



# Competitive virtue ethics and narrow morality

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## Abstract

This paper introduces a new form of virtue ethics—patient-centered virtue ethics—and argues that it is better placed to compete with Contractualism, Kantianism, and Utilitarianism, than existing agent and target-focused forms of virtue ethics. The opening part of the paper draws on T.M. Scanlon’s methodological insights to clarify what a theory of narrow morality should aim to accomplish, and the remaining parts argue that while familiar agent and target-focused forms of virtue ethics fail to meet those criteria, patient-centered forms promise to do better. In addition, the paper rebuffs some prominent objections to virtue ethics that don’t adequately take into account the distinction between giving an account of the nature and importance of moral rightness and wrongness and giving an account of what makes acts right and wrong.

**Keywords** Virtue ethics · Normative ethics · Wrongness · Scanlon

## 1 Introduction

Philosophers working in the virtue ethical tradition can be roughly divided into three camps: radicals, competitors, and grafters. Radicals follow Anscombe’s advice to abandon modern deontic moral concepts such as *moral obligation* and *moral permissibility*—the very concepts that many contemporary moral theorists take as prime targets for philosophic inquiry.<sup>1</sup> Some endorse Anscombe’s claim that no secular theory of those concepts is sound, but they all hold that it is feasible and wise

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<sup>1</sup> There are also non-virtue ethicists who argue that we would be better off leaving behind the deontic moral concepts both in theory and practice, but I take them to be outliers (not that this sociological fact counts against their view at all). Crisp on supererogation and Norcross on morality without demands are good examples. Williams might also be read as a non-virtue ethicist who thinks we should leave deontic moral concepts behind in theory and practice—or to at least demote them in some sense.

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to abandon the deontic moral concepts in the study and, presumably, in practice.<sup>2</sup> Unlike radicals, competitive virtue ethicists aim to, well, compete with contemporary moral philosophers: they agree that we should keep thinking in terms of moral right, wrong, obligation, permission, and, perhaps, supererogation and suberogation and they aim to provide virtue ethical accounts of those deontic concepts (or properties).<sup>3</sup> Third, there are grafters. Like competitors, grafters think we need a theory of the deontic moral concepts and their legitimate use in practice, but they don't think we should build a virtue ethical account of them; they propose that we adopt some non-virtue-ethical account of the narrow deontic core of morality and graft it onto a broader account of virtue and perhaps practical wisdom or eudaimonia.<sup>4</sup>

This paper is about the prospects for competitive virtue ethics. My starting assumption is that to compete with other theorists, virtue ethicists need to provide an account of what Scanlon calls morality in its narrow sense. As a first pass, we can say that narrow morality is comprised of a set of obligations and permissions that arises out of an ideal of justifiability to other rational beings and that failures to treat others as we ought, in the narrow moral sense, warrant reactions such as moral guilt, indignation, and blame. In Sect. 2, I will say more about what Scanlon takes narrow deontic morality to include and discuss the questions that he thinks a philosophic account of narrow morality should aim to answer. With that framework in mind, I critically survey some prominent existing virtue ethical accounts of moral obligation and permissibility and propose a new, Confucian-inspired form of virtue ethics. I call this 'patient-centered virtue ethics' (PVE). Sections 3 and 4, discuss representative agent and target-focused virtue ethical proposals, argue that they are extensionally inadequate, and illustrate the promise of the patient-centered alternative. In Sects. 5 and 6, I turn from questions of extensional adequacy to questions of philosophic adequacy. After defusing criticisms of virtue ethics that target virtue ethical accounts of *wrong-makers*, I focus on whether virtue ethicists can develop a philosophic account of narrow morality that is a plausible alternative to the kinds of philosophic Contractualism and Utilitarianism discussed by Scanlon (1982, 1992, 1995, 1998) and others. I argue that prominent existing forms of virtue ethics cannot do this because their accounts fall afoul of what Scanlon calls Prichard's dilemma but that PVE promises to do better. In the light of these arguments, I tentatively

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<sup>2</sup> Anscombe (1958). For a recent call for radical virtue ethics see Brewer (2009). For discussion of the nature of Anscombe's proposal see Hacker-Wright (2010), Doyle (2017), and Frey (2020). For discussions of her claims about Aristotle not operating with modern moral concepts see Kraut (2006) and Annas (2018). For a somewhat sympathetic general critique of her arguments see Crisp (2004). For more robust defenses of modern deontic morality see Darwall (1996) and Wolf (2014).

<sup>3</sup> Competitive virtue ethicists discussed in what follows include Husthouse, Slote, and Swanton.

<sup>4</sup> For example, Mark LeBar (2014, 2020) has recently explored the prospects for a grafted account of the virtue of justice that fits Kantian and Contractualist ideas about deontic morality into a larger Aristotelian framework that would otherwise be open to objection. MacIntyre might be a grafter who adopts a natural law theory of deontic morality. Grafters may also claim that the broader account provides the ultimate evaluative or normative foundation for narrow morality which is elucidated by their adopted non-virtue ethical account. Cf. Pettit (2020) on Scanlon. For debate about whether deontic morality can be grafted onto and ultimately be based on a eudaemonist foundation see Cokelet (2012) and LeBar (2015).

conclude that competitive virtue ethicists should work to develop patient-centered philosophic accounts of narrow morality and explore more fully how they compare with various Contractualist, Kantian, and Utilitarian views.

Before going further, I should introduce the patient-centered view so that readers have the basic idea in mind. Here is a rough statement of the view's account of moral impermissibility:

An act is morally impermissible just in case its performance under the circumstances would be unacceptable to some affected virtuous person, were all those affected by the action temporarily (for a sliver of time) replaced by virtuous doppelgangers; and the fact that some such virtuous person would find the act unacceptable is what the action's being wrong amounts to.

Different patient-centered views will result depending on the theory of virtue that one adopts and plugs into the scheme, but I leave systematic explorations of those variations aside to focus on the comparative advantages of the view. I will, however, make substantive assumptions about virtue and vice, inspired by discussions by various eastern and western philosophers, in order to flesh out the view. For example, I assume that inordinate selflessness and servility and not just egotism or arrogance are common forms of personal if not moral vice; that it is often admirably virtuous to judge honestly, and speak honestly to, one's superiors and one's near and dear; and that common vice leads people to instead judge their near and dear through distorting, partialistic lenses or to dishonestly tell superiors what they want to hear in order to curry favor or goodwill. Such specific claims about virtue and vice may be contentious and there are interesting questions about how they fit with various theories of virtue, but I will bracket those issues for another day to explore the more general claims about patient-based virtue ethics and its prospects.

