

Can Virtuous People Emerge from Tragic Dilemmas Having Acted Well?

LIEZL VAN ZYL

ABSTRACT *A tragic dilemma is thought to arise when an agent, through no fault of her own, finds herself in a situation where she must choose between two courses of action, both of which it would be wrong to undertake. I focus on tragic dilemmas that are resolvable, that is, where a reason can be given in favour of one course of action over another, and my aim is to examine whether Hursthouse's virtue-ethical account of right action succeeds in avoiding two problems presented by tragic dilemmas. The first of these is that they produce the seemingly contradictory conclusion that an agent, in doing what she ought to do, acts wrongly, making it appropriate for her to feel guilt. The second is the paradox of moral luck, which consists in the conflict between the intuition that an agent cannot be held responsible for actions that are not fully voluntary, and the fact that she may nevertheless believe that she has done something morally reprehensible. I argue that if we accept Hursthouse's separation of action guidance and action assessment, her account succeeds in solving the problem of contradiction. However, it does not completely avoid the problem of moral luck. I argue, against Hursthouse, that the virtuous agent can emerge from a tragic dilemma having acted well, and that this is the conclusion we must arrive at if we want to avoid the problem of contradiction and of moral luck.*

Key Words: virtue ethics, tragic dilemmas, right action, moral luck.

Introduction

In his paper on the problem of dirty hands Michael Walzer asks us to consider the following case:

[A] politician . . . is asked to authorize the torture of a captured rebel leader who knows or probably knows the location of a number of bombs hidden in apartment buildings around the city, set to go off within the next twenty-four hours. He orders the man tortured, convinced that he must do so for the sake of the people who might otherwise die in the explosions — even though he believes that torture is wrong, indeed abominable, not just sometimes, but always. He had expressed this belief often and angrily during his own campaign; the rest of us took it as a sign of his goodness. How should we regard him now? (How should he regard himself?).¹

Walzer puts this forward as an example of a dirty-hands dilemma where, through no fault of his own, a good person is put in a situation where he must choose between two impermissible actions, making it impossible for him to emerge with clean hands.

Whatever the agent does, it seems, he will be guilty of wrongdoing. For Walzer, the difficulty these dilemmas present us with is not so much that they are irresolvable, in the sense that it is impossible to produce an overriding reason for performing one action rather than the other. He thinks that even if we assume that the dilemma is resolvable and that the politician must, morally speaking, torture the rebel leader, we can still come to the conclusion that by doing so the agent will be doing something terribly wrong. Hence Walzer writes:

Sometimes it is right to try to succeed, and then it must be right to get one's hands dirty. But one's hands get dirty from doing what it is wrong to do. And how can it be wrong to do what is right? Or, how can we get our hands dirty by doing what we ought to do?²

The first problem presented by dirty-hands (or tragic) dilemmas, then, is that they lead us to the contradictory conclusion that in doing what he ought to do, an agent acts wrongly. Some philosophers see the generation of moral dilemmas as evidence of inconsistency in the principles or obligations giving rise to the dilemmas, necessitating a rejection of the particular moral theory.³ Others believe that moral dilemmas only require the rejection of theories that presuppose moral realism.⁴ The challenge for any realist account of morality is therefore to find a way of either denying that genuine moral dilemmas exist, or, failing that, of demonstrating that their existence does not lead to contradictory judgements and hence does not threaten moral realism.

The second difficulty that tragic dilemmas present us with is the problem of moral luck, in that the agent appears to be *doomed* to moral failure. Through no fault of her own, she finds herself in a situation where whatever she does she would be acting wrongly. In such cases we might want to object that, following the standard view of responsibility, it is wrong to hold someone responsible for that which she did not control. If the agent is forced to choose between two terrible acts, and there really are no alternatives, then it is a case of bad luck for which she should not be held morally responsible. And yet, it is commonly believed that the agent does emerge from a moral dilemma having done something wrong, something repugnant to her moral character. In this way moral dilemmas present us with the problem of circumstantial luck, that is, where one's ability to act virtuously is affected by the kind of problems and situations one is faced with.⁵ They present us with a paradox because we both do and do not want to hold the agent morally responsible.

