IMPOSSIBLE AND NECESSARY:

THE PROBLEM OF LUCK AND

THE PROMISE OF KINDNESS

by

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DISSERTATION ABSTRACT

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My dissertation explores the promise of kindness as a response to the problem of luck which confronts both ancient and modern visions of the moral life. A rich articulation of kindness in the light of historical moral theory reveals that, far from being a trifling, merely and purely sentimental phenomenon, kindness involves many of the key ethical commitments that distinguish both Aristotelian ethics and Kantian morality. More importantly, at the level of individuals kindness has the power to mitigate the toll of bad luck on agents and to yield the types of judgments that dissolve the problem of moral luck. Where it finds expression at the institutional level kindness has tremendous ameliorative potential. I therefore contend that kindness is to be esteemed above all other modes of comportment; in a world that is not up to us, our greatest hope for flourishing lies in being kind and in remaining graciously open to the kindness of others.

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To David Whalley,
who was not as lucky as I have been.

And to John Lysaker,
who said I was a Jedi when I wasn't so sure.

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CHAPTER I

INTRODUCTION: ETHICS IS IMPOSSIBLE AND NECESSARY

> *"Can the soul be entirely remade by destiny and become bad if that destiny is bad? Can the heart become warped and catch incurable diseases and turn ugly under the pressure of some abnormally great woe, the way the vertebral column becomes warped under a too-low ceiling?"*
> -Hugo (77)

Prologue

When first we meet Jean Valjean in Victor Hugo's *Les Miserables*, he is a broken man. Long oppressed by wretched circumstances, his character has been stunted, his reasoning dulled and his compassion dimmed. He has lost, through the worst fortune imaginable, so much of what once defined him that he scarcely knows how to conceive of himself. "If the millet seed under the millstone had thoughts," writes Hugo, "it would doubtless think exactly what Jean Valjean thought (79). Nineteen years of imprisonment and harsh labor have instilled in Valjean two moral capacities: the capacity to commit "some swift, unpremeditated act fully of frenzy, performed entirely instinctively as a sort of reprisal for the wrong endured," and the capacity to perform "some serious criminal act, consciously meditated and mulled over with the false notions such misery can give rise to" (80). He has become, in short, a morally corrupt and truly dangerous man.

Just released from prison, yellow passport in hand to mark him as a criminal, Valjean struggles to find work. He labors for half a day before being identified by his employer as a former criminal, whereupon he is cast out with only a portion of his earnings. Valjean wanders on, and eventually comes to the small town of Digne. He has some money— the meager sum earned during his years of prison labor— but finds that he and his money are unwelcome at the local inn. The innkeeper not only denies Valjean a room and a meal, but even denies him a bale of straw in the corner of his barn to sleep

on. Valjean wanders the town, hunger gnawing at his stomach, as night begins to fall. He looks for any dive, any ill-reputed tavern that might accommodate a known criminal. He stumbles into a tavern and is welcomed warmly until the taverner—alerted by a patron to Valjean's background— casts him out. In some desperation, Valjean makes his way to the local prison and begs entrance of the doorkeep. "This is a prison," the guard replies, "not an inn. Get yourself arrested. Then we'll open up for you" (56). In hopes that a kindly citizen will take pity on him, Valjean knocks on the door of an idyllic residence, begging for a bowl of soup and permission to sleep in the shed out in the garden. The homeowner is ready to accommodate until he recognizes Valjean as "the man" of whom the townspeople have been murmuring. His wife in a panic, the owner pulls his gun off the wall. "For pity's sake," begs Valjean, "a glass of water;" "I'll give you a bullet!" the man replies. Convinced that he'll find no meal, Valjean desperately seeks any kind of shelter. He finds a ramshackle hut in a backyard, and is about to collapse there when he realizes he has entered a dog kennel. Valjean escapes the yard, but not before his already-tattered clothes are torn to shreds. He is heard despairing, "I'm not even a dog!" (59).

Exhausted and past all hope, Valjean slumps onto a stone bench in the town square. Before sleep takes him, a kindly old woman emerges from the adjacent church and approaches Valjean to ask, "What are you doing there, my friend?" (59). Irritably, Valjean recounts the day's events. "You knocked," the woman asks, "on *every* door? […] Did you knock on that one?" she asks, indicating the small house of the local bishop. "No," replies Valjean. "Knock there," she offers (59).

The events that follow mark a turning point in Valjean's moral existence. Through the extraordinary kindness of one man, Valjean will begin a remarkable and

previously unimaginable transformation. He will come to question all that others have assumed and articulated about who and what he is, and will in time become capable of that very kindness through which his own character is to be transmuted. Valjean will ascend from the depths of despair to affirm his dignity and worth, and in so doing remind us of the profound moral significance of a phenomenon that has too long been underappreciated— the transformative virtue of human kindness.

The Problem of Ethics

Walk between dark and dark—a shining space
With the grave's narrowness, though not its peace.
-Robert Graves

From the perspective of theoretical ethics, the human situation is best construed as a tension between what is morally required and what is possible; between the demands of morality and that which nature or circumstance allows. We feel obligated to abide by certain principles of conduct, but find our ethical activity disrupted by circumstances which we do not control. From the perspective of agency, this situation is tragic insofar as our desire to achieve morally legitimate ends, including and especially the desire to *be* ethical, is at odds with a world that is not up to us. As an attempt to navigate this intrinsic tension the history of ethics is a series of variations on a constant theme: ethics is both *impossible* and *necessary*. The Greeks speak to this dyad in their tragedies, the Christians invoke it via the concept of sin, Kant evades it with the Moral Law, and the existentialists highlight its inescapability. Just as all theoretical ethicists toil within the constraints of this paradox, we who would be ethical must find a way to dwell within it.

To deem the human/ethical situation tragic is to confess that we are, as moral agents, vulnerable to luck, or to those circumstances beyond our control that are more or less favorable to us.[1] The problem of luck haunts the human situation in at least two fundamental ways, the first belonging to the human situation itself and recognized within the Aristotelian ethical worldview, the second emerging in the light of moral responsibility and the presumed autonomy of the Kantian agent. *First*, inasmuch as the world which in many senses constitutes us is not of our own creation, whether or to what extent we are able to flourish is not entirely up to us. We did not create the natural world from which we emerge nor did we produce the social and political institutions that inform our being. *Second*, from the moment we attach moral responsibility to human actions and traits, we are confronted with the problem of *moral luck*, namely, that it is often appropriate to morally assess agents for traits and actions which they are at best ambiguously responsible for. At the level of the individual, luck threatens to undermine any attempt to flourish and to frustrate every attempt to live a moral life. At the theoretical level, luck in both forms poses a serious threat to agency, and thus to the ground of most ethical systems, both ancient and modern. The problem of luck is the most existentially pressing problem in ethics; if we are morally serious, then whether as discrete agents or as ethical philosophers, we must reconcile the human desire to morally flourish with a world that is decidedly beyond any agent's power to control.

In the light of human vulnerability to luck, I will argue that kindness emerges as the most natural yet still the most praiseworthy ethical posture. In a world that is not within our control, it is only natural that we should admit to our radical interdependence

[1] A key characteristic of luck, as opposed to mere chance, is that the former is bound up with the desires of its recipient: luck is deemed "good" or "bad," whereas chance is understood simply as what occurs.

and need for each other's help and care. Too often, though, we moral agents are reticent to acknowledge the shadow side of the Stoic distinction— that *some things are not up to us*.[2] Steeped in the modern ethical tradition that privileges autonomy, it is difficult to admit that many things simply are not up to us.[3] We are equally loath to admit to the existence of what Kantian philosopher John Hare terms *the moral gap*— that chasm which so often divides the demands of morality from our ability to meet them.[4] To acknowledge our vulnerability to luck, and the often inevitable failure of our discrete ethical aims, would require a tremendous amount of moral courage. Such an admission would be easier, no doubt, if we could be assured of others' willingness to help us in our times of need, and not to judge us harshly when we find that the moral gap is simply too wide to breach.

As a stable ethical posture, kindness is premised upon the admission that all agents are subject to circumstances beyond their control and thus at times in need of each other's help and compassion. Too often depicted as a trifling, purely and merely sentimental phenomenon, kindness is a virtue of serious moral worth, and is so primarily

[2] The *Handbook* of the stoic philosopher Epictetus begins with the following distinction: "Some things are up to us [*eph' hêmin*] and some things are not up to us" (1.1). The key to happiness, in Epictetus's view, lies in the cultivation of moral character, which is within agents' control, and in detachment from externals such as wealth, reputation and health which agents do not control.

[3] Conversely, our eagerness to render the moral life immune to luck may emerge out of an awareness that so *little* is, in fact, up to us. Perhaps we find comfort, as Bernard Williams suggests, in the thought that what matters most about us— our moral worth— is within our control. As Williams writes, "Such a conception […] offers an inducement, a solace to a sense of the world's unfairness" (Statman 2).

[4] Here, a Christian philosopher, identifies the moral gap with the chasm between nature (or sin) and morality, defining it as "the gap between the moral demand on us and our natural capacity to meet it" (Hare 1). Hare points to three strategies conventionally used to address the gap: (1) "to keep the moral demand as high as Kant said it was and to exaggerate our natural capacities," (2) to reduce the moral demand by agreeing that "there is no gap," and (3) "to concede the gap and find a naturalistic substitute for God's assistance in bridging it" (Hare 1). Hare argues that each of these strategies ultimately fails, thus God is needed to bridge the moral gap. My approach relates most closely to (1), but involves a strong interpersonal element. My claim is that we can only hope to abide by high moral standards if we can trust to the kindness of others.

because it involves a courageous acknowledgement of the problem of luck and of the resultant vulnerability and interdependence of all moral agents. As both a way of helping and as an approach to moral assessment, kindness not only acknowledges luck but also has the power to ameliorate it. As a way of helping, kindness can to some extent mitigate the toll of bad luck on agents. As a way of morally judging, it offers a way to maintain moral seriousness in the face of an uncertain and unjust world. Where it finds expression at the level of institutions, kindness has the power to remove obstacles to individuals' freedom and flourishing. In sum, whether at the individual or social level, kindness has the power to make a better world both by increasing agents' resilience in the face of bad luck, and by ameliorating to some extent those forces that impede their flourishing.

This dissertation responds to an unfortunate blind spot in both historical and contemporary ethics: a pervasive failure to attend to the nature and moral significance of kindness, especially as it relates to the problem of luck. The robust articulation of kindness I offer here is intended to clear up the confusion that plagues both historical and contemporary philosophical discussions of kindness, and to reveal in the process the tremendous moral significance of a mode of comportment which has for too long been undertheorized and underappreciated. I contend that kindness has the power to address the problem of luck as it confronts the Aristotelian conception of ethics, and the problem of moral luck that plagues Kantian moral theory. I argue that kindness is best conceived of as a principled virtue— a stable inculcatable trait of character involving a conscious conviction that all persons are intrinsically valuable, as well as a courageous acknowledgment of human finitude and interdependence. As a stable mode of comportment, kindness entails a readiness to raise, to help, and to cheer that risks

offending at every moment, but bears this vulnerability with courage and grace. In whatever gesture it finds expression— as material gift, as needed help, as encouraging word— kindness is fundamentally ameliorative. I maintain that in a world that is not up to us our best hope for flourishing and for maintaining moral seriousness lies in being kind and in being graciously open to the kindness of others.

Contemporary Philosophy and the Neglect of Kindness

That kindness *has* moral significance is hardly worth debating; it is one of the most widely appreciated moral characteristics in our society today.[5] But it is also, perhaps surprisingly, among the least theorized. Although contemporary philosophers have a great deal to say about violence, cruelty and oppression, they rarely spare a thought for the nature and moral significance of kindness. This inattentiveness should merit pause; before commencing an inquiry into the nature of kindness it would be wise to attend to some potential reasons for the neglect of kindness as a serious subject of ethical inquiry. There are a number of likely reasons for this neglect: *first*, kindness may be perceived by moral theorists as a trivial attribute, vaguely associated as it is in the popular imagination with bumper-sticker sentiments and a low degree of intelligence. *Second*, kindness is often presumed to be quite impotent in the face of its foil, cruelty.[6] *Third*, perhaps we intuitively recognize that an honest appraisal of kindness would force us to confess the

[5] And perhaps more universally; one of my favorite anecdotes to this effect: in one study involving sixteen thousand subjects from around the world, men and women both listed kindness as their most desired attribute in a mate, above intelligence, attractiveness and wealth (see Buss, David M. 1994. *The Evolution of Desire: Strategies of Human Mating*. New York: Basic Books).

[6] As Phillip Hallie contends, kindness cannot be the opposite of cruelty because, although they are opposed in a certain way, cruelty carries a much greater moral weight. In Hallie's view, cruelty is more a substantial ethical phenomenon than kindness not only because the former undermines agents' dignity, but also and more importantly because it can be perpetuated at the level of institutions; there can be, Hallie argues, no institutions of kindness.

high degree to which our flourishing as moral agents depends upon the kindness of others, where such a confession entails a vulnerability that we who inherit the Kantian ideal of autonomous agency cannot bear to acknowledge. *Fourth*, it seems that there is little enough precedent in the history of philosophy for such inquiry; as William Hamrick remarks, "philosophers have only seldom shown any interest in pursuing a more reflective understanding of kindness" (Hamrick xi). Each of these potential explanations give rise to important questions which may guide the present inquiry; taken together, they betray a general confusion regarding the nature of kindness. Let us, then, consider each of these beliefs in turn.

Belief 1: Kindness Is Trivial

Kindness may strike the moral philosopher as a flimsy virtue, associated as it popularly is with saccharine-sweetness and Hallmark-card sentimentality. Though in our personal relationships we may wish to be perceived as kind and to have others be kind to us, as philosophers we may dismiss kindness as a relatively insignificant ethical phenomenon, paling (as it presumably does) in comparison to such conventionally lauded attributes as courage and dignity.[7] Reluctance on the part of contemporary philosophers to appreciate the moral weight of kindness should be attributed in part to philosophy's historical failure to provide a robust account of what kindness is and how it functions in the moral life. One facet of this failure involves an inattentiveness to relevant points of comparison between conventionally recognized virtues and the phenomenon of kindness. Since scholars may have failed to attend to kindness in part because they assume

[7] Kindness compares unfavorably to such virtues in the light of three enduring prejudices: *first*, the prejudice against "feminine" traits or virtues, *second*, the prejudice against "sentimental" virtues, and third, the prejudice against virtues associated with powerlessness or the "slave morality." I speak to the first and second of these in Chapter Five when I place kindness in dialogue with Kantian moral theory.

unreflectively that kindness is made of flimsier stuff than other morally significant phenomena, it behooves us to test this belief by comparing the relevant features of kindness with the relevant features of phenomena that have received more scholarly attention.

Belief 2: Kindness Is Impotent in the Face of Institutionalized Cruelty

Even if the moral significance of kindness as a personal attribute could be firmly established, moral philosophers might remain reluctant to attend to it. The world is wide and rife with injustice, and kindness seems like a thing of trifling consequence in the face of political institutions that perpetuate cruelty. It is not unreasonable to assume that kindness cannot remedy cruelty, and to further assume that kindness cannot take hold at the level of institutions where cruelty can; as will be seen, philosophers appear to have made both assumptions thus far. If these beliefs withstand philosophical scrutiny then even where the moral worth of kindness is uncontested, its relevance in an era where philosophers increasingly turn their attention to liberatory theory might well be doubted. It could be established, however, that kindness has the same power to heal that cruelty has to harm, and that kindness can function in and as political institutions, then scholars concerned with institutional injustice and cruelty could better justify devoting their time and attention to kindness. [8]

[8] In either case, there is a place for kindness within liberatory theory. As Lisa Tessman notes in *Burdened Virtues: Virtue Ethics for Liberatory Struggles*, much of recent liberatory theory focuses on "what is the best way to live or act under oppression or in opposition to oppression" (5). Even if kindness cannot oppose oppression, we could explore the possibility that kind comportment might be a valuable as a way of coping with or subtly resisting oppression.

Belief 3: Ethics Demands Unadulterated Autonomy

Another potential explanation for the scholarly neglect of kindness involves a general reticence on the part of many moral philosophers to admit to human vulnerability and interdependence. An accurate characterization of the nature and significance of kindness would require us to acknowledge the tremendous extent to which we, as moral agents who operate in a world not of our own creation, *need* each other. Steeped in a moral tradition that places the highest premium on autonomy, perhaps we are reticent to admit the profound extent to which our flourishing depends on the way that people treat us— whether or not they help us materially when we are in need; whether or not they comfort us when we mourn, or cheer us when we feel disheartened; whether or not they awaken us to talents and moral capacities which we do not initially recognize in ourselves[9]; whether or not they see beauty in us;[10] whether or not they *see* us at all. Perhaps we intuitively grasp the truth that our need for others' kindness is so profound that without it we could not possibly flourish, and so turn from that truth into the comforting illusion of self-reliance.

[9] The kindness of teachers is especially important because it involves showing students the talents and character traits which they have not yet recognized in themselves. Case in point, last term one of my students wrote an apology for his final essay, which read "I am a bad writer, and not that smart. I never have been, and I know that." His final essay was one of the most touching, insightful, well-crafted papers of the term, and I was shocked to learn that he had such a low estimation of his abilities. He said none of his teachers has ever praised his writing before.

[10] Which is, we must acknowledge, connected to our feelings of self-worth. I have in mind Toni Morrison's *The Bluest Eye*, in which the character Pecola believes she is "ugly," since the terms "black," "bad," and "ugly" are, in her world, synonymous. But there is more to say about the connection between aesthetics and kindness. Aesthetic differences have long eased the way for cruelty, and in some cases have been explicitly used to justify it. It is admittedly easier to be kind to people whom we find 'attractive' than to those who repulse us, and this is a point which Kant, Hugo, Hallie and Hamrick all acknowledge. I believe that kindness which disregards or acts in spite of immediate aesthetic revulsion has a special moral worth. When people are in a compromised state aesthetically (though, for example, illness, injury or entrenched racialized ideals of beauty), they are more easily convinced that they are worthless, and may even welcome cruel treatment; cruelty towards them, which would further diminish their feelings of self-worth, is therefore especially contemptible.

Our ability to flourish— to live rich and meaningful lives— depends in important ways on the kindness of others, and admitting to this takes tremendous courage.[11] But it takes more courage still to recognize how moral agency *itself* may presuppose some degree of kindness from others. Although *prima facie* it appears that expressions of kindness presuppose autonomy, ultimately it seems truer to say that autonomy presupposes expressions of kindness. It is in and through the kindness of others— and especially the kindness of parents and teachers— that we first come to recognize our own moral worth and our capacity for goodness. As our personal character develops, the moral assessments of our friends, family members, peers, employers and even strangers continue to inform our beliefs about who we are and what we are capable of. Certainly there are ways to resist being persuaded by the harsh assessments of others, and in the course of our inquiry we may find that it is possible to be kind to ourselves when no one else is kind to us, but it is difficult to imagine *any* agent having a limitless capacity for such resistance. We must confess that key beliefs we have about ourselves that help or hinder our ethical decision-making are profoundly impacted by how others treat us, including and especially the "truths" they tell us about ourselves.[12]

Belief 4: There Is No Historical Precedent for Caring About Kindness

While Hamrick laments philosophers' historical inattentiveness to kindness, Adam Phillips and Barbara Taylor raise a different concern. In their short treatise *On Kindness*, Phillips and Taylor argue that for most of Western history kindness was not only widely recognized but also held a prominent position both in the popular

[11] Here the neglect of kindness clearly coincides with the denial of luck: this is in essence an admission that we are vulnerable to luck, since other people are for us part of that which "is not up to us."

[12] A truth that Kant himself appreciates, as will be seen in Chapter Six.

imagination and in the arena of ethical theory. The trivialization of kindness is, they hold, a comparably recent and decidedly bewildering phenomenon. On the face of it, these two assessments of historical philosophy are incommensurable: it cannot be the case that moral philosophers have failed to attend to kindness and that kindness has, until recently, played a central role in ethical discourse. These views are brought into tension, however, when we ask what these authors *mean* by kindness.

Phillips and Taylor make little effort to distinguish kindness from what they take to be a family of related phenomena including "sympathy, generosity, altruism, benevolence, humanity, compassion, pity, [and] empathy," to name a few (6). They claim that although the precise meanings of these terms vary, they are properly understood as instantiations of a general disposition termed "open-heartedness" by the Victorians, and which we know by the name of kindness. It is entirely possible that kindness encompasses or is in some other way related to these other phenomena, but the strong claim that such is the case would require more analysis than Phillips and Taylor offer. Here a key justification for the present project emerges: before we can lament the historical and even contemporary neglect of kindness, we must attempt to articulate the nature of kindness in a way that would that would justify its being brought into dialogue with historical philosophy.

Conclusions

The above reflections go far in explaining why contemporary philosophers might feel reluctant to pursue a critical engagement with the phenomenon of kindness. That we understand the reasons behind this reluctance does not, however, entail that we should share it. Indeed, if our characterization has been fair, then the resistance to taking up

kindness in a serious way is premised upon questionable assumptions; only by critically evaluating these assumptions can we determine whether or not kindness ought to be dismissed as a subject of serious philosophical reflection.

Guiding Questions and Approach

The most promising moments in any discussion of kindness, as I suggested above, are those moments when we disagree about what kindness means or ought to mean. In my above attempt to account for philosophers' inattentiveness to kindness I described what I take to be four common beliefs about the nature and meaning of kindness. These beliefs give rise to a collection of closely related questions which will help to guide the present inquiry; *viz.*:

> 1). **Kindness is trivial.** Does kindness merit serious philosophical reflection? What does kindness have in common with phenomena (such as courage, benevolence and compassion) that have received sustained philosophical attention?
>
> 2). **Kindness is impotent in the face of cruelty.** How should kindness be contrasted with cruelty; are cruelty and kindness diametrically opposed? Can kindness function at the institutional level, as cruelty can and does?
>
> 3). **Kindness implies a high degree of human vulnerability and interdependence.** How might the scholarly neglect of kindness reflect a denial of luck as a threat to ethics? How might our reticence as agents to admit to vulnerability and interdependence prejudice us against a genuine appreciation of the moral worth of kindness?

4). **There is no precedent in historical philosophy for appreciating kindness**. Where and how do kindness and/or the morally relevant features of kindness appear in historical moral theory?

By way of engaging these beliefs and their accompanying questions, this dissertation responds to what I take to be the *most* pressing question in ethics, namely, *how should we, as moral theorists and as morally serious agents, best respond to the problem of luck*?[13] My project explores the hypothesis that the twofold problem of luck is best answered via the phenomenon of kindness. In one sense, then, my project should be understood as a contribution to the growing literature on moral luck. However, as the bulk of my inquiry has more to do with kindness than with luck, and the novelty of this project lies primarily in its treatment of the former, this dissertation is at heart an exploration of the nature and significance of kindness.

What Is Kindness: Begging the Question?

Any attempt to construct a sufficient description kindness confronts the paradoxical truth that we must have some conception of a phenomenon in mind before we can properly inquire into its nature; we must know, as the ancient truism holds, what we are looking for before we can seek it. To whatever extent the present project claims to be descriptive, therefore, it might be accused of begging the question— of simply designating those principles, tendencies, sentiments and acts that we are keen to associate with kindness as facets or instantiations of the same. However, there are two key points

[13] In Chapters II and III I work to illustrate why luck and the related phenomenon of moral luck pose such serious threats to ethical theory and practice. As Aristotle reminds us, luck has the power to upset most any attempt at human flourishing. As Williams and Nagel illustrate, luck undermines the practice of moral judgment which underlies most systems of ethics, threatening to reduce agents to mere things and acts to mere events.

to keep in mind where such a suspicion arises. *First*, the fact that kindness is widely recognized and appreciated in our society reveals that we have some collective conception— albeit an imprecise one— of what kindness is. *Second*, this project is intended to be both descriptive and normative, with the normative elements coming increasingly to light once the descriptive elements have been established; I do not believe that these elements can be fully disentangled, nor do I wish them to be. I will elaborate on both points briefly.

We seem to know what we mean, more or less, when we refer to a particular act or person as kind. This belief could easily be verified were one to offer Joseph Stalin as an exemplar of kind character, or the act of slamming a door in a stranger's face as an act of kindness; suffice it to say such claims would be met with resistance. The exemplars and examples of kindness that ground the present project are, I believe, relatively uncontroversial; that I use them to clarify what we mean when we refer to persons or acts as kind is therefore fitting. Such exemplars and examples offer, I believe, an excellent starting point for the descriptive aim of the present project: to discover the rich and complex nature of kindness. The second aspect of my approach in this dissertation is therefore to *begin* my inquiry into kindness by describing and analyzing the behaviors and characteristics of a fictional character who, in my view, embodies the same— namely, the Bishop Bienvenu from Victor Hugo's *Les Misérables*.

When we refer to an act or person as kind our speech act is both descriptive and normative, assuming of course that kindness has for us some kind of moral significance. That our claim is descriptive renders it a subject fit for scrutiny, as was mentioned above. There may be some disagreement regarding whether or not a particular action (say,

feigning gratitude when one is given a dull gift) is properly designated as "kind." When we attribute kindness to an act or person, our gesture is also normative, and for two distinct reasons: *first*, because it reflects moral approbation (the claim that "x is kind" implies that "x is worthy of approval"), entailing that the action in question is properly subject to normative assessment, and *second*, because it contributes in some way to our evolving collective conception of kindness (the claim that "x is kind" also implies that "in my view x *ought* to be counted among things that are deemed kind"). When we refer to a person or act as kind, we are in essence revealing the types of acts and characteristics that we would like to see proliferate in the world. We must confess that the descriptive and normative aspects of our claims about kindness are difficult to disentangle. Where we quibble over whether or not a particular thing ought to be called kind, we are at heart debating what we believe kindness *ought* to mean.[14] Whether we approach a claim about kindness descriptively or normatively, it is precisely when we disagree in our assessments that the richest questions about kindness emerge— the types of questions that can lead to a robust conceptualization of kindness by forcing the acknowledgment of underlying principles and beliefs. In my analysis of what I take to be instantiations of kindness, I will open up a number of questions about the fundamental ethical beliefs and commitments that underlie our moral assessments. To whatever extent I contribute to the normative construction of "kindness," my contribution should be thought of as a starting

[14] I subscribe to the meta-ethical view termed *quasi-realism* by philosopher Simon Blackburn, which holds that ethical claims (such as "X is kind") are not propositional (do not have a "truth-value"), but instead project important attitudes *as though they were real properties*. Quasi-realism is not reducible to emotivism (which holds that the claim "X is kind" is equivalent to the expression "Yay for X!") because unlike emotivism quasi-realism entails that all ethical claims involve some realist component (we say that "X is kind" due in part to something actual about X). Quasi-realism allows us to account for the evolving nature of popular moral concepts such as kindness without collapsing into mere subjectivism. For a rich articulation of the quasi-realist perspective see Blackburn's *Essays in Quasi-Realism* (Oxford: Oxford University Press, 1993).

place for further discussion. This project will succeed in no small way if it manages only to catalyze a sophisticated dialogue on the nature and significance of kindness.

Looking to Aristotle and Kant

Although I draw from a number of resources in both canonical and contemporary philosophy in the following exploration of kindness vis-à-vis luck, the bulk of my analysis centers around Aristotelian and Kantian moral theory. I turn to Aristotle and Kant for three key reasons: *first*, because they are the two figures most clearly associated with the twofold problem of luck, *second*, because their moral systems appear to overlap in important ways with some basic assumptions about kindness, and *third*, because by placing kindness in dialogue with key concepts in Aristotelian and Kantian moral philosophy we may test, in a tentative way, the aforementioned belief that kindness is historically absent from philosophy and the resultant conviction that previous philosophy offers no precedent for serious reflection on kindness.

The tension between *impossibility* and *necessity* here understood as the fundamental problem of ethics was construed above as a problem of luck in a twofold sense, one associated with the ancient conception of ethical life, the other born of the modern presumptions of rational autonomy and moral responsibility. We might express this tension via two related claims: first, *our desire to flourish is at the mercy of a world that we did not create*, and second, *we are at best ambiguously responsible for many or most of the traits and actions for which we are morally assessed.* To fully appreciate why and how these claims relate both to the human/ethical situation and to each other, we must appreciate the fundamental philosophical commitments out of which they emerge.

Where the history of moral theory is in essence a history that denies luck— that devotes much of its thought to the preservation of the ethical realm as a sacred site immune to the slings and arrows of fortune— two figures stand out as diametrically opposed: Aristotle exemplifies a willingness to acknowledge and explore the role of luck in the moral life, and Kant exemplifies the conventional desire to maintain moral agency as a site immune to luck. Aristotle, who famously admits that virtue may not be sufficient for flourishing, acknowledges the problem of luck in the first form expressed above.[15] Kant, whose reversal of the naturalistic "can entails ought" conception of morality has yielded the contemporary problem of moral luck, is properly associated with the second claim. By attending to Aristotle's conception of the ethical life we will be better able to understand why and how luck in the first form emerges as a philosophical problem. By attending to Kant's account of moral agency we can better approach the contemporary philosophical problem of moral luck. I turn to Aristotle and Kant initially, then, as representatives of the twofold problem of luck.

Key aspects of Aristotelian ethics appear to resonate with commonsense beliefs about kindness. In our effort to better articulate the nature of kindness it is therefore natural that we should turn to Aristotle's ethical system. For example, although we often refer to discrete acts as kind, is it intuitively appealing to think of kindness as embodied

[15] Among the ancients, as Bernard Williams notes, there were several philosophical attempts to render the moral life immune to luck. Such attempts may be found in the doctrines of the Cynics, Epicurean, and most famously the Stoics. These attempts succeed in inasmuch as they render the sage immune to incidental luck, but as Williams rightly points out, "it was a matter of what one might call constitutive luck that one was a sage, or capable of becoming one: for the many and vulgar this was not (on the prevailing view) an available course (Williams 35). According to Martha Nussbaum, in most of his dialogues Plato also depicts the good life as immune to luck (Statman 3). Each of these attempts is challenged by the Aristotelian view of luck, which acknowledges that the preconditions for virtue are, to some extent, no up to the agent.

in a stable character, rather than in episodic ('random') acts.[16] Just as one swallow does not make a spring, a conception of kindness divorced from some stable character feels rather anemic. It makes sense, then, to think with Aristotle about how kindnesss might be conceptualized as a *hexis*, or stable mode of comportment. Further, because kindness appears to involve a pronounced affective element (indeed, that kindness involves the sentiments may in part explain its dismissal by most modern philosophers, who decidedly prefer "principled" or rational virtues over the overtly sentimental), it is reasonable to place it in dialogue with Aristotelian moral virtues, or those excellences that have to do with "feeling and action" (NE 1106b 19).

Kant is hardly the first thinker to come to mind when contemplating kindness, and the choice to turn to his theory in the present inquiry might naturally be met with greater resistance than would the choice to turn to Aristotle's. But we needn't wax liberal in our interpretations of Kant to suggest that he has important insights to contribute to our analysis. A close examination of Kant's account of friendship, for example, reveals that the attitudes and commitments that characterize moral friendship (moral friendship being, by Kant's account, essential to personal development and a key component of the moral life) are, as we shall see, almost indistinguishable from those which characterize kindness. That he places a high premium on what is here termed kindness will become even clearer when we attend to his complex views about truth-telling and the sharing of moral judgments.

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[16] This is not to say that indifferent or even cruel agents cannot do a kind thing now and then, nor to suggest that discrete acts have nothing to contribute to the present project. I will discuss the nature of episodic "kindness" when I engage Phillip Hallie's discussion of the so-called kindness of Frederick Douglas's slave master.

It was suggested above that one reason for the contemporary neglect of kindness might be the presumed lack of historical precedent. In reflecting on Aristotelian and Kantian philosophy, I model a way to test this assumption. An examination of canonical moral theory in the light of a more reflective conceptualization of kindness may reveal the presence of kindness where least expected, including, for example, in Kantian moral theory. Kindness may be encompassed in one or more analogous phenomenon, including, for example, generosity or benevolence— hidden, so to speak, in plain sight. Even if an independent phenomenon that we would term kindness is missing from the ethical vocabulary (as it appears to be, for example, with the Greeks),[17] the fundamental moral commitments which underlie it may not be; in such cases, an argument may be made for the theoretical commensurability of kindness with the given vision of ethics (we might, for example, justify the characterization of kindness as a moral virtue in the Aristotelian sense). If, however, historical philosophy fails to allow for an adequate articulation of kindness, then in showing the profound moral significance of this phenomenon we at least discover a meaningful limit to the breadth of that philosophy. If, for example, Aristotle's conception of virtue is found to preclude a robust conceptualization of kindness, then we discover in the Aristotelian account a potentially reproachable limit.

Although in the present project kindness is placed in dialogue with Aristotelian and Kantian moral theory primarily in order to expand our understanding of the former, reflexively kindness may shed light on the content and limits of historical moral

[17] In the *Rhetoric*, Aristotle characterizes kindness (*kharis*) not as a virtue, but rather as an emotion, understood as "helpfulness towards someone in need, not in return for anything, nor for the advantage of the helper himself, but for that of the person helped" (Book 2, Ch. 7; 1385a). Although this understanding of kindness has something in common with the characterization I offer, it remains much too narrow. I am reticent to claim that kindness *cannot* be conceptualized as a virtue in the Aristotelian sense, but I agree with David Konstan that Aristotle did not so conceptualize it; Aristotle simply does not offer an account of kindness *qua* active condition (*hexis*).

philosophy in the process. The historical/comparative element of the present project, which is by no means exhaustive, is intended in part to inspire further reflection on where and how kindness appears within or is excluded from extant moral theory, which may in turn both justify and enable the pursuit of more robust contemporary theorizations of kindness and richer criticisms of canonical moral theory.

Chapter Summaries

Above I claimed that the problem of luck poses the greatest challenge both to individual human flourishing and to theoretical ethics. In Chapters II and III I clarify the twofold problem of luck in greater detail. I begin with brief characterizations of the Aristotelian conception of ethics and the Kantian account of morality. I then indicate where and how luck emerges to confront both systems, drawing from contemporary literature on moral luck. I briefly assess several popular solutions to moral luck, concluding that each ultimately fails. I tentatively offer kindness as a novel means of responding to the twofold problem of luck, but argue that a richer articulation of kindness is first required.

In Chapters IV through VI I work to construct a rich conceptualization of kindness. Because kindness is often conflated with related phenomena, in Chapter IV I bring kindness into relief via comparison with phenomena that have received more sustained philosophical treatment, including politeness, charity, benevolence, and compassion. To ground my analysis I turn to several read and fictional examples, with a special emphasis on the actions and character of Bishop Bienvenu, from Victor Hugo's *Les Miserables*, who serves as the exemplar of kindness.

In Chapter IV I establish, in a preliminary way, the behaviors and commitments that kindness involves. I argue that although kindness encompasses key elements of generosity, compassion, politeness and charity, it cannot be reduced to any analogous phenomenon. I end by tentatively defining kindness as a stable mode of comportment that involves a willingness to attend to others on their own terms and a readiness to help and the cheer, even at the risk of offending.

Having established that kindness is plausibly understood as a stable mode of comportment or *hexis*, in Chapter V I ask whether or not it can be conceived as a moral virtue in the Aristotelian sense.[18] In order to pursue the question properly, I begin with an articulation of the Aristotelian vision of character, with an emphasis on the moral virtues and how they are acquired. I offer Aristotle's account of courage as a useful model for understanding the nature of moral virtue in general. I then turn to Alasdair MacIntyre's analysis of courage in order to highlight the way in which courage presupposes care and concern for the *polis*. I then explore the senses in which kindness appears to be analogous to courage, concluding that kindness does not foreclose the exercise of courage, but instead demands it.[19]

In the latter half of Chapter V I ask whether or to what extent the Aristotelian virtues of generosity, friendliness and gentleness, and the emotions of pity and *kharis* can capture the significant features of kindness as I have described them. In relation to

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[18] That is, as a *hexis* having to do with feeling or desire, which admits of a deficient and an excess condition.

[19] Phillips and Taylor offer an insight relevant to the discussion of courage in relation to kindness. Phillips and Taylor approach kindness from the perspective of psychoanalysis, yet their conclusion that "one's capacity or instinct for kindness can be actively and unconsciously sabotaged by that part of oneself that fears the intimacies it fosters," speaks to the need for courage in the kind agent. Kindness involves a certain risk- a risk of offending, of creating awkwardness, or (to use Kantian language) of erring too far on the side of love- and it is perhaps for this reason that so few people are consistently kind.

generosity, I argue that there is a way of giving which is kind, but that kindness is not reducible to generosity in the Aristotelian sense. I here emphasize the excessive nature of kindness: the kind agent might appear excessive in certain respects from the Aristotelian perspective. In relation to friendliness, I argue that the kind person may or may not qualify as friendly in the Aristotelian sense. I contend, with Hamrick, that people who do not immediately strike us as kind may in fact be genuinely kind. In so doing, I mean to reiterate that kindness is not reducible to its typical caricature. Gesturing toward Chapter VI, I suggest that the attitude of kindness is closer to respect than to friendliness. In relation to gentleness, I argue that the kind agent is not necessarily one who is slow to anger, but rather one who angers readily at those things which are antithetical to kindness, including and especially cruelty. I hold that a sense of justice is already at work in the kind agent, and that righteous anger is in essence the foil of kindness. In the process of engaging Aristotle's ethical thought I gain several key insights which enrich the emerging conception of kindness: (1) kindness requires moral courage, (2) kindness involves care and concern for the *polis*, (3) kindness is often excessive, (4) kindness involves key judgments about agency and luck.

In Chapter VI I complete my conceptualization of kindness by turning to Kant's analyses of virtue, truthfulness and friendship. I begin by examining Kant's *prima facie* attitude toward kindness, emphasizing the conventional reading of Kant which holds that his theory privileges principles over virtues, rationality over emotion, and respect over love. I then turn to the Kantian distinction between the "pretty" or feminine virtues, and the "noble" or masculine virtues, noting that he counts kindness among the former.[20]

[20] I speak only briefly to the role of gender in Kant's account of virtue. In his *Observations on the Feeling of the Beautiful and the Sublime*, Kant associates sublime (noble) virtues with men, and beautiful (pretty)

Next I analyze Kant's account of moral friendship, paying special attention to the theme of honesty between friends. I maintain that kindness is quite similar to Kantian moral friendship, but differs in two key respects: *first*, kindness is directed towards others generally, and *second*, whereas in moral friendship Kant wants us to err on the side of respect, I argue that in kindness it is better that we err on the side of love.[21] I end by reassessing Kant's analysis of kindness (counted by him among the "pretty" or non-principled virtues) in the light of his descriptions of friendship and truthfulness, arguing that the tension between love and respect, principles and feelings, which characterizes moral friendship, also characterizes kindness. I conclude that kindness can be conceptualized as a Kantian noble virtue, or a virtue which is founded upon key ethical principles. I end Chapter VI by exploring the limitations of conceiving of kindness in this way.

In Chapter VII I bring a now robust conceptualization of kindness into dialogue with the twofold problem of luck. Mindful of Aristotle's attentiveness to the political as a ground for the ethical, I turn to Phillip Hallie's contention that kindness cannot function at the level of institutions. Painting with a broad brush I imagine how the basic commitments that underlie kindness as a virtue might find expression in political institutions. Via an analysis of a handful of "kind" political institutions, I then argue that

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virtue with women. The virtues appropriate to women are essentially natural virtues, having more to do with sentiment than with principles. Because they rest on principles, masculine or noble virtues have for Kant a greater moral worth. Even so, as Kant suggests in *The Metaphysical Principles of Virtue* and in several of his lectures on ethics, sentimental virtues, too, have their place in the moral life.

[21] With this claim in mind, I return briefly to my earlier suggestion that kindness entails vulnerability, and argue that the vulnerable state of the kind agent stems from a willingness to overstep the boundaries between self and other which Kant wishes us to maintain for the sake of our dignity.

kindness can and does appear in institutional/political *praxes*.[22] Because kind institutions ameliorate those forces which, from the perspective of agency, yield bad luck, institutional kindness goes far in addressing the first facet of the problem of luck. With the insights of Chapter VI in mind, I return in the latter half of my concluding chapter to the problem of moral luck. I here emphasize the role of kindness in the formulation of moral judgments, characterizing kindness as an approach to moral judgment that, like friendship, involves a tension between love and respect and is aimed at mutual moral amelioration. I ultimately conclude that kindness allows agents to maintain moral seriousness while acknowledging that the world is largely beyond their control; it is in and through the kindness of others that the moral life is preserved, to whatever extent possible, as a site secure from the assaults of luck.

[22] Note to readers: I initially planned to ground this analysis in the phenomenon of public education, but am now considering other examples, including the Marshall Plan and a handful of recent US trade/foreign aid decisions. The appeal of the education example is that it relates in key ways to Aristotelian and Kantian claims about the value of moral education, but the appeal to globally relevant phenomena might open up some interesting avenues for future research. I am open to suggestions.

CHAPTER II

ARISTOTLE'S ETHICS AND THE CHALLENGE OF LUCK

Introduction: Ancient Ethics and Modern Morality

"There is a venerable tradition," write Stephen Engstrom and Jennifer Whiting, "according to which ancient ethical thought and modern ethical thought are sharply opposed" (1). As G.E.M. Anscombe writes, "Anyone who has read Aristotle's ethics and has also read modern moral philosophy must have been struck by the great contrasts between them" (1). A handful of especially influential contemporary reflections on the history of ethical philosophy, including those of Anscombe[1] and Alasdair Macintyre,[2] have contributed to the now popular division between ancient and modern approaches to moral agency. According to those who accept this division, ancient ethics and modern morality are premised upon radically different beliefs about the human situation, and are thus largely if not wholly incompatible. Whether or not we accept this strong conclusion, it must be acknowledged that the problem of luck is expressed in substantially different ways within ancient and modern ethical theories. I will here briefly outline some key differences between ancient ethics and modern morality, as epitomized by the ethical systems of Aristotle and Kant, in order to better illustrate some differences between Aristotelian and Kantian conceptions of luck as they relate to moral agency.

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[1] See especially Anscombe's "Modern Moral Philosophy" (*Philosophy*, Vol. 33, No. 124. Jan 1958, pp. 1-19).

[2] See especially MacIntyre's *After Virtue* (Notre Dame: University of Notre Dame Press, 1981).

Ancient Ethics: *Telos* and *Eudaimonia*

Ancient ethical systems are by and large teleological and *eudaimonist* in nature, and if we are to believe Anscobme and MacIntyre, it is precisely these characteristics that render them incompatible with modern morality.[3] The ancient conception of ethics has much to do with the belief that every being has a function or end (*telos*), and that each being is distinguished most importantly from others by the characteristics which allow it to attain its end. The virtues or excellences of a particular type of being are just those capacities the exercise of which allow it to function well and so to best attain this end. For the ancients, beliefs about teleology are bound up in a key way with beliefs about the good (*to agathon*); the human good, for example, has everything to do with the human *telos*. As MacIntyre notes of Aristotle's initial thoughts in the *Nicomachean Ethics*, the association of *telos* and good presupposes "that what G.E. Moore was to call the 'natuaralistic fallacy' is not a fallacy at all and that statements about what is good— and what is just or courageous or excellent in other ways— are just kinds of factual statements" (MacIntyre 148).

To say that ancient ethical systems are *eudaimonist* is to claim that they are grounded in important ways in a conception of the human good. The ethics of Aristotle certainly exemplifies this tendency. Aristotle begins his ethical enquiry with a consideration of the good, seeking not particular or contributory goods, but rather the ultimate good under which all others are subsumed. This ultimate good he terms

[3] John Cooper writes, "All the major systems of moral philosophy in antiquity, including that of the early Stoics, are eudaemonist in their structure." Cooper argues that the Stoics "follow Aristotle" when they speak of a human *telos*, and when they further associate that *telos* with *eudaimonia*. (see Cooper, John M, "Eudaimonism, the Appeal to nature, and 'Moral Duty' in Stoicism," in *Aristotle, Kant and the Stoics: Rethinking Happiness and Duty*. Edited by Stephen Engstrom and Jennifer Whiting. Cambridge: Cambridge University Press, 1996).

eudaimonia, or living well.[4] To discern what such a state would entail for the human being, Aristotle considers the appropriate function or being-at-work (*ergon*) of the human being, set apart as he is from other souled (*empsychois*) or living beings.

By Aristotle's account, the soul finds expression in three different ways, corresponding to the three types of souled beings. Plants, which grow but do not move (in the sense of locomotion) possess a purely nutritive soul, and are therefore called simply alive, or vegetative. Non-human animals possess, in addition to the nutritive capacity, an appetitive soul (or part of the soul), which governs desire. The animal (*z*ö*e*) also possesses self-movement (*kinesis*) and the faculty of perception (*aisthesis*), which enables it to pursue its ends. In the human being (*zoon logon echon*) there is additionally present a part of the soul in which *logos* "dwells," the possession of which renders the human soul uniquely "conversant." The logos-possessing or rational soul of the human being "speaks" to the appetitive soul, and thus helps to govern human choice and action in a way that is conducive to living well.

When we speak of the soul as "having" reason, we refer to two different types of "having;" the part of the soul in which *logos* dwells has reason "in the governing sense," while the appetitive soul "has" reason in that it can listen to and obey the dictates of reason: Aristotle writes, "In the same way too we call listening to one's father or friends 'being rational,' though not of course in the way mathematicians mean that" (NE 102b 29-30). The appetitive soul, though not itself "rational," possesses *logos* inasmuch as it can be persuaded by reason. Virtue, says Aristotle, is divided in a similar way: "for we speak of virtues as pertaining either to thinking or to character, and speak of wisdom,

[4] *Eudaimonia*, though often translated as "happiness," and admittedly bound up in important ways with happiness in the ordinary sense, is not in Aristotle's view reducible to a psychological state, as we will see.

astuteness, and practical judgment as intellectual virtues, and generosity and temperance as virtues of character" (NE 1103a 3-6). The intellectual virtues are by and large the product of education, while the virtues of character (or *moral* virtues) arise primarily via *praxis*.

Since the human soul alone possesses *logos* in the twofold sense described above, and since the proper being-at-work of the human being must be tied to that which sets him apart, then the proper function of man must be a being-at-work that involves this special kind of *logos*. And since "each thing is accomplished well as a result of the virtue appropriate to it," then "the human good comes to be disclosed as a being-at-work of the soul in accordance with virtue, and if the virtues are more than one, in accordance with the best and most complete virtue," over the whole of a lifetime (NE 1097b 16-19).[5]

As Engstrom and Whiting note, "in spite of their emphasis on the human end and its characteristic human virtues, the ancients were sensitive to the fact that this end must be sought and these virtues exercised in different ways in different circumstances" (1). Ethics is not and cannot be an exact science, and living well cannot be reduced to the adherence to some set of abstract universal principles. Instead, "the end determines what sort of action is appropriate given the agent's particular circumstances," such that right action within a given situation is a matter of "the virtuous agent's perception of what the circumstances require" (1). Ancient ethics is therefore *particularist*, as well as *teleological* and *eudemonist*.

[5] In the progression of the *Nicomachean Ethics* this best or most complete kind of virtue is increasingly identified with the intellectual virtues, and with *sophia* (a combination of *episteme* and *nous*; see 1141a) in particular. Hence the conventional interpretation of the *Ethics* holds that the text ends with the paradoxical conclusion that ethical comportment or *praxis* (the exercise of the moral virtues and of *phronesis*) culminates in a non-praxical or theoretical life, namely the life of philosophical contemplation. This interpretation of Aristotle is not without its critics: see footnote 23, below.

Ethical *praxis* emerges within, by way of, and at least to some extent for the sake of a community; for Aristotle, it would be senseless to envision the ethical life apart from the political community (*polis*):

> [T]he complete good seems to be self-sufficient. And by the self-sufficient we mean not what suffices for oneself alone, living one's life as a hermit, but also with parents and children and a wife, and friends and fellow citizens generally, since a human being is by nature meant for a city." (NE 1197b 9-10)

As Aristotle notes in the *Politics*, although the city comes into being "for the sake of mere life," it also secures the conditions for the *good* life.[6] As Joe Sachs writes, "since the city aims at the human good [...] a necessary part of the political study is ethics, the inquiry about human character and happiness, while the rest of its study and practice have to do with means to that end" (209). For Aristotle, ethics and politics are therefore inextricably intertwined.[7]

Modern Morality: Rationality and Universalism

Anscombe and MacIntyre account for what they take to be the paradigmatic differences between modern morality and ancient ethics via a shared conception of the

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[6] See *Politics* 1275b 18-21 and 1252b 29-30.

[7] Paradoxically, Aristotle concludes that in order to become virtuous, one must *already be good,* inasmuch as one must be receptive to *logoi* about virtue. He writes: "it is necessary for the soul of the listener to have been worked on beforehand (1179b 33). As we will see, this receptivity of the soul is enabled via just social and political institutions, "Hence it is necessary to arrange for rearing and exercise by laws" (1179b 33). It is thus no coincidence that *Nicomachean Ethics* culminates in a discussion of the need for politics. As Sachs notes, the final paragraph of the ethics is a summary of the *Politics*, hence Aristotle's ethical project might be said to end where his political project begins (200, f. 304).

history of ethical philosophy in general and of the emergence of Kantian morality in particular. The story might be summed up as follows.

Christianity arose within the rabbinical tradition and inherited the "law conception" of ethics of the latter. The mandates of Christian morality, which comprise a "divine positive law," are absolute and universal, grounded as they are in the divine will. Standing between ancient ethics and modern morality, Christian ethics is the mechanism via which the former has been rendered incompatible with the latter, and for two distinct reasons. *First*, via the centuries-long intellectual dominance of Christian ethics, key concepts in ancient thought were so radically transformed as to be unrecognizable.[8] *Second*, the particularism that characterized so much of ancient ethics was rejected in favor of Judeo-Christian absolutism. During the centuries preceding the rise of modern moral theory, this absolutism became increasingly entrenched.

When constructing their ethical theories early modern moralists "took as their starting point the moral code they inherited from medieval Christianity, which consisted roughly in a system of rules or commands grounded in divine law" (Engstrom and Whiting 1). But with the rise of modern science and the proliferation of theological disputes originating during the Reformation, the divine origin of universal moral principles was increasingly called into question. Seeking a new way to ground morality, some thinkers looked to the sentiments, but "the legalistic character of the code encouraged most Enlightenment moralists to seek a foundation for our duties in universal laws of nature ascertainable by natural reason" (Engstrom and Whiting 1-2). The Kantian

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[8] As Anscombe writes, for example, via Christianity "The Greek word 'hamartanein' […] acquired the sense 'sin,' from having meant mistake, 'missing the mark,' 'going wrong.' The Latin *peccatum* which roughly corresponded to *hamartema* was even apter for the sense 'sin,' because it was already associated with 'culpa'- guilt- a juridical notion." (5).

system which has come to emblemize Enlightenment moral theory therefore retains the principled absolutism of Christian ethics but grounds this absolutism in human rational understanding instead of in the divine will.

The ultimate end of all ethical comportment, on the ancient view, is *eudaimonia*. For Kant, the end of morality is not and cannot be happiness. Kant reaches this conclusion as follows. The will of a moral agent may be determined in relation to desired consequences or by rationality alone via pure practical reason.[9] The maxims or principles that determine the will may therefore be of two kinds: hypothetical (involving a desired outcome) and categorical (unrelated to outcome). Whereas *practical principles* (which are empirically derived and "presuppose an object") arise out of desired consequences, laws are derived via rationality alone, and bind the will which immediately recognizes them as binding.[10] "Laws," says Kant, "must completely determine the will as will, even before I ask whether I am capable of achieving a desired effect" (CPR 18). Laws must therefore be *categorical,* and must "refer only to the will" (CPR 19). One might here object on the ground that some *universal* human desire such as the desire for happiness might serve equally well as the basis for moral law. Supposing such a desire could be shown to be universal, and the means of obtaining it could be equally established, Kant would yet reply: "Even then [we] could not set up the principle of self-love as a practical

[9] The two may be mixed in the *heterogenous* will: "Subordinate to reason as the higher faculty of desire is the pathologically determinable faculty of desire, the latter being really and in kind different from the former, so that even the slightest admixture of its impulses impairs the strength and superiority of reason, just as taking anything empirical as the condition of a mathematical demonstration would degrade and destroy its force and value" (*Grounding* 24).

[10] Due to their very nature: the rational agent recognizes that a law must be universal in order to be binding. Kant writes, "If a rational being can think of his maxims as practical universal law, he can do so only by considering them as principles which contain the determining grounds of the will *because of their form* and not because of their matter" (*Grounding* 26, *emphasis mine*).

law, for the unanimity itself would be merely contingent. The determining ground would still be only subjectively valid and empirical, and it would not have the necessity which is conceived in every law" (CPR 25).

Although agents can immediately recognize that law is by its nature universally binding, and thus conceive of a categorical imperative, in Kant's view the principle of self-love entails that moral laws may or may not motivate agents to abide by categorical imperatives. Here two types of failure are possible: *first*, agents may choose to abide by convenient hypothetical imperatives instead of adhering to the moral law, and *second*, they may choose to act in accordance with the moral law but do so only because they expect to benefit from such behavior. Kant therefore makes an important distinction between acting merely *in accordance with duty* and acting *from duty*, or "from respect for the law" (CPR 84). An agent's action has moral worth, Kant argues, only when it is both in accordance with the moral law *and* motivated by respect for the same. Kant's assumption— and this point is key— is that agency entails *autonomy*, both literally and figuratively. Every moral agent, by virtue of his rationality, is a legislator of the moral law, and every moral agent may and must choose whether to act from inclination or from duty.[11]

Although Kant abandons the teleological ground of ethics which characterizes ancient and especially Aristotelian ethics, it is reasonable to speak of an ultimate end of

[11] To act from duty is, says Kant, to act according to one's own will inasmuch as one is a legislator of the moral law. Kant therefore writes, "I want […] to call my principle the principle of the autonomy of the will, in contrast with every other principle, which I accordingly count under heteronomy" (*Grounding* 39). The importance of autonomy in Kantian moral philosophy cannot be overstated; as James Ellington writes, "Kant sums up his progress in the first two sections of the *Grounding* by saying that the principle of autonomy is the sole principle of morals and that this has been shown by merely analyzing the concepts of morality" (*Grounding* viii). The centrality of autonomy in Kantian moral theory is at the root of the problem of moral luck, as will been seen.

morality within the Kantian vision. Here it is useful to consider Kant's *kingdom of ends formulation* of the Categorical Imperative.[12] Kant writes,

> The concept of every rational being as one who must regard himself as legislating universal law by all his will's maxims, so that he may judge himself and his actions from this point of view, leads to another very fruitful concept, which depends on the aforementioned one, viz., that of a kingdom of ends. (*Grounding* 39)

By "kingdom," Kant intends "a systematic union of different rational beings through common laws," in which each member is both sovereign (as legislator of the moral law) and subject. The *telos* of morality is for Kant just this kingdom: an ideal harmonious unity of the plurality of rational beings under common laws.[13]

Aristotle's Ethics and the Challenge of Luck

The above sketches of Aristotelian ethics and Kantian morality are not intended to reify the view that ancient and modern conceptions of moral agency are radically incommensurable. On my view the incompatibility of ancient and modern moral systems— and of Aristotelian and Kantian ethics in particular— is and ought to remain

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[12] Of the three formulations Kant writes, "The aforementioned three ways of representing the principle of morality are at bottom only so many formulations of the very same law" (*Grounding* 41). Yet there is a "subjectively" practical difference between them which brings the idea of a Categorical Imperative "closer to intuition." Kant explains: "There is a progression here through the categories of unity of the form of the will (its universality), the plurality of its matter (its objects, i.e., its ends), and the totality or completeness of its system of ends" (42).

[13] One increasingly popular approach to resuscitating Kant's moral theory involves emphasizing its social or communal aspects. See, for example Thomas E. Hill's *Dignity and Practical Reason in Kant's Moral Theory*. (Ithaca: Cornell U. P., 1992), and Christine M. Korsgarrd's *Creating the Kingdom of Ends* (New York: Cambridge University Press, 1996).

an open question. Instead, my hope is that by understanding some of Aristotle and Kant's key philosophical commitments it will be easier to discern where and how luck emerges as a challenge within their respective descriptions of the moral life, and in turn how kindness might respond to these challenges. We may begin with Aristotle's account.

The ancient Greek word which most closely resembles "luck," *tychē* is quite ambiguous, meaning both "chance" and "fortune."[14] Aristotle draws a useful distinction between *tychē* and *automaton* (chance) in the *Physics*, Book II:

> They differ because chance is more extensive, for everything from fortune is from chance, but not everything from it is from fortune. For fortune and what comes from fortune are present to beings to whom being fortunate, or generally, action, might belong. (197a35-197b3)[15]

To favor the language of "fortune" or "luck" over the language of "chance" is both to emphasize that in the realm of ethics *tychē* is bound up not just with *what happens* but with *what happens to human beings,* which is to say in relation to the human good and human aims, and to acknowledge that it is experienced subjectively in relation to particular desires, and so perceived by agents as more or less favorable to them given

[14] Tychē is also the name of the Greek goddess who came to be associated with the Roman Fortuna. In Greek art Tychē is usually depicted with symbols of prosperity, including, often, the infant Plontos (wealth). The shape of her crown suggests city walls, as the fortune of the *polis* was dependent upon her grace. She is occasionally shown blindfolded, indicating the capriciousness of chance (in Roman art, Fortuna is usually so depicted).

[15] In Physics Book II Aristotle explores and partially rejects the ancient convention that *tychē* ought to be counted among the causes. To be more precise, Aristotle does not count *tychē* as "the cause simply" of anything that comes about, though "There are things that come about from *tychē*: they come about incidentally, and *tychē* is an incidental cause." Both chance [*automaton*] and *tychē* are, says Aristotle, "among those things […] which could come about for the sake of something" (197a 10, 35).

their aims.[16] Thus for our purposes we may understand *tychē* not as simply that which happens by chance, but instead, as Martha Nussbaum does, as that which befalls an agent: "What happens to a person by luck will be just what does not happen through his or her own agency, what just *happens* to him, as opposed to what he does or makes" (Statman 76).

Eudaimonia: Living Well and Faring Well

To better understand the role of luck in Aristotle's ethical account, it is useful to dwell a moment on the distinction between what one does and what simply befalls one, or more precisely, between *living well* and *faring well*. We might ask, with Aristotle, whether or to what extent eudaimonic life requires agents to live well or act virtuously, and whether or to what extent it requires that agents fare well or have good luck. We might further wonder about how living well and faring well intertwine: supposing that virtue is sufficient for eudaimonia as the Stoics insist, is it possible to live well without faring well, and thus to enjoy the eudaimonic life despite misfortune? Aristotle explores these questions at some length in Book I of the *Nicomachean Ethics.*

The power of *faring well* to enable the eudaimonic life is, or at least appears to be, quite profound; many of the key components of a happy life may fail to materialize despite agents' wishes and efforts. These components include friends, wealth, power, ancestry, children and attractiveness; Aristotle writes:

[16] A sign of this is the fact that agents are deemed more or less *fortunate* in relation to their chosen activities; Aristotle writes: "no inanimate thing nor any animal or small child can do anything as a result of fortune, because they do not have the power to choose in advance" (*Physics* II 197b 7-10). That which befalls a stone or a non-human animal happens by chance, that which befalls a human being happens "as a result of fortune" (i.b.i.d.).

> For many things are done, as if by instruments, by means of friends and wealth and political power, and those who lack certain things, such as good ancestry, good children, and good looks, disfigure their blessedness; for someone who is completely ugly in appearance, or of bad descent, or solitary and childless is not very apt to be happy, and is still less so perhaps if he were to have utterly corrupt children and friends, or good ones who had died. (NE 1099b 1-5)

So profound is the influence of luck on agents' happiness that many simply equate the two, conceiving of *eudaimonia* as a gift from the gods. There is thus an impasse, says Aristotle, "about whether happiness comes by learning or habit or training of some other kind, or else comes to one's side by some divine lot" (NE 1099b 9-10).[17] Here he leaves open the possibility that although happiness comes about by training and *praxis*, training and *praxis* themselves may involve external influences such that the moral life is subject to luck in more subtle ways; perhaps one must fare well in order to live well.

Aristotle is decidedly unsettled, as we should be, by the extreme suggestion that *eudaimonia* comes about merely and purely by luck. He stands ready to reject this view if it can be shown that *eudaimonia* may also arise via "learning and taking pains:"

> And if it is better to be in this way, rather than for one to be happy by chance, it is reasonable that this is the way it stands, if indeed things in accordance with nature occur naturally in the most beautiful possible way

[17] Aristotle comments, "now if there is anything else that is a gift of the gods to human beings, it is reasonable that happiness too should be god-given (NE 1099b 11-12).

> […] for what is most beautiful to be left to chance would be too discordant. (NE 1099b 24-25)[18]

There is something comforting about the latter possibility, as it would seem to insulate (at least to some extent) the best kind of life from luck. Although Aristotle is more drawn to this view than to the commonplace suspicion that *eudaimonia* is merely the result of chance, he must qualify the former thesis in important ways, lest he maintain a paradox, since: "those who claim that someone who is being tortured, or someone who falls into great misfortunes, is happy if he is a good person are either intentionally or unintentionally talking nonsense.

The best kind of life, says Aristotle, is a life in which virtue and happiness grow together, since "the life [virtuous] people lead has no additional need of pleasure as a sort of appendage, but has its pleasure in itself" (NE 1099a 16-17).[19] The happiness born of a lifetime of living well and doing well is quite stable, as befits the stability of the moral character from which it results. Such happiness may not render the virtuous agent immune to misfortune, but does serve as a kind of fortification against bad luck:

> So what is sought will belong to the happy person, who will be happy throughout life, for such a person will always, or most of all people, be acting and contemplating the things that go along with virtue, and will bear what fortune brings most beautifully. (NE 1100b 18-20)

[18] Here Aristotelian teleology comes to the fore; Aristotle's suggestion that we prefer happiness which comes about through agents' effort to that which arises by luck relies on a belief that nature brings "natural" things about in the most beautiful way.

[19] Of those who "act rightly," Aristotle says: "And the life they lead is pleasant in itself. For feeling pleasure is one of the things that belongs to the soul, and to each person, that to which he is said to be passionately devoted is pleasant… Acts of justice are pleasant to one who is passionately devoted to justice and generally things in accord with virtue to one who is devoted to virtue" (NE 1099a 7-12).

Even so, Aristotle's holistic conception of the *eudaimonic* life entails that bad luck may prevent the agent who is otherwise virtuous from living a truly happy life, or, after the fact, from properly being described as so having lived, since "it is possible for the most thriving person to fall into great misfortunes in old age, just as the story is told of Priam in the epics about Troy; no one calls happy the one who suffers such misfortunes and dies in misery" (NE 1100a 9-10). Yet the virtuous agent is more capable than those who lack virtue of enduing both "the small bits" of bad fortune and great misfortunes, including those which prevent the active exercise of virtue.[20] Enduring grievous misfortune with equanimity and without turning to vice is for Aristotle a sign of stable virtue, and a thing quite worthy of praise:

> Nevertheless, even in these circumstances something beautiful shines through when one bears many great misfortunes calmly, not through insensitivity, but through good breeding and greatness of soul. If, as we said, it is ways of being at work that govern life, no one who is among the blessed could become miserable, since such a one will never do base or hateful things; for we suppose one who is truly good and sensible will bear all fortunes gracefully and will always act in the most beautiful way the circumstance permit, just as a good general will make best use for war of the terrain that is at hand. (NE 1100b 30-1101a 3)

[20] The role of *praxis* is key in Aristotle's conception of moral virtue. He distinguishes between mere possession of an excellence and possession which is fulfilled in use: "But presumably it makes no small difference whether one supposes the highest good to consist in possession or in use, that is, in an actively maintained condition or in a way of being at work […] Just as, with those at the Olympic games, it is not the most beautiful or the strongest who are crowned, but those who compete" (NE 1098b 30-1099a 6). The one who possesses virtue but is unable to exercise it is virtuous only in some qualified sense.

The genuinely virtuous agent is then insusceptible to the worst kind of life, or that life which involves doing base and vicious things. But even this praiseworthy agent has need of additional goods if she is to be properly called happy. Thus Aristotle's asks:

> What is to prevent us calling happy the person who is at work in accordance with complete virtue and supplied with sufficient stock of external goods, not for any chance amount of time but for a complete life […] when he shall have both lived in that way and died in a proportionate way? (NE 1101a 14-15)

Aristotle's views on the interplay between luck and eudaimonia are thus mixed; he rejects the extreme view that eudaimonic life comes about merely by chance while acknowledging the need for certain externals. In order to live the best kind of life, the agent must have a consistently sufficient stock of external goods and must exercise complete virtue over the whole of her lifetime. Our judgments regarding an agent's happiness must remain tentative until after her passing, since radical reversals of fortune may impact the manner of her death, where for Aristotle one must die well in order to be judged to have lived a truly happy life. We may say, then, that for Aristotle one must fare well (to some extent and in specific respects) in order to live the best kind of life; to state it simply, Aristotle "denies that virtue is sufficient for flourishing" (Tessman 4).

Tychē and Virtue

Laying aside the question of what evidence substantiates the judgment, after the fact, that an agent was truly happy, we may now ask to what extent and in what specific ways the formation and sustenance of virtue itself (a key

component of the eudaimonic life) is subject to forces beyond agents' control. In what ways, that is, must an agent fare well in order to become and remain virtuous?[21] Let us consider Aristotle's refined view of luck as it relates to the formation of character.

In the *Nicomachean Ethics tychē* emerges as a challenge to the acquisition and exercise of virtue in a number of ways; I will here describe three, each related to a key component of Aristotelian ethical theory. *First*, because virtues arise within a community and largely as the result of a proper education, complete virtue requires a social context that the agent cannot create for herself. *Second*, and in relation to the above point, where an agent lacks certain opportunities and/or resources, she may fail to acquire and/or sustain the moral virtues, which arise via *praxis* and often require the possession of certain external goods. *Third*, and here the problem posed by *tyche* is most easily conceptualized as an instantiation of *moral luck*, an agent may be cast into situations in which she must perform intrinsically regrettable or blameworthy actions.

Social Context and the Acquisition of Virtue

Virtue, says Aristotle, is of two kinds, "one pertaining to thinking and the other to character" (1103a 10). Intellectual virtue, says Aristotle, "[is] both in its coming to be and in its growth, a result of teaching," whereas virtue of character or moral virtue "comes

[21] For the modern reader who readily distinguishes between happiness and moral worth, placing a higher premium on the latter, this question is most pressing. We may grant that subjective happiness is not entirely within our control, yet wish to maintain (and this seems to some extent to be the basis of modern ethical theory) that what matters most in life— our goodness or character— is within our control. It is important to recall, however, that for Aristotle goodness and happiness are intrinsically connected, and both are crucial to the best kind of human life. Much is lost if we are so prejudiced by our modern views that we fault Aristotle for simply failing to distinguish between goodness and happiness.

into being by habit." (NE 1103a 16-17).[22] Setting aside for the moment the intertwining of moral and intellectual virtue, we may turn to the social context within which both kinds of virtue arise. It may already be observed that intellectual virtue, as it emerges via education, necessarily involves a social context which moral agents cannot create for themselves; whether or to what extent an agent is properly reared and educated is beyond her power to control. Although moral virtue owes more to the sustained efforts of the agent herself than to the teaching she receives, whether and to what extent she acquires the moral virtues has a great deal to with social and political forces beyond her control. Let us begin by examining the latter claim in greater detail.