PVE is offered as an account of the property of being narrowly morally wrong or impermissible, but it also implies an account of wrong-makers. Loosely speaking, patient centered virtue ethics tells us that an act's *being wrong* consists in its being one that some affected virtuous person would not accept; and this implies that an act is *made* wrong by whatever a virtuous affected person would cite to justify their refusal to accept the act. To avoid circularity, we need to assume two things. First, we should assume that acceptance is not the same as judging morally permissible. For example, we could take acceptance to be a disposition to not object to the act if discussing it in an advisory or joint deliberative context.<sup>5</sup> Second, to avoid circularity we also need to assume that when virtuous agents refuse to accept an act, their reasons do not include facts about whether the act is morally permissible or not. With that restriction in place, however, we can assume that the wrong-makers that a

<sup>5</sup> There are other options to consider when giving an account of acceptance. For example, refusal to accept could involve dispositions to issue demands, to feel non-moralized negative emotions, and to reduce good-will or increase ill-will. It is also worth noting that virtuous patients may well accept acts that they think will manifest less than virtuous character or that are not the most advisable plans that someone in the agent's position could enact. For example, in Analects 17.21 Confucius accepts someone's choice to cut short the ritually ideal mourning period because the person lacks the virtuous character to mourn for the ideal time in virtuous fashion.

virtuous person will cite can include various negative features of the act, its meaning, its effects, or the agent. For example, if Jim wrongs Sue by assaulting her, then the wrongness of his act consists in the fact that if Sue were suddenly to become a sage for a moment, she would not accept Jim's way of treating her. And if sagely Sue would justify her refusal by appeal to the harm it will cause her, then that harm would be a wrong-maker.

We have seen that, on the patient centered view, the virtuous agent is not the normatively fundamental wrong-maker of specific acts, but the view is nonetheless appropriately called "virtue ethical" because the virtuous agent plays a fundamental role when it comes to accounting for wrongness itself—the normative property that it the main target of theories of narrow morality.<sup>6</sup> Consider, for example, that not all acts that cause harms (like the one caused by Jim's assault on Sue) are wrong. The patient centered account clarifies the fundamental normative difference between *wrongful* harming and *permissible* harming: in cases of wrongful harming, a virtuous patient of the harm would refuse to accept that act while in cases of permissible harming a virtuous patient would accept the act. As an account of narrow wrongness this view is a direct competitor with other accounts such as the Contractualist, Utilitarian, and Kantian ones discussed by Korsgaard (1996), Scanlon (1998), Hooker (2000), and Parfit (2011). One criteria for deciding between such theories is extensional adequacy—degree of fit with core intuitions about which actions are impermissible and permissible—and in Sects. 3 and 4 I will argue that patient-centered virtue ethics is promising on this score in a way that other virtue ethical approaches are not.

Now as mentioned briefly earlier, narrow morality involves the assumption that when someone wrongs you, reactions such as guilt, indignation, and blame are normally warranted. In addition, it makes sense to say that the person owed you better treatment. As I will explain in Sects. 5 and 6, the patient-centered virtue ethical account of narrow wrongness seems well placed to accept and elucidate these assumptions about the normative character and importance of narrow wrongness. As I will argue, this sets up patient-centered virtue ethics as an especially promising competitor to other theories of narrow morality. Summing up, although it does not posit virtuous agents as the fundamental wrong-makers of narrowly wrong acts, the patient centered view is rightly called virtue ethical because it assigns virtuous agents to a central role in accounting for the key normative property of narrow wrongness and it does so in a way that promises to accommodate that property's normative character.<sup>7</sup>

Finally, before turning to some more details about narrow morality and criteria for assessing theories of it, I want to briefly return to my comment about

<sup>6</sup> This is how the patient centered virtue ethical view I am introducing here differs from the view that Garcia (2020) describes as "patient-centered". He proposes an agent-centered account of moral wrongness (on which the act's being wrong is for it to be one that a virtuous person would not do) and then proposes a patient-focused account of *the wrong-makers*. Specifically, he holds that when acts are wrong, virtuous agents would not do them because of the negative impact that the acts would have on patient well-being. Thanks to reviewer.

<sup>7</sup> Thanks to reviewer.

patient-centered virtue ethics being inspired by Confucian moral philosophy. Confucian philosophers discuss a refined kind of Golden Rule reasoning that they take to constitute morality's "central thread," and they thereby recognize interpersonal justifiability or perspectival harmony as what one might call the narrow core of morality.<sup>8</sup> In this way Confucianism resonates with modern western relational accounts of moral obligation, such as Scanlon's, and seems out of alignment with ancient western views, such as Aristotle's, which focuses on act and agent evaluation, seem to rest on a teleological rather than second personal accounts of practical rationality, and do not obviously involve deontic moral concepts of the sort targeted by radical virtue ethicists. For these and other reasons I think that contemporary ethical theory can be advanced by the study of various Confucian philosophers and the new conceptual possibilities that cross-cultural inquiry can uncover.

## 2 Narrow Morality and Virtue Ethics

To better understand what is at issue between radical, competitive, and grafting virtue ethicists, we can usefully situate them in relation to Scanlon's theory of narrow morality. In his early work, Scanlon proceeded as if he would develop a general Contractualist account of all of morality but he later winnowed his theoretical target to what he calls narrow morality (1998: 171–177).

First, narrow morality is concerned with whether we treat each other in ways that are morally obligatory or permissible, or instead, in ways that are impermissible; for an act to be narrowly morally wrong is just for it to be narrowly impermissible. In the typical case, an impermissible act is one that wrongs some specific person who is affected by it and the agent thereby fails to act (or think or emot<sup>9</sup>) in a way that they owe to the person who is wronged. This is a narrow core of morality and not the whole because we can fail to respond in morally good fashion to others and various valuable things without doing anything impermissible in the narrow sense.

Scanlon also mentions a couple of other characteristic features or marks that distinguish narrow morality from broad morality. First, he holds that narrow morality involves a set of obligations and permissions that "arises out of" an ideal of justifiability to others, e.g. to those who are affected by how one acts (176). Of course, there are thorny questions about who has standing to deserve justification

<sup>8</sup> I am especially indebted to Justin Tiwald and P.J. Ivanhoe for all they have taught me (in person and through their writing) about the Confucian tradition. This paper has its roots in a co-authored paper, titled "The Confucian Challenge to Scanlon's Contractualism," which Justin and I presented at the 2018 Rutgers Workshop on Chinese Philosophy and some ideas in this paper are no doubt the result of our discussions. For readers interested in Confucian discussions of the Golden Rule, I recommend Ivanhoe (1990) as a starting place.

<sup>9</sup> Narrow morality, at least according to Scanlon in *What We Owe to Each Other*, requires not just that we act permissibly but that we have permissible emotions and patterns of attention on the grounds that those are judgment-sensitive attitudes in his sense (18–22, 267–277). Wallace (2006) and others argue that Contractualists should restrict narrow moral obligation to actions or attitudes that are under our volitional control. As discussed in Cokelet (2007) this restriction seems to threaten Scanlon's account of moral motivation and the value of moral commitment.

and how to understand justification to those who can't grasp or assess justifications. Scanlon assumes that narrow morality involves at least the ideal of justifying one's actions to all human beings who are affected by them (177–187) and I will grant that, although nothing that follows hinges on the assumption that humans who lack rational competence (e.g., infants or some people with mental disorders) are among those to whom we have narrow moral obligations or that non-human animals lack standing.