My aim in this paper is to determine whether Rosalind Hursthouse succeeds in avoiding the problems of contradiction and of moral luck in her treatment of tragic dilemmas in *On Virtue Ethics*.⁶ I will focus on her discussion of dilemmas that are tragic yet resolvable, that is, where an overriding reason can be cited for choosing one act over another, but where the agent nevertheless ends up doing something terrible. In such cases, Hursthouse argues, the act is too terrible to be called right, but neither is it wrong, for the agent makes a forced choice and hence is not blameworthy. I will argue that Hursthouse does not succeed in avoiding the problem of moral luck, and that in order to do so the virtue ethicist must come to the conclusion that virtuous agents can emerge from tragic dilemmas having acted well. First, however, in what follows I show how Hursthouse's (somewhat controversial) separation of action guidance and action assessment allows her to avoid the problem of contradiction.

The Problem of Contradiction

Hursthouse provides the following criterion of right action: 'An action is right iff it is what a virtuous person would characteristically (i.e. acting in character) do in the circumstances'. She admits that this criterion provides no practical guidance in itself, for it is still to specify who is to count as a virtuous agent. She introduces a subsidiary premise to define a virtuous agent as 'one who has, and exercises, certain character traits, namely, the virtues'. Finally, she follows Aristotle in defining virtue as a character trait a human being needs to flourish or live well.⁷

A straightforward application of this account of right action to Walzer's case seems to lead to the conclusion that the politician performs a right act by torturing the rebel leader, if we assume that this is what the virtuous agent would choose to do in these circumstances.⁸ This seems to conflict with the commonly held intuition that an act such as torture cannot possibly be described as right or virtuous. One route that the virtue ethicist can choose to follow is to conclude that in doing what he ought to do the agent acts wrongly (or at least fails to act well or virtuously), and then somehow to argue that this is not a contradictory result. The alternative is to reject our intuition in this case, and to insist that the agent acts well, or performs a right act, for this is the judgement supported by an Aristotelian criterion of right action. Later on in the paper I will try to make a case for the latter conclusion. However, and somewhat surprisingly, it is not the route that Hursthouse takes. In her view, even though we can say that in a tragic dilemma the agent ought to act in a certain way, she finds it counterintuitive to say that the act is right. In such cases, she maintains, the above criterion of right action says the wrong thing, 'giving this terrible deed, the doing of which mars the virtuous agent's life, a tick of approval, as a good deed'.⁹

In order to show that this is not a contradictory result, Hursthouse draws a distinction between 'making the right decision' and 'acting rightly', that is, between action guidance and action assessment. To seek action guidance, she explains, is to ask, 'What should I do in this situation?' or 'What would be the right decision?' By contrast, to assess an act is to ask, 'Is x right (or good or virtuous)?' A morally right act 'is an act that merits praise rather than blame, an act that an agent can take pride in doing rather than feel unhappy about, the sort of act that decent, virtuous agents do and seek out occasions for doing'.¹⁰ She notes that in most cases the distinction between action guidance and action assessment is insignificant. Saying, 'you ought to do x' or 'x would be right' provides, simultaneously, action guidance and reassuring action assessment. However, the distinction does allow action guidance and action assessment to come apart in certain cases, and one such case is where the agent finds herself in a tragic dilemma. In the case of the politician, for example, one could say that the right decision is to torture the rebel leader, if it is the decision that a virtuous person would make. However, when it comes to action assessment, one could deny that the agent acts well or virtuously, or performs a right act, for the act of torture cannot be described as '[an act] that leaves [him] with those "circumstances [so] requisite to happiness", namely "inward peace of mind, consciousness of integrity, [and] a satisfactory review of [his] own conduct" as Hume so nicely puts it. On the contrary, it will, or should, leave [him] with some sort of "remainder"'.¹¹ Hursthouse concludes, then, that the actions a virtuous agent is forced to perform in tragic dilemmas fail to be good actions because the doing of them, no matter how unwillingly or involuntarily, mars or ruins a good life.