The word character (*êthos*), as Aristotle notes, derives from the word habit (*ethos*), by no mere coincidence (NE 1103a 18). Indeed, the virtues of character develop largely as the result of habituation. "It is clear from this," writes Aristotle, "that none of the virtues of character comes to be present in us by nature, since none of the things that are by nature can be habituated otherwise;" one cannot teach a stone to fall upward, "even if one were to train it by throwing it upward ten thousand times" (NE 1103a 19-1). The relationship between habituation and moral virtue is complex, though; as Joe Sachs writes, "Ethical virtue is by no means simply a set of socially approved habits" (Sachs 22 *n*.25). Moral virtue requires, first and foremost, a natural capacity, such that "the virtues come to be present neither by nature nor contrary to nature, but in us who are of such a nature as to take them on" (1103a 22-23). This natural capacity for virtue, as Sachs notes,

[22] Aristotle writes: "excellence of character comes into being on account of habit, on account of which it gets its name by a small inflection from habit" (NE 1103a 18). As Joe Sachs notes, "The word character (*êthos*) derives from habit (*ethos*) by a mere lengthening of the initial vowel from epsilon to eta" (Sachs 22 n. 25).

must be “completed properly in a certain way,” by means of habit (1103a 22-23). For this reason, Aristotle likens moral virtue to *techne*:

> But we do take on the virtues by first being at work in them, just as also in other things, namely the arts; the things that one who has learned them needs to do. We learn by doing, and people become, say, housebuilders by building houses […] So too, we become just by doing things that are just, temperate by doing things that are temperate, and courageous by doing things that are courageous. (NE 1103b 1-5)

The development of moral virtue, like the perfection of a *techne*, requires practice. But since poor practice will only ingrain poor habits, the development of excellence both technical and moral requires that the *right* kinds of habits be modeled and encouraged from the start; says Aristotle: “It makes no small difference, then, to be habituated in this way or in that straight from childhood, but an enormous difference, or rather all the difference” (NE 1103b 24). Most would agree that parents or other primary caretakers are those chiefly responsible for ensuring that children are habituated in good ways from a very young age. Unfortunately, whether or not one has responsible, attentive parental figures who are capable of instilling good habits is decidedly a matter of luck. But there is more to say. One’s parents are but one social influence among many, and, as Aristotle’s rightly notes, an agent’s parents are, like herself, the product of a society which may be more or less corrupt, and which may increase or diminish parents’ ability to instill good habits in their children.

So far we have noted two necessary conditions for the emergence of moral virtue—*capacity* and *habituation*. Already it is clear that the latter is subject to forces

external to the agent. We should pause to note that the same is also true of the former in relation to intellectual virtue, and to further note that *capacity* and *habituation* are entangled in an important way. Let us see how this is so. In Book Ten of the *Nicomachean Ethics* Aristotle turns his attention to the relationship between ethics and politics. He returns in the course of his discussion to the capacity for virtue, mentioned above as the first component required for the development of moral character. Yet here his concern is with intellectual virtue, and specifically with the virtue *sophia*.[23] The capacity for virtue, though naturally present, is easily degenerated by corrupt public discourses and laws. Vice is *naturalizable* such that the citizens of a corrupt society effectively come to lack a capacity for intellectual virtue. Morally educating an adult reared in such a society would prove quite difficult, to say the least: "For it is not possible, or not easy, to change by words things that have been bound up in people's characters since long ago" (NE 1179b 18). Moral education involves listening to

[23] Aristotle's contention that the human good involves "the being-at-work of the soul in accordance with virtue, and if the virtues are more than one, in accordance with the best and most complete virtue," has given rise to centuries of controversy. Many have held that for Aristotle moral virtue is a mere stepping-stone to intellectual virtue, and in particular to life of intellectual reflection. Sachs shares this interpretation, writing, "habits belong only to the preparation of the soil, and are neither the seed nor the crop. Habituation is a necessary but early education, that is superceded by argument and understanding" (Sachs 197 n. 301). The rather simplistic belief that moral virtue exists merely for the sake of overcoming itself in favor of intellectual virtue is not without its critics. Claudia Baracchi challenges this convention in *Aristotle's Ethics as First Philosophy,* demonstrating "the indissoluble intertwinement of practical and theoretical wisdom." She writes, "*sophia*, theoretical wisdom, far from being an autonomous and separate pursuit, should be acknowledged as integrally involved in becoming, sensibility, experience, and, hence, action," and adds that "practical considerations decisively mark the beginning or condition of all contemplation as well as discursive investigation" (1). Anthony Kenny shares Sachs' interpretation, but (mindful of the less extreme position of the *Eudemian Ethics*) points out that "the person whom many regard as the hero of the *Nicomachean Ethics* turns out […] to be a vicious and ignoble character," who pursues philosophical reflection in a single-minded and even ruthless way (Kenny 1978 214). To my mind, the point is rather moot; even if the best life for the human being is merely or purely philosophical (assuming such a life is possible, which I doubt), this life is simply unavailable to most human beings. As Suzanne Stern-Gillet writes, ""Most of us will not succeed in 'immortalizing' ourselves in the way indicated" (35). Since virtue is always appropriate to a given context, for most human beings moral virtues will govern life, though they will coexist and ideally harmonize with intellectual virtues. Moral virtues, which have to do with feelings, govern "human" life, and can belong to a eudaimoniac life even if that life does not represent Aristotle's *summum bonnum* of a life that favors what is divine over what is human (the life of philosophical reflection being "greater than what accords with a human being," and thus "something divine" NE 1177b 25). As Aristotle writes, "The life in accord with the rest of virtue is happy in a secondary way" (NE 1178a 10).

beautiful speeches (*logoi*), but in order to learn one must be able to hear the *logoi* properly, such that one might be transformed by them. Here a paradox emerges: the agent must already be *persuadable* before any speech can persuade her; as Aristotle writes, “it is necessary for a character to be present in advance that is in some way appropriate for virtue, loving what is beautiful and scorning what is shameful” (NE 1179b 30). For this reason, Aristotle argues, moral discourses rarely suffice to persuade agents to act as they ought; although beautiful discourses “appear to have the power to encourage and stimulate open-natured young people,” and those who *already* love what is beautiful and good, they have little enough power over the masses, who “have no notion of what is beautiful and truly pleasant, having had no taste of it” (NE 1179b 10-19).

But how is the soul of an agent made ready to receive *logoi*? Where does the love of what is truly good and pleasant come from? Aristotle claims that agents must have learned to love what is truly good (the intellectual pleasures) “beforehand by means of habits, with a view to enjoying and hating in a beautiful way, like ground that is going to nourish the seed” (NE 1179b 26-27). One must possess moral virtue in order to be receptive to intellectual virtue. The habits which characterize the former, as we have said, are in part the product of an early moral education. Hence the acquisition of intellectual virtue, like the initial acquisition of moral virtue, requires a particular social context. This context— and this is no small point— involves a system of laws that facilitate appropriate child-rearing and civic education: “it is difficult to hit upon a right training toward virtue from youth if one has not been brought up under laws of that sort […] Hence it is necessary to arrange for rearing and exercise by laws” (NE 1179b 29-30). The *Nicomachean Ethics* culminates in a discussion of the political art, and with good

reason— a good and just society inculcates the proper values and moral virtues in its citizens, and so prepares them for lives of virtue, or at least dissuades them from living the worst kinds of lives.[24] The character of an individual agent in turn owes much to the character of her society. Writes Aristotle: "for lawmakers make the citizens good by habituating them, and since this is the intention of every lawmaker, those that do not do it well are failures, and one regime differs from another in this respect as a good from a worthless one" (NE 1103b 2-4).

The acquisition of both moral and intellectual virtue involves, for Aristotle, social forces beyond the agent's control: whether or not one is blessed with loving, responsible parents, and whether or not one is born into a just society are matters of luck. This is not to say that one's upbringing dictates one's moral destiny, nor that virtuous individuals cannot arise within corrupt societies, but certainly social forces facilitate and/or impede the emergence of virtue. Thus far, then, it is consistent with Aristotle's account to acknowledge the considerable role of luck in the initial acquisition of virtue. Before we move beyond the social context in which virtue emerges, it would be wise to say a word on friendship, which holds a special place in Aristotle's ethical vision, and which renders the moral life vulnerable to luck in numerous ways.

Friendship and Virtue

As we have said, on Aristotle's view human life is to be lived in communities. To speak of human flourishing outside of a society would be to talk nonsense; recall the passage cited above:

[24] The many, says Aristotle, are generally governed by feeling and not by the intellect. Because "in general feeling seems to yield not to reasoned speech but to force," Aristotle notes that some lawmakers "must also impose punishments and penalties on those who are disobedient or lacking in natural capacity" (NE 1179b 29-1180a11).

> [T]he complete good seems to be self-sufficient. And by the self-sufficient we mean not what suffices for oneself alone, living one's life as a hermit, but also with parents and children and a wife, and friends and fellow citizens generally, since a human being is by nature meant for a city. (1197b 9-10)

Friendship (*philia*) is broadly construed by Aristotle as "any association of people who spend time and do things together, share in pains and pleasures, and wish for eachother's good" (Sachs 205, see NE 1166a 1-10). Although for Aristotle its superlative form involves the deep and enduring attachment between people of fine character, as Suzanne Stern-Gillet writes, "in ancient Greek usage the concept of *philia* […] encompasses a wide and diverse field of personal and social relationships compared to which the extension of the modern concept of friendship is bound to appear very restricted" (7). Sachs notes, "The Greek word takes in all love felt and practiced toward family members, fellow countrymen, and generally those like oneself" (Sachs 205).[25] In Book VIII of the *Nicomachean Ethics*, Aristotle characterizes friendship as a microcosm and key component of the political community: "And friendship seems to hold cities together, and lawmakers seem to take it more seriously than justice" (NE 1155a 23).[26] Friendship is *natural*, as it "seems to be present by nature in a parent for a child and a child for a parent" (NE 1155a 17). Friendship is *necessary*, "For no one would choose to live

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[25] Aristotle writes: "But the complete sort of friendship is that between people who are good and who are alike in virtue, since they wish for good things for one another in the same way insofar as they are good, and they are good in themselves" (NE 1156b 8-9).

[26] Surprisingly, in the realm of the political justice is trumped by friendship. Unlike justice, which Aristotle characterizes as an incomplete or "underdeveloped" virtue (Sachs 91 n. 122), friendship is "sufficient to ends which justice is not" (Sachs 144 n. 232). Aristotle writes: "And when people are friends there is no need of justice, but when they are just there is still need of friendship, and among things that are just, what inclines toward friendship seems most just of all" (1155a 38).

without friends, despite having all the rest of the good things" (NE 1155a 2).[27] Friendship is *beautiful*, since we praise those who love their friends, and "an abundance of friends seems to be one of the beautiful things" (NE 1155a 30). Excellence in friendship is, if not a virtue, certainly the mark of virtue, such that "people believe that it is the same people who are good men and friends" (NE 1155a 31).[28] Friendship is, in sum, a key component of ethical life, and indispensible to human flourishing.[29]

In addition to being intrinsically valuable, friendship plays an important instrumental role in the moral life. Both moral and intellectual virtue are, on Aristotle's account, perfected in and through relations of *philia*. It is exclusively within the context of social relationships that many of the virtues of character find their expression.[30] The generous person, who "values money not for itself but for the sake of giving it," requires a recipient in order to practice generosity (NE 1120b 16). The just person "needs people toward and with whom he will act justly" (NE 1177a 32). The friendly person, who judges best when to agree with the crowd and when to dissent, requires interlocutors. Because the moral virtues are, for Aristotle, actualized via social *praxis*, in the absence of relationships of *philia* they cannot emerge. Unquestionably and unfortunately,

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[27] Aristotle opens his discussion of friendship in Book VII by explicitly claiming,: "[It] is also most necessary for life" (NE 1155a 1).

[28] Although "friendliness," characterized by an appropriate willingness to agree with others in social settings, is counted among the minor moral virtues, it is not to be conflated with friendship, which is, by Aristotle's account, a broader and more ethically significant phenomenon.

[29] One sign of this, as Sachs notes, is that "The treatment of friendship in the *Nicomachean Ethics is* longer than that of any other topic, and comes just before the conclusion of the whole inquiry" (Sachs 205).

[30] It would be more accurate to say that all of the moral virtues require relations of *philia*, though some are more self-sufficient than others. Where generosity and friendliness clearly require *philia*, courage and temperance seem to require it in a less obvious way. In Book X of the *Nicomachean Ethics*, Aristotle names *sophia* as the most self-sufficient of the virtues, but counts justice, temperance and moderation among those virtues which require the presence of others. Unlike the moral virtues, the intellectual virtue *sophia* requires only a minimal stock of external goods, since "the wise person is able to contemplate even when he is by himself" (NE 1177a 30-35).

relationships are properly counted among those goods which may fail to materialize; an agent may, through no fault of her own, perpetually lack or suddenly lose the social connections that enable the exercise of moral virtue. Because their actualization is intrinsically related to relationships of *philia* which the agent cannot create for herself, the moral virtues are therefore (and once again) subject to luck. As Martha Nussbaum notes, "Against the defender of solitary self-sufficiency Aristotle argues that these vulnerable relationships and their associated activities have […] instrumental value as a necessary means to […] the best human life," and it is for this reason that no one would choose to live without friends despite having all other goods: "For what benefit would there be from such abundance if one were deprived of the opportunity to do favors, which arises most of all and in the most praiseworthy way toward friends?" (Nussbaum 345; NE 1155a 7-8).

It might be objected that such external goods as wealth and position would insulate the agent from the need for friendship, and thus from the special vulnerability born of that need; Aristotle writes, "For people say there is no need of friends for those who are blessed and self-sufficient, since good things belong to them already" (NE 1169b 4-5). Common opinion holds that the fortunate person will have no need of friendships of utility, and since, as Aristotle suggests, many assume that friends are merely and purely for use, they conclude that the blessed do not need friends. This view, however, is misguided, and for several reasons. Power and wealth, rather than mitigating the need for friendship, instead and proportionately demand it: "for rich people and those who rule and have power, there seems to be the greatest need for friends […] how could it be watched over and kept safe without friends? For the greater it is, the shakier its

foundation is" (NE 1155a 9-11).[31] Moreover, it is in and through friendship that external goods become a boon to virtue. Generosity, for example, is characterized not simply by giving, but by giving in the right measure, for the right reasons, and, especially, *to the right people*. So, too, do the other moral virtues require the presence of deserving recipients. The blessed person needs friends in order to exercise virtue, and even if he did not, "it is absurd to make the blessed person solitary, since no one would choose to have all good things by himself," and "it is clear that it is better to spend one's time with friends" (NE 1169b 18-21). "Therefore," says Aristotle, "it is necessary for the happy person to have friends" (1169b 24).

Friendship facilitates moral virtue in a rather obvious way, but the intellectual virtues, too, are actualized in and through *philia*, or more precisely through a special kind of *philia*.[32] Aristotle's ideal form of friendship, variously termed "moral friendship," "primary friendship," and "character friendship," has much in common with *philia* more generally: it involves shared activities, mutual pleasures and pains and a reciprocal desire between friends for the other's good. Deep friendship, however, requires like-mindedness, and like-mindedness is present most of all "among decent people," while "it is impossible for people of low character to be like-minded except to a small extent" (NE 1167b 6-8). Unlike those friendships of mere utility or pleasantness, the friendship of character involves a shared love of the good. Aristotle writes:

[31] In poverty, too, friendship is needful: "in both poverty and misfortunes people believe that friends are the only refuge" (NE 1155a 11).

[32] This special type of *philia* is none other than that ideal form mentioned above, in contrast to which all other types of friendship are understood to be partial or imperfect. As Ellijah Milgram writes, "Aristotle takes virtue-friendship, i.e., the friendship of virtuous people who are friends for virtue, as 'friendship in the primary way.' Other 'friendships' -- for utility and for pleasure -- are only so-called by way of similarity to friendship proper, i.e., virtue-friendship (NE 1157a 30).

> But the complete sort of friendship is that between people who are good and alike in virtue, since they wish for good things for one another in the same way insofar as they are good, and they are good in themselves (NE 1156b 8-9).

This moral grounding renders the character friendship more constant than other forms of *philia*. As Nancy Sherman writes:

> Friendship based on what is good [...] is the most stable kind of friendship, since good character tends to be a reliable condition and those interested in cultivating a union on its basis are committed in a stable way to the end of virtue. (200-201)

Character friendship is "the most paradigmatic, too, with respect to the depth and level of mutual engagement" (Sherman 201). Aristotle wants to insist, as Sherman notes, on the mutual desire of friends to believe and feel and act together. Says Aristotle: "And just as in the case of virtues, people are called good either with respect to an active condition or with respect to being at work, so too it is with friendship" (1157b 8-9). Separation from friends will not therefore immediately dissolve friendships, but will in time, since the "the being-at-work of it," characterized by shared activities, mutual *pathoi* and reciprocated expressions of goodwill is the very essence of friendship. As Sherman argues, "Aristotle's claim is that we appreciate mutual activity in its fullest when it lasts- when it has a chance to create its own history- and when it brings to bear the full dimension of a friendship," and the friendship of virtue is most able to do all of these (204).

Character friendship, as it is grounded in a mutual love of the good and involves shared pleasures and activities, can clearly serve as a catalyst for moral virtue, since the moral virtues have to do with feeling and actions and generally require deserving company. But in what sense can the friendship of character foster intellectual virtue, as was previously claimed? To answer this question we must turn to one of the most cryptic themes in Aristotelian ethics, namely, that of the (ideal) friend as "another self."

As Suzanne Stern-Gillet argues, grasping the true sense of friendship as other-selfhood requires an acknowledgement of what precisely, for Aristotle, selfhood consists in. Stern-Gilet claims that selfhood, or what we might prefer to call self-actualization, is for Aristotle a matter of degrees (28). In sharp contrast to many modern notions of selfhood, the Aristotelian conception has everything to do with the structure of the uniquely human *psyche*.[33] Recall the earlier argument that since the *telos* of a particular souled being is tied to what most sets it apart from other souled beings, and what most distinguishes the human being is the possession of a reasoning or conversant soul, the *telos*, and thus the virtues and good of a human being, must be tied to the *logos*-dwelling part or parts of the soul. Because the human soul possesses *logos* in a twofold sense—both "in the governing sense" in the conversant soul and in a receptive sense in the appetitive soul— the human good must have something to do with the conversant or intellectual and the appetitive soul. Indeed, as we have said, human virtue is twofold and corresponds to this division of the *logos*-possessing parts of the soul. Aristotelian selfhood, as Stern-Gillet contends, consists in the activity and harmonization of the parts of the soul, thus in the human being selfhood is actualized in and through the exercise of

[33] For a rich comparison of ancient and modern conceptions of selfhood, see Stern-Gillet, chapters 1 and 2.

moral and intellectual virtue, and, especially, through their concordant coexistence.[34] Although moral virtue is "the single most important aspect of the Aristotelian good life," intellectual virtue takes precedence over moral virtue inasmuch as it ensures and regulates the former. Aristotle writes, "people are called self-restrained and unrestrained according to whether their intellect masters them or not, *as though this were each person"* (NE 1168b 35, *emphasis mine*). As Stern-Gillet argues, "Aristotle never wavers in his conviction that […] the *essential* human self is noetic" (35, *emphasis mine*). Because the intellect effectively regulates moral virtue, the agent whose intellectual virtues (including and especially *phronesis*) are lacking will suffer from "some form or other of psychic disintegration" (25). Conversely, the agent whose intellectual virtues regulate and coexist harmoniously with her appetites will possess integrity: she will be at one with herself, where the dissipated agent will be at odds with, or turned against, herself. Thus selfhood admits of degrees: we may say that the virtuous agent has obtained a higher degree of self-actualization than the dissipated or vicious one. The virtuous person is, for Aristotle, most fully a "self."

In order to explain why complete selfhood, including the actualization of the *noetic* or governing part of the soul, requires friendship, Aristotle offers a notoriously difficult line of reasoning.[35] He begins by claiming that "what is good by nature is good

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[34] And, it must be noted, through the activity of the nutritive and kinetic/perceptive soul. Although the activity of the logos-dwelling parts of the soul is for Aristotle the very mark of humanity, mere life, perception and movement also belong to human beings, and self-actualization must involve these as well. This is consistent with Aristotle's insistence that virtue entails *praxis* such that one who was sleeping through life could not be called virtuous in any proper sense, and with his identification of voluntariness with *auto-kinesis*.

[35] A number of thinkers have attempted to articulate the argument by means of syllogisms. See, for example, J. Burnet, *The Ethics of Aristotle* (London: Methuen, 1900), and David Ross, *Ethica Nicomachea*, in *The Works of Aristotle Translated into English,* vol. IX, 1. (Oxford: Oxford University Press, 1925).

and pleasant itself to a serious person" (NE 1170a 16). Next he argues that since the life of any souled being is defined by its characteristic activity, and human life is characterized by both perception and thinking, human life is defined by the being-at-work of perception and thought (1170a 19). Living, Aristotle notes, is something intrinsically good and pleasant. Whenever we are aware of ourselves as perceiving or thinking, we are aware of ourselves as *alive*, and "being aware that we are alive is something pleasant in itself" (1170b 1-2). If being alive is something good and choiceworthy in general, it is all the more so, Aristotle contends, for the person who is virtuous, since "one's *being* is choiceworthy on account of the awareness of oneself as being good" (1170b 11). A serious person, who is the same way toward his friend as he is toward himself, will desire that his friend should *be,* and that his friend should be aware of his *being* and of his goodness. The friend's awareness of himself as *being* (and as being *good*) develops via the mutual recognition that defines friendship: "and this would come about through living together and sharing conversation and thinking" (1170b 11-12).

Aristotle's contention is quite profound: in order to become fully self-actualized we need to be-at-work as friends, engaging in the activities that allow for the realization and expansion of the *noetic* or governing part of the soul which ensures the harmonious coexistence of intellectual and moral virtue.[36] As Sachs writes, "Friendship thus provides a bridge between moral and intellectual virtue," paving the way for a human life of

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[36] The moral quality of a friendship is reflected in the activities that friends choose to engage in together. Base friends, who pass the time drinking or gambling, entrench their baseness: "the friendship of people of low character becomes corrupt," since those who engage in base activities together "become corrupt in becoming like one another" (NE 1172a 9-10). Friends who love justice will work for the public good, those who love wisdom will pass their time in shared philosophical reflection, and so on. The activities that we believe ought to accompany friendship have everything to do with our beliefs about the best kind of life; if we imagine that the life of *sophia* is the ideal life for the human being, then the characteristic activity of ideal friendship would be shared philosophical reflection.

complete, harmonious virtue (205). In friendships of virtue agents' goodness grows together over time: "[T]he friendship of decent people," writes Aristotle, "is decent, and grows along with their association, and they seem to become even better people by putting the friendship to work" (NE 1172a 12). It is in and through friendship that we become good and, more surprisingly, in and through friendship that we become fully actualized human beings.

In Book IX of the *Nicomachean Ethics* Aristotle asks whether or not "one ought to love oneself most, or someone else" (1168a 29). Common opinion holds that one ought to love one's friends most of all, but this view, Aristotle argues, is inconsistent with "the facts," since:

> A best friend is someone who wishes for good things for the sake of that person for whom he wishes them […] but this belongs most of all to oneself in relation to oneself, and so too do all of the rest of the things by which a friend is defined. (NE 1168b 1-5)

Aristotle's claim that "one is a friend to oneself most of all, and so what he ought to love most of all is himself" must be understood in a qualified sense, since it holds true only of the virtuous agent, and more precisely of the agent who "gratifies what is most authoritative in himself, and obeys this in all things" (NE 1168b 31).[37] The decent person loves the *noetic* part of his soul, and *should*: "That, then, this is each person, or is so most of all, is not unclear, nor that a decent person loves this most. Hence such a person would be a lover of self most of all" (NE 1168b 32-1169a 5). The virtuous agent or fully

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[37] That which "is most authoritative" being the noetic soul or intellect, inasmuch as it governs virtue. Sachs writes, "Even though the thinking part is most properly oneself, it is only the love of the beautiful that properly satisfies that part. That in turn means that the irrational part of the soul must be brought into its best condition, so that the beautiful can be discerned (1113a 29-33), and the whole human being can be fulfilled" (Sachs 173 *n*. 268).

actualized self, governed by intellect, fostering moral virtue through *praxis*, actively seeking the good and the beautiful, "ought to be a lover of self," since he loves what is good and "will both profit himself and benefit the others by performing beautiful actions" (1169a 11-12). But this self-love of self-friendship cannot replace friendships with others. Moral friendship alone allows for complete self-actualization, and this process necessarily involves mutuality: it is "a *joint* becoming, by the partners, of one another's selves" (Stern-Gillet 172, *emphasis mine*).

Virtue and the Illusion of Self-Sufficiency

The self-sufficiency that characterizes so much modern moral philosophy is radically at odds with Aristotle's conception of the moral life. In Aristotle's view, virtue grows within, on account of and for the sake of a community. The moral life in general and the actualization of moral and intellectual virtues absolutely demand the presence of others. But the communal context of virtue renders it deeply vulnerable to luck. As we have said, the acquisition of virtue has much to do with the quality of care and education one receives and with the integrity or corruptness of the laws under which one lives. As we will see, cultural beliefs about gender, race and class also impact agents' ability to foster certain virtues. That complete self-actualization requires deep friendships between good people introduces three further vulnerabilities to the moral life: *first*, the vulnerability born of the need for friends who may fail to appear or may in time leave the community or pass away, *second*, the vulnerability that arises when we

share deeply in others' fortunes and misfortunes, joys and sorrows,[38] and *third*, the vulnerability born of trusting in friends who may prove false, or may in time become corrupt despite our efforts at mutual melioration.[39] In sum, the indispensability of relations of *philia* for the perfection of virtue unquestionably buttresses our claim that ethical life is, for Aristotle, deeply vulnerable to luck.

Needful Things: Virtue and Means

An Elitism of Exclusion: Some Feminist Remarks

Even the novice ethicist will be familiar with the charge that Aristotle's ethics is elitist— that it excludes in principle many or most would-be moral agents from serious ethical consideration and from the enjoyment of the best kind of life. Indeed, Aristotelian ethics applies to those identified as citizens of the political community, and "not all members of a community are citizens. Slaves are notably excluded, and so too are women" (McInry 1).[40] As Ralph McInry therefore rightly points out, "there seems to be an elitism of exclusion before the discussion even begins" (1). In addition to striking

[38] As Howard Curzer explains, "The quasi-virtue of friendship opens people up to much pain. An odd example is this: 'To see [our friends] pained at our misfortunes is painful' (1171b4–6) so when a person reveals his own misfortune (e.g., by announcing the funeral of a beloved relative) he 'cannot stand the pain that ensues for his friends' (1171b8)" (151).

[39] A possibility which Aristotle considers at some length, asking whether or not we should dissolve relations with friends who become dissipated or vicious. As we ought to love only what is good, we cannot persist in our love of the friend who has become corrupt. Although we ought to seek his amelioration, "when it is impossible to rescue someone who has changed, one withdraws from his" (1165b 22). When friends diverge sufficiently in their thinking or in their interests, the friendship also must be dissolved, yet former friends should remain kind to one another for the sake of the friendship that has been, providing the dissolution did not result from excessive vice (1165b 33-36).

[40] One's membership within a political community is as fragile, Aristotle holds, as it is necessary for the good life. Martha Nussbaum notes, "Among the cherished human goods, membership and good activity in a political community are outstandingly vulnerable to chance reversal," and this was especially so in ancient Greece during Aristotle's time (346). Steeped in political turmoil, the elite of Athens were aware of this vulnerability, as was Aristotle (himself an "outsider"); Nussbaum continues: "The tragedies on which Aristotle and his audience were raised, and on which he wishes to raise young citizens, focus on the themes of defeat in war, enslavement, the loss of political exercise and political freedom" (346).

modern readers as offensive, Aristotle's failure to inquire seriously into the potential for virtue of marginalized groups is surprisingly inconsistent with his own method. As Martha Nussbaum writes, "The Aristotelian method does not doggedly defend the status quo. It asks for imagination and responsiveness concerning all human alternatives" (371). That Aristotle, "this judicious fair-minded man," failed to apply his own method to the consideration of women in particular "shows us the tremendous power of sexual convention and sexual prejudice in shaping a view of the world" (Nussbaum 371).

There are a number of ways to address this apparent defect in Aristotle's ethics. We might, for example, mark Aristotle's exclusion of certain groups as an all-but-inevitable result of the particular historical context in which his philosophies arose, and might further suggest, with McInry, that "the undeniable restraints of Aristotle's historic setting may be overcome by suggesting that there is no intrinsic reason in what he teaches for such restrictions" (1).[41] There is in Aristotle's ethical writing strong evidence to support the latter view.[42] And although Aristotle did not extend his full ethical consideration to persons generally, holding for example that "women were incapable of the highest and best kind of friendship," we might further content ourselves, as Stern-Gillet does, "with the confidence that, had he lived today, Aristotle would most probably

[41] The social the status of women in ancient Greece was *appalling* by our own standards. That Aristotle's comments regarding women are not more disparaging is surprising to me, given Greek beliefs about women's inferiority which essentially reduced them to objects with greater or lesser use-value.

[42] Consider, for example, the following passage: "And any random person, or a slave, might enjoy bodily pleasures no less than the best person; but no one would grant a share of happiness to a slave, *if he does not even have a share in his life*. For happiness [consists] in activities in accord with virtue" (NE 1177a 6-10, *empahsis mine*). On my reading, Aristotle here implies that any person might share in virtue, were s/he allowed to engage in the activities that actualize it. In his discussion of the intertwining of virtue and happiness in Book 1, Aristotle writes: "It [the happiness resulting from virtue] admits of belonging to all those who are not incapacitated for virtue, by means of some sort of learning and taking pains" (NE 1099b18-20).

have revised his views on the nature of women," and by extension other excluded groups (9).

But even if we don't wish to worry overmuch about Aristotle's presumed elitism, for the purposes of the present investigation it would behoove us to address two related concerns. *First* it is consistent with Aristotle's ethics to note that gender and other accidental personal properties will and do impact whether and how virtue is actualized in agents' lives. *Second*, and here we reiterate a point touched upon above, the actualization of virtue requires states of affairs and material goods that will generally be more available to the socially and economically privileged. Both concerns speak to the interplay of virtue and luck.

Feminist ethicists have done much to highlight the ways in which discriminatory cultural practices and beliefs bar women and other oppressed groups from various kinds of ethical *praxis*, and/or render their virtuous acts invisible.[43] In *The Unnatural Lottery*, Claudia Card rightly notes that although most philosophical discussions of the intertwining of luck and ethics center on the lives of the privileged, "the more usual cases" of ethical misfortune "are lives with beginnings that are relatively disadvantaged along significant dimensions, such as having a socially disvalued gender, race, ethnicity, or class, or a socially stigmatized disability, illness, deformity or disorder" (3). Members of such groups are "oppressed" in the sense expressed by Marilyn Frye: reduced, molded, immobilized (Card 3). The ethical life is for Aristotle a life of being-at-work, a life of

[43] We would do well to mark, for example, the omission of childbirth from Aristotle's discussion of courage. Courage, which Aristotle broadly defines as the endurance of pain for the sake of the beautiful and the good, seems to me a virtue most appropriate for the experience of childbirth. For a rich discussion of this theme, see Kayley Varnallis's excellent essay, "Of Courage Born: Reflections on Childbirth and Manly Courage," in *Coming to Life: Philosophies of Pregnancy, Childbirth and Mothering*, ed. By Caroline R. Lundquist and Sarah LaChance Adams (Fordham University Press, 2013).

praxis, so where activity is stymied the ethical life is rendered anemic. In any society, such hierarchies as those associated with gender, race and class will inevitably impact the opportunities open to agents, and so impact whether or to what extent virtue is accessible to them, and/or the extent to which their virtues are recognized and appreciated as such. Let us see how these facts are consistent with Aristotle's ethical account.

As we have said, parenting plays a significant role in the inculcation of virtue in young people. We ought now to note that much of early training in virtue has little to do with the young agent's intellect— which is at the outset too immature to be of much service— and much more to do with the habits which parental figures insist upon. Parenting, we might say, is thus a highly coercive activity, but this must be so. The toddler is incapable of understanding most dangers and mores, and so must be forced to act in certain ways despite her affective drives; as Aristotle writes, "Education through habits must come earlier than education through reason" (Politics 1338b4–5). We should note that although *praxis* is key, *logos* also tends to accompany early parental guidance: children are told— in increasingly sophisticated ways as they mature— why some behaviors are permissible and others not. In time, as proper habits are ingrained, children learn to listen properly to *logos* and to make connections between behaviors and justifications— between the "whats" and the "whys" of virtue.

That this initial training for virtue is highly effective is a double-edged sword; children may, for example, become accustomed to a decidedly narrow range of activities depending upon the habits their caretakers deem appropriate for them.[44] In ancient Greece, young girls, for whom the life of the soldier, politician and scholar were cut off

[44] Just as they may become accustomed to vicious or dissipated behavior, if their caretakers foster the accompanying habits in them.

as possibilities, might be barred in childhood from fostering the habits that could later blossom into the moral virtues deemed appropriate to those activities. Where courage, for example, involves the endurance of pain, girls might be barred from engaging in potentially painful activities, while their male counterparts might be actively encouraged or even forced to do so to.[45] Similarly, a child born into slavery or into the working would not only be denied a civic education but would also in all likelihood be discouraged from the sort of reflection that fosters theoretical wisdom.[46]

Early guidance that is too restrictive may rob youths of the initial fecundity that genuine moral virtue requires such that it will be difficult if not impossible for them to actualize certain virtues as they mature. This is even more the case if the habituation in question continues when children mature enough to enjoy a degree of freedom. Aristotle makes it clear that once children have become accustomed to acting in appropriate ways, they must be "let loose," so to speak, to discover virtue and vice for themselves. As Myles Burnyeat points out, it is not sufficient that one be shown how to act nor told that so acting is good, but one must also act independently "so that by doing the things that you are told are noble and just you will discover that what you have been told is true"

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[45] The Aristotelian virtue of courage seems a likely candidate for a feminist critique. *Andreia* literally means "manliness," and was in the ancient world associated with characteristically male activities including and especially war. As Linda Hirshman writes, "tempting as it is to translate classical concepts of military virtue into things like courage in the face of disease or the loss of status, Aristotle quite clearly directs our attention to the concerns of the classical order" (Freeland 215). The paradigm of courage, Aristotle contends, is that exercised in defense of the *polis* (NE 1115a 30-35); the agent who is unafraid to die in war is so on account of the beautiful, namely, the desire to maintain the *polis*. It is perhaps unsurprising that Aristotle sometimes identifies citizenship with the ability to take up heavy arms (Freeland 216).

[46] Aristotle is aware that even in the best societies many may be barred from public education. As Nussbaum remarks, "because of economic necessity there will always be those who, living the life of manual laborers, will be debarred by the exigencies of their daily work from having the education requisite for human excellence" (347). Indeed, in the *Politics* Aristotle writes, "for no man can practice virtue who is living the life of a mechanic or laborer" (1278a 20).

(Burnyeat 73).[47] Young people must be allowed the freedom to act of their own volition even or especially if such freedom entails ethical risk. Ethical "failure," understood as "missing the mark," is for Aristotle a key component of the development of moral virtue. Just as we must experience the feelings of hunger and of over fullness before we can identify and appreciate the feeling of satiety, so too must we experience the deficient and excessive conditions related to a moral virtue before we can appreciate how it feels to strike upon the mean. This is especially so inasmuch as the mean is no objective point but is always relative to the individual. Youths absolutely must be permitted the freedom to take risks, and to fail.[48] In societies in which children's degree of freedom correlates with their gender, race, social standing or economic position, disparities in the development of virtue will in all likelihood arise between various groups.[49]

Parents who bar their children from engaging in the activities which pave the way for various virtues, and/or deny them the freedom to act independently as they mature, effectively reduce their children's capacity for virtue. This fact is relevant to our inquiry for two reasons: *first*, as a buttress to the previously-made claim that parenting has a

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[47] This developmental stage is key since young people must learn to recognize and appreciate the good feelings that accompany virtue and the shameful feelings that accompany vice before they can learn to govern their actions properly (more precisely, before they can integrate the thinking and appetitive parts of the soul via *phronesis*, which is for Aristotle a key component of self-actualization). Those who are prevented from taking ethical risks are likely to suffer from dissipation later in life since they will "know" what is right (having acted in analogous ways and having heard parental declaration to that effect), but will not "know" in the governing sense, never having brought their appetites under the *aegis* of their intellect. (For a rich analysis of this claim see Cruzer, especially p. 147)

[48] Aristotle's position makes manifest the paradoxical nature of two fabled inscriptions carved into the temple at Delphi, which read "know thyself," and "nothing in excess." The self-knowledge that grows alongside moral virtue entails the identification of mean conditions which are almost necessarily made manifest through (repeated) transgression.

[49] Oddly, one possible exception is the virtue of slaves, which Aristotle discusses in Book 1 of the *Politics*. Although he claims that the slave will require "only so much virtue as will prevent him from failing in his duty," Aristotle also claims that masters should educate slaves in virtue, rather than merely issuing commands, as the virtue of the slave stems from and is a reflection of that of his master. Here he likens the practice of mastering slaves to the rearing of children (1260b 5-10).

profound impact of the emergence of moral virtue, and *second*, as evidence of how cultural norms are reified in and through the parental inculcation of virtue in children. Let us dwell for a moment on the latter.

Because parenting practices unfold within a society and often reflect dominant social values and mores, systemic misogynist or bigoted beliefs will tend to find expression in the way parents rear their children, including in the activities which children are permitted to engage in, and the degree of personal freedom they enjoy as they mature. Young girls may be encouraged to occupy themselves with self-beautification, domestic tasks, and pleasant if banal conversation, while boys may be encouraged to play ay war, to engage in athletic activities, and to devote adequate time to their studies. The degree of freedom permitted to children as they mature will tend to reflect dominant beliefs about the fragility or strength, independence or dependence of various groups.[50] In both ways, through parenting children will be gradually molded to fit the norms of their society. Unfortunately, such molding serves to reify dominant cultural beliefs, such as the conviction that women are fragile and intellectually inferior to men. Since virtues are for Aristotle related to the ends of particular types of beings, where sufficient differences are identified between various groups of people, there will emerge disparate ways of living well. Since differences tend to be organized in terms of valuative schemes, societies will often develop hierarchies of virtue in which, for example,

[50] That this is so in our own culture was made beautifully clear in Iris Marion Young's superlative essay, "Throwing Like a Girl" (*On Female Body Experience: "Throwing Like a Girl" and Other Essays.* Oxford: Oxford University Press, 2005). Young shows just how radically constraining social norms are on girls by highlighting their manifestation in girls' movement. Card summarizes: "contemporary middle-class and even working-class ideals of femininity in the United States […] reduce female development and mold it as they constrain female motility" (5).

“feminine” virtues are less esteemed than “masculine” ones.[51] In such societies, even if members of a disvalued class manage to succeed morally, their success will remain qualified, paling in comparison to that of their purported superiors.[52]

In our time as in Aristotle’s, gender and other accidental personal properties impact whether and how virtue is actualized in agents’ lives. So, too, do such properties (or more precisely the valuative schemes through which they are interpreted) impact whether or not virtue is recognized as such. Consider the woman who, in a society which devalues physical strength in women and associates courage with war and death, endures childbirth courageously. On the face of it, it is quite consistent with Aristotle’s account of *andreia* to recognize the endurance of pain for the sake of birthing a new citizen as an instantiation of courage, but myriad cultural beliefs may bar it from being recognized as such.[53] The agent who possesses, whether by nature or as a result of *praxis*, qualities that are deemed inappropriate to her “kind,” may even suffer ignominy, and this as is true of virtue as it is of other types of qualities.[54] Moral success requires a cultural setting that agents cannot possibly create for themselves; it is largely a matter of luck whether or not children will be given the opportunities to acquire various virtues, and a matter of chance

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[51] This theme will be explored in some length in Chapter VI, when we turn to Kant’s gendered division of virtue.

[52] An ethical “double-bind,” to use Frye’s term. No matter what women do in a society that disvalues the feminine, it will be less “good” than what a man may do. “This situation,” as Card notes, “systematically undermines the development of self-respect” (5).

[53] In the case of childbirth this is especially so in cultures that equate women and women’s bodies with vice, evil or sin; as Kayley Varnallis writes, “Christianity, particularly Genesis 3:16, presents a significant impediment to recognizing pregnancy and childbirth as experiences that can occasion pps [manly] courage. Genesis 3:16 expresses God’s explicit command that women should “bear children in sorrow.” Saint Augustine argues that suffering in childbirth is a punishment for Eve’s sexual sin […] If suffering in childbirth is God’s punishment for sexual lust, then childbirth cannot be courageous: in general, one can't heroically triumph over conditions one truly deserves.” (51)

[54] It is not difficult to cite examples in our own culture: women who are highly assertive are often deemed aggressive, men who are soft-spoken or highly compassionate are disparaged as weak, and so on.

whether or not those virtues that arise contra social norms will be recognized, much less appreciated.

Time for *Praxis*: Virtue and Opportunity

Because moral virtue arises in and through *praxis*, agents must have adequate opportunities to engage in the activities associated with virtue before they can become virtuous. Because agents must also continue to act virtuously if they are to remain virtuous in a rich sense, such opportunities must persist over the course of a lifetime. We noted above that membership in certain groups may exclude one from various types of ethical *praxis*, and so from the acquisition of virtues deemed inappropriate to that group. There are, we may now add, a number of other cases in which one might be denied ethically significant *praxical* opportunities. As Martha Nussbaum notes, because in Aristotle's view "an average life is hedged round by dangers of impediment," unconstrained activity "begins to look like the rare or lucky item" (328). As we will see, agents must enjoy a considerable degree of good fortune if they are to be supplied with sufficient opportunities to maintain virtue over a lifetime.

In extreme cases, ethically significant activity may be blocked completely. Because Aristotle maintains that virtue is a stable active condition (*hexis*), we might assume that virtuous agents would maintain their virtues despite the inability to act. However, as noted above, where virtue is concerned "the highest good" consists in *use*, not in possession (in actualization, not in potency). Goodness of character, like athletic conditioning, it "a kind of preparation for the activity; it finds it natural fulfillment and flourishing in activity" (Nussbaum 324). Just as "with those at the Olympic games, it is not the strongest or the most beautiful who are crowned, but those who compete," so too

with those who are "beautiful and good," only those who act rightly who are properly said to be accomplished in virtue (NE 1099a 5).[55] As Nussbaum writes,

> [T]he endowment and condition are not sufficient for praise: the person has to do something […] our ethical assessments are based on actual effort and activity, as well as on the stable character that is the cause of the activity. Character alone is not sufficient. (324)

To see why this claim is plausible, we might consider the extreme case of a virtuous adult who falls into a prolonged coma. It would sound odd, even to our modern ear, to say of such a person, "she is (being) so brave." It would be more appropriate to refer to her known qualities of character in the past tense: "she was always so brave." Those who would insulate the moral life from luck by locating its source in stable character, rather than activity, might say of such a person that she is still as morally good as she was, since her character has not been expunged.[56] On Aristotle's view, this view makes little sense; just as we would not call happy the person who sleeps through life (NE 1096a 1-2), "we are not going to be able to praise and congratulate this hopelessly inactive adult" (Nussbaum 323).

Impediments to ethical *praxis* may originate with the agent herself. Severe or prolonged illness, serious injury and psychological trauma may comprise insurmountable barriers to a broad range of activities. Those *praxes* which require *kinesis*, for example, are especially vulnerable to changes in agents' health and motility. We might object to the claim that the maimed soldier, no longer capable of bearing arms, is barred from the

[55] The phrase "beautiful and good," as Sachs notes, is often run together as one word, and is the term by which the aristocracy of Athens referred to itself (13, *n.* 18).

[56] This view, which Nussbaum terms "good-condition theory," is quite consistent with Kant's ethics, as we will see.

praxis through which courage is actualized, but this view is quite consistent with Aristotle's understanding of courage. We might be further offended by the suggestion that extreme ugliness could prevent an agent from actualizing her ethical potential, but in Aristotle's view extremely unattractive people are unable to engage in moral friendship, and are thus barred from the complete acquisition of virtue (or actualization of self).[57]

The loss of loved ones presents a special kind of impediment to virtuous *praxis*. Grief is an extraordinarily disruptive force, throwing a wrench into the works of one's daily life. Even if the emotional toll of grief were not sufficient to dampen agents' ethical *praxis* (and we must admit that it often is), the loss of loved ones represents, says Aristotle, the loss of indispensible means for virtue. As we noted in the case of generosity, loved ones are the recipients or objects of virtuous activity; those who have become isolated through loss suffer a tragic privation of means for moral virtue. Friendship, which as we have noted is constituted in no small part by shared activity, loses much of its ethical force when the loss of a friend relegates it to the realm of mere memory.[58] That relations of *philia*, which Aristotle so highly prizes, are by virtue of mortality deeply vulnerable to loss, is an especially tragic aspect of the moral life.

Paradoxically, many of the situations which provide opportunities for virtuous *praxis* are themselves intrinsically undesirable. Courage, for example, is actualized most fully in war, for its paradigmatic expression involves agents' willingness to die for the sake of the *polis*. Although certain types of *praxis* may prepare a soldier to act

[57] See Nussbaum, p. 328.

[58] Necessary absences, says Aristotle "dissolve not the love [between friends] but its activity" (Nussbaum 360, citing NE 1157b10-11). But as Nussbaum remarks, "This impediment to valued activity may already impede eudaimonia" (360). Where the friend's absence is permanent, even the memory of that love may fade with time: "if the absence is of long duration," Aristotle writes, "it appears to bring about forgetfulness of the love itself" (Nussbaum 360, citing NE 1157b10-11).

courageously in war, just as breathing exercises may prepare a woman to give birth, there is no substitute for the experience itself.[59] The virtue of gentleness, which is characterized by reacting to wrongs with the appropriate measure of anger, and by properly directing and expressing that anger, arises in situations in which some measure of anger is called for. Righteous indignation, the mean condition between the extremes of "joy at the misfortunes of others" and "envy," requires that others benefit undeservedly, since "the person inclined toward righteous indignation is pained at those who fare well without deserving it" (1108b 1-7).[60] In each of these cases some intrinsically undesirable state of affairs opens up an opportunity for ethical *praxis*.[61] It is commonly acknowledged that frustrating or extreme situations have a way of "revealing" moral character. From the Aristotelian perspective, it would be more accurate to say that such situations have a way of completing or perfecting moral character, since virtue is actualized in activity and such situations generally compel agents to act.[62] The "luck" comprised by opportunities for ethical *praxis* may therefore be of a mixed kind. It is only with an appreciation for the paradoxical that we ought to call such luck "good."

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[59] In his classic essay, "Aristotle on Learning to be Good" (in A.O. Rorty, ed., *Essays on Aristotle's Ethics*. Berkeley: University of California Press, 1980. 69-92), Myles Burnyeat maintains that analogous activities prepare agents for genuinely virtuous activity. Cruzer objects to this claim: "A defender of Burnyeat might maintain that […] previously performed courageous and temperate acts prepare us to resist warriors and seducers.
Yet what is like war and seduction? Is Burnyeat 's defender maintaining that habitually resisting pressure in committee meetings and declining hot fudge sundaes disposes us to want to stand fast when we find ourselves in our first battle and run fast from our first seduction? This seems implausible" (Cruzer 147).

[60]Righteous indignation is the *quasi*-virtue which disposes one toward justice; the former has more to do with natural feelings than with an actively inculcated *hexis*.

[61] To state it more strongly, we might say that the actualization of these virtues requires that agents find themselves in intrinsically undesirable situations.

[62] Or at least to *feel*, and this, too, is morally significant. On Aristotle's view, how we feel reveals what we value such that the righteously indignant person, in experiencing and expressing her indignation, is revealed to be someone who values justice.

As we have said, an agent's life is properly deemed *eudaimonic* only if her happiness persists over the course of her life, and if she dies well. So too is an agent virtuous only to the extent that she persists in virtuous activity throughout her life, for "one swallow does not make a Spring" (NE 1098a 19). Agents who are so blessed in youth and adulthood as to enjoy a multitude of opportunities for ethical *praxis*, who through proper training at the hands of virtuous teachers and their own active cultivation of character come to possess stable virtue as adults, remain ethically vulnerable to luck. It is a bitter truth that the very means and conditions which enable virtue also render character fragile. Friendship requires trust, and friends who appeared to be worthy of trust may prove false. Lovers may prove unfaithful, and those closest to us may die. Courage requires a beautiful and good end, and many an end that appeared just has a different aspect in hindsight. Acts we count among our most generous may turn out to benefit the undeserving. In all of these cases, ethical *praxis* paves the way for bitter regret, resentment of others, and a generally cynical attitude. In a decidedly unsettling passage in the *Rhetoric*, Aristotle remarks upon the toll of a lifetime of activity on the elderly:

> They have lived many years, they have often been taken in, and often made mistakes; and life on the whole is a bad business. The result is that they are sure about nothing and *under-do* everything. They 'think,' but they never 'know;' and because of their hesitation they always add a 'possibly' or a 'perhaps,' putting everything in this way and nothing positively. They are cynical; that is, they tend to put the worst construction on everything. Further, their experience makes them distasteful and

therefore suspicious of evil. Consequently they neither love warmly nor hate bitterly, but following the hint of Bias they love as though they will some day hate and hate as though they will some day love. They are small-minded, because they have been humbled by life: their desires are set upon nothing more exalted or unusual than what will help to keep them alive. They are not generous, because money is one of the things they must have, and at the same time their experience has taught them how hard it is to get and how easy to lose. They are cowardly, and are always anticipating danger; unlike that of the young, who are warm-blooded, their temperament is chilly, old age has paved the way for cowardice; fear is, in fact, a form of chill. They love life; and all the more when their last day has come, because the object of all desire is something we have not got, and also because we desire most strongly that which we need most urgently. They are too fond of themselves; that is one form that small-mindedness takes. Because of this, they guide their lives too much by considerations of what is useful and too little by what is noble— for the useful is what is good for oneself, and the noble what is good absolutely. They are not shy, but shameless rather; caring less for what is noble than for what is useful, they feel contempt for what people may think of them. They lack confidence in the future; partly through experience— for most things go wrong, or anyhow turn out worse than one expects (1389b 11-1390a 5).

Aristotle's account of the character of the elderly is quite disturbing, infecting as it appears to the moral life with a tragic taint. The very youthful activities through which virtue is actualized plant in agents the seeds of moral corruption: the young person, who due to her readiness to trust is easily duped, grows distrustful over time; the youth whose hopeful disposition buttresses her confidence takes grand risks, and when failure follows she loses hope and grows fearful; the young person whose friendships are for the sake of the noble is often disappointed when friends turn out to be morally inferior, and in old age is suspicious of others and relies on friendships of mere use alone.[63] In sum, the activities which we would be inclined to count among virtuous *praxes*— trusting readily, giving generously, speaking confidently, loving fiercely, and acting boldly— may in retrospect be counted among so many 'errors' of youth.[64] But such ethical "failures" in youth are not simply the result of ethical *praxis*; they have much to do with how our projects and relationships actually turn out. These outcomes, in turn, have much to do with luck. We can certainly imagine that two agents, having spent their adulthoods engaging in the same types of *praxis* but with radically more and less fortunate results, might grow over time into people with radically different characters. There is every reason to believe that the sustained virtue which Aristotle values most, and which he counts among the necessary components of a *eudaimonic* life, requires that agents be

[63] For Aristotle's account of the character of the young, from which these claims are drawn, see *Rhetoric*, 1389a 3-1389b 11.

[64] There is, says Aristotle, something "excessive" about the mean condition; this is especially obvious in his discussion of generosity: "But it is most definitely characteristic of a generous person to go to excess in the giving" (NE 1120b 9).

blessed both with adequate opportunities for the exercise of virtue, and that their virtuous undertakings turn out somewhat well.[65]

Needful "Things": External Goods and Virtue

Aristotle is most reluctant to construe other people as mere means, or beings whose value lies in their usefulness. One sign of this is his portrayal of friendships of mere usefulness as *quasi*-friendships, or relationships which lack the characteristics that render moral friendship truly noble (see NE 1157a 15-1157b5). Nonetheless, Aristotle counts friendships among external goods.[66] That such relationships are for Aristotle key means to ethical *praxis* should be clear from what has been said above. We should here note that friendship is necessary to the good life in two distinct but related ways: *first*, intrinsically, as a key component of a happy life, and *second*, as an instrumental means to the actualization of one's moral and intellectual virtue, indeed of one's very selfhood. These claims are related, inasmuch as virtue and *eudaimonia* are related; we need friends in order to be happy, *and* we need friends in order to become and remain good (and we need to become and remain good in order to be happy). The same relationship, Aristotle maintains, holds true for other external goods: our happiness requires a sufficient stock external goods generally, *and* our goodness requires a sufficient stock of external goods (and our happiness requires that we become and remain good).

Before concluding our examination of the means which enable the actualization of virtue, we ought to say a word about material means, and in particular, about the role of wealth as an instrumental means to virtue. Aristotle counts civic education, political

[65] Or at least that such undertakings do not consistently turn out so badly as to mar their ethical disposition
[66] *Philoi* are, says Aristotle, "the greatest of the external goods" (NE 1169b10).

activity and shared philosophical dialogue among the boons to a virtuous and happy life.[67] As a rule, the wealthy and privileged enjoy greater access to all three; this was certainly so in ancient Athens, and seems to be the case our own time and place as well. To note these facts is to revisit the suspicion that Aristotle's ethics appears to exclude all but the privileged from the best kind of life. To whatever extent we share Aristotle's vision of the good life (and perhaps even if we do not), we must admit that externals such as personal wealth and social position have much to do with agents' ability to flourish. Despite his presumed elitism, Aristotle is not unaware of the latter fact. Unlike the Stoic who maintains that 'the sage is immune to misfortune,' Aristotle would surely appreciate that it is largely as a result of luck that one is able to *become* and persist as a sage. For he holds, as we may recall, that the best kind of life stands in need of external goods. One must be fortunate indeed to receive an excellent education, attain a political office or commence a philosophical life, and even those types of life which are most self-sufficient—that of the politician and, to a greater degree, that of the philosopher—require sustenance.

Certain of the moral virtues seem especially in need of external goods, and these include generosity, magnificence and greatness of soul. Aristotle discusses them in succession in Book IV of the *Nicomachean Ethics*, and not by coincidence: each exceeds the former in some way. Generosity is "the mean condition which concerns money," and for the most part the giving of money (NE 1119b 20). It stands as a mean condition between the deficiency of stinginess and the excess of wastefulness. As with certain other virtues, the mean condition of generosity itself has the appearance of excessiveness, for:

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[67] Nussbaum offers a useful analysis of why, on Aristotle's view, virtuous life requires public or civic education, as opposed to proper parenting alone; see pp. 345-346.

"it is most definitely characteristic of a generous person to go to excess in the giving" (1120b 6-7). Generosity is oddly self-diminishing; since the generous agent is more concerned with sharing wealth than with procuring it, this virtue tends to be its own self-undoing. This is true whether the agent has only moderate means or great wealth initially (NE 1120b 8-12). The agent who is most assured of continuing income is most able to practice generosity on an ongoing basis. We might be tempted to secure the virtue of generosity from the caprices of fortune by extending it to other kinds of behavior, and indeed we often speak of those who volunteer as generous with their time, or those who willingly share their admiration as generous with their praise, but for Aristotle the province of generosity is confined to agents' behavior with money.

Magnificence is closely related to generosity, but surpasses the latter in magnitude. "[I]t does not extend," writes Aristotle, "as generosity does, to all actions involving money but only concerns lavish expenditures," such as those associated with public festivals, military campaigns or diplomatic endeavors (NE 1122a 18-19). Thus "a magnificent person is generous, but it does not follow that a generous person is magnificent" (NE 1122a 29-30). The deficiency of magnificence is chintziness, which entails spending as little money as is required and doing so with pain, and the excess is vulgarity, which involves spending more than the occasion requires or generally making "a big display that is out of tune" (NE 1123a 20-21).[68] Magnificence involves public activity or work, and the excellence of such work lies "in its grandeur" (NE 1122b 18). Thus only sufficiently grand people are capable of magnificence. When the poor, or those who lack sufficient property or family connections, attempt magnificence, they merely

[68] For example, "by bringing food fit for a wedding to a pot-luck dinner, or, when fitting a chorus of comic actors, bringing them onstage in the opening scene in royal purple" (NE 1123a 22-23).

reveal their own foolishness (NE 1122b 27). Magnificence is an unequivocally elite virtue; Aristotle writes: "But magnificence is appropriate to those who have such means, either on their own or from their ancestors or those with whom they are connected, as well as those who are well born or well thought of or anything of that sort, since all these things include greatness and worth" (NE 1122b 30-35).

Greatness of soul (*megalopsychia*) is a special kind of virtue, being one of four states of character which require the co-presence of all of the moral virtues.[69] "It is necessary," Aristotle writes, "for one who is great-souled in the true sense to be good, and what is great in each virtue would seem to belong to someone who is great-souled" (NE 1123b 30-31). The great-souled person "is one who considers himself worthy of great things, and is worthy of them," by virtue of being "the best human being" (NE 1123b 3-4; 1123b 28). The external good which the great-souled person most seems to deserve is honor, and specifically that kind of honor bestowed upon those who perform "the most beautiful deeds;" thus "the great-souled person is concerned with honors and acts of dishonor in the way one ought to be" (NE 1123b 21-22).[70] The great-souled person stands in need of external goods, but so stands with a degree of detachment: "he will surely hold himself moderately toward wealth and power and every sort of good

[69] The others being *phronesis* 1144b 30-1145a 2), justice (1129b 25-27) and moral friendship (1157a 18-19, 29-31).

[70] Honor (*timê*) involves both the high esteem of others and the bestowing of prizes, including awards and political offices. Sachs draws a useful distinction between honor and what we tend to call self-respect, noting that in Aristotle's ethics "the sense of one's own worth, when this is both accurate and considerable, is called greatness of soul" (207). One characteristic of the great-souled person is that he is not overly-concerned with seeking honor, since others are generally of a lower moral caliber than himself, and their esteem is worth less than his own high opinion of himself.

fortune and bad fortune" (NE 1124a 16-17).[71] But greatness of soul, like all virtue, stands in need of a considerable degree of good fortune; the life of the great-souled person, self-sustaining though it may be once established, is aided by fortune, since:

> [T]he things that come from good fortune also seem to contribute toward greatness of soul, for those who are well-born consider themselves worthy of honor, as do those who are powerful or rich, since they are in a superior position, and everything that is superior in respect to something good is held in higher honor. (NE 1124a 22-25)

High birth and wealth not only ease the way for the acquisition of moral virtue generally but also inspire in agents an initial sense of self-worth which is perfected through virtue. Greatness of soul and good fortune stand, then, in a reciprocal relation of need: good fortune needs virtue if it is to be carried of harmoniously (1124a 29-30), and virtue needs good fortune for its fulfillment and sustenance.[72]

<u>Constrained Choice: Human Activity and the Tragic</u>

Thus far we have examined two ways in which *tychē* emerges as a challenge to the acquisition and sustenance of virtue in Aristotle's ethics, the first related to social context and the second related to *praxical* opportunities and external goods. We may now turn to the problem posed by *tychē* which, as we will see in Chapter III, is most easily conceptualized as an instantiation of moral luck. This third challenge is born of the fact that many ethically significant choices are framed by considerable external constraints.

[71] As Aristotle suggests in the *Posterior Analytics*, greatness of soul may belong to people of low birth or little fortune who, like Socrates, "do not care about good or bad fortune" (97b 14-26; Sachs 205).

[72] Which is clear from Aristotle's descriptions of the great-souled person's activity, which involves the performance of great deeds and the liberal doing of favors, both of which require the aid of external goods (see NE 1099a 30). What is true of generosity, magnificence and greatness of soul is in essence true of virtue more generally: fortune and virtue stand in a relation of mutual need.

Even the most virtuous agent may, through no fault of her own, be thrust into situations in which she must perform intrinsically regrettable or blameworthy actions. Such actions may, despite their being easily construed as forgivable by those who witness them, irreparably harm the psyche of the agent who performs them.

In Book Three of the *Nicomachean Ethics* Aristotle examines the conditions of voluntariness at some length. He begins by remarking that "virtue is concerned with feelings and actions, and praise and blame come about for willing actions, but for unwilling actions there is forgiveness and sometimes even pity" (NE 1109b 34-35). Thus, he argues, "it is no doubt a necessary thing for those who inquire about virtue to distinguish what is a willing act and what is an unwilling act, and it is a useful thing for lawmakers as well, with a view to honors and punishments" (NE 1109b 33-35). As Susan Meyer notes, Aristotle appears to be here attempting to make explicit the connection between voluntariness and moral responsibility (40-41). He immediately identifies as willing those actions which have their origin (*archē kinēsēos*) in the agent and *un*willing those acts which originate outside of the agent:

> Now it seems that unwilling acts are those that happen by force […] a forced act being one of which the source is external, and an act is of this sort in which the person acting, or being acted upon, contributes nothing, for instance if a wind carries one off somewhere, or people do who are in control (NE 1110a 1-4).

But this basic claim rightly gives rise to a dispute, since many actions are of a mixed kind, having their (*kinetic*) origin in the agent, but coming about on account of external constraints. Such is the case, Aristotle notes, when one throws goods overboard during a

storm, for "no one simply throws them away willingly, but all those who have any sense do so for their own safety and that of the rest of the people aboard" (NE 1110a 9-11). External constraints may include coercion; Aristotle considers a scenario in which a tyrant is in control of one's parents and children, and asks one to do something shameful, "and in the case of one's doing it they would be saved but as a result of not doing it they would be killed" (NE 1110a 7-9). In both cases, says Aristotle, the actions are mixed, "but they are more like willing acts, since at the time when they are done they are preferred" (1110a 13).

The abandonment of goods during a storm for the sake of preserving human lives seems at worst a forgivable act. So, too, would an agent in all likelihood be forgiven for doing any number of shameful things for the sake of protecting her family. Indeed, Aristotle notes that "Sometimes people are even praised for actions of this sort," though they are "willing" only in a qualified sense, being intrinsically unchoiceworthy (NE 1110a 19-20). But it is exceedingly difficult, Aristotle confesses, to know which actions ought to be done and for the sake of what ends where choice is severely constrained. Some things done "for fear of greater evils," or "for the sake of something beautiful" may be forgivable,[73] some met with pity and some praised, but the appropriateness of these judgments has everything to do with the particulars of the situation.[74]

Moral assessments designating praise, blame, pity or forgiveness arise via analyses of how and why an agent acted in a given situation. Such assessments generally

[73] Forgiveness (*sun-gnomê*) is, as Sachs writes, "a judgment made by putting oneself in another's place in imagination, that the other person's action was wrong, but only for reasons no human being could be expected to overcome" (37). I return to the topic of forgiveness in Chapter VI.

[74] Aristotle writes, "But it is not easy to give an account of what sort of things one ought to choose in return for what sort of ends, since there are many differences among the particular ends" (NE 1110b 7-9).

come from outside the agent herself.[75] But that a particular action is deemed forgivable by others does little to address the true problem of luck as it relates to constrained choice, since often the real damage from such actions is not to one's reputation or status vis-à-vis the law, but instead to one's psyche. This claim, though not explicitly acknowledged in the *Nicomachean Ethics*, is quite consistent with Aristotle's conception of virtue. Virtue is concerned with both actions and with feelings, and one sign of an agent's virtuous condition is the way she feels about her own actions, and more specifically, whether or not she feels remorse for her unwilling actions. In both the case of the seafarer and that of the victim of coercion, the agent would in all likelihood have somewhat mixed feelings about her action, and indeed, she *should*. Since those who act unwillingly "act with pain" and experience remorse, it stands to reason that mixed actions will and should produce mixed feelings in agents who reflect upon their actions after the fact; an agent who does something intrinsically wrong for the sake of some greater good would rightly be called callous, or worse, were she to feel no remorse whatsoever (NE 1110b 4).

Feeling remorse is an incredibly important ethical experience. It has a way of making agents mindful of what they should value— as it might for a youth who is just beginning to recognize the good— or of keeping them mindful of the same when they go astray. But where no such reminder is required, as in the case of one who does something intrinsically unchoiceworthy for the sake a greater good, remorse seems both natural and utterly useless. Indeed, we can imagine how remorse might be so damaging to an agent as

[75] One peculiarity of the extant literature on moral luck is that it tends to assume that some other agent is being assessed. The conflict which seems most to characterize moral luck is, in my opinion, a conflict between rational judgments about responsibility and feelings that arise via the existing values of the person passing judgment. This conflict is easier to appreciate when we reflect upon our moral assessments of our own actions: to feel remorse for actions that we were at best ambiguously responsible for is a rather common human experience. Aristotle's account of the tragic emotion of pity comes close to capturing why this is so; we pity tragic characters who suffer remorse despite having acted under extreme duress, but we understand why they feel remorse, and may even praise them for doing so.

to ethically incapacitate her, even to leave her suicidal.[76] If it is true that remorse does and should sometimes follow unwilling or mixed actions, as we have said, then moral agency leaves us vulnerable to an unsettlingly tragic experience: we may suffer and suffer deeply for actions which we are at best ambiguously responsible for.[77]

Ethical Life and Human Vulnerability

Aristotle is as desirous as many modern philosophers to secure what is finest about human selfhood from the slings and arrows of fortune. Thus the *Nicomachean Ethics* carves a painstaking path to the life of philosophical reflection, a life which is as self-sufficient as any human life can be. But as we have seen, whether or how far an agent may proceed along that path is largely beyond her control, and even the life of the philosopher stands in need of external goods. Within the Aristotelian ethical account, which is decidedly persuasive, luck is an inescapable facet of human experience. If luck is, as we have said, that which befalls an agent as opposed to what she makes or does, then luck is entangled with the whole of human activity, which always arises within a particular social and material context. Human life is intrinsically tragic not only because bad luck may impede moral development or destroy the happiness of even the most virtuous agents, but also and especially because those things which are most worthy of choice— including and especially relations of *philia*— are also the most vulnerable to loss. What is striking about Aristotle's vision is that it doesn't entail the abandonment of

[76] I will return to the experience of remorse at some length in Chapter III, where I will maintain that we should feel remorse even for actions which we are not wholly responsible for, because it is generally consistent with our values to do so. But living in such a vulnerable state, I will suggest, is too great a psychological burden for any agent to endure alone, and gives rise to the need for human kindness and compassion.

[77] Not only does this conclusion appear to follow from an analysis of Aristotle's conceptions of remorse and voluntariness, but it is also reflected in his analyses of the tragic in the *Poetics*, which we will examine in Chapter V.

deep personal attachments for the sake of preserving some adamantine moral core, as Stoicism appears to. Instead, Aristotle calls upon us to value those relations which render us vulnerable above all else, since it is in and through our relationships that we celebrate what is best about human life, and actualize what is most divine in ourselves.[78] The moral life is one of risk and vulnerability, and as such requires profound courage and a willingness to trust in others. Success, construed as *eudaimonia*, is a rare thing indeed, yet its pursuit feels to us at least as necessary as its realization seems impossible.

[78] Unlike the Stoics, who spurn political attachments, Aristotle also calls us to attend to the political; though the life of the politician may be second to that of the philosopher, it is a life dedicated to the widespread proliferation of virtue, and is thus both noble and necessary.