Broader morality involves more than narrow morality because, in the first place, it involves evaluative standards that track how well we respond to values or goods of various kinds where failures to respond well need not involve treating anyone who deserves a justification impermissibly. For example, many would classify failures to appreciate the value of nature, the well-being of animals, or good sexual relations as moral failures even if they do not involve any impermissible acts, which could not be justified to others with standing. Second, broad morality involves responding well to values or standards that do not arise out of the ideal of justifiability to others itself. And while these values or standards may involve obligations and permissions, they need not be narrow moral ones. For example, standards of good friendship may include special obligations and give rise to claims about what one friend owes another but good friendship and its demands outstrip what we owe to our friends just because they are human beings who deserve to be treated by others in general (who may not be friends) in ways that could be justified to them. Third, broad morality involves non-deontic standards that apply to how we treat one another. In Scanlon's (2008) terms, these often register the ways in which our actions can have good or bad moral meaning that outpaces the meaning that they have because they are narrowly right or wrong (permissible or impermissible). For example, he argues that when we fail to positively treat others as ends in themselves, that can have negative moral meaning, even if the actions in question are permissible (right) in the narrow moral sense. Although he does not use this language, we might say that in these cases we treat people viciously but not wrongly or that the acts are suberogatory.

To give an account of narrow morality in Scanlon's sense is to give an account of moral impermissibility and permissibility that gives content to an egalitarian ideal of justifiability to others. This is an account of what we owe to others in the narrow sense. In assessing a theory of this sort, one test is extensional adequacy, but Scanlon thinks that we should also aspire to find a philosophic theory of narrow morality that helps us answer questions about several additional marks of narrow morality as he understands it. Here are three main marks of narrow morality that Scanlon thinks a philosophic account should address:

*Normative Character:* Narrow right and wrong have a special kind of relational normative character. We owe it to others to treat them in ways that are narrowly morally permissible and when we wrong them by treating them in impermissible ways, we relate to others in a morally bad way. (WWO, 147–158, 277–290)

*Importance:* Narrow wrongness and sensitivity to it have great personal and interpersonal importance.

- a. Narrow wrongness warrants reactive attitudes such as moral guilt and indignation, and often provide reasons for reduced good will or increased ill will on the part of those who are wronged. Avoidance of narrow moral fault is good and may warrant respect, but it is something others can normatively expect and does not normally warrant commendation or admiration.
- b. Narrow wrongness is of great rational and agential significance. It is a source of ultimate reasons that are rationally authoritative, overriding, or especially weighty. Ideally rational, virtuous, or free agents will have their psychologies structured by sensitivity to narrow wrongness, for example in ways that involve silencing. (WVO, 147–158, 277–290)

In his work, Scanlon discusses philosophic Utilitarianism and Contractualism as plausible competing accounts of narrow moral impermissibility and permissibility that answer these questions about normative character and importance, and he argues for Contractualism's superiority. In line with this, I suggest that to determine whether competitive virtue ethics is a viable alternative to Contractualism and Utilitarianism, we can fruitfully explore whether competitive virtue ethicists can offer an account of narrow moral impermissibility and permissibility that is extensionally adequate and that also answers the questions about normative character and importance that Scanlon takes to be central to philosophical moral inquiry.<sup>10</sup> Given limited space, in what follows I will focus on normative character and the first aspect of normative importance (warrant for reactive attitudes) and argue that patient-centered virtue ethics is a promising competitor on those fronts.<sup>11</sup>

In my view all kinds of virtue ethicists can benefit from engagement with Scanlon's framework for thinking about narrow morality and what theories of narrow morality should aim to do. His ideas about narrow moral wrongness and its distinctive normative character and importance provide a target that radical virtue ethicists can use to clarify what they want to reject or leave behind and why. By extension, his framework can set up fruitful comparisons and debates between radical virtue ethicists and other philosophers who reject narrow morality as Scanlon conceives of it. This includes, for example, philosophers such as Crisp (2006) who deny that moral narrow wrongness is a source of ultimate reasons and consequentialists such as Driver (2012) who posit a property of moral wrongness that does not have the normative character or forms of importance that Scanlon takes to be characteristic of

<sup>10</sup> Some might question whether Scanlon's account of narrow morality sets the bar in the right place for assessing competitive virtue ethics. They might agree that they cannot capture narrow morality in Scanlon's sense but propose we leave narrow morality completely behind or that we accommodate some different ideal of morality in the same ballpark. Proposals of the first sort mean adopting radical virtue ethics. I am open to responses of the second sort, and think that some of Scanlon's specific assumptions about narrow morality need revision or qualification. I do not think that my arguments hinge on denying that.

<sup>11</sup> I set aside discussions of the rational and agential significance of narrow morality and sensitivity to it due to length restrictions, because the topic is very complicated, and because I disagree with the strong views about the rational authority of morality that many Kantians and Contractualists defend.

narrow wrongness—for example, it is not uncommon for consequentialists to deny that moral wrongness warrants reactive attitudes.

Competitive virtue ethicists, on the other hand, can use Scanlon's framework to clarify how their views fare relative to other positive accounts of narrow morality, and grafters can use it to decide between various non-virtue ethical accounts. For example, some defenders of narrow morality think that there are facts about narrow moral wrongness which warrant moral reactive attitudes and that have great rational or agential significance but they doubt we can provide substantive accounts of the property of wrongness that will support these views. In effect, these philosophers do not think we can produce a theory that explains the facts about normative character and importance that Scanlon hopes to explain with a philosophic theory. W. D. Ross, for example, is often associated with this deflationary or quietist approach, which rejects the call to produce a philosophic theory of the "unanalyzable" property of narrow wrongness. But many defenders of narrow morality think that we *need* to provide a philosophic theory of wrongness to support those claims, in part to rebuff skepticism about narrow morality. Korsgaard (1989, 1996), Scanlon (1982, 1998), Baier (1995), and Darwall (1996, 2002) for example, raise worries about quietist theories of narrow morality that do not provide substantive accounts of wrongness in order to support the claims about its normative character and importance.<sup>12</sup> And they then go on to offer various positive accounts of the property or concept of morality that aim to support or vindicate some or all of those claims. Against this backdrop, grafters can decide what kind of non-virtue ethical account of narrow morality they want to adopt and why, and competitive virtue ethicists can aim to develop theories that are both extensionally adequate or superior to competitor theories and explore how their theories compare with others that offer positive accounts of the property (or concept) of moral wrongness when it comes to supporting the claims about normative character and importance. It is to that those later tasks that we now turn.

### 3 Failures of Extensional Adequacy

Virtue ethicists who want their theories of narrow morality to compete with familiar alternatives and who disassociate themselves from the radical suggestion to abandon concepts such as obligation and permissibility have often offered accounts of right action or morally right action, but some such accounts are not plausibly taken as accounts of narrow morality.

For example, Hursthouse (1999) discusses an account of right action that targets the property of being a felicitous action—being an act that a virtuous human would perform in the circumstances and that also warrants overall positive feelings such as happy anticipation and glad remembrance. Given this use, we could plausibly hold that even virtuous people will fail to perform right actions in some cases because

<sup>12</sup> Although he is discussing justice, Rawls (1999, Sect. 73) offers a related criticism of Ross which may have inspired many of these later philosophers.



their wisely chosen actions will not warrant positive feelings (e.g., tragic cases). This use of ‘right action’ makes sense given an interest in a kind of right action that contributes to or helps to constitute an agent’s eudaimonia, but the salient point here is that being an infelicitous act and being a morally impermissible act are two completely different things. Put otherwise, a felicitous act account of right action is not in competition with Contractualist, Kantian, and Rule-Utilitarian accounts of narrow moral permissibility and impermissibility because it targets a different subject matter.

