough to show that the definition given of tragic dilemmas is, itself, flawed. In order to make this claim, it would also have to be asserted that no actions are unequivocally wrong or inappropriate. Given that there is a small class of actions which are absolutely prohibited, this is enough to make room for tragic dilemmas.

The thought that practical wisdom will always come up with an appropriate response seems to be little more than an article of faith. This article of faith does, however, seem to be
rooted in a further belief. That is, that our goodness cannot be a matter of luck. The concern, then, is that if we allow for inevitable wrongdoing, then it seems that we allow for character – one’s goodness – to be a matter of luck. As Neilsen’s states,

[Those who allow for dirty hands] leave it open to the torturers and tyrants of the world to destroy not just the lives, but the moral characters, of innocents who do the right thing. In fact, their position entails that by facing their victims with this type of choice-situation, torturers and tyrants will necessarily succeed in damaging the victim’s character, for they will do wrong no matter what they do. And for those with power, creating such choice-situations is depressingly easy. In short, [those who allow for dirty hands] leave the agent’s virtue all too vulnerable to the vice of others.  

Many share Neilsen’s sentiment that one’s character is not the sort of thing that can be subject to circumstantial luck. It is likely this sentiment that motivates the argument that practical wisdom will always yield a correct or an acceptable response. However, it is not obviously true that one’s character cannot be subject to luck. This is a separate premise that deserves consideration in its own right. I will turn to this in the next chapter.

6.4 Conclusion

In this chapter I have considered two objections to conceptualizing tragic dilemmas as cases whereby whatever one does, one must act in a way that undermines one or another of the virtues. The first objection came from the unity of the virtues thesis. According to the unity of the virtues thesis in order to have one virtue, one must also have all the other virtues. Acceptance of the unity of the virtues thesis may appear to be in tension with understanding tragic dilemmas as instances where one must act to undermine the ends of one or another of the virtues. I have considered three possible formulations of the unity thesis – the weak, the moderate, and the strong, and have argued that whichever version one accepts, there is no direct tension between that unity thesis and the account of tragic dilemmas put forth in chapter five. Accepting the

195 Ibid. p. 295.
The strongest version of the unity thesis does not establish a direct tension with the account of tragic dilemmas given, but rather gives rise to the conclusion that by being forced to undermine the ends of a virtue, one is thereby not fully virtuous. This conclusion leaves one’s character open to moral luck and many find this objectionable. This, though, is a distinct objection which will be given its own consideration in the next chapter.

The second objection concerned the nature of practical wisdom. Objectors appeal to the particularist features of neo-Aristotelian ethics and use this in support of the claim that practical wisdom will always yield an appropriate course of action and so there cannot be cases where agents are forced to act in a way that undermines the end of one or another of the virtues. I argued that appeal to the particularist features of neo-Aristotelian ethics does not guarantee that there will always be an appropriate response available. It seems that the motivation behind thinking that practical wisdom will guarantee an acceptable response is a desire to resist the possible implication that one’s goodness is subject to luck. This, though, is a separate objection which deserves its own consideration. I turn to this in the next chapter.
CHAPTER SEVEN: MORAL LUCK

7.1 Introduction

Chapter five put forth a neo-Aristotelian account of tragic dilemmas which, when conjoined with the virtue ethical account of right and wrong action, implies that there can be instances of inevitable wrongdoing. Such an account can explain why agents feel torn and guilty for their tragic choices thereby making some headway in explaining the phenomenological features of tragic dilemmas identified in chapter two. Chapter six addressed two objections to this account of tragic dilemmas. The first objection focused on the supposed incompatibility between the unity of the virtues thesis and the account of tragic dilemmas. The second objection focused on the nature of practical wisdom as a means of rendering inescapable wrongdoing incoherent. Underlying both the unity of the virtues objection and the practical wisdom objection is a more basic objection to one’s character being subject to moral luck.

It is objected that tragic dilemmas cannot be conceptualized as instances of inescapable wrongdoing since it would subject character to luck which, it is assumed, is obviously false. Karen Nielsen expresses this objection,

[Those who allow for dirty hands] leave it open to the torturers and tyrants of this world to destroy not just the lives, but the moral characters, of innocents who do the right thing. In fact their position entails this by facing their victims with this type of choice-situation, torturers and tyrants will necessarily succeed in damaging the victim’s character, for they will do wrong no matter what they do. And for those with power, creating such choice-situations is depressingly easy. In short [those who allow for dirty hands] leave the agent’s virtue all too vulnerable to the vice of others.196

Nielsen notes that an implication of inevitable wrongdoing is that agents’ goodness could be diminished through no fault of their own. Implicit in this remark is the assumption that this is an absurd conclusion – goodness is simply not the sort of thing that can be subject to luck. Philippa Foot expresses this same concern. She states,

196 Ibid. p. 295.
What gets in the way [of the intelligibility of ‘wrong if you do, wrong if you don’t’] is the fact that “wrong” as understood in moral contexts applies to actions that count against a person’s goodness … So if we want to accept ‘wrong if you do, wrong if you don’t’ as an intelligible possibility, and still keep this negative relation between doing what is wrong and personal goodness, we have to revamp the latter notion to make the goodness vulnerable to the “taint” of involvement in a horrifying, humiliating, or tragic situation, or to the hatred of the gods; and then say that a choice that involve such badness is “wrong”.\footnote{Philippa Foot, "Moral Dilemmas Revisited," in \textit{Moral Realism and Moral Dilemmas}, ed. Philippa Foot (Oxford: Oxford University Press, 2002). p. 188.}

Again, implicit in this remark is that it is implausible to hold that one’s goodness could be a matter of luck. The purpose of this chapter is to consider first, whether it is, in fact, an implication of the account of tragic dilemmas that one’s character is thereby subject to luck and second, if it is an implication, to determine whether it is a problematic implication.

The moral luck objection takes the form of a \textit{reductio} argument. That is, if we assume what I have argued for in chapter five – that acting in a tragic dilemma involves inescapable wrongdoing – and add other seemingly unobjectionable premises, a contradiction will be elicited thereby showing that the assumption that tragic dilemmas involve inescapable wrongdoing must be false. The argument can be put in schematic form:

\begin{itemize}
\item [(P1)] Acting in a tragic dilemma involves inescapable wrongdoing (Assumption argued for in chapter five)
\item [(P2)] \textbf{Wrongdoing will diminish goodness (Assumption)}
\item [(c1)] Acting in a tragic dilemma will diminish goodness (P1, P2)
\item [(P3)] \textbf{It is bad luck that one must act in a tragic dilemma (Assumption)}
\item [(c2)] It is bad luck that one’s goodness is diminished when one acts in a tragic dilemma. (c1, P3)
\item [(P4)] \textbf{Goodness cannot be diminished through bad luck. (Assumption)}
\end{itemize}

\textbf{Conclusion:} Acting in a tragic dilemma cannot involve inescapable wrongdoing. \hfill (\textit{Reductio}, c2, P4, P1)

In this chapter I will show that this argument is not sound and so fails to establish that tragic dilemmas cannot involve inescapable wrongdoing.
I begin, in section 7.2, by noting that persons on both sides of the inevitable wrongdoing debate accept that some instances of wrongdoing (including those that occur in tragic dilemmas) diminish goodness. I note that while there could be reasons to resist this premise, at best, the case would be a difficult one to make. Furthermore, if one had reason to deny premise two, this would only support my ultimate point: that the moral luck objection is unsound and so does not count against the claim that tragic dilemmas involve inescapable wrongdoing. I thus grant the objector premise two and move on to confront the moral luck objection on other grounds. In section 7.4, I argue that even if the premise that wrongdoing necessarily diminishes goodness is accepted, the moral luck objection still fails on the grounds that premise four – that goodness cannot be diminished through bad luck – is false.

### 7.2 Premise Two: Wrongdoing Diminishes Goodness

Premise two asserts that wrongdoing diminishes goodness. On the face of it, this seems obviously true. A person who repeatedly engages in wrong actions will almost certainly develop a bad character. This is why Aristotle emphasizes the importance of habituation in developing one’s character; actions of a certain sort result in characters of a similar sort.\(^ {198} \) This general point about the impact of repeated instances of wrongdoing on character is largely unobjectionable. This, though, is not the point Foot and Nielsen are making when they claim that wrongdoing diminishes goodness. Nielsen states, “[T]yrants will necessarily succeed in damaging the victim’s character for they will do wrong no matter what they do.”\(^ {199} \) And Foot states, that “‘wrong’ as understood in moral contexts applies to actions that count against a

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person’s goodness…” Here Nielsen and Foot are claiming that certain instances of wrongdoing will, by virtue of the fact that they are instances of wrongdoing, necessarily diminish goodness of character. The concern, then, is that at least some singular instances of wrongdoing (including those that occur in tragic dilemmas) will, by the very fact of performing that act, diminish one’s goodness.

To think that some instances of wrongdoing will diminish one’s goodness is to think that an agent can be ‘tainted’ or ‘stained’ by virtue of the fact that one has performed one particularly terrible or wrong action. One is less good as a person – even if only marginally – by the fact of performing such an action. That one has performed such an action is a mark against one’s character. This thought is held by both objectors to and supporters of the possibility of inevitable wrongdoing. As Steven de Wijze, one who thinks there can be genuine tragic dilemmas, states,

> When faced with choosing between the lesser of two evils, or forced to act so that a much-cherished moral principle will be violated, moral persons find that they are stained or polluted by having so to act ... the result is... the loss of moral innocence. 201

Later he states, “[I]n some situations, moral persons who seek to do the right thing will have their ethical purity violated.” 202 Similarly, Michael Stocker states, “What is morally unavoidable is said to tell against act and agent … [E]ven if the torture is justified, perhaps obligatory, it none the less stains both the act and the agent.” 203 There is a strong intuition, expressed by persons on both sides of the inescapable wrongdoing debate, that at least some instances of wrongdoing (including those that occur in tragic dilemmas) will diminish one’s goodness.

This premise can either be accepted or rejected. To reject the claim that some instances of wrongdoing necessarily diminish the goodness of one’s character, one might claim that

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200 Foot, "Moral Dilemmas Revisited." p. 188.
202 Ibid. p. 457.
character is entirely reducible to one’s dispositions. As such, singular instances of wrongdoing will in no way alter one’s character unless they also altered one’s dispositions. Since it is unlikely that dispositions will be altered on the basis of performing a single wrong action, there is little reason to think that one’s tragic actions will diminish the goodness of one’s character.