CHAPTER III

THE PROBLEM OF MORAL LUCK

"[W]hile there are various respects in which the natural objects of moral assessment are out of our control or influenced by what is out of our control, we cannot reflect on these facts without losing our grip on the judgments."
-Thomas Nagel

Introduction

As we observed in Chapter II, in Aristotle's view human flourishing is tethered to a vast array of circumstances beyond agents' control. The way of life which is most self-sufficient— that of the philosopher— arises within a context that agents cannot create, and stands in need of externals which include excellent friends and a sufficient stock of material goods. Virtue is not, for Aristotle, sufficient for *eudaimonia*, and even if it were, virtue itself is actualized only in the presence of certain *praxical* opportunities and with the help of external goods. It is perhaps for this reason that Aristotle says so little about the relationship between human excellence and personal responsibility. Were he to hold agents strictly accountable for their moral characters, or to emphasize the ethical significance of particular acts over that of stable character, Aristotle's ethical philosophy would incubate the problem of moral luck in much the same way that Kantian moral philosophy does.[1] Yet Aristotle's engagement with the phenomenon of luck is complex and multifaceted. Perhaps the problem of moral luck which confronts Kantian philosophy may also challenge particular aspects of Aristotle's ethical vision in subtle ways. We will

[1] Aristotle discusses the conditions of voluntariness at some length in Book III of the *Nicomachean Ethics*, but does so primarily in relation to particular acts. There is only one moment in the *Ethics* in which he attaches responsibility to character, and this attachment is later problematized via his account of how character arises. Even in relation to particular acts, Aristotle is very much aware of what we might call ambiguous responsibility. I will address these claims more fully below.

explore this possibility below, once we have a clearer grasp of how the problem of moral luck arises, and what challenges it poses to moral philosophy and to ethical life.

Williams, Nagel and the Origin of the Problem of Moral Luck

Any student of both Aristotelian and Kantian moral philosophy might be tempted to diagnose the latter as suffering from a pathological denial of the problem of luck. But this view is too simplistic. Indeed, a profound awareness of the power of luck to influence human life seems to be the driving force behind historical attempts at preserving morality. Kant's practical philosophy might best be placed within the ethical tradition which sprung from Stoicism and makes its chief project the insulation of the moral life from the caprices of fortune. This project, we must confess, has been decidedly successful; that morality is insulated from the assaults of luck is now a rather commonplace belief, both within and beyond academia. It cannot suffice, as Bernard Williams therefore argues, that we depict Kant as a moral extremist. The Kantian attempt to escape ethical luck is "no arbitrary enterprise," writes Williams, but indeed "so intimate to our notion of morality, in fact, that its failure may rather make us consider whether we should not give up that notion altogether" (ML 22). It is therefore with irony that Williams thought to announce the "problem" of moral luck. Williams writes, "when I introduced the expression *moral luck*, I expected it to suggest an oxymoron" (Statman 251). His reasoning, which captures to a great extent the Kantian position, was roughly as follows.

In the realm of character, Williams writes, "it is motive that counts, not style, or powers, or endowment" (ML 21). Thus what is morally significant about character is "unconditioned," or unaffected by contingency. So, too, with action: "in action it is not

changes actually effected in the world, but intention" that is morally significant (ML 21). "Both the disposition to correct moral judgment, and the objects of such judgment, are on this view free from external contingency," since both are the products of the unconditioned will (ML 20). The capacity for good will, which is synonymous with the capacity for rational agency, is presumably "present to any agent whatsoever, to anyone for whom the question can even present itself" (ML 21). Moral success thus results from the exercise of a "talent which all rational beings necessarily possess in the same degree" (ML 21).[2] This egalitarian conception of morality is only sustainable, however, if we grant that moral value "possesses some special, indeed supreme, kind of dignity or importance" (ML 21).[3] If moral success is prized above all else, and if all rational agents are equally capable of such success, then human life enjoys at least a "partial immunity" to luck. "Any conception of 'moral luck,' on this view" Williams writes, "is radically incoherent" (ML 21). This quintessentially Kantian position is as intuitively pleasing as it is popular, such that even the phrase "moral luck" sounds oxymoronic. "This," Williams explains, "is because the Kantian conception embodies, in a very pure form, something which is basic to our ideal of morality" (ML 21).

As appealing as the aim of making morality immune to misfortune may be, any such philosophical project "is bound to be disappointed," for reasons hinted at by Williams and explicated most fully in Thomas Nagel's now famous essay on moral luck

[2] Williams rightly notes that "Such a conception has an ultimate form of justice as its heart, and that is its allure. Kanitanism is only superficially repulsive— despite appearances; it offers an inducement, solace to a sense of the world's unfairness" (ML 21).

[3] Williams explains, "The thought that there is a kind of value which is, unlike others, accessible to all rational agents, offers little encouragement if that kind of value is merely a last resort, the doss-house of the spirit" (ML 21).

(ML 21).[4] In what follows we will trace Nagel's argument, noting in the process what he identifies as the four types of moral luck. We may then assess several popular "solutions" to the problem of moral luck.

Nagel's Explication of the Problem of Moral Luck

"Kant believed," Nagel notes, "that good or bad luck should influence neither our moral judgment of a person and his actions, nor his moral assessment of himself" (Nagel ML 24). This belief arises from Kant's conviction that the only thing which can be conceived of as good without qualification is the good will (*Groundwork* 393). The good will is *intrinsically* good; as Kant famously writes in the *Groundwork*:

> A good will is good not because of what it effects or accomplishes, nor because of its fitness to attain some proposed end; it is good only through its willing, i.e. good in itself. When it is considered in itself, then it is to be esteemed very much higher than anything which it might ever bring about merely in order to favor some inclination, or even the sum total of all inclinations. Even if, by some especially unfortunate fate or by the niggardly provisions of stepmotherly nature, this will should be wholly lacking in the power to accomplish its purpose; if with the greatest effort it should yet achieve nothing […] yet would it, like a jewel, still shine by its own light as something which has its full value in itself. (394)

[4] Nagel's essay on moral luck was originally published as a reply to Williams' essay of the same name. See "Moral Luck," *Proceedings of the Aristotelian Society*, supplementary vol. L (1976). Williams' chief aim is not to identify the forms of moral luck, but instead to describe the influence of luck on the agent's reflective moral self-assessments. This aim will be taken up below, when we consider what it might mean to show kindness to ourselves in our moral self-assessments.

Kant would presumably have held the same view regarding the bad will, believing, as Nagel suggests, that "whether it accomplishes its evil purposes is morally irrelevant" (Nagel ML 24). For Kant, an ill-intentioned act cannot be morally redeemed if it happens by chance to result in some desirable consequence, any more than a well-intentioned act can be morally marred by a negative outcome. This quintessentially Kantian view, as Nagel argues, "seems to be wrong," since in our ordinary moral assessments we tend to consider both intentions *and* results, reserving our highest praise for well-intentioned acts that effect positive change, and our most serious censure for ill-intentioned acts that cause great harm (24). Even so, the Kantian position arises quite naturally, Nagel argues, "in response to a fundamental problem about moral responsibility to which we possess no satisfactory solution" (Nagel ML 25). This problem is none other than the problem of moral luck.

Moral luck develops, Nagel suggests, out of the ordinary conditions of moral judgment (Nagel ML 25). "Prior to reflection," Nagel posits, "it is intuitively plausible that people cannot be morally assessed for what is not their fault, or for what is due to factors beyond their control" (Nagel ML 25). This belief is at the very heart of ordinary notions of moral responsibility. We may make judgments about the desirability or undesirability of some outcome or state of affairs, but such judgments are in addition to, and not to be conflated with, our *moral* assessments of agents. As Nagel writes, "when we blame someone for his actions we are not merely saying that it is bad that they happened, or bad that he exists, we are judging *him*, saying he is bad" (Nagel ML 25). Our assumption, which we may be more or less consciously aware of, is that he is responsible for his actions and character. Thus our desire to morally assess an agent

diminishes if we learn that "the act or attribute, no matter how good or bad," is not under his control (Nagel ML 25). Other evaluations, including judgments about the desirability of the consequences or state of affairs, may persist, but our belief that the agent ought to be morally assessed "seems to lose its footing" when there is a *clear* absence of control (Nagel ML 25).

If the presence or absence of control were easily determined, the problem of moral luck need never emerge. Where control was clearly lacking, we would simply excuse an agent from moral assessment. But control is usually, and perhaps always, a matter of degree. Oddly, however, and as Nagel notes, our tendency to exempt agents from moral assessment does not extend to actions and traits which involve some *indeterminate* degree of control: "external influences in this broader range are not usually thought to excuse what is done from moral judgment" (Nagel ML 25). The consequence is that we often persist with moral assessment in cases where the agent is not clearly responsible for the trait or action in question, praising, for example, the highly privileged student for her academic successes, and withholding praise or even blaming the underprivileged student for her mediocre academic performance. Whether or not we are aware of it, the dictum that regulates our moral assessments seems to be, '*When in doubt, judge*.' The possible reasons for this tendency are too numerous to explore here. Perhaps our desire to reward the good and punish the wicked is more deep-seated than our willingness to suspend judgment. Perhaps we simply fear to admit how little control we have over who we are and what we do. Regardless of its source, this tendency to favor judgment over the withholding of judgment gives rise to the problem of moral luck. Moral luck emerges when we judge agents for actions or character traits for which they

are at best ambiguously responsible for: “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, it can be called moral luck” (Nagel ML 26).

Moral luck, like many other philosophical problems, involves a kind of paradox. But unlike most philosophical problems, which have little bearing on most agents’ daily lives and therefore remain the province of academics alone, moral luck entails a real and pressing problem for all who practice moral assessment. It is perhaps for this reason that Nagel urges his readers to appreciate the considerable diversity and great extent of the problem of moral luck. To that end he offers a number of now-famous examples. “However jewel-like the good will may be in its own rights,” Nagel begins, “there is a morally significant difference between rescuing someone from a burning building and dropping him from a twelfth-storey window while trying to rescue him” (Nagel ML 25). There is a similar distinction to be made between reckless driving and manslaughter, even though “whether a reckless driver hits a pedestrian depends on the presence of the pedestrian at the point where he recklessly passed a red light” (Nagel ML 25). What we do, Nagel further notes, depends in many ways upon the opportunities available to us, such that “someone who was an officer in a concentration camp might have led a quiet and harmless life if the Nazis had never come to power in Germany,” and vice versa (Nagel ML 26). We can appreciate just how far-reaching the problem of moral luck is if we note, with Nagel, that “Whether or not we succeed or fail in what we try to do nearly always depends to some extent on factors beyond our control” (Nagel ML 25). This is true not only of action in general but also of most if not all *morally significant* acts:

“What has been done, and what is morally judged, is partly determined by external factors” (Nagel ML 25).

The problem posed by moral luck which, as Nagel suggests “lead Kant to deny its possibility,” is that a wide array of influences “seems on close examination to undermine moral assessment as surely as does the narrower range of familiar excusing conditions” (Nagel ML 26). The acts and traits for which people are morally judged are determined, as Nagel notes, “in more ways than we at first realize by what is beyond their control” (Nagel ML26). Thus, when the intuitively plausible Control Principle— which holds that agents ought only to be morally assessed for those actions or traits for which they are responsible— is applied in the light of this fact, “it leaves few pre-reflective moral judgments intact.” (Nagel ML 26). Although we are inclined to deny it, “Ultimately, nothing or almost nothing about what a person does seems to be under his control” (Nagel ML 26). Luck, both good and bad, therefore appears to erode the very foundation of moral assessment, and with it, a key aspect of the practice of moral judgment which is at the very heart of most moral systems. Whether or not any system of morality can survive in the absence of moral assessment is an open question, but it is certainly difficult to imagine a rule-based theory such as Kant’s in the absence of such judgment.[5]

If we are consistent in our application of the control principle, Nagel maintains, most or all of our moral assessments cease to be legitimate. So why not, we might ask, simply abandon the Control Principle? Perhaps the condition of control is false, in which case, as Nagel writes, we could “look instead for a more refined condition which picked out the *kinds* of lack of control that really undermine certain moral judgments” (Nagel

[5] This would be especially clear if it could be shown that the good will itself— construed by Kant as the alignment of the will with the dictates of the moral law— is subject to luck. As we will see below, Nagel suggests that it is.

ML 26). A more nuanced control condition could acknowledge the role of luck without yielding the unacceptable conclusion— that "most or all ordinary moral judgments are illegitimate"— derived from the unrefined control condition described above (Nagel ML 26). Nagel rejects such a possibility on the grounds that the erosion of moral assessment emerges "not as the absurd conclusion of an over-simple 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" (Nagel ML 27). The broad condition of control "does not suggest itself merely as a generalization from certain clear cases," but instead seems correct in all other cases to which it is extended" (Nagel ML 26). Thus the view that "moral luck is paradoxical," as Nagel explains, "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" (Nagel ML 27).

In defense of his view that moral luck will remain a problem regardless of the number of cases to which it is applied, Nagel proceeds to describe several instances in which moral assessment is undermined by luck. These instances exemplify what he identifies as four fundamental types of moral luck: resultant luck, circumstantial luck, constitutive luck and causal luck. A number of popular "solutions" to the problem of moral luck appear to address only one type of luck, and/or to have limited applications to the other types or to the broader problem introduced by Williams and Nagel. It will therefore be useful to briefly examine each type of moral luck before assessing critical responses.

Resultant Luck

Nagel uses the term "resultant luck" to designate luck in the way that one's projects turn out. As with moral luck in general, resultant luck may be good or bad. To distinguish mere bad resultant luck from bad resultant *moral* luck, Nagel introduces a handful of examples. Consider, for instance, the case of a truck driver who accidentally runs over a child. Assuming that the driver's behavior leading up to the event was irreproachable— that he was sober, attentive to his surroundings, obeying traffic laws and so on— then even though he would certainly feel bad about having run over the child, it would be incorrect to morally assess him for having done so. In such a case, the driver would most likely experience what Williams terms "agent regret," but what cannot yet be called bad moral luck (Nagel ML 29). If, however, the driver was in any way negligent— having failed, for example, to have his brakes checked regularly—, and if his negligence contributed to the accident, then, as Nagel writes, "he will not merely feel terrible," but he will also blame himself for the child's death (ML 29). What makes the negligent driver's case a case of bad resultant moral luck, as Nagel explains, "is that he would have to blame himself only slightly for the negligence itself if no situation arose which required him to brake suddenly and violently to avoid hitting a child" (ML 29). Yet the negligence itself, as Nagel points out, is the same whether or not the driver actually hits a child, and "the driver has no control over whether a child will run into his path" (ML 29).

Resultant luck may also occur in cases of extreme negligence. Perhaps the most famous example of such negligence involves drunk driving. The drunk driver who accidentally drives onto a sidewalk may, as Nagel suggests, count himself morally lucky if there happen to be no pedestrians in his path (ML 29). Had there been pedestrians in

his path, he would be both morally responsible and legally culpable for their deaths. "But," Nagel writes, "if he hurts no one, although his recklessness is exactly the same he is guilty of a far less serious legal offense and will certainly reproach himself and be reproached by others much less severely" (ML 29). In both our moral assessments and in our juridical practice, Nagel notes, we regularly distinguish degrees of wrongdoing by both intentions and actual outcome. Such is the case, for example, with attempted murder: "the penalty for attempted murder is less than that for successful murder—however similar the intentions and motives of the assailant may be in the two cases (Nagel ML 29). The assailant's degree of culpability can depend, as Nagel notes, "on whether the victim happened to be wearing a bullet-proof vest," or on any number of other matters beyond his own control (ML 29).

Resultant luck is often at play when agents make decisions under uncertain circumstances, as when "Anna Karenina goes off with Vronsky, Gaugin leaves his family, Chamberlain signs the Munich agreement, the Decemberists persuade the troops under their control to revolt against the czar, the American colonies declare their independence from Britain," and so on (Nagel ML 29). It is tempting, as Nagel notes, "in all such cases to feel that some decision must be possible, in the light of what is known at the time, which will make reproach unsuitable no matter how things turn out" (ML 29). But, Nagel argues, this is not the case. When an agent acts in such a case, he "takes his life, or his moral position, into his hands, "because the ultimate outcome of his action largely determines its moral status (ML 29). We might, Nagel cedes, *also* assess the action taking into account only what the agent knew at the time, but our moral assessment

does not and cannot end there. The outcomes of such actions are morally significant, thus our moral assessments will and must take them into account; for example:

> If the Decembrists had succeeded in overthrowing Nicolas I in 1825 and establishing a constitutional regime, they would be heroes. As it is, not only did they fail and pay for it, but they bore some responsibility for the terrible punishments meted out to the troops who had been persuaded to follow them. (Nagel ML 30)

Decisions are quite difficult when agents cannot clearly foresee the possible outcomes. Yet often, action is required despite such restraints. Although we may morally assess how agents make decisions under such circumstances, Nagel's point is that the latter is but one type of moral assessment that we do and must engage in. We must also, he argues, take into account the actual results of agents' actions: "Actual results influence culpability or esteem in a large class of unquestionably ethical cases ranging from negligence through political choice" (Nagel ML 30). If our judgments in such cases were merely "expressions of temporary attitudes" rather than genuine moral judgments, then resultant luck would be less problematic. But as Nagel points out, such is not the case: "this is evident," he writes, "from the fact that one can say in advance how the moral verdict will depend upon the results" (ML 30).[6] Resultant luck, it would seem, is not easily dispensed with.

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[6] Nagel illustrates: "If one negligently leaves the bath water running with the baby in it, one will realize, as one bounds up the stairs toward the bathroom, that if the baby has drowned one has done something awful, whereas if it has not one has merely been careless" (ML 31).

Circumstantial Luck

That one can be more or less fortunate in one's circumstances is hardly worth disputing, and was illustrated at some length in Chapter II. As Nagel points out, luck in one's circumstances may contribute to a second type of moral luck. We like to believe that we would exhibit good character if put to the test, and we easily persist in such a belief if we are fortunate enough never to have it tested. Similarly, it is easy enough for us to judge harshly those whose cowardice, selfishness or complacency is revealed in the face of some adversity, even or especially if we ourselves have never been subjected to a similar trial. In general, our moral assessments of ourselves and others fail to appreciate the fact that we do not create our own morally significant circumstances. Yet, as Nagel writes, "The things we are called upon to do, the moral tests we face, are importantly determined by factors beyond our control" (ML 33).

A familiar example of circumstantial luck is that of civilian complacency in Nazi Germany: "Ordinary citizens of Nazi Germany had an opportunity to behave heroically by opposing the regime. They also had an opportunity to behave badly, and most of them are culpable for having failed this test" (Nagel ML 34). But his is a test, as Nagel points out, that the citizens of other countries did not have to face. It is entirely possible, if not highly probable, that the citizens of other countries would have behaved just as badly had they been similarly put to the test. That German citizens are to be blamed is largely the result of their having been unfortunate enough to have lived in a particular place at a particular time, yet we do and must blame them since, "We judge people for what they actually do or fail to do, not just for what they would have done if circumstances had been different" (Nagel ML 34).

Here again, Nagel points out, our ordinary approach to moral assessment gives rise to a philosophical problem. In cases of circumstantial luck, "one is morally at the mercy of fate, and it may seem irrational upon reflection, but our ordinary moral attitudes would be unrecognizable without it" (ML 34). As with resultant luck, the paradoxical nature of moral assessment is evident, but with circumstantial luck "we can begin to see how deep in the concept of responsibility the paradox is embedded" (Nagel ML 34). Although we may believe that an agent is only morally responsible for what he does, what he does results from "a great deal" that he does not do. As Nagel therefore concludes, "he is not morally responsible for what he is and is not morally responsible for" (ML 34). This is not, Nagel maintains, a contradiction, but is instead a paradoxical and fundamental truth which arises out of our ordinary beliefs about moral assessment.

If the practice of moral assessment is undermined, as it appears to be, by resultant and circumstantial luck, then perhaps the locus of moral assessment ought to shift from actions and their outcomes to agents' moral characters and intentions. If character and/or the good will can be affirmed as sites of human agency immune to luck, then the practice of moral assessment can be preserved, at least to some extent. The tendency to pare down the scope of moral assessment to the "morally essential core" of each act is, as Nagel notes, quite pervasive. Adam Smith famously advocates such a position in *The Theory of Moral Sentiments*, but, as Nagel notes, Smith is aware that it "runs contrary to our actual judgments" (ML 31-32).[7] As we will see below, a number of contemporary theorists favor a similar approach. In Nagel's view, neither human character nor the will itself evade the problem of moral luck. The latter is subject to constitutive luck, and the former

[7] See Smith, Part II, section 3, paragraph 5.

is subject both to constitutive and to causal luck. Let us see why, in Nagel's view, this is the case.

Constitutive Luck

Those who wish to preserve the practice of moral assessment despite rather obvious instances of moral luck often favor isolating human character from the vast array of phenomena which are more clearly beyond agents' power to control. Yet those who advocate such an approach must cede, as Kant does, that many qualities of personality or temperament which we commonly associate with moral character are not— at least in an obvious way— under agents' control.[8] To morally assess agents based upon the possession or privation of such qualities would be as unjust as morally assessing them based upon their physiological qualities. That we must reserve our praise and blame for those qualities which are within agents' power to control is especially true within Kant's system, since it explicitly identifies moral agency with control. Indeed, as Nagel writes, "Kant was particularly insistent on the moral irrelevance of qualities of temperament or personality that are not under the control of the will" (Nagel ML 32). As Nagel writes, in Kant's view:

> Such qualities as sympathy or coldness might provide the background against which obedience to moral requirements is more or less difficult,

[8] This is one of Waller's chief claims in *Against Moral Responsibility*. Waller cites numerous behavioral studies which suggest that personality and much of what falls under the umbrella of "character" is essentially the result of genetics, upbringing and circumstances that agents do not control. Whether or to what extent we are responsible for our personalities is to me an open question, and best left to those who employ the scientific method. I concur with Aristotle and Kant, however, that whether or not one possesses "natural virtue" is morally irrelevant. Virtue is always relative to the agent, thus (assuming agents possesses the requisite mental capacities) any agent can become virtuous with proper training and *praxis,* regardless of innate personality. Both Waller and Nagel fail to adequately distinguish between virtue properly speaking ("in the governing sense," as Aristotle says) and personality traits or "natural virtues." This is one reason why constitutive moral luck ought not to be conflated with the broader problem of *tychē* vis-à-vis character as described by Aristotle.

> but they could not be objects of moral assessment themselves, and might well interfere with confident assessment of its proper object— the determination of the will by the motive of duty (ML 32).

This stipulation, says Nagel, rules out the moral assessment of all virtues and vices that *influence* choice, but do not strictly determine the will. The range of character traits that ought to be subjected to moral assessment is therefore narrow indeed, and excludes most familiar virtues and vices.[9]

Kant's belief that we ought not to assess most character traits has a commonsense appeal. Most agents do seem able to work against their inclinations, including those inclinations which we associate with traits of character. A courageous person, for example, may be more inclined to act with courage, but even a cowardly person can act with courage where duty requires him to do so. Indeed, many vicious inclinations may be overcome via what Nagel conceives of as a monumental effort of will: "A person may be greedy, envious, cowardly, cold, ungenerous, unkind, vain, or conceited," yet successfully *will* their behavior not to reflect such morally repugnant traits (ML 32). Even so, it would be inappropriate to say that such a person does not *possess* the aforementioned vices, if, as Nagel believes, to possess them "is to be unable to help having certain feelings under certain circumstances, and to have strong spontaneous impulses to act badly" (ML 32-33). In Nagel's view, even if "one controls the impulses" which arise from a given vice, "one still has the vice" (ML 33).[10] We might here object

[9] Assuming it does not exclude the assessment of virtue entirely. One possible candidate for moral assessment might be self-control, assuming that such a quality/practice can be construed as a virtue. But Nagel is skeptical regarding the extent to which we control our own willing.

[10] I suspect Nagel either failed to read Aristotle's account of virtue carefully, or has in mind some other conception of virtue when he makes the latter claims. Aristotle is careful to distinguish *akrasia* (dissipation)— which is akin to but not yet vice— from vice properly speaking. The agent who suffers

that virtues and vices must be actualized in order to merit censure, but Nagel rejects this possibility. Many vices, Nagel argues, need not be exposed in order to merit censure. An envious person may be condemned for his hatred of others' success, even if he does not openly share such feelings. Likewise, Nagel argues, conceit needn't be displayed, yet is "fully present in someone who cannot help dwelling with secret satisfaction on the superiority of his own achievements, talents, beauty, intelligence or virtue" (ML 33).

Vices may, says Nagel, to some extent be attributable to agents' previous choices. He even cedes that certain vices may be amenable to change based upon agents' present actions. By and large, though, "it is largely a matter of constitutive bad fortune" that agents possess particular traits of character (ML 33). Yet people are routinely praised and blamed for possessing or displaying such qualities; they are, as Nagel writes, "assessed for what they are *like*" (ML 33). When agents are morally assessed for some trait for which they are not clearly responsible, they are the victims of constitutive moral luck. As with the other forms of moral luck, constitutive moral luck may be either good or bad.

From the Kantian perspective, Nagel argues, constitutive moral luck seems incoherent. Virtue is "enjoined on every one and must in principle be possible for everyone" (ML 33). Though it may come easier to some than to others, it must be conceivable that any agent might become virtuous "by making the right choices" (ML 33). But traits such as generosity of spirit do not seem to be within agents' power to

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from *akrasia* recognizes that her actions are wrong, but does not possess the will to act otherwise, often because she has had little practice doing so. Her feelings of regret after the fact, however, reveal that she is not vicious, as the vicious agent would take pleasure in vice. Where an agent who is inclined to cowardice (either by nature or through lack of practice at being courageous), yet acts with courage because she recognizes that virtue requires such action, she is, in Aristotle's view, on the way to *becoming* courageous. As was noted in Chapter II, in Aristotle's view virtue is actualized in activity such that "courage is as courage does." If there is an Aristotelian metaphysics of character, it is a metaphysics of *becoming*, and not of being, as Nagel seems to assume. Thus Aristotle would almost certainly reject Nagel's position.

control, and therefore ought not, in Nagel's view, to be praised or blamed.[11] That we do condemn ourselves and others for failing to possess such virtues is paradoxical. But here again, says Nagel, the paradox is unavoidable. Kant's conclusion— that we cannot subject certain traits of character to moral assessment— is unacceptable in the light of our commonsense moral convictions. As Nagel explains: "We may be persuaded that these judgments are irrational, but they reappear involuntarily as soon as the argument is over" (ML 33).[12] We do and will, Nagel maintains, judge others based upon their character and personality traits, even if upon reflection we recognize the unfairness of such judgments.

The problems of resultant, circumstantial and constitutive luck are closely and rather obviously tied, as Nagel notes, to the more general problem of free will. Although he does not presume to address the latter at great length, Nagel takes up free will by way of analyzing a fourth type of moral luck— causal luck— to which we may now turn our attention.

Causal Luck

As noted above, one way to circumvent the problems of resultant and circumstantial luck is to confine our moral assessments to agents' morally significant attributes, including traits of character and intentions. Since many or most of the former

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[11] It is clear enough that Kant does not believe such virtues can be willed. It is in part for this reason that he places a higher premium on the good will, as he defines it, than on virtues like "generosity of spirit," "sympathy" and so on. See, for example, *Grounding* 1:11.

[12] This is one of the clearer illustrations of moral luck as a tension between our justifiable beliefs about the practice of moral assessment and our emotional expressions of deeply held values. It is perfectly rational to agree that people ought not to be blamed for possessing repugnant personality traits and yet to feel repulsed by such traits. If a person is by nature cold and indifferent to others through no fault of his own, we may condemn the trait (our repugnance reminds us that we value care and concern for others) without condemning him for possessing it. This amounts to making the judgment that "callousness is a bad character trait, and it is unfortunate that this person possesses it." Nagel rejects this solution, however, claiming that "Condemnation implies that you should not be like that, not that it is unfortunate that you are" (ML 33).

appear upon reflection to be influenced by forces beyond agents' control, the good will emerges as a last bastion of moral assessment. If it can be shown that the problem of moral luck does not extend to the will itself, then we may yet be justified in practicing one type of moral assessment. Following Kant's lead, we might deny the moral significance of circumstances, results and even character, and instead locate the moral significance of every act in what Nagel describes as "its morally essential core, an inner act of pure will assessed by motive and intention" (ML 31). In Nagel's view, however, even this solution ultimately fails.

If, Nagel argues, we cannot reasonably hold agents responsible for the circumstances in which they find themselves, or for the consequences of their actions which result from factors beyond their control, or for the antecedents of their acts that are "properties of temperament" not subject to their will, then it makes little sense to hold agents accountable for acts of the will. Such acts are attributed with little difficulty to factors beyond agents' control, including external circumstances, antecedent character traits, and so on. When we subject the will itself to analysis the result is quite unsettling; as Nagel writes, "The area of genuine agency, and therefore of legitimate moral judgment, seems to shrink under this scrutiny to an extensionless point" (ML35). The very core of selfhood seems to dissolve when we subtract everything that belongs to the realm of externals, such that "it becomes gradually clear that actions are events and people things" (Nagel ML 35). But this view is wildly incompatible with our basic beliefs about agency, and with the practice of moral assessment which assumes such agency.

The problem of moral luck admits of no easy solution, as Nagel argues and as we shall see below. We are not likely to abandon the practice of moral judgment any more

than we are likely to jettison our commonsense beliefs about the nature of agency— such as the belief that persons are not merely things and actions are not merely events. But we must recognize that the objects of moral judgment—persons and acts— are so radically subject to external circumstances that they indeed seem to belong to the classes of mere objects and events. So long as we cling tenaciously to our convictions about moral agency *and* acknowledge the plain fact that who we are and what we do is largely not up to us, the problem of moral luck will persist. We cannot even determine "the degree to which the problem *has* a solution," Nagel argues, unless we can determine the degree to which our ordinary beliefs about agency are incompatible with our apparent lack of control (ML 37, *emphasis mine*). It is difficult to debate Nagel's ultimate conclusion that "in a sense the problem has no solution," since:

> [I]t is not enough to say merely that our basic moral attitudes toward ourselves and others are determined by what is actual; for they are also threatened by the sources of that actuality, and by the external view that forces itself on us when we see how everything we do belongs to a world that we have not created (ML 38).

Responses to the Problem of Moral Luck

The problem of moral luck has received considerable attention since Williams and Nagel first introduced it. Responses have varied widely, ranging from denial of the problem on various grounds to a call for the complete abandonment of all notions of moral responsibility. Perhaps the most promising solution, favored by a handful of moral theorists, involves restricting moral judgments to character, purportedly rejecting Kantian

"morality" in favor of Aristotelian "ethics." Although this approach has certain merits, as we will see, it conflates the problem of luck which confronts Aristotelian ethics with the problem of moral luck as defined by Williams and Nagel, and thus requires greater elaboration than it has yet received.

The Practice of Moral Judgment: A Few Observations

Before surveying scholarly responses to the problem of moral luck, it is useful to make a handful of basic observations regarding the nature and purpose of moral judgment which are often overlooked in the moral luck debate. Moral luck arises alongside the practice of moral assessment. Oddly, however, the value or usefulness of moral assessment itself is rarely questioned in the context of the moral luck debate. There are a number of ways to justify the practices of assessing responsibility and of assigning praise and blame, and some of these reasons are more compelling than others. In my view, it is incumbent upon those who favor the practice of moral assessment to justify both the practice of determining agents' degree of moral responsibility, and to justify the awarding of praise and blame. That the former ought to be the province of moral agents generally and not simply of those who adjudicate legal responsibility is hardly given, and requires some kind of rationalization.[13]

Perhaps moral assessment is— or begins as— an involuntary rational and emotional response to a given state of affairs, rather than some conscious, reflective practice. Even so, it is one thing to pre-reflectively disapprove of an action or character

[13] Clarifying the differences between legal and moral responsibility may go far in addressing the problem of moral luck. As Dana Nelkin notes, some theorists have suggested moral luck is incorrectly inferred from cases of legal luck. She writes, "While there might be good reasons for the law to treat people differently even if what they do depends on factors beyond their control, we (understandably) make the mistaken inference that the law directly reflects our moral assessment in such cases" (4.1.1). For a helpful analysis of this approach to dissolving moral luck, see Brian Rosebury's essay, "Moral Responsibility and Moral Luck" (*Philosophical Review*, 104: 499-524).

trait, and quite another to make public one's judgment. Even if we cannot and need not justify the mere existence of our initial pre-reflective moral judgments, we certainly can and should justify whether or how we share them, and with whom. The problem of moral luck, on Nagel's view, stems from a peculiarity of Kant's moral system. It is worth mentioning, then, that Kant is well-aware of the need to justify the disclosure of our moral assessments. As we will observe in Chapter VI, Kant generally encourages restraint when it comes to both the practice of moral assessment of others and to the sharing of our moral judgments with those we judge. The mere fact that we have moral opinions is insufficient justification for the disclosure of judgments that may prove devastating to those with whom we share them. When and if we divulge our judgments of others' actions and characters, we must have strong reasons for doing so.

Not all moral assessments have to do with the acts and characters of other agents. Indeed many or most of our moral assessments are of our own choices, actions, motivations and characters. Because we presumably enjoy a privileged access to our own motivations and greater awareness of the context within which we act than we do of others' motivations etc., the way we go about assessing our own actions and character may differ substantially from the way we go about judging others.[14] We ought to reflect upon these differences, and to be open to the insights which may arise as the result of such reflection. If in assessing ourselves, for example, we are quick to appreciate how antecedents inform our actions and character, then we ought to learn to extend that awareness to our assessments of others.

[14] Kant challenges this assumption, arguing that our true motives may be hidden even from ourselves. We ought to be reticent, he therefore concludes, to praise and blame anything other than actions themselves. I explain this stance in some detail in Chapter VI.

Response 1: Dissolving the Problem of Moral Luck

Given the centrality of morality to most people's lives, it should not be surprising that the most popular philosophical reaction to the problem of moral luck is to deny and/or seek to disprove its existence. Theorists including Henning Jensen, Nicholas Rescher, Norvin Richards, Michael J. Zimmerman and Judith Jarvis Thompson take this approach, seeking to preserve morality by showing how or to what extent the problem of moral luck is merely apparent. Their analysis, as we will see, generally involves disentangling various types of assessment in order to preserve explicitly moral assessment as a viable practice.

An analytic approach to the phenomenon of moral luck seems quite fitting, since, as Daniel Statman writes, "The fact that luck threatens our moral concepts does not imply that it threatens all of them equally" (2). Statman holds that axiological moral judgments— judgments of a person or thing's "goodness" and "badness," for example— "are not threatened in the same way as are the concepts of responsibility and justification" (2).[15] Thompson concurs, suggesting that even if an agent's cowardice, selfishness, and so on have developed as a result of luck, it would still be correct to call him a bad person. Whether or not such an agent is to blame, Statman argues, is quite another matter. "Thus," as Statman observes, "the debate around moral luck turns mainly around the question of whether or to what extent our moral notions of responsibility, justification, blame and so forth, are subject to luck" (2).

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[15] Statman may, it should be noted, be assuming that the proper object of moral assessment is moral character. This is a common belief among moral luck theorists, as we will observe below, but introduces as many philosophical problems as it resolves.

In their efforts to explain away the problem of moral luck, theorists often employ some form of what Andrew Latus terms the "epistemic argument."[16] The epistemic argument, which most clearly applies to cases of resultant luck, attempts to show that apparent cases of moral luck involve epistemic, rather than moral, differences. According to this line of reasoning, instead of changing the moral status of a particular agent, luck merely places us— as observers— in a better or worse position to judge the intentions or character of the agent in question. As Dana Nelkin notes, we rarely know "exactly what a person's intentions are or the strength of her commitment to a course of action" (4.1.1). One indicator of such intentions and commitments is whether or not she succeeds in what she attempts to do. "If someone succeeds," Nelkin writes, "that is some evidence that the person was seriously committed to carrying out a fully formed plan. The same evidence is not usually available when the plan is not carried out" (4.1.1).

Those who accept the epistemic argument hold that our differential treatment of successful and unsuccessful criminals need not reflect any commitment to the existence of resultant luck. Consider the case of two would-be murderers, one of whom— by some stroke of luck— succeeds. On Nagel's view, such a case is a clear illustration of resultant luck, since we are inclined to deem the "successful" murderer more blameworthy than the unsuccessful one. The epistemic argument instead holds that it is a matter of luck that one agent was revealed to be a murder while the other was not, though had we enjoyed a different epistemic relation to the unsuccessful murderer, our judgments would have been the same: "If we were in the unrealistic situation of knowing that both agents had exactly the same intentions, the same strength of commitment to their plans, and so on," then our moral assessments of them would be the same (Nelkin 4.1.1).

[16] See Latus, Andrew. "Moral and Epistemic Luck,",*Journal of Philosophical Research*, 2000, 25: 149-172.

One potential objection to the epistemic argument is that it fails to capture our disparate emotive responses to, for example, cases of negligence in which one agent causes serious harm and another does not. To illustrate we might return to the example of the negligent driver who accidentally runs over a child. In Norvin Richards's view, "the driver who kills is unfortunate because by killing he made it clear to us that he is a negligent driver and that he deserves to be treated accordingly" (Statman 17). This conclusion is consistent with the epistemic argument, as it suggests that "luck does not affect one's *deserts* but only our *knowledge* of them" (17). But this assessment of the situation, though technically correct, is far from satisfying. The epistemic approach fails to appreciate the total situation which extends beyond the negligent driver to include the fact that a child is now dead. We may believe that all negligent drivers ought as a rule to be reprimanded with equal harshness while allowing that such negligence may never be clearly manifested, and yet feel that we should reprimand the negligent driver who did in fact kill a child much more harshly than we would the driver whose negligence was revealed when he hit, say, a mailbox. It is difficult to see how the epistemic argument can explain away moral luck in such a case.[17]

Jonathon Adler criticizes Richards' view that moral bad luck "is not luck in one's moral status being hurt," but merely bad luck "in one's character becoming transparent" (Statman 17). Adler questions the extent to which Richards' contention, and the epistemic approach to dissolving moral luck more generally, can capture our actual intuitions about

[17] Those who accept the epistemic argument often assume that traits of character, rather than actions, are the proper objects of moral assessment. In the case of the negligent driver who kills, we may unknowingly be assessing both a trait of character (negligence) and an act (running over a child), while attempting to determine a degree of responsibility for one or both. If so, it stands to reason that our moral assessment might produce considerable confusion. The epistemic argument may therefore *help* to resolve the problem of moral luck, but more analysis is needed if we are to resolve the problem completely.

the appropriateness of praise and blame. As Adler explains, “legally, emotionally and socially, the blame we attribute to the driver who runs over the child is far worse than that which we attribute to the driver who doesn’t have an accident but whose record indicates equal, if not greater, recklessness (248). Adler holds that our tendency to blame the driver who kills more than the one who does not has nothing to do with epistemic privilege but instead simply reflects our belief that actual results are morally significant. Although, as Statman points out, Thompson, Richards and Rescher find this view to be mistaken, it is difficult to deny its intuitive appeal. It *matters* to us, as Adler would contend, if a child has in fact died as the result of a driver’s carelessness in one case but not in another; the loss of a child’s life is more significant to us than the destruction of a mailbox.

Perhaps the problem of resultant luck can be dissolved if we distinguish between “moral discredit” and blame (Statman 17). Assuming, in keeping with the epistemic argument, that two negligent drivers are equally morally disgraceful despite the fact that one driver’s negligence has been revealed and the other’s has not, we might yet ask whether or not the two drivers are equally to *blame*. Judith Jarvis Thompson attempts to answer this question by distinguishing between two types of blame, which we may refer to as $blame_1$ and $blame_2$. $Blame_1$ occurs when “a person P is to blame for an unwelcome event, where P caused it by some wrongful act or omission for which P had no adequate excuse” (Statman 17). $Blame_2$ occurs when a person P is more or less blameworthy “for doing something, which is unwelcome, where P’s doing it is a stronger or weaker reason to think P is a bad person” (17). This distinction allows Thompson to conclude that although the killer-driver is subject to $blame_1$ while the other driver is not, the killer-driver is no more subject to $blame_2$ than is the other driver. In other words, although we

are correct to hold the killer-driver responsible for the child's death, we need not conclude that he is any more of a bad person than is the other driver.

Thompson's approach is somewhat helpful. Not only does it acknowledge the complex nature of "blame" which our ordinary and equivocal use of the term may obscure, but it also upsets Nagel's suggestion that agents' moral worth in cases of resultant luck has to do with circumstances beyond their control. It is less clear, however, that Thompson's conclusions can address the concerned raised above, namely, that our strong emotive responses to various actions and results may (and should) reassert themselves despite our having analyzed away the philosophical problem of resultant luck. Even if we accept Thompson's conclusion that it would be incorrect to judge the killer-driver to be a worse person than the other driver, we may yet feel that *he* ought to experience the kind of remorse an agent would feel were he, in fact, revealed to be a worse person. We tend to find it deeply unsettling when agents engage in "rationalization" following some act of wrongdoing, reasoning away their feelings of remorse rather than experiencing them deeply.

But perhaps this kind of regret is commensurable with Thompson's conclusions. Even if, as Thompson maintains, the fact that one driver killed a child and one did not "says nothing morally interesting about them," this does not imply that neither driver will feel guilty (Thompson 204). As Daniel Statman writes, "because the death of a human being is a bad and saddening thing, it is quite reasonable that one should feel terrible if one contributes to such a result, even if it is not one's fault" (16). The feeling of diminished moral worth in the case of the driver-killer is not irrational, as it does not

conflict with the determination that he is not to be blamed (in the second sense described by Thompson).

Thompson is not alone in making such a claim. Those who would defend morality from the threat posed by resultant luck often call for a distinction between moral assessment and feelings. "Those who adopt this strategy," as Nelkin notes, "argue that it is understandable or even appropriate to feel differently about the driver who kills a child than about the one who does not" (4.1.1). What is not acceptable, they contend, is to support differing *moral* assessments of the two. Thompson and Richards hold that it is reasonable for agents to feel what Williams terms "agent-regret" in the wake of an unlucky consequence. Agent regret is a feeling of regret accompanied by a first-person acknowledgment that "it would have been much better" if the agent had acted otherwise . The notion of agent-regret properly reflects the fact that the agent involved, though not morally at fault, is more connected to the event than, for example, someone who merely witnessed it. As Williams rightly points out, the fact that we feel sorry for the driver reflects our awareness that his involvement in the situation is of a special kind. Susan Wolf goes further than Thompson and Richards, arguing that regret is not only reasonable but also praiseworthy in cases of apparent resultant bad luck. We should, in Wolf's view, disapprove of the agent who fails to take responsibility for the child's death, even if, strictly speaking, doing so is more than justice requires.[18]

Most attempts to dissolve the problem of moral luck apply most clearly to cases of resultant luck. It is possible, however, to extend some of the methods employed to

[18] Wolf's response to moral luck is more mixed than most. Unlike Thompson, Richards, Zimmerman, Jensen and Resher, Wolf is somewhat committed to the existence of moral luck. As we will see below, her solution is not to resolve the problem itself, but instead to prescribe some way for agents to flourish within the constraints imposed by luck.

other forms of moral luck. The epistemic argument, for example, may be applied to circumstantial luck. Circumstantial luck, as we may recall, "has to do with the kind of problems and situations one faces," and is epitomized by the case of the Nazi concentration camp officer mentioned above (Statman 18). The Nazi officer presumably chose to collaborate, even if only in some qualified sense (we can imagine without contradiction another person in his position choosing not to collaborate). Even so, there is something unfair about our holding him accountable for his choice, since it is a choice that countless other agents did not have to make. It is a matter of bad luck that the officer found himself living during a particular historical moment and in a particular geographical location. Yet because the agent in question *chose* to collaborate, we reasonably find him worthy of blame. The epistemic argument holds that it is a matter of bad luck that the Nazi sympathizer's true character was revealed. We might therefore ask, as Statman does, whether or not *potential* Nazis are also blameworthy, and/or *as* blameworthy as our actual Nazi.

In their efforts to dissolve the problem of circumstantial luck, both Zimmerman and Richards answer in the affirmative. Richards asks us to imagine an émigré who shares the relevant traits of character (including, for example, a strong desire to please authority figures, a lack of compassion, and so on) with the Nazi officer such that "only the émigré's geographical good luck prevented his playing the same role" (174). Richards, who holds that an agent's character alone determines his deserts, argues that the émigré may well deserve the same treatment as the actual officer. This is especially clear, he argues, if there is substantial evidence of the émigré's flawed character. Supposing, however, that the émigré's immoral tendencies are never enacted, is he still

deserving of our moral approbation and/or punishment? Richards shirks the question, suggesting that character does and will find expression, even if in subtle ways. However, it is difficult for us to justify punishment or other reform measures where character is so subtly expressed. Our moral assessments of the officer and the émigré ought therefore to be the same, Richards holds, even if our actual treatment of the two must differ in relation to the degree to which their character has been made apparent. We do and should, Richards maintains, blame people for what they would have done, and not merely for what they have done. If his assessment is correct, then the problem of circumstantial luck appears to be resolved.

Zimmerman takes a subtly different approach to circumstantial luck by proposing a distinction between the *scope* and *degree* of moral responsibility. The *scope* of responsibility is that activity for which the agent is being held responsible, while the *degree* reflects the type of agent he is. In the case of the Nazi office and the émigré, the latter has done nothing to indicate his reprehensible character. The scope of his responsibility, then, is 0. The degree of his responsibility, however, is the same as that of the Nazi officer. In a sense, then, on Zimmerman's view the émigré is responsible, even though he is not responsible for *anything*. But this claim, as Statman rightly points out, "does not seem very promising" (19). Put another way, however, it becomes more palatable; we might say that the émigré "is to blame for being such that he would have made the decision to collaborate," had his circumstances been otherwise (Zimmerman 228). Zimmerman correctly points out, however, that this solution to the problem of circumstantial luck is incomplete, since it may well be a matter of constitutive luck that the émigré became the sort of person he is.

The approaches of Jensen, Resher, Richards, Zimmerman and Thompson have their merits. Whether or not the problem of moral luck can ultimately be "solved," it behooves moral theorists to help us distinguish between different types of judgments, and to understand the morally relevant features that inform such judgments. But the success of those who would defend morality from the problem of luck is at best partial. While their analysis helps to explain away certain cases of resultant luck, it is only if we accept several potentially problematic premises that their case against circumstantial luck is persuasive. In accepting one such premise— that we ought to judge agents' character alone— we merely lend the problem of constitutive luck a greater weight, effectively trading one philosophical problem for another. Where we properly acknowledge the great extent to which agent's character is not up to them— as we did in the previous chapter— the problem of constitutive luck becomes imposing indeed. The problem of moral luck looms larger still when we acknowledge, as Nagel does, the intrinsic connection between causal luck and the other types, and between causal luck and constitutive luck in particular. When subjected to careful reflection, the initially robust notion of stable moral character loses its integrity, and character itself appears as the mere effect of so many antecedent causes. When we take the problem of moral luck seriously, then, it is difficult to avoid pessimism vis-à-vis moral responsibility. When we begin to critically reflect upon our ordinary moral assessments, it seems that we step onto a slippery slope that ends in the total destruction of viable conceptions of moral agency.

Response 2: Accepting Luck and Abandoning Moral Responsibility

In *Against Moral Responsibility*, Bruce Waller advocates the extreme and ostensibly unpopular view that we ought to abandon all notions of moral responsibility.

His contention is that our ordinary beliefs about responsibility, desert, praise and blame are wholly unjustifiable in the light of a reflective, naturalistic analysis of the human situation. Waller is unequivocal in his stance: "We should *never,"* he writes, "hold *anyone* morally responsible" (2, *emphasis in original).* It is reasonable and proper, Waller acknowledges, to recognize acts of wrongdoing, and to strategize regarding useful reform measures, but it is unreasonable to hold agents responsible for such acts and/or for the traits of personality or character with which we associate them. Although Waller ultimately rejects all notions of moral responsibility, the bulk of his argument is aimed at upending the commonsense version which, as Galen Strawson notes, is employed to justify the allocation of praise and blame: "responsibility and desert of such a kind that it can exist if and only if punishment and reward can be fair or just without having any pragmatic justification, or indeed any justification that appeals to the notion of distributive justice" (Strawson 452).

Although Waller does not explicitly frame his argument as a response to the problem of moral luck, his central claims echo Nagel's, and his conclusions have clear implications for the moral luck debate.[19] The Control Principle from which Nagel generates the problem of moral luck corresponds to the notion of moral responsibility described by Strawson, and the bulk of the empirical evidence Waller calls upon to buttress his position involves what Nagel would identify as evidence of resultant, circumstantial and constitutive luck. Like Nagel, Waller links luck to the problem of

[19] The free will/determinism debate and the moral luck debate are connected in obvious ways, and the literature on the two reflects this connection (Susan Wolf's response to the problem of moral luck, for example, belongs also if not primarily to the literature on free will). Waller contextualizes his stance via the free will/determinism debate, favoring literature on metaphysics and the philosophy of action, while most of the literature on moral luck is rooted explicitly in moral theory. Even so, given the obvious parallels between Waller's argument and Nagel's, I find it exceedingly odd that Waller makes only one reference to Nagel (see Waller, p. 22). Waller invokes Nagel's claim that "under close scrutiny— luck swallows up the ultimate control required for moral responsibility," in support of his basic position (Waller 22).

human agency, appearing to adopt (though never explicitly claiming) a pessimistic view of freedom. Waller's response to the phenomenon of moral luck is diametrically opposed to those described above; rather than seeking to defend moral responsibility against the threat of luck, he readily confesses that luck effectively dissolves human agency, undermining any viable conception of moral responsibility. Waller is not only prepared but indeed eager to jettison our commonsense notions of moral responsibility.

Waller is aware of the hold moral responsibility has on most moral agents and on moral theorists in particular, but argues that this hold has an emotional, rather than a logical, basis. Most contemporary discussions of moral responsibility assume its existence, and merely quibble over the details. When foundational justifications are analyzed, however, systems of moral responsibility crumble.[20] "Commitment to moral responsibility," he writes, "is based in visceral emotional reactions and locked in place by a far-reaching theoretical system. But the moral responsibility system is fighting a running retreat against scientific research that renders this system less and less plausible" (1). The strong desires which compel us to maintain our basic beliefs about moral responsibility are varied, but include, as Daniel Dennet suggests, the desire to see wrongdoers blamed and punished:

> We ought to admit, up front, that one of our strongest unspoken motivations for upholding something close to the traditional concept of free will is our desire to see villains "get what they deserve" […] A world without punishment is not a world any of us would want to live in. (Dennett 258)

[20] Waller refers to several theorists whose work is aimed at assessing the concept moral responsibility itself. These include C.A. Campbell, Robert Kane, John Martin Fischer, Alfred Mele, Derek Pureborn and Susan Wolf.

Waller understands the power of emotions to commit us to beliefs, but notes that "we are sadly familiar with many deep emotional commitments— to racism, sexism, jingoism, xenophobia— that examination reveals to be harmful and irrational" (8).

Waller's supporting arguments are at times quite persuasive, but he errs— as do Nagel, Jensen, Resher, Richards, Zimmerman and Thompson— in assuming that moral responsibility (and indeed morality itself) requires *pure* agency. Waller betrays this belief by framing his analysis around what he takes to be "the best account of moral responsibility," an account offered by the 15th-century nobleman Giovanni Pico della Mirandola. Invoking a quasi-biblical creation story, Mirandola describes human beings as having been created with "the special power to make themselves whatever they chose to be" (Waller 19). In Pico della Mirandola's account, God addresses humanity, saying:

> We have made thee [...] as though the maker and molder of thyself, thou mayest fashion thyself in whatever shape thou shalt prefer. Thou shalt have the power to degenerate into the lower forms of life, which are brutish. Thou shalt have the power, out of thy soul's judgment, to be reborn into the higher forms, which are divine. (Pico della Mirandola 224-225)[21]

That Waller takes the above to be the *best* account of moral responsibility is quite revealing. Pico della Mirandola's myth of radical self-creation is obviously at odds with the human situation, as Waller goes on to argue at great length. It is therefore difficult to avoid the thought that Waller's argument revolves around a straw-man conception of

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[21] As absurd as the idea of radical self-creation sounds when stated explicitly, it resonates alarmingly with the quintessentially American myth of the self-made person. I have argued in previous work that the American *ethos* is characterized by the denial of luck. If that characterization is fair, then the moral luck debate— and more specifically the erroneous commitment to pure moral agency— may have important implications for our deep-seated cultural beliefs.

agency; even the minimally self-reflective agent readily recognizes that her identity and activity are informed by external factors. What is surprising, however, is that the bulk of the literature on moral luck involves the same fundamental mistake.

Perhaps a new approach is needed. It may be possible to justify the continued practice of moral assessment if we can strike upon a mean between the extremes of defending morality on the basis of an idealized moral agency and rejecting it on the grounds that moral agency is an illusion. A more sophisticated conception of human agency, coupled with a more nuanced and rationally justified approach to the practice of moral assessment, offers us the best hope for overcoming the problem of moral luck.

Response 3: Replacing Morality with Ethics

In his 1993 *Postcript*, Bernard Williams confesses that "there are some misunderstandings that I now think my formulations in *Moral Luck* may have encouraged" (Statman 251). The essay may have led readers to conclude, for example, that a threat to one normative system must also threaten *all* normative systems. Invoking the distinction between "morality" and "ethics" mentioned in Chapter II, Williams instead suggests that although the problem of moral luck poses a very serious threat to the Kantian system of morality, it need not threaten a virtue-based system. This is the case since, as Nelkin puts it, "the essence of the Control Principle is 'built into'" the former (and into systems of "morality" generally), but not into the latter (4.1.1). Morality, Williams argues, "does try to resist luck, in ways that my and Nagel's articles point out," while, as Judith Andre notes, Aristotle's ethical system does not, thereby circumventing

the problem of moral luck (Statman 252).[22] Although Williams does not explicitly suggest, as some have claimed, that we ought to abandon morality in favor of ethics, he does encourage continued reflection upon the weaknesses of the former: "The oxymoron in 'moral luck,'" Williams concludes, "shows up as a fault line to which, I still think, is worth applying the chisel" (Statman 258).

Like Williams, Margaret Urban Walker accepts that moral luck is a real and pressing problem for a Kantian system of morality. But whereas Williams' sentiments are quite mixed, in Walker's view the dethroning of the Control Principle is a thing to be celebrated. She arrives at this conclusion via a comparison of two incommensurable conceptions of agency: pure agency and impure agency. The proponents of moral luck, Walker argues, embrace an impure notion of agency, whereas their detractors assume the contrary.

In their attempts to show that moral luck is merely apparent, Walker notes, philosophers like Jensen and Richards acknowledge "that we do seem often enough to allow matters of luck to figure in our moral assessments, but aim to show that through closer scrutiny and additional distinctions that the control condition is not in fact violated" (Walker 237). Unfortunately, Walker argues, their accounts involve beliefs that are "at least as counterintuitive as they take moral luck to be" (237). As mentioned above, Richards assumes that character alone, as opposed to acts or results, is to be subjected to

[22] Williams is correct to point out that Aristotelian ethics avoids the problem of moral luck as described by him Nagel, but his explanation of why it does so is incomplete. Although it is true that Aristotle acknowledges the existence of luck, he does maintain a robust conception of human agency and a rich conception of accountability (if not responsibility, strictly speaking). His position is ambiguous inasmuch as he maintains that our character both is and is not up to us; we play a role, but so too do the political institutions and other external forces which inform our character. It is not primarily through his acceptance of luck, however, that Aristotle avoids the problem of moral luck, but instead through his belief that moral responsibility extends (at most) to acts, but not to human character, which is much more ambiguous. I expand on this point in the analyses below.

moral assessment, while Jensen maintains that the agent whose risky behavior actually causes harm is no more to blame than the agent whose risky behavior does not. What is especially odd, in Walker's view, is that in these accounts, and in so many like them, "the control condition stands curiously undefended" (Walker 238). Yet the Control Principle, Walker argues, which "expresses a substantive view about the conditions under which we should see ourselves and others as responsible," is hardly self-evident (238).

With little enough reflection upon concrete human activity, it becomes clear that we are all hopelessly "impure" agents. We are, says Walker, "agents of, rather than outside, the world of space, time, and causality; agents whose histories and actions belong to it" (239). As such, the elegant regimentation of responsibility dictated by the Control Principle represents a drastic "alteration of our common life," such that "To accept it […] would rid us of far more than an alleged kink in our philosophical thinking" (239). That this is the case is evident when we consider how differences of intentions, actions and outcomes complicate our everyday moral assessment of agents and acts. The minutiae which defenders of the Control Principle are quick to gloss over, Walker argues, *matter* to us:

> It will matter whether a woman with hungry children keeps a lost, money-filled wallet that contains identification, whether a child is caught up in a Nazi youth group or an adult informs on his Jewish neighbor for political advantage, whether someone lied out of humiliation or greed. (Walker 239)

Moral luck, Walker argues, is simply a fact of human existence, and "part of the normal and required self-understanding of human agents is a grasp of that fact" (241).

In Walker's view, moral agency and moral luck are coextensive. Moral luck is not at odds with responsibility, but instead serves as one of its important sources. "The truth of moral luck that the rational, responsive agent is expected to grasp," writes Walker, "is that *responsibilities outrun control*, although not in one single or simple way" (241, *emphasis in original*). She reminds us that the virtuous agent is characterized by responsiveness to the world. The fact of moral luck, she holds, therefore brings to light a special array of virtues that she terms the "virtues of impure agency," and these include integrity, grace and lucidity (241). Though there may be a place for virtues like courage, benevolence and justice, Walker argues that "Bad moral luck taxes agents in distinctive ways to which the qualities mentioned distinctively respond" (241).

In Walker's view moral luck is a thing to be celebrated, bringing to light as it does an impure agency that entails extensive responsibility. In a world of impure agents, Walker argues, "legitimate moral claims can overreach deliberate commitments," and others' "need or suffering can even sometimes impose responsibilities it would be indecent to ignore" (245). Pure agency, Walker holds, entails no such responsibilities. In a world of pure agency, for example, a mother needn't care for her sickly child, since she did not cause the child's sickness (245). Likewise, a pure agent needn't comfort her grieving friend, since she did not cause the grief. Pure agents, says Walker, "are freer on the whole from responsibility; are freer to define for themselves what and how much responsibility they will bear" (246). Pure agency is a model of *independence*, Walker argues, and most of us would not want to live in a world of such independent agents.

It is difficult to deny the appeal of Walker's conclusions, but they may require more substantial justification than she provides. Like so many moral luck theorists,

Walker misses a fundamental distinction between the type of luck which confronts an Aristotelian conception of ethics and that which confronts a Kantian system. One indicator is Walker's equivocal use of the term "responsibility." The problem of moral luck arises when we morally assess agents— when we hold them *responsible* for what they have done. But Walker uses the term "responsibility" primarily to describe obligations imposed from without by the needs of other agents.[23] The latter use is more appropriate to an Aristotelian conception of agency, since, as we have noted, virtue has much to do with responsiveness. But this sort of responsiveness is not what Williams and Nagel had in mind when they identified the problem of moral luck. In order to address the problem of moral luck properly speaking, Walker would have to say something more about moral assessment of past actions. Walker is not effectively accepting, as she claims to be, the existence of moral luck (as defined by Williams and Nagel), but instead acknowledging and accepting a more fundamental human vulnerability which echoes that described by Aristotle. In asking readers to choose between a pure and an impure conception of human agency she is effectively asking us to choose between an Aristotelian and a Kantian conception of agency.

Walker might evade the problem of moral luck were she to explicitly reject the Kantian conception of responsibility *and* the type of moral assessment with which Williams and Nagel associate it. She does largely reject the former but, oddly, accepts that agency entails praise and blame from others. The impure agent who willingly takes responsibility for the care of others makes herself vulnerable to "criticism, rebuke, and

[23] Claudia Card offers a helpful analysis of two differing conceptions of responsibility. Her work, like Walker's parts ways with most of the literature on moral luck by taking what Card terms a "forward-looking" approach to responsibility, or an approach that focuses on "acceptance, commitment, care and concern" (25). Both Card and Walker focus on our present and future responsibilities, and not on past actions which merit praise or blame, reward or punishment.

punishment; to valid demands of reparation, restoration, or compensation; to proper expectations of regret, remorse, self-reproof, and self-correction" (246). Certainly, the virtues which Walker associates with impure agency are, on her view, quite worthy of praise. It would seems to follow, then, that Walker would have us assess agents based upon how they ethically respond to the world of impure agency; upon the extent to which they practice such virtues as integrity, grace and lucidity. If this interpretation is correct, it is difficult to see how Walker's ethical vision escapes the problem of constitutive luck, since we are not wholly nor clearly responsible for possessing such traits.

One way to buttress Walker's approach to the problem of moral luck would be to introduce the notion of "taking responsibility." Were Walker to maintain that although we do not, as impure agents, create ourselves in a moral vacuum, we do and should take responsibility for our moral character, and by extension for the actions which our character compels us to take. Such a view is offered by Harry Frankfurt in his defense of moral assessment against the threat of constitutive luck. Frankfurt holds that "the responsibility of a person for his or her character has to do, not with the question of whether its existence is within the person's control," but instead with whether or not he has "*taken responsibility for*" his character (Statman 12). An agent takes responsibility for his character, Frankfurt argues, when he *identifies* with his traits of character and "thus by his own will incorporates [them] into himself as constitutive of what he is" (Frankfurt 171-172).

Frankfurt's defense of character against constitutive luck appeals to a sentiment that is as commonplace as it is problematic. Whereas we often disapprove of agents who make excuses for their character and actions, we generally admire those who take

responsibility for who they are and what they do. Wolf attributes these practices to our belief in a "nameless virtue," characterized by a willingness to hold ourselves accountable for our actions and even for their unintended consequences (13). This virtue, Wolf argues, "involves a willingness to give more […] that justice requires," and is in this sense akin to generosity (14). Frankfurt and Wolf are right to note our appreciation of those who go to excess in taking responsibility, but ought also to mark the potentially unjust consequences of this admiration. We might admire, for example, an agent who takes responsibility for a heavily determined character trait while unknowingly reifying oppressive social norms— as might a docile slave or a deferential housewife.[24] It is unfair and unreasonable to ask agents to take responsibility for such character traits, and arguably for character traits more generally, since doing so entails fostering a willful ignorance of the power of external forces to shape character. We might reasonably worry that a society in which agents are expected to "take responsibility" for their character traits would lack the collective indignation that so often leads to social change.[25]

Perhaps moral luck theorists who favor the rejection of Kantian morality offer the best hope for resolving of the problem of moral luck. Whereas those who accept both the Control Principle and a pure conception of agency must rely on deeply problematic assumptions, those who instead shift the focus of moral assessment from acts and outcomes to character avoid such basic pitfalls. The latter approach also seems more in line with commonsense views about morality; we are ready enough to excuse an agent

[24] I have in mind two of Thomas Hill, Jr.'s exemplars of internalized oppression: the Uncle Tom and the Deferential Wife. See "Servility and Self-Respect," *The Monist* 57, 1973, (1):87-104.

[25] I have in mind the case of Pre-Apartheid black South Africans, which I will discuss in Chapter IV. Before figures like Stephen Biko introduced a critical perspective on the mythic "character" of black South Africans, the latter were encouraged to "take responsibility" for their inferior intelligence, laziness and generally poor character. It was only when critics encouraged black people to question assumptions about their "nature" that a kind of collective self-respect became possible.

from moral assessment if the outcome of her well-intentioned action was not within her control, but less ready to excuse her from such assessment where her character is at issue. Perhaps we unknowingly accept Richard's view that "Identity must precede luck," or perhaps stable character and intentions simply *mean* more to us than do discrete actions or outcomes (Richards 155).

Whether or not they accept the existence of moral luck, theorists who would confine the practice of moral assessment to character must contend with the intrinsic ambiguities of the latter— we *are* and *are not* responsible for our character traits. It is for this reason that we must acknowledge a key difference between the problem of moral luck as described by Williams and Nagel and the challenge of luck as described by Aristotle, a difference that moral luck theorists of every stripe have consistently failed to appreciate. It is only when we recognize that the challenge of luck as construed by Aristotle is not reducible to the contemporary problem of moral luck that we can begin to properly address both.

The Challenge of Tychē and The Problem of Moral Luck

If we were to draw a false equivalence between the contemporary problem of moral luck and the Aristotelian problem of luck, then it would be simple enough to resolve the former. We might proceed, as many theorists do, by suggesting that character alone is the proper domain of moral assessment. If, like Richards, Zimmerman and Thompson, we accept the Control Principle, we would hold that agents are responsible for their characters. If, like Frankfurt and Wolf, we adopt an impure notion of agency but maintain the importance of moral assessment, we would call upon agents to *take* responsibility for their character, and assess them as if they were. The advantage of such

an approach, it seems, is that it allows us to acknowledge the problem of luck to a great extent while maintaining our belief in moral responsibility. The disadvantage is that such an approach cannot be supported, as is so often assumed, by Aristotle's ethical theory. In Aristotle's view, attributing responsibility for particular acts is a tricky business indeed, and attributing responsibility for character is as needless as it is unjustifiable. Ethics is for Aristotle a branch of the political art, since the latter has everything to do with whether or not particular agents realize their potential for virtue. Virtue is by and large the result of customs, laws and other institutions which agents cannot create. Praise and blame play important regulatory roles in moral education and in civic life, but have at least as much to do with the encouragement of good character as they do with the attribution of responsibility for past actions.

There is reason to doubt, as Susan Meyer notes, whether Aristotelian ethical theory even includes a conception of moral responsibility, as opposed to a mere account of the conditions of voluntariness. Aristotle insists, for example, that "voluntariness is shared by children and animals," and that "non-human animals are not morally responsible for their actions, and children are responsible only to a diminished degree, if at all" (Meyer 2). Aristotle's discussions of the conditions of voluntariness in the *Nicomachean Ethics*, the *Eudemian Ethics* and the *Magna Moralia* are all relatively brief and read like surveys of common opinion, perhaps suggesting that "his goal is simply to enumerate the ordinary criteria for imputability in his day, without attempting to give a philosophical account of moral responsibility" (2). It is also worth noting, as Meyer does, that Aristotle does not directly confront the rather obvious conflict between causal determinism and moral responsibility: "This is the question of whether causal

determinism precludes our actions being up to us (*eph' hēmin*) in the way that moral responsibility requires" (2).[26]

Despite these doubts, Meyer contends, "Aristotle's concerns and aims in his various discussions of praise and blame are precisely those of a theorist of moral responsibility" (3). Although Aristotle's discussions of the conditions of voluntariness revolve around common opinion (*doxa*), "he examines them dialectically, and revises them in the light of independent criteria for moral responsibility" (4). His account of responsibility, moreover, entails a compatibilism that explains why he need not address the problem of causal determinism; Aristotle's beliefs about agency are perfectly compatible with both moral responsibility and with a naturalistic or causally determined conception of events. Aristotle's ultimate conclusions about responsibility are quite sophisticated, and largely at odds with some of our most common contemporary views. It is perhaps for these reasons that his account of moral responsibility is so often overlooked or misconstrued.

What is most distinctive about Aristotle's theory of responsibility— and he arrives at this conclusion via a protracted dialectical argument— is that although it clearly entails responsibility for certain acts, it does *not* clearly entail responsibility for the moral character that produces or contributes to them. An agent is responsible for a particular act, on Aristotle's view, only if (1) she is the origin (*archē kinēsēos*) of the act, (2) it was within her power to act otherwise, and (3) she knows the particular circumstances in which the action takes place (NE 1111a 17-25). Meyer adds a fourth requirement, which she infers from Aristotle's analysis of voluntariness: "we are morally

[26] Meyer notes that in recent scholarship on determinism some cite Aristotle in support of the view that "Morality […] is an institution of dubious merit," since he appears to be "a thinker who is free of its presuppositions" (3).

responsible for all and only those actions of which our *character* is the cause" (4, *emphasis mine*).[27] Not all agents possess moral character— children do only to an extent, — and only those who do are potentially responsible for their actions. It might seem odd, then, that although agents who possess moral character are responsible for the voluntary acts that their character produces, they are *not* responsible for the moral character that produces them. But this contention is, as we will see, consistent with the attribution of responsibility for certain acts and the claim that such acts are produced by stable character. Aristotle's sophisticated account of the conditions of moral responsibility vis-à-vis acts, coupled with his contention that we are not wholly responsible for our character, allow him to avoid the problem of moral luck.