To develop a genuinely competitive account, we might try dropping the focus on warrant for positive feelings and hold that doing what a virtuous person would do in a situation is obligatory and that doing anything else is impermissible. But this account is implausible because we do not always owe it to others to treat them in the most virtuous way we can. For example, imagine that you get bad sleep and are out to get coffee at a drive through. You are polite and suppress your grumpy attitude but you fail to be kind and cheerful; in cases like this, you have failed to do what a virtuous person would do but have not done anything impermissible. More generally, as Max Weber argues, in a rationalized modern society full virtue is not something that we can predictively expect of each other in various impersonal contexts, such as the ones that are shaped by market-transactional and bureaucratic steering systems, and it is not something that we owe each other in the narrow moral sense either.<sup>13</sup> Of course it may be wise or practically rational for someone in a modern society to be virtuous to all people, in all the domains of her lifeworld, but the point here is that she would thereby go above and beyond what narrow morality requires. For most of us, it might be more realistic, wise, and admirable enough to aim at treating others in permissible and decent ways in impersonal contexts and to achieve something closer to virtue in more personal contexts—especially ones that are connected to one’s ground projects and identity-defining relationships. In any case, we are not narrowly obligated to act as a virtuous agent would at all times.

In addition to this point about virtue going above and beyond what we owe each other and what is narrowly obligatory in various impersonal contexts, there is the fact that virtuous agents characteristically make personal sacrifices that transcend what they owe others. For example, while it is impermissible to let a child drown in a pond in order to keep one’s expensive shoes dry, it is permissible to let a child get hit by a train in order to avoid running a serious risk that you will be hit too. But given the right odds and knowledge it would be virtuous—heroically so—to save the kid in both situations. Since we do not always owe it to others to make heroic sacrifices on their behalf, though, it is sometimes permissible to not do what the virtuous would.

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<sup>13</sup> Perhaps we may normatively expect a kind of decency and politeness that goes above and beyond what we owe to each other. But decency and politeness will not take us all the way to what a virtuous person would do. See Calhoun (2004). For discussions of Weber and good and bad forms of social rationalization see Habermas (1991), and Jutten (2011). For Weber’s views on virtue being more than we can expect, see his discussions of the injunction to love thy neighbor as thyself in Weber (1946)

There are other kinds of cases in which the virtuous agent model of moral permissibility and impermissibility gets the extension wrong, but I want to move on to consider the account that Hursthouse herself offers in response to Driver's skepticism (2006) about competitive virtue ethics—a skepticism that includes Driver's pressure to give an account of narrow morality or at least the concepts of moral obligation, permission, supererogation, and suberogation. In response, Hursthouse seems to grant that virtue sometimes requires more than what is morally obligatory. She says that when assessing, “actions by the standard of the virtuous agent—with her full panoply of not only right reasons but also right emotions—we frequently assess them not as wrong, but certainly not as deserving unqualified approval,” and she adds that the distinction between the obligatory and the supererogatory is one that “no adequate account of ‘the right’ can ignore.” (2006).

Next, she gives an account of the obligation/supererogation distinction that draws on Foot's work on moral worth, specifically Foot's contrast between agents who find it “hard” to act and feel virtuously because of the circumstances and agents who find it “hard” to act and feel virtuously because of a “flaw or imperfection” in their character. Virtuous agents can find being virtuous hard for the former reason but not the latter and Hursthouse describes a situation in which a virtuous person would find being virtuous hard as a situation in which “virtue is severely tested.” Against this backdrop, Hursthouse proposes her account, writing, “this distinction, between right action where virtue is not severely tested and right action where virtue is severely tested and comes through, is the virtue ethics account of the distinction between ‘the obligatory’ and ‘the supererogatory’.” The idea, then, is that an act is obligatory, and performance of an alternative action is impermissible, just in case a virtuous person would do the act without being severely tested.

Hursthouse's account does well when we think about at least some cases involving great sacrifice. For example, it entails that it is impermissible for you to not jump in the pond to save the drowning child when that will ruin your expensive shoes, because in that case a virtuous person would jump in gladly and without hesitation; these circumstances do not severely test virtue. But if you need to jump in front of a train to save someone, that is not obligatory and refraining will not be impermissible insofar as this situation would test the virtue of a virtuous person by making it hard for even them to do the right thing.

But other cases show that Hursthouse's account is implausible. First, it entails that we are *obligated* to exhibit ideal virtue in all domains of our lifeworld such as when we order coffee at the Dunkin Donuts drive-through or when we deal with surly bureaucratic functionaries at the motor vehicle office. And this is implausible. These are cases in which we frequently assess sub-virtuous acts as “not as wrong, but certainly not as deserving unqualified approval,” but in which a virtuous person *would* act virtuously and find doing that easy, not hard. Most of us find it hard to be compassionate, friendly, patient, etc. in all these contexts because we lack the virtue to rise above states like grumpiness or because we have negative character traits that we have to suppress in order to just be decent or polite. Hursthouse's account would have us conclude that our polite but not fully virtuous actions are wrong in the sense of being impermissible—and I take those implications to be false. Guilt

and indignation are not fitting responses, for example, to these deviations from what a virtuous person, with a more beautiful soul, would do without effort.<sup>14</sup>

Second, Hursthouse's account of obligation and supererogation entails that we are *obligated* to engage in what Williams (1995) called moral weightlifting and that it is impermissible to aim for sub-virtuous targets that we can reasonably expect to hit. Take the case of the guy with an anger management problem who loses a squash match.<sup>15</sup> A virtuous person would find it easy to graciously shake hands with the winner and plan a makeup match. So, on Hursthouse's account the guy with an anger problem is obligated to go shake hands even if he knows this will lead to his shoving or punching the person who just bruised his ego, and her account entails that it would be impermissible for him to instead directly, and perhaps a bit rudely, exit in order to avoid acting out his flawed and imperfect character and mistreating the winner. Here again her account of obligation gets the extension of "impermissible action" wrong, so it doesn't provide a plausible strategy for developing a competitive virtue ethical account of narrow morality.

I find it hard to imagine how to do better with a virtuous-agent focused account of impermissible action, and I will now turn to alternatives that focus, instead, on whether acts express vice where that is taken to be a matter of missing or failing to aim at the targets of virtue. This vicious-act focused approach is suggested, within a target-centered virtue framework, by Swanton (2003) and has been more fully developed and defended by Stangl (2020). Here is Stangl's account of wrong action, which she takes to ground an account of supererogation:

An act is wrong if and only if it is overall vicious, and that entails that it is bad enough even if not the (or a) worst action.

Stangl adopts a target-centered account of vice on which to be vicious in some respect is for the act's agent to miss or fail to aim at the target of some relevant virtue. Standards of overall viciousness are left to substantive judgment but, as the statement above makes clear, it involves acts not having both virtuous and vicious aspects where the combination renders the action non-vicious or virtuous. Stangl's example is that the impatience someone displays while embodying beneficence may be a vice but it does not render the act of helping overall vicious.