It is important to note that Hursthouse does not think the virtuous agent acts wrongly or has reason to feel guilty after emerging from a tragic dilemma. In other words, she is not making the (highly implausible) claim that it can be wrong to act in accordance with a right decision. She writes:

The charitable, honest, just agent, even when faced with a tragic dilemma, does not act callously, dishonestly, that is ‘as (in the manner) the callous, dishonest, unjust agent does’. She acts with immense regret and pain instead of indifferently or gladly, as the callous or dishonest or unjust one does. So we are not forced to say that virtuous agents faced with tragic dilemmas act badly. They don’t; it is the vicious who act badly. . . . [T]here are some dilemmas from which even a virtuous agent cannot . . . emerge with her life unmarred — not in virtue of wrongdoing (for *ex hypothesi*, in making a forced choice, the agent is blameless). . . .¹²

In Hursthouse’s view, then, although the virtuous agent is not blameworthy, we cannot describe the act as good or right either, for it mars a good life. To allow for the intuition that we cannot describe the act as good or right, she qualifies her original specification of right action as follows:

An action is right iff it is what a virtuous person would, characteristically, do in the circumstances, except for tragic dilemmas, in which a decision is right iff it is what such an agent would decide, but the action decided upon may be too terrible to be called ‘right’ or ‘good’. (And a tragic dilemma is one from which a virtuous agent cannot emerge with her life unmarred).¹³

Hursthouse’s distinction between action guidance and action assessment is controversial, and one might well want to question whether it is plausible to separate the moral status of a decision to do X from the moral status of actually doing X. I will not take issue with this distinction here, and will accept that it allows us to say, without contradiction, that an agent may act in accordance with a right decision without thereby acting well.¹⁴ It is important to note, however, that it (i.e. the distinction between action guidance and action assessment) does not in itself give us any reason to believe that the virtue ethicist must come to the conclusion that such a separation does in fact occur in tragic dilemmas. Hursthouse says that her criterion of right action is meant to provide both action guidance and action assessment, and this supports the conclusion that if the agent in a tragic dilemma chooses and acts in the manner that the virtuous person characteristically chooses and acts, he will be making the right decision and will also act well, or perform a right action. As we have seen, Hursthouse rejects this conclusion, and modifies her criterion of right action accordingly, for she believes that although the agent is not blameworthy, we cannot describe the act as good or right either. As I will argue in the following section, it remains to be seen whether the virtue ethicist is able to support this intuition in a way that does not make her account vulnerable to the problem of moral luck.

The Problem of Moral Luck

One reason to support the conclusion that the agent in a tragic dilemma is able to act well is that it allows us to avoid the problem of contradiction. Another reason is that it

allows us to avoid the problem of moral luck, for if we conclude that the agent acts wrongly and has reason to feel guilty when emerging from a tragic dilemma, then it can be objected that we should not hold an agent morally responsible for something that is not within his control. As we have seen, Hursthouse seems to share this view of responsibility since she denies that the agent acts wrongly, for she notes that ‘in making a forced choice, the agent is blameless’.¹⁵ However, she denies that the agent acts well, despite the fact that he is not responsible for finding himself in the situation, for she thinks the act is too terrible to be described as right or good, so in this sense she does seem to accept that it is a case of (bad) moral luck.

The difficulty for Hursthouse’s account is to explain the sense in which the act is ‘terrible’, given that she does not think it is morally wrong or blameworthy. If it is true that the agent is a virtuous person, that she finds herself in this situation through no fault of her own, and that she is blameless of wrongdoing, then we seem to have a strong case for assessing the act in question as right or virtuous, as warranting a tick of approval, regardless of the fact that the doing of the act will fill the agent with sorrow and could ruin her life. The question, then, is this: *If what the agent does is not something terribly wrong, morally speaking, then what kind of ‘terrible’ is it? Also, why does its being terrible prevent us from describing the act as morally right?* Another way to ask this question is to enquire about the form that the remainder takes in tragic dilemmas. It is sometimes thought that an agent emerges from a tragic dilemma with a stain on his moral record, making regret or guilt the appropriate moral reaction.¹⁶ Although Hursthouse agrees that the agent emerges filled with sorrow, she denies that regret and guilt are appropriate, for in making a forced choice the agent is not guilty of wrongdoing. This gives rise to the question: *If the action does not leave a stain on his moral record, then what kind of stain does it leave which is such that it prevents us from assessing the act as right or good?*

One answer hinted at by Hursthouse is that the act is terrible in the sense that although it is not morally wrong, it is the kind of act a wicked person would characteristically perform, making it inappropriate to say that the virtuous agent who performs such an act acts well. She writes:

If a genuinely tragic dilemma is what a virtuous agent emerges from, it will be the case that she emerges having done a terrible thing, the very sort of thing that the callous, dishonest, unjust, or in general vicious agent would characteristically do — killed someone, or let them die, betrayed a trust, violated someone’s serious rights. And hence it will not be possible to say that she has acted *well*.¹⁷

To this one might respond that, while it is true that ordering someone to be tortured is not something that a virtuous agent would characteristically do under *normal* circumstances, the criterion of right action that Hursthouse employs asks us to consider what the virtuous agent would characteristically do *in the circumstances in which he in fact finds himself*. And in these particular circumstances, a virtuous agent would order the torture of a rebel leader to prevent the death and suffering of innocent people. Having done just that, it seems to follow that the virtuous agent does what is right, even though the circumstances he finds himself in are deeply regrettable.