As was noted in Chapter II, Aristotle is aware that many or even most actions are of a mixed type—voluntary in only some qualified sense. Some such acts merit praise, some merit blame, and others are to be excused from moral assessment. It is only when we properly appreciate the context within which the action took place *and* observe how the agent feels about the act in retrospect that we are in a position to pass moral judgment. In many cases, we reserve both praise and blame, opting for forgiveness or even pity (NE 1110a 25). Aristotle's contention that many acts are of a mixed kind entails a sophistication that, though often lacking in the contemporary moral luck debate, is perfectly consistent with both the Control Principle and with our ordinary practices of moral assessment. When we feel compelled to judge and to forgive an agent for the same

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[27] Meyer rightly notes that Aristotle's account of voluntariness occurs in the context of his account of character. The discussion of voluntariness is intended, Meyer holds, to identify the circumstances in which an agent is responsible for some particular act. "On Aristotle's view," she writes, "the property that makes the agent a proper subject of moral demands and evaluations must cause any action for which she is morally responsible" (4). This property, Meyer contends, is moral character. Thus, she concludes, we are responsible for those acts of which our moral character is the cause.

act— and such ambivalent feelings are common where moral assessment is at issue— we often do so because we recognize the mixed nature of her action. Moral responsibility is often ambiguous, and Aristotle is aware that this is true both of acts and— to an even greater extent— of moral character.

As Myer writes,

> According to most modern views, all moral praiseworthiness and blameworthiness is ultimately praise or blame for agents having the good and bad states of character that they do, and hence presupposes that the agents are responsible for their virtues and vices of character. (42)

As we have seen, the problem of constitutive moral luck involves the moral assessment of virtues or vices as if they were up to agents, when in reality they are not. To whatever extent Aristotle holds agents responsible for their characters, it would seem, he must contend with the problem of constitutive luck. In his discussion of voluntariness in the *Nichomachean Ethics* Aristotle adopts something like the Control Principle in contending that voluntariness is a condition for praiseworthiness where character is concerned:

> Now since virtue is concerned with feelings and actions, and praise and blame come about for willing actions, but for unwilling actions there is forgiveness and sometimes even pity, it is no doubt a necessary thing for those who inquire into virtue to distinguish what is a willing act from what is an unwilling act. (1109b 30-34)

It is largely true, as Meyer notes, that the conditions that for Aristotle ground praiseworthiness and blameworthiness "are in fact conditions of moral responsibility" (42). On closer inspection, however, "the alleged affinity between Aristotle and modern

theorists of moral responsibility evaporates" (42). Although we do and should praise agents for their virtues and blame them for their vices, this practice does not, by Aristotle's account, entail that agents are *responsible* for such character traits (42). Virtue is praiseworthy "because of the actions and feelings which it produces, not because of the actions or feelings that produce it" (46). In other words, virtue and vice are praiseworthy and blameworthy respectively on account of their "causal powers," rather than their "causal antecedents" (46). The moral assessment of character, then, is different in kind from the moral assessment of particular acts.[28] The latter must be voluntary, but the former need not. This distinction makes a great deal of sense when considered in the context of Aristotle's account of virtue, since although virtuous and vicious actions are chosen, virtue and vice are not, or at least not in the same sense.

In Chapter II we observed that virtue and vice are, in Aristotle's view, radically dependent upon circumstances beyond agents' control. In the light of the evidence there presented, it might be tempting to accept Meyer's strong conclusion that Aristotle does not hold agents responsible for their moral character. There is, however, one passage in the *Nicomachean Ethics* that calls us to question such a view. Before closing his discussion of voluntariness in Book III, Aristotle points out what he takes to be an obvious link between activity and character. He writes, "in order to be unaware that it is from one's being at work involved in each way of acting that one's active conditions come about, one would have to be completely unconscious" (NE 1114a 10-11). This relation between activity and character has import implications for the relation between character and responsibility. The force of character is such that one's stable character is

[28] Though they are related in an important way, since both are assigned to "part of a single complex of conditions identified in Aristotle's canonical account of praiseworthiness: an agent, in virtue of her state, producing a good product" (Meyer 49).

not voluntary, strictly speaking, but it often arises via one's voluntary or partly voluntary actions. Aristotle explains this view by analogizing between states of health and states of virtue:

> It may so happen that one got sick willingly, by living without self-restraint and disobeying one's doctors; in that case it was in one's power at one time not to get sick, but that is no longer possible for one who has given up one's health, just as it is not possible for someone who has thrown a rock to take it back again. Nevertheless, to have thrown and launched it was up to oneself since the source was in oneself. In that way too it was in the power of an unjust or dissipated person at the beginning not to have come to be that way, which is why they are that way willingly, but once they have become so it is no longer possible not to be so. (NE 1114a14-24)

Meyer is correct to note that Aristotle does not hold agents wholly responsible for their states of character, but this need not entail, as she claims, that he does not hold them *somewhat* responsible. Because character (*êthos*) is the culmination of habit (*ethos*) over a lifetime, and habit is repeatedly chosen action, we do and must share some responsibility for our moral characters. Not only is this view consistent with the Aristotelian account of action and character, but it is also a position he explicitly states: "the virtues are willing things […] since we ourselves are in a certain way jointly responsible for our active conditions" (NE 1114b 21-22).[29]

[29] The phrase "in a certain way" (*pôs*) in Aristotle's writing generally signals a nuanced conclusion that arises once more extreme stances have been eliminated in the progression of the text. In the case of responsibility, it entails that we are and are not responsible for our moral character. Aristotle will elaborate

What distinguishes Aristotle's conception of character from those of so many modern theorists is that he is comfortable admitting that character is heavily conditioned by externals, and further comfortable with assigning praise and blame *despite* the impossibility of attributing complete responsibility for character to moral agents. From the Aristotelian perspective, character may be molded from within— by the agent through thoughtful reflection and deliberative action— and from without— through proper rearing and laws. Both types of reform are useful, and both ought to be encouraged. Praise and blame, and reward and punishment, are useful ameliorative tools. Encouragement and discouragement in the form of praise and blame— whether from peers, teachers or those who enforce the law— have less to do with attaching responsibility to action, and more to do with helping agents learn what they ought and ought not to take pleasure in, and what types of people they ought and ought not to become. Moral luck theorists would do well to mark Aristotle's sophisticated conception of responsibility, and to admit, with Aristotle, that the attribution of responsibility for particular acts must often be qualified, and the attribution of responsibility for character is inherently problematic.

Kindness and Luck

Whether we conceive of the moral life as the human attempt to reach a state of *eudaimonia*, as an effort to abide by rationally derived principles, or as some combination of the two, we must contend with the problem of luck. Rule-based moral systems that emphasize personal responsibility must confront the tensions that arise when, in concrete

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upon this stance throughout the progression of the *Nicomachean Ethics*, highlighting the roles of education and political institutions in the process.

human experience, responsibility is ambiguous. Those who would resolve such tensions by taking responsibility for their actions and character render themselves morally vulnerable, since they do so in world that they did not create and cannot control. If morality asks that agents assume complete responsibility for who they are and what they do, then it asks a great deal indeed. If we instead accept— as Aristotle does— that responsibility is ambiguous, and work to dissociate it to some extent praise and blame, then we go far in resolving the problem of moral luck. But where we accept the ambiguity of responsibility, we must also accept the tremendous fragility of both human happiness and moral character, as their shared source is a world in which we control very little indeed. If we would make a better world, which is to say a world of happier, more virtuous moral agents, then we must be prepared to contend not just with our own moral flaws, but also and especially with the social and political institutions that contribute to the formation of character.

Though few of us conceive of ourselves as strict Aristotelians or as by-the-book Kantians, chances are we accept some of the fundamental aims of both moral visions. Most of us want to flourish, most of us attempt to live according to certain principles, most of us realize that we do not create our character in a vacuum, and most of us want to continue to morally assess ourselves and each other. Even absent the philosophical frameworks that ground them, these beliefs and desires mean that we must contend with the problem of luck, or risk living in ignorance of what is most obvious about the moral life: the world is not up to us, but we tend to moralize as if it were. What is most attractive about Nagel's explication of the problem of moral luck is that it does justice to our deep-rooted beliefs and common practices. Philosophical attempts to dissolve or

evade the problem of luck, as we have seen, too often lose sight of both, while conflating the challenge posed by *tychē* and the contemporary problem of moral luck. We must find a way to attend to the twofold problem of luck without abandoning our intuitively plausible moral convictions, and without trespassing against the obvious facts of our existence.

The challenge of *tychē* entails that all human life is deeply vulnerable, and this is a truth that even the minimally self-reflective agent must recognize. The desire to flourish grates against an uncontrollable world such that even a humble sort of moral success is often difficult, and the sustained *eudaimonic* life envisioned by Aristotle seems absurdly idealistic. The problem of moral luck forces us to acknowledge a truth that we so often seem to suppress: that our most fundamental beliefs about responsibility are at odds with our everyday moral assessments. If we take these challenges seriously, they may appear to us insurmountable. In the light of the challenge of *tychē*, it is difficult to avoid the conclusion that ethical striving simply isn't worth the effort. In the light of the problem of moral luck, it is tempting to echo Waller's call for the abandonment of moral responsibility.

As imposing as the twofold problem of luck is, it may prove to be a great source of ethical fecundity. Reflection upon the challenge of *tychē* prompts us to appreciate the tremendous power of parenting, education and friendship to foster virtue, and reminds us of the intertwining of the personal and the political. We may choose, with Aristotle, to take the challenge of *tychē* not as the death knell of ethics but instead as a provocation to make ourselves, to whatever extent possible, the sorts of agents who can flourish despite bad luck, and the sorts of agents who will work to ensure that others' may do the same.

Reflection on the problem of moral luck forces us to recognize the ambivalent feelings that arise when our desire to express moral approbation and condemnation clashes with our desire to exercise compassion. It is only by recognizing this tension that we can fully appreciate just how deep our values run, just how aware we are, if only pre-reflectively, of the existence of luck, and just how willing we are to revise our initially harsh moral judgments in favor of more compassionate ones.

Though we ought not to conflate the challenge of *tychē* with the problem of moral luck, we would do well to acknowledge that both reveal ethical life to be one of profound vulnerability and interdependence. Aristotle reminds us that our flourishing depends to a great extent upon the moral guidance, material help, and expressions of friendship that we receive from others. Williams and Nagel remind us that we are the objects of others' moral assessment and as such vulnerable to praise and blame that may profoundly influence our moral identities. Hence the twofold problem of luck calls on us to admit not only that the *world* is not up to us, but also that *we* are— to a troubling extent— not up to ourselves. It is in the light of this most distressing insight that kindness emerges as the most promising mode of ethical comportment. It takes courage to acknowledge the plain fact that we are all subject to circumstances beyond our control and thus often in need of each other's help and compassion. It takes greater courage still to hold ourselves primarily responsible for our moral character and for the consequences of our actions, since as we have seen such responsibility so often exceeds control. Hence when we acknowledge the great extent to which our moral flourishing is dependent upon externals, kindness emerges not only as the most natural, but also as the most courageous ethical posture.

The tremendous promise of kindness as a response to the problem of luck lies in its ameliorative potential. Whether as a way of helping others or as an approach to moral assessment, kindness not only indicates sensitivity to the twofold problem of luck but also has some power to diminish it. Aware that kindness in the form of material help can to some extent mitigate the toll of bad luck on agents, the kind agent stands ready to help those in need. The kind agent values moral assessment less as a reification of personal responsibility, and more as an ameliorative tool. Kind moral assessments are sensitive to the ambiguity of moral responsibility, and aim both to foster agents' deeply held values and to comfort agents who, even if through no fault of their own, rightly feel remorse when they have caused harm. The kind agent is inclined to feel deep remorse for her own wrongdoing, since such remorse reflects her deeply held values. She hopes that others will foster the same moral seriousness, while appreciating how the vulnerability born of such a moral attitude increases the need for kindness from others. In the absence of such kindness, bad luck too easily disrupts the progression of virtue, and the attitude of moral seriousness too easily leads to despair. It is therefore in and through kindness that we may preserve, to whatever extent possible, the moral life as a site of resistance to the assaults of luck. In a world that is not up to us, our best hope for morally flourishing lies in being kind and in being graciously open to the kindness of others.

CHAPTER IV

ON KINDNESS

Before you learn the tender gravity of kindness,
you must travel where the Indian in a white poncho
lies dead by the side of the road.
You must see how this could be you,
how he too was someone
who journeyed through the night with plans…
-Naomi Shihab

Introduction

That kindness is widely recognized and appreciated in our society is clear. It is less clear, however, that we know precisely what we mean when we refer to a particular act or person as kind. Kindness often functions as an umbrella term, covering such phenomena as generosity, helpfulness, compassion, niceness and friendliness. Vagueness in our collective understanding of kindness may obscure differing beliefs such that if called upon to cooperatively define kindness, we might well quibble over the details. Although we might agree that kindness generally involves helpfulness, for example, we might disagree regarding the intentions, words and actions that constitute kindness in particular cases. In the present attempt to elucidate kindness, caution is therefore appropriate. An overly broad definition may gloss over covert expressions of dominance or even cruelty, as Phillip Hallie and William Hamrick rightly point out, while an overly restrictive definition may exclude subtle yet morally significant expressions of kindness.

In Chapter III I suggested that kindness is the most suitable and praiseworthy response to the inescapable phenomenon of luck. But this claim cannot be properly evaluated until we have a clearer conception of what it means to be kind. My task in this chapter, and in the two that follow, is therefore to elucidate the phenomenon of kindness. I begin the present chapter by observing in some detail a handful of apparent instances of

kindness. Before analyzing these, I reflect briefly upon several of the phenomena—including acknowledgement, helping and giving—that have received considerable philosophical attention and that are often conflated with or reduced to kindness. I end by drawing out a tentative definition of kindness, which I will further develop in Chapters V and VI via an engagement with Kantian and Aristotelian moral theory.

Kindness Exemplified

In Victor Hugo's *Les Misérables*, the Bishop Charles-Françoise Myriel of Digne, known affectionately by his flock as the Bishop Bienvenu, refuses to have locks installed on the doors of his humble residence. This troubles his domestic servant, Madame Magloire, to no end. Bienvenu's sister, Mademoiselle Baptistine Myriel, with whom he resides, tends to dismiss Madame Magloire's concerns out of reverence for her brother. One evening, however, having heard tales of a "dubious-looking prowler" in the village, Bienvenu's sister timidly takes up Madame Magloire's cause. Encouraged by her mistress's support, Magloire's makes her case: "we must have locks, if only for tonight; you see, I say that a door that opens from the outside with just a latch that anyone can open, well, nothing could be more dreadful. Add to that the fact that Monseigneur is in the habit of always telling people to come in— even in the middle of the night. Heaven help us! They don't even need to ask permission—" (63). Magloire's protests are cut short by a knock at the door. "Come in," the bishop says.

The door flies open, as though someone has "given it a vigorous and determined shove" (63). Valjean steps in, with a "ragged, reckless and sinister look in his eyes." By the light of the fire he is a "sinister apparition," shocking the two women into silence.

Bienvenu fixes Valjean with a tranquil gaze, and listens as the traveler recounts the day's events with abrasive honesty. "Madame Magloire," the bishop says by way of reply, "set one more place" (64). Valjean approaches Bienvenu roughly, saying, "Listen [...] it's not like that. Didn't you hear me? I'm a galley slave. A convict" (64). Valjean draws out his yellow passport, and reads: "'*This man is extremely dangerous*.' There! Everybody's kicked me out. Would *you* put me up? Is this an inn? Would you give me something to eat and a place to sleep? Do you have a stable?" (64). "Madame Magloire," Bienvenue responds, "put clean sheets on the bed in the alcove" (64). Turning to Valjean, he says, "Monsieur [...] sit down and get warm. We'll have supper shortly and your bed will be made while you're eating" (64). As it dawns on Valjean that he truly is to be made welcome, his hard expression turns to a look of disbelief, then at last to one of joy. "True?" he stammers, "You mean it! You mean you'll keep me? You're not chasing me away? A convict, and you call me *monsieur*!" (64).[1]

The Bishop seats Valjean as close to the fire as he may, then calls to have his silver candlesticks brought from the cabinet and lit. Valjean is deeply touched: "You light your candles for me. Even though I didn't hide from you where I've been or the fact that I am a poor cursed man" (66). Touching Valjean's hand, the bishop replies, "You didn't have to tell me who you were [...] you are hungry and thirsty; you are welcome" (66). The bishop asks Valjean whether he has suffered greatly, to which Valjean replies: "the ball-and-chain at your feet, a plank to sleep on, the heat, the cold, hard labor, the galleys, the stick! Double shackles for nothing. The dungeon for a word. Even sick in bed, the chain. Dogs, dogs are better off! (66)" "If you come out of such a painful place full of

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[1] Hugo writes, "Every time he said that word *monsieur* in his gently grave yet so very companionable voice, the man's face lit up." "*Monsieur*," he interjects, " to a convict is a glass of water to a man shipwrecked on the *Medusa*. Ignominy thirsts for respect" (66).

hate and rage against men" says the bishop, "you are worthy of pity; if you come out full of goodwill, gentleness, and peace, you are worth more than any of us" (66). Dinner is served, and Valjean eats like a man starved. Only after he is sated does Valjean seem to fully appreciate the austerity of his surroundings. "Monsieur le curé," he remarks, "all this is still far too good for me, but I must tell you the cart drivers who didn't want me to eat with them live better than you do" (66). The bishop dismisses his poverty, saying: "They are a lot tidier than I am," then changes the subject (67).

The meal presented, as Hugo notes, "a perfect occasion to get in a bit of a sermon" (69):

> Anyone else, if he had had this poor unfortunate in his hands, might have seen it as an opportunity to feed the man's soul at the same time as his body and to deliver a reprimand seasoned with morality and advice, or else a touch of commiseration with the exhortation to behave himself better in the future. (69)

Bienvenue not only refrains from sermonizing, but also takes great care not to do or say anything that might remind Valjean of where he has come from, since, as Mlle. Baptistine observes, "in his history lies his crime" (69). Recognizing that Valjean is all too aware of his miserable past and of the hopelessness of his present situation, the kindly Bishop seeks to distract Valjean, and "to make him believe, if only for a moment," that he is a man like any other (69).[2]

[2] Mlle. Baptistine later reflects on the dinner in a letter to a friend, writing: "Isn't that what charity is, properly called? Isn't there, my good Madame, something truly evangelical in the sort of delicacy that abstains from sermons, moral lessons, allusions, and isn't the highest form of pity, when a man has a sore spot, not to touch it at all?" (69).

When the meal is concluded, Bienvenu takes Valjean to the bed that has been prepared for him. Overwhelmed by the bishop's trust, for a moment Valjean's baser instincts take hold, and he turns on the bishop, growling: "Hah! I don't believe it! You're putting me up at your place, right next to you, just like that!" He laughs, adding, "Have you really thought about this? Who's to say I'm not a murderer?" (69). Bienvenu dismisses Valjean's outburst— which seems as much a warning as it does a threat— and, offering Valjean a blessing, takes his leave. Valjean collapses onto the bed, blows out his candle, and falls instantly asleep.

As the cathedral clock strikes two, Valjean awakens. Unaccustomed to a proper bed, the sensation is simply "too novel not to disturb his sleep" (83). His thoughts swirl, old memories mingling with new, old fears and resentments reasserting themselves. Time and again his thoughts return to the bishop's silverware: "These six silver sets of cutlery obsessed him. They were just sitting there. A few feet away" (83). For more than an hour Valjean sits in turmoil, until at last he rises, and, gathering his things, moves to the chest where, only hours before, the cutlery had been placed as was customary. The chest is in the bishop's own room, and Valjean pauses upon reaching Bienvenu's bed to see how deeply the good man sleeps: "He had never seen anything like it. Such trust horrified him" (87). Valjean stares for some time, both deeply moved and deeply distressed. In time he moves to the cupboard, thinking to break the lock but finding the key already in place. He grabs the silver, throws it in to his knapsack, and climbs out the window. In an instant he is over the garden wall and gone.

Dawn finds the Bishop in his garden. Madame Magloire rushes to his side, franticly reporting that "the man's gone! The silver's been stolen!" (88). The bishop

thinks a while before asking, “was the silver really ours?” He pauses, then continues: “I was wrong to hang on to that silver— and for so long. It belonged to the poor. What was that man? He was poor, evidently” (88). Bienvenu returns to his home to take breakfast with his sister. Before the meal is concluded, there is a knock at the door. Madame Magloire opens the door to reveal three rough-looking gendarmes, one of whom clutches Valjean by the scruff of the neck. Before the gendarmes have time to state their business, the bishop moves to Valjean, exclaiming, “Ah, there you are! […] I gave you the candlesticks too, you know; they are made of silver like the rest and you can get two hundred francs for them, easily” (89). Shocked into silence, Valjean listens as Bienvenu explains to the gendarmes that the silver had been freely given. He collects the two candlesticks from the mantle and hands them over to Valjean. Dismissing the gendarmes, the bishop moves to Valjean’s side and says in little more than a whisper, “Don’t forget, don’t ever forget, that you promised me to use this silver to make an honest man of yourself” (90). Dumbfounded, Valjean listens as the bishop continues, emphasizing each word carefully, “Jean Valjean, my brother, you no longer belong to evil but to good. It is your soul I am buying for you” (90). And with that, Valjean is sent on his way.

Valjean’s shock is believable, and we might find ourselves as perplexed as he does by the bishop’s actions if not for Hugo’s elegant depiction of the latter’s character, which opens the novel and contextualizes Valjean’s encounter with him. Hugo’s description of Bienvenu is among the richest character sketches in literature, and cannot be fully captured here, but it would be wise to say a word on the bishop’s tendencies.

The Bishop's Character

When Charles-Françoise Myriel arrives in Digne to begin his service as bishop, he discovers that the episcopal palace is a vast and handsome town house; "truly," as the bishop muses, "a mansion fit for a lord" (5). Adjacent to the palace stands the local hospital, a "low, narrow, single-story house with a small garden" (6). One visit to the ramshackle building, crammed with its 26 patients, and Bienvenu announces his decision to reside there, leaving the episcopal palace to serve as the town hospital. Upon moving into his new home, the bishop immediately allocates the majority of his salary of 15,000 francs to various charities, reserving 6000 francs to give directly to the poor, and a mere 1000 francs for his own expenses. He refers to this distribution not as charity, but as "taking care of his household expenses" (7).[3]

In addition to the majority of his own income, large sums— most of them offerings to the church— have a way of passing through the bishop's hands and into the hands of the needy. Despite becoming the manager of countless charities and a "cashier to all those in distress," nothing can make the bishop change his humble way of life. Money is to him water on endlessly thirsty soil, such that everything is "given away, so to speak, before it was received" (9). The bishop's generosity to those in need knows no bounds. In his efforts to aid the poor, he gladly robs himself, and has no qualms about redistributing the wealth of the church. As Hugo writes, the bishop takes from the rich "all the more greedily for giving it all to the poor" (9).

[3] After three months in Digne, the bishop's sister and Mmle. Magloire comment upon the household's tight budget. The Bishop responds by petitioning the town councilors for "carriage funds." Though the bourgeoisie of Digne — who oppose the church's tendency to squander its wealth on luxuries—raise objections, Bienvenu is awarded the funds. He allocates the entire 3000 francs to charity, preferring to move about his parishes on foot or astride a donkey.

The Bishop of Digne is a gardener. He works the humble patch of earth behind his home diligently, joyfully and with little care for convention. Though his days are "full to the brim with good thoughts, good words and good deeds," he never fancies a day complete save when it ends with an hour or two spent in his garden (47). Though a poor student of horticulture, he seems always to know what his bit of earth requires, and acts accordingly. His time in the garden stirs in him a compassionate affection for all living beings, tethered as they are to an apparently chaotic and often unforgiving Nature. He appreciates the beauty of nature but is not blind to its ugliness. External deformities and deformities of instinct evoke his deepest sympathy, often moving him nearly to tears, as when he says of a particularly hideous spider, "Poor creature! It's not her fault!" (46). Surrounded by unfortunate beings, he seems, says Hugo, "at times to be asking God to hand down lighter sentences." (46).

No one knows so well as the gardener how to do each day what the season requires.[4] It is in this sense that Bienvenu is a gardener not merely of his little patch of earth but also of his bishopric. Sensitive to the needs of his fellows, he responds to the exigencies of even the most delicate situations. He knows, says Hugo, "exactly how to sit and keep quiet for hours at a stretch by the side of a man who had lost the woman he loved, the mother who had lost her child" (16). He has the courage to consort with the condemned, even when all others turn their backs. On one occasion he visited a man awaiting execution in his final hours, when the prison chaplain and the local curé could not be bothered to hear the man's last confession. The bishop rushed to the man's cell, "called him by his name, took his hand and talked to him," and spent the night consoling

[4] Paraphrasing Goethe, who writes: "A tranquil eye, an unruffled consistency in doing, each season of the year, each hour of the day, precisely what needs to be done, are perhaps required of nobody more than they are of the gardener" (224).

him. The next morning, the two rode in a cart together to the guillotine, where Bienvenu stood beside the prisoner even as he was executed. Although the man went to his death at peace, this act took its toll on the Bishop, who took considerable time to recover.

Bienvenu believes that vice is not simply chosen, but instead arises as if by nature under particular pressures. He is therefore slow to judge, and taking into account the surrounding circumstances, is known to say, "Let's see how this sin came to pass" (13). He is generally forgiving of wrongdoing, which to him belongs to mortal beings as much as gravity does to the earth, and is especially forgiving of the vices of the powerless, since "the weight of human society" falls on them (12). "The sins of women and children," he holds, "domestic servants and the weak, the poor and the ignorant, are the sins of the husbands and fathers, the masters, the strong and the rich and the educated" (13). He understands that ameliorative efforts must contend with inadequate institutions, saying: "Those who are ignorant should be taught all you can teach them; society is to blame for not providing free public education; and society will answer for the obscurity it produces. If the soul is left in darkness, sin will be committed. The guilty party is not he who has sinned but he who created the darkness in the first place" (12).

Though well aware of the injustices of the world, the bishop has great faith in humanity, and believes that no person is beyond redemption. He believes in the moral potential of all people, and actively fosters that potential whenever possible. He never represents a virtue as if it is "beyond an ordinary person's reach," and is the first to point out the goodness of others. Instead of appealing to far-fetched examples or needlessly complex arguments, he holds up the citizens of one parish as an example to the

inhabitants of another. Where no example may be found, he offers a parable that goes "straight to the point— with few pretty phrases and lots of images" (11).

When making his rounds Bienvenu seldom preaches, preferring as he does to "chat." He speaks to others in their own tongue whenever possible, going so far as to perfect numerous dialects and adopt the idioms of his diverse parishes. All people are equal in his eyes, so he treats every person— "the high and mighty and the humble alike"— the same. He makes himself at home everywhere, whether in a humble cottage or a fine mansion. His home is in turn open to all.

Bienvenu is not afraid to look foolish in the eyes of the rich and powerful. He knows full well that his way of life renders him comical to his fellow clergymen and to certain of his wealthy parishioners. He navigates awkward encounters with such persons with dignity and humor. On one occasion he arrived at the episcopal palace of a parish on the back of a mule, having surrendered his "carriage finds" as described above. The mayor stood before the palace, scandalized, as "A few good burghers stood around snickering" (9). "Monsieur le maire," Bienvenu said, dismounting, "I see I've shocked you. You think it's terribly arrogant of a poor priest to ride the same beast that Jesus Christ rode. I only did so out of necessity, let me assure you, and not out of vanity" (10).

Bienvenu knows he must guard against the appearance of insincerity lest those who observe him grow cynical about goodness. Himself an "ex-sinner" and fully aware of his own flaws, he does not believe himself to be morally superior to others. His humility and compassion are genuine. Even so, he realizes that some might misread the minutiae of his goodness. Genuine virtue, as Aristotle tells us, is a kind of extreme, and the bishop's virtues are such that he might appear pretentious to those who do not know

him well. Lest he be accused of "laying it on thick," the bishop not only avoids singing his own praises but also becomes, in time, somewhat secretive about his goodness, and especially about the poverty born of his extraordinary generosity. He wears his coats until they are threadbare, but conceals them beneath a cloak. He does what he may to entertain his houseguests, scrambling to procure the best food and wine he can afford. When preparing to entertain, he pulls every chair in his home into the main room. If there are too few chairs for all present, he perambulates, looking thoughtful, to obscure the deficiency. His choice to hold onto his silver until the fateful meeting with Valjean is due in part to his principled rejection of a potentially pretentious-looking asceticism.[5]

So sincere is his goodness that most find the bishop an inspiration. Less fond of him, however, are the self-serving novice priests who would use his office to further their own careers. In an institution rife with sycophants and flatterers, Bienvenu, "humble, poor, peculiar," does not count among the great miters of the clergy, as evinced "by the complete lack of young priests flocking around him" (44). "The impossibility of getting anywhere under Monseigneur Bienvenu," writes Hugo, is "so palpable that, scarcely out of the seminary, the young men ordained by him promptly got themselves recommendations to the archbishops of Aix or Auch and swiftly disappeared" (44). The bishop is as uninterested in elevating the careers of self-serving priests as he is dedicated to helping those who are sincerely in need, whether of comfort, of compassion or of some material necessity.

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[5] He has no moral qualms about keeping the silver since he thinks his having something fine would not deprive the poor in any substantial way, and revels in a childlike enjoyment of having something pretty to contrast with his generally impoverished surroundings. As he says to Madame Magloire, who playfully chides him about keeping a "useless" flower garden: "you are mistaken. The beautiful is just as useful as the useful […] Perhaps more so" (21).

It is far more difficult to paint a portrait of any person— real or imagined— than it is to take a snapshot. Our image of Bienvenu is by now, I hope, close to the former, yet there remains a detail that must be added if we are to fully appreciate his character. Bienvenu is not naïve. He understands that his open-hearted nature leaves him deeply vulnerable. And indeed, his kindness and generosity are at times rejected or even mocked. His compassion is so great that others' suffering becomes his own. His faith in others is sometimes met with disappointment, and this disappointment wounds him deeply. His generosity is occasionally misconstrued as self-righteousness. His extraordinary hospitality, extending as it does even to known criminals, puts his home, his possessions and even his life at risk. The bishop is aware of these risks, and is glad to abide them, caring far less for his own good than he does for the amelioration of others' suffering. He understands as well as one may that the great injustices in the world— and the great deformities of the human heart that they so often yield— must be painfully acknowledged before they can be properly addressed.

The bishop has a great deal to teach us about the nature of kindness. His openness, attentiveness and sensitivity to the needs of others are, if not themselves manifestations of kindness, at least kindness-enabling behaviors. His sincere wish to see others flourish is no mere wish but is instead and unfailingly actualized through his acts of generosity and helpfulness. He treats all people equally, with alike dignity and respect, and makes every effort to engage them on their own terms. He believes that all people have the potential for good, but also that all are vulnerable to misfortune, and as such can only flourish with some degree of help and care. He is slow to pass judgment, emphasizing the situated nature of every act of wrongdoing over some purportedly

flawed moral character. He believes, despite the opposing view that pervades his age, in the ameliorative potential of all people.

In the light of these descriptions, we may tentatively say that *kindness involves an openness to others, a desire to see them flourish, a tendency to treat them with dignity and respect regardless of status or station, and a tendency to act on their behalf*. We may add that *kindness is facilitated by, if not premised upon, an awareness of human contingency or fragility.*

Kindness Is Manifold

It is difficult to imagine a finer exemplar of kindness than Hugo's bishop Bienvenu. But our analysis ought not to be restricted to his character alone, nor to his treatment of Jean Valjean, lest we give the false impression that kindness is monolithic. As we have said, kindness may find expression in some discrete act, in an attitude of helpfulness, in an approach to judging others, or as a stable mode of comportment that involves all of these. To better appreciate the multifarious nature of the phenomenon at hand, we may now observe several markedly different instances of kindness, both real and fictional.

The Sky is Gray

James, an eight-year-old black Louisiana boy, is the narrator of Ernest Gaines's short story *The Sky is Gray*. With his father away fighting in World War II, James is forced by his mother Octavia to take on many of the responsibilities of a grown man. Poverty has made life a continuous struggle for the family, and fear and doubt are

James's constant companions. Despite the bleakness of their situation— or rather as a result of it— his mother won't permit him to betray his emotions; James must show his little brother how to be brave. When a rotten tooth grows so painful that James can no longer sleep at night, his mother determines to take him to town to have it pulled. The procedure will cost most of Octavia's meager savings, leaving just enough, she hopes, for a few ounces of salt meat and a bus ride home.

Bayonne, Louisiana, with its driving sleet and interminable cold, is a cruel place that day, crueler still to a black mother and her son who are denied entry to most of the shops and restaurants, and ignored, sneered at or openly threatened by so many of its citizens. Octavia and James wait for what seems ages in the dentist's office before being turned away— they must return in several hours if they hope to be seen. Back on the streets, exhausted, famished, and cold, James stares hungrily at the people eating in white-only cafés, longingly at the mannequins sporting clothes he wishes he could buy for his mother, and hatefully at the man who whistles at her. They make their way to the poor part of town and enter a café. Octavia takes her money from a kerchief, and spends a quarter on milk and cakes for James, despite his obviously false declarations that he's not hungry. The café is warm, the jukebox is playing, and James is happy to be there. The mood turns when a man begins harassing Octavia to dance. Threatened, she grabs him by the collar and throws him to the floor. He jumps up to attack, but Octavia pulls a knife. When at last the man relents Octavia pulls James out the door and back into the driving sleet.

They move at what seems to James a snail's pace back toward the dentist's office. It's colder now, and the streets are all but empty. Rounding a corner, they nearly

run into a little old white woman dressed all in black. “Stop,” she says, and Octavia stops, uncertain. “Y’all done ate?” she asks. “Just finish,” Octavia replies. “Y’all must be cold then?” Octavia explains that they are on their way back to the dentist. “Come on in,” she replies, “I’ll telephone him and tell him y’all are coming.” She leads them into her tiny shop. From the back room, the woman’s husband calls, “Did you see them?” “They’re here,” she replies, “Standing beside me.” “Good,” he says, “Now you can stay inside” (113).

Octavia and James wait for the old woman to speak, unsure what she wants with them. “I saw y’all each time you went by,” she says, “I came out to catch you, but you were gone” (113). She again asks if they have eaten, and Octavia again answers in the affirmative. The old lady scrutinizes her for some time, as James observes, “like she’s thinking maybe Mama might just be saying that” (113). The woman tells Octavia there’s warm food in the kitchen. Octavia moves toward the door. “Just a minute,” the woman says, “The boy’ll have to work for it. It isn’t free” (113). “We don’t take no handout,” Octavia says, stern (113). “I’m not handing out anything,” she replies, “I need my garbage moved to the front. Ernest has a bad cold and can’t go out there” (113). Octavia agrees to let James help. The old woman insists that Octavia must also eat: “I’m old, but I have my pride, too” (113). With that, she leads James out back to the trash cans. James picks up the first can, which is so light that he sets it back down to see if it’s empty. “Leave that can alone” she tells him. “Pick it up and carry it to the front” (114). James does as he’s told, then comes back for the second can. It’s as light as the first. He carries it to the front, aware that the old woman is watching him. On the way back inside, he notices how small the kitchen is— just as meager and congested as the yard out back.

Back inside the tiny shop, Octavia and James sit down to eat. The table is laden with more food than they have seen in ages — rice, meat, gravy, salad, milk and even cakes. The old woman withdraws while James and his mother eat. James can hear voices in the back room. When she returns the woman tells Octavia that the dentist will be ready for James as soon as he arrives. Octavia and James rise to go, and from the back room Ernest calls out, "Good-bye both mother and son […] And may God be with you" (116).

No sooner has the door closed behind her than Octavia returns to the small shop to ask, "You sell salt meat?" (116). The woman replies that she does, and Octavia asks for two bits worth. "That's not very much salt meat," the woman comments (116). "That's all I have," comes the reply (116). The woman goes behind the counter and cuts a large portion of meat. She wraps it up, puts it in a bag and brings it to Octavia. "That looks like awful lot of meat for a quarter," Octavia protests (114). "I've been selling salt meat behind this counter for twenty-five years. I think I know what I'm doing" (116). Octavia asks her to weigh it. "What?" the woman says, indignant, "Are you telling me how to run my business?" (117). Octavia thanks her again for the meal and turns to leave. "Just a minute," the woman says. James and Octavia keep moving. "Just one minute," she says, this time more forcefully (117). Octavia pauses. The old woman unpacks the meat, cuts it in half, rewraps one half and hands it to Octavia. Laying a quarter on the counter, Octavia says, "You kindness will never be forgotten" (117). As they walk away from the shop, James looks back. There, in the window, the old woman is watching them go.

The old woman in Gaines's story *notices* Octavia and James. So, too, do dozens of other people that day, but in her case something is different. This mother and child are for her more than two black people— exchangeable with any other unwanted "blacks" in

a white neighborhood— as we might imagine they are for the people in the cafés and shops and on the streets of Bayonne. The shopkeeper's wife sees that they have been walking for hours in the cold, and she takes the time to wonder about who they are and where they are going. We're so often content to feel a bit of compassion for someone in need, to imagine ourselves helping them, and then to move on. But the old woman in Gaines's story won't content herself with mere affect. By the time she at last catches Octavia and James, she has determined to help them in any way she can. There is something firm, even forceful about her presence, yet she approaches them tentatively, with an attitude of curiosity and openness. She will help them, if she can, on their own terms. In the delicate tango of wills between the old woman and Octavia, the former pushes the bounds of the latter's willingness to accept help, persistently charitable and even willing to deceive rather than relent. When Octavia insists on being treated fairly rather than generously, the shopkeeper's wife graciously cedes. Octavia, who is at least as hungry and cold as James, doubtless appreciates the fine meal. When she thanks the old woman for her kindness, though, we understand that she appreciates being treated with respect and dignity in front of her son infinitely more.

As Gaines' story reveals, *kindness involves a robust acknowledgement of others, a willingness to accommodate their desires, and an approach to helping that preserves recipients' dignity and self-respect.*

To Kill a Mockingbird

Arthur "Boo" Radley is one of the 'mockingbirds' in Harper Lee's Classic novel *To Kill a Mockingbird* — a once-benign creature whom others have destroyed through

their carelessness and cruelty. Silent and reclusive, he is, for young Scout Finch and her brother Jem, the stuff of monstrous childhood imaginings:

> Jem gave a reasonable description of Boo: Boo was about six-and-a-half feet tall, judging from his track; he dined on raw squirrels and any cats he could catch, and that's why his hands were bloodstained— if you ate an animal raw, you could never wash the blood off. There was a long jagged scar that ran across his face; what teeth he had were yellow and rotten; his eyes popped, and he drooled most of the time. (13)

Over the course of the novel Scout's curiosity about Boo, coupled with the conviction (inculcated by her father Atticus) that most people are good, overrides her fear. In time, and despite the fact that they have never actually met, the two form a peculiar kind of friendship, with Boo leaving little gifts for Scout to find. Scout never passes the Radley house without looking to see if Boo is there.

Near the end of the novel Scout and Jem are attacked on their way home from a school Halloween pageant. Jem yells for Scout to run, but she loses her balance in her awkward wire costume. Someone is on her, trying to hurt her. Jem struggles to help her up, and for a moment the two break free. The assailant grabs Jem. Scout hears a dull crunching sound, and Jem screams. When she turns back to help him the assailant grabs hold of her, slowly crushing her. Suddenly he is flung backward, nearly taking Scout with him. She hears a struggle behind her, then silence. Panicked and confused in the darkness, Scout feels around on the ground for Jem. Insead she finds the body of the attacker, prone, limp, and smelling of stale whiskey. She rises and walks toward the road home. Under the light of a street lamp, she sees a man "walking with the staccato steps of

someone carrying a load too heavy for him" (263). The man walks up to Scout's house and through the door.

The doctor arrives and, having seen Jem, assures Scout that he'll recover. Scout is at last allowed into Jem's room. Her aunt is there, rocking in a chair by the fire. Someone else is there, too— the person who carried Jem home. He's standing against the wall, in the shadows. The sheriff, Heck Tate, arrives, and he and Atticus sit near Jem as Scout recounts the details of the attack. When she explains that someone pulled the assailant off her, Tate asks, "Who was it?" (270). "Why, there he is, Mr. Tate, he can tell you his name" (270). Scout looks at the man standing in the shadows, and seems to really see him for the first time. His hands are thin and sickly white, like they've never been exposed to daylight. He presses them nervously against the wall. A strange spasm shakes him, "as if he heard fingernail scrape slate" (270). But as she gazes at him, "in wonder," the man relaxes. His lips part, "into a timid smile" (270). With tears of recognition in her eyes, Scout says, "Hey, Boo" (270).

As composed as ever, Atticus politely introduces them: "Mr. Arthur, honey," says Atticus, gently correcting her. "Jean Louise, this is Mr. Arthur Radley. I believe he already knows you" (271). Atticus suggests that they all leave Jem's room and reconvene on the front porch, where there will be chairs enough for everyone (and where, as Scout surmises, the lights aren't as bright as they are in the living room).[6] "Come along, Mr. Arthur," Scout hears herself say, "you don't know the house real well, I'll just take you to the porch, sir" (272). Scout leads Arthur to the darkest spot on the porch, well away from

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[6] Scout learns by example how to engage people on their own terms. When entering Jem's room she notices that no one has brought a chair for the man in the corner, but assumes that Atticus knows he'll be more comfortable standing, since "Atticus knew the ways of country people far better than I" (266). She recalls how "Some of his rural clients would park their long-eared steeds under the chinaberry trees in the back yard, and Atticus would often keep appointments on the back steps" (266).

Atticus and Tate. The two sit in silence, perfectly content to simply be in one another's presence. Arthur and Scout listen as Tate and Atticus argue about how to deal with the aftermath of the attack. It slowly dawns on Atticus that Arthur killed the assailant. Tate can't bear to bring Arthur into the limelight, and so insists on maintaining that the attacker fell on his knife. With a troubled conscience, Atticus relents. When Tate leaves, Scout assures Atticus that he made the right decision, since making Arthur a local hero would be "sort of like shootin' a mockingbird" (276).

Before leaving, Arthur motions toward the house. Scout understands that he wants to say goodnight to Jem. She leads him back in, where with her encouragement he lays a gentle hand on Jem's forehead. In a broken whisper, he asks Scout, "Will you take me home?" (278). Scout shows him how to lead her by the arm, like a gentleman, and together the two walk out the door, across the street and up to the Radley home. Arthur opens the door, and disappears inside. They never see each other again. Back on her own porch, Atticus reads to Scout from *The Gray Ghost*— Jem's horror novel that spurred most of their fantasies about Arthur. Before falling asleep that night, Scout tells Atticus, "they didn't know what he looked like, an' Atticus, when they finally saw him, why he hadn't done any of those things … Atticus, he was real nice" (281). "Most people are, Scout," Atticus replies, "when you finally see them" (281).

We may safely assume that Arthur Radley is a complex human being, but even after he kills the attacker and carries Jem to safety, it is perhaps difficult for us to think of him as such. He becomes fully actualized in that moment of profound recognition, when Scout truly sees him for the first time. He becomes ever more human when she leads him to the front porch, sits with him, takes him to Jem's room, and walks him home. Radley's

literal invisibility throughout the story is perhaps different in kind than the sort of invisibility he might have experienced as a mentally impaired man in a relentlessly judgmental society, but the effect is similar: to others, and perhaps to himself, he's not *quite* human until he is recognized as such. Atticus, Tate and Scout treat Arthur with a kind of gentle dignity that importantly includes a willingness to accommodate his idiosyncrasies. When at last Scout walks him home, he must stoop to accommodate her slight stature. Although she knows that they might look a comical pair to anyone happening to watch, in her eyes he is a gentleman. It is, we may imagine, the first and last time in his life when he is treated as— and so momentarily becomes— as dignified a person as any other.

Atticus teaches Scout to look past appearances, and to overcome her fears of what is strange. It is only when she abandons her prejudices that she is able to see Arthur Radley as a full human being, and so to *want* to be kind to him. Kindness involves the willingness to tolerate what is strange to us, and to look past facile caricatures of others to the humanity and potential for goodness that such imaginings so often obscure. Scout is learning to be kind, and from her we learn that *kindness can be inculcated*.

The Woodsman

When first we meet Walter in Steven Fechter's play *The Woodsman*, we know very little about him. What little we know, however, may suffice to make us despise him— Walter is a pedophile who has just been released from prison, having served a twelve year sentence. *What* he is leaves most of the people he meets with no curiosity regarding *who* he is. Those who don't know the details of his past assume the worst and

steer clear of him, and those who do, including the secretary at the mill where he is grudgingly hired, make his life a constant torment. When a child is abducted from Walter's neighborhood, his parole officer Sergeant Lucas bursts into Walter's apartment. Walter must, Lucas is certain, be to blame. Lucas opens a desk (a woodworking masterpiece that Walter crafted years ago), pulls out Walter's journal (which he has been diligently using to try to cope with his unwelcome, "perverse" desires), and tears it to pieces. Giving voice to the audience's sentiments about pedophiles— and perhaps about Walter specifically— Lucas says:

> In my eyes, you are a piece of shit. Think anyone would miss you if I threw you out the window right now? …I could say you jumped when I came in. Who are they going to believe? Not you, because you'd be a dead piece of shit. (52)

The cruelty of the people around him drives Walter further into himself. He has grown almost pathologically apprehensive by the time a co-worker, Vicki, begins trying to approach him. Vicki has seen how Walter has been treated, and even though she seems to suspect why he is so despised, she comes to him with an attitude of openness and curiosity. She catches him being good— working diligently and skillfully, helping others— when no one else seems to notice. It takes a great deal of persuading, but one day he finally lets her drive him home. The two strike up a kind of friendship, which begins to turn romantic when Walter insists on telling Vicki "the truth" about himself. He has molested children; he is a monster. Vicki doesn't immediately leave, as Walter expects her to. She insists that she sees good in him. Irate, he insults her, sure that

something must be wrong with her if she doesn't immediately find him disgusting. Vicki gives him time, but won't let their friendship end.

As the two grow closer Walter learns that Vicki was molested by all three of her brothers, and she learns that Walter has had perverse desires since he was four years old. It is almost certain that he was molested, too, and that his "queer" desires long ago became his way of coping with the trauma. Whatever their source, those desires are so much a part of him that he fears he will never be able to live a normal life.

Walter knows that the odds are against him, as most pedophiles become repeat offenders. He is terrified of himself, and rightly so. Forced to reside across the street from an elementary school (his landlord being the only one who would rent to a convict), he is tempted almost constantly. When Vicki realizes how tortured Walter' daily life is, she asks him to move in with her despite her very real awareness of the risk involved. She wants to do everything she can to help him, and recognizes that without some practical intervention there is little hope for him. Walter thinks of himself as damaged goods, as possibly irredeemable, and is reluctant to accept Vicki's help. He needs time to think it over.

Despite Vicki's compassion and friendship, things continue to go poorly for Walter. The secretary at the mill publicizes Walter's past in hopes of getting him fired, and the mill workers go into a frenzy. Walter's only relative— his sister— refuses to see him. Walter's closest friend (his sister's husband), misinterprets a comment and their friendship abruptly ends. Walter has lost all hope, and prepares to use the only coping mechanism he knows. He leaves his apartment and walks to a nearby park, where he has often seen a girl in a red coat bird-watching. In one of the most poignant scenes in

contemporary drama, Walter invites the girl to come sit with him. They talk about bird-watching. Walter is so gentle and sincere that the girl, whose name he learns is Robin, feels at ease. Eventually, he asks if she would like to sit on his lap. Frightened and embarrassed, she says that she would prefer not to. Walter is embarrassed, too. In little more than a whisper Robin tells Walter about how her father makes her sit on his lap. Walter asks questions about her father, which Robin timidly answers. Looking at the fragile creature beside him, for the first time Walter realizes the true consequences of his own actions. He is moved so deeply that his driving desire to molest Robin transforms into a fierce desire to protect her from anyone who would do the same, including and especially himself. Walter tells Robin that she must tell her teacher about the abuse, and promises that her father won't stop loving her. "I don't want to hurt my daddy," Robin says (63). Walter responds, struggling to find the right words:

> At first he'll be upset… very upset… because he'll realize he's been a bad daddy. Then he'll try… He'll try very hard to be a good daddy… People will say stupid things about your daddy. That will be hard for you… But one thing I know for sure, he'll always love you… always. (63)

There is a long silence. The girl sees the tears in Walter's eyes, and trying to comfort him, says that she will sit on his lap if he still wants her to— that *she* wants to. Walter gently tells her to go home. "Can't I stay a little longer?" she asks. "No," he replies. "Will I see you tomorrow?" Robin asks. "Will I ever see you?" "I can't… see you," Walter says, "I'm going away. But I'll always remember you, Robin" (64). Before she leaves, Robin stands, moves to Walter's side and gives him a hug, silently thanking him.

The play ends in a mood of tentative hope. Walter is fragile indeed, but he is able to recognize that his horrifying sexual impulses are mitigated by a more pressing desire to do no harm, even to help. The ugliness of his past is altogether real to him, but it needn't bar his having some kind of a future. He will never be, as he had once so desperately hoped, "normal," but he may yet find his own way of flourishing.

Early in the play Walter contemplates suicide, and it is easy to imagine his having acted out this fantasy had Vicki not been there. There is no other person in his life who sees him as redeemable. To the rest of the world he is a monstrous being, and his passing would hardly be a thing to mourn. But with Vicki in his life he becomes a dynamic human being. Through her compassionate eyes we come to see him as a victim-turned perpetrator. If we can feel compassion for the victims of sexual abuse, we learn, we can feel the same for the perpetrators of abuse that they so often and tragically become. Through Vicki's generous eyes Walter even becomes for us a kind of moral exemplar— a person struggling with every fiber of his being not to violate moral imperatives despite overwhelmingly opposing desires. Perhaps more remarkably, with Vicki's help and encouragement Walter becomes capable of more than mere self-restraint; he becomes capable of genuine kindness.

Vicki's treatment of Walter reveals that *kindness involves an awareness of others' flaws as contingent, coupled with the active search for others' redeeming characteristics.* It further reveals that *kindness is potentially fecund, awakening its recipients to their own capacity for kindness.*

The Help

Eugenia 'Skeeter" Phelan, like many of the white characters in Kathryn Stockett's novel *The Help*, grows up having a closer relationship with her family's black maid than she does with her own mother. Constantine is loving and supportive of Skeeter, and always takes the time to comfort her when she needs it most. At the age of thirteen, having been called ugly for the first time, Skeeter goes to kitchen to talk to Constantine. "Why you crying, girl?" Constantine asks (62). With tears streaming down her face, Skeeter tells Constantine that a boy just called her ugly. "Well," Constantine replies, "Is you?" (62). Skeeter blinks, stops crying and asks, "Is I what?" (62). "Now look here, Eugenia," the older woman says, "Ugly live up on the inside. Ugly be a hurtful, mean person. Is you one a them peoples?" (62). "I don't know," Skeeter sobs, "I don't think so" (62). As Constantine sits down next to her at the kitchen table, Skeeter can hear the cracking of her swollen joints. Constantine presses her thumb hard in the palm of Skeeter's hand in a gesture that means *listen to me*, and says, "Ever morning, until you dead in the ground, you gone have to make this decision," Constantine says, leaning in close, "You gone have to ask yourself, *Am I gone believe what them fools say about me today?"* (63). Years later, Skeeter recalls how at that moment she realized, for the first time, that she actually had some choice in what she could believe (63).

Mae Mobly Leefolt is neglected by her mother almost from the day of her birth. Ms. Elizabeth Leefolt always takes the time to dress carefully, style her hair and apply her elaborate makeup, but can't quite find the time to meet her daughter's basic needs. More concerned with socializing than with caring for Mae, Elizabeth strolls around the town looking so tidy that no one would ever suspect her of being the kind of person who

would leave her infant at home, screaming in a crib. Mae is little more than an annoyance to her mother, so the housemaid Aibileen's principal task is to keep Mae out of her mother's way. Most mornings when Aibileen arrives at work, she finds the toddler screaming in her crib, miserable in a soiled diaper. Mae is so accustomed to sitting in a filthy diaper that she struggles when it's time to potty train, and this irritates her mother to no end. Elizabeth is openly disgusted with Mae, and regularly expresses her wish that she could have good child, as her friends do.

Aibileen loves Mae as if she was her own child, but knows she can only do so much to help her. She takes excellent care of Mae, and gives her plenty of attention and affection, rightly suspecting that she'll receive little enough from her parents. Aibileen teaches Mae, who at the age of two is already sure she is a dirty, bad and ugly child, that the things her mother says about her simply aren't true. Every time Elizabeth is cruel to Mae Aibileen tells her: "You a *smart* girl. You a *kind* girl, Mae Mobley. You hear me?..." (92). She always makes Mae repeat the words.

When Mae is only three years old Aibileen is suddenly fired. Brokenhearted, Aibileen goes to the Leefolt home to say goodbye. "Baby girl," Aibileen says, "I need you to remember everything I told you. Do you remember what I told you… About what you are [?]" "you is kind," the little girl says, "You is smart. You is important" (443). Aibileen hugs Mae like she's "just given her a gift" (443). She leaves hoping that Mae will remember to see herself through *her* eyes— as a good, loving, worthwhile person— and not through the cold, often cruel eyes of the people around her.

The care Aibileen takes of Mae is kind because it does more than meet her basic physical needs. Aibileen actively inculcates in Mae a conviction of her own value as a

person. Constantine's treatment of Skeeter similarly fosters the latter's feelings of self-worth, but in a way that is more appropriate to a young adult. As these stories reveal, *kindness fosters feelings of self-worth in its recipients*.

Phyllis Diller

Phyllis Diller is widely regarded as one of the most successful stand-up comics in history. Most famous for her flamboyant stage persona— resplendent in ludicrous wigs and Technicolor dresses— and for her outrageous laugh, those who conflated Diller with her on-stage character might be surprised to learn that what she valued most in life was kindness. Diller herself recognized the farcicality of a woman whose stage presence was synonymous with cynicism claiming to appreciate kindness. In a press conference late in her life, Diller was asked what she most hoped to be remembered for. When she answered, with all sincerity, "kindness," she had to laugh at herself.[7] The press member who had posed the question responded, with equal sincerity, "well you are," to which the room erupted in applause.

Though perhaps too self-deprecating to acknowledge it, during her decades as a comic Diller was widely known as one of the kindest people in show business. Having been mentored by the greatest comedians of her time, including, famously, Bob Hope, Diller knew how important it was for young comedians to find support. Once her own career was established, she made a habit of going to see young comics perform. She always laughed loudest when hearing fledgling performers. She knew they would be able

[7] More precisely, Diller said "I always said I would like to become a gracious lady, and be known for kindness." Interviewed for a 2011 profile in *Out* magazine, Diller was again asked how she would like to be remembered. This time she replied: "For being funny. Well, I should say being kind. I am a kind person. I'm kind to everybody. I treat everybody the same, and I'm proud of that. In fact, that's my religion." (See Ari Karpel, "Ladies We Love: Phyllis Diller," *Out*, March 18th, 2011).

to hear her unmistakable, infectious cackle through the noise of the crowd, and would benefit from having a famous comic in stitches in the audience. When prompted, she would offer advice to young comics, with the confidence of an expert and the compassion of someone who knew what it was like to "work without a safety net." Her example and encouragement helped to foster the careers of some of today's most well-regarded comedians, including her lifelong friends Joan Rivers and Roseanne Barr.

Diller was often publicly recognized for her considerable charitable work, but most of her kind gestures took place out of the limelight. One anecdote comes from film critic Leonard Maltin. Many years before Diller's death, on a sudden whim Maltin agreed to appear on a series of gameshows. When he taped a week's worth of episodes of a show called *Password Plus*, he had the opportunity to spend some time with Diller, the other celebrity guest. As Maltin recalls,

> Naturally, we changed wardrobe for each day's show, and by the second or third episode she noticed that I had a different lapel pin on each jacket I wore. She asked me about it and I explained that I collected them. For the next ten to fifteen years, every month or so I would receive an envelope in the mail with a pin from a city she had visited or an event in which she'd participated. She would always attach a card wishing me love.

When Diller died in the summer of 2012, Maltin reflected on her act of kindness, writing, "I still can't get over this extraordinary gesture of thoughtfulness for someone she barely knew." Maltin's anecdote is one of many; Diller routinely went to the trouble of getting to know the people around her, and actively sought out ways to be kind to them. A

staunch atheist, Diller often said that she wanted to make kindness her religion. If one's faith is defined by practice, then she certainly succeeded in doing so.

Diller's life illustrates an important truth about kindness, namely, that kindness is fundamentally *excessive*. Certainly none could fault Diller had she merely treated her colleagues and fans cordially. We may properly praise her as kind because she was more than merely cordial or polite, routinely going out of her way to help and cheer the people around her, expecting nothing in return. Kindness involves more than abiding by conventional moral injunctions; it involves the tendency to do *more* than decency requires. From Diller we learn that *there is something morally excessive about kindness.*[8]

Stephen Biko

When Stephen Biko helped found the Black Consciousness Movement (BCM) in the 1960's, the few white South Africans who were not overtly racist preferred to ignore racial difference altogether. As Barney Pityana, another BCM founder put it:

> It is true that the question of race is one which we often find embarrassing. It should rather not be discussed, like the problem of sex during the Victorian era. "Oh, you see, I love you as a person and it never occurs to me that you are black!"— this is the sort of gesture we receive from our sympathetic friends. Many would prefer to be color-blind. (Woods 36-37)

But the willful denial of racial difference was powerless to address the widespread oppression that entrenched, systemic racism was in fact helping to foster. Denying the fact of racial difference and the problem of racial prejudice in South Africa involved a radical cognitive dissonance, which is clear from what white South African children

[8] A claim I develop in Chapters VI and VII.

simply *knew* growing up. “My contact with other white children,” writes Biko’s friend and biographer Donald Woods, “reinforced the generally accepted white version of the black stereotype,” which held that:

> [B]lacks could never be the same as us; that they did not want to be the same as us; that they were created black because the Almighty clearly intended that they should be set apart and should stay different, with a different color, different smell, different language, different attitudes (all naturally inferior to ours). (42)

So systemic and deeply rooted was South African prejudice that black children— whose inferiority was so thoroughly inculcated as to be naturalized— matured into men and women who were willing to remain complacent despite being politically disenfranchised, economically impoverished and socially irrelevant.

Biko understood that a new paradigm was needed, and that such a paradigm must originate in a fundamental shift in black people’s self-consciousness. It was not sufficient to become aware of one’s blackness, since blackness was so fully equated with poverty, and with intellectual and moral inferiority. Black people must, Biko held, become conscious of themselves as black at the same time that they became conscious of blackness as something *good*, or at least not intrinsically inferior to whiteness.[9] His new paradigm, Black Consciousness, entailed that every black person was a full person, “a being, entire in himself,” and as such worthy of dignity, respect and a political voice (59). Biko and his supporters began to propagate a new story of blackness, to reveal that

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[9] In a 1977 interview that appeared in The Boston Globe Biko said, “Even today, we are still accused of racism. This is a mistake. We know that all interracial groups in South Africa are relationships in which whites are superior, blacks inferior. So as a prelude whites must be made to realize that they are only human, not superior. Same with blacks. They must be made to realize that they are also human, not inferior" (25 October 1977).

blackness had a rich history before it was appropriated as a means of control by white colonists. They began to broadcast the creed that, as Biko put it, "the most potent weapon in the hands of the oppressor is the mind of the oppressed," and the related belief that black people, in refusing to assert their basic humanity, had long been complicit in their own oppression (Woods 59).

Biko's contention that black people were intrinsically worthy of respect was, to many black South Africans, a shocking revelation. To the black man who had always doffed his cap to a white man in an accepted gesture of politeness, the realization that in so doing he reified his own inferiority must have been both deeply upsetting and profoundly liberating. It is easy to grasp why the critical perspective that the BCM represented, once publicized, could not be contained; Biko and his supporters had broken the spell that had long allowed Apartheid to flourish.

We tend, perhaps, to think of kindness as a phenomenon that occurs at the level of individuals— an act of helpfulness, for example, performed by one person for the benefit of another. But Biko's work on the BCM suggests that kindness may, at least in some cases, be actualized on a larger scale; an individual or organization, guided by proper principles, can offer comfort and aid to a great population in need. Biko's belief in the fundamental worth of all people, his righteous indignation in response to oppression, his willingness to work to help those in need, his moral courage in the face of threatened violence, and his tireless efforts to persuade black South Africans to take up their own cause, are both a reflection of his kind character and a powerful illustration of how *kindness can find expression—and indeed effect great change— at the societal level.*

Les Chambonnais

Beginning in the winter of 1940-1, the commune of Le Chambon-sur-Lignon in France became a safe-haven for refugees, most of whom were Jewish, escaping Nazi persecution. The local minister, André Trocmé, with the assistance of his wife Magda and local pastor Eduard Theis, led efforts that ultimately saved thousands of lives. These efforts were not, like those of the French guerrilla organizations, motivated by political allegiance or a desire to preserve a community; as Phillip Hallie writes, "On the contrary […] they put their village in grave danger of massacre, especially in the last two years of the Occupation" (Hallie *Lest Innocent Blood be Shed* 10). Although today the story of Le Chambon is often put forth as a singular example of heroism, what is perhaps most remarkable about the events that took place there is that those involved did not see their efforts as remarkable— they were simply doing what they felt others in their situation ought and might reasonably be expected to do.

As Hallie remarks, "The word *good* sometimes carries with it connotations of vapidity" (Hallie *Lest Innocent Blood be Shed* 68). Certainly, the same can be said of the word "*kindness*." We may think of kind people as being foolish or naïve, or at least of suppressing complex selves with a kind of smothering decency. The kindness of people like André and Magda Trocmé subverts any such characterization. André Trocmé's aggressive attitude of nonviolence did not represent a theologically sanctioned position, but instead emerged, through careful reflection, over the course of a difficult life. He had seen enough death to appreciate the pricelessness of life (48). Though nonviolent, Trocmé was known for his fiery temper. Magda called her husband "a turbulent stream," and Hallie recounts how, during a lecture he was giving on nonviolence, André bellowed

at an audience member who had been whispering (words of praise for Trocmé's work, as it turns out), and called for an usher to remove the miscreant (47). Trocmé's presence was at times overwhelming, especially to his more reserved friends. He insisted on embracing and kissing those he made welcome, and did so with a ferocity that bordered on the erotic (48). A complex, at times inscrutable man, Trocmé was most of all enthusiastically helpful to those in need. He was, for so many refugees, "the soul of Le Chambon," and the "driving force" that carved out an unparalleled sanctuary in a time of unparalleled need (72).

The day Hallie went to meet Magda Trocmé, he listened, rapt, as she told stories of the children— most of them orphaned— whom she and her community had saved from the Nazis. Hallie was so deeply moved by her courage and by her obvious love for the children she helped that he couldn't help proclaiming, "But you are good people, good" (Hallie *Eye of the Hurricance* 31). Magda, indignant, told Hallie he had missed her point entirely: "We have been talking about saving the children. We did not do what we did for goodness' sake. We did it for the children. Don't use words like 'good' with me. They are foolish words" (31). In time Hallie came to appreciate Magda's point, and so must we. Ethical comportment involves *particular* human beings, and for Magda, Andre and the people of Le Chambon, it was one thing to abstractly espouse a principle and quite another "to face a shivering, terrified Jew on your doorstep" (Hallie *Lest Innocent Blood be Shed* 128). Magda was no do-gooder. She did not actively seek out people whom she could help, but she did feel compelled to help those who were clearly in need. Her "principle," as Hallie writes, "did not involve any abstract theories, but only a feeling of responsibility to particular people […] Hers was a caring involving help, not romantic

yearning" (153). The words she spoke to her first refugee, "Naturally, come in, and come in," were no grand gesture, but simply a practical acknowledgment by one person of another's need.

The Trocmé's show us that *kindness isn't reducible to its popular caricature*: a vapid, unreflective quasi-goodness that ought properly to be called *niceness* or *mere pleasantness. Agents who do not immediately strike us as kind— including those we would not classify as "do-gooders"— are capable of striking acts of kindness.* The Trocmé's also reveal that, *although kindness involves reflective personal commitments, kind agents need not be motivated by grandiose moral ideals, nor by an inflated sense of their own moral importance. The values of the kind agent are suited to an imperfect world in which agents need each other's help and support, and are actualized in acts that positively affect particular human beings.*

Frederick Douglass

Frederick Augustus Washington Baily was born into slavery during the second decade of the nineteenth century. The son of a white man and a black slave, Douglass was separated from his mother early in life. He lived with his grandmother for a time before being sent first to a plantation, then, when his overseer died, to live in a great household, where he served a woman named Lucretia Auld. Douglas was yet too young to work the fields, and had few responsibilities. He happily performed small errands for Lucretia, for whom he felt a special regard. One day Douglas found himself injured following a scuffle with another young slave. When the sadistic kitchen slave Aunt Katy found Douglas, she took no notice of his tears and injuries, but instead reproached him

harshly for getting into a fight. Lucretia then appeared and called him into the parlor (itself, as Douglas writes, "an extra privilege"), where, without using toward him any "hard-hearted and reproachful epithets," she quietly "acted the good Samaritan" (207). "With her own soft hand," he writes, "she washed the blood from my face, fetched her own balsam bottle, and with the balsam wetted a nice piece of white linen, and bound up my head" (207). The ointment was less healing to his injuries, Douglas recollects, "than her kindness was healing to the wounds of my spirit, made by the unfeeling words of Aunt Katy" (207).

That day the bond between Lucretia and Douglas deepened. The simple act of binding up his injury, Douglas believed, awakened in Lucretia's mind an interest in Douglas's welfare (207). From then on, he believed, they were friends. She would bestow upon Douglas "such words and looks as taught me that she pitied me, if she did not love me" (206). She would set aside extra food for him, shirking the household's meticulous rationing, and would reward him for singing little songs to her from beneath her window. She would treat him with compassion when he was cruelly treated by Aunt Katy. She was his friend, Douglas reasoned, because she gave him acknowledgement, bread, and sympathy. Although he confesses that these gestures were slight, and that he, being accustomed to a dearth of kindness, doubtless overvalued them, Douglass yet recalls them fondly:

> Bitter as are my recollections of slavery, I love to recall any instances of kindness, any sunbeams of humane treatment, which found way to my soul through the iron grating of my house of bondage. Such beams seem

all the brighter from the general darkness into which they penetrate, and the impression they make is vividly distinct and beautiful. (208-209)

Douglas's experience reveals an important and perhaps surprising truth about kindness, namely, that *genuine kindness may occur despite imbalanced power relations*.[10]

Spurious Kindness

Mr. Meagles, a retired banker in Charles Dickens' novel *Little Dorritt*, is a "practical man." When his wife, overcome by compassion, bursts into tears at a home for orphaned children, he deems it a most practical response (18). With like practicality, he determines to take in one of the poor unfortunates to serve as maid to his benign but spoiled daughter, known affectionately as Pet. Mr. Meagles understands that he cannot expect the poor soul to have all of the good qualities of a full person, having been deprived of "all of the influences and experiences that have formed us" (18). And so the Meagleses adopt a young girl named Harriet Beedle. They immediately decide that Harriet, "an arbitrary name, of course," is an unfitting moniker for their daughter's maid, and so take to calling the girl Hattey (18). Soon after, Mrs. Meagles determines that the child ought to have a nickname, and so takes to calling her Tatty instead. The child's last name, Beedle, also offends the Meagleses, who change it to Coram, after the founder of the institution from which she came. Sometimes she is called Tatty, and sometimes

[10] There is a great deal to say about kindness vis-à-vis power differentials. There may, for example, be something especially praiseworthy in the kindness shown by a superior to an inferior. Even so, we might worry about praising *any* kindness that plays out within cruel institutions, and even worry that kindness might somehow enable the sustenance of systemic indifference. The latter is, roughly, one of Nietzsche's objections to slave morality; slave morality is a morality of psychological, and not practical, resistance. I return to this concern in Chapter VII, where I consider an argument regarding the ineffectiveness of kindness under institutionalized slavery put forth by Harriet Beecher Stowe.