If successful, this sort of argument would only show that wrongdoing in tragic dilemmas will not necessarily impact dispositions. It does not show that tragic instances of wrongdoing will never impact dispositions. If character is to be sheltered from luck, though, it is this latter claim that would need to be made. This, though, is a much harder claim to make – especially since it appears that tragic choices sometimes do alter agent’s dispositions. For example, the terribleness of the tragic action might be too much to bear and so the agent becomes jaded, bitter, an alcoholic, or a depressive. Sophie, for example, became an alcoholic and eventually killed herself after her release from the Nazi camps. If singular instances of wrongdoing can, at least sometimes, alter dispositions, then character will still be subject to some degree of luck.

To be sure, persons who understand character as entirely reducible to dispositions and think that tragic actions will not impact goodness might have ways to handle these sorts of seeming counter-examples and be able to maintain that tragic wrongdoings will never impact character. If such an argument could be made, then the fact that tragic dilemmas involve inevitable wrongdoing would, in no way, imply that character or goodness is a matter of luck. Thus, if an argument could be given against premise two, the moral luck objection would thereby be neutralized.

Since the overall goal of this chapter is to show that the moral luck objection is not sound and so does not count as a compelling objection against understanding tragic dilemmas as instances of inevitable wrongdoing, it is not necessary to definitively determine whether premise
two is true or false. If one had reason to reject premise two, then it would follow that the moral luck objection is not sound and so the central point that tragic dilemmas are instances of inevitable wrongdoing would remain. I will thus grant the objector premise two – that some instances of wrongdoing (including those in a tragic dilemma) necessarily diminish one’s goodness—and argue against the moral luck objection on other grounds.

7.3 Premise Three: It is Bad Luck That One Must Act in a Tragic Dilemma

Premise three asserts that it is a matter of bad luck that one finds oneself in a tragic dilemma and this seems true. There can be at least some cases where the agent is not responsible for the situation that gives rise to having to make the tragic choice and so it is a matter of bad luck that the agent must make the tragic choice.

7.4 Premise Four: Goodness Cannot be Diminished through Bad Luck

In this section I argue that premise four, which asserts that goodness cannot be diminished through bad luck, is false. The thought is that goodness cannot be diminished through bad luck since we are responsible for our character and so it is not the sort of thing that can be subject to luck. To this end, I first explicate the additional sub-argument in support of the thought that character cannot be subject to luck and argue that it relies on a mistaken assumption: that if something is up to the agent, then it cannot also be a matter of luck. I argue that it is not unusual to recognize that events have multiple explanations and tragic actions are no different. One explanation of the tragic action is that it was a product of the agent’s choice. Another explanation is that the circumstances severely constrained one’s options. If actions for which agents are morally responsible impact goodness, and if part of the explanation of the act for
which the agent is morally responsible appeals to something that is a matter of luck, then
goodness will also, in part, be a matter of luck.

Before formulating the reasons for thinking that one’s goodness cannot be subject to luck
in a more precise manner, it is important to first become clear on exactly what it is to state that
we are responsible for our character. To say that we are morally responsible for our character is
an elliptical form of stating that we are morally responsible for those actions of which our
character is a consequence. It is not to say that our character or goodness is something for which
we are morally responsible distinct from and in addition to the particular choices we make or
actions we perform. If we were morally responsible for our character, as such, then our
character, itself, would have to be under our control; the very fact of our goodness would have to
be up to us. But there is no choice to be good that exists independent of and in addition to the
choice to perform good actions. Having good character is the end which we wish to attain. The
means to that end are what we choose; it is the means that are under our control. Aristotle makes
this point in both the *Eudemian Ethics* and the *Nicomachean Ethics*. He states that no one
chooses an end, only the things that contribute to the end. He goes on to state that, “no one
chooses to be healthy, rather he chooses to walk or to sit with a view to health, nor again to be
happy, but rather to engage in commerce or take a risk with a view to being happy.”204

Similarly, we do not choose to be good but rather we choose to do those things that will result in
our being good. Given that the fact of having a good or bad character is not up to us apart from
the actions we choose that will impact our character, to state that we are morally responsible for
cracter just is an elliptical way of stating that we are morally responsible for the actions which
impact character.

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Once we understand ‘being morally responsible for our characters’ to mean that our characters are a consequence of actions for which we are morally responsible, the argument for why goodness cannot be subject to luck can be precisely formulated:

(4.1) One’s goodness is a consequence of actions for which the agent is morally responsible.
(4.2) To be morally responsible for an action requires that it be up to the agent or under the agent’s control.
(4.3) If an action is up to the agent or under her control, then it is not a matter of luck.

Therefore, Goodness cannot be a matter of luck.

Each of these premises needs to be examined.

7.4.1 Goodness and Moral Responsibility

It is true that one’s goodness is a consequence of things for which the agent is responsible. We attribute goodness and badness to a person on the basis of things for which she is morally responsible. For an account of moral responsibility to be plausible, it must attribute moral responsibility to persons only for those things one freely chooses and deny moral responsibility for things caused entirely by others or by impersonal forces. One’s goodness or badness is directly linked to things for which the agent is responsible. This is consonant with an Aristotelian approach. As Aristotle states, “By choosing what is good or bad we are men of a certain character.”

The thought is that it is by and through the choices one makes that one becomes the sort of person that one is. This seems entirely acceptable.

7.4.2 Moral Responsibility and Control

Premise 4.2 holds that in order to be responsible for an action it must be under one’s control. This is taken to be a basic condition of moral judgement known in the literature on moral

responsibility as ‘the control principle’. There are several ways to cash out what it means for something to be under one’s control. First, it could mean that a person has (or believes she has) alternate courses of action available to her. As McKenna states, “A natural way to think of an agent’s control over her conduct at a moment in time is in terms of her ability to select among or choose between alternative courses of action.”\(^\text{206}\) Or it could mean that the agent is the source of her actions. McKenna states, “An agent’s control consists in her playing a crucial role in the production of her actions. … Control is understood as one’s being the source whence her actions emanate.”\(^\text{207}\) Or it could mean that the action was ‘up to’ the agent. “The action or trait must have its origin in the agent. That is, it must be up to the agent to perform that action or possess that trait – it cannot be compelled externally.”\(^\text{208}\)

Aristotle’s discussion of the voluntary, which is essentially a discussion of moral responsibility, explicitly recognizes this sort of control as an essential feature of voluntary actions.\(^\text{209}\) According to Aristotle, there are two conditions that must be met for an act to be voluntary. The agent must know what he is doing and the action must depend on the agent – it must be up to the agent to perform or not perform the action. According to Aristotle, the voluntary is “that of which the moving principle is in the agent himself, he being aware of the particular circumstances of the action.”\(^\text{210}\) If it is up to a person to do something – if it is in that person’s power to do or not to do it – and that person knows what she or he is doing then the

\[\text{207} \quad \text{Ibid.}\]
\[\text{209} \quad \text{The conditions that Aristotle identifies in the Nicomachean Ethics as required for voluntary actions could be open to children and beasts as well, but children and beasts could never be morally responsible. Voluntary actions are ones for which agents are morally responsible when they are done by agents with a moral character. See Susan Sauve Meyer, Aristotle on Moral Responsibility (Cambridge, Massachusetts: Blackwell Publishers, 1993) for a further account of this.}\]
\[\text{210} \quad \text{Aristotle, Nicomachean Ethics. 1111a22-24.}\]
action is voluntary. The voluntary is contrasted with the involuntary. Actions which are compelled are involuntary. Something is compelled if the moving principle is wholly outside the person; the person contributes nothing. For example, if a person’s limbs are moved by the wind, this is compelled and involuntary. The voluntary is contrasted with the involuntary by focusing on whether the act was up to the agent. Whereas involuntary actions are externally compelled, voluntary actions originate from the agent and are up to the agent. Voluntary actions are actions for which moral agents are morally responsible. A person is morally responsible so long as she knows what she is doing and it is up to her to perform or not perform the action.

To be morally responsible for something, it must be up to the agent or under the agent’s control. This feature of moral responsibility is not unique to an Aristotelian framework but is also central to contemporary accounts of responsibility. Thomas Nagel claims that the control principle is an intuitive condition of moral judgement.\textsuperscript{211} That is, it is intuitively obvious that responsibility requires that agents have control over the events for which they are purportedly responsible. This seems right. It would be absurd to regard a person as responsible for the fact that it is raining today. The reason this is absurd is that the weather is not something that is up to one or under one’s control and so is not the sort of thing a person could be responsible for. There is thus good reason to accept that moral responsibility requires control.

\textbf{7.4.3 Control and Luck}

Something is a matter of luck when it is not under one’s control or a product of one’s choice.\textsuperscript{212}

On the face of it, it seems trivially true that if an action is up to the agent then it is not also a result of luck. If an action is up to the agent, it is an action that is under the agent’s control. The very same action cannot also be a matter of luck. If it were a matter of luck, then there would be no regular correlation between one’s choice and what will come to be. The same action cannot, in the same way, be both up to one and a matter of luck since what it is for an action to be up to one is different from and incompatible with what it is for an action to be a matter of luck.

That the same action cannot, \textit{in the same way}, be both up to one and a matter of luck does not mean that an action cannot be up to one in some respects and a matter of luck in other respects. Rarely do events have only one explanation for why the came to be. When asking why an event occurred, different accounts can be offered which will highlight different aspects of the situation. For example, if we ask why an automobile accident occurred, one explanation might be that the driver veered into the other lane. Another explanation might be that there was debris on the road that the driver veered to avoid. Still another explanation might be the strike of the city workers which resulted in the debris being on the road in the first place. Explanations of events are frequently complex and serve to highlight different aspects of the situation. Given that there can be multiple explanations for why an event occurred, there is nothing peculiar about one explanation appealing to something that was under one’s control and another explanation appealing to something that was not under one’s control. Veering into the other lane is under one’s control whereas the fact that there is debris on the road is not under one’s control.