Hursthouse resists this conclusion, even though she agrees that a virtuous person would perform such a terrible act under these circumstances. Her point seems to be

that it could never make sense to call a paradigmatically vicious act like torture 'right', even if it is something that under the circumstances a virtuous person would (regrettably) do. However, the question remains whether and how virtue ethics can support this claim. Virtue ethics is generally conceived of as employing a particularist or situation-based form of reasoning, evaluating each act on its own merits, rather than resorting to general rules or principles, and this would support the view that an act such as torture could be morally right under certain (exceptional) circumstances. Against this, Hursthouse argues that virtue ethics is not committed to rejecting any form of 'absolutism', and is not 'always ready to adapt its "rules" to circumstances'. She goes on to suggest that virtue ethicists such as Aquinas, Anscombe and Geach could be right in believing that there are some absolute prohibitions, 'some particular actions that one is categorically required not to do'. In her view, virtue ethics is not 'somehow soft and conciliating', for 'there may be situations in which the virtuous agent will be condemned to death or sorrow, or called upon to let herself be killed'.¹⁸

It is not clear whether Hursthouse thinks that agents in tragic dilemmas are forced or required to violate absolute prohibitions, for the only example she gives of such a prohibition is 'sexually abusing children for pleasure'. This example is very different from the situation we are faced with in tragic dilemmas, where the agent is not motivated by wickedness or selfish pleasure but by a desire to avoid an even greater evil. Also, one should note that the example does not pose a problem for her criterion of right action, for a virtuous person would under no circumstances abuse children for pleasure. But let us assume for the moment that what happens in tragic dilemmas is that the agent violates an absolute prohibition. The first problem with this view is that it is at odds with Hursthouse's criterion of right action. Hursthouse admits that a virtuous person would sometimes choose to perform acts such as torture, yet she refrains from calling such acts 'right'. This is what necessitates her to qualify her criterion of right action to allow for exceptions to be made in the case of tragic dilemmas, which is an odd strategy for an account that purports not to be 'situation-based'. But a second, more significant problem is that if we accept that what happens in tragic dilemmas is that an agent has to violate an absolute prohibition, then it would seem to follow that such an agent would not only be condemned to death or sorrow, but would also be guilty of performing an act that is morally *wrong*. And this is not what Hursthouse wants to say. By denying that the agent in tragic dilemmas acts wrongly, despite violating an absolute prohibition, we would be employing a form of situation-based reasoning that is at odds with the view that there are absolute prohibitions. The important point to note here is that Hursthouse's conclusion (namely, that a virtuous agent emerges from a tragic dilemma having done something 'terrible' but not something 'terribly *wrong*') does not find support in the view that there are absolute prohibitions. If what happens in tragic dilemmas is that the agent violates an absolute prohibition, then the act is wrong.

I think it is a mistake for Hursthouse to identify an approach that is 'flexible' or 'situation-based' with one that is 'soft and conciliating', for it leaves her with a form of absolutism which insists that an act of torture cannot possibly be called right or good. Surely, an account can be situation-based insofar as it says that, although an act such as torture is wrong under normal circumstances, it can be a right or virtuous act under particular circumstances, without thereby being 'soft and conciliating', that is, without denying that the performance of such an act will condemn the agent to death or

sorrow. I will discuss this point in more detail below, but first I will consider another sense in which an act may be too terrible to call 'right' or 'good'.