Coram, until at last the Meagleses settle into calling her Tattycoram. In time they can scarcely recall her given name, though, unbeknownst to them, she most certainly can.

Mr. and Mrs. Meagles are quite pleased with what they take to be their compassionate generosity toward Tattycoram. She is in their eyes a privileged soul indeed to have found a home, and in service to such a fine mistress. They work to keep her mindful of her most fortunate position, even as they compound her servility with increasingly demeaning tasks. The Meagleses are utterly oblivious to Tattycoram's need for acknowledgement and affection, and so attribute her rage— which, as they naturally fail to note, coincides with excessive displays of kindness and affection toward their daughter and especially unfeeling treatment of her— to a defect of character inherited from her (almost certainly) defective mother. One for practical solutions, instead of listening to Tattycoram's explanations, Mr. Meagles invariably answers her anger with a prescription: "count five-and-twenty, Tattycoram" (322).

In time, mysterious woman named Miss Wade meets and takes an interest in Tattycoram. Miss Wade treats the latter as an equal, calling her by her preferred name— Harriet— and inquiring into her hopes and plans for the future. The friendship restores the young maid's feelings of self-worth, which makes her life with the Meagleses insufferable. Even those accustomed to careless disregard may have their breaking points, and Tattycoram eventually reaches hers. Having been callously disregarded one time too many, she rushes down the stairs "in a flying rage" and announces to the family: "I hate you all three," and "I am bursting with hate of the whole house" (322). The very model of equanimity, Mr. Meagles simply replies, "count five-and-twenty, Tattycoram," which triggers the young woman's trained response. By the count of eight, though, she has

broken down completely, and pours her heart out to the Meagleses. As Mr. Meagles recalls:

> She detested us, she was miserable with us, she couldn't bear it, she wouldn't bear it, she was determined to go away. She was younger than her young mistress, and would she remain to see *her* always held up as the only creature who was young and interesting? No. She wouldn't, she wouldn't! What did we think she, Tattycoram, might have been if she would have been caressed and cared for in her childhood, like her young mistress? As good as her? Ah! Perhaps fifty times as good … we exulted over her and shamed her… and who were we that we should have a right to name her like a dog or cat?

At that the young woman proclaimed she would take no more "benefits" from the family. By the next morning she had gone. She could endure no more of the Meagleses' "kindness."[11]

The story of the Meagleses reveals, *first*, the importance of moral intentions in rendering particular acts kind, and *second*, the potential of misuse of the term "kind" to describe certain acts of helpfulness or giving that are, if not cruel, certainly far from kind. Tentatively, we may say that *a genuine act of kindness is motivated by a desire for another's good.*

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[11] I regret to confess that "Tattycoram" does not go on to live a rich, independent life with Miss Wade (who turns out to be ruthless and self-serving), to whom she repairs after leaving the Meagleses. Instead, and in true Victorian fashion, she repents her rage and begs the Meagleses to take her back: "I hope I shall never be quite so bad again," she weeps, "I'll try very hard. I won't stop at five-and-twenty, sir. I'll count five-and-twenty hundred, five-and-twenty thousand!" (812). Mr. Meagleses accepts her apology by way of a solemn a lecture on duty.

Taking Stock

The above examples, though not exhaustive, are sufficiently diverse to reveal the basic contours of kindness. But because the phenomenon of kindness shares much in common with, for example, helpfulness, generosity, and hospitality, it will be easier to appreciate kindness if our analysis can bring it into relief against the backdrop of these phenomena. If our account is to be successful, it must ultimately distinguish not only between kindness and radically opposed modes of comportment, but also between kindness and closely related phenomena. In the analysis that follows I therefore consider whether or to what extent kindness exceeds analogous phenomena by evaluating the above examples in the light of both.

Kindness and Acknowledgment

Dozens of villagers saw Jean Valjean, and several spoke to him, but few acknowledged him in a way that would have enabled kindness. When Bienvenu admitted Valjean into his home, listened patiently to his story, and invited him to stay, Valjean was acknowledged not as a mere criminal, but as a fellow man, and as a person in need. Absent this acknowledgment Bienvenu might have helped Valjean materially, but he would not have shown him genuine kindness. Octavia and James, too, were seen by many but weren't truly acknowledged until the shopkeeper's wife turned her attention to them, noticed their discomfort, and approached them with an attitude of curiosity and a willingness to help. The old woman saw Octavia's immediate need, and so paved the way for kindness, but her acknowledgement had to go further. Her offer of food was charitable, but it was only when she acknowledged Octavia as an equal, and showed a

willingness to take a proud woman her own terms that her act of giving became genuinely kind— and could be perceived by Octavia as such. Arthur Radley, who was initially for Scout merely "some country person" standing in the shadows of Jem's bedroom, came to life when she took the time to see him. When she looked in his eyes, called him by name, and made him welcome in her home, he became something else. Her encouragement enabled him to lay a gentle hand on Jem's face in a gesture of friendship and concern, to walk like a gentleman, to momentarily become for himself, perhaps, a person like any other. Vicki watched Walter, curious and sympathetic, and refused to turn away from him when she learned of his past. She would not be persuaded to deny the goodness she had seen in him, and refused to suppress her own compassion for someone who had once, and in a sense still was, a victim of sexual violence. She saw him as a dynamic, fragile human being. Walter in turn learned to truly acknowledge Robin, to see her not as an object to be manipulated to satisfy his desires, but instead as a vulnerable human being in need of help and protection. Phyllis Diller took the time to notice the people around her, was sensitive to their needs and preferences, and so came to know what type of advice and which gestures of helpfulness or generosity they would appreciate. Her willingness to act on this knowledge was part of what made her kind, but that kindness presupposed a tendency to truly acknowledge others. Steve Biko taught black South Africans that their liberation had to begin with an acknowledgment of themselves as intrinsically valuable and fully human, as irreducible to the tools of white colonialism. His acknowledgment of them as such made possible their own, breaking the spell colonization had cast upon their own feelings of self-worth. Magda Trocmé greeted refugees not as strangers nor as Jews, but as human beings in desperate need of help and

care. The people of Le Chambon did not just open their homes to the refugees, but also opened their hearts to them, as fellow human beings worthy of dignity and respect.

It is possible to see another human being without acknowledging her in a way that makes kindness possible. It is possible to perceive another person only vaguely, through a fog of one's own worries and needs, and so to be blind to hers. It is possible to see and immediately judge another person as being unworthy of one's help or compassion, or as being worthy of one's derision. It is possible to reduce another human being to the mere object of one's own self-interest. To acknowledge others in a way that enables kindness we must be able to see past the ends of our own noses, think past our perceived self-interest, and suspend or immediately question the sorts of judgments that would render other people anything less than full human beings. It is only when we learn to acknowledge others in this way that we make possible our own kindness. *Kindness begins, then, in a special kind of acknowledgement.*

For Emmanuel Levinas, the force of the "ought"— our compelling, embodied and affective sense of moral responsibility— "can be directly experienced only because the Other is not an object but a free, independent subject" (Hamrick 53). The Other, Levinas contends, escapes all efforts of categorization. When we attempt to reduce the Other to a perceptual object, or bring her totality under a concept such as "black," "criminal," or "pedophile," we do her great violence. But merely acknowledging the Other as such may not suffice to enable kindness. Kindness involves an active and responsive ethical posture, a readiness to cheer, to help and to give. There is something special, then, as William Hamrick observes, about the "face" (outward expression) of the kind person: "In both look and word, the face of the kind other expresses warm generosity in terms of

welcome, peace and hospitality" (52). When confronted by the Other the genuinely kind person does not merely become cognizant of a set of negative injunctions (*do not kill*, *do not injure*, etc.), but rather experiences a desire to "remedy needs," "enhance the Other's flourishing," and express kinship and responsibility "through welcome and peace" (53). There is something meritorious, even excessive, about the ethical posture of kindness and the form of acknowledgement that it involves. Kind comportment entails a partial disintegration of the boundaries between self and other that lovingly eschews, playfully mocks, the ideal of rational autonomy.

Kindness and Helpfulness

As Kant observes, many people consider themselves kindhearted because they hope or wish for the happiness of others (Kant LOE 200). But mere wishing, says Kant, fails to evince a kind heart. Wishing for others' happiness takes little effort and entails no risk. Acting for the sake of others is decidedly more challenging, and often less rewarding, but we must so act if we are to be genuinely kind; "we are kindhearted," Kant rightly asserts, "only in so far as we actually contribute to the happiness of others" (200). This practical kindheartedness is perhaps most evident in gestures of helpfulness, acts that may involve sacrifices of time, energy, material resources, safety and security, and that may be emotionally or psychologically draining.

The Bishop Bienvenu is especially attentive to the people around him, and so is especially aware of their needs. He wishes for others to be happy, and, because he is truly kind, he will not content himself with mere wishing. No one sacrifices more than he does to help those in need. The Bishop, as we have observed, is well aware of the risks he

takes in aiding others. He knows that his refusal to have locks installed and his willingness to board criminals put him at considerable physical and material risk. He knows that circumstances can strain human nature too far, and that some of the people he helps and makes welcome in his home may be so strained as to rob, hurt, or even kill him. He takes these risks willingly, and considers them less substantial than the spiritual risks he takes in comforting those who need his comfort most.

Sometimes the help that is needed most desperately is also the hardest to give. When the condemned man sat despairing in his cell, Bienvenu alone was willing to act on his behalf. He traveled far to offer comfort and compassion— immaterial help but help nonetheless— to a person in desperate need, and this help came at a great personal cost. When he climbed the scaffold and stood beside the man as the blade of the guillotine fell, he helped in a profound way, but his help required him to witness the brutal death of a pitiable man. The experience shook Bienvenu to his core, and made him question— to the extent he was capable— his faith in humanity. The ensuing and radical emotional upheaval was just another burden Bienvenue was willing to bear for the sake of others.

There are gestures of helpfulness that heal their recipients and gestures of helpfulness that harm them, and this is a truth that Hallie begs us to appreciate. The help that manifested at Le Chambon was truly good, Hallie contends, because the refugees were in desperate need, were treated with dignity and respect, and nothing was expected from them in return. Sadly, in certain situations help can come at a great moral cost to the recipient, and what appears to a casual observer like a gesture of helpfulness may feel to a recipient like an act of disrespect or even cruelty. The Meagleses presumably believed they were doing everything in their power to help Tattycoram, but their "help" was to her

anything but kind. An intended gesture of helpfulness also felt offensive to Octavia, who perceived it as a “handout.” Sherriff Tate understood that the public’s well-intended gestures of helpfulness (baskets of goodies taken to his home, social invitations, etc.), should his heroism be publicized, would be simply devastating to Arthur Radley.

Helpfulness is not necessarily kind, but there are ways of helping that are kind. Kind helpfulness begins, as does all kindness, with an attentiveness to and acknowledgement of others. It involves, moreover, a readiness to intervene on others’ behalf, an attitude captured nicely in the French phrase *prêt-à-servir* (ready to serve). But this readiness to act must be motivated by a desire for the other’s good, and not by the desire to benefit personally, say, by gratifying one’s desire for control or longing for approbation.[12] The Aristotelian emotion of kindness (*kharis*), defined as a feeling of “helpfulness towards someone in need, not in return for anything, nor for the advantage of the helper himself, but for that of the person helped,” then, belongs properly to the attitude of the kind agent (*Rhetoric* 2, Ch. 7; 1385a). The Meagleses’ act of helpfulness failed to actualize kindness in part because it came with strings attached. Had they intended only, or even *primarily*, to help Tattycoram— to provide her a home, an education, and the parental love and guidance that she so desperately craved— then their taking her in could have been genuinely kind. But they, being “practical people,” expected to benefit materially and psychologically from their act of purported goodness; adopting the young girl solved their practical problem of not having a maid for their daughter, and buttressed their already considerable feelings of moral superiority. Indeed, the Meagleses asked a great deal more of Tattycoram than they offered by forcing her

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[12] After all, a busybody might be as *prêt-à-servir* as anyone, but not necessarily in a way that makes kindness possible.

into a mold that went against her nature, requiring her to be complacent and cheerful when she was by nature spirited, and pressed by their indifference into a state of perpetual rage. Far from being kind, their helpfulness has every appearance of cruelty.

Readiness to serve must be tempered with a sensitivity to others' desires for help or lack thereof. In some cases the deliberate choice to withhold help may be closer to kindness than the act of intervening. Hamrick recalls an occasion on which he shoveled snow from the steps of an octogenarian neighbor. Hamrick, assuming the man would not want to risk broken bones or heart failure, set to work on what he took to be an act of kindness. While Hamrick was busy shoveling the neighbor emerged and let loose "a torrent of abuses" that took him by surprise, to say the least (65). "His invectives," Hamrick writes, "clearly (and colorfully) displayed his belief that I falsely thought him incapable of shoveling snow himself" (65). From the neighbor's perspective, Hamrick's gesture was not only *not* kind, but was also disrespectful and naïve.[13]

Hamrick's belief that his neighbor would appreciate help was based on an act of "self-transposal," a term coined by Herbert Spiegelberg to describe the imaginative taking of another's place (64). Hamrick concluded that if he were an elderly, solitary man, he would need and value a neighbor's help. Self-transposal often solidifies our determination to intervene on another's behalf (entailing, perhaps, an intuitive preference for the Golden Rule, since, were we in the other's situation, *we* would want help). But this well-meaning act of the moral imagination has its limits. When, for example, an able-bodied person sees a disabled person struggling with a task and engages in self-

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[13] Hamrick is right to argue that even in cases in which we think carefully about what would be most helpful to another person, we may be met with "ambiguities and surprises" (65). But in this case the Hamrick's insensitivity to his neighbor's preferences might be partially to blame for the negative outcome of his gesture; rather than assuming that his act of helpfulness would be welcome, he might simply have asked.

transposal, she might be tempted to intervene. But for many people with disabilities, unbidden help may feel denigrating; constant gestures of helpfulness by well-meaning strangers can have a cumulative effect, contributing to intense feelings of frustration and resentment. Ambiguous situations— situations where someone may or may not be in need of help, or may or may not be willing to accept help— therefore call for more than self-transposal. They require a special sensitivity on the part of the kind agent, who must listen and watch for subtle cues. When in doubt, she must have the courage to *ask* the other if she needs or desires help.

We might wonder why Hamrick didn't simply ask his neighbor whether or not he desired help, and more broadly why we often feel more inclined to help others than we do to ask them whether or not they want our help. If we believe it is easier to act on the behalf of another person than it is to investigate their preferences regarding intervention, this should give us pause. In Hamrick's case we should note that although a purported gesture of helpfulness may have been physically taxing, it didn't entail an emotional risk, and was most likely emotionally rewarding. Had Hamrick instead approached his neighbor with an offer of help, he would have made himself vulnerable to rejection. Hamrick was stunned when his neighbor angrily disrupted his act of helpfulness, but he could have (and may have in fact) imagined the same sort of reaction in response to an offer of help. In offering to shovel the elderly man's drive, Hamrick would in essence have been asking the man to admit to or deny his own vulnerability and need for help. A denial might have contained the same colorful phrases that the man used when Hamrick actually intervened, but even if it hadn't, it would have been experienced by Hamrick as a

rejection all the same, as even the most polite rejection of help can be upsetting to the person who offers.

That we fear our offers of help might be rejected is one ground for our unwillingness to ask others before intervening on their behalf, but there is another that ought also to be considered. Supposing that Hamrick's neighbor had accepted his offer of help, in so doing he would have implicitly acknowledged his own vulnerability and need. That acknowledgement would in turn have brought Hamrick and his neighbor into a new kind of relation, a relation that neither might be wholly at ease with. In accepting an offer of help we foster an intimacy that disrupts our comfortable sense of autonomy and self-reliance. Accepting help forces the acknowledgement of a fundamental human vulnerability that Phillips and Taylor suggest most of us prefer to deny, and that acknowledgement in turn makes us vulnerable in-relation to others.
Acts of kindness, and the kind reception of the same, demonstrate, "in the clearest way possible, that we are vulnerable and dependent animals who have no better resource than each other" (113). Because it takes courage to ask whether or not our intervention is wanted, it is easy to imagine why, as Phillips and Taylor argue, "one's capacity or instinct for kindness can be actively and unconsciously sabotaged by that part of oneself that fears the intimacies it fosters" (113).[14]

Kindness and Hospitality

In *Perpetual Peace*, Kant defines hospitality as "the right of an alien not to be treated as an enemy upon his arrival in another's country" (358). The right to *visit*, he

[14] This capacity of instinct for kindness may, we should note, include a willingness to accept help when it is kindly offered. Whether we are offering to help another or accepting an offer of help, we are confronted with a fundamental human vulnerability that we might reasonably prefer to deny.

argues, belongs intrinsically to all people by virtue of their common ownership of one planet. Through hospitality, he contends, "distant parts of the world can establish with one another peaceful relations" such that "the human race can gradually be brought closer and closer to a cosmopolitan constitution" (118). At the heart of Kantian hospitality is a conception of welcome that is most congenial to kindness: hospitality is founded upon common humanity, and entails the suspension or dissolution of enmity. But when conceptualized as a right, hospitality yields too anemic a prescription, taking as it does the form of a mere negative injunction: "do not treat an alien as an enemy when s/he is in your nation." To bracket enmity is not yet to manifest kindness.

Suspicious of what he takes to be an anodyne conception of hospitality, Jacques Derrida distinguishes between conditional or traditional hospitality and perfect or absolute hospitality. He contends that the history of hospitality in the West is a history of conditionality, of hospitality framed always by laws, or "those rights that are always conditioned and conditional" (Derrida *Hospitality* 77).[15] Conditional hospitality requires a nation to make welcome the foreigner (one who has been identified as such), where welcome entails a deferral of enmity and some kind of reciprocity. Absolute hospitality instead requires, as Derrida writes, a standing welcome to "the absolute unknown, anonymous other," and requires that "I give place to them, that I let them come, that I let them arrive, and take place in the place I offer them, without asking of them either reciprocity (entering into a pact) or even their names" (25). Absolute hospitality, commanding as it does a break with conditional hospitality, is "strangely heterogeneous to the law to which it is yet so close, from which in truth it is indissociable" (25). While

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[15] Under Kant's definition, for example, hospitality is *conditional* in that it requires that the guest and host embody the enmity of their respective nations.

absolute hospitality transcends laws, it is itself “universal law as ethic,” and as such forms an antimony with conditional hospitality; the ethic of absolute hospitality requires the concrete law of conditional hospitality as a thing to be surpassed. Derrida insists that hospitality is always in some sense conditioned, but equally insists on absolute hospitality as an ideal for ethical comportment.[16]

The vulnerabilities involved in offers and gestures of help are also present, and perhaps more obviously so, in the related phenomenon of hospitality. The *prêt-à-servir* attitude that underlies helpfulness is epitomized by the ethical posture of hospitality; to be hospitable is to stand ready to take others in, to meet their needs and to accommodate their preferences. Implicit in the notion of hospitality is the otherness of the guest, thus it is by no coincidence that the Greek word for hospitality (*xenia*) derives from the same root as the word for *stranger* or *outsider* (*xenos*). To be hospitable is to welcome others in a way that enables them to feel at home, and one implication of this is a tolerance for and readiness to accommodate difference. Hospitality, like kind acknowledgement and kind helpfulness, involves a willingness to let the stranger persist in her strangeness; the hospitable host, like the kind agent, resists the temptation to reduce the Other to herself.

Genuine hospitality involves risk. To open ourselves to others entails, as Derrida suggests, “an interruption of the self” (Derrida *Adieu* 51). In its absolute form hospitality entails pure self-transposal such that “the one who invites, the inviting host,” becomes the hostage, while the “guest (*hôte*) becomes the host (*hôte*) of the host (*hôte*)” (Derrida *Hospitality* 125). Absolute hospitality entails a total abandonment of self-interest, and a

[16] Mindful of the Maussian conception of the gift as paradoxical, Derrida finds a similar paradox in the very idea of hospitality. Hospitality is a kind of openness, yet this openness is premised upon the existence of borders and boundaries; the host makes the guest welcome by permitting entrance, but such permissiveness entails that the host is in a dominant position. Hospitality is an asymmetrical relation, therefore, though as ideal it ought to involve equality.

complete attentiveness to the interest of the guest. Such hospitality is an ideal and as such by definition impossible; like all ethical ideals it is useful as measure of our actual comportment: we are hospitable to the extent that we abandon ourselves and our own interests in favor of acknowledging and securing the guest's.

The Bishop Bienvenu is the very soul of hospitality, as his affectionate epithet attests. His welcome is perpetual; his door is always open. He is cognizant of the dangers to his goods and person that his hospitality engenders, but they cause him not a moment's unrest. So deep is his feeling for his fellow men that he experiences his own good as inextricable bound up with theirs. Valjean is his "bother," as are all men— humanity is his kin. He therefore keeps us mindful of one etymological connotation of "kindness," namely, the treatment of strangers as "kin." The Bishop's hospitality is so complete that it all but actualizes Derrida's ideal of absolute hospitality; the Bishop cannot feel himself to be a hostage because his hospitality transcends the logic of liminality. His very character is a sanctuary that excludes no one who is in need.

As is the case with hospitality, the essential core of kindness is lost if we reduce it to a set of moral rules or obligations. The virtue of kindness lies in its excessive nature; kindness is fundamentally meritorious. Like absolute hospitality, absolute kindness might be conceived of as a moral ideal. Just as the host must retain a degree of control over his home, or persist in his role as host, in order to allow the guest in, the kind agent must retain a degree of autonomy in order to properly attend to the needs of others, and in order to judge when and how it is appropriate to actualize kindness. Kindness assumes a high degree of permeability and interdependence, but we ought to suspect that a total

collapse of the boundaries between self and other would render kindness incomprehensible.[17]

Kindness and Giving

There are many ways of giving, and certain of them are admittedly far from kind. Some gestures of giving serve primarily to reify morally contemptible power dynamics, and ought to be conceived of as acts of cruelty in disguise. This is certainly the case with the Meagleses' "gifts" to Tattycoram. In his analysis of Frederick Douglas's enslavement, Philip Hallie dismisses the moral value of kindness for precisely this reason. Far from opposing cruelty, Hallie contends, kindness within an oppressive social dynamic is "ultimately destructive" (Hallie *Cruelty* 159). As Douglas writes:

> The kindness of the salve-master only gilded the chain. It detracted nothing from its weight or strength. The thought that men are for other and better uses than slavery throve best under the gentle treatment of a kind master. (Hallie *Cruelty* 159)

For Hallie, the "little kindnesses" of the slave-master serve both to ease the conscience of the slave-master and to reify his status as superior to the slave. Douglas's experience buttresses these suspicions. On the rare occasions when one master paid him a few cents of the profit his labor had produced, Douglas reflects that "I always felt uncomfortable after receiving anything in this way, lest his giving me a few cents might possibly ease his conscience, and make him feel himself to be a pretty honorable robber after all"

[17] A similar dynamic underlies Kantian friendship. Ideal friendship entails an absolute unveiling of oneself and a maximum reciprocity of love, but in reality too high a degree of honesty and reciprocity undermines friends' respect for one another. Once the boundaries that characterize autonomy break down, the spell is broken, and the friendship compromised. I examine this dynamic in greater detail in Chapter VI.

(Hallie *Cruelty* 160). Hallie calls us to reflect on how apparent acts of kindness might be experienced by their recipients, lest we overlook cases in which, "What is well-intentioned kindness to the victimizer" is "torture to the victim" (160).

Hallie is wise to emphasize the recipient's perspective, and right to raise suspicions regarding some purportedly kind acts of giving. Gifts can most certainly be used to manipulate others, and may serve to ease consciences that are rightfully uneasy. He is also justified in suspecting that kindness has the potential to be destructive under systems of institutionalized cruelty.[18] But Douglas himself emphasizes the profound transformative power of many "little kindnesses" that he experienced as a slave. These were decidedly different in kind than those described by Hallie. Pennies from his master frustrated Douglas, robbing him as they did of a degree of dignity. But other acts of giving— as when Lucretia gave him extra bread— were felt by him to be truly kind, and served to restore his feelings of self-worth. It is precisely these feelings of self-worth that Douglas credits for his resistance to slavery and, ultimately, for his liberation.[19]

As the story of Octavia reveals, there are ways of giving that are kind. We might equally say that kindness, in whatever form, is best understood as a way of giving. But if the act of kindness is conceived of as gift, then it will arouse the same suspicions that have long plagued philosophical discourse on giving. By and large, the contemporary

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[18] Hallie contends that power differentials pervert kindness and are themselves essentially indistinguishable from cruelty. The opposite of cruelty, he therefore contends, is not kindness but instead liberation from the cruel dynamic: "The opposite of cruelty," he writes, "is freedom." (*Cruelty* 159). By Hallie's logic, we would not expect to see cruelty among those who are social equals, or equally free, and we would not expect genuine kindness (as opposed to the spurious kindness that Hallie describes) where power differentials are present. But Douglas's autobiographies reveal how the greatest cruelties are often perpetuated among the victims of institutionalized oppression, whose social status is equal. Both Douglas and Viktor Frankl reflect on the profound value of kindness that occurs under institutionalized oppression, and the profound ugliness of unkindness of one victim of oppression to another. I return to this theme at length in Chapter VII.

[19] See especially Douglas, p. 286.

literature on giving is tainted by the suspicion that the gift is by nature impossible. In *The Gift* (1967), Marcel Maus amously characterizes giving not as a mere exchange of commodities, but instead as a fundamental means of establishing community relations through mutual indebtedness. In Maus's view, social economies are established via a logic of giving that involves, as Rosalyn Diprose notes, "reciprocal relations of obligation" (5). The recipient is honored by a gift, but also indebted to the giver; the gift must be repaid in no other way than through the maintenance of the social bond (Maus 6).[20]

Understood within the Maussian logic of contract and exchange, as Diprose explains, "the gift is recognized as a gift (it functions as a commodity) and, once recognized, the gift bestows a debt on the recipient and is annulled through obligation, gratitude or some other form of return" (Diprose 6). It would be comforting to believe that acts of kindness transcend contractual logic and therefore resist annulment via debt, since kindness would be an anemic virtue indeed if it demanded absolute reciprocity. Happily, there is some reason to situate kindness outside of the logic of exchange, as part of what distinguishes the act of kindness is that it is offered willingly with the knowledge that it might not be graciously received. We have all proffered a sincere compliment only to be insulted in return, and yet, if we are kind, we will continue to offer compliments.

If in conceptualizing the act of kindness as gift we cannot escape the logic of exchange (agent A gives gift B to agent C; agent C is indebted to agent A and obliged to reciprocate with gift D), there is yet hope that in kindness we find a type of exchange that it itself worthy of praise, and one which dissolves to some extent the paradox of giving. It

[20] Maus is often credited for raising the suspicion that the gift is, by nature, paradoxical or impossible, but both Diprose and Alan Schrift attribute the contemporary interest in giving less to Maus and more to Derrida's analysis Maus (Diprose 5; Schrift 1).

is clear that kind agents do not demand that others "repay them in kind" (returning a material gift with a material gift, for example). But perhaps the kind agent does anticipate some form of acknowledgment, namely, an expression of gratitude. For Derrida, the expectation of gratitude effectively annuls the gift. In the case of kindness, however, a special kind of expectation is at work, and it is one that preserves the excessive character of the gift. We cannot deny that a heartfelt "thank you" is itself gift, and we might even say that a sincere expression of gratitude is as much a gift of kindness as is the sincere act of kindness which prefaces it. Where gratitude, too, is understood as a gift of kindness freely given, we can see how in some cases the "recipient" of some false act of kindness might be kinder in her reception than the giver was in her giving. But even so, we needn't characterize freely expressed gratitude merely as the repayment of a debt by means of which balance is restored between giver and recipient. Instead, we can say that the initial gesture of kindness creates the conditions for a second, independent act of kindness, one which entails the same vulnerability and excess which characterizes all acts of kindness. In graciously accepting a gift, an agent effectively places her trust in the giver.[21] Gracious acceptance expresses confidence in the giver's good will; one who accepts a gift in this way makes herself vulnerable, since some gifts are intended to manipulate or lower the dignity of their recipient. The kind agent does not require thanks in order to restore equilibrium between herself and her recipient, but rather hopes in that second moment to see kindness perpetuated. If the recipient greets the kind gesture with disdain or indifference, she has not failed to restore an economic balance, but has instead

[21] I am here reminded of Gabriel Marcels' notion of "creative fidelity," which holds that we ought to act as if the world deserves credit. The kind agent similarly assumes the credit-worthiness of other people. To accept a gift graciously is to trust in the goodness of the giver. It takes courage to extend moral credit in this way, as we know that people will not always prove to be worthy of it.

disappointed the latter's hope to see kindness proliferate. The moral courage of the kind agent, then, is characterized more by the ability to endure disappointment at the lack of kindness in others than by an ability to endure privation at the hands of others. Kindness will not necessarily be reciprocated, and the kind agent is she who can sustain kindness in the face of this reality. Consistent kindness therefore demands fortitude, and is as such all the more worthy of praise.

Kindness: A Sketch in Outline

Kindness has, at first glance, a striking resemblance to several other phenomena, and these include generosity, benevolence, friendliness, altruism, agapic love, compassion, and care, to name a few. One might therefore reasonably object that the above reflections on kindness vis-à-vis kindness-related phenomena are incomplete. To remedy these omissions, reference will be made to several kindness-related phenomena in the chapters that come, as I work to refine the tentative conception of kindness that I offer here.

In the light of the examples above, and of the analyses of acknowledgement, helping, hospitality and giving, we may make several remarks about the nature of kindness. Kindness presupposes or begins with a special kind of acknowledgment. The kind agent takes the time to notice the people around her, and is open to and curious about them. She has a strong desire to see others flourish, and is not content merely to wish for others' good, but instead actively works to secure it. She is especially sensitive to others' needs, and carefully judges where and when intervention on another's behalf is appropriate. She will intervene where help is needed, and when in doubt she has the

courage to ask others whether or not they are desirous of her help. When she helps another person, or gives something to them, she does so with genuine goodwill and a special care for the dignity of the recipient. She expects nothing in return, but is pleased to see her kindness reciprocated. Her kindness raises recipients' awareness of their own worth, and at times inspires in them the desire to be kind.

Kindness unquestionably involves important judgments, and we may tentatively say that it involves a particular approach to moral judgment. The kind agent views acts of wrongdoing and flaws of character as contingent, and appreciates the many constraints luck places on human activity and the development of character. She is slow to judge, and is more concerned with helping and cheering others than with morally assessing them. When her pre-reflective judgments of others are harsh, she takes the time to evaluate them; she suspends or questions the kinds of judgments that would validate her in choosing to neglect or harm others. She is willing to accommodate others' idiosyncrasies, even to find them endearing. She is careful not to touch others' "sore spots," nor to point to their moral defects. When sharing her judgments, she emphasizes others' intrinsic worth, goodness, or potential for goodness. She actively searches for others' positive character traits and praiseworthy acts. She is inclined to treat all people well, regardless of status or station.

The kind agent tends to do more than decency requires. She will not only refrain from insulting and harming others, but will also go out of her way to contribute to their flourishing. She is aware of the intimacies that kindness fosters, and she has the courage to foster them. She is comfortable with some collapse of the boundaries between herself and others, as she sees her good as intertwined with the good of the people around her.

She is aware of her own contingency and fragility, just as she is aware of human fragility more generally. As such, she will graciously welcome others' acts of kindness.

Concluding Thoughts

The above observations will suffice to allow a further investigation into kindness vis-à-vis Aristotelian and Kantian moral theory in the two chapters that follow. Such investigation is necessary in part because there is yet a great deal to discover about the nature of kindness. In Chapter VI will attempt to conceive of kindness as a virtue in the Aristotelian sense, inquiring, for example, into the affective elements of kindness and into the potential of kindness to be inculcated through training and *praxis*. In Chapter VII work to discover the rational component of kindness, including and especially the intellectual commitments that kindness presupposes and the moral imperatives that it might be said to yield.

CHAPTER V

THE VIRTUE OF KINDESS

"And we also feel friendly towards those
who praise such good qualities as we possess,
and especially if they praise the good qualities
that we are not too sure that we *do* possess."
-Aristotle, *Rhetoric* 1131a 36-37

Introduction

Most of us are deeply committed, if only prereflectively, to the existence of human character. This is evinced, for example, by our feelings of surprise and confusion when someone does something that is at odds with our perception of what she is "like." We seem to believe, as does an ethicist of virtue, that beliefs and feelings are intrinsically tied to action, that actions are linked importantly to habits, and that an agent's moral character is the *gestalt* of her rational, affective and *praxical* tendencies.[1] So strong is our commitment to character that, as David Hume rightly contends, when we praise or blame a particular action we are in truth praising or blaming the trait of character from which we believe it stemmed, since outside the context of character, action has little or no moral significance.[2] In the light of our observations about kindness in the preceding chapter, the association of kind acts with kind character is intuitively appealing; kind agency involves stable rational convictions, predictable affective responses, and *praxical* habits. Although

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[1] I use the (admittedly esoteric) term *praxical* in this chapter to emphasize the special nature of virtuous activity. For Aristotle, *praxis* represents the culmination of theoretical knowledge, as does *poiesis* (production). But unlike *poiesis*, through which some external thing is produced, *praxis* embodies its own end. The being-at-work of the soul that actualizes theoretical knowledge of the good is ethical *praxis*, and is its own end. (See also footnote 9, below)

[2] Writes Hume, "If any action be either virtuous or vicious, 'tis only a sign of some quality of character. It must depend upon durable principles of the mind, which extend over the whole conduct, and enter into personal character. Actions themselves, not preceding from any constant principle, have no influence on love or hatred, pride or humility; and consequently, are never consider'd in morality" (367).

it is certainly possible to imagine a person who does not possess a kind character occasionally doing something that appears kind, or treating only certain people with kindness, when we speak of kindness we tend to have in mind people whose stable character is such that they are kind in a more general way. For these reasons, it is only natural that we should turn, in our effort to give an account of the nature and value of kindness, to an ethic of virtue.

Aristotle's ethical theory is widely and properly regarded as the virtue ethic *par excellence*. That his virtue ethic is superlative is reason enough to justify our turning to it in an effort to elucidate the nature of kindness, but there is an additional justification for such a turn, and it is one worth mentioning here. As was suggested in Chapter II, Aristotle is uniquely sensitive to the role of luck in human existence, and uniquely aware of the contingent nature of virtue. If we wish to test the hypothesis that kindness is the virtue most appropriate for a world in which luck constrains both human activity and the development of moral character, then it is only natural that we should turn to an ethic that properly recognizes luck as a threat to human flourishing.

In this chapter I develop and refine the characterization of kindness offered in Chapter IV by exploring the possibility that kindness can be construed as a virtue in the rich sense of an Aristotelian virtue of character. I begin by abstracting what I take to be the three dimensions of Aristotelian moral virtue— the rational, the affective and the *praxical*— and by explaining how they harmonize. Next I consider how the rational component of moral virtue (*phronêsis*) might be at work in kind agency. I then compare kindness with the Aristotelian emotions of kindness (*kharis*) and pity (*eleos*), with a mind to identifying the affective dimensions of kindness. To identify the *praxical* dimensions

of a virtue of kindness I consider some of the *praxical* components of Aristotelian moral virtues that in some way resemble kindness, including generosity, friendliness and courage. I conclude by offering a tentative depiction of a moral virtue of kindness before reflecting on the value and limits of conceiving of kindness as an Aristotelian virtue of character.

The Rational Component of Moral Virtue

The distinction between Aristotelian and Kantian ethics has often been generalized as a distinction between an ethics that privileges feelings and one that privileges rationality, and this distinction is not without ground.[3] Unquestionably, the emotions play a fundamental role in Aristotle's account of virtue, such that, for example, the mark of virtue is that the agent enjoys being virtuous. But a reductive reading of Aristotle runs the risk of disregarding the central role of rationality in his theory of virtue. Even a somewhat sophisticated reading of Aristotle's ethics may gloss over the importance of rationality, if, for example, it fails to acknowledge the intertwining of thought and feeling that make moral virtue possible. For although virtue is twofold— with one part being intellectual and one part moral— these forms of virtue are complimentary, and the moral virtues only arise alongside and on account of the

[3] Aristotle's attentiveness to the emotions is one reason why recent feminists have suggested that his ethics might serve as an important counter to the rationalism that characterizes some much contemporary/masculinist ethics. In *The Virtue of Care,* for example, Ruth Groenhout suggests that Aristotle's moral theory dovetails nicely with— and may potentially correct certain flaws within— the ethics of care (see *Feminist Interpretations of Aristotle*, ed. by Cynthia A. Freedland. University Park: The Pennsylvania State University Press, 1998).

intellectual virtue of practical wisdom (*phronêsis*).[4] The role of rationality and the intertwining of the rational and affective components of moral character are fundamental components of Aristotle's account of the virtues of character.

In Book Two of the *Nicomachean Ethics*, Aristotle investigates the processes through which the moral virtues, or virtues of character, arise. In Chapter One he establishes that moral virtue, like excellence in technical matters, arises in and through *praxis*, such that "we become just by doing things that are just, temperate by doing things that are temperate, and courageous by doing things that are courageous (1103b 1-3). We might here recall that character (*êthos*) is understood as the sedimentation of habit (*ethos*) into a stable mode of comportment. We may also recall that the *praxes* that give rise to character are generally established through proper upbringing and education, and that in Aristotle's view "It makes no small difference […] to be habituated in this way or that straight from childhood, but an enormous difference, or rather all the difference" (1103 b 25-27). For one who wishes to inculcate virtue, then, it is imperative to establish which actions or kinds of activity will give rise to good character.[5]

Inquiring into the kinds of actions that agents ought to perform and the manner in which they ought to perform them, Aristotle appeals to right reason (*orthos logos*): "Now the phrase 'acting in accordance with right reason' is commonly accepted, and let it be set

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[4] For a superlative account of the intertwining of the rational and the emotional, the theoretical and the practical, and the intellectual and the moral in Aristotle's ethical thought, see Claudia Baracchi's *Aristotle's Ethics as First Philosophy* (Cambridge: Cambridge University Press, 2008).

[5] This is largely the concern of lawmakers, educators and parents, but it is also relevant to anyone who wishes to inculcate virtue in herself, and this is evident from Aristotle's remark that "we are investigating not in order that we may know what virtue is, but in order that we might become good, since otherwise there would be no benefit in it" (1103b 20-30). This comment prefaces Aristotle's inquiry into right reasoning (*orthos logos*), or the kind of reasoning that will reveal right actions.

down” (1103b 33-34).[6] He immediately qualifies his approach, however, by asking us to acknowledge that “every discourse (*logos*) that concerns actions (*praxes*) is obliged to speak in outline and not precisely” (1104a 1-2). Every discourse must be appropriate to its material, and the material of action is particular, such that the discourse concerning action must “lack precision,” and cannot fall under any particular art (*têchne*) “nor under any skill that has been handed down” (1104a 7-8). The reasoning involved in action, then, will not involve precise rules, but will instead entail a sensitivity and responsiveness to “the circumstances surrounding” the agent (1104a 8-9).

Virtuous action necessarily involves a kind a right reasoning, but this reasoning is not technical. Aristotle must then establish the kind of reasoning that can guide action (particulars), without the aid of the precise rules that characterize the arts (*têchnai*), and he does so in Book Six. He begins by assessing three potential sources of practical right reason: sense perception, intellect, and desire. The first is immediately dismissed on the grounds that non-human animals “have sense-perception but do not share in action (*praxis*)” (1139a 17). The two that remain are determined to be complimentary, since “what affirming and denying are in thinking, pursuing and avoiding are in desiring” (1139a 20-21). Not only are they complimentary, but they are also coextensive in *praxis* such that deliberate action is inconceivable without both. Thinking that is not bound up with desire is impotent, since “Thinking itself moves nothing” (1138a 39), and the kind of desire that yields choice is inconceivable without “a rational understanding which is

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[6] That is, set down as an *hypothesis*. Aristotle’s method is characterized by the laying down and testing of hypotheses (generally derived from common opinion or *doxa*). It is telling that his hypothesis that right reason leads to knowledge of virtuous action is immediately qualified.

for the sake of something" (1139a 35).[7] Virtuous *praxis* therefore requires the harmonious coexistence of the intellect and desire, as Aristotle explains:

> [S]ince virtue of character is an active condition of the soul that determines choice, while choice is deliberative desire […] the rational understanding must be true and the desire right if the choice is to be of serious moral worth, and what one affirms, the other pursues. (1139a 22-25)

Having established that the right reasoning proper to action requires both thinking and desire, Aristotle conceives of choice as "either intellect fused with desire or desire fused with thinking" (1139b 6-7). The right reasoning that enables virtuous *praxis* will then be an excellence governing choice that is at once intellectual and appetitive. It is useful to recall here Aristotle's bifurcation of the rational or *logos*-dwelling part of the soul into that part which possesses *logos* "in the governing sense" (rational soul) and that part which is governed *by* logos (appetitive soul). This division corresponds to the division between intellectual and moral virtue. The virtue governing choice is somewhat ambiguous, functioning as a kind of interface between the rational and desiring parts of the soul, having the characteristics of an intellectual virtue, but governing the moral virtues. This virtue is none other than *phronêsis*, or practical wisdom.[8]

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[7] Action requires desire, and virtuous action requires right desire. Knowledge that is at odds with desire leads to unrestraint (*akrasia*), or the intellectual knowledge of what is good combined with a tendency to act in ways that oppose the good.

[8] "Practical wisdom" is a popular translation of *phronêsis* in contemporary virtue ethics literature. Joe Sachs prefers "practical judgment," as it does not imply a stark division between *phronêsis* and *sophia* (wisdom). I prefer "practical wisdom" for precisely that reason; the distinction between *sophia* (as concerned with theoretical knowledge and universals) and *phronêsis* (as concerned with practical knowledge and particulars) is one of Aristotle's key contributions to ethical thought.

To grasp the nature of *phronêsis*, Aristotle suggests, we would do well to reflect on those who are said to possess it. "And it seems then to belong," he observes, "to someone with practical judgment to be able to deliberate beautifully about things that are good and advantageous to himself, not in part […] but the sort of things that are conducive to living well as a whole" (1139b 25-27). It is rightly said that those who manage households or govern cities well possess *phronêsis*, since these, too, have to do with knowledge of what is good for human beings (1140b 7-8). But unlike economics (literally, the management of the home) and statecraft, *phronêsis* is no art; every art entails some end external to itself, and in the case of *phronêsis* "acting well is itself the end" (1140b 6).[9]

Phronêsis involves a kind of knowledge, and since "wisdom (*sophia*) would be the most precise kind of knowledge," Aristotle turns to *sophia* as a possible source of the knowledge that *phronetic* agents possess. But *sophia* governs knowledge of things generally, and especially those that "are most honorable in their nature," whereas *phronêsis* has only to do with knowledge regarding the good of the beings that possess it (1141a 27-28).[10] This knowledge is akin to *sophia*, inasmuch as it involves an understanding something universal (namely, an understanding of what is good for human beings in general), but unlike *sophia*, because it is related to choice and action and thus necessarily involves knowledge of particulars.[11] That *phronêsis* must have this dual

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[9] Here we might note the distinction between *ergon* (a thing produced, as in a "work of art") and *energeia* (being-at-work). Arts *produce* works, whereas virtue is a way of *being* at work.

[10] Which includes non-human animals. Aristotle notes that many animals "manifestly have a capacity for foresight about their own lives;" and he describes this foresight as *phronêsis* (1141a 27).

[11] Aristotle writes: "Practical judgment is concerned with action, so that it needs to have both universals and particulars, or more so the latter" (1141a 21-22).

nature— involving knowledge of both universals and particulars— is clear from the regulative role it plays in moral virtue, since the latter involves both universals and particulars.

Correct knowledge of both universals and particulars is required if *phronêsis* is to properly facilitate the virtues of character.[12] To appreciate why this is so, we need only consider Aristotle's discussion of the subjective *mean* which constitutes each of these virtues. Every moral virtue represents a mean condition between the extremes of deficiency and excess. This mean, however, is not mathematical but subjective; Aristotle writes, "the mean in relation to us is what neither goes too far nor falls short, and this is not one thing nor the same thing for everyone" (1106a 33). Just as the bodybuilder must eat quantities of food that would be excessive for someone who does not exert as much energy, so too must individuals feel and act in ways that are appropriate to their respective natures and situations. The mean condition is in some sense quantitative, such that, for example, a soldier ought to feel less fear when confronting an armed enemy than a civilian would, but it is also and especially qualitative. That is, a particular *action* that would be courageous for a soldier might well be foolhardy for a civilian. The mean is complex, involving feelings and actions that arise (and ought only to be assessed within) a dynamic situation, and is therefore very difficult to achieve. Anyone, for example, can act out in anger, but to feel angry "when one ought, and in the cases in which, and toward the people whom, and for the reasons for the sake of which, and in the manner one ought," is exceedingly difficult, since there are many ways to miss the mark (1106b 21-22).

[12] Which is, perhaps, why Aristotle's account of moral deliberation is so often understood as the mere working through of a "practical syllogism" (a reduction that I firmly reject).

The virtuous agent is she who feels what she ought when she ought, and who and is apt at choosing the mean (1106a 39). The affective states that mark virtue are largely a matter of habituation, but knowing how to act virtuously is the result of *phronêsis*. The *phronetic* agent possesses a correct knowledge of the (theoretical) nature of virtue, and—desirous of the good— knows how to actualize it. She is adept, then, at discerning "the right means to the right ends in particular circumstances" (Sachs 209). Grasping the universal component of virtue is less difficult than mastering the particular, since knowledge of the latter can only arise through experience. Knowledge of particulars includes, importantly, a particular kind of *self*-knowledge. Recall here that in Aristotle's view young people must be allowed to transgress so as to learn to associate pain and remorse with experiences of excess and deficiency (where excess and deficiency are relative to the agent in question). The *phronetic* agent knows which means (to ends) are appropriate not only in relation to external circumstances, but also and especially in relation to *herself*. Since both self-knowledge and knowledge of particulars more generally can only arise through experience, *phronêsis* tends to grow with age. It is not surprising, then, as Aristotle suggests, that although young people often possess *sophia*, they do not possess *phronêsis*.

Aristotle suggests that one might raise an impasse (*aporia*) regarding the usefulness of *phronêsis*. For, unlike the medical arts, *phronêsis* does not produce anything. He cedes that this is the case, but notes that the end of *phronêsis*, unlike the ends of an art, is intrinsic to its activity, such that it produces something "not in the way that the medical art produces health, but in the way that *health* produces health" (1144a 4-5, *emphasis mine*). *Phronêsis* works in concert with moral virtue to bring about a state

of flourishing, since “virtue makes the end on which one sets one’s sights right and practical judgment makes the things related to it right” (1144a 8-9). All deliberative activity has a starting point, and in the case of *phronêsis* that starting point is the end laid down by virtue; for this reason, Aristotle concludes that “it is clear that it is impossible to be possessed of practical judgment without being good” (1144a 39).[13] That is, the agent who possesses *phronêsis* will necessarily possess moral virtue. But *phronêsis* does not and cannot exist prior to moral virtue; moral goodness requires virtuous activity, and virtuous activity requires virtuous deliberation, so, as Joe Sachs notes “good character and good judgment are mutually dependent [. . .] and must develop together (117).

Phronêsis is, for Aristotle, *the* rational component of moral virtue.[14] But that it is the only such component is difficult for many readers of Aristotle to accept. As Jessica Moss rightly remarks, although Aristotle clearly and repeatedly states that virtue (as opposed to intellect) determines the ends of human action, “a formidable array of interpreters refuse to take him at his word” (1). These interpreters generally fall into two camps, with some believing that such an interpretation misconstrues Aristotle’s genuine view, and others contending that Aristotle simply got it wrong.[15] Although I cannot engage the dispute here, I will note that if *phronêsis* is the only intellectual component of Aristotle’s theory of moral virtue, it is at least a substantial one. Few would dispute that a person who possesses excellent judgment tends to live well, and most would agree that excellent judgment coupled with good intentions (the kind that, for Aristotle, typify moral

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[13] Without moral virtue to lay down virtuous ends, *phronêsis* would be mere cleverness. See 1144a 25-30.

[14] A point that he makes abundantly clear. See, for example, NE 1144a 7-9, 1145a 5-7.

[15] Among the former are Neil Cooper, W.F.R. Hardie and Sarah Broadie, and among the latter L.G.H. Greenwood, Harold Joachim and, perhaps most famously, T.H. Irwin.

virtue) tends to yield virtuous behavior. Perhaps, then, interpreters of Aristotle have simply failed to appreciate the magnitude of *phronêsis*. Alternatively, they may have failed to properly appreciate how the affective and *praxical* dimensions of moral virtue supplement and enhance *phronêsis* in ways that make moral goodness possible. Bearing the latter possibility in mind, I will now turn to the next dimension of moral virtue, namely, the affective.

The Affective Component of Moral Virtue

The virtues of character dwell, says Aristotle, in the appetitive or desiring part of the soul. Whereas intellectual virtues govern thought, moral virtues govern activity, and more specifically, the sorts of activities that are accompanied by pleasures and pains. How we feel about our actions reveals something important about our character, and this is a truth that Aristotle appreciates. The mark of moral virtue is not that an agent acts in a certain way, but rather that she *feels* what she ought in relation to her actions. Thus Aristotle writes, “As a sign of the active states of one’s soul, one must consider the pleasure and pain that accompanies one’s deeds” (1104b 4-5). The virtuous agent is she who takes proper pleasure in virtuous activity.

Every active state of the soul is defined, Aristotle argues, by the kind of being-at-work (*energeia*) that brings it about or improves it (1104b 19-20). That the moral virtues are fundamentally concerned with pleasure and pain is clear from the fact that “it is by means of pleasures and pains that people become base, through pursuing and avoiding them, either the ones they ought not, or when one ought not, or in a way one ought not” (1104b 22-23). Although moral virtues and vices are actualized in and through action

(*praxis*), such action is pursued *on account of* pleasures and pains; writes Aristotle, "it is on account of pleasure that we perform base actions, and on account of pain that we refrain from beautiful actions" (1104b 10-11). Aristotle appreciates the tremendous power of desire and aversion to guide human conduct. He concludes, with Plato, that the inculcation of moral virtue requires that we learn through training and experience to feel properly pleased by what is good and properly pained by what is bad, so we will enthusiastically pursue the former and willingly avoid the latter.

The central importance of the affective aspect of moral virtue is perhaps most apparent in Aristotle's discussion of unrestraint (*akrasia*). Unlike Plato, for whom willful pursuit of the bad is by definition possible, Aristotle acknowledges that people often have knowledge of the good but consciously fail to act on that knowledge.[16] When they do, they manifest *akrasia*, which though not a vice, is most certainly opposed to virtue. *Akrasia* is a state of disharmony between the rational and affective parts of the soul in which the agent possesses correct knowledge of the good, but also possesses wrong desires, and/or lacks adequately strong right desires, and in which the agent is governed by the latter. *Akrasia* is incredibly common in our own time, as it was in Aristotle's: a chain smoker may continue to smoke even if she is fully acquainted with the risks that her behavior involves, a student may fail to complete her assignments even though she knows that she ought to complete them, and a person who firmly believes that donating to public television is good may yet fail to do so despite having ample means. Whereas

[16] By "willful" I do not mean that the agent actively seeks out the bad, but instead that she acts against her correct knowledge of what she ought to do. Her behavior is both willing and unwilling, as is evinced, Aristotle suggests, by her feelings of regret after the fact. Aristotle also believes that agents can deliberately choose the bad as part of an active state of character. Dissipation (*akolasia*) is that vice "by which one deliberately chooses to be, or acquiesces to being, someone who indulges in the pleasures of eating, drinking, and sex whenever they are available" (Sachs 203, see NE 1146b 22-23). Whereas dissipation is a vice (*hexis*), *akrasia* is a *pathos* (something suffered or undergone). It is not a vice, but works against or prevents virtue.

Plato would attribute these failures to a lack of knowledge (suggesting, for example, that the smoker doesn't *really* know how dangerous smoking is), for Aristotle the affective component of the failure is primary. A sign of this, he argues, is the feeling of regret that *akratic* agents experience after they have failed to act virtuously.

When agents fail to do what they believe is good, Aristotle contends, they are failing to be governed by *phronêsis*, which not only reveals the appropriate means to virtuous ends, but also issues responsibilities to act accordingly. Aristotle writes: "practical judgment imposes obligations, since the end that belongs to it is what one *ought* or *ought not* to do" (1143a 9-10, emphasis mine). In the *akratic* agent these obligations are rationally understood, whereas in the virtuous agent they are also *felt* in the form of right desires. In cases of *akrasia*, the failure to be governed by *phronêsis* has less to do with a lack of knowledge regarding how one ought to act, and more to do with an absence of the stable affective states without which *phronêsis* cannot function.[17] The *akratic* agent understands her moral obligations rationally, inasmuch as she understands what someone in her situation ought to do, but she lacks the strong feeling of obligation that moves the virtuous agent to act, and this is because she is not affectively conditioned to take the proper *pleasure* in virtuous activity.

Aristotle believes there is some hope for agents who suffer from *akrasia*, since the rational component of virtue is already at work (though not in a complete way) in them.

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[17] A point that interpreters of Aristotle often miss, instead conflating Aristotle's view with Plato's. As Devin Henry writes, "those that believe he [Aristotle] reduces all *akrasia* to some form of culpable ignorance" ultimately hold "a weaker version of the Socratic thesis by allowing agents to act contrary to their knowledge of what virtue requires in general while still denying, along with Socrates, the possibility of acting contrary to what deliberation has shown to be the best course of action" (256). That the failing in cases of *akrasia* is not rational only but also and especially affective is evident, for example, in Aristotle's analogizing between the *akratic* agent and the sick patient who hears and understands the physician's advice, but does not follow it despite realizing it would be in her best interest to do so.

Aristotle likens the *akratic* person to the drunk who recites verses from Empedocles, and to the child who strings words together without grasping their true meaning. He writes that "one must grow into knowing; and so one ought to assume that people who behave without restraint speak in the same way as actors playing a part" (1147a 21-22).The child who strings words together is on the way to grasping their meaning, and the *akratic* person, by possessing a theoretical grasp of the good, has the potential to possess genuine knowledge of the same, which is to say knowledge that will govern her behavior. But again, this knowledge "in the governing sense" is impossible absent the affective states that foster it.

Aristotle's account of *akrasia* is conventionally interpreted as an imbalance between reason and desire in which either the former is absent, or the latter overcomes the former.[18] This reading brings to mind the Kantian division between rationality and inclination, and the quintessentially Kantian fear that moral agents will jettison moral principles in favor of sensual gratification. But Aristotle is not a Kantian, and his account of *akrasia* is more complex than the conventional view suggests. Although I cannot engage it at length, I will briefly explain why I believe that view is mistaken.[19]

In the case of the chain smoker, it would be incorrect to say that she lacks knowledge regarding the harmfulness of cigarettes. Indeed, she may not only have such knowledge, but also personally experience the deleterious consequences of her habit. We

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[18] Even Joe Sachs, one of Aristotle's most nuanced interpreters, espouses a similar view: "unrestrained behavior is a failure of choice […] in which the human fusion of desire and thinking […] has been imbalanced with desire taking the lead" (124).

[19] My understanding of *akrasia* parallels Devin Henry's account of what he terms "the worst kind of *akrasia*." Henry accepts the conventional conception of *akrasia* in most instances, which he terms "drunk-*akrasia*." For an excellent illustration of what Henry takes to be the worst kind of *akrasia* (and what I take to be *akrasia* simply), see Melissa Burchard's "What's an Adoptive Mother to Do? When Your Child's Desires are a Problem," in *Coming to Life: Philosophies of Pregnancy, Childbirth and Mothering,* edited by Sarah LaChance Adams and Caroline R. Lundquist (New York: Fordham University Press, 2013).

might, then, say that she knows that smoking is unhealthy in a rich embodied sense. Still her rational understanding does not prevent her harmful behavior. If we espouse the conventional interpretation of *akrasia* we would simply attribute her smoking to her strong desire for cigarettes, and assume that her desire overwhelms her better judgment. What makes this explanation mistaken is that it fails to acknowledge a lack, namely, a lack of *another* desire that might properly compete with her desire to smoke. That such a conflict of desires is possible in cases of addiction is obvious; most smokers "want to quit." But their desire to quit is often overwhelmed by the stronger desire to smoke to such an extent that there hardly *appears* to be a conflict of desires at work. In cases of *akrasia*, what is missing is a right desire strong enough to compete with a wrong desire, and this lack of competition involves the agent's inability to take adequate pleasure in the good. The chain smoker either takes great pleasure in smoking, or is greatly pained by not smoking, or both. Only by inculcating the ability to be pleased (and/or not to be too deeply pained) by *not* smoking will her desire not to smoke introduce the kind of competition that might allow her rational understanding of the dangers of smoking to properly manifest in her behavior. What makes her addiction so difficult to overcome is that she must habituate herself to take pleasure in (and/or not be too deeply pained by) refraining from smoking through *praxis*, and it is notoriously difficult to establish new habits that are contrary to deeply embedded ones. Still, the nature of habit is such that there is hope for those who suffer from *akrasia*. To better appreciate why this is so, we may now turn to the *praxical* dimension of moral virtue.

The *Praxical* Component of Moral Virtue

"It is clear," writes Aristotle, "[…] that none of the virtues of character comes to be present in us by nature, since none of the things that are by nature can be habituated to be otherwise" (1103a 19-21). Although the virtues are not naturally present in us, they come to be in accordance with nature, since we possess by nature the *capacity* for virtue. This capacity is none other than the capacity to be habituated to feel and act in certain ways. One may not teach a stone to fall up, but one may teach a child to eat moderately, and one does so by encouraging the appropriate habits.

As is the case with the arts, we acquire the virtues "by first being at work in them" (1103a 31). This being-at-work must be of a certain kind; just as "people become both good harpists and bad harpists from harp playing," people become both virtuous and vicious through engaging in the activities that have to do with pleasure and pain. We learn to be virtuous, says Aristotle, by acting virtuously (or, we might say, by *enacting* virtue). Such activity requires guidance, especially when we are young, since the same situations may foster both virtues and vices depending on how we behave in those situations. Aristotle writes, "by acting in frightening situations and getting habituated to be afraid or confident, some of us become courageous and others become cowards […] the ones from turning themselves this way in these situations, the others from turning themselves that way" (1103b 16-21). Just as a fledgling artisan needs careful and specific guidance if she is to perfect her craft, so, too, does a young person need careful and specific guidance if she is to become virtuous. A seasoned craftsman, on the other hand, having learned through training and experience to perfect her craft, requires no such guidance. Analogously, a virtuous agent, having been trained and habituated in the right

ways, will have no difficulty acting virtuously, and so her behavior will require no external correction.

As we have noted, the moral virtues govern activities that involve pleasure and pain. Since we naturally pursue some activities and avoid others on account of the pleasures and pains that we derive from them, it is to be expected that we will have more trouble inculcating those virtues (and avoiding those vices) that require us to forego intrinsically pleasurable activities or engage in intrinsically painful ones.[20] It is generally more difficult to abstain from a pleasurable activity than to indulge in it, and more difficult still to engage in a painful activity than it is to avoid it.[21] It is also therefore unsurprising that the mean which characterizes a virtue is often felt by the agent to be— and might even objectively be characterized as— further from one extreme than from the other.

Consider, for example, the virtue of temperance (*sôphrosunê*). Temperance is the active condition that causes agents to choose bodily pleasures so as to enhance their overall well-being. The deficient condition in relation to temperance is so rare that, as Aristotle notes, it does not even have a name; he elects to call it *insensibility* (1107b 7-8). The excessive condition, *dissipation*, is a common vice indeed. That one extreme in relation to temperance is essentially nonexistent and the other ubiquitous simply reflects

[20] My use of the word "intrinsically" here is admittedly equivocal, since, for Aristotle, we may habituate ourselves to be pleased and pained in accordance with virtue. But Aristotle does acknowledge, as is only reasonable, that people will by and large pursue similar pleasures and avoid similar pains, and this is especially evident in the behavior of children, who have not yet been habituated to enjoy what they ought to. I elaborate on this claim below.

[21] A point that Aristotle appreciates, as should we. Whereas we might, for example, readily forgive someone for succumbing to torture, we would not readily forgive them to succumbing to temptation. People who betray state secrets when tortured retain their dignity in the eyes of the public, but those who sell state secrets for a bribe most certainly do not. This fact suggests, as Aristotle believes, that although pleasure and pain are both *pathoi*, they are fundamentally different in kind.

the fact that it is easier to habituate oneself to overindulge in bodily pleasures than it is to habituate oneself to avoid them wholly. The agent who tends to err on the side of dissipation (as many of us do) will undoubtedly feel as if *insensibility* is further from the mean than dissipation, as it seems to her more out of reach, and would require of her more extreme changes in her affective and practical habits. We might even contend that the mean is further from one extreme than from the other in an objective sense, given the rareness of the one and the pervasiveness of the other. That is just to say, some vices are more naturally appealing than others, and so require more training and practice to avoid.

What is true of moderation is true of courage, but in relation to pain rather than pleasure. Courage involves enduring pain for the sake of the beautiful and the good. The deficient vice related to courage is cowardice, and the excessive one is foolhardiness. Since agents are generally more inclined to avoid pains than to seek them out, we might say that foolhardiness is further from the mean than cowardice, and indeed, cowardice seems a more common vice than foolhardiness. Aristotle concludes that the vices are often disproportionately removed from the mean, where "it is in some cases the deficiency that is more opposite, but in other cases the excess," and this is "for two reasons" (1109a 1-2). First, as is the case with moderation and courage, one extreme seems objectively to stand at a greater remove from the mean. Second, "those things toward which we ourselves tend more by nature in any way appear more contrary to the mean" (1109a 14-15).

Since we are by nature inclined to seek out pleasures an avoid pains, we might worry that the inculcation of virtue is dauntingly difficult, even impossible. But any parent who has habituated a child to eat her vegetables of brush her teeth without being

asked knows that the power of habit may work in support of virtue just as it may work support of vice. Activities, when engaged in regularly, become habits, and habits, once entrenched, are very difficult to dislodge. This is perhaps due in part to the fact that our affective conditions tend to align with our entrenched habits such that we come to enjoy (in at least some moderate sense; one might say "take comfort in") those things that we do habitually. Once we have learned to something virtuous habitually, and once we feel properly pleased by our virtuous activity, the vices associated with that virtue feel increasingly remote and unappealing to us such that it becomes more difficult to err than to act as we ought.[22] Virtue perpetuates virtue. Aristotle writes:

> [F]or by refraining from pleasures we become temperate, and once having become temperate we are most capable of refraining from them; and it is similar in the case of courage, for by habituating ourselves to disdain frightening things, and by enduring them, we become courageous, and having become courageous we shall be most capable of enduring frightening things. (1104a 36-1104b 3)

Virtue as *Hexis*

Every moral virtue is a *hexis*, or stable active condition of character. As Sachs notes, the word *hexis* has often been mistranslated simply as *habit* (201). This is an understandable mistake, inasmuch as habits play a part in *hexes*, including both virtues

[22] Recall here Aristotle's remarkable claim that *phronêsis*, which enables virtue, produces health not in the way that the medical art produces health but instead in the way that *health* produces health. Health has a tendency to perpetuate itself, and agents with healthy habits are generally *inclined* to engage in healthy habits, and reluctant to engage in unhealthy ones. In the same way, virtuous agents are *inclined* to be virtuous, and reluctant to be vicious.

and vices. But a *hexis* is a comprehensive way of being that involves rational commitments and stable affective responses in addition to a tendency to act in certain ways. The stable affective responses involved in a *hexis* are not mere predispositions, or tendencies to *have* certain feelings (such as jealousy, anger etc.), but are rather ways of bearing oneself in response to such feelings (1105b 21-22). Every *hexis* is therefore necessarily bound up with choice in a way that neither habits nor affective tendencies need be; as Sachs writes, a *hexis* is "Any way in which one *deliberately* holds oneself in relation to feelings and desires […] once it becomes a constant part of oneself" (201, *emphasis mine*).

As a *hexis*, a moral virtue is no mere passive way of being, but is instead a moral accomplishment.[23] With the aid of *phronêsis*, the virtuous agent deliberately comports herself as she should in relation to activities that involve pleasures and pains, pursuing the right actions for the sake of the beautiful and the good, and finding pleasure in (or at least not being pained by) virtuous activity. If we wish to conceptualize kindness as a moral virtue in Aristotle's sense, it will not suffice merely to identify certain rational, affective and *praxical* components within kindness, since these do not necessarily comprise a *hexis*, much less a virtue. *Akrasia*, for example, is a way of holding oneself in relation to pleasure and pain, but it is an active condition only in some limited sense, and is not yet a vice.[24] We must show, rather, that kindness is both a *hexis* and a virtuous *hexis*, or one that is consciously adopted for the sake of the beautiful and the good.

[23] The translation "active condition" is apt in part because it distinguishes a mere natural tendency or passive disposition from a genuine virtue, which is to say a mere habit or "natural" virtue from a virtue in the governing sense.

[24] As noted previously, Aristotle effectively characterizes *akrasia* as a mere *pathos*, and notes that it is not yet a vice, since it does not involve a deliberate desire for the bad, and is in some sense unwilling. See, for example, 1146b 22.

Similarly, and because every virtue is a harmonious state of the soul actualized in and through activity, if we are to characterize kindness as a virtue, we must show how the rational, affective and *praxical* components harmonize in the being-at-work of the kind agent.[25]

The Components of Kindness

In the previous chapter we identified several characteristics that appear to belong to kind agency. To guide the analysis that follows we may here divide them according to the above distinction between rational, affective and *praxical* components. Dividing the characteristics of kindness in this way will be useful for the sake of analysis, but will inevitably involve abstraction from the actual being-at-work of kindness, which, if it is a *hexis*, will comprise a unity, and if a *virtue,* will comprise a *harmonious* unity.

The kind agent is remarkably sensitive to the needs of others, and carefully judges where and when intervention on another's behalf is appropriate. She seems to know, or rather is apt at determining, how best to actualize kindness in particular situations and in relation to particular people. This is so to such an extent that it is difficult to imagine kindness absent the virtue of *phronêsis*. But if the rational component of kindness is *phronetic*, then our account of the latter will require further elaboration and qualification. We must explain, *first*, how it is possible that children often seem to be kind, when for Aristotle young people cannot possess *phronêsis*. *Second*, and in relation to this point, we must show how it is possible that the virtue of kindness grows over time and through experience. *Third*, given the dual nature of *phronêsis*, which involves both universals and

[25] It is worth noting that both *akrasia* and vice are disharmonious states or the soul, whereas moral virtues are always and necessarily harmonious states. These states are harmonious not by mere coincidence (as might be the case with natural virtue) but through the deliberate being-at-work of the virtuous agent.

particulars, we must explain how the understanding of the kind agent encompasses both theoretical and practical knowledge. And *fourth*, since the *phronetic* agent necessarily possesses the moral virtues, we must explain how the kind agent is also virtuous more generally.