Stangl's account is an improvement on Hursthouse's. Given plausible assumptions about vice, it gets the right results when it comes to actions involving sacrifice: not jumping in the pond because one is materialistic and cold-hearted is wrong, but not jumping in front of the train because one has a reasonable modicum of self-love need not be. It gets the right results when it comes to our behavior in impersonal modern contexts: being polite but not as friendly and compassionate as the virtuous might well be judged not overall vicious and hence not wrong. And it gets the right

<sup>14</sup> Schiller (1793) has more relevant examples that he brings up when arguing that we should not expect human beings to act like beautiful souls and that it is more realistic to aim for a combination of beautiful grace and respect worthy, but perhaps less than ideally virtuous, dignity.

<sup>15</sup> From Watson (1975)

results when it comes to avoiding weightlifting: choosing to walk away in order to avoid expressing vicious character is not overall vicious and hence not wrong.

Unfortunately, Stangl's account runs into problems when we think about other cases in which agents do act with overall vice. Consider, first, cases in which agents do the thing that a virtuous person would but in doing so they embody vice. For example, consider a surgeon who can either perform an operation or not. It is needed to save the patient's life. The surgeon is a greedy racist and wants to perform the operation in order to make money and to cause the patient, who is in the race he hates, pain. He has no beneficent intent. If he skips the surgery, he will spend the time playing Xbox with his son who he virtuously loves (at least he hits a target of virtue in that part of his lifeworld!) Stangl's account entails that it would be impermissible for the surgeon to perform the surgery and seems to entail that he is obligated to instead play Xbox with his son. But those claims are both false. In many such cases the truth is that the agent is morally permitted, if not obligated, to perform an overall vicious act. For example, the surgeon might in this case owe it to the patient to perform the surgery and it might be impermissible to do otherwise; at the least, performing the surgery for vicious reasons is permissible, even though it merits our disapproval or disgust.<sup>16</sup>

Second, there are cases in which people exhibit less bad forms of overall vice but do nothing impermissible. For example, take the business owner whose employees agree contractually to work on holidays but who later ask for Christmas off knowing that it will not substantively impact the owner's bottom line and make their families happy. It would be overall vicious for the owner to greedily refuse to give them the day off, but he has no narrow moral obligation to do so as evidenced by the fact that if he generously does, they should feel grateful—he would be giving them a gift that he does not owe them.<sup>17</sup> In this and many other cases agents can exhibit overall vice in falling short of virtuous ideals without thereby doing anything impermissible. So Stangl's account, like Hursthouse's, gets the extension of narrow moral impermissibility and permissibility wrong.

<sup>16</sup> Of course, there are other cases, such as Sidgwick's malicious prosecutor, to consider if you do not share my judgment about this one. For possible objections and responses see Jacobson (2002) which discusses the malicious prosecutor and the problem these cases generate for Slote's agent-based theory of moral right and wrong. I am not claiming that motives or character-based factors never affect the permissibility of acts. See Sverdlik (2011) for discussion of that issue.

<sup>17</sup> I borrow this case from Calhoun (2004) but seem to disagree with her about whether gratitude would be warranted in this case. If readers don't agree with my judgements about this case, there are others that may make the point better for them. For example, consider someone who promises to go to their friend's recital but then learns that going will block them from going to their favorite band's concert. The performing friend might know this but not cancel the promise because he is envious—he wishes he could see the band himself and can't avoid the recital. A more virtuous person would cancel the promise and take joy in the friend seeing the band, but this person has vicious envy and that moves him to not cancel the promise. Still, one is not narrowly obligated to cancel the promise and does not owe that to the other; canceling it would make gratitude fit; and not canceling does not warrant moral indignation.

## 4 The Promise of Patient Centered Accounts

I have been arguing that prominent existing forms of competitive virtue ethics run into extension problems when they try to give accounts of moral impermissibility. We will now turn to patient-centered virtue ethics and its promise to do better. I cannot pretend to a complete examination of relevant cases, and will simply go through the cases that caused trouble for other competitive virtue ethics approaches, and argue that in them virtuous people in the positions of those who are affected by the actions would accept acts that are intuitively permissible and not accept acts that are intuitively impermissible. Before I do that, however, I want to recognize that the theories I criticized in the last section do get *some* cases right and I want to mention a couple of those. This will allow us to see that the patient centered view both gets right these “easy” cases that other virtue ethical theories can capture, and that it also promises to do better with the “hard” cases on which they founder.<sup>18</sup>

Any account of narrow morality should hold that that it is impermissible to torture other people just for fun and to kill an ailing relative to inherit their money. These are easy cases that the agent and target based accounts discussed earlier can handle. The former holds that an act is obligatory, and performance of an alternative action is impermissible, just in case a virtuous person would do the act without being severely tested; and it gets the right answers in our easy cases because a virtuous person would, without being severely tested, refrain from torturing people for fun and killing his relative for their money. Stangl’s target-focused view holds that an act is wrong if and only if it is overall vicious, and torturing people for fun and killing a relative for the inheritance are both overall vicious, so it also gets the right answer in these easy cases. But a little reflection makes it clear that the patient-centered view gets extension right in easy cases too. If the person being tortured were to become a sage for a minute, she would surely not accept what was being done to her. And similarly, if the ailing relative were to become a sage for a minute, she would no doubt refuse to accept being killed and give a wise set of reasons to justify that refusal.

In addition, however, the patient centered view does well in the “hard” cases that caused trouble for the agent and target centered ones. First, consider cases of personal sacrifice. Our sample cases are the cases of jumping into the pond and jumping in front of the train and we need to ask what a virtuous person in the threatened person’s position would accept. My assumption is that a virtuous person would accept someone not jumping in front of the train to save them, but that they would not accept it if someone refused to save them in the pond.

When I say that the virtuous person on the tracks would accept the person’s not jumping to save them, I do not mean that they would forgive the person for failing to jump. Forgiveness comes into play when people have disappointed your normative expectations for them—when they have done something you judge to have been unacceptable—and in this case my thought is that a virtuous person on the tracks

<sup>18</sup> Thanks to reviewer for the idea of doing this.

would simply not expect the person to jump. Having compassion for the person and the risk that would be required to jump, the virtuous person would accept (but not necessarily recommend) the person's not jumping. But just as it is not virtuous to lower one's expectations too much and spoil one's children (or feed the egos of those above one in various hierarchies), the virtuous person would judge it unacceptable if someone refused to jump in and save them from drowning because doing so would ruin their expensive shoes. Moreover, to accept that kind of callous mistreatment would show a lack of self-respect so the virtuous person's self-respect would block them from accepting it.

Second, consider cases of polite but sub-virtuous acts in impersonal contexts. Here again I think that the virtuous person's expectations would be guided by compassion for people, their flaws, and their limited emotional and cognitive resources that would be taxed by the attempt to be fully virtuous in even the most minor personal encounters. In addition, the virtuous person's compassion might make them aware that if people are expected to live up to virtuous ideals in all domains of their lives, and predictably fail like the others around them, they may fall into harsh negative self-evaluations or a kind of general misanthropy.<sup>19</sup> So for both these reasons, the virtuous person would find it acceptable if people treat others in permissible, decent, and polite but less than ideally virtuous ways in various impersonal contexts.