\textsuperscript{212} There is a substantial philosophical literature on luck. To be sure, more fine-grained analyses of luck can be given. Nevertheless, understanding luck as just that which is not under one’s control is consistent with the usage of luck in much of the discussions concerning luck and morality. For example, Stale Fredriksen claims that, “Luck stands in opposition to control, not causality” in Stale Fredriksen, "Luck, Risk, and Blame," \textit{Journal of Medicine and Philosophy} 30 (2005). Under “Luck” in the glossary of terms in Aristotle, \textit{Selections}, trans. Terence Irwin and Gail Fine (Indianapolis: Hackett Publishing Company, 1995), Irwin and Fine claim that Aristotle’s use of luck in the ethical contexts refers to that which is outside the agent’s rational control.
In asking why the tragic action occurred, multiple explanations can be offered where one explanation appeals to something that is under one’s control and another explanation appeals to something that is a matter of luck. The action the agent undertakes in a tragic dilemma is up to the agent; if the agent had made a different choice it is likely that different events would have occurred. It is no accident that Sophie’s daughter, not her son, was sent to her death since it could reasonably be expected that the act of stating ‘take the girl’ would result in the doctor taking the girl. If Sophie had not said, ‘take the girl’, then it is more than likely that something different would have occurred. In this sense, the action in the tragic dilemma was up to the agent.

The actions undertaken in tragic dilemmas are, in another respect, a matter of bad luck. That is, the explanation for why an agent performed the action she did is that the circumstances were constrained. But for the bad circumstances, the agent would never have done what she did. The circumstances that define and constrain the choice are not up to the agent – they are something over which the agent had no control. In this way, one’s action is a matter of luck; it is a matter of bad luck that one had to act as one did in a tragic dilemma. Tragic actions are thus both up to the agent and a matter of luck. The action, itself, is up to the agent in that the action resulted from the agent’s choice even though luck played a role in defining the options from which the agent had to choose and so explains why the agent chose as she did.

That an action can be both up to the agent and a matter of luck has implications for one’s goodness. If goodness is a consequence of actions for which one is morally responsible, and if one is morally responsible for actions that are a product of one’s choice, and if one’s choices are influenced by one’s options, and if what one’s options are can be a matter of luck, then that one is good or bad will, in part, be a matter of not having bad luck regarding what one’s options
were. That one is and remains good is, in part, dependent upon not engaging in serious wrongdoings. That one has not engaged in serious wrongdoings is, in part, a matter of not having had the bad luck of finding oneself in these tragic circumstances. In this way, one’s goodness is subject to some amount of luck.

7.5 Objection

The argument that one’s goodness can be a matter of luck rests on an account of moral responsibility which holds that an agent is morally responsible just in case the agent knows what she is doing and that the action is up to the agent or under her control. One might object to the claim that goodness can be a matter of luck by objecting to this account of moral responsibility. If it can be established that agents are not morally responsible for their actions in tragic dilemmas, then the action is not the sort of thing that would impact character and so character will not be subject to the bad luck of finding oneself in a tragic dilemma. Objectors provide two reasons to think that agents are not morally responsible for their tragic choices.

First, according to a prominent account of moral responsibility, an agent is morally responsible just in case the agent is the subject of certain appropriate reactive attitudes.213 This conception of moral responsibility is then applied to tragic dilemmas. Since blame is one of the reactive attitudes indicative of responsibility, and since we do not blame agents for their tragic choices, this suggests that agents are not morally responsible for their tragic choice.

Second, the control principle asserts that one can only be morally responsible for things under one’s control. In a tragic dilemma, while the particular action was up to the agent, the options from which the agent had to choose were not under her control. Since the constrained

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circumstances played a significant role in the agent coming to make the choice that she did, a significant aspect of the choice was not under the agent’s control. But for the constrained circumstances the agent would never have chosen such an action. If, as the control principle asserts, one can only be responsible for things under one’s control, and the circumstances that forced the tragic choice were not under one’s control, then a significant aspect of the action was not under the agent’s control and so is not something for which the agent is morally responsible. It follows from application of the control principle that agents are not morally responsible for their tragic choices.

Objectors claim that both our actual practices of blaming and the control principle indicate that agents are not responsible for their choices in tragic dilemmas. While it is true that one’s goodness is affected by things for which one is morally responsible, being morally responsible for something requires more than the existence of a minimal choice over the discrete action one performs. Thus, agents are not morally responsible for their tragic choices and so acting in a tragic dilemma can in no way diminish goodness; goodness will not be subject to the bad luck of finding oneself in a tragic dilemma.

7.6 Response

The response to this objection is three fold. First, understanding moral responsibility in terms of actions which are up to the agent where the agent knows what she is doing is not an unsophisticated account of moral responsibility developed without considering its implications for tragic dilemmas. Aristotle’s discussion of the voluntary explicitly denies that the fact of constrained circumstances renders the action involuntary. Second, consideration of our actual practices suggests that we do, in fact, regard agents as morally responsible for their actions even
when the options were tragically constrained. Third, application of the control principle yields the conclusion that agents are not responsible for their tragic choices only if it is applied regressively. It is an open question, however, whether it should be applied in this way. While the objector is right that regressive application of the control principle yields the conclusion that agents are not morally responsible for their tragic choices, it also yields the conclusion that agents are not morally responsible for anything at all. Applying the control principle in this way shows only that our goodness being subject to luck is simply another instance of the more pervasive problem of moral luck: we regard persons as responsible for things that are not wholly under their control. To appeal to regressive application of the control principle to show that agents are not responsible for their tragic choice does not point to something uniquely wrong or incoherent about the account given of tragic dilemmas, but rather suggests that there is something incoherent about the idea of moral responsibility in general. Rather than addressing the larger question of whether moral responsibility is a coherent concept, my claim can be reformulated to give the force of this objection its proper due. That is, if anyone is morally responsible for anything at all, then they are responsible for their tragic choices.

7.6.1 Aristotle on Mixed Actions

Aristotle’s discussion of the voluntary and responsibility explicitly denies that control over circumstances is required to be responsible for an action. According to Aristotle, what is relevant for determining voluntariness and moral responsibility is that the act was dependent on the agent, not some further explanation of why the agent chose as she did. In Sarah Broadie’s discussion of Aristotle on the voluntary, she explains what is meant by an act being dependent on the agent by stating,
The voluntary agent controls his effect, whether it shall be or not, and this is what is meant by saying that something depends on him: whether it comes about depends on him if and only if he controls whether it shall be rather than not.\textsuperscript{214}

Whether or not an act is dependent on the agent in this way implies nothing about how the circumstances that gave rise to how the choice came to be. As Schoeman states,

\begin{quote}
[A]ristotle stresses that what we can deliberate about and control is what we can be held responsible for without regarding the ultimate source of the movement. This criterion of the voluntary has nothing to do with the source of behavior being internal or external.\textsuperscript{215}
\end{quote}

Not only does Aristotle’s discussion of the voluntary indicate that circumstances do not defeat responsibility, but Aristotle also explicitly addresses the problem of constrained circumstances in his discussion of mixed actions. ‘Mixed actions’ is the label Aristotle tentatively uses to pick out actions which are done from a fear of greater evils or because of something fine.\textsuperscript{216, 217} He initially labels these mixed action since there is a sense in which the action is not voluntary. That is, these acts would never be chosen for themselves. Absent the circumstances, the agent would never choose such a thing. But the act is, in a sense, voluntary insofar as it was within one’s power to perform or not perform the action. Aristotle illustrates this sort of action: If one does something base because a tyrant order one to do so, and threatened to kill one’s family if one did not comply, then the action here appears mixed.\textsuperscript{218} The action seems voluntary in that it was up to one to choose to perform the base deed – it was within one’s power to refuse. But the action also seems coerced in that the base deed is not anything the agent would have chosen apart from the constrained circumstances. The circumstances have, in a way, forced the action.

\textsuperscript{214} Broadie, *Ethics with Aristotle.* p. 151.
\textsuperscript{216} Aristotle, *Nicomachean Ethics.* 1110a5-12.
\textsuperscript{217} It is important to note that mixed actions are not a third and separate class of actions existing in addition to voluntary actions and involuntary actions. Rather, the strategy in this section is to present a puzzling class of actions and to then determine whether they are voluntary or not. ‘Mixed action’ is the name that Aristotle gives to describe a class of actions which seem initially puzzling. Further consideration of these actions shows that they are, in fact, voluntary actions.
\textsuperscript{218} Aristotle, *Nicomachean Ethics.* 1110a4-9.
The seemingly voluntary and seemingly coerced aspects of the same action give rise to tentatively calling these actions ‘mixed actions’.

After identifying the sort of actions in question, Aristotle goes on to say that mixed actions are more like voluntary actions. Like other voluntary actions, at the time of action the ‘mixed’ action is choice-worthy. Voluntariness and involuntariness are terms that must make reference to the circumstances and time of the action. Furthermore, at the moment of action it is in the agent’s power to perform or not perform the action. These features suggest that what initially appeared to be a ‘mixed’ action is, in fact, a voluntary action. Aristotle states,

Such actions, then, are mixed, but are more like voluntary actions, for they are worthy of choice at the time when they are done, and the end of an action is relative to the occasion. Both the terms, then, ‘voluntary’ and ‘involuntary’ must be used with reference to the moment of action. Now the man acts voluntarily; for the principle that moves the instrumental parts of the body in him, and the things of which the moving principle is in a man himself are in his power to do or not to do. Such actions, therefore, are voluntary.\(^{219}\)

To act voluntarily it only needs to be the case that one is the moving principle behind one’s acts and that one knows what one is doing. That the choices are tragically constrained does not preclude voluntary action and so does not defeat moral responsibility, on the Aristotelian account.

7.6.2 What Our Practices Say About Moral Responsibility

Objectors appeal to our actual practices as evidence that agents are not regarded as responsible for their tragic choices. It might be thought that because we do not blame or feel indignation at agents who choose as best they can when making a tragic choice, this indicates that we do not, in practice, regard the agent as morally responsible for their tragic choice. In this section I argue that while we do not blame or feel indignation towards agents for their tragic choices when they

\(^{219}\) Ibid. 1110a 12-18.
act as best they can, other reactive attitudes supposedly determinative of moral responsibility are nonetheless appropriate. While the third-person reactive attitude of indignation is usually withheld, the first person reactive attitude of guilt and the second-person reactive attitude of resentment are appropriate attitudes for the perpetrator and the victim of the tragic action, respectively. Furthermore, other third-person attitudes indicative of responsibility readily apply to agents who must choose from tragically constrained options. Taken together, these considerations provide strong reason to think that agents are, in fact, morally responsible for their tragic choices.