The judgment of the kind agent entails not only excellence at determining when and where to actualize kindness, but also excellence in morally assessing others. Kindness is characterized in part by a particular *approach* to moral judgment. The kind agent views acts of wrongdoing and flaws of character as contingent, and appreciates the many constraints luck places on human activity and the development of character. She is slow to judge, and is more concerned with helping and cheering others than with morally assessing them. If it is to be complete, our elucidation of the rational component of kindness must involve an explanation of how the kind agent approaches praise and blame in relation to the people around her and, perhaps, in relation to herself.[26]

The affective dimension of kindness is more obviously present than the rational, and this is in part why kindness has traditionally been devalued by philosophers. It is by no coincidence that kindness has been denigrated by those theorists— and most notably by Kant— who favor rationality over sentiment as a ground for moral comportment. That feelings figure prominently in kind agency makes kindness immediately suspect to the moral rationalist, but not so to the ethicist of virtue, for whom the same feature enhances the possibility that kindness can be conceived of as virtue. The kind agent cares about the people around her, and therefore wants to help and to cheer them. She possesses genuine

[26] As I suggested in Chapter Two, for Aristotle virtue entails a certain self-relation. This is manifested both in his account of magnanimity, and in his characterization of the friend as the other self. It is therefore reasonable to suspect that an Aristotelian approach to moral assessment would encompass an approach to judging oneself.

goodwill, and does not expect that others will reward her for being kind. She is pleased, however, to see her kindness reciprocated, and is graciously open to the kindness of others. We might reasonably assume that the kind agent takes pleasure in being kind, but this need not imply that being kind is always or simply pleasurable. We have said that kindness requires courage, since the kind agent cannot know in advance the extent to which others will welcome her kindness, and since kindness entails a poignant if not painful awareness of human finitude and fragility. For these reasons, kindness will in all likelihood involve both pleasures and pains. If we are to conceptualize it as a moral virtue, we must explain how the kind agent stands in relation to both the pleasures and the pains that kindness involves.

The kind agent is not content merely to wish for others' good, but instead actively works to secure it. The *paraxial* dimension of kindness must not therefore be undervalued; kindness is actualized in activity. The kind agent intervenes on behalf of others in diverse ways. She helps and gives where she perceives a material need, and comforts and cheers where she perceives an emotional one. She does more for others and gives more to others than decency requires. She is kind not only to those who are dear to her, but also to mere acquaintances and even to strangers. If we are to conceive of kindness as a moral virtue, we must acknowledge both the diversity of activities— including helping, giving and sharing of opinions— that kind agency involves, and the diversity of people— including family members, friends and strangers— for whose sake it is enacted.

We now have a rough sense of how the three dimensions of moral virtue are manifested in kindness. With these preliminary comments in mind, we may consider the

rational components of kindness in the light of Aristotle's accounts of *phronêsis* and moral assessment.

Kindness and Judgment

Children are very often kind, and sometimes in ways that adults fail to be. In *The Kindness of Children* Vivian Paley reflects on the many acts of kindness she witnessed in her years as a pre-school and kindergarten teacher.[27] Most remarkable to her were the instances in which her students welcomed new children who were manifestly different from the rest of the group, including those with special physical or emotional needs. Her students would not hesitate to accommodate the needs of physically or mentally disabled peers, changing their ways of working and playing to make them more inclusive. They were incredibly sensitive to the needs of their peers, understanding that one boy needed to be alone when upset, and another wanted to do things himself, even it if took extra time. Paley concludes her assessment of the kindness of children by noting how young children "are more often kind to each other than unkind" (129). Children seem, at the very least, quite capable of kindness. If *phronêsis* is the rational component of kindness, then we must account for the fact that children so often seem to be kind despite the fact that they cannot, on Aristotle's view, possess *phronêsis*.

Paley focuses on how children behave "at their best," in an effort to discover ways to foster their better instincts, including and especially what she takes to be an instinct for kindness. While it is true that children are often kind, it is also true that the same children are sometimes cruel or indifferent. Parents and teachers know that that

[27] Paley is a retired educator and early childhood education researcher. She researched and taught at the University of Chicago Laboratory Schools for several decades.

child who is exceeding pleasant when in a good mood can be extraordinarily mean when in a bad one, if, for example, she is overly tired or hungry. *Phronêsis* works in concert with proper affective conditions to ensure a uniformity of behavior in the virtuous agent. Virtue is an active, intentional and stable state of being such that the genuinely kind agent would not behave kindly one moment and cruelly the next, as children so often do.

Some children are quite uniformly kind, though, thus we might wonder if it is possible to be born kind. If so, we might construe kindness an instinct or personality trait instead of or in addition to a moral virtue. To do so would be perfectly commensurate with Aristotelian moral psychology, and perfectly in keeping with the classical Greek conception of *arête*. The word *arête* is so broad in meaning as to encompass any attribute that either makes something an excellent example of its kind or makes it well-suited to its ends, and as such does not have necessary moral implications (see Sachs 5, *n*. 5). If we assume that kindness makes a person well-suited to her existence (a reasonable assumption, since it seems conducive to living well in societies, and human beings are, for Aristotle, primarily social beings), then it would be an *arête* whether or not it had any moral import, and regardless of whether it arose by nature or through experience and training. But this fact is perfectly commensurable with the claim that children do not possess *phronêsis*, and as such cannot possess the moral virtue of kindness. Here we may recall Aristotle's distinction between natural virtues and virtues proper. He writes,

> [V]irtue too is in much the same situation that practical judgment is in as compared to cleverness— not the same as it, but similar to it— and that is the way natural virtue is related to virtue in the governing sense. For it seems to everyone that each of the types of character is present in some

> way by nature, since we are straight from birth; however, we still look for something different that is good in the governing sense. (1144b2-8)

Children and even animals possess natural virtue, Aristotle claims, but theirs is a virtue unregulated by intelligence. Without intelligent guidance virtue is unpredictable and even potentially dangerous. In the same way that mere cleverness can be used for evil purposes where genuine *phronêsis* cannot, mere natural virtue can be deleterious where virtue in the governing sense promotes flourishing (1144b 9-10).[28] The intelligence that distinguishes natural from genuine virtue is manifested in *phronêsis*, such that "virtue in the governing sense […] does not come about without practical judgment" (1144b 14-15).

The fact that children often behave in kind ways reveals a capacity for genuine kindness, and one that caretakers ought to foster. *Phronêsis* grows over time and in concert with virtue. Virtue grows with experience, and, importantly, through failure. It is easy to imagine how this process might unfold in relation to kindness. A child who has been taught that it is good to help others in need might intervene on behalf of someone who does not welcome her help, or does not welcome the precise kind of help that she offers. As we are learning to be kind, we go wrong in numerous ways, whether by doing or saying the wrong things, or intervening for the wrong reasons, or at the wrong moments, or on behalf of the wrong people. These failures give us the knowledge of particulars that *phronêsis*, and by extension moral virtue, requires.

[28] That cleverness may be used for immoral purposes is quite obvious, but it may sound strange to suggest, as Aristotle does, that moral virtue without the guidance of intelligence is potentially harmful. This is especially true in the case of natural kindness, which seems a most mild virtue. But there is truth in Aristotle's claim, as I suggest below. One must be kind to the right people, and in the right ways, and for the right reasons, lest one do harm either to the recipients of kindness or to oneself.

If the rational component of kindness if *phronêsis*, then kindness will necessarily involve knowledge of both universals and particulars. The universal component of *phronetic* knowledge, as stated above, encompasses what, in general, is good for human beings, and acknowledges that every virtuous state represents a mean condition relative to the agent.[29] The knowledge of particulars allows the agent to determine how, in particular situations, the mean is to be achieved. If kindness involves *phronêsis*, the kind agent must recognize that kindness is in some way conducive to living well, must conceptualize it as a mean between two extremes, and must be apt at determining how to actualize kindness in particular situations and in a way that is appropriate to *her*.

That kindness promotes human flourishing is quite apparent. The activities that kindness encompasses are also the activities associated with other virtues, including generosity, friendliness and gentleness, and these are activities that Aristotle associates with human flourishing. So it should not be controversial to suggest that kindness involves theoretical knowledge of what, in general, is good for human beings. But in order to construe kindness as a moral virtue we must also explain the other theoretical component of kindness, namely, how it represents a mean condition between two extremes.

The activities through which kindness is actualized are diverse indeed, and include helping, giving, and cheering.[30] What they have in common is some kind of

[29] This is a notoriously difficult point. Determining the mean that marks a virtuous state involves both theoretical knowledge (as would determining some mathematical mean) and knowledge of particulars, including self-knowledge, since the mean is relative to the agent. Where the object of knowledge is the ethical mean as relative to individuals, the mode of knowledge is both theoretical reason and practical reason (*phronêsis*), working in conjunction with sense perception (*aisthesis*).

[30] This diversity does not entail that kindness must be considered as a collection of more specific virtues such as helpfulness and generosity, since for Aristotle the moral virtues may encompass a variety of activities, and moral virtues may overlap. The moral virtue of generosity, for example, governs both giving

action on behalf of another agent. If kindness is the virtue that has to do with acting on behalf of others, then the extremes relative to which it is the mean would also involve activity (or the absence of activity) on behalf of others. Cruelty is often opposed to kindness, and so comes to mind as a candidate for the deficient condition of kindness. But cruelty has the character of wrongness that belongs to the activities Aristotle considers wrong simply (*haplos*), and which include murder, lying and adultery. He writes, "for some of them [actions and feelings] as soon as they are named are understood as having baseness involved in them, such as joy in others' misfortunes" (1107a 9-11). There is no mean condition relative to such kinds of activity and feeling, and there seems to be no mean condition relative to the intentional harming of others nor to enjoyment of the same, which is a characteristic of cruelty. We might note that vices, though blameworthy, are also understandable and in some sense forgivable. We understand, for example, that it is easier to be cowardly than to be courageous, and though we do not praise cowards we do not despise them in the way we do and should despise people who are cruel. Cruelty, then, is not the deficient condition in relation to kindness.

When people fail to be kind we can blame them for their apathy, or for failing to care about others. Since every moral virtue has to do with feelings, we might suggest that apathy is the deficient condition of kindness. There is something appealing about this view, since care for and about others is an important motive for kindness and an important attribute of the kind agent.[31] But kindness involves more than simply caring

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and taking. Certain of the virtues, including greatness of soul, require the co-presence of all of the other moral virtues. Kindness may turn out to be a virtue that encompasses or requires the presence of many other virtues.

[31] So much so that one might be tempted to reduce kindness to a mere attitude, as Tibor Machan appears to: "The terms [kindness and generosity] are often used interchangeably, although kindness is more of an attitude, and an attitude need not issue action" (1).

about others; it also involves active intervention on their behalf. Since kindness has at least as much to do with action as it does with feeling, apathy, too, must be dismissed as its deficient condition. Unkindness is another potential deficient condition, but this term is too broad, and might include everything from the mere failure to be kind to deliberate enjoyment of others' suffering. Since kind activity is for the sake of others, we might consider selfishness or egotism as the deficient condition of kindness, but this, too, is somewhat vague, and seems to have more to do with thoughts than with actions. The deficient condition of kindness should ideally capture the elements of apathy, unkindness and selfishness that are relevant to the failure to be kind, but also must exceed the definitions all three.

Not all virtues and vices have names, and Aristotle tentatively names many *hexes* that are easily recognizable but that lack common designations. Since the deficient vice related to kindness does not appear to have a name, we may follow Aristotle's lead and suggest one. The deficient condition of kindness involves a failure to take an adequate interest in others' flourishing and/or a failure to adequately involve oneself in the same. For these reasons I will call the deficiency of kindness *disinterest-disinvolvement*. *Disinterest* suggests a failure to adequately care about others, and we may assume that the failure to care about others is often attributable to an excessive care about *oneself*, or selfishness. *Disinterest* then captures the features of apathy and selfishness that allow them to work against kindness. The term *disinvolvement* captures the *praxical* dimension of kindness and of the failure to be kind. The virtue of kindness involves more than mere (passive) care about others' flourishing, such that those who are interested in others may yet fail to intervene on their behalf as they should. The

compound term *disinterest-disinvolvement* rightly implies that the affective and *praxical* dimensions of kindness (and the failure to be kind) are intertwined; those who are disinterested in others' flourishing will not be likely to intervene on their behalf.

Where *disinterst-disinvolvement* is the deficient condition of kindness, *hyperinterest-hyperinvolvement* is the excessive. This extreme is probably further from the mean than the deficient condition, since selfishness and selfish activity are more common than altruism and altruistic activity. But certainly there are people who care too much about others, to the point that they disregard the self-care that ensures their own flourishing. And certainly there are people who become far too involved in the activities of others, where, for example, such involvement is unwelcome. Kindness entails caring as one ought about others, and acting as one ought for their sake. As is the case for all virtues, as a mean kind *praxis* must be correct both *quantitatively*— one must care enough, for example, about others' flourishing— and *qualitatively*— one must do the right things at the right times to benefit the right people and for the right reasons. As such, with kindness as with all virtue, there are many ways to go wrong.

As the above reflections suggest, the characterization of kindness as a moral virtue seems quite commensurable with Aristotle's claim that moral virtue is governed by *phronêsis*, which involves both universal knowledge and knowledge of particulars. The kind agent may be said to know that kindness promotes human flourishing, and could easily conceive of kindness as a mean condition between two extremes. And because it is universal, it would be possible for an agent to possess this knowledge without actually being kind, if, for example, she suffered from *akrasia*, or did not yet possess the knowledge of particulars that enables *phronêsis*. Kindness also seems to manifest the

particular knowledge that in part characterizes *phronêsis*; as we have said, the kind agent is apt at actualizing kindness in diverse situations and in relation to diverse people. The kind agent is also compelled to act; she feels the obligations imposed by *phronêsis* and acts accordingly. We may say, then, that *phronêsis* seems to be at least one component of kind agency, and specifically, that component which causes kind agents to properly determine how they ought to act, and which compels them to act as they ought. But if we are to maintain the stronger claim that *the* rational component of kindness is *phronêsis*, as we must if we wish to construe kindness as a moral virtue, then we must explain how *phronêsis* enables the other rational activity that kindness importantly involves, namely, proper moral assessment.

Kindness entails a particular approach to moral assessment, as noted in Chapter Four, and it is one that emphasizes human vulnerability. The kind agent is apt to forgive people for their moral failures and faults, since she understands the burdens bad luck so often places on them, and understands that human character is largely contingent. When she does immediately or perfectively judge another person harshly, she takes the time to reflect on and correct her initial judgment. She is less concerned with morally judging others and more concerned with helping and cheering them, such that where she shares her judgments she does so primarily in order to serve these purposes. The kind agent is therefore more inclined to share favorable opinions of others than unfavorable ones, and actively searches for personal qualities and particular actions worth praising. What characterizes the kind agent's approach to judgment then is *first*, an approach to *making* judgments, and second, an approach to *publicizing* them. The former is attributable to a

rational excellence that Aristotle's recognizes as belonging to *phronetic* agency and the second is attributable to moral virtue.

In Book Six of the *Nicomachean Ethics*, Aristotle writes, "What is called thoughtfulness (*gnômê*), in accordance with which we speak of people as compassionate (*sun-gnômê*) and as being thoughtful, is a right discrimination of what is decent. A sign of this is that we say that a decent person is especially apt to be compassionate" (1143a 19-21). These remarks arise within the context of Aristotle's discussion of deliberation and *phronêsis*, and by no coincidence. There is a striking resonance between Aristotle's claims about thoughtfulness and forgiveness and the judgment at work in kind agency, and it can only be appreciated if we understand the nature and significance of decency (*epieikeia*).

Although it has not received as much scholarly attention as the virtues of justice and *phronêsis*, decency is for Aristotle at least as praiseworthy a virtue as either, because it manifests both and at times transcends the former.[32] In Book Five he describes the relation of decency and justice as follows: "while what is decent is just, it is not so according to the law, but is a setting straight of what is legally just" (1137b 12-13). Because the law "takes what applies to the greater number of cases," it cannot make reference to every possible contingency at work in particular cases. An excellent judge must therefore account for what the law leaves out when speaking simply (1137b 26-27). This means, in some cases, making exceptions to the law for the sake of what is truly good or just. The agent who judges well how to make such exceptions is *decent*. For some things, Aristotle notes, there can be no law, and when it comes to these decency

[32] The significance of *decency* in Aristotle's ethics must not be neglected since, as Joe Sachs writes, "Decency is one of Aristotle's most frequent ways of naming human goodness" (203).

must substitute for legal justice. Although it sometimes means working against the law (which is just in theory), decency entails the fulfillment of justice, which, on Aristotle's view, cannot be fully captured in universals: "Hence what is decent is just, and is better than a certain kind of justice [since it is] better than the error that results from speaking simply" (1137b 24-26).[33]

The relation between *phronêsis* and decency is already implied in the distinction between legal justice (as reflected in laws) and decency; legal justice has to do with universals, whereas decency, like *phronêsis*, involves particulars. Before we can fully grasp their relation, we must appreciate what thoughtfulness (*gnômê*) and compassion (*sun-gnômê)* have to do with both. Aristotle writes, "compassion (*sun-gnômê)* is a kind of thoughtfulness (*gnômê*) that governs a right discrimination of what is decent, 'right' meaning that it is of what is truly decent" (1142a 24-26). So the excellence of thought behind decency is thoughtfulness (*gnômê*), and this same thoughtfulness gives rise to compassion and forgiveness (*sun-gnômê)*.[34] The thoughtful agent judges well when an action ought to be forgiven. Such judgment invariably involves knowledge of particulars. Where in general we rightly blame someone for killing another person, for example, we blame them less if their action was accidental, or if they acted in self-defense. The ability to judge well in relation to both universals (rules or laws) and particulars (circumstances) is precisely the excellence of *phronêsis*. It is therefore fitting that at the end of his

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[33] What is most remarkable about this claim is that it allows us to appreciate the need for universal laws without abandoning the kind of judgment that might make exceptions to laws for the sake of *the same good* that those laws are meant to serve. In Aristotle's view, *both* justice and decency aim at the beautiful and the good, and so harmonize in a certain way.

[34] *Forgiveness* is another common translation of *sun-gnômê*, and the term generally preferred in translations of Book Three, Chapter One, where *sun-gnômê* is granted in cases where an ordinarily blameworthy action is attributed in part to circumstances beyond the agent's control.

analysis of thoughtfulness, compassion and decency, Aristotle suggests that all three are bound up with and implied by *phronêsis*:

> And it is reasonable that all these active conditions of the soul converge on the same meaning […] For all these capacities are directed at things that are ultimate and particular, and someone is […] considerate or compassionate in being able to discern those things a person of practical judgment is concerned with, since what is decent belongs in common to all good people in the way they act toward another person. (1143a 25-35)

The kind agent judges well, and is more apt to be forgiving. This is due in part to the fact that genuine deliberation— the kind Aristotle associates with *phronêsis*, thoughtfulness and decency— takes time.[35] Aristotle's contention is that the kind of judgment involved in compassion and forgiveness involves complex deliberation, as well as an accurate knowledge of certain universals (including and especially the human good) and adequate attentiveness to and knowledge of correct of particulars. If this is so, and if kindness indeed involves a tendency to judge compassionately, then kindness involves the rare and most praiseworthy intelligence that Aristotle associates with moral *arête*. This suggestion is quite at odds with the popular conception of kindness, hinted at in Chapter Four, that vaguely associates kindness with vapidity.

Kindness involves a certain approach not only to the moral assessment of others, but also to the publicizing of the opinions that such assessment yields. An agent who deliberates well regarding how to judge another's character but then proceeds to publicize

[35] Aristotle writes of deliberation, "it is not skill in guessing […] since this is without a reasoned account and is something quick, while people deliberate for a long time, and say that one ought to be quick to do what has been deliberated, but to deliberate slowly" (1142b 3-6).

her least flattering conclusions to the exclusion of all else would hardly strike us as kind. Since the sharing of opinions belongs to *praxis*, I will address the second component of kind judgment in the discussion of kind *praxis*, below. At present I turn to the second key component of kind agency, namely, the affective.

The Pleasures and Pains of Kindness

Although kindness has an important rational component, as we have seen, it is difficult to deny that its affective component is more apparent. As suggested above, this is in part why moral philosophers, who have conventionally preferred rationality to sentiment as a stable ground for ethics, have conventionally dismissed or disdained kindness.[36] Kind agency involves strong feelings for others. Such feelings are observed in Aristotle's accounts of several of the moral virtues, which is unsurprising given that moral virtues have to do with feelings and actions within a social context. What is surprising is that Aristotle also assesses what we might term *social feelings* outside the context of his discussion of moral virtue. Even more surprising is his characterization of kindness (*kharis*) not as a virtue of character, but instead as a feeling (*pathos*). To explore the potential resonance between kindness and Aristotle's ethical thought, we must momentarily move beyond his explicitly ethical works to consider the ethically relevant emotions of *kharis* and pity (*eleos*), which he characterizes in the *Rhetoric* and *Poetics*.

Aristotle on *Kharis*

Although emotions are, as we have seen, central to Aristotle's ethical theory, as Christof Rapp rightly notes, Aristotle "nowhere offers such an illuminating account of

[36] A point I expand on in Chapter Six via analysis of Kantian ethics.

single emotions as in the *Rhetoric*" (1). That this is so is perfectly consistent with a central aim of the *Rhetoric*, which is to discern the sources of persuasiveness in speech. Speech persuades, Aristotle contends, by means of the character of the speaker, the emotional state of the listener, and/or the quality of the argument (*logos*) it embodies. The second means of persuasion is elaborated in Book Two, chapters 2-11, and it is in this segment of the text that Aristotle offers his account of *kharis*.

In English translations of Aristotle's *Rhetoric*, the word *kharis* is often rendered as *kindness*.[37] We might note that in the biblical scholarly tradition the same word is generally translated as *grace*.[38] This is by no coincidence; where *grace* often denotes a certain gratuitousness in the spirit in which something is given, *kharis* has to do, says Aristotle, with doing for and giving to others with no expectation of return:

> Kindness (*kharis*)— under the influence of which a man is said to 'be kind' (*kharin ekhein*)— may be defined as helpfulness towards someone in need, not in return for anything, nor for the advantage of the helper himself, but for that of the person helped. (1385a 17-19)

The magnitude of kindness, says Aristotle, is proportional to the needs of the recipient, such that "Kindness (Kharis) is great if shown to one who is in great need, or who needs what is important and hard to get, or who needs it at an important and difficult crisis"

[37] Including the W. Rhys Roberts translation, from which the passages that appear below are taken. Other translations substitute the word *benevolence*. See, for example, Edward Cope's 1877 translation and John Freese's 1926 translation. As David Konstan notes, the tradition of equating *kharis* with either kindness or benevolence dates at least to the Renaissance. The text on which he bases this claim— Ermolao Barbaro's 1545 translation of the *Rhetoric*— uses the Latin word *gratia* (grace). *Gratia*, like *kharis*, is notoriously difficult to translate. See, for example, the diverse meanings of grace in W.E.Vine's *Expository Dictionary of New Testament Words* (1940)

[38] As Vine notes, in the New Testament the word *kharis*/*gratia*/grace is often indicative a certain generous or liberal disposition "on the part of the bestower," and especially on the part of God as giver (he refers, for example, to, Acts 7:10, and Acts 14:26).

(1385 19022). From this Aristotle infers that unkindness (*akharista*) is present where someone fails to help another who is in need, or merely appears to help (giving, for example something "worthless"), or helps for the wrong reasons. He places a special emphasis on the intentions of the helper, noting that we rightly refrain from calling someone kind if "they are being or have been helpful simply to promote their own interest," or if their helpfulness is in some way coerced, or merely accidental (1385b 3). *Kharis* is only at work where an act of helpfulness is chosen for the sake of the other's good. There is something fundamentally gratuitous about the help given in an act motivated by *kharis*, and this is evinced by the fact that Aristotle excludes the "returning" of favors from the category of acts that indicate *kharis*.[39]

Aristotle's description of *kharis* resonates with the characterization of kindness thus far developed in several ways. *First*, by Aristotle's account *kharis* denotes a certain positive feeling toward others that corresponds to the kind agent's good will or desire to see others flourish. *Second*, this positive feeling influences agents to act in kind ways; as with kindness, *kharis* is not merely passively undergone but instead entails a corresponding tendency to act on others' behalf. *Third*, *kharis* tends to involve helping others, and as we have noted kindness is often manifested in gestures of helpfulness. *Fourth*, *kharis* is characterized by an unselfishness, which we have noted is conducive to kindness. Given these observations, we might reasonably try to incorporate Aristotle's description of *kharis* into our characterization of kindness.

[39] Aristotle's characterization of *kharis* (as understood in conventional translations) appears, as Konstan notes, to work against Greek conventions regarding giving. The word "*Kharis* is often paired with *timê* (or payment)," he notes, because for the Greeks gifts and favors entailed some kind of reciprocity. Aristotle's characterization either works against conventional conceptions of giving and or doing favors, or he is in fact using the word to signify multiple phenomena, including gratitude, as Konstan contends.

Unfortunately, the *prima facie* resonance between kindness and *kharis* may have more to do with an often-repeated error in translation than with the actual resemblance of kindness to the feeling that Aristotle aims to capture in his description. Despite the scholarly convention that equates *kharis* with kindness, it is likely, as David Konstan argues, that Aristotle was referring in the *Rhetoric* not to kindness, but instead to the emotion of gratitude. The magnitude of Konstan's objection is such that it must be addressed before we can determine whether or to what extent Aristotle's account of *kharis* is relevant to the conceptualization of kindness as a moral virtue.

Kharis is, as Konstan notes, "one of the richer terms in the classical Greek lexicon" (167). In various contexts it signifies the charming or pleasant, a favor done or received, the reciprocity of a past favor, the feeling that inspires action on another's behalf, or the feeling of gratitude. Although there is an ancient Greek word for *ingratitude* (*akharista*), there is no single word for *gratitude*, apart from the *kharis* itself (167). As Konstan writes, "When *kharis* refers to gratitude," it is invariably expressed in either the phrase *kharin ekhein* (to have *kharis*) or in the phrase *kharin eidenai* (to know *kharis*) (167).[40] The phrase *kharin ekhein* and the word *kharis* often appear in close proximity, as they do in the passage from the *Rhetoric* cited above, and reasonably so; *kharis* often means *favor*, and a feeling of gratitude often accompanies a favor done. Konstan contends that translators have erred in translating the phrase *kharin echein* as "to have kindness," "to have benevolence," or "to be kind," instead of "to feel gratitude" (160).

Although Konstan apparently overlooked it when writing his critique of extant translations, Theodore's Buckley's translation resonates with Konstan's claim; Buckley's

[40] This is consistent with Woodhouse's Dictionary of Classical Greek.

version of the passage is headed "*Those towards whom people feel gratitude; on what occasions; and, as regards themselves, with what dispositions*," and begins as follows: "The persons towards whom men feel gratitude, and the occasions on which, and with what dispositions on their own part, will be plain to us, after we have defined gratuitous benevolence" (133). Buckley shares Konstan's view that Aristotle was primarily concerned with the feeling of gratitude that comes about when one receives a favor of some kind. But in Buckley's translation *both* the disposition of the one who receives (*gratitude*) and the disposition of the giver (*gratuitous benevolence*) are at issue. This, however, is perfectly consistent with the structure of Aristotle's analysis of the other emotions in the *Rhetoric*. In relation to each, he sets out to describe the nature of the emotion itself, towards whom it is felt, and for what reasons it is felt towards them (1136a 22-25). In the case of gratitude, we tend to feel it more deeply if we judge that the person acted for our sake, and with no expectation of return; in other words, if their action appears to have been motivated by *gratuitous benevolence*, or, we might say, by kindness.

Konstan's critique of conventional translations raises a difficult hermeneutical issue that I cannot resolve here. But whether Aristotle was concerned with the benevolent feelings that motivate generous acts, or with the degrees of gratitude that recipients feel in relation favors done (and/or the spirit in which they are done), or both, his description of *kharis* and Konstan's analysis of the same shed some light on the relation between Aristotle's ethical thought and the possibility that kindness can be properly characterized as a moral virtue. There are three points worth noting here. *First*, as Aristotle implies, the spirit in which something is done or given rightly impacts how we feel about the act and

the agent who acted. Aristotle rightly recognizes that a helpful, generous or kind thing that is done for the sake of the recipient is more worthy of our appreciation than the same act if done for some other purpose. Were we to characterize kindness as a moral virtue, it would be consistent with Aristotle's analysis of *kharis* to say that it involves *acting for the sake of others*, and that its praiseworthiness derives at least in part from this characteristic. *Second*, and as Konstan rightly notes, although kindness entails certain emotive states, it is unreasonable to characterize kindness as an emotion (*pathos*). For Aristotle, the *pathê* are passively undergone, and a given *pathos* is a "response or reaction to some kind of stimulus or event" (158).[41] All of the *pathê* analyzed in the *Rhetoric* are considered in the light of the stimuli or events that cause them. As such, and taken alone, the *pathê* do not motivate action in the way that *hexes* do. This is consistent with the characterization of kindness thus far developed; kindness is not merely a feeling-state, and it would be incommensurate with Aristotle's account of virtue to suggest that it could be. *Third*, and as Konstan's analysis suggests, there is something important about the way recipients affectively respond to (an act of) *kharis*. Kharis and gratitude exist in an important relation, entailing a kind of reciprocity between beneficiary and benefactor that exceeds, as Konstan suggests, conventional conceptions of the Greek dynamics of exchange. *Kharin echein* does not mean "to owe a debt," as Konstan correctly notes. No debt is occasioned by the kinds of helping and giving that Aristotle addresses in the *Rhetoric*; the gratuitousness of the *kharis* produces not debt but gratitude, which cements an important bond between the giver and the recipient. It is no wonder, then, that

[41] An emotion is, on Aristotle's view, an experience of some kind of a pleasure or pain combined with at least one belief or judgment, as I explain below.

Aristotle discusses *kharis* at one other point in the *Rhetiric*, namely, in his analysis of friendship (*philia*):

> Things that cause friendship are: doing kindnesses; doing them unasked; and not proclaiming the fact when they are done, which shows that they were done for our sake and not for some other reason. (1381b 35-37)

Acts of *kharis*, on account of which recipients feel gratitude (*kharin echein*), build the bonds upon which the most morally significant relationships (those of *philia*) depend.[42] To characterize kindness as a virtue that in some ways involves *kharis* would be, then, quite consistent with Aristotle's *valuing* of friendship, but perhaps the significant components of kindness are already at work in the phenomenon of friendship such that Aristotle need not identify some virtue external to friendship itself. That is, perhaps kindness is, for Aristotle, latent in *philia*, or at least in the state of character that makes agents worthy of the best kind of *philia*.[43]

Aristotle on Eleos

The English word *pity* has decidedly negative connotations. Most of us equate pity with some compromise of the recipient's dignity, perhaps assuming that when we pity someone we believe that person to be *pitiful* (which is to say weak, ineffective,

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[42] These are arguably the same bonds by virtue of which the whole the political community (*polis*) is cemented.

[43] A possibility I explore below in relation to the *praxical* dimension of kindness. Since the best kind of friendship requires that both agents be virtuous, and since *kharis* causes friendships to grow, perhaps the important features of kindness are dispersed among the moral and intellectual virtues that Aristotle identifies, and/or among the behaviors that he identifies with both virtue and the activities of the best kind of friendship.

etc).[44] It seems that we prefer terms like *compassion* and *sympathy* (both meaning literally to feel/suffer together) to *pity* in part because they do not suggest weakness or vulnerability on the part of the recipient, or at least not to the same extent that *pity* does. Moreover, the former terms do not entail that the agent who elicits the response is in some way less dignified than the person in whom that response is elicited.[45] But our preference for terms like compassion and empathy appears to entail a problematic assumption, namely, that when others are in a state that merits pity, their dignity is in some way compromised; we assume, it seems, that a state of profound vulnerability is in some sense *undignified*. If we are convinced that this is so, then kindness— which involves emotions akin to pity, and is often actualized in situations where the recipient is profoundly vulnerable—entails the lowering of its recipients' dignity.[46] If we wish to maintain that kindness in no way diminishes— and perhaps even bolsters— the dignity of its recipients, then we must to learn to think vulnerability and dignity as at least potentially coextensive, and Aristotle's analysis of the emotion of *eleos* gives us a way to do just that.

Aristotle's treatment of *eleos* in the *Rhetoric* directly follows his treatment of *kharis*, and perhaps not by coincidence. Both are important social emotions; *kharis* because it has to do with help given and/or gratitude elicited, and pity because it has to do with those situations in which we are unable to help others, but wish that we could. We

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[44] Which already suggests— as is consistent with Aristotle's moral psychology— that emotions are intrinsically related to judgments in some way.

[45] Pity also tends to entail a certain distance between the one who feels it and the one who elicits it, where compassion and empathy imply something closer to intimacy. This is echoed in the literal meanings of both words.

[46] This analysis brings to mind Kant's trenchant fear that acts of kindness do violence to the recipients' dignity. I take up this claim in Chapter Six.

admire those who show *kharis* to a person who is suffering or in need, and we feel *eleos* when we see a person who is suffering or in need. Aristotle writes:

> Pity (*eleos)* may be defined as a feeling of pain caused by the sight of some evil, destructive or painful, which befalls one who does not deserve it, and which we might expect to befall ourselves or some friend of ours. (1385 13-15)

Eleos requires that the evil witnessed is of a certain magnitude, which is to say non-trivial. Aristotle identifies two categories of events that elicit *eleos*: painful events that "tend to annihilate," and evils that are "due to chance" (1385 5-10). The former include "death in its various forms, bodily injuries and afflictions, old age, diseases, and lack of food," and the latter "friendlessness, scarcity of friends (it is a pitiful thing to be torn away from friends and companions), deformity, weakness, mutilation; evil coming from a source from which good ought to have come; and the frequent repetition of such misfortunes" (1385 6-13). Interestingly, Aristotle points out that the former category is absorbed into the latter, since "all such evils are due to chance, if they are serious" (1385 5-6). *Eleos* is, then, importantly bound up with luck and human vulnerability.

As Martha Nussbaum notes, *eleos* involves two key judgments on the part of the person who experiences it: *first*, the judgment that "the person did not deserve the suffering," and *second*, the judgment that we ourselves are vulnerable, and in similar ways (384). The first judgment, which Aristotle echoes in his analysis of pity in the *Poetics*, marks pity as "distinct from moral censure or blame" (Nussbaum 384; *Poetics* 1453a 3-5). Aristotle's claim, as Nussbaum notes, is that "where we judge that the suffering is brought on by the agent's own bad choices, we (logically) do not pity"

(384).[47] The second judgment is even richer, as it entails both an awareness of the existence of luck in general, and an understanding that we ourselves and our loved ones are vulnerable to bad luck. Aristotle says little regarding the first facet of this judgment; perhaps he cannot imagine anyone living in denial of the existence of luck. But he dwells at length on the second, writing:

> In order to feel pity, we must obviously be capable of supposing that some evil may happen to us or some friends of ours […] It is therefore not felt by those completely ruined, who suppose that no further evil can befall them […] nor by those who imagine themselves immensely fortunate—their feeling is rather presumptuous insolence. (1385b 16-23)

Those who are wholly cowardly and those who are wholly insolent are unlikely to feel pity, the former on account of their tendency to feel panic instead (which is an entirely self-centered emotion), and the latter on account of their foolish belief that no harm can befall them. Those who are most likely to feel pity include, says Aristotle, people who have suffered bad fortune and recovered, elderly men, "owing to their good sense and their experience," people who have wives and children, and, perhaps most interestingly, educated people, on account of their ability to "take long views" (1385b 20-28). Aristotle further notes that in order to feel pity, we must believe that at least some people are good,

[47] It is interesting to place this claim in dialogue with Aristotle's discussion of forgiveness (*sun-gnômê*) in the *Nicomachean Ethics* (see especially 1110a 20-35). *Sun-gnômê* is more akin to judgment than to emotion, as is suggested by the analysis of *sun-gnômê* vis-à-vis *phronêsis* above. But it is easy to imagine how in "mixed" situations, that is, situations in which an agent's choices are radically limited, we might both forgive the agent for performing what is, by Aristotle's definition, a willing act, and also feel pity for her on account of her suffering from bad luck. The ambiguity of moral responsibility is evident, I think in a certain resistance we feel to Nussbaum's claim that we do not pity those whose suffering comes about as a result of their own choices; this claim is both true and untrue, as we often pity those whose actions we attribute to a poor character if we believe such character resulted from improper upbringing or other tragic circumstances.

since if we believe that all people are evil, we will wish evil things to befall them (1385b 34-1386b 1).

We do not feel pity for family members and close friends, Aristotle argues, as their good is so bound up with our own that when they suffer it is as if we suffer ourselves (1386a 17-19). Instead, we feel pity for acquaintances, and especially for "those who are like us in age, character, disposition, social standing, or birth," since we are vulnerable in the same ways that they are (1386a 24-26). Our feelings of pity are importantly related to our fears, in that "what we fear for ourselves excites our pity when it happens to others" (1386a 26-29). In the light of these observations, we might object that pity seems not only a selfish emotion— as we feel it on account of our own desire to avoid pain and suffering— but also one that entails a separation between ourselves and the people for whom we feel it. There is some truth in both claims, but the distance between self and other that allows us to experience of pity also allows us to critically reflect on human vulnerability in general and by extension on our own vulnerability, where such reflection is akin to, if not exactly, the kind of thoughtfulness that underlies compassion and forgiveness.[48] Pity, if a "selfish" emotion, is also one that potentially fosters pro-social feelings, judgments and actions.[49]

Pity is one of the two emotions that, says Aristotle, comprise "tragic pleasure," so it should not be surprising that he addresses it at some length in the *Poetics* (1453b 12). There are two key points about Aristotle's discussion of pity in the latter text that we ought to note. *First*, in his analysis of tragic drama, he emphasizes that whereas comic

[48] This would not be possible if we simply felt the same emotion that the person we pitied was feeling, as we might if a loved one was suffering. (add references here?)

[49] A claim I expand on below.

protagonists are by and large *worse* than we (witnesses) are, tragic protagonists are *better* (1449a 31-37, 1454b 8-10). One plot to be avoided, Aristotle contends, is that in which an evil person goes from a state of happiness to a state of misery, since we cannot feel pity for such a person (1453a 1-7). A satisfying tragic plot must have a protagonist who is good, and the tragic poet ought even to make him appear better than he might really be: "we in our way should follow the example of the portrait-painters, who reproduce the distinctive features of a man, and at the same time […] make him handsomer than he is" (1454b 9-12). *Second*, Aristotle argues that in a tragic plot the protagonist must suffer a reversal of fortune from good to bad. But such a reversal cannot simply happen, that is, cannot have some source that is purely external to the agent. In such a case, audiences would feel not pity but mere aversion. Nor can the reversal stem from the protagonist's viciousness or ill will, as again, we would not pity one whose bad character brought about his own suffering. Instead of these, the reversal of fortune must arise on account of "some error of judgment" on the part of the protagonist (1453a 9-10).[50]

Tragedy is, says Aristotle, a representation (*mimesis*) of what *could* be, and is therefore truer— in the sense of being more universal— than history (1451b 4-5). Tragic drama reveals certain truths about human nature and the human situation, and makes apparent certain possibilities of human experience. Tragedy also importantly involves *katharsis*, which Nussbaum characterizes as a coming to clarity through emotional experience (389-90).[51] In both senses, tragedy is fundamentally related to education or

[50] The word for error here is *hamartia*, which is derived from *hamartanein* (literally "missing the mark").

[51] She writes, "the primary, ongoing, central meaning [of *katharsis*] is roughly one of 'clearing up' or 'clarification'" (389). Nussbaum emphasizes the relationship between education and *katharsis*, and between *katharsis* and correct knowledge (388-9).

coming-to-know. As Barbara Koziak writes, “Unlike Plato, Aristotle believes the *dēmos* [public] can undergo a *paideia* [education] supplied by tragedy” (267). But what is it we come to know through tragic stories? We come to know, first, that we are vulnerable, and in numerous ways. Whether or not we flourish, and whether or not our loved ones do, is largely beyond our power to control. We also come to understand that even people of good character— people who are, as Aristotle suggests, better than we are— are liable to make life-altering mistakes.[52] These insights reveal, in turn, our *moral* vulnerability, and our shared need for compassionate forgiveness. It is therefore unsurprising that for Aristotle tragic drama was no mere entertainment; it was a powerful social institution and an important component of a complete moral education. By evoking *eleos*, tragic stories (*mythoi*) create openings for friendship and community (263). Tragic drama teaches its witnesses (arguably in a way that nothing else can) their great need for each other’s help and care, both through personal relations of *philia* and through the sustenance of just political institutions.

I have claimed that Aristotle’s account of *eleos* gives us a way to think vulnerability and dignity as at least potentially coextensive, which would entail that we might characterize pity and similar emotions— those emotions that characterize kind agency— as involving no disparity in the worth or value of the kind agent in comparison to the recipient of her kindness. In the light of Aristotle’s account of the tragic emotion of

[52] The greatest obstacle to incorporating *eleos* into the present characterization of kindness may stem from Aristotle’s rejection, in the *Poetics*, of those plots in which the most virtuous characters suffer through no fault of their own. Although he is remarkably sensitive to the role of luck in human endeavors, even Aristotle cannot abide the representation of good people suffering deeply as a result of bad luck— on his account such suffering gives rise not to pity, as we have noted, but merely to revulsion and disbelief. But perhaps he is simply noting that in general audiences react with disbelief when they see a good person suffer deeply. It is consistent with his definition of pity in the *Rhetoric* to say that audiences *ought* to feel pity in such cases, even though (and probably because they are, in some sense, in denial of the problem of luck) they do not.

pity, we come to see how this is possible. If we can feel pity for those who are not only morally equal to us, but are our moral superiors, and if in pitying them we do not assume that they have failed in any rich sense (by acting viciously, which would rightly lower our estimation of them), then it follows that in feeling pity we do not necessarily see others as lower than ourselves in any morally significant sense. True, we may perceive them as being less able to act (we might say less powerful) than we are, but where this status comes about for reasons beyond their control, as Aristotle suggests, there is nothing in our acknowledgement of their impotence that should cause us to believe their dignity is thereby diminished. This claim is commensurable with Aristotle's acknowledgment, as mentioned in Chapter Two, that we can and often do continue to admire good people who have suffered tragic reversals.

There is something appealing about characterizing *eleos* as the most distinctive emotion involved in kind agency. Certainly, it is easy to imagine a kind person feeling *eleos* and certain situations, and equally easy to imagine an unkind or cruel person failing to experience it. But despite its moral import, *eleos* is too narrowly defined to capture the diversity of people toward whom kind agents feel certain positive feelings. After all, kind agents are presumably kind to their loved ones as well as to mere acquaintances, where *eleos* is only felt for the latter. Moreover, kind agents are often kind to those who are not suffering in any discernible way, and so presumably experience certain "kindly" feelings outside the context of witnessing suffering.[53] More importantly, we feel *eleos* most deeply for those who are *like* us, and whose fates we fear we, too, might suffer. This begs

[53] Another possible objection, though one I am not wholly persuaded by, is that *eleos* presupposes membership within a given *polis*, and, not being extended to outsiders (*xenos*), is not inclusive of humanity in general.

the question of *how* similar we must be in order to feel *eleos* for another person. Can a man, for example, feel *eleos* for a woman who has lost a pregnancy? Can a civilian feel *eleos* for a soldier? Kindness would be of little value if, due to the limited nature of the feelings that help to constitute it, it could not be extended to those who are substantially different from ourselves. Despite these shortcomings, *eleos* might play a role in the inculcation of kind agency by causing agents to reflect on their own vulnerability and on human vulnerability in general. Absent such reflection, agents would arguably be less welcoming of others' help and compassion, and less aware of others' need for the same. Even this reflection, however, would be of little value unless coupled with (or unless it could somehow evoke) good will toward others, since it might simply or chiefly force the agent to be more fearful or self-protective.[54]

What is perhaps most useful about reflecting on the relationship between *eleos* and kindness is Aristotle's appreciation of the intertwining of judgment and feeling. As Angela Curran points out, Aristotle's "theory of the emotions is a cognitive one, according to which certain emotions like pity and fear are constituted by certain beliefs and judgments" (297). If Nussbaum's claims about the meaning of *katharsis* are correct, then we may also point out how judgments may also be constituted (or at least made possible) by feelings such that certain emotional experiences, once reflected upon, have the power to produce to morally significant judgments. Not only, then, does Aristotle refrain from denigrating the emotions— which are, as we have seen, central to his account of human goodness— but he also rightly marks that they are rationally co-constituted. This is in part, as Ruth Groenhout notes, why feminist scholars have begun to

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[54] And it may evoke good will, as Koziak suggests. See "Tragedy, Citizens, and Strangers: The Configuration of Aristotelian Political Emotion," in *Feminist Interpretations of Aristotle*, ed. by Cynthia A. Freeland. Pennsylvaina: The Pennsylvania State University press, 1998.

see Aristotelian ethical and aesthetic theory as amenable to feminist philosophy, which in recent years has highlighted the intelligence behind women's ways of affectively engaging others (182-3). We have said that the kind agent has certain feelings toward the people around her, *and* that she has certain beliefs about human vulnerability and need; in the light of Aristotle's analysis of *kharis* and *eleos*, we may reasonably assume that these feelings and beliefs are intertwined in important ways.

Suffering Kindness

In the previous chapter I claimed that kindness involves a certain kind of suffering. The experience of kindness is often poignant, both for the kind agent and for the recipient of kindness.[55] Kindness fosters intimacies that we may be uncomfortable experiencing, as Phillips and Taylor rightly point out. Moreover, kindness painfully reminds us of our own fragility and interdependence. I tentatively claimed, therefore, that kindness requires courage. The experience of poignancy ought perhaps to be explored in the context of the affective dimensions of kindness, and in the case of the present project in the analysis above, but the courage that kindness requires on account of this poignancy is better understood within the context of virtuous *praxis*. In addition to being in some way painful, kindness is also, we may imagine, often pleasurable for both the kind agent and for the recipient of her kindness. For Aristotle, pleasure in virtuous activity is the very mark of genuine virtue. I will therefore consider the pains and pleasures of kindness as they manifest in virtuous activity. Virtue has to do, as we have noticed, both with feelings and with activity, and so in moving on to a discussion of the *praxical* elements of

[55] And, certainly, for one who witnesses kindness. Readers might here reflect on their own affective responses to the illustrations of kindness in the previous chapter. There is something deeply touching, and in some way unsettling, about kindness.

kindness as they appear in Aristotelian virtues, we are not so much turning away from the affective dimension of kindness as we are turning to it in a new way.

Kindness at Work

To determine which of the moral virtues, in addition to courage, may manifest relevant elements of kindness we may recall the activities through which kindness is actualized. These include giving, the sharing of moral assessments, and cheering, which overlap in various respects with the moral virtues of generosity, friendliness, truthfulness and good humor.[56] Another virtue that merits reflection is gentleness, on account of the common association of kindness with gentility.[57] In addition to these virtues, we ought also to attend to the phenomenon of friendship, which, as noted in Chapter Two, though not itself a moral virtue strictly speaking, presupposes and facilitates virtue.

Generosity

Money is a thing to be used, and with "all those things that have a use, it is possible to use them either well or badly" (1120a 4-5). The person who uses a thing best is virtuous in relation to it. Generosity is the virtue that has to do with money; says Aristotle, "It seems to be the mean condition that concerns money," where "By money we mean all those things of which the worth is measured in monetary terms" (1119b 20-21). The deficient condition of generosity is *stinginess*, or that state of character by virtue

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[56] I omit hospitality in part because there is no virtue to which it directly corresponds, and in part because it is so rich and morally significant a phenomenon in the classical Greek worldview that I could not hope to do it justice here. I will, however, say a word on kindness vis-à-vis membership within the political community (*polis*), which is most relevant to discussions of hospitality.

[57] We might note that the terms "kind" and "gentle" often appear together, as they do in the phrase "a kinder, gentler…" Perhaps this is not by coincidence.

of which one “takes money more seriously than one ought” (1119b 29030). The excessive condition of generosity is *wastefulness*, which Aristotle conceives of as destructiveness of one’s own property, and by extension a kind of self-destructiveness, since “the living of one’s life depends on these means” (1120a 1-4). Generosity is active in that it relates primarily to giving, and not to taking, even though we may think of those who take little as being in some way generous. Says Aristotle, “gratitude goes to one who gives, and not to one who does not take, and praise even more so” (1120a 16-17). Moreover, “not to take is an easier thing than giving, for people let go of what is their own too little” (1120 24). So praiseworthy is generosity that “generous people are loved practically the most of those who are recognized for virtue” (1120a 24-25).

There are, of course, many ways of giving. The generous person is she who gives in the right way, which is to say for the right reasons (“for the sake of the beautiful”), to the right people, at the right times, and, perhaps most importantly, with pleasure (1120a 25-32). The generous person does not take wealth seriously as a means for her own flourishing, but instead takes it seriously as a means for the flourishing of others. She will therefore guard her wealth not out of greed, but because she “wants to assist some people by means of it” (1120b 4). But generosity is such that she will often fail to preserve wealth; “it is most definitely characteristic of a generous person to go to excess in giving, so that less is left for [herself]” (1120b 6-7). A mark of generosity, says Aristotle, is that the balance of concern is on the side of others: “for not looking out for oneself is part of being generous” (1120b 8).

There are two kinds of wastefulness, and where one of them is truly vicious, the other is *almost* virtuous. The first is characteristic of those who both take a great deal *and*

give a great deal. Such people are unconcerned with where their wealth comes from, and take no care in deciding who is worthy of receiving it, such that they often benefit the underserving (including people who are vicious) and often fail to benefit the deserving (people who are “of moderate character”) (1121b 8-9). The second is characteristic of those who take little but give much, and so easily “cure themselves” of the vice by losing all they have. This kind of wastefulness, says Aristotle, is merely foolish, and could even become virtuous if guided by right reasoning (1120b 20-25).

We have said that kindness is *excessive* in that the kind agent tends to do more than decency requires. Not only does she refrain from harming others, but she also actively seeks to benefit them. In order to characterize kindness as a moral virtue, we would therefore need to show that excess can be characteristic of a mean condition. The generous person often gives, says Aristotle, *more* than is needed. She gives, more importantly, for the sake of the people she benefits, and with little concern for herself. She has a tendency to go to extremes in giving such that she works against her own immediate interest, at least to the extent that she willingly (indeed joyfully) deprives herself of luxuries. Generosity, though a mean condition, is also inherently excessive. Aristotle recognizes, then, that the type of excess manifested in kind agency is coextensive with moral virtue.

There is much to appreciate in Aristotle’s account of generosity, but we would be right to worry over his apparent restriction of generosity to the distribution of wealth, on the grounds that generosity does include or ought to include other kinds of giving (the giving of time, the giving of attention etc.). We might further object that his view reduces generous giving to a kind of calculus, perhaps a calculus of just desert, which to some

extent undermines its commendably excessive character. Rosalyn Diprose echoes these concerns when she suggests that Aristotle's account "tends to reduce the gift to a calculable commodity (money or goods) and generosity to the logic of an exchange economy" (2).[58] She claims, contra Aristotle's narrow conception, that generosity is, "an openness to others that not only precedes and establishes communal relations but constitutes the self as open to others" (2).

These concerns are commendable in that they express the desire for a rich conception of generosity, but they may stem from too shallow a reading of Aristotle's ethical theory. Although generosity involves right reasoning, it is no mere calculus. Nor is generosity aimed at justice narrowly construed as *fairness*; as Diprose correctly notes, "bringing about a fair outcome is not a central feature of generosity" (3). Moreover, Aristotle does not understand generous giving as an economic exchange (in which one person gives wealth, and receives proportionate pleasure in return). Instead, and as Robert Bernasconi points out, the source of the generosity is the goodness of the giver, as manifested in goodwill toward the person she seeks to benefit. Thus the generous person "seeks to give more and without measuring this more by reference to what has been received," where the gift "has the character of an excess (*hyperbole*) such that it cannot be measured by any calculation of its value" (267).

[58] Machan raises an interesting objection to welfare systems via Aristotle's account of generosity, suggesting that Aristotelian generosity becomes impossible within a welfare state: "the cannot be," he contends, "any generosity involved in a polity in which one is forced to share one's wealth," since generosity by definition involves the deliberate choice to give to those one deems deserving (61). As Diprose notes, "generosity, in Machan's argument, would seem to run counter to social justice" (3). But the kind of liberal polity that Machan favors also runs counter to generosity, as Diprose notes, since it presupposes and encourages excessive self-concern. Since the virtues of character parallel just laws in important ways, one way to address these concerns might be to ask how generosity would be manifested in laws. It would be reasonable to claim, for example, that generous laws might distribute resources "equitably" (according to need and merit) rather than "fairly" (evenly), which is to say in ways that benefit those who the virtuous person would determine to be deserving.

Diprose's contention that generosity ought to be broadly construed so as include non-economic kinds of giving, and even a general openness to or feeling of kinship with others that transcends any ordinary sense of exchange, is an important one. This pro-social openness and kinship belong, we may imagine, to kindness as well. For now we may say that Aristotle's ethics does not preclude the possibility of valuing the general openness and the non-material kinds of giving that Diprose has in mind, even if it defines generosity rather narrowly. We may note that for Aristotle moral virtues generally relate to particular *praxes*, and though generosity explicitly pertains to the use of wealth, other virtues may pertain to *praxes* that have to do other kinds of giving. Moral virtue exists, by virtue of *phronêsis*, as a unity, so that the generous person will presumably be giving in other ways, too. Whether or not this is so according to Aristotle will be become apparent once we have addressed the other virtuous *praxes* related to kindness.

Friendliness

Kindness is often conflated, as we have noted, with niceness, which has something of the same surface appearance as kindness, but lacks its depth and rich moral significance. Even so, niceness, understood as a kind of cheerfulness or pleasantness aimed primarily at keeping the peace, may relate to kindness in important ways. There is an interesting parallel between the relation of niceness to kindness and the relation of friendliness to friendship. The moral virtue of *friendliness*, though not as morally significant in Aristotle's view as moral friendship, may call for appreciation on account of its kinship with the latter. More importantly, reflection of the nature of friendliness may highlight important aspects of moral friendship. In the same way, thinking about

niceness in relation to kindness may help us to appreciate the former in a new way, and may cause us to better appreciate particular components of the latter.

Friendliness is one of the virtues that govern social conduct, and has to do with the sharing of "words and deeds" (NE 1126b 11). In relation to sharing opinions, says Aristotle, "some people seem to be obsequious, who compliment everything in order to please, and object to nothing, but believe that they must not be responsible for any pain to those they happen to be around" (1126b 12-13). There is something commendable in this excessive condition, as it involves a desire to refrain from causing others pain. What we might appreciate in this vice is similar to what we might appreciate in the behavior of people who are considered nice. Niceness generally involves a desire to spare others' feelings that lets slide any number of comments that should by all rights cause the agent to feel indignant. The nice person is she who, in the course of a conversation, lets her interlocutors' bigoted or false remarks go without criticism. But obsequiousness goes beyond even this (already less than virtuous) attitudinal posture, as the obsequious person goes about complimenting everyone simply in order to bolster their feelings with little or no concern for actual merit. Perhaps the intention of the obsequious person is to be well-liked, but regardless of her intention the result of her behavior, says Aristotle, is to alienate her in general, and especially from those with whom she might have deep and meaningful friendships.[59]

The deficient condition of friendliness is perhaps more blameworthy than the excessive, since the latter at least betrays a sensitivity to others' feelings. The *cantankerous* person objects "to everything," says Aristotle, and does not consider at all

[59] In Book Nine he writes, "People who are friendly toward many and fall into familiarity with everybody, seem to be friends to no one, except as fellow citizens— they are called obsequious" (1171a 16-17).

the pain she causes others to feel (1126b 14-15). Instead of finding fault as she should with those things that are wicked, she finds fault with everyone and everything. She is, we might imagine, most difficult to get along with. Both the deficient and the excessive conditions of friendliness involve a certain failure to discern and/or express the proper regard for what is good and the proper derision for what is not. In order to be virtuous, one must not only know what is worthy of praise and what is worthy of blame, but one must also express praise and blame, and do so in the right way. There is no word for this mean condition, says Aristotle, but "it seems most like friendship. For it is the sort of person who is in accord with this mean active condition that we have in mind in speaking of a kind friend, though that also includes a feeling of affection" (1126b 20-22). What distinguishes the moral virtue of friendliness from friendship proper is that an agent manifests the former not on account of caring for the friend, but simply on account of whether or not the opinion or person in question is worthy of praise, such that "Such a person will do the same things towards those he knows and those he doesn't," though he will do them in a way that is appropriate to his level of familiarity with the people involved (1126b 24-25). A person who is friendly, then, says Aristotle:

> [W]ill associate with people as one ought, and having reference to what is beautiful and what is advantageous, will aim either at not causing them pain or at joining in their pleasure. For such a person seems to be concerned with pleasure and pains that turn up in social relations; in those situations in which it is not a beautiful thing, or is a harmful thing, for him to join in pleasing others, he will not take a hand in it. (1126b 32-34)

Kindness is dismissed at times on account of its being conflated with mere niceness, where the latter has more the character of obsequiousness than of true friendliness. And if it is dismissed on account of its tendency to let pass unremarked statements that are untrue, unduly caustic, bigoted or otherwise blameworthy, then it is dismissed with good reason. The failure to express righteous indignation is a true moral failure, as Aristotle suggests. But kindness is not mere niceness, and here we begin to see why. Kindness would be a flawed virtue indeed if it was aimed at keeping the peace and bolstering agents' feelings of self-worth only at the expense of expressing proper indignation and honestly assessing others' characters. We may here refine our characterization of kindness by noting that the kind agent is she who shares her opinions in ways that express both positive feelings for her interlocutors *and* a proper respect for what is true and good.[60] But making this claim opens up a certain difficulty, since honesty and the sparing of feelings are so often at odds. Moreover, we have thus far emphasized the latter and said little regarding the need for the former. To begin to explain how kindness can involve both good-will toward others and honesty, we may turn to the second of Aristotle's virtues that govern social discourse, namely, truthfulness.

Truthfulness

"By itself," writes Aristotle, "what is false is base and blameable, and what is true is beautiful and to be praised" (1127 29). So, too, is the person who is truthful rightly praised, and the person who is untruthful rightly blamed. This is so in all cases, but perhaps especially in those situations in which nothing particular (such as some material

[60] Which already suggests that it is more like friendship, which involves feelings of positive regard, than like friendliness, which does not.

benefit) is at stake.[61] For in these cases, Aristotle notes, the agent's honesty is seen most clearly to flow from her stable character (1127b 2). Moreover, an honest person "seems to be a decent person," since "someone passionately devoted to the truth, even in which telling the truth makes no difference, will be truthful still more in situations in which it does make a difference" (1127b 3-5).

The excessive condition relative to truthfulness is *boastfulness*, which involves the overstatement of one's good qualities and accomplishments either for no end in particular (in which case it is "empty-headed rather than bad"), or for the sake of some end (which might include reputation or monetary gain) (1127b 12). Those who brag for the sake of their reputations are more to be forgiven, says Aristotle, than those who brag for personal gain, and both tendencies are quite common (1127b 23). The deficient condition, *ironic understatement*, is a kind of self-deprecation through speech. This tendency can even seem admirable, Aristotle notes, where it concerns "things that are in high repute," as it did in the case of Socrates (1127 b 27). But where one deprecates everything about oneself, what appears to be modesty is in effect false modesty, since by making oneself appear to lack all good qualities, the contrast between presentation and reality is only too apparent. Even so, in Aristotle's view the mean regarding truthfulness is closer to ironic understatement than to bragging such that one ought to display, if not feel, a certain sense of humility in relation to one's attributes and accomplishments.

At first glance, the virtue of truthfulness seems to have little relevance to the discussion of kindness, as the former is primarily concerned with a certain self-relation. But if we extend the spirit of Aristotle's account of truthfulness to the expression of

[61] The virtue of truthfulness pertains to just these situations in which nothing is at stake, where honesty regarding contracts and agreements is governed by justice.

opinions regarding others' qualities, we come closer to understanding how the kind agent might navigate the tension between cheering others and being honest with them. I would like to suggest that whereas in relation to our own merits we ought to err on the side of self-deprecation, when it comes to acknowledging others' qualities, we ought to err on the side of excessive praise, assuming that we do so for the sake of others and not for our own sake. This is, I think, consistent not only with the fundamentally excessive character of kindness but also with Aristotle's acknowledgement of the responsibility we have to our fellow citizens, and especially to our friends, to bolster the feelings of self-worth that make them more efficaciously good. As Aristotle suggests, we have a special affection for those "who praise such good qualities as we possess, and especially if they praise the good qualities that we are not too sure that we do possess" (*Rhetoric* 1131a 36-37).

There is one other sense in which Aristotle's account of truthfulness is relevant to the discussion of kind agency, and it is well worth marking here. Recall that Aristotle asks, in the course of his analysis of moral friendship, whether or not it is possible to be a friend to oneself. In a similar way, we may and must ask whether or not it is possible to be *kind* to oneself. If kindness has in part to do, as we have said, with acknowledging, helping, giving, cheering and morally assessing, then we may ask whether or to what extent and in what ways one ought to engage in kind *praxes* in relation to oneself. The *praxis* that most obviously pertains to self-relation is moral self-assessment. We may note, then, that the issue of self-kindness brings us to the very heart of the topic addressed in Chapter Three, namely, the often problematic nature of moral assessment. There I suggested that kind agents ought to foster deep remorse for their own flaws and acts of wrongdoing, but, where they encounter others who do the same, they ought to highlight

the ambiguity of moral responsibility by way of comforting and cheering those who suffer from regret and diminished feelings of self-worth (126). But if the kind agent ought to be kind to herself, then she ought to morally assess herself as she would others, emphasizing moral ambiguity and erring on the side of forgiveness in relation to her own faults and failures. But if we prefer to overturn the previous claim in favor of the latter, then we might worry, as Nagel would, about the potentially deleterious consequences of this self-kindness for moral seriousness. If we cannot deeply regret our moral faults and failings, then we might rightly worry about the dissolution of our values, since our feelings of regret are so often affirmations of the same. In relation to the present project, we should further worry that absent moral seriousness, it is more difficult to justify the need for kindness, which is so often aimed at ameliorating the suffering others feel on account of their moral faults and failures. I will return to these concerns in Chapter Seven, but at present it suffices to point out the *aporia* they comprise.

Good Humor

Humor is so often a comfort to those who are suffering, and those who are best at comforting others are very often people of good humor. Aristotle marks good humor as the moral virtue having to do with leisurely socializing. Good humor concerns not only what one says, but also how one receives what others have said. Its deficient condition is *boorishness* or *rigidity*, and is characteristic of those who never say anything humorous, and/or are disdainful toward those who do (NE 1128a 8-9). Its excessive condition is *crudeness* or *buffoonery*, and is characteristic of those who will say anything for a laugh, and laugh at anything. The agent with a proper sense of humor will not laugh at nor cause

others to laugh at someone else's expense where such laughter causes pain, while the buffoon will do so without hesitation (1128a 8-10).

Aristotle likens good humor to generosity, and asks "Might one then define the person who is good at joking as saying what is not inappropriate to a generous spirit, or as not causing pain to one who hears it or even causing merriment [in the one made fun of]?" (1128a 27). He initially resists this definition, though, on the grounds that it is difficult to know what will cause listeners to feel pain. Good humor requires, he says, a kind of gracefulness in social situations: "Those who are playful in a harmonious way are called charming, as being readily flexible" (1128a 9-10). Moral virtue in general requires flexibility, he says, in the "motions that come from one's character," and this is especially true where humor is concerned (1128a 10).[62] But this flexibility must be limited in ways that accord with decency, and "someone with a gracious and generous spirit will hold himself to such limits, being like a law to himself" (1128a 33-34).

Good humor is something like generosity, and something like proper flexibility. It is excessive, then, but only to a certain extent. We might say that it involves a generous willingness to accommodate others' preferences, but only to the extent that goodness allows. Certainly we ought to say the same of kindness. Kindness would be robbed of its essential nature if it did not involve a generous responsiveness to others, but if that responsiveness had no limits kindness could too easily harm the kind agent. There are and ought to be limits to what the kind agent will do for others, and limits to what she will tolerate in and from them; the kind agent is sensitive and responsive, not

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[62] This flexibility no doubt involves sensitivity to others' feelings, including an ability to interpret their words and gestures. I do not doubt that kind agents possess the same sensitivity, which is so beautifully illustrated in the shopkeeper's engagement with Octavia in Gaines' story, and in Bienevnue's dinner conversation with Jean Valjean in *Les Misérables*.

manipulable. That she must determine where to draw the line is only further evidence that kindness entails remarkable powers of judgment.

Gentleness and Indignation

We so often denigrate anger, but there are some things that ought to evoke anger, so much so that feeling anger is, in certain situations, something of a moral imperative. Those who do not get angry, for example, when they witness gross injustice most certainly merit censure. Kindness has come to be associated with gentleness, and gentleness with the absence of anger, and both to such an extent that we might wrongly believe that kind people do not or should not get angry at others. As Aristotle's accounts of gentleness and righteous indignation reveal, virtuous comportment in relation to anger does not involve lacking anger altogether, but instead being angered for the right reasons, and expressing anger in the right ways.

Gentleness, says Aristotle, "is a mean condition concerning anger" (1125b 26-27). The excessive condition, which might be called *irritability*, involves a tendency to err in some way in relation to anger, whether by feeling it for the wrong reasons, or at the wrong times, or toward the wrong people, or for too long a time.[63] The deficient condition, which is so rare as to be nameless, involves a tendency not to feel anger when one should. Although perhaps to a lesser degree than irratibility, the deficient condition is also blameworthy: "For holding back when one is being foully insulted, and overlooking it when it happens to those close to one, is slavish" (1126a 7-8). Gentleness is further from irritability than from the opposite, such that the mean condition may at times seem

[63] The excessive condition is nameless, and because it is expressed in different ways, is called irritability, hotheadedness, bitterness, etc., as befits the type of error involved. Aristotle does not believe that someone can err in all of these ways at all times, since such excess would destroy the agent (1126a 14-15).

like a deficiency. Aristotle remarks that the gentle person feels anger only "as reason prescribes," and notes that "one who is gentle is not inclined to take revenge, but is more apt to forgive" (1126a 2-3).

But under what circumstances does reason prescribe anger? Aristotle answers the question most decisively in his discussion of the related *pathos* of indignation. In the *Rhetoric*, Aristotle defines indignation as the compliment of *eleos*; whereas *eleos* is felt in response to undeserved bad fortune, indignation is felt in response to underserved good fortune. "Both feelings," he writes, "are associated with good moral character; it is our duty both to feel sympathy and pity for unmerited distress, and to feel indignation at unmerited prosperity" (1386b 12-15). We feel indignation when we see someone with bad character enjoying those goods that ought by rights to go to people with better character, as, for example, when we see someone profit from another person's suffering. All situations that merit indignation involve, then, some kind of injustice. Anger is properly felt for similar reasons. In the *Rhetoric* anger is defined, as Konstan points out, as the desire for revenge felt in response to a perceived slight (43). A slight (*oligôria*) is no mere insult, but is a gesture that denigrates the recipient's worth, or implies that the recipient is *worthless*. To fail to feel and express anger when one's worth is unjustly denigrated, or when another person's (and especially a loved one's) is so denigrated, is in Aristotle's view a true moral failing. Anger, then, as Konstan points out, is closely related to indignation not only in terms of its felt quality but also in terms of the kind of moral evaluation that gives rise to it (68).