Similar considerations apply in cases of moral weightlifting, except in this case the virtuous will modify their expectations and what they judge acceptable in ways that are sensitive to people's character flaws and imperfections, including some that count as vices (unlike the previous cases which involved responding to finite psychic resources and likely human responses to high expectations and failure). Of course, the virtuous person might well want and, if reasonable, hope for a person to overcome their character flaws and imperfections, but they would also have compassion for those with flaws and accept less than virtuous action from them. So, they would certainly accept the choice to perform a less than virtuous action when doing more would be easy for the virtuous but hard and unlikely for the less than virtuous. In addition, the virtuous person with self-respect would not accept it, if someone chose to riskily try to pull off a virtuous action when that was likely to harm them and did so in order to do some moral weightlifting and improve their character. So, on the PVE view it seems it would be impermissible to engage in moral weightlifting of the type that Hursthouse's account holds (implausibly) to be obligatory.

Finally, fourth, consider overall vicious actions that are intuitively permissible such as the surgeon discussed earlier. Here the virtuous person's expectations for an agent will be modified, not out of compassion for the agent, but out of concern for those who will be affected by the action (themselves included). The virtuous person would not of course approve of the racist motives of a surgeon saving his or her life, but they would presumably accept the act of performing the surgery itself. In this, as in all of the other cases, a full-blown patient-centered virtue ethical theory would depend on an account of epistemic, motivational, and evaluative virtue, perhaps an

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<sup>19</sup> This is one of Kant's worries about an ethics of ideals. See Kant (1998). For more on Kant's position on an ethics of ideals see Wood (2008, chapter 8).

account of practical wisdom, and such an account could inform our thinking about what a virtuous person would accept or not.

Some might object to the way that this patient-based theory depends at the end of the day on the substantive judgment of the virtuous person, which would not be modeled by a decision procedure. But if the aim is to compete with other major theories and one of those is Scanlon's, then this objection will not be decisive. In fact, I suspect that by developing an account of what the virtuous would accept that is based on a robust account of various epistemic, motivational, and evaluative virtues and vices, we would have a theory that is more helpful in moral deliberation and judgment explanation than Scanlon's account, which relies on the less conceptually articulated ideas of reasonable rejection and generic reasons. But, for now, I hope to have only made plausible that standard agent and target-focused versions of competitive virtue ethics run into serious extensional problems when they try to offer accounts of narrow moral right and wrong, and that a patient-centered view promises to do better.

## 5 Accounts of Wrongness and Wrong-makers

I have argued that PVE promises to be more extensionally adequate than other forms of competitive virtue ethics, but one might object that I have not conducted a complete survey of all relevant cases and that there is an additional forms of virtue ethics that does better extensionally. In response I would simply welcome more discussion.<sup>20</sup> My main goals in this essay are (i) to motivate patient-centered views and (ii) to demonstrate the value of Scanlon's framework for thinking about how to develop virtue ethical theories, so I can admit that my discussion here is not complete without weakening my case.

Speaking of Scanlon's framework, I want to turn now to the second challenge that competitive virtue ethicists must meet, namely the challenge to produce an account of what it is to be narrowly impermissible or wrong that can help answer questions about its normative character and the importance of narrow moral faults and their absence. As mentioned at the outset, not all defenders of narrow morality accept this burden but there are a range of thinkers who do, and at a minimum philosophers giving positive accounts of the property of narrow wrongness need to show that their accounts do not clash with the assumptions about the normative character and importance of narrow wrongness. Before I begin, however, I want to situate my discussion in the context of another prominent criticism of competitive virtue ethics, namely that it cannot give a plausible account of what makes, or what most fundamentally makes, morally wrong acts wrong.<sup>21</sup> This criticism is sometimes

<sup>20</sup> In particular, I note that the virtuous spectator-based accounts of moral wrongness developed by Kawall (2008) and, in his later work, Slote (2009) deserve extensive discussion of their own. I plan to discuss those and compare them with patient centered views elsewhere. Thanks to reviewer.

<sup>21</sup> In addition to the sample discussed below, this objection is prominently developed in Sect. 5 of Johansson and Svensson (2018) which is titled "the wrong right-maker". In footnote 9, they mention that, "this concern (or at least one very close to it)," has been raised by many others including Copp and Sobel (2004), Driver (2006), McNaughton and Rawling (2006), Svensson (2011), and Tännsjö (2013).

mentioned as one of the most fundamental objections to virtue ethics, and I want to discuss it because I think it can be answered if virtue ethicists focus on the distinction between accounts of the property of wrongness and accounts of wrong-makers which I introduced at the start of this essay.

Timmerman and Cohen (2020) have recently given an argument that focuses on the question about wrong-makers so it provides a good sample to discuss. In short, they argue that competitive virtue ethicists face a dilemma: either (1) hold that the fundamental right and wrong makers are aretaic facts, e.g., about what a virtuous person would do in the situation or (2) hold that the fundamental right and wrong makers are non-aretaic features. The first option is, they argue, implausible as an account of what *fundamentally makes* acts right and wrong. For example, sexual assault is morally impermissible and no virtuous person would sexually assault another person, but a sexual assault is not made narrowly wrong by the fact that a virtuous person would not do it. Instead, an assault is presumably made wrong by the things that a virtuous person would cite as reasons against performing the action or the things that a virtuous person who is assaulted would cite as reasons for finding it unacceptable.

Since the first option is implausible, virtue ethicists must take the second one and hold that the fundamental wrong-makers are non-aretaic facts, for example facts about how actions will impact other's well-being or express disrespect.<sup>22</sup> But, Timmerman and Cohen claim, this is not really a move that virtue ethicists can make because the resulting view will not be "distinctively virtue ethical" (273). They apparently assume that if one holds that the fundamental wrong-makers are not aretaic facts about actions or agents, then one has abandoned competitive virtue ethics.

I will grant Timmerman and Cohen that the first option is untenable; I will grant, for example, that the fact that a virtuous person would not accept being assaulted is not itself the fundamental wrong maker of assault. But their claim that if we take the second option, our view will not be distinctively virtue ethical is false. It is false because, as Scanlon points out, a philosophic account of narrow morality can, and presumably should, give an account of *what it is to be narrowly wrong* that is distinct from its account of what *makes* actions wrong.<sup>23</sup> And the former account is the central part of a philosophic account of morality in Scanlon's sense, i.e. insofar as it is used to address questions about narrow morality's normative character and importance. So virtue ethicists can and should grant that acts are most fundamentally made wrong by non-aretaic facts, while defending a distinctively virtue ethical account of what it is to be wrong. To develop a truly competitive account of narrow wrongness, they would then need to show that their account of what it is to be narrowly impermissible grounds distinctively virtue ethical answers to questions such as the ones about normative character and importance. The availability of this strategy shows that if virtue ethicists adopt Timmerman and Cohen's second

<sup>22</sup> They also argue that versions of the first option that claim that the fundamental wrong-makers are aretaic facts about actions instead of facts about what a virtuous agent would do are also implausible (276–278). I will grant their conclusions about those views for the sake of argument.

<sup>23</sup> See, for example, Scanlon (1998: 10–11) and Hieronymi (2011)



option regarding wrong-makers, it does nothing to foreclose the possibility of pursuing competitive virtue ethics.