It is claimed that because we do not blame or feel indignation towards agents for choosing as best they can in a tragic dilemma they are thereby not morally responsible for their tragic choice. The motivation behind claiming that absence of blame implies absence of moral responsibility is likely a commitment to a Strawsonian conception of moral responsibility whereby to be morally responsible for something just is to be susceptible to certain appropriate reactive attitudes. Even if this is a good way to think about moral responsibility, appeal to the mere fact that the third-person reactive attitude of indignation is inappropriate is insufficient to establish an absence of moral responsibility. When it is claimed that moral responsibility is to be understood in terms of reactive attitudes, it is not claimed that moral responsibility is to be understood exclusively in terms of \textit{third-person} reactive attitudes. Consideration of first and second-person attitudes reveals that guilt and resentment are entirely appropriate responses to a tragic choice.

As discussed at length in chapter two, agents who make tragic choices do and ought to feel compunction – some sort of bad feeling – for their tragic choices. Through examination of candidate bad emotions including regret, agent-regret, guilt, remorse, and tragic-remorse, I
argued that the bad feeling agents do and ought to have for their tragic choices is guilt. Guilt, I argued, is not only a common response to making a tragic choice, but it is also an appropriate response. We would think there is something quite wrong with an agent who can make a tragic choice and not feel guilty.

Not only is guilt an appropriate first-person reactive attitude to one’s tragic choice, but resentment is also an appropriate second-person attitude from whoever is the victim of one’s tragic choice. It is entirely appropriate that Eva would resent her mother, Sophie, for choosing to send her to her death. Likewise, it is entirely appropriate for Iphigenia to resent Agamemnon for slaughtering her and for Clytaemnestra to resent Orestes for killing her. That the victim of the tragic action might feel resentment towards the perpetrator of the action is entirely appropriate – especially when the perpetrator of the tragic action stands in a special relation to the victim such that the perpetrator is supposed to take some kind of special interest in the victim’s well-being. Pleas on behalf of the perpetrator that this action is undertaken because it is, all things considered, the best that one can do does not seem to go very far in inhibiting resentful reactions. The fact remains that the perpetrator of the tragic action is setting out to harm or destroy the victim and this, itself, is cause for resentment.

Even if moral responsibility is to be understood in terms of reactive attitudes, the fact that indignation is an inappropriate third-person reaction still does not go very far in showing that agents are not morally responsible for their tragic choices since the first and second-person reactive attitudes indicative of moral responsibility are entirely appropriate in circumstances of tragic choice. Furthermore, while third person reactions of indignation tend to be withheld when agents act for the best in tragic dilemmas\(^\text{220}\), this is not to say that agents who make tragic

\(^{220}\) Likely the reason for withholding reactions of indignation is that there is no point in reacting in this way. The circumstances were unusual, the action was not the sort of thing that the agent is wont to do, and so the agent is
choices are not susceptible to any third person reaction. Aristotle, himself, points out that we can praise, blame, and pardon agents for their tragic choices. After completing his discussion of mixed actions where he essentially argues that agents are morally responsible for their tragic choices, Aristotle goes on to provide additional support for this thesis with a discussion of reactive attitudes taken towards people who make tragic choices. He states,

For such actions men are sometimes even praised, when they endure something base or painful in return for great and noble objects gained; in the opposite case they are blamed, since to endure the greatest indignities for no noble end or for a trifling end is the mark of an inferior person. On some actions praise indeed is not bestowed, but pardon is, when one does what he ought not under pressure which overstrains human nature and which no one could withstand.221

According to Aristotle, then, the reactive attitudes of blame, praise, and pardon are readily directed towards agents in virtue of the tragic choice they have made.

In Broadie’s discussion of Aristotle and the voluntary she elucidates precisely this point. She states,

If the circumstances are such that the agent must choose an evil, and he chooses the lesser evil and reluctantly carries it out, we may well be sorry for him in much the same way as if he had been externally forced to do that thing. His doing that bad thing is voluntary but not his fault. On the other hand, we might even admire the person for choosing and carrying out the lesser evil, if doing so required particular intelligence or courage, whereas it would not make sense to admire someone for a counter-voluntary episode, even if the result were better than some alternative. Moreover, when it is a case of someone’s choosing between evils, if we disagree with his judgement of what is the lesser evil, in that what he does seems to us the inferior course, we shall not admire, but find fault; nor should we be sorry for him of the action, however reluctantly it was taken.222

These observations seem correct. While agents are not blamed when they chose as best they could in tragic circumstances, they might be blamed if, in a resolvable dilemma, they chose a

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clearly inferior course of action. If Sophie refused to choose one child to send to its death which, as she knew, would effectively be a decision to send both children to their deaths, she might thereby be blameworthy. Since it might be appropriate to blame an agent for choosing an inferior action in a tragic dilemma, this indicates that we think the agent is responsible for her choice even when the choice takes place in the context of tragic circumstances. In addition to blaming agents for choosing the inferior course of action, we also praise and admire agents who have acted as best they can in a tragic dilemma. Tragic heroes are frequently portrayed as admirable agents which is a form of praise. Praise, though, is a reactive attitude indicative of responsibility. If we sometimes respond with praise and admiration to agents who make tragic choices then, again, this indicates that we take agents to be morally responsible for their tragic choice. Finally, as Aristotle points out, we might pardon a person who does not choose for the best in making a tragic choice when what is involved in choosing for the best goes beyond what most humans could endure. That is, to pardon a person is to recognize that that person is responsible for a wrongdoing, but to not continue to hold that wrongdoing against her. Praise, blame, and pardon are all third-person reactive attitudes which imply responsibility and these terms can be readily ascribed to agents acting in tragic dilemmas.

The objector is right, then, that we do not blame agents for choosing as best they could in a tragic dilemma. But this fact, alone, does not establish that agents are not morally responsible for their tragic choices. Even if we were to understand moral responsibility in terms of appropriate reactive attitudes, it remains the case that first and second-person reactive attitudes of guilt and resentment are appropriate in tragic dilemmas, and that other third person reactive-attitudes – praise, admiration or blame where agent did not choose the best action – all still
apply. Consideration of reactive attitudes thus, contrary to the objector’s assertions, indicates that agents are morally responsible for their tragic choices.

7.6.3 The Control Principle

Objectors to the claim that goodness can be a matter of luck argue that the account of moral responsibility thus far advocated relies on too weak a conception of control. If it can be shown that agents are not morally responsible for their tragic choices, then these choices will not be the sort of thing that can impact character and so character will not be subject to luck. They argue that agents are not morally responsible for their tragic choices and this is evident if we consider both our actual practices of praising and blaming and what follows from application of the control principle. They argue that application of the control principle yields the conclusion that agents are not responsible for their tragic choices since they are not responsible for the circumstances that gave rise to that choice. In this section I will consider exactly how application of the control principle is purported to yield the conclusion that agents are not morally responsible for their tragic choice and will consider how damaging this objection is to the claim that goodness can be a matter of luck.

The control principle holds that a necessary condition for moral responsibility is that agents can only be morally responsible for things that are under the agent’s control. We cannot be morally responsible for things that are not up to us or under our control. According to the objector, it follows from application of this principle that agents are not responsible for their tragic choices. One reason behind the agent making the choice that she did is that her options were severely constrained in a way that was not under the agent’s control. But if one can only be
responsible for things under one’s control, and if the circumstances that gave rise to the choice are not under one’s control, then it seems that one cannot be responsible for the choice itself.

This argument rests on the assumption that in order to be morally responsible for something, not only must that thing be under one’s control in the immediate sense that the action was up to one to perform or not perform, but that one must have control over the other things that gave rise to one’s performing the action. Susan Hurley calls this regressive control which requires “control of X’s causes as well as of X itself.”223 If we apply the control principle regressively, then it will follow that agents cannot be morally responsible for their tragic choices because they have no control over the circumstances that gave rise to having to make that choice.

It is an open question whether the control principle should be applied regressively. There might be reason to resist the regressive application of the control principle and hold that moral responsibility only requires control over the particular choice, itself – it does not require further control over the causes of that choice. If it turned out that the control principle should not be applied regressively, then it straightforwardly follows that one is morally responsible for one’s tragic choices and so one could be morally responsible for a wrong action which would diminish one’s goodness. Since it was bad luck that the circumstances were what they were, one’s goodness would be, in part, a matter of luck. If, however, one thinks that the control principle is to be applied regressively, then it would follow that agents are not morally responsible for their tragic choices. Because agents did not have control over the circumstances that gave rise to the choice, they are not morally responsible for the tragic choice. And if one is not morally responsible for the tragic action, then it is not the sort of thing that could impact goodness.

While appeal to the control principle, applied regressively, yields the conclusion that agents are not morally responsible for their tragic choices, this is not a unique objection to the account offered of tragic dilemmas, but turns out to be an objection to the possibility of moral responsibility, in general. That is, the very reason put forth to show that agents are not responsible for their tragic choices would also show that agents are not morally responsible for most, if not all, of their ordinary actions.

Applying the control principle regressively defeats responsibility for tragic choices because the circumstances that defined the options were not under the agent’s control. Options are always constrained, though. Any choice one makes is usually, if not always, a choice among a limited or constrained number of options. Ordinarily, the fact that our choices are made within certain constraints is not taken to undermine the voluntariness of the choice and hence one’s responsibility. The choice made in tragic dilemmas is not structured any differently than any other choice we make. Nussbaum touches on this point:

Agamemnon is allowed to choose: that is to say, he knows what he is doing; he is neither ignorant of the situation nor physically compelled; nothing forces him to choose one course rather than the other. But he is under necessity in that his alternatives include no very desirable options. There appears to be no incompatibility between choice and necessity here – unless one takes the ascription of choice to imply that the agent is free to do anything at all. On the contrary, the situation seems to describe quite precisely a kind of interaction between external constraint and personal choice that is found to one degree or another in any ordinary situation of choice. For a choice is always a choice among possible alternatives; and it is a rare agent for whom everything is possible.224

If, as the objector argues, the fact of constrained circumstances defeats responsibility in tragic dilemmas, then the fact of constrained circumstances will also defeat responsibility in instances of ordinary choice. If control over circumstances that gave rise to the choice is required for responsibility, then it would follow that no one would ever be responsible for anything. If we

demand control over things beyond the choice, itself, then the realm of moral responsibility will be virtually non-existent.