If we conceive of kindness as we should, in a rich way and not as mere niceness, then it is easier to appreciate how and why proper anger is an important component of

kind agency. The kind agent recognizes the intrinsic worth of the people around her, and will not stand by when they are treated unjustly, nor when their worth is denigrated. She also recognizes her own worth, and will not consent to the kind of treatment that compromises that worth or lowers her dignity. The kind agent, then, is *both* gentle and righteously indignant.

Courage

On the face of it, courage seems at odds with kindness. Courage is, in general and certainly in Aristotle's view, the quintessentially masculine virtue, where kindness is so often perceived as feminine.[64] But Aristotle so defines courage that our conception of kindness would not be complete without it.

Courage is, writes Aristotle, "a mean condition concerned with fear and confidence," where fear is defined as "an expectation of something bad" (1115a 7). There are some such expectations that one ought to fear, such as the anticipation of losing one's reputation, and to fear these is a sign of decency rather than cowardice. But other fears are assessed in relation to courage, and foremost among these is the expectation of serious harm to oneself. The paradigmatic case for Aristotle is that of the soldier, who must face the expectation of his own death. Although we fear death generally, often there is no call for courage, since there is no way to die "beautifully" in most situations. But in war there is a way to die well, and it stems from the for-the-sake-of-which of the situation, which is the preservation of one's political community (*polis*). So, too, in all situations; courage is possible where there is a beautiful or good end worth suffering for.

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[64] It is no coincidence that the word *andreai* literally means "manliness." I return to the gendered division of the virtues in Chapter Six.

Courage involves the willingness to endure fear and pain for the sake of the beautiful and the good. Thus, as Sachs writes, courage is "An achieved condition by which one is apt to choose to endure frightening things […] when it is beautiful to do so" (203). The courageous agent will suffer willingly for the right reasons. And no reason is more noble, says Aristotle, than the preservation of the political community.

We have noticed that for Aristotle the very mark of virtue is that the agent enjoys being virtuous. But in some cases, the pleasure of virtuous *praxis* is mixed with pain, and this is especially true in the case of courage. Aristotle writes, "it is for enduring painful things, as was said, that people are called courageous. Hence courage too is painful" (1117a 33). Courage may be painful *simply*, such that we think "being at work pleasantly is not present in all the virtues," but to whatever extent "one fixes one's intent upon the end," courage becomes pleasurable, too (1117b 17-18). The mark of the courageous agent is that she is not too deeply pained by her suffering, and even takes some kind of pleasure in it.

If kindness is a moral virtue, then in order to inculcate it we must learn to take *pleasure* in kind activity. But this is no easy task, because the pleasures of kindness are intrinsically mixed with pains. It is with good reason that we associate kindness with the saccharine sweetness of Hallmark movies. Kindness is poignant; it cuts through us with a pain not unlike that of Cupid's arrow.[65] And it is hard to know what to call this feeling, as it has neither the pure character of joy nor that of sorrow, but instead seems like a kind of painful joy, or joyful pain. But Phillip Hallie is right when he says that "painful joy can

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[65] I will be accused of hyperbole here, but would point out that erotic love has long been characterized as involuntary (symbolized by Cupid's arrow, and captured in the word *Concupiscence*), where *philial* and *agapic* love (the kind of love we rightly associate with kindness) have been construed as voluntary. In my view, the poignancy of kindness is due at least in part to the (involuntary) feelings it evokes in us.

be a reliable reaction to excellence," and kindness is most certainly an excellence (3). If we are to become kind, we must learn to endure the pain of the uncertainty that belongs to every proffered gesture of kindness. We must to learn to endure the pain that comes of acknowledging our need for each other's help and care, and even to take some kind of pleasure in both. So let us ask, with Hallie, "Why run away from what is excellent simply because it goes through you like a spear?" (3). We must learn to dwell in the bitter-sweetness of kindness, which is the purest admission we can make of our fundamental interdependence. And to do so will require precisely the kind of courage— a willingness to suffer for the sake of the beautiful and the good— that Aristotle describes.

Friendship[66]

Above I argued that characterizing kindness as a virtue that in some way involves *kharis* is consistent both with Aristotle's claim that *kharis* produces friendship and with his valuing of friendship. I suggested that the components of kindness may already be at work in the phenomenon of friendship, which is for Aristotle something distinguishable from but coextensive with moral (and intellectual) virtue, such that he need not identify a moral virtue of kindness external to friendship. I also argued that although the emotion of *eleos* has the potential to raise agents' awareness of their own fragility, this awareness would be of little value unless it could either produce or join with goodwill, since absent goodwill a heightened awareness of human vulnerability might merely cause agents to become more self-involved and self-protective. In what follows I will work to bring these

[66] Given the richness of Aristotle's account of friendship, I cannot explore every dimension of it in relation to kindness here, and so will speak only to one of the most significant. I return to the kinship between friendship and kindness in the following chapter via a discussion of Kantian moral friendship, which closely parallels Aristotle's account of the same.

claims together in order to determine whether or not Aristotle's moral theory can support the kind of universal goodwill that could motivate kind agents to work on behalf of humanity in general, effectively rendering them friends of humanity.

In his account of the best kind of friendship Aristotle describes the nature and acknowledges the significance of goodwill (*eunoia*). The grounding condition of genuine friendship, in his view, is nothing other than the mutual possession of *eunoia*, and it is this feeling which gives rise to the love (*philia*) that ultimately sustains friendships (Baracchi 280). We might note that Konstan's objection to the translation of *kharin echein* as "having kindness" or "being kind" could be buttressed by the observation that if Aristotle had meant to refer to kindness in the *Rhetoric*, he would have used either the word *philanthropia* or the word *eunoia*, both of which indicate positive feelings for others. *Eunoia* is so similar to kindness that it is often translated simply as kindness.[67] But where kindness, like moral friendship, entails activity, *eunoia* is by nature passive. One may feel *eunoia* on behalf of any number of people, says Aristotle, where "the number of friends is limited" (NE 1171a 1). In addition, one may feel *eunoia* even for those who are unaware of the same, or who are aware of but do not reciprocate it. In Aristotle's view *eunoia* is a necessary condition for the best kind of friendship, but it is not and cannot be a sufficient one, since friendship is actualized in and through *praxis*. "Hence," says Aristotle, "making a metaphor, one might say that goodwill (*eunoia*) is out-of-work friendship" (NE 1167a 10-11). As Baracchi points out, there is something paradoxical about the relationship between *eunoia* and friendship, since friendship requires the former, but overcomes it in being actualized *as* friendship (278-280). When one acts for the sake of the friend, one begins to actualize not *eunoia* (which by nature

[67] See, for example, Baraacchi, especially pp. 278-280.

cannot be actualized) but *philia*, which is the efficacious love that sustains (and simply *is*) genuine friendship.

Eunoia arises, Aristotle suggests, in response to the perceived excellence of the person toward whom it is felt (1167a 19-20). This explains why *eunoia* facilitates the emergence of genuine friendship, but not of the pseudo-friendships of pleasure and use; the former do not involve the agents' goodness, whereas the latter necessarily does. But if *eunoia* can only be felt on account of perceived merit, then it will admit to limitation and constraint, just as *eleos* does. If neither pity nor *eunoia* extend to humanity generally, then were we to ground kindness in either it would be similarly limited. Something of the excessive nature of kindness would no doubt be lost if it could only be extended to those we believed were similar enough to us, or to those we determined to be as morally good or noble as we are. Certainly kind agents must judge who is worthy of kindness, but we ought to suppose that in making such judgments they would err on the side of excess, often intervening without hesitation on behalf of those who may or may not turn out to be "worthy" of their time and attention. We ought to hope, moreover, that kind actions may have an ameliorative effect on their recipients such that the worthiness of those who are helped is affirmed and increased in and through the help they receive.

I pointed above to an *aporia* regarding the degree of similarity required for the judgment of shared vulnerability that in part grounds the tragic emotion of *eleos*. Supposing we could form the latter judgment not in relation to some accidental quality like age, sex, or political status, but instead in relation to a fundamental human sameness, then we would be able to say that *eleos* should extend to *any* human being who suffers through no fault of her own. We are all alike in our vulnerability to luck, and this is a

truth that Aristotle appreciates. Vulnerability to luck, then, is most certainly a viable ground for universal *eleos*. If it is at least possible to extend *eleos* to humanity in general, then in order to pave the way for an Aristotelian notion of universal kindness we need only show that it is possible to extend the kind of good will that would join with *eleos* to motivate agents to intercede on behalf of others who are in need, and in general to work for the good of the people around them. Although *eunoia* in its richest sense extends only to those whom the virtuous agent deems worthy, Aristotle does speak to two another kinds of fellow-feeling that extend much further, while motivating the very species of other-centered activity that, in his view, makes political community and by extension human flourishing possible.

Aristotle observes that friendship "seems to be present by nature" among beings that are similar, and most of all among human beings (1155a 19-20). He points to a fundamental human sameness that potentially produces friendship, and on account of which "we praise those who are friends of humanity," writing, "And one might see among those who travel that every human being is akin and a friend to a human being" (1155a 22). The ground of moral friendship, as we have seen, is the mutual reciprocity of goodwill that emerges on account of like moral goodness. *Philanthropia* and political friendship are structurally similar to moral friendship, but the goodwill by which they are characterized stems from something other than mutual goodness. The goodwill toward humanity in general by virtue of which people are called philanthropic emerges on account of fundamental human sameness, where the more refined political friendship involves a goodwill toward fellow citizens felt on account of shared vulnerabilities, aims, and values. So vital are these feelings to the flourishing of communities that Aristotle

writes, “friendship seems to hold cities together, and lawmakers seem to take it more seriously than justice, for like-mindedness (*homonoia*) seems to be something similar to friendship, and they aim at this most of all” (1155a 22-23).

In *Civic Friendship and Reciprocity in Aristotle’s Political Thought*, Lorraine Pangle highlights the tremendous importance of the feelings that, for Aristotle, bind communities together. She notes Aristotle’s characterization of concord (*homonoia*) as that “goodwill and mutual affection that makes each citizen enter sympathetically into the concerns of his fellows and willingly exert himself on the whole community’s behalf” (1). As she rightly notes, for Aristotle the goodwill that is actualized in political friendship is even more essential to the sustenance of the *polis* than justice, in no small part because it motivates citizens to work together for each other’s good through shared political projects. What is especially remarkable about the relationship between *homonoia* and political friendship is that the two work synergistically. Although, as Pangel notes, *homonoia* may appear initially “as a simple alignment of interests,” through shared civic activity “each person’s concerns gradually begin to expand,” so that in time “they experience themselves as sharing the same ends and not just parallel ends” (5-6). A special feature of this process is that it breaks down the boundaries between self and other such that citizens “enter sympathetically into one another’s struggles and hopes, and the good that each makes his own aim comes to include the good of others” (6).[68] By this description, *homonoia* sounds quite similar to the attitude of kindness, which we have said lovingly eschews the boundaries between self and other.

[68] Another remarkable feature of this process, as Pangle notes, is that for Aristotle “the goodwill that emerges in this way grows deeper the more people exert themselves to help one another” (6). By this description, shared political activity has something of the character of moral virtue, which grows through *praxis*.

We may note, then, that for Aristotle goodwill can extend to fellow community members. This broadens the category of those for whose sake a kind agent might feel motivated to work beyond those who are deemed morally good. But if the goodwill embodied in *homonoia* and expressed through political friendship extends only to members of the same political community, then we should worry that it does not extend far enough. We may say again that something of the excessive nature of kindness would be lost if it did not extend to humanity in general. Kindness cannot be conditional upon membership within a given political community, unless that community is understood as inclusive of all people.

Perhaps goodwill can extend beyond the *polis* in the same way that it can extend beyond those deemed worthy of moral friendship. Claudia Baracchi points to the intertwining of *eunoia* and *homonoia* in Aristotle's thought, noting that the two "are treated concomitantly and never sharply separated" (283). She observes, for example, that "While *eunoia* and *homonoia* do not exactly overlap, they similarly refer to a bond that can potentially be extended indefinitely, even to people far and unknown" (283). She further notes that "the basic awareness that there are others with whom I belong and, consequently, a common good with which I am concerned, casts light on the fact that friendship, which cannot be lived indefinitely many times, can nevertheless be universalized" (283). *If eunoia is* transposed, as she suggests, onto *homonoia*, then perhaps it can be transposed onto *philanthropy* as well (283).[69] Our service to others can

[69] I am not making the strong claim that Aristotle believes *eunoia* or *homonoia* can extend or ought to extend to humanity generally. Certainly recognition within the political community is a central component of his ethical theory, and the moral virtues are understood as producing flourishing within and (to some extent) for the sake of the *polis*. But as I have pointed out, he recognizes the value of philanthropy, and as Koziak notes, he is critical of cruel treatment of strangers and non-citizens (263; see especially *Nichomachean Ethics*, Book Seven). It is therefore reasonable to suggest that a universal goodwill is commensurate with certain important Aristotelian values. If Aristotle had been able to imagine our present

only extend so far in practice, but our goodwill and the willingness it inspires to work on behalf of others may extend indefinitely such that we stand prêt-à-servir not only in relation to those who are similar enough to us, or who belong to our political community, but instead in relation to humanity in general. And it does, I believe, if we are kind.

Kindness as a Moral Virtue

Aristotle's ethical theory captures, as we have seen, many if not all of the important features of kindness. By attending to the rational, affective, and *praxical* components of virtue we have come not only to recognize new features of kind agency, but also to appreciate how the various elements of kindness intertwine such that kindness has every appearance of being a *hexis*. Because, as we have noticed, kindness is importantly marked by goodwill, it is reasonable to say that kindness occurs for the sake of others' flourishing, which is a good and noble end. We have reason to conclude, then, that kindness is not only a *hexis*, but indeed, a moral virtue. More conservatively, we may say that it seems *possible* to construe kindness as a moral virtue, even though Aristotle did not.

Yet we must wonder, in the end, whether or not construing kindness as a moral virtue enhances our perception of its moral significance, since if it does not we are left with a coherent theoretical account of a thing of dubious worth. It does so, arguably, only to the extent that we accept Aristotle's *eudaimonic* and teleological grounding of ethics. If we cannot grant Aristotle's ethical axioms, then kindness might lose something of its importance. Where moral goodness is grounded in rationality, for example, as it is for

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age of globalization, I am quite certain he would have praised universal goodwill, and the kind of philanthropic work inspires.

Kant, the moral significance of a virtue like kindness is called into question. One thing a conceptualization of kindness as a moral virtue seems most in need of in the light of the analysis above is some ground that might render it prescriptively universalizable. This is a ground that Aristotelian ethics does not appear to offer— and may be incapable of offering— but that Kantian morality can offer in the guise of *pure practical reason*. Kantian morality, then, has the potential to "make a necessity of virtue."[70] Moreover, by emphasizing the principles that ground virtue the latter can potentially open up new reasons for appreciating kindness, reasons that would appeal to those who cannot accept Aristotle's teleological eudaimonism. Perhaps there is a way to draw out of Kantian thinking a universal ground for kindness that is yet commensurable with, if not reliant upon, Aristotelian teleology. But this possibility can only be explored in the light of Kantian moral theory, to which we may now turn.

[70] To borrow a phrase from Nancy Sherman.

CHAPTER VI

KANT'S UNEXPECTED KINDNESS

"A friend is one to whom one may pour out the contents of one's heart,
chaff and grain together, knowing that gentle hands will take and sift it,
keep what is worth keeping, and with a breath of kindness,
blow the rest away."
-George Elliot

Introduction

Immanuel Kant is hardly the first philosopher to come to mind when one reflects on the value of kindness, unless, of course, he does so as the embodiment of resistance to such reflection. Even in his earliest writings and lectures on ethics, where he appears most to be influenced by moral sentimentalists like Shaftesbury, Hutcheson and Hume, Kant already places considerable restrictions the role of human feeling in the moral life, and on the kinds of virtue to be commended. The development of his moral thinking manifests an increasingly vehement rejection of feeling as a ground for human goodness, and a diminishing esteem for moral virtue. In his later ethical works the sentiments and virtues play at best a supporting role in the moral life, and this only insofar as they are in some way subsumed under Reason.

Surprisingly, Kant's resistance to kindness is quite equivocal, as is evinced by his characterization of moral friendship and in particular by his prescriptions regarding friendly truth-telling. His reasons for appreciating gestures of kindness are at least as philosophically rich and intuitively appealing as his reasons for denigrating them. He not only recognizes the value of kindness as we have so far characterized it, but indeed sees kindness— as actualized within moral friendship— as an indispensible component of a moral life worth living. This valuing of kindness is most certainly at odds with the image

we have inherited of Kant, and as such would merit reflection even absent the distinct aims of the present project.

Kantian moral theory is justly praised on account of its elegant and compelling theoretical structure, and perhaps most of all on account of its capacity to universalize moral prescriptions. As was suggested in Chapter V, if we can find a way to reconcile what is strongest in Kant's moral philosophy— including and especially its universalizability— with a proper valuing of kindness, we may find new and more comprehensive ways to justify normative claims about kindness.[1]

In this chapter I continue to develop and refine the characterization of kindness I began in Chapter IV by engaging Kant's analyses of kindness-related phenomena.[2] I begin by exploring Kant's suspicions regarding the value of moral sentiments and virtues, placing a special emphasis on his gendered division of moral virtue in *Observations of the Feeling of the Beautiful and the Sublime*. Next I turn to Kant's account of moral friendship, and especially to tension between revealing and concealing truth that he expects friends to navigate, and that I interpret as a prescription for kindness between friends. I then work to build a tension between Kant's prescribing of duties of kindness and his apparent preference for non-intervention in others' affairs, highlighting the

[1] That is, we might then "make a necessity of virtue," to borrow Nancy Sherman's phrase.

[2] The fact that there is no word in the German language that directly corresponds to "kindness" presents considerable difficulty here. In many English translations of Kant's ethical works (including Goldthwaite's translation of *Observations on the Feeling of the Beautiful and the Sublime* and Louis Infield's translation of Kant's *Lectures on Ethics*) the German words "Freundlichkeit" (friendliness) and "Leutseligkeit" (affability) are at times rendered as "kindness," and the word "gutherzigen" (good-hearted) as "kind-hearted." Rather than assuming that "kindness" as it appears in Kant's texts corresponds to the phenomenon that we are addressing here, then, I will bring the working definition of kindness thus far developed into dialogue with the beliefs, feelings and activities that constitute it as they appear in Kant's ethical works. It is possible that kindness will appear in Kant's philosophy in a way that parallels its appearance in Aristotle's thought, which is to say not as a coherent concept but instead as a number of features disbursed among morally significant phenomena.

resistance to kindness that we as individuals so often experience. I end by asking to what extent certain elements of Kant's morality might bolster the conceptualization of kindness as a virtue that was developed in the previous chapter.

Feelings and Virtues in Kant's Ethical Philosophy

Finer Feelings and Moral Virtue in the Observations

"Stout persons," writes Kant, "whose favorite authors are their cooks […] will thrive on vulgar obscenities and on a course jest with just as lively a delight as that upon which persons of noble sensitivity pride themselves" (*Observations* 45-46). Theirs is a rough feeling, with no ground in what is finest about human nature. Those whose inclinations are instead fixed upon "high intellectual insights," who delight most in the life of the mind, enjoy a feeling as "delicate" and ephemeral as the former is rough. Somewhere in between these extremes there is a feeling that one can enjoy at length "without satiation and exhaustion," and that "presupposes a sensitivity of the soul, so to speak, which makes the soul fitted for virtuous impulses" (46). It is to this "finer feeling," that Kant turns his attention in *Observations on the Feeling of the Beautiful and the Sublime*.

"Finer feeling," writes Kant, "is chiefly of two kinds: the feeling of the *sublime* and the feeling of the *beautiful*. The stirring of each is pleasant, but in different ways" (46-47). When we stand beneath a great snow-capped mountain peak, or listen to the sounds of a raging storm, the pleasure we feel is bound up with a kind of horror, whereas when we look out on a flower-strewn meadow, or listen to a gavotte, our pleasure is "joyous and smiling." Writes Kant, "in order that the former impression[s] could occur to

us in due strength, we must have a *feeling of the sublime*, and in order to enjoy the latter well, a *feeling of the beautiful*" (47). The sublime *moves* us, where the beautiful *charms* us; the sublime leaves us "rigid and astonished," where the beautiful leaves us bubbling with mirth (47). Tragedies, then, have the character of the sublime, and comedies that of the beautiful.

The feelings of the beautiful and the sublime extend to our experiences of each other, such that certain human attributes are experienced as sublime and others as beautiful. "Understanding," writes Kant, "is sublime," whereas "wit is beautiful," and "Veracity and honesty" are sublime, whereas "jest and pleasant flattery" are beautiful (51).[3] Among the moral attributes, says Kant, "true virtue alone is sublime," while the feelings that supplement virtue are in general (merely) beautiful. The feeling of the sublime has various facets, and two are especially characteristic of genuine virtue. The feeling we experience when standing beneath a waterfall is different in kind, says Kant, than the feeling we experience standing beneath a sky full of stars, or in the apse of the Sistine Chapel. The feeling of the sublime, writes Kant, "is sometimes accompanied with a certain dread, or melancholy; in some cases merely with quiet wonder; and in still others with a beauty pervading a sublime plan" (47-48). The first of these he terms the *terrifying sublime*, the second the *noble*, and the third the *splendid*. Genuine virtue, being noble, most resembles the second of these, but has also something of the quality of the first, as we will see.

We might wonder here what distinguishes virtue proper from something merely virtue-like. Kant acknowledges that "The judgment concerning this is subtle and

[3] Relationships, too, may be distinguished by the type of fine feeling which they embody, where friendship has the mainly character of the sublime, and romantic love mainly the character of the beautiful (51).

complex" (57). For it would be wrong to call a state of mind that accords with virtue, but only incidentally, virtuous. Here he turns to the virtue-resembling affections that seem to support and enhance human goodness: "A certain tenderheartedness, which is easily stirred into a warm feeling of *sympathy*, is beautiful and amiable," for it shows an interest in others' flourishing, to which principles might likewise lead (58). But this good-naturedness is "weak and always blind," and might even cause a agent to shirk her responsibilities (giving money to the needy out of compassion, for example, instead of paying off a debt as duty requires). "On the other hand," writes Kant, "when universal affection toward the human species has become a principle within you to which you always subordinate your actions, then love toward the needy one still remains; but now, from a higher standpoint" (58). Universal affection here remains a ground of one's attentiveness to the other, but now also grounds "the justice by whose rule" one must act (58). The feeling of affection subtly changes when it is universalized through a principle, says Kant, such that it becomes "sublime, but also colder" (58). This cooling of feeling is conducive to genuine virtue, which requires activity, since without it an agent would so swell with compassion that she would surely become "nothing but a tender-hearted idler" (59). Here Kant makes a remarkable observation. Although we may feel that something is lost in the "cooling" of fellow-feeling, we easily dismiss the fact that affection does not lead us to act in ways that honor the dignity of *all* people, but instead leads us to act in ways that honor the dignity of those whose suffering we actually witness:

> A suffering child, an unfortunate though upright lady will fill our hearts with sadness, while at the same time we hear with indifference the news of a terrible battle in which, obviously, a considerable number of the human

> species might suffer undeservedly under horrible circumstances. Many a prince who has averted his face from sadness for a single unfortunate person has at the same time [...] given the command to make war. Here there is no proportion in the result; how then can anyone say that the universal love of man is the cause? (59 *n*)

As praiseworthy as sympathy might seem, then, it "does not have the dignity of a virtue" until it is universalized by way of a principle (59 *n*).

Sympathy is a beautiful inclination. But as mere inclination— that is, if left unregulated by rationally-derived principles— it is at best "trifling" (60). Thus, says Kant, "true virtue can be grafted only upon principles such that the more general they are, the more sublime and noble it becomes" (60). When expressed as virtues, the principles are no mere "speculative rules," but are instead "the consciousness of a feeling that lives in every human heart" and extends beyond sympathy and complaisance (60). This feeling, says Kant, is nothing other than a certain consciousness of "the *beauty and the dignity of human nature*," that grounds both universal affection and universal esteem (60). "Only when one subordinates his own inclination," writes Kant, "to one so expanded can our charitable impulses be used proportionately and bring about the noble bearing that is the beauty of virtue" (60).

Nature has supplemented virtue, says Kant, with assisting drives, including sympathy. These drives are such that even without the aid of principles they may and often do inspire "beautiful deeds." Kant therefore characterizes them as belonging to a certain species of virtue, namely, "adoptive" virtue, but opposes this to the kind of virtue that is grounded in principles, and which he terms "genuine virtue" (61). "The former,"

writes Kant, "are beautiful and charming; the latter alone is sublime and venerable" (61). A person with the first kind of disposition is called "goodhearted," where a person with the second is called "noble" and "righteous" (61). Kant associates a goodhearted character with the *sanguine* temperament. The goodhearted person is affable, lively, a lover of change and variety, a friend to all (and thus a true friend to none), generous to a fault, and all-too-ready to laugh at the slightest amusement or to weep at the least inconvenience. Kant associates a noble frame of mind with a *melancholy* temperament. Here "melancholy" entails immutability, self-reliance, truthfulness, self-respect and respect for others, absolute freedom from the chains of convention, and considerable strictness in moral assessment such that the noble person is "not seldom weary of himself as of the world" (66).

Having addressed the distinction between the beautiful and the sublime as it appears in human character generally, in Section Three Kant turns to the same distinction as manifested in sexual difference. Although the association was already strongly suggested in the preceding sections of the text, as Cornelia Klinger notes "It is here that Kant explicitly associates the beautiful with femininity and the sublime with masculinity" (194). "Association" is perhaps too weak a term, though, as here human intellectual, moral and physical characteristics are wholly subsumed under the aesthetic, with a result that is anything but flattering to women.[4] Woman's "entire being" is understood via the

[4] Bonnie Mann points out Kant's ambiguous characterization of women *vis-a-vis* the subject-object dualism in *Women's Liberation and the Sublime (Feminist, Postmodernism, Environment.* Oxford: Oxford University Press, 2006*)*. She notes that Kant's tendency to construe women as "thing-like"— which reaches its zenith in *The Metaphysical principles of Virtue*— is already operating in this first of his aesthetic works. The ambiguity of Kant's account of women, which seems at once aimed at securing their status as subjects worthy of respect *and* at devaluing women in relation to men, is unsurprising given a similar tension at work in Enlightenment thought more generally. Here, Kant errs on the side of construing women as objects; as Mann writes, "Her subjectivity is in service to her primary role as an appearing object" (41).

category of the beautiful in order to be contrasted with that of man, which, cast as sublime, takes on by contrast the appearance of dignity and nobility (195). Nowhere is the contrast clearer than in Kant's description of the intellectual capacities of the two sexes.

"The fair sex," writes Kant, "has just as much understanding as the male, but it is a *beautiful understanding*, whereas ours should be a *deep understanding*, an expression that signifies identity with the *sublime*" (78). This sentence is quite remarkable. We should first note that Kant's claim about women's understanding is descriptive, whereas his claim about men's is normative. Here as throughout the *Observations*, "One gets the distinct impression," as Bonnie Mann observes, "that Kant is writing in order to shore something up" (40). We may note another contrast at work in the sentence, namely, between equality in terms of the *quantity* of understanding present in the two sexes, and inequality in terms of *quality* of the same. That the masculine understanding is superior to the feminine is already suggested by Kant's associating it with the noble, and becomes only more apparent as he continues:

> Deep meditation and long-sustained reflection are noble but difficult […] Laborious learning or painful pondering, even if a woman should greatly succeed in it, destroy the merits that are proper to her sex […] A woman who has a head full of Greek […] might as well even have a beard […] A woman therefore will learn no geometry; of the principle of sufficient reason or the monads she will know only so much as is needed to perceive the salt in a satire. (78-79)

To which pursuits, we might ask, is the beautiful understanding suited, if not to the deep kind of reflection that characterizes scholarship? “Her philosophy,” writes Kant, “is not to reason, but to sense” (79). And what is true of intellectual pursuits is true of moral; the beautiful understanding gives rise to a quasi-morality grounded in feeling and yielding adoptive virtues, whereas the noble understanding gives rise to morality proper, founded on reason and yielding genuine virtues.

Kant maintains that the moral education of women must harmonize with their natural tendencies which are fundamentally affective rather than rational. One appeals here not to reason, but instead to sentiment and taste: “one will seek to broaden their total moral feeling and not their memory, and that of course not by universal rules […] Never a cold and speculative instruction but always feelings” (80-81). Women will avoid what is immoral not out of duty— indeed, says Kant, they find all principled constraint odious— but because it repulses them. The moral education of women must contain “nothing of duty, nothing of compulsion, nothing of Obligation!” (81). As Kant quips, “I hardly believe the fair sex is capable of principles” (81). Thus the virtue appropriate to women is, “a *beautiful virtue*,” grounded in feeling, where the virtue appropriate to men “should be a *noble virtue*,” rooted in rationality (81).

Since for Kant the root of morality proper is reason, women do not in his view achieve full moral personhood. His solution to this problem is ultimately to characterize women as composing, with men and through the state of matrimony, a complete moral person: “In matrimonial life the united pair should, as it were, constitute a single person, which is animated and governed by the understanding of the man and the taste of the wife” (95). In a gesture that reflects the Enlightenment ideal of universal human equality,

Kant goes so far as to suggest that there is no question of rank within marriage: "In such a relation, then, a dispute over precedence is trifling […] If it comes to such a state that the question is of the right of the superior to command, then the case is already utterly corrupted" (96). Even so, one cannot help suspecting that women are effectively mere appendages within this scheme, since for Kant personhood is understood fundamentally in terms of rational capacity; the feeling which comprises woman's essence is, if anything, a millstone around the neck of moral agency.[5] This becomes only clearer as Kant's ethical philosophy matures.

The *Observations* is a fascinating text in part because it contains, in germ, the key components of Kantian moral philosophy. But here Kant's positions are crafted to dovetail with those that dominate the moral philosophical climate of the era. Thus there is a tension, for example, between Kant's acknowledgement of the sentiments as an indispensible component of the moral life, and his devaluing of them relative to rational principles. This tension harmonizes with another, namely, Kant's valuing of women as (almost) full moral persons and his devaluing of them in comparison with men. The harmony between these two tensions is not accidental, but rather indicates the climate of ideas within which the *Observations* emerged. As Klinger explains:

> With the growing success of modern rationalism and the revolutionary ideas of universal human freedom and equality, the application of the same principles to both sexes grew unavoidable. Nevertheless […] the majority of Enlightenment philosophers made every endeavor to find new

[5] Of course, the general devaluing of feelings within Kant's ethical philosophy means that men do not fare altogether well in this scheme either. Says Kant, "A man must never weep but magnanimous tears. Those he sheds in pain or over circumstances of fortune make him contemptible" (82).

> foundations for gender difference in order to legitimate the status quo of gender hierarchy. (195)

Kant's depiction of women in the *Observations* is perhaps not intended to be unflattering to "the fair sex," and yet it strikes us as distasteful in the same way that Jim Crow laws do, and with good reason. Kant grants women subjectivity and moral personhood, and thus quasi-equality with men. But he characterizes their subjectivity as fundamentally different in kind than that of men. If Kant is attempting to find a new ground for gender hierarchy while maintaining the appearance of equality between the sexes, as Klinger suggests, he is at the same time drawing from a powerful metaphysical dualism that is perhaps as ancient as philosophy itself. This is the dualism in which femininity is bound up with nature and feeling, and masculinity with *têchne* and abstract thought. It is most certainly what Alison Jaggar has termed a "normative dualism," and here masculinity is superior to femininity, and rationality superior to feeling (Moen 214).[6]

While Kant's characterization of femininity in the *Observations* provides a new justification for the inferior social status of women, it also reflexively provides a new ground for resistance to sentimentalist morality. If the virtue of women is fundamentally pathological, and that of men rational, then virtues that are or appear to be overly sentimental will be devalued relative to those that are regulated by some principle.[7] A

[6] Jagger is not the only philosopher to point to this fundamental dualism in historical philosophy. Hélène Cixous identifies several oppositional pairs that correspond to the "man/woman," and these include Activity/Passivity, Culture/Nature, Head/Heart, and Logos/Pathos (Schott 11). Nussbaum explores similar a set of oppositions in *The Fragility of Goodness*. See especially pp. 20-21.

[7] It is important, I think, to appreciate the psychological power of this move. In many or most cultures the greatest insult to a man is to denigrate his masculinity, and whereas women are generally deemed feminine by virtue of being female, masculinity is generally a thing that must be perpetually attained or defended (for a rich defense of these claims see David's Gilmore's *Manhood in the Making: Cultural Concepts of Masculinity*. New Haven: Yale University Press, 1991). Thus if kindness is even loosely associated with

distinct advantage of the scheme is that it allows Kant to maintain a place for the sentiments within his moral philosophy, which by all accounts he must do, while beginning to distinguish his moral system from the sentimentalist theories of thinkers like Hume. But here the break is so subtle that Kant seems almost to be a sentimentalist himself. As Lara Denis argues, "The influence of British sentimentalist ethics on Kant seems to have been strongest during the early to middle 1760's," during which period he wrote the *Observations* (4). We should note in particular his characterization of virtue as *originating* in feeling; the noble virtues differ from the beautiful in that the former have been brought under a principle, but the *feeling* that gives rise to a noble virtue is quite clearly antecedent to the principle through which it is universalized and "cooled."

It is difficult to know how to situate kindness within the context of the system of virtues expressed in the *Observations*. In certain respects it appears to belong to the category of beautiful virtue. It bears, we might notice, an important resemblance to friendliness (*Freundlichkeit*) and affability (*Leutseligkeit)*, both of which Kant explicitly associates with beauty and femininity (76).[8] Moreover, kind agents feel very deeply for the people around them, and their responsiveness to others seems to stem at least in part from the depth of their feelings. Certainly it would be difficult to reconcile emotional callousness, or purely dispassionate moral judgment, to the picture of kind agency we have painted. But the feelings characteristic of kind agency also parallel those of noble agency in an important respect, since the kind agent feels kindly toward (and is disposed

femininity (as it might be where we associate femininity with moral sentimentalism), then men will be under some pressure not to appear kind, or will at the very least be forgiven for failing to be.

[8] *Leutseligkeit* is rendered as *kindness* in Goldthwaite's translation; if "kindness" properly captures the German word, then we could simply claim that kindness is, for Kant, counted among the beautiful virtues.

to act on behalf of) humanity in general, and not simply toward those whose suffering she directly witnesses. Moreover, her feelings for others involve potentially universalizable judgments. Where these judgments have to do with the human situation itself, they might be called universal, and we might reasonably attribute her universal positive feelings to just these universal judgments. If the characteristic feelings of the kind agent are in some sense antecedent to her judgments about the human situation (that is, if she experiences *some* feeling like compassion for others even prior to reflection), and if the judgments that universalize these feelings are construed as moral principles, then kindness would take the form of a Kantian noble virtue, and would, for Kant, be a thing of serious moral worth.[9]

Unfortunately, the potential of Kant's *Observations* to ground a universal virtue of kindness is matched by a certain tendency to rob kindness of its special character. Recall that for Kant a moral sentiment, once universalized through a rational principle, is in some way cooled. This cooling of virtue corresponds to the mien and disposition of the noble agent, which Kant characterizes as melancholy. The noble agent is hardly cheerful; he is silent and profoundly self-controlled, and is very often ill at ease (even "disgusted') both with himself and with the people around him.[10] Morality is for him a burden, and the

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[9] It might be possible to reconcile Aristotle's cognitivist account of the emotions with Kant's characterization of the feelings that belong to noble virtue. In Kant's mature ethical works morally significant feelings (most notably the feeling of respect) are always consequent to judgments, even though there are prereflective feelings that closely resemble them. These two kinds of feelings have different experiential characters, just as the feelings of the beautiful and the sublime do. We might say that the feelings that characterize noble virtue are Aristotelian emotions properly speaking, where the prereflective feelings that belong to beautiful virtue are mere natural feelings, of the kind that infants and even animals might be expected to experience.

[10] As Paul Arthur Schillp notes, Kant is known to have been melancholy as a youth, and given the (independently achieved) consensus of his autobiographers, "there is good reason to accept their combined judgment that Kant's famous passage concerning the melancholy temperament is largely autobiographical" (4).

moral life anything but joyous.[11] This image of agency is so at odds with our ordinary intuitions about kindness that even if it is possible to reconcile kindness with Kant's characterization of noble virtue in the *Observations*, we might feel reluctant to do so.[12]

We might comfort ourselves by pointing out that the *Observations* is one of Kant's earliest philosophical works, and by noting that the views expressed in it are rarely taken as belonging to his moral theory proper. Thus even if we find little evidence in this text in support of the claim that kindness is a thing of serious moral worth, we may yet hope to find such evidence in Kant's mature ethical writings. But even though Kant's moral theorizing evolves well beyond the rudimentary ethical claims of the *Observations*, it is useful to keep in mind the tensions raised and prejudices expressed in this early text, as they so often echo in Kant's later work. Of particular significance are his suspicions regarding the potential of feelings to ground morality, and his uncertainty regarding the place of virtue within a system of ethics. We may here make a few observations regarding these themes as they appear in Kant's mature ethical works, before moving on to a consideration of Kant's account of friendship.

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[11] Contrast this with the kind of happiness we might imagine for the Aristotelian kind agent. Even though kindness is sometimes painful, the kind agent, being also courageous, learns to take a kind of pleasure in it, or at least not to suffer too deeply on account of it.

[12] Admittedly, this very resistance may arise due to a misconception about the nature of kind agency, or a tendency to conflate kindness with niceness. If the kind agent is, as was suggested in Chapter III, harsher is her judgments of herself than in her judgments of others, then because ethical failure is inevitable, she might well develop a rather melancholy inner state. This need not necessarily cause her to *appear* melancholy, nor to treat others unkindly. As Schillp points out, several of Kant's autobiographers have tried to reconcile his characterizations of himself (as a person inclined to be melancholy and a harsh judge of himself) with his famous affability. Vaihinger suggests that the contrast between Kant's inner state and his outward appearance is a testament to his masterful self-control (Schillp 5).

Feelings and Virtues in Kant's Mature Moral Philosophy

In his *Groundwork for the Metaphysics of Morals*, Kant taxonomizes previous moral theories in order to contrast them with a morality the determining ground of which is pure practical reason (441-445).[13] The principle division in his taxonomy of these "heteronomous" systems is between those that rest on subjective grounds and those that rest on objective grounds. Among the subjective grounds is a certain moral feeling, upon which the sentimentalist (or "moral sense") theories of Hutcheson and Shaftesbury are founded. As Denis notes, "Kant displays some level of relative approval for the moral sense theories," comparing them favorably, for example, to those theories founded on self-interest (4). Kant writes, "the principle of moral feeling is closer to morality and its dignity than the principle of one's own happiness" (*Groundwork* 442). Even so, Kant finds sufficient reasons for rejecting it, as he does for all systems that rest on heteronomous grounds. No empirically-derived moral principle can be universally valid and binding, Kant maintains, and this is most certainly true of a principle derived from something as wildly variable as human feeling (*Groundwork* 442). As Kant explains in the *Lectures on Ethics*, there can be "no pathological principle in ethics because it laws are objective, and deal with what we ought to do, not what we desire to do (37). In order for a moral theory to bind all rational beings universally, necessarily and without qualification, Kant maintains, it absolutely must rest on *a priori* grounds.

We might suppose that moral feelings could play a supporting role in a moral theory founded upon rationally-derived universal principles. But, as Nancy Sherman

[13] Kant offers the following useful definition of heteronomy of the will: "If the will seeks the law that is to determine it anywhere but in the fitness of its maxims for its own legislation of universal laws, and if it thus goes outside itself and seeks this law in the character of any of its objects, then heteronomy always results. The will in that case does not give itself the law, but the object does so because of its relation to the will (Groundwork 4:441).

writes, “the *Groundwork* is notorious for its warnings against mixing the *a priori* foundation of morality with contingent features of the human case” (127). Kant warns, for example, that “a mixed moral philosophy, compounded both of incentives drawn from feelings and inclinations and at the same time of rational concepts, must make the mind waver between motives that cannot be brought under any principle and that can only by accident lead to the good but can also lead to the bad (*Groundwork* 411). Moreover, Kant maintains that because the only thing that can be called good without qualification is the good will, moral feeling corrupts an agent’s moral constitution, such that: “everything empirical is not only quite unsuitable as a contribution to the principle of morality, but is even detrimental to the purity of morals” (426). It is important to note here Kant’s belief that a moral principle alone is sufficient to determine the will (*Lectures on Ethics* 36; *Groundwork* 411).[14] Pathological feeling, thinks Kant, is thus utterly unnecessary for the determination of the will, in addition to being detrimental to the purity of that will, and a source of confusion and potential wrongdoing in the life of a moral agent.

One important aim of Kant’s moral project— and arguably its ultimate aim— is to purify moral theory of all empirical, merely anthropological content. Nowhere is this clearer than in the *Groundwork*, where, as Sherman writes, “the underlying message is that a *metaphysics* of morality cannot be mixed. The *authority* of morality […] must come from reason alone” (128). We might reasonably assume, then, that Kantian ethical theory can maintain no place for moral feeling, nor for moral virtue, which is virtually

[14] Writes Kant, “For the pure thought of duty and of the moral law generally, unmixed with any extraneous addition of empirical inducements, has by way of reason alone (which first becomes aware hereby that it can of itself be practical) an influence on the human heart so much more powerful than all other incentives […] that reason in the consciousness of its dignity despises such incentives and is gradually able to become their master” (*Groundwork* 2:411). One important conclusion of the *Groundwork* is that the (good) will is itself nothing other than pure practical reason (see 2; 441; 3:447-8). Of course, the subjective manifestation of pure practical reason *is* a feeling, namely, the feeling of respect.

unimaginable absent some affective content. But surprisingly, and as Denis notes, “moral feeling continued to figure in Kant’s moral thought long after he rejected moral sense theories as heteronomous” (4).

Feelings play several important roles in Kant’s moral philosophy, and these correspond to the sources of the feelings in question. *First*, those immediately felt or purely pathological sentiments that in some way compliment but are not derived from *a priori* principles are advocated as leading to inclinations that accord with the moral law. These feelings are to be inculcated in early youth as part of a comprehensive moral education. For example, the feelings of disgust and shame, says Kant, produce in children inclinations that accord with upright moral judgment. Thus, “From its earliest infancy we ought to instill in the child an immediate hate and disgust of hateful and disgusting actions; an immediate, not a mediated abhorrence” (*Lectures on Ethics* 46). By *immediate*, Kant intends that the disgust be associated with the action itself, and not merely with the punishment that might accompany it: “For instance, a child which tells lies should not be punished but shamed: it should feel ashamed, contemptible, nauseated as though it had been bespattered with dirt” (46). Immediately felt moral feelings take the place, says Kant, of the natural or instinctive virtues that human beings do not generally possess. By inculcating powerful associations of wrong actions with feelings of disgust, we “can produce a *habitus*, which is not natural, but takes the place of nature” (46). So important is the inculcation of proper moral feelings that Kant concludes, “Education and religion ought, therefore, to aim at instilling an immediate aversion from evil conduct and an immediate predilection for moral conduct” (49).

In *The Metaphysical Principles of Virtue* Kant remarks on a second role for feeling in the moral life. He first draws a distinction between feeling that is *merely pathological* and *moral feeling* proper. He defines moral feeling as "the susceptibility to pleasure or displeasure merely from the consciousness of the agreement or disagreement of our action with the law of duty" (399). Pathological feeling "precedes the representation of the law," whereas moral feeling "can only follow the representation of the law" (399). There can be no duty, Kant holds, to *have* a moral feeling, since "all consciousness of obligation presupposes it" (399). But we do have an obligation to cultivate and strengthen our natural moral feeling by wondering "at its inscrutable origin" (400). This origin is the same, Kant suggests, as the origin of the uniquely human "susceptibility of free choice for being moved by pure practical reason (and its law)," such that this susceptibility simply *is*, says Kant, "what we call moral feeling" (400).

Some feelings arise, says Kant, through the agent's enactment of moral principles, or performance of duties. These feelings might be said to *embody* the moral law. In *The Metaphysical Principles of Virtue* Kant separates the duties of love into the duties of *beneficence*, *gratitude*, and *sympathy*. All three duties are derived from reason, are *felt* as obligations, and once enacted bolster positive feelings in the agent. Although there can be no duty to love, for example, since love "is a matter of sensation" it is a duty to benefit others according to our capacity (402). Thus *beneficence* is a duty, action in accordance with which inculcates (or catalyzes) in the agent a feeling of *benevolence*. "When therefore it is said," writes Kant, "'thou shalt love thy neighbor as thyself,' this does not mean you should directly (at first) love and through this love (subsequently) benefit him; but rather, 'Do good to your neighbor,' and this beneficence will produce in you the love

of mankind (as a readiness of inclination toward beneficence in general)" (402). Although in Kant's view activity perfects the feeling of neighborly love, it is important to remember that the same feeling must exist prior to action, as it is in part by means of this feeling that one feels obligated to act beneficently.[15]

The most obviously important feeling in Kantian moral theory is *respect*.[16] The feeling of respect, says Kant, is of a special kind, as it arises neither prereflectively nor through virtuous activity, but instead in response to the rational recognition of pure reason as legislative, which is to say the recognition of pure practical reason as such. Kant writes, "respect is a feeling […] that is self-produced by means of a rational concept […] What I immediately recognize as a law for me, I recognize with respect; this means merely the consciousness of the subordination of my will to a law without the mediation of other influences upon my sense. The immediate determination of the will by law, and the consciousness thereof, is called respect" (*Groundwork* 402 *n*14). There is a tension at work in the feeling of respect. On the one hand, respect is felt as a kind of humiliation, since in its issuing of moral laws pure practical reason is experienced as working against our natural inclination to self-love: "Respect," writes Kant, "is properly the representation of a worth that thwarts my self-love" (*Groundwork* 402 *n*14). The consciousness of this thwarting of inclination, says Kant, "is called humiliation"

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[15] I say "in part" because it appears that for Kant every feeling of obligation encompasses a feeling of respect for the moral law, as I will explain below. Kant explicitly states that neighborly love, like moral feeling, conscience and self-respect, is in general present in people by nature. If it were not, he suggests, agents would effectively be "morally dead" (*The Metaphysical Principles of* Virtue 399).

[16] In "Kant's Impartial Virtues of Love," Christine Swanton argues persuasively that love is at least as important a feeling as respect in Kantian moral theory, though its significance has been much neglected (in *Perfecting Virtue: New Essays in Kantian Ethics and Virtue Ethics*, ed. by Lawrence Jost and Julian Wuerth. Cambridge: Cambridge University Press, 2011). It would be worthwhile to consider how, for Kant, the feeling of moral obligation that arises through love relates to the feeling of obligation as it arises through (or simply *is*) respect for the moral law.

(*Critique of Practical Reason* 75).[17] On the other hand, because we recognize ourselves as issuing the very moral law that eschews self-love and all other inclinations, respect is felt as "something elevating" (*Critique of Practical Reason* 3:81). Respect is for us also self-respect, and respect for other moral agents, inasmuch as we respect in humanity the source of the universal moral law that binds us absolutely and necessarily.[18]

If Kant's metaphysical moral project must be divorced to some extent from his practical ethical project, as suggested above, then *respect* seems to function as the intermediary between the two. That such an intermediary is needed is quite evident from the controversy surrounding Kant's theory (or, as some contend, lack thereof) of moral motivation. As Iain Morrison asks, "how can Kant account for moral motivation while divorcing the basis of morality from the pathological, and therefore motivational, side of human agents?" (1). How, in short, does Kant think that we, as moral agents, can be "*moved* by moral considerations at all?" (1). Kant's apparent response, as suggested by several passages above, is that respect is precisely that force that motivates agents to act according to the moral law. Because respect is a feeling of a special, non-pathological kind, its motivational role is consistent with Kant's the rejection of (pathological) feeling as a ground for moral comportment.[19] What Morrison's question fails to consider is that,

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[17] Here the moral law itself is not producing a feeling of respect ("for this law there is no feeling"), Kant argues, but instead influencing existing feeling in a way that *in turn* produces respect. The consciousness of inclination being reduced on account of the supreme power of the moral law is felt by us as a *humiliation*, and this humiliation is the negative aspect of the feeling of respect. In the *Groundwork* Kant likens this negative aspect to the feeling of fear, whereas he claims that the positive aspect is akin to inclination. See *Groundwork* 1:402 n14. Taken together, these aspect form the feeling that "can also *be called* a feeling of respect for the moral law," given its origin (*Critique of Practical Reason* 3:75, *emphasis mine*).

[18] I return to the feeling of respect as it is directed at humanity in the section that follows.

[19] This, of course, does not explain *how*, precisely, respect motivates agents. Morrison writes, "to get to the heart of the matter, it has proven extremely difficult for readers of Kant to grasp the precise nature and function of this bridging feeling of respect" (1).

as we have noticed, for Kant morality has both an objective and a subjective aspect, and the subjective aspect is precisely the feeling of respect as a moral motivation. Absent our capacity to be moved by the feeling of respect, we would simply act from inclination.[20]

Some interpreters of Kant refuse to grant that respect, *qua feeling*, can motivate action in a way that is consistent with Kant's rejection of feeling as a ground for morality. In *Kantian Moral Motivation and the Feeling of Respect*, Richard McCarty refers to this position as the *intellectualist* view of Kantian moral motivation (423). Respect has, the intellectualists contend, a purely cognitive aspect in addition to a felt aspect. As Morrison notes, "Most commentators argue that, in fact, respect is only a moral motive insofar as it has a *nonfeeling* dimension" (1).[21] Their claim is that respect, taken purely as consciousness of moral law, is sufficient to motivate agents to act such that we need not include a feeling of respect in Kant's account of moral motivation (1). I reject this view in favor of what McCarty terms the *affectivist* position, in part because Kant is quite explicit in assigning the affective dimension respect a motivational role (intellectualists tend, as McCarty notes, to dismiss passages such as those cited above as "embarrassing" blunders), and in part because it is an abundantly more appealing and commonsense explanation of how we are able to be moved to act according to principles despite competing inclinations.

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[20] This claim is relevant to Kant's discussion of weakness of the will, in which agents have a good will, but fail to act according to its dictates. I suggest that weakness of will is a failure of the subjective aspect of the will (*Willkür*) that stems from the agent's undeveloped or underdeveloped capacity to be moved by respect for the moral law.

[21] We might here reflect on Kant's claim that "respect for the moral law is not the drive to morality; it is morality itself, regarded subjectively as a drive, inasmuch as pure practical reason, by rejecting all the rival claims of self-love, gives authority and absolute sovereignty to the law" (*Critique of Practical Reason* 3:76).

It is difficult to reconcile the intellectualist position with Kant's explicit claim that respect can only be experienced by sensuous beings, by virtue of the moral law's running counter to their sensuous inclinations (*Critique of Practical Reason* 76). Law is by nature obligatory, and the feeling of obligation can only be experienced, says Kant, by beings whose inclinations tend to work against and so necessitate the existence of law as such.[22] Consciousness of law itself has, then, an important affective dimension.[23] It is difficult to see how we can (and why we should) abstract a purely rational dimension from the feeling of respect. But perhaps there is no need to. If we attend to the principle reasons for Kant's rejection of feeling as a ground for universal morality— namely that feeling itself is widely variable, and "has only a private validity"— then if it could be shown that respect (or any feeling) has a kind of universal validity, such a feeling could, even *qua* feeling, arguably play a central role in universal morality. That respect has, for Kant, such validity, and that it does, in fact, play an important role in his moral philosophy will become clearer in the section that follows.[24]

There is some consolation in the fact that Kant himself recognized both the importance and the difficulty of reconciling the "pure" or metaphysical side of his moral theory with the need for some kind of affective motivation.[25] As Morrison notes, Kant even referred to the incentive that moves the will as the "philosophers' stone" (1). I do

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[22] Writes Kant, "in the case of the Highest Being, practical necessity does not constitute an obligation […] We do not say that God is obliged to be true and holy" (*Lectures on Ethics* 15).

[23] Kant says so explicitly in *The Metaphysical Principles of Virtue*: "Respect for the law, *which in its subjective aspect is referred to as moral feeling*, is one and the same with the consciousness of one's duty" (2:464, emphasis mine).

[24] We will also see how love approaches the universal validity of respect, and plays a role in the moral life that is (at the very least) *almost* as important as the role of respect.

[25] He writes, for example, that "Man is not so delicately made that he can be moved by objective grounds" (*Lectures on Ethics* 46).

not pretend to have offered a satisfactory solution here, but have instead highlighted a fundamental tension in Kant's moral theory between an acknowledgement of both the *need for* and the *value of* moral feeling, and a resistance to placing moral feeling at the center of an objective universal morality. Regarding the place feelings in the moral life, Kant is almost passionately ambivalent. This is perhaps most apparent in his account of virtue, to which we now turn.

Kant on Virtue

Kant firmly rejects the Aristotelian notion of virtue in favor of something that looks more like Aristotelian restraint or self-control (*enkrateia*). For Aristotle, the self-controlled person has correct knowledge of the good, but because her desires have not been brought into accordance with virtue via *praxis*, she must in every case resist her improper desires. She differs from the morally weak (*akratic*) agent in that she is often able to resist her desires, but she is not yet virtuous, as in the virtuous agent there is not internal conflict. The difficulty of reconciling Kant's account of virtue as strength of will with Aristotle's account of self-control is that, as Hill notes, for Kant the virtuous agent has no inner conflict when it comes to doing her duty; it is as if she cannot act in violation of duty (147). Kant writes, "Virtue in its whole perfection is therefore to be represented not as if a man possessed virtue, but as if virtue possessed man" (*The Metaphysical Principles of Virtue* 406). Yet strength of will presupposes conflict, since there is strength only where there is resistance. We might note that Kant praises as virtuous those who most of all overcome the resistance of sensuous inclination, and recall that he rejects the designation of social virtues as virtues proper on the grounds that they

require no resistance (*Lectures on Ethics* 236). It is either the case that the strong-willed or virtuous person's desires align perfectly with duty, or that they do not, but she has fostered (some accessory) ability to overcome her immoral inclinations. Or perhaps, for Kant, either one of these is a way of possessing strength of will, which is to say of being virtuous. As Hill points out, Kant offers no satisfactory explanation of how weakness of will is possible, or how strength of will comes about. "[B]ut this fits," Hill suggests, "with Kant's view that 'the will' is ultimately beyond explanation of the kinds natural science or critical philosophy can reasonably hope for" (128).

Kant's account of virtue, like Aristotle's, involves desire and choice in some way. But whereas for Aristotle virtue entails having the right kinds of desires, for Kant virtue instead seems to entail the diminishing of the force of (pathological) desires that could oppose the legislation of reason (*Wille*). Kant suggests that virtue presupposes apathy, and that "The true strength of virtue is a mind at rest, with a deliberate and firm resolution to bring its law into practice" (*The Metaphysical Principles of Virtue* 409). Noble character belongs to one who is "lord over oneself," which is to say "able to subdue one's emotions and to govern one's passions" (408).[26] What's interesting is that Kant suggests, as Aristotle does, that "time and practice are required to develop virtue" (*Hill* 150). Kant's view seems to be that *ideally*, over time and through virtuous practice, our inclinations would come to accord perfectly with the moral law, which is to say offer no resistance. But for Kant, "Virtue implies ability and readiness to overcome our

[26] I would like to suggest that here, as with *akrasia*, governing desire has to do with introducing a new desire that is powerful enough to compete with the improper one. For Kant, that new desire (to act from duty and not from inclination) stems from a capacity to be moved by the feeling of respect. It is possible to foster the feeling of respect, thinks Kant, by contemplating the beauty and mystery of the moral law. Perhaps this is why Kant believes that it takes time and experience to develop virtue; we need time to reflect on the nature of morality, and, perhaps, to appreciate how it actually functions in our lives.

inclination to evil," and this inclination will *always* be present: "Be a man ever so virtuous, there are in him promptings of evil, and he must constantly contend with these" (244-245). Even if we could cause our inclinations to accord perfectly with the moral law, we would not yet be truly virtuous; writes Kant, "A kind heart does not necessarily imply a virtuous character. Virtue is good conduct not from instinct but on principle, while a kind heart is in instinctive harmony with the moral law" (245).[27]

Virtue is, says Kant, an Idea, such that "No man can be truly virtuous. A virtuous man, like a wise man, is a practical impossibility" (*Lectures on Ethics* 244). But like the Idea of friendship, virtue is useful the sake of reflection, and in Kant's view we ought ever to strive to approximate it. "Virtue," he writes, "is always in progress and yet always begins at the beginning" (*The Metaphysical Principles of Virtue* 409). That is, even if we adopt the right maxims "once and for all," virtue will still be necessary in every particular situation, since the inclinations will ever be present (409). Virtue entails, for Kant, perpetual striving; it is both impossible and necessary.

Kant's account of virtue admittedly lacks the richness of Aristotle's, and this primarily on account of Kant's failure to properly explain the place of feelings within it. That virtue must for Kant have some affective component seems clear. As Sherman writes, "Kant recognizes the duty to develop emotions as part of our duties of virtue. We have a duty to habituate empirical character and, in some sense, a duty to diminish the merely accidental natures of our nature. Our agency extends deeply to the cultivation of

[27] He even goes so far as to suggest that exercising maxims ought not to become habit, since "the subject would thereby lose the freedom of adopting his maxims" (*The Metaphysical Principles of* Virtue 409). Matters are complicated by the fact that he directly contradicts this claim in his discussion of love in the *Lectures on Ethics* (197), as Sherman points out (156).

our passional selves" (125).[28] But Kant is also deeply reticent to assign any real moral worth to even the most cultivated emotions, even he though he advocates their active cultivation. It is exceedingly difficult, if not impossible, to reconcile Kant's explicit claims regarding the proper role of emotions in the moral life with his emphasis on the primacy of reason and duty, or with the belief that pure practical reason alone suffices to determine the will, or with his characterization of emotions as mere sensations or perturbations of the body (178).[29]

Aristotle is indisputably the virtue ethicist *par excellence*. But despite its lack of theoretical richness, there is also something valuable about Kant's account of virtue, and this is certainly so in relation to the present project. *First*, because as ideal virtue is at best a perpetually becoming, virtuous requires ongoing activity. One swallow does not a summer make, and this is perhaps truer even for Kant than it is for Aristotle. In relation to kindness, it cannot suffice for an agent to consider herself kind on the grounds that she has in the past behaved in kind ways. One must always be, for Kant, *becoming* kind, which is to say making specific choices in particular situations, and intentionally removing the affective obstacles to duties of kindness. This point relates to a *second*, namely, that for Kant virtue entails a certain readiness to act for others' sake on account of being well-disposed towards humanity *in general*. Whereas for Aristotle we must imagine some ground for the universalization of goodwill, for Kant that idea that good

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[28] Elsewhere Sherman writes, "To fail to cultivate affective sensibilities that support duty is, as Kant says, to neglect something 'meritorious end exemplary' in the moral response. It is a kind of moral weakness" (182; see also *The Metaphysical Principles of* Virtue 485).

[29] The frustrations endemic to any attempt to explain the role of feeling in Kant's account of virtue is symptomatic, it seems, of a larger problem within Kant's moral theory. There is, as Sherman notes, "a certain instability in Kant's views when it come to the emotions" (180). "The rhetorical and desultory style that characterizes his discussion of the emotions," she writes, "is perhaps a telltale sign of his own lack of systematization here" (182). Sherman suggests that an "intentional or evaluative view of the emotions would better cohere with his appreciation of their epistemic function" (180). But he offers no such view.

will is universal is built into the concept itself.[30] As Sherman writes, "The idea of being morally interested in person, simply as such, in view of a source of value that is not dependent on circumstance or shared context, is […] at the heart of Kant's break with Aristotle" (186). *Third*, like Aristotle, Kant appreciates that virtuous activity involves particulars. For Aristotle, the *phronetic* agent knows best when it is appropriate to intervene. For Kant, too, in every case the moral agent must judge whether or not it is appropriate, for example, to act beneficently.[31] *Fourth*, even if the formulation of a Kantian virtue of kindness cannot approach the richness of an Aristotelian formulation of the same, it would necessarily entail a good will, and this is the element that was most lacking in Aristotle's account of moral virtue.

Despite these strengths, there are at least two rather obvious obstacles to the construction of a Kantian virtue of kindness. *First*, Kant's theory of virtue may not allow an adequate place for moral feelings, where kindness seems unimaginable absent a pervasive affective quality. *Second*, the feelings with which we intuitively associate with kindness seem more akin to love than to respect, where Kant seems to strongly prefer the latter, and to be deeply suspicious of the former. Nowhere are these predilections more evident that in his characterization of moral friendship, to which we may now turn.

[30] As is suggested by the Humanity formulation of the Categorical Imperative. The good will is the will to act out of respect for the moral law. Inasmuch as human beings, as autonomous (literally being that give the law to themselves), embody that law, we must also act out of respect for humanity. Because "rational nature exists as an end in itself," it is imperative to "Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means" (*Groundwork* 2:429).

[31] Kant's definition of beneficence is worth noting here: "It is a duty if every man," he writes, "to be beneficent, i.e., to be helpful to men in need according to one's means, for the sake of their happiness and without hoping for anything thereby" (*The Metaphysical Principles of Virtue* 23:453). The parallels between this definition and Aristotle's definition of *kharis* are quite striking.

Kantian Friendship and Kindness

The Idea of Friendship

"There are," writes Kant, "two motives to action in man" (*Lectures on Ethics* 200). The first motive is self-love, which is derived from man himself, and has at best the sanction of the moral law. The second is love of humanity, which is derived from others, and is, says Kant, "the moral motive" (200). "In man," he continues, "these two motives are in conflict" (200). We recognize that the love of others is most meritorious, yet "we attach particular importance to whatever promotes the worth of our own person" (201). We are inclined, in other words, to be selfish despite our better judgment. How, asks Kant, are we to resolve the conflict between these two motives? "Here," he responds, "friendship comes in" (200).

To understand the power of friendship to work against self-love, Kant asks us to imagine a world in which all people were motivated by the love of others. In such a world of other-minded individuals, the welfare of each would be secured by the care of the others. If we could but *trust* that others would care for us, Kant argues, "there would be no reason to fear that we should be left behind," and thus no place for the motive of self-love (201). "This," writes Kant, "is the Idea of friendship, in which self-love is superseded by a generous reciprocity of love" (201). Mindful of the ancient saying, "Oh my friends, there is no friend," Kant describes Ideal friendship as follows:

> I care only for my friend's happiness in the hope that he cares only for mine. Our love is mutual; there is complete restoration. I, from generosity, look after his happiness and he similarly looks after mine; I do not throw

away my happiness but surrender it to his keeping, and he in turn surrenders his into my hands (203)

But in practical life, thinks Kant, such things never occur. Friendship must be an Idea, since it "cannot be derived from experience," all empirical examples of it being "extremely defective" (202). The most we can possibly love another, says Kant, is as much as we love ourselves. The Idea of friendship marks precisely this limit, as it embodies "the maximum reciprocity of love" between two persons (201). In reality we cannot love others completely since we cannot ensure that our love will be reciprocated.[32] The Idea of friendship is imperative, though, as a standard of perfection according to which we measure our own friendships to see to what extent they are lacking. Friendship, like virtue, is for Kant both *impossible* (as a practical achievement) and *necessary* (as an Ideal we perpetually strive to approximate).

One (theoretical) check on the maximum love we can have for others is the love we can have for ourselves, and another (practical) is the fact that we *cannot* abandon self-care. Given the kind of beings we are, friendship and self-love, says Kant, must be *combined*: "Man cares for his own happiness and for that of others also" (203). But there is no precise formula for balancing the two motives, since "the point at which (my) satisfaction of needs should give place to friendship is indeterminate" (203). How many of our own needs, or invented needs, we will sacrifice for the sake of friendship reveals

[32] On the face of it, this is a very odd claim, especially in the light of Aristotle's assertion that between friends there is no need for justice. But Kant's contention is reasonable if we accept his initial claim that people always look either to their own care or to the care of others. Where the relation of self-care and care for others is inverse-proportional, to whatever extent we work for the happiness of our friends we fail to work for our own. In that case, and assuming that we all need the same degree of care, we would need our friends to look after us to just the same extent that we look after them.

something important about the kind of friend we are, or, in Kant's view, the kind of friendship we are engaging in.

Kant's Tripartite Division of Friendship

Having characterized (perfect) friendship as an Idea, Kant describes the types of friendship that do occur in practical life. Here he imports, roughly, the tripartite Aristotelian division of friendship, writing: "There are three types of friendship, based respectively on need, taste, and disposition" (*Lectures on Ethics* 203).[33] Like Aristotle, Kant's analysis of the types of friendship ultimately reveals that the first two are pseudo-friendships, while the third is friendship properly speaking, and a thing of tremendous moral worth.

This third type of friendship is that of disposition or sentiment, and "is friendship in the absolute sense" (203). "There are," writes Kant, "dispositions of the feelings which are not dispositions to actual service; on these the friendship of sentiment is based" (205). This friendship embodies a striking tension between the disposition to service that characterizes the friendship of need (we might say, a mutual *prêt-à-servir* attitude), and the absence of any *actual* demand of service on the part of the friends. And this is but one of the many related tensions by which genuine friendship is defined. There is further a tension between love and respect, which is often manifested in a tension between revealing and concealing truth. The best kind of friendship is, for Kant, a delicate balance of sets of competing values that is as excellent as it is rare.

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[33] Note the similarity between this description of the friendship of need and Aristotle's description of *homonoia* (see pages 246-247).

Moral Friendship: A Delicate Balance of Love and Respect

"In ordinary social intercourse and association," writes Kant, "we do not enter completely into the social relation" (205). We are constrained; the greater part of our disposition, opinions and sentiments is withheld. We are prudent, rather than honest, voicing "only the judgments that are advisable in the circumstances" (205). We hold back out of mistrust, and a fear of being judged harshly, since to reveal the whole of what we are is also and necessarily to reveal our weaknesses. But we all long, says Kant, to "unburden our heart to another" (205). To do so would be to enter wholly into the social relation, or to experience what Kant terms "communion" (205). "That this release may be achieved," he writes, "each of us needs a friend, one in whom we can confide unreservedly," to whom we can reveal all of our opinions and judgments, and "to whom we can communicate our whole self" (206-7). Only within this kind of friendship can we achieve the true "end of man," which is the loving correction of our own judgments by another who is in a position to see and to forgive them.[34] On this ideal of absolute openness rests the friendship of disposition, or moral friendship properly speaking.

That it is an ideal is clear from the fact that we, being human and thus necessarily flawed, must ever conceal something of our true selves. "Even to our best friends we must not reveal ourselves, in our natural state as we know it ourselves. To do so would be loathsome" (206). Friendship is for our moral amelioration, so exposing those inclinations or vices that work against virtue would undermine its purpose.[35] This

[34] Kant would seem to join with Emerson in holding that 'man is for the melioration.' Here *for* has the double sense of (first) being by nature in need of amelioration, and (second) being by nature capable of ameliorating himself and others.