Whether virtue ethics is a viable alternative to the forms of philosophic Contractualism and Utilitarianism discussed by Scanlon and others, hinges, then, on whether virtue ethicists can give a plausible and distinctive account of narrow wrongness, its normative character, and its importance, not on the ability to give a virtue ethical account of the fundamental wrong makers. But can virtue ethicists pull off this task? That is the question to which I now turn. I will argue that while agent and target-focused versions of competitive virtue ethics are implausible, PVE is initially promising.

## 6 Prichard's Dilemma and Virtue Ethics

To develop a distinctively virtue ethical and competitive view, virtue ethicists need to offer an account of moral impermissibility that can help answer questions about normative character and importance and to do that the account needs to avoid the problems that Scanlon discusses in relation to what he calls "Prichard's Dilemma":

*Prichard's Dilemma:* Theorists who face questions about the normative character and importance of narrow moral wrongness often fail because they either (i) simply *assert* that wrongness has the relevant sort of normative character and importance or (ii) attempt to explain the priority and importance of wrongness by appeal to things that aren't "intimately connected with what it is to be wrong."<sup>24</sup>

Some philosophers, perhaps including Prichard (1949), adopt the first option here and simply refuse to offer explanations, or deny that we need explanations, of the normative character and importance of narrow morality, but Scanlon thinks we should aspire to a theory that does more. To motivate this aspiration, consider the fact that when we fail to treat others as we are morally obligated to (treat them impermissibly), there is normally some warrant to feel guilty about the lapse and for the mistreated to feel indignant. And morally competent agents also recognize in cases like this that they owed the wronged better treatment. But why are indignation and guilt warranted in this case and not, for example, in cases of imprudence or bad taste? Why does being impermissible warrant indignation while being ugly or imprudent do not? And why do we owe it to others to treat them in the narrowly right fashion but not owe it to others to interact with them in aesthetically graceful ways? These are the kinds of philosophically interesting questions that Scanlon sensibly would like to answer. Moreover, it seems that if we can't answer them, we will be unable to respond to skeptics who claim that our assumptions about the normative character

<sup>24</sup> Scanlon (1998: 150–151), referencing Prichard (1949).

and importance of narrow morality are unjustified and could be the result of a fetishistic or taboo-like attachment to the relevant moral standards or properties.<sup>25</sup>

To avoid these implications, or for other reasons, some philosophers do aim to answer the questions about normative character and importance. But Scanlon argues that many of them do not provide an explanation or elucidation of what narrow moral wrongness itself is that could answer the questions. The classic example is a philosopher who argues that the requirements of prudence and narrow morality coincide and then appeals to that fact to explain why narrow moral obligations always or almost always ground all things considered conclusions about what we ought to do. The problem is that even if the coincidence of narrow morality and prudence supports the conclusion that agents always ought (in the all things considered sense) to do what is morally right, that would not show that or why being impermissible *itself* grounds the conclusion that the agent ought to do the moral thing.

Making a related point about explaining the importance of narrow impermissibility, Scanlon argues that philosophers who offer “formal” accounts of narrow wrongness in hopes of explaining morality’s normative character and importance fall afoul of the second horn of Prichard’s dilemma. These philosophers claim that narrow moral failures involve rational incoherence or inconsistency, and they appeal to that to explain why we have stronger reasons to follow narrow moral standards than aesthetic ones. But when it comes to explaining why narrow moral faults make reactions like indignation and guilt fitting, these formal accounts are implausible. As Scanlon says, “formal accounts have been attractive because it has seemed that the force and inescapability of the moral “must” would be well explained by showing that moral requirements are also requirements of rationality...but although showing this might provide the secure basis that some have sought for the demand that everyone must care about morality, it does not give a very satisfactory description of what is wrong with a person who fails to do so.”<sup>26</sup>

So the basic core of Prichard’s dilemma is that we either leave the questions about normative character and importance unanswered, perhaps leaving us open to skeptical challenges, or we offer accounts of narrow moral right and wrong that fail to ground all of the explanations we want. For example, formal or prudential answers

<sup>25</sup> One could still give an instrumental account of our practices of guilt and indignation. For example, one might show that the practices are prudent or beneficent. But that will not really answer the normative questions that the skeptics that I have in mind press on us. These skeptics doubt that being impermissible itself makes indignation fit, for example, and that doubt is not put to rest if we show that it is beneficial or prudent to feel indignation in response to impermissible acts. Perhaps some time in the future we will learn that it would be beneficent and prudent to rewire humans to feel indignation when people sing off key even though there is nothing about singing off key itself that makes that reaction fitting. And appeal to the prudential or altruistic benefits of the practice would do nothing to answer skeptics who ask why indignation is a fitting or appropriate response to singing off key itself.

<sup>26</sup> For similar criticisms of Kantian views see Frankfurt (2006) and Williams (1995). Kantians will presumably respond by discussing all of the various formulas of the moral law and appealing to one or another to answer questions about the normative character and importance of narrow wrongness. They might also question Scanlon’s apparent assumption that we can or must give one account (“formula”) of narrow wrongness to answer all of the relevant questions. Kantian responses to Hegel’s formalism objection are also presumably relevant.

to some questions about the normative character of narrow morality, “run the risk of seeming to offer external incentives for being moral,” giving unsatisfying descriptions of what is wrong with people who act immorally or fail to care about narrow morality, or fail to explain the “special force of moral requirements,” such as the fact that we *owe* compliance with them *to* others.

To get past this dilemma, Scanlon proposes that we focus on the “substantive” value of moral relations, instead of “formal” facts about the will of the person who acts wrongly or facts about whether immoral actions are imprudent (1998: 149ff). Specifically, he holds that our reasons to not wrong others are rooted in the value of the relations we have with those we treat rightly and the disvalue of the relations we have with those we wrong. By purposely living up to our moral obligations and not wronging others, we ground the possibility that we can enjoy relations of mutual recognition—Scanlon’s conception of socio-moral unity. When we wrong others, on the other hand, we act in ways that warrant others to relate to us in ways that are marred by alienation and estrangement if not righteous animosity—maybe what we could call Scanlon’s conception of socio-moral disunity. As Scanlon points out, this account is appealing because it avoids Prichard’s dilemma: it identifies a form of value that promises to shed light on or explain all of the questions about normative character and interpersonal importance because this value *does* appear to be intimately connected to wrongness in a way that, for example, facts about the rationality of the agent’s will or the prudence of his action are not.<sup>27</sup>

Against this background, we now turn to questions about how well agent and target-focused competitive virtue ethics fare. Consider first, proposals on which *being impermissible* is to not be what a virtuous person would do or easily do in the circumstances. I submit that this is an implausible account and that we can see why if we consider the questions about the importance of moral faults and the limited importance of lacking them. Imagine that someone asks why indignation is a fitting response to impermissible mistreatment. The theory we are considering tells us that it is fitting because it is a response to failures to do what a virtuous person would do or do easily in the situation. The basic problem is that in many cases indignation would be inappropriate as a response to failures to do what a virtuous person would do or do easily in many situations.