It is certainly right, then, that regressive application of the control principle yields the conclusion that one is not responsible for one’s tragic choice. It is also right that if the agent is not responsible for the tragic choice, then her character would not be subject to the bad luck of having had to make a tragic choice. But the same regressive application of the control principle also yields the conclusion that no one would ever be responsible for anything. And if no one is ever responsible for anything, then no one could ever be good. Appeal to the control principle allows us to avoid the unsettling implication that goodness can be subject to luck only to leave us with the even more unsettling implication that no one could ever be good. Those who level the moral luck objection, though, seem to be implicitly working from a framework whereby personal goodness is a genuine possibility for agents and there are things we can do to foster or to undermine our personal goodness. The objector’s victory is Pyrrhic: the objection which establishes that agents are not responsible for their tragic actions also establishes that agents are not responsible for anything at all.

7.7 Moral Luck

Considering the way that regressive application of the control principle defeats moral responsibility while, at the same time, appreciating that we do regard agents as morally responsible just is to confront the problem of moral luck. The problem of moral luck is that it seems that we are justified in attributing responsibility to persons for things not entirely within their control. Nagel defines cases of moral luck as instances “where a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect
as an object of moral judgment.”225 The problem of moral luck stems from a tension between two well-entrenched beliefs: First, we believe the control principle – people can be responsible for only those things that are within their control and not things that are a matter of luck. Second, we believe that many of our actual practices of praising and blaming are justified, yet reflection on these practices show that we praise and blame people for things not entirely under their control; people are blamed for things that are, in part, a matter of luck. In principle we believe that agents should not be responsible for things that are a matter of luck, but in practice we attribute responsibility to things that are, in part, a matter of luck.

This basic structure of the moral luck problem unites several distinct types of moral luck: resultant, causal, constitutional, and circumstantial. Resultant luck occurs when persons are held responsible for certain outcomes which are not within their control. Compare the person who, while driving drunk, strikes and kills a child that darts in front of the car to the person who drives drunk without incident. If we hold that the agent who struck and killed the child is somehow worse than the other agent, then we are holding that agent responsible for something that is not within her control. Causal luck refers to luck in how one is determined by antecedent circumstances. In a deterministic world, it is a matter of luck that the forces that preceded your actions were what they were. Constitutive luck is luck regarding what kind of person you are including your inclinations, capacities, and temperament. Circumstantial luck concerns luck in the circumstances that informed one’s action. If a person would have become instrumental in the Nazi regime had he lived during Nazi times, or if the persons who were part of the regime would have lived decent, uneventful lives had they lived in other times, then it seems that the goodness

or badness of these people is partly a result of being lucky or unlucky with respect to the time and place in which they lived.\textsuperscript{226}

The problem of moral luck stems from a tension between the control principle and our actual practices of attributing responsibility. Appreciating the problem of moral luck is to appreciate that we cannot reject either the control principle or our seemingly justified attributions of responsibility. If we accept regressive application of the control principle, then nobody would ever be responsible for anything. If we reject the control principle, then we must deny an intuitively plausible and central condition of moral judgement. According to Nagel, appreciating both horns of the dilemma just is an appreciation of the problem of moral luck. He states,

When we undermine moral assessment by considering new ways in which control is absent, we are not just discovering what would follow given the general hypothesis, but are actually being persuaded that in itself the absence of control is relevant to these cases too. The erosion of moral judgment emerges not as the absurd consequence of an oversimple theory, but as a natural consequence of the ordinary idea of moral assessment, when it is applied in view of a more complete and precise account of the facts. It would therefore be a mistake to argue from the unacceptability of the conclusions to the need for a different account of the conditions of moral responsibility. The view that moral luck is paradoxical is not a mistake, ethical or logical, but a perception of one of the ways in which the intuitively acceptable conditions of moral judgment threaten to undermine it all.\textsuperscript{227}

As Nagel claims, we cannot simply reject the control principle because it leads to unacceptable consequences since the control principle is ‘an intuitively acceptable condition of moral judgment.’ But neither can we accept the implications of applying the control principle ‘all the way down’ since doing so would destroy the possibility of anyone ever being morally responsible for anything. Moves to reject either horn of the dilemma seem misguided and so the moral luck problem seems intractable.

\textsuperscript{226} This example is developed in Nagel’s “Moral Luck” p. 34.
\textsuperscript{227} Nagel, "Moral Luck." pp. 26-27.
Given this overview of the structure of moral luck problems, we are now in a position to appreciate that one’s character being subject to luck is not a uniquely absurd implication arising from and pointing to a faulty conceptualization of tragic dilemmas, but rather is just another instance of a more general class of moral luck problems which pervade many areas of moral assessment. Regressive application of the control principle will yield the conclusion that the agent is not responsible for the tragic choice since the agent is not responsible for the circumstances that gave rise to the choice. This, though, is at odds with everyday practices of attributing responsibility. That our ordinary attributions of moral responsibility are at odds with conclusions yielded by regressive application of the control principle just is the problem of moral luck. In particular, tragic choices are a particular kind of circumstantial luck. That is, one’s moral status is influenced in part by the circumstances in which one finds oneself. Nagel, himself, notes that tragic dilemmas are a particular kind of circumstantial luck. He states, “An unusual example of circumstantial luck is provided by the kind of moral dilemma with which someone can be faced through no fault of his own, but which leaves him nothing to do which is not wrong.”228 The circumstances, then, are a matter of luck, but responsibility is still attributed to the person despite her lack of control over the circumstances.

Consideration of the problem of moral luck shows that attributing moral responsibility to agents in tragic dilemmas is no more or less incoherent than attributing responsibility generally. To be sure, appreciation of the moral luck problems calls into question the coherency of moral responsibility, in general. Whether moral responsibility is a coherent notion is, however, a discussion that far exceeds the scope of this work. As such, I will reformulate my central claim about responsibility for tragic dilemmas to take into account the true force of the objection from

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228 Ibid. p. 34, note 9.
the regressive application of the control principle. That is, if anyone can be morally responsible for anything at all, then one is responsible for one’s tragic choices.

So long as agents are morally responsible for their tragic actions, the actions are of the type that can impact one’s character. Since tragic actions are also actions which are wrong, performing a tragic action will diminish one’s character. And since it is a matter of bad luck that one’s options were tragically constrained, one’s goodness is thereby subject to some amount of luck.

7.8 Taint Revisited

In chapters two and three I argued that agents feel torn, guilty, and tainted for their tragic choices and that these feelings are appropriate. In chapter four I laid out key components of a neo-Aristotelian virtue ethical framework and in chapter five showed how these components could give rise to an account of tragic dilemmas. As discussed in 5.4, the neo-Aristotelian account of tragic dilemmas can make sense of agents feeling torn and guilty. It was noted, though, that nothing in the neo-Aristotelian account, alone, gives rise to an explanation of taint. In order to account for taint, we must also accept the claim that some instances of wrongdoing impact character.

Section 7.1 argued that if it was denied that wrongdoing impacted character, then the moral luck objection would be avoided. If we adopt this strategy, then the feeling of taint suffered by the tragic agent remains unaccounted for. As argued in chapter two, tragic agents feel as though they are somehow less good as persons for performing the tragic act. If, however,
one’s character is entirely reducible to one’s dispositions then one’s goodness is not affected by the tragic choice and so the agent would have no reason to feel tainted. Taint would not be fitting. Whereas feeling torn and guilty was accounted for by the agent actually being torn and guilty, taint cannot be accounted for in this manner if we understand character as entirely reducible to dispositions. The first strategy of denying that character is affected by wrongdoing can avoid the moral luck objection, but this strategy does not allow for the feeling of taint to be explained in the same manner as feeling torn and guilty.

It was noted, however, that persons on both sides of the inevitable wrongdoing debate accept that some instances of wrongdoing can impact character. If one accepts this principle, then taint can be made sense of in the same manner that feeling torn and guilty can be made sense of. That is, agents feel tainted for their tragic choice because they are tainted. In making a tragic choice, the agent is responsible for a serious wrongdoing whereby no reparative actions are available. As discussed in section 2.3., guilt is felt when one recognizes oneself as responsible for wrongdoing. Normally guilt induces reparative actions – one attempts to make it up to the person one has wronged. Once reparative actions are undertaken, the burden of guilt is discharged. Actions in tragic dilemmas, though, are so serious that reparative actions will not be available. As such, there is no way for the agent to discharge the burden of guilt and so one becomes tainted as a result of performing the action. If it is accepted that at least some instances of wrongdoing (including those that occur in tragic dilemmas) can impact one’s character, then taint can be accounted for in the same way that feeling torn and guilty can be accounted for: the agent feels tainted because she is tainted.

7.9 Conclusion
The account of tragic dilemmas put forth in chapter five embraces the possibility of inescapable wrongdoing. Some argue, however, that inescapable wrongdoing is incoherent since given the connection between wrongdoing and goodness, one’s goodness would thereby be a matter of luck. The purpose of this chapter was to determine first, whether the fact that one’s goodness could be subject to luck is, in fact, an implication of accepting inevitable wrongdoing, and second if it is an implication, to determine whether it was an objectionable implication. Section 7.1 argued that if we understand character as reducible to dispositions, then there is no reason to think that the fact of forced wrongdoing would impact goodness and so no reason to think that an account which embraced the possibility of inevitable wrongdoing thereby implies that one’s goodness is subject to luck. If, however, we reject this view of character and hold that one’s goodness is affected by instances of serious wrongdoing, then that one’s character can be subject to luck is an implication of an account which allows for inescapable wrongdoing. I have argued that while this is an implication of an account which allows for inescapable wrongdoing, it is not an obviously false implication and so does not establish a problem with the account of tragic dilemmas. That one’s goodness can be subject to moral luck is just one more way that luck infuses our moral assessments: that our goodness is subject to luck is simply another instance of the more pervasive moral luck problem.