[35] Kant is of the opinion that social intercourse tends to spreads vice. He assumes a considerable amount of weakness in human nature such that, if we do not conceal our faults, others will too easily adopt them: "Our proclivity to reserve and concealment in due to the will of Providence that the defects of which we are full

concealment for the sake of moral amelioration plays out not only in the special friendships of individuals, but in social intercourse generally: "If all men were good," Kant writes, "there would be no need for any of us to be reserved; but since they are not, we have to keep the shutters closed" (225). The friendship of disposition is that relationship in which we are most able to reveal ourselves, and here the degree of unconcealment is determined to a great extent by how good we actually are.[36] Thus Kant shares Aristotle's view that genuine friendship presupposes the mutual goodness of the friends. We all long for friendship, and so we make ourselves good in order to make ourselves worthy of friendship. Friendship develops, thinks Kant, the virtues, including "Uprightness of disposition, sincerity, trustworthiness, conduct devoid of all falsehood and spite, and a sweet, cheerful and happy temper" (207). Thus aiming at friendship is not only a duty, "but rather an honorable one proposed by reason" (*Metaphysical Principles of Virtue* 465).

In the *Metaphysical Principles of Virtue* Kant again characterizes friendship as an Idea, but here his claim is grounded primarily in the metaphysical nature of friendship. Friendship is, says Kant, a tension or balance between the opposing forces of *love* and *respect*, where "Love can be regarded as attracting and respect as repelling" (470).[37] The principle of the first "bids an approach," where that of the second "demands that the friends halt at a suitable distance from one another" (470). Love demands perfect

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should not be too obvious" (224). Politeness, which involves a tendency to dissimulate, is therefore in service of morality, since by appearing good we encourage the people who see us to become truly good.

[36] Moral friendship proper is a friendship of disposition between two genuinely good agents. Kant concurs with Aristotle that such friendships are also possible between people who are equally bad.

[37] It is revealing that Kant heads this section of the text *On the Most Intimate Union of Love with Respect in Friendship*.

unconcealment, including the revealing of both our own flaws and our awareness of our friend's flaws. Respect demands a degree of concealment and pretense, including the concealment of everything shameful about ourselves and the pretense that we see no flaws in our friend. Love requires us to work for the good of our friend, but respect (more precisely the preservation of her self-respect) requires that we do her no actual service. In all of these senses, thinks Kant, love is a disruptive force and respect a stabilizing one. Love threatens to introduce the kinds of inequality that necessarily destroy friendships, where respect preserves the essential equality upon which all genuine friendships are premised.

That Kant wishes friends to err on the side of respect is evinced by his characterization of friendship as a relation of absolute equality, and by his repeated warnings against violating the appearance of respect.[38] He contends, for example, that although it is a moral duty to point out a friend's faults, doing so is to be avoided since such a gesture leads the friend to believe he has lost or is in danger of losing our respect (470). Even the slightest excess of loving activity, thinks Kant, threatens to disrupt the delicate balance between love and respect and so terminate the friendship. Because we are inclined in our affections toward communion, or toward the "sweetness of the sensation arising from that mutual possession which approximates a fusion into one person," the balance by which our friendships are defined absolutely requires the presence of principles (471). Friendship, says Kant, is "something so tender (*teneritas*

[38] Regarding the latter, see, for example, the *Lectures on Ethics* p. 207.

amicitiae), that if is it left to rest upon feelings […] then it is not for a moment secure against breeches" (471).[39]

One important principle underlying friendship is that which governs the keeping of secrets. We are inclined to secrecy in part, thinks Kant, because we fear that our faults might be used against us. We are perpetually on guard against potential enemies. If we can find a friend who seems worthy, by his principled tendency to keep others' secrets, of our confidence, then we can unburden ourselves to whatever extent decency allows. This kind of principled openness is the very mark of moral friendship, which Kant defines as "the complete confidence of two persons in the mutual openness of their private judgments and sensations, as far as such openness can subsist with mutual respect for one another" (471). But even here there is a question as to how open the friends ought to be, and for two reasons. *First*, even in our most intimate friendships we ought never to reveal something that might be used against us should our friendship dissolve into enmity.[40] *Second*, we must be extremely careful in sharing our judgments about our friends with them, since our words have the power to morally ameliorate our friends, and to increase or decrease their feelings of self-worth. The latter reveals a surprising tension within Kant's ethics between a call for principled truthfulness and a call for principled concealment. The navigation of this tension is perhaps the most difficult task of friendship, and of social life in general. It is, moreover, one of the principle tasks of kind agency.

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[39] *Teneritas amicitiae* means "(the) tenderness of friendship."

[40] This is a strikingly cynical claim. How odd it is that, for Kant, friendship in some way anticipates enmity. This is the equivalent, I think, of requiring spouses to treat each other in ways that anticipate or imagine divorce. It is hard to reconcile Kant's concern about future enmity with the kind of trust that seems to give deep friendships their special worth.

Honesty in Friendship: When Words Are Both True and Kind

"Of all the great philosophers," H.J. Patton writes, "Kant suffers most from having manifestly ludicrous doctrines attributed to him" (190). Foremost among these is the doctrine through which Kantianism is often and reduced to an absurd caricature, namely, that *it is never permissible to lie*.[41] I cannot here enumerate the reasons why this view is mistaken, but will note that Kant's discussion of honesty between friends offers a glimpse into the complexity of his conception and moral evaluation of truthfulness. More importantly, it reveals that the tension within moral friendship between openness and concealment is symbolic of a larger tension within Kant's ethics between *duties of love* and *duties of respect*. Through friendship, we learn how to bring these duties into harmony. Kindness is akin to perfect moral friendship inasmuch as kind agents know best how to navigate the (potentially competing) duties born of love and respect for others in particular situations. Kindness, like moral friendship, involves a posture of respectful love, or loving respect. But the kind agent maintains this posture not only in the presence of those she deems worthy of her confidence, but instead in relation to humanity in general.

One thing that is remarkable about Kant's moral philosophy, and strikingly at odds with the image of cold rationality with which we tend to associate it, is Kant's repeated insistence that we refrain from passing moral judgment on others. He writes, for example, "We must proceed from the assumption that humanity is loveable, and, particularly in regard to wickedness, we ought never to pronounce a verdict either of condemnation or of acquittal" (*Lectures on Ethics* 231). Elsewhere he advises us to "cast

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[41] In my master's thesis I sought to explain how we have come to inherit this view, and why it is flawed. I appeal in particular to Kant's account of friendship, as I do here. See *In Amicitia Veritas: On Truth and Friendship in the Ethics of Immanuel Kant*.

the veil of philanthropy over others, not merely by softening but also by silencing our judgments" (*The Metaphysical Principles of Virtue* 467). Nowhere is this prescription more essential than within friendship. The high degree of intimacy and unconcealment with friendship means that as friends agents are ideally situated to see each other's faults. No one knows our imperfections so well as our friends, yet we expect that our friends will refrain from drawing our attention to them, and rightly so. "To point out a friend's faults," writes Kant, "is sheer impertinence; and once fault-finding begins between friends their friendship will not last long" (232). What is interesting is that Kant asks that we extend this friendly consideration to humanity in general. He not only asks that we "turn a blind eye" to others' faults, but even suggests that we refrain from revealing our unflattering but true opinions when they are elicited by another person, since "even if he asked me to do so [point out his faults] he would feel hurt if I complied" (232). We may also resort, if someone elicits an opinion that we are reluctant to give, to equivocation, using our speech and gestures in ways that allow others to think, more or less, what they will (229). How are we to reconcile these decidedly evasive behaviors with Kant's infamous valuing of honesty, and with his characterization of friendship as that relationship which allows for the maximum degree of unconcealment?

Before testifying in a court of law, a witness swears "to tell the truth, the whole truth, and nothing but the truth." We might wonder why the honesty of witnesses isn't assumed, given the context within which they speak. The act of swearing in establishes in no uncertain terms the intention of a witness to tell the truth. If she proceeds to lie, her lie becomes something more serious than a lie told, for example, to a friend who has asked for her opinion on some trivial matter. It becomes what Kant identifies as a *formal* lie.

"Not every untruth is a lie:" he writes, "it is a lie only if *I have expressly given the other to understand that I am willing to acquaint him with my thought*" (228, *emphasis mine*). When we take an oath, our expressed intention establishes in the minds of those present that what follows will be the truth. Where we do not express such an intention, and even more so where the listener has no *right* to our opinion (as, for example, the thief has no right to ask if we have any money), if we conceal or mislead our action is something other than telling a lie formally speaking.[42] But Kant is aware that we often express our intentions in ways that do not involve speech; we rely, for example, on body language and facial expressions to reveal our sincerity. He is also aware that we may mislead people though gestures as well as through speech, so that a formal lie need not involve an oath to tell the truth, nor a verbal expression of any kind. Since friendship is the relation in which openness is most complete, we might assume that even absent any expressed (verbal or nonverbal) intention to be honest, between friends there is an implicit, ongoing mutual agreement to be completely honest. We may assume, moreover, that friends are in some way *entitled* to the truth from each other. But for Kant, this turns out to be true only to an extent. Friends are entitled to precisely that truth that preserves the friendship and buttresses the mutual moral goodness by virtue of which they are worthy of it.

That we must refrain from passing ultimate (moral) judgment on other people, thinks Kant, need not prevent us from passing judgment on their *actions*. "We cannot judge," he writes, "the inner core of morality: no man can do that; but we are competent to judge its outer manifestations" (230). This is a thing we do, says Kant, by nature. Surprisingly, it is also a thing that serves our moral amelioration: "nature […] has

[42] Kant characterizes it as a "white lie:" "If all men were well-intentioned," he writes, "it would not only be a duty not to lie, but no one would do so because there would be no point in it" (228). But we cannot deny, he maintains, that "men are malicious," such that to be wholly honest is "often dangerous" (228).

ordained that we should judge ourselves in accordance with judgments that others form about us" (230). And we are most fortunate that this is so, as others give us a much needed external perspective that can help us to correct problematic behaviors. The person who "turns a deaf ear" to other people's opinions is, says Kant, "base and reprehensible" (230-231). But here not all opinions are equally valid. The opinions of the greatest worth are those of the people who know us best, and these, thinks Kant, are our closest friends: "Those who judge our conduct with exactness are our best friends" (231). We therefore turn to our friends for honest judgments about our behaviors and accomplishments. But for Kant the "honesty" of these judgments is of a special kind, in that it is aimed primarily at bolstering our feelings of self-worth.

What are we to do when we see our friend make a mistake, or when we see in her the signs of some vice? It is a duty of love, as we noted above, to show friends those faults which they ought to correct, as the mutual moral amelioration achievable within friendship is the whole end of man (*Lectures on Ethics* 206). But to point out such faults runs the risk of ruining the friendship, which is premised (at least) as much upon mutual respect as it is upon mutual love. Determining how to balance these obligations is incredibly difficult, but Kant believes it is possible to do so.[43] When someone errs in her thinking, says Kant, we must never censure her errors "under the name of absurdity, inept judgment, and the like" but must instead "suppose that in such an inept judgment there must be something true, and seek it out" (463). We ought to look for the truth within every false judgment, and this because we assume that there is intelligence (and, we

[43] Just as he believes that genuine moral friendship is in fact possible: "This (purely moral) friendship is no mere ideal, but (like the black swan) actually exists now and then in its perfection" (*The Metaphysical Principles of Virtue* 2:472).

might add, good will) behind it.[44] It might here be objected that in using the friend's mistake as an indication of her intelligence we are in essence lying to her, naming carelessness or stupidity as intelligence. Not so; Kant is correct to suggest that there is intelligence behind every rational error, such as the "superstitious" errors that stem from ignorance of alternative causal explanations. Out of loving respect we have as much of a responsibility to highlight the intelligence behind an error as we do to point out the error itself.

Kant asks that we extend this charitable approach to the publicizing of our moral judgments. Reproach to vice, he says, must never express "complete contempt," nor "deny the wrongdoer all moral worth" (463). Such unadulterated reproach would produce in the mind of the recipient the belief that she is beyond redemption. On that hypothesis, thinks Kant, she "could never be improved," and this view is "incompatible with the idea of man, who as such (as a moral being) can never lose all predisposition to good" (464). When we show someone her moral error, we must do so in a way that highlights her intrinsic goodness or capacity for goodness. Here again, we might worry that we are in essence deceiving someone if we couch our judgments in such positive terms. But with moral error as with rational error, there are very often good intentions (and we, might add, elements beyond the agent's control) behind mistakes. In Kant's view we must always judge humanity lovingly, and so assume the very good will that our judgments have some power to produce: "If we must blame, we must temper the blame with a

[44] Which is a reasonable addition, given that Kant has stressed that we must judge each other lovingly.

sweetening of love, good-will and respect. Nothing else will avail to bring about improvement" (*Lectures on Ethics* 232).[45]

It is here worth returning briefly to Kant's assessment of politeness, since the dynamics of politeness play out in a special way within friendship. Politeness is, we may recall, a social (quasi) virtue, on account of which we create the appearance of being good, whether or not we actually are. It is, thinks Kant, a kind of simulation or play-acting. But it is a morally ameliorative one. When we see others who are (or who we believe to be) better than we are, we strive to achieve their level of goodness. If we could not believe that anyone was better than we are, then, says Kant, "we should become neglectful" (225). We all need models, and in a world with a dearth of genuine goodness, it is fitting that we should publicly affect that goodness for the sake of others. We need also to habituate ourselves to the kinds of activities that belong to virtue proper. We accomplish both of these aims through "social graces," or gestures of politeness. Such graces are, says Kant "small change indeed," yet they promote moral feeling "through the endeavor to bring appearance as near as possible to the truth" (*The Metaphysical Principles of Virtue* 473). At the same time, such gestures obligate others to act likewise (473). Thus the mere appearance of goodness in others makes us strive to be truly good, and the mere approximation of goodness through polite gestures both habituates us to

[45] In *Character as Moral Fiction* Mark Alfano argues that we ought to attribute positive character traits to others, even though (or rather *because*), in his view, character is essentially a fiction. His contention is that when we tell someone they are good (though we may not believe them to be), the lie is justified since such judgments tend to become self-fulfilling prophecies. I certainly agree with Alfano that we owe others a charitable reading, and I strongly believe that when we morally judge others we inform their behaviors in important ways. But I reject his contention that moral character is a mere fiction, and his belief that when we judge another kindly we are effectively lying to them. I instead espouse the view that when we judge others kindly (with both honesty and forgiveness) we contribute to what Derrida terms a "truth-becoming," since both our negative and our positive moral assessments have the power to inform their stable character, which is by its very nature always developing or "becoming."

being truly virtuous and obligates those around us to behave in similar ways. Politeness is, we might say, *goodness-becoming*.

By bringing together these claims about friendship, truth-telling and politeness, we get a better picture of the role and value of the sharing of moral judgments within friendship. The claims are, again, *first*, judging ourselves from the perspective of others is morally ameliorative; *second*, since our friends know us best we ought most of all to take their perspective when judging ourselves; *third*, our friends ought not to share unflattering opinions about us, lest we feel we have lost their respect, *fourth*, in judging others' actions we must always emphasize their potential for goodness, as well as whatever goodness was actualized in their actions, and *fifth*, by endeavoring through gestures of politeness to appear good we become better, and cause others to do the same. What emerges from these views is a vision of friendly truth-telling as what Jacques Derrida terms, in the *Politics of Friendship*, a "truth becoming." Our friends are entitled to some kind of truth from us, but the truth we are obliged to give is one that will preserve their dignity and worth, and so preserve the friendship. It is, moreover, a truth that will help them to become good. When we judge our friends, and when we share our judgments with them, thinks Kant, we must do so with kindness.[46]

There is something surprising, even moving, in Kant's prescription for friendly truth-telling. But if this prescription does not extend beyond relationships of moral friendship (which are, in his view, "black swans"), then it is difficult to incorporate it into our account of kindness, since we have said that kindness must be extended to humanity

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[46] This follows from the definition of kindness developed in Chapter IV, which included the claims that the kind agent "is careful not to touch others' "sore spots," nor to point to their moral defects. When sharing her judgments, she emphasizes others' intrinsic worth, goodness, or potential for goodness. She actively searches for others' positive character traits and praiseworthy acts" (180).

in general. Moral friendship is for Kant that relation in which love and respect are most in balance, and within which unconcealment is as complete as possible. It is, as such, (and as was the case with Aristotelian friendship of virtue) the model for *all* social relationships, within which we must strike an appropriate balance between love and respect, frankness and concealment, judgment and compassion, all with a view to mutual moral amelioration.[47] This balancing of moral goods governs not only moral assessment and the publicizing of such assessment, but *all* moral comportment. The see why this is so, we may turn to Kant's taxonomy of duties.

Duties of Love and Duties of Respect

So peculiar is Kant's claim that love and respect are at odds, that were it only to appear in his account of moral friendship we might dismiss it as an anomaly rather than work to reconcile it with his larger ethical project. But the claim appears also at a pivotal moment in *The Metaphysical Principles of Virtue*, where it is invoked to ground a fundamental division between two kinds of duty towards others. Writes Kant:

> When the laws of duty (not laws of nature) concerning the external relationships of men to one another are under consideration, we regard ourselves as being in a moral (intelligible) world in which, by analogy with the physical world, the association of beings (on earth) is effected through attraction and repulsion. According to the principle of *mutual love*

[47] This "appropriateness" admittedly has something to do with relative levels of power or authority. Kant believes that in relations of superior and inferior (among which he counts, unsurprisingly, the relation of husband and wife), it is acceptable to point out errors. Even in such relations, however, judgments must be tempered with compassion: "Thus a husband is entitled to teach and correct his wife," Kant writes, "but his corrections must be well-intentioned and kindly and must be dominated by respect" (*Lectures on Ethics* 232).

> they are directed constantly to approach one another; by the principle of *respect* which they owe one another they are directed to keep themselves at a distance. Should one of these great moral forces sink, "so then would nothingness (immorality) with gaping throat drink up the whole realm of (moral) beings like a drop of water." (449)[48]

Love and respect are feelings, but in practical life, says Kant, they must be thought of as maxims. The feeling of love corresponds to the maxim of benevolence, and benevolence gives rise to the further maxim of beneficence (449).[49] Thus the duty to love one's neighbor, writes Kant, "can also be expressed as the duty to make the ends of others (so long as they are not immoral) my own" (450). The feeling of respect must be understood "as the maxim that limits our self-esteem by the dignity of humanity in another person" (449). The duty to respect one's neighbor, thinks Kant, "is contained in the maxim, *degrade no other man merely as a means to personal ends*" (450, *emphasis mine*). Duties of love and duties of respect are fundamentally different in kind, and this will become clearer if we consider Kant's famous taxonomy of duty in the *Groundwork*.

In the *Groundwork* Kant derives a basic classification of duties of virtue by applying the Categorical Imperative to four hypothetical situations.[50] These are Kant's famous (or infamous) four examples, which represent perfect and imperfect duties to oneself and to others. The duties to oneself (namely the preservation of life and the

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[48] Kant is here adapting Albrecht von Haller's poem, *Concerning Eternity* (1736).

[49] Since, as we noticed in Chapter IV, it does not suffice to passively wish for others' good; if we are genuinely virtuous, we will actively work to secure others' happiness.

[50] Duties of virtue, also called moral duties, are distinguished from juridical duties. The former necessarily involve agents' intentions, while the latter need not. This is roughly the distinction between moral and legal obligations.

fostering of talents) need not concern us here, as the division between duties of love and duties of respect applies only to our duties to others.[51] Kant's second example, that of the "lying promise," is used to derive perfect duties to others. Our duty to another person is perfect if violating it would involve a logically contradictory maxim. I cannot universally will that people should make lying promises, since doing so would work against the very nature of promise-making. Thus I have a perfect duty (to others) not to make lying promises. This duty is unconditional, which is to say there is no situation in which it does not bind me. Here my role as moral agent is simply to *obey*.

Kant's fourth example, which he uses to derive imperfect duties to others, tests the maxim that one ought to contribute nothing to others' flourishing. Unlike the maxim of the lying promise, here the maxim entails no internal contradiction. But in the light of the Law of Nature formulation of the Categorical Imperative, which states: "Act as if the maxim of your action were to become through your will a universal law of nature," the maxim of non-intervention becomes problematic (421). "For a will which resolved in this way would contradict itself," writes Kant, "inasmuch as cases might often arise in which one would have need of the love and sympathy of others" (424). I cannot consistently will a world in which I would, by a law of nature springing from my own will, deprive myself of the very help I might need. We have then, thinks Kant, an imperfect duty to contribute to others' well-being. As an imperfect duty, the duty of beneficence is conditional; we must judge when and how to fulfill it. Certainly we cannot devote all of our time and energy to helping others, and we must determine whether or not help is in

[51] As Marcia Baron notes. The duties to oneself are divided, as are the duties to others, between perfect and imperfect ones. But that division only corresponds to the division between duties of respect and duties of love where others are concerned: "No surprise…" writes Baron, "self-love, unlike love of others, is not morally enjoined" (30).

fact needed in particular cases, and what kind of help we ought most to offer in each situation.

Duties of respect to others are perfect duties, and are roughly reducible to the maxim *I ought never to use another person merely as a means.* There are no exceptions to our duties of respect to others, as they are duties we *owe* to all people at all times.[52] Foremost among these failures is the vice of contempt, which is the outward manifestation of disrespect for another person. Any action, even a legally permissible punishment, that degrades the dignity of another person is for Kant in violation of the perfect duty of respect. Duties of respect are always in some way limiting; they are duties to refrain from certain behaviors, including, as Marcia Baron notes, “defamation, backbiting, wanton-faultfinding, ridicule, mockery, [and] arrogance” (35).[53] As duties that impose limitations, duties of respect are for Kant always negative.[54] As Baron notes, this view allows Kant to claim that the failure to fulfill a duty of respect is always and necessarily vicious; it is a moral failure properly speaking, just as the failure to fulfill *any* strict of perfect duty is (31). The same does not hold, as we will see, for duties of love.

Duties of love are imperfect, meritorious and positive. They tell us not what we must refrain from doing to others, but rather what we ought to do for them. Here, as with any imperfect duties, we must exercise our judgment. Duties of love involve making

[52] Including those we do not “respect” in the sense of morally approving of, as Baron notes (34). We owe all people a minimal degree of respect, thinks Kant, whether or not they are good. This degree of respect is sufficient to ground our perfect duties to them.

[53] Baron objects to Kant’s claim on the grounds that some of these negative obligations seem to have a positive or constructive facet. For example, Kant’s injunction not to disrespect others when they make rational errors, which was mentioned above, includes a prescription for affirming others’ rational nature by pointing to the intelligence behind their mistakes. But here I agree with Kant that the underlying principle is negative, namely, “Call no man a fool” (to paraphrase a biblical injunction; see Matthew 5:22).

[54] Which was already suggested by Kant’s claim that in our practical bearing respect is “to be understood as the maxim of limiting our own self-esteem by the dignity of humanity in another person” (449).

others' ends our own, and we must determine which people to assist, which of their ends we ought to take up, and how best to further those ends once we have adopted them as our own. Whereas duties of respect, as strict negative duties, are assessed exclusively in relation to blame (we do not praise people for refraining from stealing, for example), duties of love are assessed exclusively in relation to praise.[55] Agents are not obligated to help all people at all times, so we do not blame them for any particular failure. Instead, we praise them for those actions that in some way fulfill a duty of love.

For Kant, the meritorious nature of duties of love introduces a problem, by virtue of which he is able to characterize duties of love and duties of respect as in some sense opposed to each other, rather than simply or wholly complimentary. Although we have a broad duty to help those in need, we do not have a strict duty to help every person in every case. Thus when we elect to help a particular person in a particular situation, we do *for her* more than morality strictly requires of us. Thus, as Baron writes, "if you choose to aid me, it is not an instance of rendering something you owe me. Because of this, I should be grateful to you; I owe you a debt of gratitude" (31). Indeed, for Kant duties of love by nature *impose* on others in some sense: "When I exercise the duty of love toward someone," he writes, "I at the same time obligate that person; I make myself deserve well from him" (450). Whereas respect entails a certain preservation of the boundaries between ourselves and others, acts of love disrupt those boundaries by undermining the autonomy of the agents helped (by dictating a duty toward their benefactors that they did not ask to have). Love is, then, for Kant a kind of *invasion*.

[55] This claim should be qualified. We may note that Kant does associate some vices (including envy, ingratitude and malice) with the failure to be loving, but such vices involve more than a failure to act in meritorious ways; they involve or reflect overt "Hatred for Men." Indifference, then, is not vicious in the same way that disrespect (always and necessarily) is.

A cynical reader might here suggest that since Kant has rendered love disrespectful, and since we must never disrespect someone, we ought never to act out of love for others. But his view is not so dark: "Love and respect […] are basically," he writes, "according to the law, always combined in one duty, although in such a way that sometimes the one duty and sometimes the other is the subject's principle, to which the other is joined as accessory" (*The Metaphysical Principles of Virtue* 448). Where my principle is not to make a lying promise, for example, the feeling of benevolence is also at work, even if it does not rise to the level of a rational principle.[56] When, acting on the principle of beneficence, I help someone who is in need, I am obliged to do so in a way that preserves her dignity.

If human behavior suggests to us a dearth of love, we might comfort ourselves by noting that people often refrain from intervening on another's behalf not out of indifference or cruelty, but instead out of respect.[57] Certainly, we are steeped in the belief that, as Kant puts it, "Alms degrades men" (*Lectures on Ethics* 236). We do not want to humiliate those who seem in need of help, and perhaps fear that the mere acknowledgment of their need would be experienced by them as a humiliation. For most of us, I think, autonomy entails more than rational self-regulation; it means also the freedom to bring our own projects to completion in the ways that we see fit. Hamrick's decision to shovel his neighbor's walk may have been well-intentioned, but it failed,

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[56] So Kant contends, but I agree with Baron that the relation of love-respect seems asymmetrical here, inasmuch as love seems more in need of respect, in Kant's view, that respect seems in need of love. We might even argue that the feeling of benevolence in some way undermines the principle of honesty, given Kant's comments on the purity of the will in the *Groundwork*, mentioned above.

[57] It is unfortunate that the "bystander effect" is so often interpreted as evidence of a widespread lack of compassion and/or a tendency to engage in "group think." Another possible reason for our non-intervention is respect for others' boundaries, which tends to involve a respectful reticence to interfere in their affairs.

arguably, to respect his neighbor's autonomy. Gestures of kindness must involve both love and respect, which is to say a readiness to take up others' ends when and if they welcome us to do so, and in ways that they do not find degrading.

Although Kant admittedly seems inclined to privilege respect over love, he believes it is possible to fulfill out duties of love in ways that are respectful.[58] Here the special worth of our action derives not only from *what* we do, but also from *how* we do it. For example, we are obligated, says Kant, "to be beneficent toward a poor man," but we know that "this kindness also involves a dependence of his welfare upon my generosity, which humiliates him." (*The Metaphysical Principles of Virtue* 448). Therefore, when we come to someone's aid, "it is a duty to spare the recipient such humiliation and to preserve his self-respect by treating this beneficence either as a mere debt that is owed him, or as a small favor" (448).

When we live in way that reflects deep respect for all people, our loving gestures will always be tempered by that respect. When we morally assess someone's actions, or give something to someone in need, or help someone who is struggling, because we respect every human being we will attend both to *what* we do and to the *way* in which we do it. If our gesture fulfills a duty of love, the attitude with which we perform it will also involve respect. Such an attitude is possible if we inculcate in ourselves the belief that every person has intrinsic value, and is therefore worthy of our respect. Kant describes this charitable attitude of quite beautifully: "Charity to one's fellows should be

[58] The latter claim is so widely accepted that perhaps it needs no defense. If it does, however, we would do well to note Kant's obvious preference for respect over love within moral friendships. He goes so far as to suggest that a friend ought to hide his problems, lest he impose on his friend an obligation to help. Friendship requires equality, and where one friend becomes a benefactor and the other a beneficiary, that equality (more specifically the equality of their mutual respect) is disrupted (*Metaphysical Principles of Virtue* 471).

commended rather as a debt of honor than as an exhibition of kindness and generosity. In fact it is a debt, and all our kindnesses are only trifles in repayment of our indebtedness" (*Lectures on Ethics* 236).

Respect and Freedom

Kant is quite right to suggest that gestures of love ought generally to be complimented by an attitude of respect. If this was not so, then benevolence might devolve into a kind of self-edification in which others function for us merely as means.[59] But we may worry, as Baron does, about the way in which Kant *separates* love and respect, and further about his obvious privileging of the latter. We might ask, as Derrida does, "Why, in sum, is Kant so suspicious of tenderness and gentleness, of *teneritas amicitiae*?" (256). It is only by noting the metaphysical basis of Kant's moral system that we can properly address these concerns. This turn is at the same time a turn to Kant's account of freedom of the will, which has, as we will see, every appearance of being a bulwark erected in some desperation against the otherwise overwhelming force of luck.

The will of a rational being is determined not within the realm of the merely sensible, says Kant, but instead in the realm of the intelligible. When a human being "thinks of himself as intelligence endowed with a will and consequently with causality," he no longer perceives a contradiction in his belonging at once to the phenomenal realm (which is governed by natural laws) and to the realm of intelligibility, since anything is "independent of those laws when regarded as a being in itself" (*Groundwork* 457). It is

[59] This provides Kant a nice way to respond to Nietzsche's objection that charity is merely the means by which weak people recover their (moral) power. It also helps to flesh out Douglas's characterization of the cruelty at work in slave master's supposed kindness. Douglas's was keenly aware that his master's "charity" served only to ease the latter's conscience, such that he was reduced in the exchange to a mere means.

via this world of pure intelligibility, of the in-itself, of the *noumenal*, that Kant preserves the will as a site secure from sensuous determination. The idea of freedom, writes Kant, "can never admit of comprehension or even of insight" (*Groundwork* 459). But it is this idea alone that secures morality, by securing the will from determination by the causal laws that govern the phenomenal realm. Hence, we must *postulate* freedom: "To presuppose this freedom of the will […]," writes Kant, is "necessary for a rational being […] as he makes such freedom in practice, i.e., in idea, the underlying condition of all his voluntary actions" (461). It is useful in practical life, thinks Kant, to have before our minds the idea of our moral freedom. This moral freedom Kant terms the *autonomy of the will*, which is simply "The concept of every rational being as one who must regard himself as legislating universal law by his will's maxim" (433). It is further useful to have before our minds an image of what we, as a *community* of autonomous moral agents, are, and the image he proposes is that of a *kingdom of ends*. "By 'kingdom,'" writes Kant, "I understand a systematic union of different rational beings through common laws" (433). The kingdom of ends includes every moral agent as an end-in-herself, as well as every particular (morally legitimate) end that each agent sets for herself (433).

Every member of the kingdom of ends is intrinsically *invaluable*. Whereas "Whatever has reference to general human inclinations and needs has a market price," that which constitutes something as an *end-in-itself* has instead "an intrinsic worth, i.e., dignity" (434-5). Thus morality and humanity, "insofar as it is capable of morality," alone have dignity. It is only by virtue of her moral autonomy, through which she is a legislator of the very universal moral law that binds her, that an agent may be said to be

moral, hence “autonomy is the ground of the dignity of human nature” (436). The Levinasian idea of the Other as an *infinity* captures something of the magnitude of the other’s autonomous nature and moral worth. The same feeling of humiliation that, as we said, comprises the negative aspect of respect, belongs also to our encounters with other moral agents, who by virtue of their dignity ought never to be reduced to mere means. We may here recall that for Kant respect is that maxim that “limits our self-esteem by the dignity of humanity in another person” (2:449). Their morally legitimate ends, too, must keep our own in check; the kingdom of ends is a kingdom of boundaries between self and other that must be respected.

Kant is aware that the concept of freedom of the will is, *prima facie*, at odds not only with the casual laws of the natural world but also with our ordinary moral experience. We often feel as if our actions are inevitable, as if our choices stem from circumstances beyond our control. Hence we tend to take refuge, he notes, in our bad luck. But where we treat human action as the result of natural causal laws, moral judgment is unjustified, and wholly incapable of affecting change in human behavior: “Without transcendental freedom in its proper meaning, which alone is a priori practical, no moral law and no accountability to it are possible” (*Critique of Practical Reason* 97). Autonomy of the will, which preserves the very possibility of morality, also yields the dignity of moral agents and thus the necessity of our respect for them. But that autonomy is only ever assumed. The whole of morality has, then, an *as if* quality. We must act *as if* we are free. We must respect others *as if* they are free. We must judge our actions and the actions of others *as if* they were free.

The role of respect for others is absolutely essential here, since it is primarily through gestures of respect that we "act out" human freedom. In the same way that we obligate others through gestures of politeness to act in similarly polite ways, creating a morally useful collective pretense, through gestures of respect we act out (or enact) the autonomy and dignity of ourselves and the people around us. Respect is that force that, in everyday life, most of all preserves the moral life from the being swallowed up by the forces of luck. It is primarily through gestures of respect that we actualize, to whatever extent possible, the ideal kingdom of ends. No wonder, then, Kant tends to privilege respect over love. No wonder that in his view a violation of respect is always and necessarily vicious, where a violation of love is at worst merely less-than-meritorious.

But Kant does not wholly neglect love, as we have said. It is, after all, the other great force without which the whole moral universe would collapse. We should here note how Kant's acknowledgment of the necessity of love (which yields the duty of beneficence) is at the same time an acknowledgement of human vulnerability and need. It is precisely because I understand that I am sometimes in need of others' help that I can have a duty of beneficence, which is the practical manifestation of love (*The Metaphysical Principles of Virtue* 449). I cannot will that when I am in need no one should come to my aid, thus I cannot without contradiction will that I should fail to come to the aid of others who are in need. But for Kant every gesture of love, as Christine Swanton notes, must be limited by respect: "In coming close to another in beneficence, one must also keep a suitable distance, respecting his autonomy" (243). Thus even though Kant acknowledges love, and indeed speaks as if the dependence of respect on love is symmetrical with the dependence of love on respect, it is difficult to think that

love has for him the moral worth or magnitude of respect (Baron 33). As Baron remarks, in general "respect does not require love," and for Kant, if respect needs love at all, it certainly "does not need love in the way that love needs respect" (33). If love and respect comprise for Kant a tension, it does not appear to be a symmetrical one. This is unsurprising, given the role of respect in preserving the very possibility of morality. Kant's metaphysical commitments mean that he has inevitably to worry more about respect than he does about love, even though he can and does provide a rational ground for duties of love. But must we also privilege respect over love, or the (negative) duties of respect over the (positive) duties of love?

Kindness as Loving-Respect or Respectful Love

We now have a rich answer to Derrida's question: "Why, in sum, is Kant so suspicious of tenderness and gentleness, of *teneritas amicitiae*?" (256). Gestures of love fail to actualize the respect that enacts, in a way that love never can, the autonomy upon which morality is premised. When untempered by respect, loving acts also undermine others' autonomy by imposing obligations of gratitude. It is only when we treat our gestures of love as trifles, as already owed, that we subvert this threat. But to treat another person as if she deserves well of us, as if, by virtue of her intrinsic worth, our help is simply what is *due* to her, seems to be a profoundly *loving* thing. Thus what Kant characterizes as the tempering of love with respect seems instead to be a tempering of love (beneficence) with love (a profound regard for another person based on her special worth). Baron is right, it seems, to object to Kant's too-sharp distinction between love

and respect: “love and respect are less different,” she argues, “and less opposed than Kant suggests” (42).

Even so, there is a great deal to appreciate in Kant’s characterization of the relationship of love and respect. He is right to suggest that we do and should regard others always in two ways, *first* “as agents whose freedom and self-direction are to be honored,” and *second*, as beings that are “needy and vulnerable and decidedly not self-sufficient” (41). Kindness necessarily involves *both* of these attitudes; where we regard others as wholly self-sufficient there is no need for kindness, and where we regard others as lacking self-determination we almost inevitably fail to properly respect them. Certainly, we ought never to apply the name *kindness* to a gesture that uses others as means to our moral self-edification or self-aggrandizement, and Kant is right to make us mindful of this.[60] By calling us to reflect on our own vulnerability, Kant gives us a new way to appreciate the need for kindness, and a new way to inculcate in ourselves the sense of a duty or obligation to be kind. By calling us to assume the dignity and worth of others, he cautions us against mistaking spurious gestures of kindness for the real thing. Reflecting on Kant’s characterization of the tension between love and respect teaches us, in a way that perhaps no other moral idea could, that *kindness is at heart an attitude of loving-respect, or respectful-love, the special value of which stems from its enactment of the belief that human vulnerability and human dignity are coextensive.*

On the Value of a Charitable Reading

Kantian philosophy is very much a product of the Enlightenment conviction that the whole of human knowing may and should be tidily divided into comprehensive

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[60] Which is precisely the mistake Philip Hallie makes when he applies the term to the actions of Douglas’s master, and that we would make were we to call the Meagleses’ treatment of Tattycoram “kind.”

theoretical and practical systems. But moral existence tends to resist the systemization befitting an "exact" science like physics, and even more so the abstraction of a purely *theoretical* system. Nowhere is this more evident than in Kant's moral theory. Kantian moral metaphysics has, we must admit, a bizarre quality; the idea of a *noumenal* realm that parallels the phenomenal feels to us, if not absolutely silly, then at least unnecessary. The denigration of feelings that Kantian moral metaphysics seems to require probably strikes us, moreover, as a great mistake, and fundamentally at odds with our moral experience. And if all of this were not enough to make us discount Kantian ethics, we have also to note that Kant's system relies (sometimes explicitly, sometimes implicitly), on a decidedly problematic *gendered* metaphysics. Why, then, is it worth our time to turn to Kant when attending to a moral phenomenon like kindness? Even the faults we find in Kant's moral thinking reveal important insights about the nature and significance of kindness. But his philosophy has more than a negative usefulness in relation to the present project. I will end by reflecting on the unique insights that Kantian moral thought offers to the exploration and valuing of kindness.

I framed this chapter by suggesting that by understanding Kant's resistance to kindness we may gain important insights into the nature of kindness, the historical neglect of kindness, and the resistance that we as agents so often feel to being kind or welcoming the kindness of others. We have already noted that Kant's resistance to kindness is not so much to kindness as we have characterized it as it is to a spurious kindness that would reduce others to mere means. If kindness is fundamentally an attitude of loving-respect or respectful-love, then Kant already values it, although he may value it more on account of its embodiment of respect than on its embodiment of love. That he

values such an attitude is clear from his account of moral friendship, which is precisely the harmonization of love and respect, and is, in his view, the model of all moral relations.

Regarding historical philosophy's neglect and misrepresentation of kindness, we would do well to reflect on Kant's tendency to delegitimize feelings as a source of morality, and to associate sentimentalism with femininity and weakness of will. Kant both takes up and reifies a fundamental metaphysical dualism in which rationality and feeling are understood as masculine and feminine, respectively. We must not underestimate the power of such a division to impact our commonsense moral intuitions; it would not be difficult to show that the popular imagination associates kindness more with femininity and feeling that with masculinity and reason. Reflecting on Kant's gendered metaphysics of morals reminds us to attend to the prejudices we have inherited from historical philosophical thinking, which in the case of kindness means attending to the view that kindness is a virtue appropriate only to women, and which has more to do with feelings than with reason.

Although we may occasionally fail to intervene on another's behalf on account of callousness or selfishness, Kant reminds us that sometimes we do so out of a sense of respect. We value the boundaries between ourselves and others because we believe in and value the autonomy upon which they are premised. We respect others' agency to such an extent that we often worry that a gesture of helpfulness will offend another person's sense of autonomy. And it is right that we should worry about overstepping boundaries, just as it is right that we should respect other people and their morally legitimate ends. This respect often takes the form, as Kant suggests, of non-interference. But Kant also gives us

reasons to value helpful intervention, and so to question the reticence we so often feel to intervene on someone else's behalf. More importantly, he reminds us that moral comportment requires both respect and love, and that where we "interfere" we must do so for the right reasons and in a way that is both loving and respectful.

Kindness is, as we have said, fundamentally excessive, and there are two useful ways to bring Kant's division of love and respect to bear on this excessive character. The first of these is to join Kant in appreciating and prescribing the attitude of loving-respect or respectful-love, but to add that kindness is an attitude that errs on the side of love. If the kind agent must fail, she will fail by doing too much for others, and not by doing too little. Not only is this view consistent with the nature of kindness, but it is also consistent with the nature of friendship which, as we have said, is for Kant the ideal human relationship. *Pace* Kant's fear that, as Derrida says, *attraction leads to rupture*, we are more likely to forgive our friends for doing too much on our behalf, or for wanting to grow too close to us, than we are to forgive them for failing to help us when we are in need, or for psychologically distancing themselves from us (*Politics of Friendship* 256).

A second way to appreciate the excessive quality of kindness is to situate it within Kant's division between negative duties (of respect) and positive duties (of love), on the side of the latter. We might worry that characterizing kindness as a duty would rob it of its special moral worth, but this is not so if we characterize it as a duty of love; what is appealing about Kant's account of positive duty is that it prescribes meritorious actions while preserving their excessive quality. We have, as noted above, a rationally-derived duty to help those who are in need. Yet every time we help a particular person we do

something excessive in relation to her. Even if we have a duty to be kind, then, because that duty is imperfect, every particular act of kindness has a special praiseworthiness.[61]

It is useful to recall here Kant's view that in practical life love and respect are basically "always combined in one duty, although in such a way that sometimes the one duty and sometimes the other is the subject's principle, to which the other is joined as accessory" (*The Metaphysical Principles of Virtue* 448). If kindness is an attitude of loving-respect in which love is privileged, we might say that kind agency operates on the principle that (because we are all vulnerable and in need of each other's assistance) *we ought to help those in need, and to make their ends our own as far as we are able*. This principle will be combined with "accessory" respect, which will serve to check excessive intervention, or intervention for the wrong reasons. The result is a vision of kindness as at once a universal duty, and a thing of special (meritorious) moral worth.

Perhaps the greatest contribution Kantian moral theory can offer to the present project stems from Kant's surprising views on moral assessment. The essence of human subjectivity, the will (*Wille*) that is untouched by natural causality, is a mysterious thing, and cannot be made transparent to us. We can never know others' true motives, thinks Kant, thus we cannot morally assess them. We do not judge, then, persons as such, but must instead assume their goodness. But it is fitting that we should judge each other's actions, and this because moral judgment has a certain ameliorative power. We are predisposed to care, as Kant is right to point out, what others think about us, and we

[61] The danger of characterizing kindness in this way, as Baron might point out, is that it does not allow us to call the failure to be kind out of *indifference* a vicious failure, since for Kant the failure to actualize a duty of love is only vicious if it stems from hatred or some related feeling. Indifference is at most not meritorious, where we might prefer to characterize it as a moral failure properly speaking. Perhaps if we could combine the above view of kindness as an attitude of loving-respect or respectful-love that errs on the side of love, we might develop a way to preserve the meritorious quality of kindness while characterizing indifference as truly blameworthy.

change our behaviors based on others' expressed perceptions of what we are like. We have a responsibility to attend to others' judgments of our actions, and a responsibility to judge the actions of others. But what is most surprising about Kant's account of moral judgment is that he prescribes *charity* in the way we judge. We must only ever judge others with love and respect, framing even our criticisms in ways that emphasize their capacity for goodness. When we judge, we must have as our aim the loving moral amelioration of the people around us. We must choose our words with care, balancing the duty to be as honest as decency permits with genuine kindness, or loving-respect. Through our kind assessments we foster others' goodness, and this, thinks Kant, is in keeping with the whole end of man, which is fundamentally ameliorative.

Where we construe kindness as loving-respect, or principled love checked by a feeling of respect, kindness involves both a *what* (is done) and a *how* (it is done). This view harmonizes quite beautifully with the hypothesis about kindness that frame the present project, namely, that there are *ways* of speaking, helping, and giving that are kind, those these activities may also fail to be actualized in a kind way. In the light of Kant's moral theory we may now say that *kindness is the enactment of an attitude that transmutes other-centered activity into activity with genuine moral worth*. It is in and through kindness that mere giving becomes genuine charity, mere speaking becomes cheering, mere criticism becomes ameliorative judgment, and mere intervention becomes genuine helping. Absent kindness, other-centered activity loses much or most of its special moral worth.

The Limits of Charity

There is a great deal to appreciate in Kant's moral system, and this is especially true in relation to the present project. But we might wonder if we are entitled to importing into our vision of kindness anything that belongs to a system that is fundamentally flawed. If we share Nietzsche's very just belief that those who cannot accept the metaphysical grounds of a moral system are no longer entitled to the morality itself, then (assuming we cannot adopt the "pure" metaphysical elements of Kantian moral theory) we would have to conclude that we are not entitled to accepting the moral insights that have here enriched our conception of kindness. If we cannot accept Kant's God, so to speak, what gives us the right to accept His edicts? If we cannot embrace Kant's gendered dualism, then by what right do we import the concepts of love and respect which are its vehicle? I cannot offer a satisfying answer to these questions, but can only say that Kant's insights align so well with our intuitions about kindness, and with the characterization of kindness developed in the preceding chapters, that it would be a shame to discount them completely. Even if Kant's normative prescriptions ultimately appeal *in spite of* the moral metaphysics that was meant to serve as their ground, we would yet do well to appreciate them.

CHAPTER VII

KINDNESS IS POSSIBLE AND NECESSARY

"We have a great deal more kindness than is ever spoken"

-Emerson

Introduction

Where do we find ourselves, after all of this reflection on kindness? If kindness is a stable, inclulcatable virtue involving an attitude of loving-respect for humanity in general, then it is yet subject to the very luck which it was meant to remedy. For even assuming that an agent possesses the kind of rationality and emotional sensitivity that makes such a moral virtue possible, she must yet enjoy a degree of good luck if she is to become kind. As is true of any moral virtue, kindness presupposes the proper education and adequate opportunities for virtuous *praxis*. By what right, then, may we prescribe a virtue of kindness as the remedy for the fundamental problem of ethics? This is the first question we must contend with before drawing any final conclusions about the value of kindness in a world of contingency. And it relates to a second.

As William Hamrick notes in *Kindness and the Good Society*, kindness has often been overlooked by philosophers who find reflection on justice more worthwhile (xiii). What is kindness but a bit of gauze on the open wound of widespread inequity? Kindness, they assume, is impotent in the face of institutionalized cruelty and injustice. In *Uncle Tom's Cabin*, Harriet Beecher Stowe aptly expresses this suspicion:

> [O]ver and above the scene there broods a portentous shadow, — the shadow of *law*. So long as the law considers all these human beings, with beating hearts and living affections, only as so many *things* belonging to a master,— so long as the failure, or misfortune, or imprudence, or death of

> the kindest master may cause them any day to exchange a life of kind protection and indulgence for one of hopeless misery and toil,— so long is it impossible to make anything beautiful or desirable in the highest-regulated administration of slavery. (19)

Stowe's point is that in a world in which slavery is legally permitted, a master's kindness, no matter how exceptional, can be for the slave nothing but a contingency— a matter of luck. Rather than inculcating kindness in slave masters, we must obliterate the institution that makes the flourishing (if I may even use such a word in this context) of slaves contingent on the kindness of particular owners. We need justice here, she claims, and not a proliferation of kindness. And certainly we must agree with Stowe on this point.

But the problem of finding a place for kindness in an unjust world runs even deeper than Stowe realized. For in a broken world, a world rife with injustice, kindness threatens to *innure* the oppressed to their suffering, and to serve as a substitute for a more fundamental kind of dignity that only social equality (say, the legal status of full personhood) can grant.[1] It is useful to think here of the dynamic of domestic abuse, in which the chronic apologies and redemptive gestures of the abuser sufficiently enable the victim to cope with her situation, and thereby to inure herself (over time, through habituation) to her own suffering. Thus we meet again Philip Hallie's contention that what is needed in cruel or unjust situations, whether particular or institutional, is not kindness, but rather liberation from the oppressive relation. In the light of this claim, kindness— at least as it has conventionally been construed— seems at best a small and impotent thing, and at worst a boon to cruelty. But philosophers have so rarely

[1] There is an analogy here, I think, between kindness as a substitute for justice and (mostly religious) charity as a substitute for social welfare programs that is so much in favor among contemporary Republicans. I will leave it to my readers to elaborate on this possibility.

understood the true nature of kindness, and now that we have begun to, we have a way to open up a case for kindness in an unjust world. And it begins by understanding that kindness is not only *not opposed* to justice, but is also a powerful vehicle for its proliferation.

In this chapter I briefly address the related concerns that, *first*, it is paradoxical to prescribe kindness as a remedy for luck when, *qua* virtue, kindness is itself somewhat contingent, and *second*, that kindness has a problematic relation to justice. I then return to a difficulty opened up in Chapter IV by asking whether or not the kind agent ought to be kind to herself by morally assessing her own actions in the same way she morally assesses the actions of others. I end by commenting on the special value of the virtue of kindness.

The Paradox of Kindness

The paradox of kindness as a response to the problem of moral luck may be stated as follows: since kindness is a virtue, it is contingent upon the very luck it was meant to ameliorate. If the paradox admits of no resolution, then it would be logically problematic to prescribe kindness as a remedy for moral luck, and equally problematic to praise or blame agents for being kind of for failing to be. If we are to begin to resolve the paradox of kindness, we need an account of moral agency that both acknowledges the power of luck and leaves room for some measure of moral responsibility.[2] We find such an account, as was noted in Chapter II, in the ethics of Aristotle. In Aristotle's view, we are responsible precisely for those actions that stem from our stable character, whether

[2] Since absent an acknowledgement of luck, there is less reason to value kindness, and absent some degree of moral responsibility, there is no reason to prescribe kindness (or any other virtue), and no justification for praising it.

virtuous or vicious. These actions are to be assessed, and such assessment (and the rewards and punishments that accompany it) is aimed primarily at the amelioration of character.

There is much to appreciate in Aristotle's solution. It acknowledges the obvious fact that who we are is not entirely up to us, but also does justice both to our intuitive sense that we are, in some sense, responsible for what we do, and to the commonsense belief that moral assessments maintain their ameliorative potential only if we hold ourselves and each other responsible. Even so, there is no denying that the Aristotelian solution is itself paradoxical, since it holds that we are responsible for the actions that originate from the moral character that we are not (wholly) responsible for. Aristotle is aware of this paradox, though, and offers a remedy.

Every agent is, for Aristotle, an *archē kinēsēos* (source of action). But every agent, understood as source, has a source of her own, which is just the concatenation of the biological, social, and political forces that inform her being. The moral life is, then, fundamentally ambiguous. We are responsible for our virtuous and vicious actions, but we are largely *not* responsible for the characters that produced them. And it is for this reason, thinks Aristotle, that ethics *must* culminate in the political. The human drive to flourish, which entails for Aristotle virtuous *praxis*, cannot be satisfied outside of the political community. In order to live an excellent life an individual needs the right kind of upbringing and education, opportunities to form meaningful relationships, and the chance to do meaningful work. And she cannot provide these for herself. Human flourishing requires not only that we live in communities, but also that these communities be adequately just, consisting of the kinds of institutions that produce excellent character in

all citizens. Aristotle effectively tells us that if we want better people, we must first build more just communities. And this is the work of politics.

What, then, of the paradox of kindness? Aristotle overcomes the paradox of moral responsibility by setting his sights on the political. So, too, must the kind agent. The very commitments that lead her to actualize kindness in relation to the individuals she encounters will prompt her also to care about the institutions that detract from or contribute to the flourishing of agents generally, and especially of those upon whom bad moral luck weighs more heavily. Kindness involves the active removal of obstacles to human flourishing, thus the work of kindness can take place at the level of individuals or at the social and political level. Kindness is not opposed to justice, but is instead an important subjective motivation behind efforts at achieving the same. If we would make a better world, which is to say a world of happier, more virtuous moral agents, then we must be prepared to contend not just with our own (heavily conditioned) moral flaws, but also and especially with the social and political institutions that contribute to the formation of character. And in achieving both of these aims, we would do well to turn to kindness.

In Chapter I I suggested that kindness can be actualized in institutions, in much the same way that cruelty can be and has too often been. Whereas cruel institutions are those that reify the purported inferiority of some group or groups of people, kind institutions are just those that embody the intrinsic dignity of all people, and universalize the principled attitude of loving-respect that acknowledges need without undermining autonomy. Although I cannot elaborate on these claims at length here, I will suggest that such institutions might include domestic social welfare programs and intergovernmental

aid programs aimed at empowering, for example, economically disadvantaged and socially disenfranchised people.[3] Kind institutions would aim to inculcate in their beneficiaries a sense of their own worth, and to remove or mitigate obstacles to their flourishing while opening up opportunities for purposive, autonomous activity. We might even say that one measure of the moral worth of domestic or international welfare programs is the extent to which they embody the values that we have here associated with kind agency. These kind institutions would in turn enable the personal kindness of their beneficiaries by, for example, meeting their basic needs such that they may turn their attentions to others, and encouraging them to take up projects aimed at improving their own and their fellow citizens' social and economic situations.

Kind agency may then involve active efforts to contribute to just political institutions, and these institutions may in turn enable the personal kindness of their beneficiaries. But whether kindness is actualized at the level of the individual or at the social and political level, the suspicion that it might innure oppressed people to their suffering remains. If kindness is put forth as an alternative to more fundamental changes such as liberation from oppressive relations, then we may worry that it will serve primarily to dull recipients' awareness of the injustices that undermine their autonomy or dignity, or simply innure them to the same. We might reasonably fear that acts of

[3] The Family Independence Initiative is an excellent example of the first of these. The CEO and founder, Maurice Lim Miller, originally developed the program at the prompting of then-Mayor of Oakland Jerry Brown, as an alternative to conventional social welfare programs that, in Miller's view, tend to disempower and socially alienate their recipients while undermining their sense of dignity. Miller's initiative is based on the premise that "mutuality and self-determination are key in achieving self-sufficiency." An excellent example of an intergovernmental institution of kindness is the United States African Development Foundation (USADF). The USADF is in independent federal agency "established to support African-designed and African-driven solutions that address grassroots economic and social problems in post-conflict communities." The USADF provides grants directly to marginalized communities. Grants are aimed primarily and creating and sustaining jobs and contributing to community development projects. Both organizations measure their success in terms of perceivable improvements to the overall quality of life of their beneficiaries.

kindness will give oppressed agents just enough help and comfort to endure the status quo, rather than actively striving to improve their situations. Such a dynamic could play out between two individuals (an employer and employee, for example), or between the state and the recipient of social welfare, or between a beneficent nation and its beneficiary. In any of these cases, we would be right to worry that kindness could reify the oppressive power relations that Hallie correctly associates with institutionalized cruelty.[4]

There are several ways to address this concern. The first is to emphasize the claim of Chapter V that the virtue of kindness involves activity for the proper reasons. An act is not genuinely kind if it is not done for the sake of its beneficiary, and more specifically for the sake of her flourishing. Thus the so-called kindness of the slave master that Hallie refers to in his criticisms of kindness is something other than kindness, and is at best less than praiseworthy.[5] Kant emphasizes a similar point when he suggests that beneficence must always be tempered with respect, or the active conviction that the recipient has a special worth that must not be diminished, and personal autonomy that must not be violated. We must treat others, thinks Kant, as if they deserve well from us, and when we do we enact their moral worth. As we have said, kindness involves both a *what*, or action for the sake of some other, and a *how,* which is to say an attitude with which the action is performed. The *how* of kindness is the attitude of loving-respect, which is also the animating force behind every act of kindness, and an important source of its special

[4] A related concern that I can only mention here is Nietzsche's contention that kindness belongs to the "slave morality," both in that it is a suitable virtue for the oppressed (who value any help they can get), and in that it gives oppressed peoples the "moral high ground" that innures them to their inferior position.

[5] We might say the same of a nation's extension of foreign aid to another nation for the sake of securing political or economic influence.

moral worth. This attitude is radically at odds with the entitled attitude of institutionalized cruelty. We must, I think, eliminate from our conception of kindness any act or institution aimed not at removing obstacles to agents' autonomy and flourishing, but rather at actively maintaining or buttressing problematic power dynamics.[6]

It is difficult to see, then, how a genuinely kind gesture, as opposed to a spuriously kind one, could either contribute to the reification of unjust power dynamics or inure members of oppressed groups to their own suffering. If anything, gestures of kindness have the power to remind agents that they have intrinsic *value*, that their flourishing is just as important as anyone else's, and that they have a right to exercise autonomy. We would do well to recall Douglas's claim that "The thought that men are for other and better uses than slavery throve best under the gentle treatment of a kind master" (155). As Douglas attests in his autobiographies, and as noted in Chapter IV, Lucretia Auld's acts of kindness were experienced by him as *genuine*, and helped to instill in him a sense of his own worth. I will not make the strong claim that Douglas could not have empowered himself to fight his enslavement absent these gestures, but will say that in his case as in any, it is easier to fight oppression if one has a strong sense of self-worth. That our feelings of self-worth are heavily informed by the way others treat us is, I think, hardly worth debating.

I will not deny that discrete gestures of kindness seem inadequate to address institutionalized oppression. When the prison guard gave Viktor Frankl his ration of

[6] A difficult case is that in which it is not possible to liberate another person from her situation, or to obliterate one's position as superior. We might think here of the relationships between prison guards and inmates. Certainly it is possible for prison guards to be more or less kind to inmates, and certainly it is possible for guards to treat inmates in ways that dehumanize them, or rob them of whatever dignity their situation permits. I do believe that genuine kindness is possible despite power differentials like that between the prison guard and inmate, and take those who are locked by circumstance into a position of superiority to have a special responsibility to preserve the dignity of those in their charge, by, for example, making an effort to treat them with kindness.

bread, he did not thereby cause the upheaval of the Nazi regime. But he did do something meaningful for another human being. Such acts have positive moral significance, and are not to be discounted. We ought not to assume, moreover, that they have *no* part to play in institutional reform. We must not underestimate, for example, the power of gestures of kindness to cut across (socially constructed) difference, and this is an insight that the kindness of children keeps us mindful of.

Kindness among members of oppressed groups may have a special role to play in social reform. As Claudia Card argues in *The Unnatural Lottery*, oppressed groups cannot engage in collective resistance until they overcome their internalized oppression, which often finds expression in "internal hostilities," or those hostilities that members of an oppressed group have and express towards each other (42). Card writes, "Establishing internal bonds requires members of the group to discover what is of value *in themselves*" (42).[7] It is difficult to dislodge the internalized prejudices that prevent collective action if we cannot first see *ourselves* as intrinsically valuable. A woman who has internalized sexism, for example, will be unlikely to value herself or other women in a way that enables collective resistance to sexist oppression. But where she becomes aware of her own worth, and her worth *qua* woman, she begins to dislodge the prejudices that prevent her from valuing other women. And she may first become aware of her worth through the kindness of another person. Gestures of kindness enact the dignity and worth of their recipients, and so have some power to open up sites of resistance to oppression within

[7] Ideally, this awareness would arise spontaneously, say, when agents take the time to reflect on the forces that inform their identities and social positions. But often an outside perspective is needed, and this outside perspective may belong to someone who enjoys the privileged position of, well, privilege.

individuals, and by extension within communities of oppressed or disenfranchised peoples.

Ideally, it would be possible to inculcate kindness within ourselves, without the benefit of an ideal moral education or the kind treatment of others. If such a thing were possible, then members of oppressed groups could inculcate kindness in themselves, and of their own volition engage in the activities that remind peers of their worth, and so foster communities of collective resistance.[8] In the light of the problem of luck, it is difficult to think that any moral virtue can arise without some measure of good luck. But kindness, more than any other virtue, has the potential to arise despite (or rather on account of) *bad* luck. Because we have some power to inculcate kindness in ourselves by actively reflecting on human vulnerability and interdependence, those of us who are (as a result of bad luck) most vulnerable may be more aware of the role of luck and thus of the *need* for kindness. If our bad luck includes having suffered at the hands of the unkind, then we will perhaps be even more appreciative of the fact that we are, very often, each other's best and worst luck. If our bad luck includes having suffered the effects of unjust institutions, then we will perhaps be even more aware of how institutions contribute to and detract from human flourishing. In either case, it is only reasonable that we should therefore feel more indignant in the face of individuals and institutions that produce or fail to prevent bad moral luck, and therefore more inclined to contribute to others' good moral luck.[9]

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[8] We have seen, in the story of Steven Biko, one example of this "ideal" process. It would be most worthwhile to look for other examples, and to search for the psychological or other features that allow individuals to begin to resist internalized oppression in way that opens the door for social movements.

[9] All of this assumes, of course, that we value ourselves enough to resist the temptation to believe we *deserve* our suffering. And unfortunately, the latter belief too often takes root in the psychology of internalized oppression. It further assumes that we are not too physically and psychologically exhausted to

Kindness to the Self

I have argued that kind agency has the power to ameliorate both facets of the problem of moral luck. Regarding the problem of *tychē*, kindness involves the active amelioration of those forces that are experienced by others as bad luck, and the active contribution to what others experience as good luck. Kind agents are motivated to work for the good of others at the level of the individual, through discrete acts of personal kindness, and at the level of institutions by working to inform and support kind intuitions and institutions that enable kindness. Ameliorative moral assessment is one of the most important components of kind agency. In relation to the problem of moral luck, I have claimed that the kind agents adopt an approach to moral assessment that dissolves, to a great extent, the problem of moral luck. In Chapter III I argued that the kind agent is sensitive to the role of luck, and will therefore judge others within the context of their luck, to the best of her knowledge. I suggested that she will be inclined to forgive others for their character flaws, and that she will also work to ameliorate those flaws by praising and blaming others in the most constructive way possible.[10] In her assessments of others the kind agent will emphasize personal responsibility to the extent that it reminds agents of their own values and motivates them to work for their own amelioration. She will emphasize contingency to the extent that it prevents those she assesses from falling into despair or from disregarding the power of luck (and especially of the institutions that contribute to luck) to inform every agent's being. If moral assessment is construed as a

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be capable of positively contributing to others' flourishing without doing serious harm to ourselves. Where we ask those who have suffered much to be kind, we ask a great deal indeed; perhaps more than we have any right to ask.

[10] A claim I further developed in Chapter VI.

tension between emphasizing luck and emphasizing responsibility, the kind agent will err on the side of emphasizing luck where others are concerned, and this both because she assumes others' good intentions, and because she understands that positive assessments of others have tremendous ameliorative power.[11]

We may now ask how much responsibility the kind agent ought to take for her own actions and character, and whether or not she ought to judge herself kindly, which is to say in the same way that she judges others. Here we must proceed with care, since if we claim that agents ought to be inclined to emphasize luck over responsibility in their own self-assessments, the role of personal responsibility that is so central to most visions of ethics is to some extent undermined. If we instead say that kind agents ought to be harsh in their self-assessments, we would rightly worry about the psychological toll of such assessments. The moral life is one of difficult choices, and where agents are harsh in assessing their own choices, they may be inclined to fall into despair. It is difficult to think that an agent who perpetually despairs is capable of the virtue of kindness, which is fundamentally other-oriented, and requires considerable psychic effort.

The most promising way to preserve the moral life from the assaults of luck is not to judge others according to a hyperbolic notion or moral responsibility that effectively denies the power of luck, but instead to take what responsibility we can for our own beliefs and actions. As noted in Chapter III, one important criticism of the literature on moral luck is that it takes too little account of the moral assessments we make of ourselves, despite the fact that such judgments are central to our notions of moral responsibility. Another criticism, which as we will see relates to the first, is that moral

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[11] This, again, is one of Mark Alfano's important claims in *Character as Moral Fiction*, and I view I espouse wholeheartedly.

luck theorists tend to neglect forward-looking responsibilities, or those responsibilities we voluntarily take up to contribute to others' flourishing. Kindness involves both kinds of responsibility, but more so the second. We may then say that the kind agent must foster a sense of her own moral responsibility, and especially of her *positive* responsibility to help and comfort the people around her. She must see herself as responsible for the way she treats other people, and must also learn to recognize and mourn lost opportunities to actualize kindness. By holding herself responsible for, and critically reflecting upon, past failures to be kind, she will better foster her sense of forward-looking responsibility.

But in making these claims we again run into the problem of despair. The world will inevitably afford more opportunities for kindness than any agent can reasonably be expected to take advantage of. Kindness is often psychologically and materially demanding, and renders kind agents vulnerable in a number of ways, as we have seen. We cannot therefore reasonably expect even the kindest agent to intervene at every opportunity. Kindness is, as we have said, a mean, and it would be excessive for any person to do more than decency requires in every situation. But if the kind agent is especially aware of her positive responsibilities to others, and especially inclined to regret missed opportunities for kindness, then the life of kindness seems also to entail the persistent regret and remorse that might render agents less capable of kindness. It is of the utmost importance that the kind agent judge herself in a way that preserves her sense of responsibility without leading to the kind of despair that undermines kind agency. But what would such judgment involve, and how would it differ from the judgment she enacts in relation to others?

Here Aristotle's preservation of (ambiguous) moral responsibility may be of some use. Certainly, it captures the sense we generally have of ourselves as agents, a sense we retain despite our awareness that we are not self-created. As John Martin Fischer writes, "Intuitively speaking, I am not 'ultimately responsible' for my particular psychological traits or even for my very agency. We are not 'ultimately responsible' for 'the way we are,' and yet it just seems crazy to suppose that we are thereby relieved of moral responsibility for our behavior" (113). Whether or not we can ultimately justify the fact, we tend to admire those who err on the side of taking too much responsibility for their actions, and to disdain those who err on the side of taking too little. There is something appealing about suggesting that kind agents, being people who possess moral virtue in general, will err on the side of taking excessive responsibility. They will then, presumably, feel substantial remorse when they fail to be kind to another agent. But the feeling of remorse, like all feelings, must be regulated by virtue if it is to function well.

How we feel about our actions reminds us of the values that they actualize or fail to actualize; if we feel deep remorse for having lied to someone, for example, we will feasibly be less likely to lie in some similar situation in the future. If we feel deep remorse for failing to be kind, or for having failed to recognize an opportunity for kindness until it was too late to act, then we will be more likely to recognize and take up opportunities for kindness in the future.

The kind agent will take the time to reflect on missed opportunities for kindness, and will acknowledge, in a rich way, her feelings of remorse. But only for a time. For she will easily recognize that excessive remorse has an enervating effect, preventing the other-minded attitude that is at the very heart of kindness. Excessive remorse is, to put it

otherwise, a kind of selfishness that undermines kind agency. If the kind agent is inclined to mourn her failings for too long, which she may be given how deep her values run, then we can only hope that another kind person may offer her comfort, reminding her of the forces that were beyond her control, and reminding her of her good will and great capacity for future kindness. The inculcation of a proper relationship to remorse belongs properly, then, to kind agency. But even this does not render the kind agent immune to the need for others' kindness.

Concluding Thoughts

I have very often thought that the fundamental problem of ethics stems from philosophers' desire to cut the human species off from the nature which constitutes it. The problem of moral luck arises from an already hyperbolic notion of agency that denies of the ways in which we belong to a world that we cannot wholly control. The fear of so many moral luck theorists is that if we admit the great extent to which we are not up to ourselves, then we will lose the strong notion of responsibility that grounds most moral systems. But reflection on the existence of luck needn't comprise a slippery slope that ends in the total dissolution of morality, and Aristotle shows us why.

By appreciating the ways in which we belong not only to nature but also to particular social and political institutions, Aristotle acknowledges the profound importance of luck. But he does so while preserving the robust sense of moral agency that we experience every day when, for example, we choose to do something kind. Because for Aristotle every person is an *archē* with an *archē* of her own, ethics must exceed itself by culminating in the political. We must, thinks Aristotle, take sides with luck by actively

contributing to the institutions that are experienced by others (and ourselves) as good luck. And this is ultimately the way that kind agency overcomes, to the extent possible, the problem of luck. The world is not simply up to us, but we do have some power to improve it. We are not simply up to ourselves, but we have some power to adopt the right kinds of beliefs and to foster the right kinds of habits. Other people are not simply up to us, but we do have some power to better their lives. Kindness is, at heart, a recognition of the ambiguity of human agency and hence of the moral life. But it is more; kindness is the enactment of a fundamental truth of human existence, which is simply that we are each other's best and worst luck.

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