Consider, for example, failures of wit. As Myles Burnyeat explains, wit is a part of Aristotelian virtue, and we can see why if we think of a case in which someone is able to keep a kid in the hospital alert and entertained with witty banter and jokes.<sup>28</sup> This seems plausible, but if you go to visit a sick kid in the hospital and try to engage in witty banter but simply make a fool of yourself and then bore the kid to sleep (perhaps thereby failing to support his health), that is nothing that others can fittingly get indignant about. They might think worse of you and feel bad for, or about, you on account of your lack of virtue, but indignation would not be a fitting

<sup>27</sup> There are objections to Scanlon’s explanations such as Darwall’s complaint that the value of the relevant relationships cannot explain the second-personal normative force of narrow impermissibility.

<sup>28</sup> Philosophy Bites, “Myles Burnyeat on Aristotle on Happiness”: <https://philosophybites.com/2007/11/miles-burnyeat.html>.

response to the kind of defect you exhibit. There are numerous other cases in which people fail to act as the virtuous would but in which guilt and indignation are not fitting, but I think we should also generalize to cases in which less than virtuous acts are impermissible. In those cases, their falling short of what a virtuous agent would do can make it fit for others to think worse of the agents or feel disapproval or sympathy for them, but it is not what makes indignation fitting as a response to impermissible acts.

Similarly, reflection on the cases of moral weightlifting show that a virtuous agent account of what it is to be morally impermissible will not be able to explain the normative character of being morally impermissible—specifically the claim that we seem to owe it to others to treat them as narrow morality requires. The virtuous person would not walk away instead of shaking hands with the person who just beat them at squash, but the person with an anger management problem does not owe it to the person he beat to walk up to shake hands. And this implies that in cases in which what the virtuous person would not do *is* impermissible, the fact that a virtuous person would not do it cannot explain why the person owes it to the other to not treat them impermissibly. In sum, because they appear to be unable to ground explanations of the importance and normative character of being impermissible, virtuous agent focused accounts of what it is to be impermissible seem to be implausible and unable to compete with ones like Scanlon's.

Next, consider the target-focused account developed by Stangl. The suggestion in this case is that to be impermissible is to instantiate overall vice. Here again, there are problems that we can locate if we think back to the extensional problems with this theory and then reflect on questions about normative character and importance. For example, if we think about the surgeon who will exhibit overall vice if he performs live saving surgery, we can see that sometimes acting with overall vice does not make indignation a fitting response and sometimes we do not owe it to others to refrain from performing overall vicious acts. But if an act embodying overall vice does not have these implications in cases like this, then it cannot be what explains the fitness of indignation and what we owe to people in cases in which impermissible actions embody overall vice.<sup>29</sup> So, if an action's being impermissible is what grounds the fitness of indignation and it is tied up with our owing it to others to not treat them in certain ways, then to be impermissible cannot be just to be overall vicious.<sup>30</sup>

<sup>29</sup> Someone could argue that overall vice by default does make indignation fitting (or apt) but that default is disabled or masked in the case of the surgeon, but I don't think that is plausible. This would require us to identify the masking or disabling factors in all relevant cases and this does not look possible to me. But this might be a failure of philosophic imagination on my part, so I welcome objections along these lines (or along analogous lines for the virtuous agent based approach discussed above).

<sup>30</sup> I believe that the exact same considerations show that (at least a Slote-inspired version of) spectator-based virtue ethics will fail as an account of what impermissibility is, but as mentioned in a previous footnote those kinds of accounts deserve extended discussion of a kind I cannot pursue here.

## 7 The Appeal of the Patient Centered Approach

We have just seen that agent and target-based forms of competitive virtue ethics run afoul of what Scanlon calls Prichard's dilemma, and I now want to briefly discuss why I think patient-centered virtue ethics promises to do better. On this approach, for an act to be impermissible is for it to be an act that some virtuous person would not accept if virtuous people were in the places of all those affected by the action. If my previous reflections about the extension of this view are correct and if this view gets plausible extensional results across the board, then it will not be subject to the kinds of arguments that I have just used against the other virtue ethical approaches. But we still need to think about the various questions that Scanlon identifies and that a philosophic account of morality should aspire to answer. It is possible that the patient-centered view will give implausible explanations in cases like Scanlon argues formal theories do.

First, consider the questions about normative character. The assumption here is that narrow moral obligations always or almost always take precedence over other values, that they seem to apply to us regardless of whether we like it or not, and that we seem to owe it to others to treat them as narrow morality requires. I am not going to consider how a patient-centered virtue ethical account of narrow impermissibility could help explain each of these, but will pick one as a sample: we seem to *owe it to others* to treat them as narrow morality requires. Unlike formal accounts of moral impermissibility which struggle to explain this sort of relational normative force that impermissible acts have,<sup>31</sup> a patient-centered virtue ethical account seems well-placed to explain the fact that we owe it to others to not treat them impermissibly. On the PVE account, being impermissible is a relational fact, not a non-relational one (like having an incoherent or irrational will). The idea that a virtuous person would not accept your action, for example, is a relational fact involving you and the virtuous person, and if you are or should be in some way answerable to what a virtuous person would accept, then the idea of not accepting seems to explain the fact that being impermissible is a relational normative fact involving demanding force—at least a good part of what we aim to convey in saying that it involves owing better treatment to the person affected.

Second, consider the questions of importance. The assumptions here are as follows: Narrow moral faults make fitting reactive attitudes such as moral guilt and indignation, and they can provide reason for reduced good will and increased ill will on the part of those who are wronged. Avoidance of narrow moral fault is good and may warrant respect, but it is something others can normatively expect and does not normally warrant commendation or admiration. The question is whether a patient-centered account of impermissibility can give us explanations of these kinds of the special importance that we ascribe to narrow moral faults and the limited value that we assign to fault avoidance.

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<sup>31</sup> Cf. Darwall's criticism of Kant in Darwall (1996, part IV) and his exchange about it with Korsgaard (2007).

Here again, I think that the patient-centered view is promising. It does not, for example, run into the formal theories' problem of picking out a fault (agential incoherence or irrationality) that seems to have no clear bearing on fitness for indignation or guilt. On the contrary, the fact that not even a virtuous person who is compassionate when forming judgements about what is acceptable would accept the way you are treating them does help to explain why it would be fitting for the affected person to feel indignant. And the fact that a virtuous person would not accept your act does not entail that it deserves praise, commendation, or admiration, so the account helps to explain why permissible actions are in that same boat.

Of course, as in the case of extensional adequacy, my discussion of the relevant issues is only partial here, but I hope that I have at least made an initial case for thinking that patient-centered virtue ethics could give a plausible account of narrow moral impermissibility and then answer the various questions that Scanlon identifies for philosophic theories to address.

## 8 Conclusion

In this paper I have tried to sharpen the question of whether competitive virtue ethics constitutes a viable alternative to Contractualist, Kantian, and Utilitarian accounts of moral obligation and permission by focusing on Scanlon's conception of narrow morality. With this focus, I have argued that many prominent approaches to competitive virtue ethics are implausible as accounts of narrow right and wrong (moral permissibility and impermissibility) because they are extensionally inadequate and they yield implausible accounts of what it is to be impermissible. On each front, I have offered preliminary considerations that suggest a patient-centered virtue theory can do better and compete with what Scanlon calls philosophical Contractualism and Utilitarianism. My tentative conclusion is that insofar as one wants to develop a competitive form of virtue ethics, it makes most sense to focus on developing a more complete patient-centered account of impermissibility and explore how its answers philosophic questions about narrow morality such as the questions about normative character and importance.

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