If we adopt the second rather than the first response to the moral luck objection, we are then in a position to account for the taint that agents feel for performing the tragic action. That is, if we accept that some instances of wrongdoing – including those that occur in tragic dilemmas – do impact character, then taint can be accounted for. By virtue of being responsible for a wrongdoing, an agent is thereby less good as a person and so agents feel tainted because they are tainted.
Consideration of the moral luck objection shows that it is not obvious that it is an implication of the account of tragic dilemmas that one’s goodness will thereby be subject to luck. And even if we accept that it is an implication of an account which allows for inevitable wrongdoing, it is not an obviously implication. Rather, it is simply another specific instance of the more general and pervasive problem of moral luck.
CHAPTER EIGHT: CONCLUSION

8.1 The Paradox of the Tragic Hero

Thus far I have offered an account from a neo-Aristotelian framework that can make sense of why agents feel torn, guilty, and tainted for their choices. Not only can this account of tragic dilemmas account for the first-person emotional reactions of feeling torn, guilty, and tainted, but, as I will show in this chapter, it can also account for the seemingly paradoxical third person reaction of admiration directed towards tragic heroes.

The tragic hero is regarded as admirable by others. The admiration we feel for the tragic hero is puzzling, though, since our admiration is directly linked to the burden of guilt borne by the tragic hero. Since guilt usually detracts from rather than enhances our estimation of persons, it is paradoxical that the tragic hero is regarded as admirable precisely because he is guilty. As Ariel Meirav states,

[It] seems that our conception of [the tragic hero’s] greatness is intimately bound up with our being acquainted with him as someone who acted so as to render himself profoundly guilty in this way. What is paradoxical is that moral taint would be expected to reduce our admiration for a character and our attribution of greatness to it.229

The theoretical framework that has been explicated and developed throughout this dissertation lends itself well to a straightforward and compelling explanation of the seemingly paradoxical admiration we feel for tragic heroes.

8.2 What Has Been Argued

In chapter two I began with the observation that agents feel torn, guilty and tainted for their tragic choices and further argued that there is reason to think that they should feel this way. That

is, if an agent could make a tragic choice without feeling torn, guilty, and tainted, we would think that there was something quite wrong with her. The problem, though, is that standard versions of consequentialism and deontology cannot straightforwardly account for these feelings.

In chapter three I showed how standard versions of consequentialist and deontological theories cannot straightforwardly account for agents feeling torn since they tend to incorporate a model of practical deliberation whereby salient aspects of a situation are relevant only insofar as they contribute to determining one all-things considered best or right course of action. As such, it would make no sense to continue to be moved by a value outweighed in practical deliberation; the inputs have been considered and weighed, the best course of action has been determined and there is nothing left to feel torn about. Feelings of guilt also present a puzzle for standard versions of consequentialism and deontology. Guilt is felt at perceived wrongdoing. However, most consequentialist and deontological theories hold that one cannot have acted wrongly so long as one has acted for the best or according to one’s highest duty. Agents acting in tragic dilemmas correctly believe that they have acted as best they could or according to their highest duty and so have no reason to believe that they have done something wrong and so have no reason to feel guilty. Finally, feeling tainted is puzzling for theories that assess character in terms of possessing those dispositions that reliably bring about the right or the good. If the ultimate goal of ethical practice is to bring about the right or the good, it would seem irrational to think oneself less good as a person where one has succeeded in bringing about the ends of ethical practice.

The emotions agents feel for their tragic choices are systematically at odds with the moral reality espoused by many versions of consequentialist and deontological theories. This needs to be accounted for. To be sure, there are multiple explanations which could be put forth to explain
this phenomenology. The purpose of this dissertation was to provide an account of tragic dilemmas which would provide one such explanation. The explanation offered is that agents’ emotional reactions are accurately tracking aspects of moral reality. In particular, the emotional reactions suggest that agents have, in performing a tragic action, done something that is wrong. Since agents could not have avoided doing something that is wrong, tragic dilemmas are cases of inevitable wrongdoing.

To argue from the emotions of agents to conclusions about moral reality is to present what is known as the ‘phenomenological argument’. The phenomenological argument is only plausible, though, if it is offered as an argument to the best explanation. No direct inference can be made from what people do or should feel to the nature of reality as such. It cannot be straightforwardly concluded from the fact that agents do and ought to feel torn, guilty, and tainted that inevitable wrongdoing is possible. While no direct inference can be made from observations about people’s emotions to moral reality, as such, it might be that the best explanation for these emotions is that they are tracking aspects of moral reality. In order to make an argument to the best explanation, competing explanations of the phenomenology in question will need to be weighed against each other. But before explanations can be weighed against each other, they first need to be fully articulated and developed. The task of this dissertation has been to develop and defend one such explanation of the phenomenology that accompanies tragic choices. The explanation is a simple one: The agents have these emotions because their emotions are accurately tracking aspects of moral reality; agents feel torn, guilty and tainted because they are torn, guilty and tainted.

In chapter four I explicated and developed an account of a neo-Aristotelian ethical framework which was then, in chapter five, applied to the case of tragic dilemmas and yielded
plausible explanations for why agents feel torn, guilty, and tainted for their tragic choices. That is, if we understand moral reality to consist of multiple spheres of value, and if we understand the end of action to be responding in an appropriate way to items in these spheres of value, we can thus conceptualize tragic dilemmas as cases where all options available to the agent require the agent to respond in an inappropriate way to an item of value. Understanding moral reality in this way can readily account for why agents feel torn. That is, in making their tragic choices, agents are acting to destroy an instance of value which they recognize as a genuine value and to which they are committed. Thus, in opting to perform the best action, the value selected against nonetheless remains and continues to have a pull on the agent.

The neo-Aristotelian framework can also account for why agents feel guilty and tainted for their tragic choices. That agents will feel guilty for their tragic choices follows from a virtue ethical account of right and wrong action. According to this account, an act is right if and only if it is what a virtuous agent would do and an act is wrong if and only if it is what a vicious agent would do. By acting to undermine the ends of one or another of the virtues, one is acting as the vicious agent would act and so the action is wrong. Since the circumstances are such that there is no action available which is not characteristic of the vicious agent, tragic dilemmas are cases of inevitable wrongdoing. Guilt is felt at wrongdoing. Since agents who act in tragic dilemmas perform an act which is wrong, they will feel guilty for performing that action. This explanation of guilt also grounds the explanation of why agents feel tainted. Taint is understood as what results when feelings of guilt cannot be discharged through reparative actions. The actions undertaken in tragic dilemmas are the sort for which adequate reparative actions are not available. Given that the agent has performed an irreparably wrong action, the agent will thereby be tainted.
Having provided a neo-Aristotelian account of tragic dilemmas and having shown that this account can make sense of the way agents feel upon making a tragic choice, I went on to consider several objections to this account. In chapter six I argued that the objections from the unity of the virtues and from the nature of practical wisdom do not threaten the conception of tragic dilemmas as cases of inevitable wrongdoing and further suggested that what motivates these objections is a more basic objection to one’s goodness or character being subject to luck.

In chapter seven, I argued that while one’s goodness being subject to luck may be an implication of the account, it is not an unacceptable implication. The reason objectors think that goodness cannot be a matter of luck is because they think, correctly, that goodness is a consequence of things for which one is responsible. But the objector then mistakenly assumes that if one is responsible for something in the sense that it was up to one, it cannot also be a matter of luck. I argued that it is not unusual to recognize that events have multiple explanations and tragic actions are no different. While one explanation for the horrific action is that the action was something that one knowingly brought about, another explanation for why that action occurred is that the circumstances were tragically constrained. In this way, an action can be both up to one and a matter of luck and so goodness, too, can be subject to some amount of luck.

I then addressed the further concern that despite the fact that the action was up to the agent, they are nonetheless not morally responsible for their tragic choices and so the tragic choices cannot impact goodness. Because we do not blame agents for their tragic choices, this shows that they are not morally responsible. Further, if we apply the control principle which holds that a necessary condition of moral responsibility is that actions must be under the agent’s control, it again follows that agents are not morally responsible for their tragic dilemmas.
I responded by noting that despite the fact that we don’t blame agents for their tragic choices, a sufficient number of other reactive attitudes indicative of moral responsibility are entirely appropriate. Appeal to our actual practices thus suggests that agents are morally responsible for their tragic choices. Regarding the control principle, its application only yields the conclusion that agents are not morally responsible for their actions if it is applied regressively, and it is an open question whether it is to be applied in this way. If it is not applied regressively, then agents are straightforwardly morally responsible for their tragic choices. And while it would follow from regressive application of the control principle that agents are not morally responsible for their tragic choice, such an application would also show that agents are not morally responsible for anything at all. This, though, is just the problem of moral luck: we regard people as morally responsible for things that involve elements beyond their control. This sort of luck pervades all areas of moral assessment and so is not a unique objection to understanding tragic dilemmas as instances of inevitable wrongdoing. The objection based in regressive application of the control principle shows only that the account of tragic dilemmas is as sound or unsound as all of our other attributions of moral responsibility. Thus, if anyone is morally responsible for anything at all, then they are also morally responsible for their tragic choices. So long as agents are responsible for their tragic choices, goodness will be subject to some amount of luck. This, then, is an implication, but not a particularly troubling implication of the account of tragic dilemmas.

8.3 Making Sense of the Paradox

The theoretical apparatus explicated, developed, and applied throughout this dissertation, provides the framework from which an explanation of the paradox of the tragic hero can be
provided. The paradox, again, is that the tragic hero is regarded by others as admirable but our admiration is directly linked to the burden of guilt borne by the tragic hero. Since guilt usually detracts from rather than enhances our estimation of persons, it is paradoxical that the tragic hero is regarded as admirable precisely because he is guilty. The admiration we feel for the tragic hero can be explained by first considering two ways a person who has made a tragic choice can respond to this choice and by showing that each of these responses involves a distorted perception of moral reality. By contrast, through bearing the burden of guilt, the tragic hero demonstrates that she affirms and maintains a commitment to a correct conception of the moral order even when such an affirmation comes at considerable cost to the self. It is this that is admirable.

The first way one might respond to one’s tragic choice is by attempting to *excuse* one’s actions by denying that one is responsible for the wrongdoing. Emphasis is put on the thought that ‘but for the circumstances, I would never have done such a thing.’ The agent appeals to the constrained circumstances as the relevant explanation for the action and so claims not to be morally responsible for the action. The second way one might respond to one’s tragic choice is to attempt to *justify* one’s action by denying that one’s action was an instance of wrongdoing. The agent could claim that she did what, all things considered, she ought to have done. Since there was no better choice available, the agent acted for the best and so the action can in no way be wrong.

In attempting to excuse or justify one’s actions, one is attempting to deny either moral responsibility or wrongdoing. Regarding oneself as morally responsible for wrongdoing, though, just is what gives rise to feeling guilt; by denying either wrongdoing or moral responsibility, the agent is denying one of the necessary conditions for guilt to be fitting. By justifying or excusing
one’s actions, one can thereby avoid bearing the heavy burden of guilt that would otherwise accompany such actions.

There might be strong psychological pressure to excuse or justify one’s tragic action. Feeling guilty is a distinctly unpleasant emotion. Furthermore, as discussed in chapter two, the nature of the tragic action is so serious that there is no way that an agent could discharge this burden of guilt. That is, in performing the tragic action, one has utterly destroyed an instance of value and so there is no adequate reparative action available to the tragic agent. It may be that the burden of guilt is so heavy that it destroys the person and her life. The tragic act might bring about the ruin of the agent were the agent to fully appreciate that she is morally responsible for such a seriously wrong act. Given this, there may be strong psychological pressure for the agent to deny either wrongdoing or moral responsibility in an attempt to avoid the heavy and possibly crushing burden of guilt.

While either justifying or excusing one’s action involves a distortion of the moral reality according to a neo-Aristotelian framework, the third way of responding to one’s tragic choice does not involve such a distortion. That is, an agent could respond to her tragic choice by regarding the action as one which is wrong and one for which she is morally responsible. This is the response of the tragic hero. The tragic hero does not deny that her tragic choice involved wrongdoing. She does not think that because she has acted for the best, that her action was thereby an appropriate response to an item of value. Instead, she recognizes that in having to make the tragic choice, she had to respond to an item of value in a way which was inappropriate. Her response is one which destroyed the very sort of thing she is normally committed to realizing in her actions. The tragic hero also recognizes herself as a moral agent who was acting *qua* moral agent when she made her choice and performed the action. The tragic hero regards herself
as morally responsible for an action which is wrong. Since recognizing oneself as responsible for an act which is wrong just is what gives rise to feeling guilty, the tragic hero feels guilty.

The guilt borne by the tragic hero is admirable since it is an indicator that the agent adheres to and is committed to a correct conception of the moral order. By bearing the burden of guilt the agent is demonstrating to both himself and others that he stands by and is committed to a conception of moral reality whereby certain responses to items of value will always be inappropriate; certain actions will always be wrong. Furthermore, the tragic hero is one who fully appreciates and embraces his moral agency. The tragic hero does not attempt to abjure responsibility for the action and does not attempt to reconceptualize moral reality such that his terrible and horrific action was not wrong. It is this accurate perception and affirmation of the moral reality and one’s role in it that explains the heavy burden of guilt borne by the tragic agent and explains why we find the tragic hero admirable. Meirav expresses this main point as follows:

The greater the loss which tragic circumstances compel, the greater the temptation to avoid their full impact by one of two available ways – by denying responsibility for the suffering or by dulling one’s sensitivity to it. Both of these responses, however, are forms of denial of the moral reality – namely, denying that the preservation of a crucial value to which you are perfectly committed necessitates the destruction of another crucial value to which you are perfectly committed. The greatness of the tragic hero, I suggest, is largely constituted by his or her ability not to deny this moral reality in spite of the greatest conceivable pressure to the contrary.²³⁰

The tragic hero is thus one who is profoundly guilty. By bearing this burden of guilt the tragic hero demonstrates a firm appreciation of and commitment to the moral reality. That the agent correctly conceives of and is committed to the moral reality, even when doing so comes at considerable cost to the self, is what explains our admiration of the tragic hero and explains why this admiration is directly linked to his recognition of himself as being profoundly guilty.

²³⁰ Ibid. p. 268.
8.4 Examples

The tragic hero is admirable because she has a correct perception of moral reality; the tragic hero sees rightly. This can be illustrated through contrasting the stories of Agamemnon and Orestes as presented in Aeschylus’s trilogy of plays, The Oresteia\textsuperscript{231}. As discussed in chapter two, the first play, Agamemnon, is the story of Agamemnon who, when faced with a tragic dilemma, disavows the wrongness inherent in his action. This response, though, does not leave one with the sense that he accurately perceives moral reality, but rather leaves one with the sense that he is missing something of crucial importance. To recap, Agamemnon must kill is daughter in order for the winds to be restored so that the fleet will sail and the city can be saved. While at first Agamemnon recognizes the undesirability of both options and expresses being ‘torn’, he goes on to determine that there is a best course of action and that is to sacrifice his daughter. That Agamemnon does not think he has acted wrongly is evident by his emotional response to his action. Upon determining the best action, Agamemnon proceeds to slaughter his daughter and does so without compunction. Agamemnon’s lack of compunction for his action indicates that he no longer recognizes the reality and the importance of the value that he has acted to destroy. Agamemnon does not regard his action as wrong. To the contrary, he hopes that all might ‘turn out well’\textsuperscript{232} after committing himself to performing the best course of action.

Agamemnon is not generally regarded as a moral exemplar who responds in an admirable way to his situation. While there might be something initially appealing about the thought that acting for the best means that one cannot act wrongly, consideration of a character who actually internalizes this position suggests that such a person seems to be missing something of crucial


\textsuperscript{232} Aeschylus, "Agamemnon." Line 216.
importance. Our reaction to Agamemnon, as indicated by the chorus, suggests that Agamemnon is adhering to a faulty moral framework. Agamemnon thinks that by doing the best, all-things considered, he has not done wrong and so has nothing to feel badly about. The chorus, on the other hand, while agreeing that he has acted for the best nonetheless recognize that he has responded in an inappropriate way to something of value and that his emotional reaction should register this transgression. Agamemnon is criticized because his emotional reaction indicates that he fails to appreciate the wrongness inherent in his action and so does not properly appreciate his moral reality. If he did have a correct appreciation of and commitment to moral reality, he would be racked with guilt for killing his daughter.233

After Agamemnon has killed his daughter, the series of tragedies continues. Clytaemestra, Agamemnon’s wife, is horrified at what Agamemnon has done to their daughter, and so in turn kills him. Orestes, upon his return home, vows to fulfill his filial duties and avenge the murder of his father. Orestes is thus faced with a tragic dilemma: In order to avenge the death of his father (which is a stringent filial duty), he must commit matricide (which is also a violation of his filial duties). Orestes is subsequently counseled by Apollo and determines that what he ought, all things considered, to do, is kill his mother.

There are two notable features of Orestes response to his tragic dilemma. First, he regards himself as responsible for the action. Despite the fact that there was no good or acceptable option available to Orestes, and despite the fact that he was counseled by Apollo to commit matricide, Orestes nonetheless takes responsibility for the deed. After he kills his

233 One might object here that what we find objectionable about Agamemnon is not that he doesn’t feel guilt for slaughtering his daughter, but rather that he doesn’t have any bad emotion, whatsoever. Perhaps something like regret or agent-regret would suffice. The argument presented in chapter two should address this worry. Here I began by noting that almost everyone agrees that the tragic agent should have some bad emotional reaction to the tragic choice. I went on to examine the various negative emotions that an agent could feel and argued that guilt is the emotion that best captures the feeling that agents do and ought to have for their tragic choice.
mother, he announces to the people “But while I hold some grip still on my wits, I say publicly to my friends: I killed my mother and not without some right. My father’s murder stained her…. Here Orestes fully and publicly admits that he decided to kill his mother and that there was strong reason to do this. Later, in presenting his case to Athene, Orestes again presents an accurate account of what he did and why and does not attempt to excuse or justify his actions. After describing how his mother killed his father while he was in exile he continues,

I came back and killed the woman who gave me birth. I plead guilty. My father was dear, and this was vengeance for his blood. Apollo shares responsibility for this. He counterspurred my heart and told me of pains to come if I should fail to act against the guilty ones. This is my case. Decide if it be right or wrong. I am in your hands. Where my fate falls, I shall accept.

Orestes thus accurately presents his role in the deed and is willing to accept moral responsibility for the deed.

The second notable feature of Orestes’ response to his tragic choice is that, unlike Agamemnon, he fully recognizes that whatever he does will be a violation of a real and genuine duty and, as such will have serious consequences for him. Orestes regards the action he is about to commit as a wrong against his mother and he understands that he will be cursed no matter what he does. That he understands his plight in this way is revealed through a conversation with his mother. Clytaemestra, upon realization that Orestes is there to kill her says to him, “Take care. Your mother’s curse, like dogs, will drag you down.” Orestes responds, “How shall I escape my father’s curse, if I fail here?” After making clear that he is killing her in order to avenge Agamemnon’s death, Orestes states, “You killed, and it was wrong. Now suffer

236 Aeschylus, The Libation Bearers. Line 924.
237 Ibid. Line 925.
This dialogue suggests that Orestes conceptualizes his moral reality in a way whereby whatever he does, he will be doing wrong, and that he will suffer for this wrongdoing.

Agamemnon and Orestes regard their respective plights very differently. Whereas Agamemnon thinks that he has acted rightly and that all might turn out well since he had decided upon and carried out the best course of action, Orestes regards all options as involving serious wrongdoing, yet nonetheless carries out the best course of action knowing that he will forever suffer for having performed such an action. Whereas Agamemnon is criticized for failing to appreciate the wrongness inherent in his action, Orestes is admirable for fully appreciating the wrongness that attaches to either course of action.

While Orestes regards all his options as involving wrongdoing, he correctly notes that his action was not without some right. There were certainly strong reasons to commit the murder of his mother. What Orestes does not do, however, is take these strong reasons to be the only morally relevant thing. After he kills his mother, he prepares to flee Argos. Here the chorus emphasizes that he had good reason to kill his mother – he did what we ought to have done, all things considered. They say,

\begin{quote}
No, what you did was well done. Do not therefore bind your mouth to foul speech. Keep no evil on your lips. You liberated all the Argive city when you lopped the heads of these two snakes with one clean stroke.\end{quote}

Instead of making the same mistake as his father and accepting that because he had some reason to perform the horrific action he thereby did not engage in any wrongdoing, Orestes instead responds by telling them that he is being pursued and driven out by the Furies which are, arguably, a personification of his guilt feelings. After the chorus responds that this is a mere fancy on his part, Orestes responds, “These are no fancies of affliction. They are clear, and real,
and here; the bloodhounds of my mother’s hate.” And later, “You can not see them, but I see them. I am driven from this place. I can stay here no longer.”

The Libation Bearers concludes with Orestes being chased into exile by the Furies.

The final play in the trilogy, The Eumenides, opens with the ghost of Clytaemestra summoning the Furies to avenge her death by tormenting Orestes. The Furies are to pursue Orestes for the very fact of killing his mother. The chorus, now representing the Furies, state,

We hold we are straight and just. If a man can spread his hands and show that they are clean, no wrath of ours shall lurk for him. Unscathed he walks through his life time. But one like this man before us, with stained hidden hands, and the guilt upon him, shall find us beside him, as witnesses of the truth, and we show clear in the end to avenge the blood of the murdered.

The dramatic action in The Eumenides concerns whether the fact that Orestes had reason to kill his mother is justification enough for his action such that the Furies should be called off.

Essentially, the drama could be read as portraying the question of whether the fact that he had justification for his action should thereby absolve him of his guilty feelings. The Furies, while fully recognizing that Apollo is partially to blame for Orestes murdering his mother since he counseled Orestes to do so, nonetheless see fit to continue to pursue Orestes simply for the fact of killing his mother. In stating their purpose to Athene, the Furies claim, “We drive from home those who have shed the blood of men.”

The exchange continues:

_Athene_: Where is the place, then, where the killer’s flight shall end?
_Chorus_: A place where happiness is no more allowed
_Athene_: Is he one? Do you blast him to this kind of flight?
_Chorus_: Yes. He murdered his mother by deliberate choice.

The Furies are not deaf to or oblivious of the fact that Orestes had reason to kill his mother.

What the Furies show, though, is that having reason is not enough to evade guilt feelings. The
very fact of knowingly choosing to commit such an offence is enough to invite the pursuit of the furies; the very fact of being morally responsible for a wrong action invites feelings of guilt.

Orestes, then, is admirable in precisely the ways his father was not. That is, Agamemnon failed to fully appreciate the wrongness inherent in murdering his daughter. Agamemnon thought that because he had some reason to slaughter his daughter that the action was thereby justified and so not wrong. This failure to appreciate the wrongness inherent in the action, and the failure to appreciate the true nature of moral reality is what makes Agamemnon criticizable. Orestes, on the other hand, fully recognizes the wrongness inherent in his action. He recognizes that he acts with good reason, and knows that his action is sanctioned, if not mandated, by Apollo. It was what he must do, all things considered. Nonetheless, Orestes is not so foolish as to think that he can carry out this action without significant cost to himself. And he is correct. After killing his mother, he is chased by the Furies which, while invisible to others, pursue him wherever he goes. Orestes thus willingly accepts a heavy burden of guilt for killing his mother even though it was the thing he had to do, all things considered. It is this that makes Orestes a tragic hero. That is, by bearing the burden of guilt, Orestes sees reality correctly: he is morally responsible for a wrongdoing.

8.5 Objection

The argument thus far has been that tragic heroes are regarded as admirable because they correctly perceive of the situation and their moral reality and do not attempt to justify or excuse their actions by denying either wrongdoing or responsibility. Correct perception is reflected and demonstrated through feelings of guilt. One might object, however, that regardless of the true nature of the situation, feelings of guilt are inappropriate inasmuch as this will inhibit the agent from effectively performing the all things considered best action.
One might think that the tragic agent should not feel guilty at performing the tragic action since it is only by failing to appreciate the wrongness of the tragic action that one is able to effectively perform the tragic action. Thus, regardless of whether the action was, in fact, wrong, guilt will nonetheless be an inappropriate emotion for a tragic choice. Indulging in feelings of guilt would only inhibit one’s ability to do what needs to be done. Aaron Ridley illustrates this point with the example of Eteocles.\textsuperscript{244} Eteocles has conflicting duties between his country and his family. To do his duty to his country, he must face and kill his brother in battle. Arguably the best course of action is to kill his brother. If Eteocles faced his brother racked with guilt at the prospect of killing him, Eteocles would ineffective at doing what, all things considered, he ought to do. As Ridley states,

> What Eteocles needs to do is to steel himself, to fire himself up, to throw himself wholeheartedly into the task which he has decided to undertake; only thus can he be sure that no fatal hesitation, no untimely access of brotherly feeling, will undermine his efforts; indeed only thus will his best efforts be his best efforts.\textsuperscript{245}

The agent who does not believe that the action is wrong will not suffer feelings of guilt and will thus be more effective at carrying out the action than the agent who is plagued with guilt.

The objection, then, is a pragmatic one. In order to effectively carry out the tragic action, one should not have wayward emotions as these will serve only to inhibit rather than promote successful execution of the all things considered best action. For this reason, even if the act is an instance of wrongdoing, the agent making the tragic choice should not conceptualize it as such, at the time of the action.

\textsuperscript{244} Aaron Ridley, "Tragedy and the Tender-Hearted," \textit{Philosophy and Literature} 17 (1993). p. 239.

\textsuperscript{245} Ibid.
8.6 Response

That one will be more effective at performing the horrific action if one’s emotions are not pulling in opposite directions is not reason to think that the tragic hero will not ever regard her action as wrong and will never feel guilt for performing the action. To be sure, a person may do well to put her negative emotions aside as she is carrying out the repugnant action; keeping the wrongness of the action in the forefront of one’s mind while performing the action may not be an effective strategy in accomplishing what one sets out to accomplish. Prior to Orestes murdering his father, he and Electra rehearse the wrongs done to their father thereby creating a focus on the wrong they are avenging as opposed to the wrong they are committing. Orestes states, “Think of that bath, father, where you were stripped of life.”

Electra: Think of the casting-net they contrived for you.
Orestes: They caught you like a beast in toils no bronzesmith made.
Electra: Rather, hid you in shrouds that were thought out in shame.
Orestes: Will you not waken, father, to these challenges?
Electra: Will you not rear upright that best beloved head?

As Richmond Lattimore states after quoting this scene, “[T]hey are … lashing themselves into the fury of self-pity that will make them do what they have to do.”

While it may very well be true that the nature of some tragic actions is such that keeping the wrongness of the action at the forefront of one’s mind while attempting to perform the tragic act would inhibit one’s ability to perform that action, this fact does not, however, imply anything about what would be an appropriate emotional response after the fact of performing the action.

Presumably a person could steel herself to commit the atrocity and then, after the fact, be able to

246 Aeschylus, The Libation Bearers. Line 491.
247 Ibid. Lines 492-496.
249 There may be some kinds of tragic choices which do not require that agents suspend their guilt feelings in order to accomplish the action. For example, Sophie can and does accomplish the task of choosing which child to send to its death all the while feeling terribly guilty.
reflect on her action and feel considerable guilt, and horror and grief. The cooperation of one’s passions with one’s actions need not and should not be lasting. There is room for considerable guilt to plague the agent after the fact of the action. In fact, we might expect this from the tragic hero. As Greenspan states, “[I]t seems that a truly noble character would lead the agent to reflect on his past act at some time or other and undergo some variant of guilt.”\textsuperscript{250} So while Ridley might be correct that having one’s emotions in line with one’s passion will, in certain situations, make for more effective action, it does not follow from this that in order to ensure effective action one must never feel guilty for one’s action. One’s emotions can, after the fact, demonstrate recognition that the action one performed was wrong. Thus, the solution to the paradox of the tragic hero remains: that is, agents are regarded as admirable, precisely because they are guilty, because by feeling guilty – at least after the fact of the action – the agent continues to recognize and be committed to a correct conception of moral reality even when doing so comes at a significant cost to themselves. This is what is admirable about the tragic hero and the neo-Aristotelian framework can readily account for this.

\textbf{8.7 Conclusion}

This dissertation began with the observations that agents feel torn, guilty, and tainted for their tragic actions, and that these seem to be appropriate emotional reactions, yet, these reactions are not readily accounted for given presumptions commonly made by standard versions of consequentialism and deontology. Some account for the phenomenology is needed. The purpose of this dissertation was to develop one explanation for why agents feel torn, guilty, and tainted for their tragic actions. I have argued that a neo-Aristotelian framework can provide a plausible and compelling explanation of what is going on in tragic dilemmas: tragic dilemmas

\textsuperscript{250} Greenspan, "Guilt and Virtue." p. 66
are instances where an agent must act in an inappropriate manner in relation to an item of value; tragic dilemmas are cases of inevitable wrongdoing. Once tragic dilemmas are conceptualized as instances of inevitable wrongdoing, this then provides a basis for a simple and straightforward account of why agents who make tragic choices feel torn, guilty and tainted for having made the tragic choice. That is, agents feel torn, guilty, and tainted because they are torn, guilty, and tainted.

One central worry with conceptualizing tragic dilemmas as instances of inevitable wrongdoing is that this might imply that personal goodness is the sort of thing that can be subject to luck. I have shown that while it might be an implication of the account that goodness is subject to luck, this is no more or less problematic than many of our other attributions of moral responsibility and so this is not an objection that picks out something uniquely flawed with the possibility of inevitable wrongdoing.

A neo-Aristotelian framework provides a comprehensive and compelling account of tragic dilemmas. This account can explain, in a simple and straightforward manner, the first-person phenomenological features of feeling torn, guilty, and tainted. In addition, it has the resources with which to address the worry that inevitable wrongdoing will subject a person’s goodness to moral luck. Finally, it also has the ability to make sense of the seemingly paradoxical admiration we feel for an agent who is profoundly guilty. The simplicity, coherency, and explanatory power of this account make it a strong contender for the best explanation of the phenomenology of tragic choices.
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