It could be argued that the act a virtuous person is required to perform is terrible in the sense that it prevents the agent from flourishing or living well, and because there is a close link between virtue and flourishing, the Aristotelian virtue ethicist cannot call such an act 'right' or 'good'. Aristotle thought the loss or absence of external goods such as friends or good health can prevent us from living well, simply as a matter of bad luck. He rejected the Stoic and Platonic belief that the virtuous person is self-sufficient, not needing anything or anyone in order to flourish, acknowledging instead that human beings are vulnerable to luck or fortune, and that they can, through no fault of their own, fail to live well. Contemporary virtue ethicists have tended to follow Aristotle in this regard, accepting the fragility of human beings to luck or fortune.¹⁹ So perhaps this is what happens in tragic dilemmas. The doing of the act ruins the agent's life, prevents him from flourishing, and for this reason cannot be described as 'right' or 'good'. But because the agent finds himself in this situation through no fault of his own, and because he does not act in the manner characteristic of vice, it is inappropriate to say that he acts badly or wrongly or to consider him blameworthy. This could be what Hursthouse has in mind when she writes:

[T]here are situations in which even a virtuous agent cannot emerge with her life unmarred — not in virtue of wrongdoing (for *ex hypothesi*, in making a forced choice, the agent is blameless), and not in virtue of having done what is right or justifiable or permissible (which would sound very odd), but simply in virtue of the fact that her life presented her with *this* choice.²⁰

There are a number of problems with this view, assuming that it is the one held by Hursthouse. Let us suppose that the doing of a terrible deed can mar or even ruin the virtuous agent's life, or at least fill her with sorrow. Should this prevent us from saying that she performed a *morally* right act? And is it implausible to say that an agent's life is ruined in virtue of doing what is right or justifiable? To answer both these questions in the affirmative, as Hursthouse does, is to allow a degree of moral luck into the assessment of actions. Now of course, not all kinds of luck present a problem for a moral theory. Hursthouse rightly accepts the Aristotelian view that bad luck can prevent a virtuous agent from living well. She also quite rightly accepts that character is not immune to luck.²¹ The existence of these kinds of luck, although regrettable, does not present us with a paradox, for saying that 'X is flourishing' or that 'Y is a virtuous person' does not imply the presence of control. But accepting the existence of these kinds of luck is not tantamount to accepting what most contemporary philosophers on the subject have in mind when they talk about moral luck, that is, when the assessment of our actions as right or wrong is influenced by factors beyond our control. It is moral luck in this sense that presents us with a paradox, for terms such as 'right' and 'wrong' carry with them a sense of responsibility or control, whereas 'luck' connotes the absence of control.

As noted before, Hursthouse does not say that the agent acts wrongly, so she is not guilty of blaming agents for actions that were not within their control. However, by refusing to say that the agent acts well, she withholds praise on the basis of factors

that are not within the agent's control. Now of course, we should not expect every occasion to allow for a virtuous or praiseworthy action. Some occasions, like those involving accidents or natural disasters, do not allow for any action at all, and so we end up withholding both praise and blame and simply call the event tragic or terrible. Other occasions, for instance where a choice is required between two kinds of toothpaste, are simply too mundane to allow for acts that are praiseworthy. But tragic dilemmas are distinguished from tragic events and mundane situations in that they do call for a decision to be made, and as Hursthouse herself notes, they call on all the agent's virtue and moral wisdom in order to be resolved correctly.²² Tragic dilemmas, perhaps more so than any other situation, do allow for the exercise of virtues such as courage and wisdom, and although a celebration is clearly inappropriate in these circumstances, it could well be appropriate to give the act a tick of approval, and to praise the agent for the good character he did manage to display in this terrible situation.

A more plausible view would therefore be to assess an action only on the basis of factors that are within the agent's control, while admitting that a virtuous act can sometimes have disastrous consequences. In her discussion of the link between virtue and flourishing in a later chapter, Hursthouse acknowledges that the link is merely contingent, that is, that one can have one's life ruined despite or even as a result of performing a virtuous act:

The claim is not that possession of the virtues guarantees that one will flourish. The claim is that they are the only reliable bet — even though, it is agreed, I might be unlucky and, precisely because of my virtue, wind up dying or with my life marred or ruined.²³

Although this seems to me the correct view to take, it is inconsistent with Hursthouse's treatment of tragic dilemmas, where she denies that such an act can be called 'right' or 'virtuous'. I think Hursthouse has good reason to revise the latter claim and to say, instead, that an act that displays courage and wisdom and issues from the right decision under the circumstances is a right or virtuous act, despite the effect it has on the agent's continued ability to flourish. The virtue ethicist can make a convincing case for saying that virtuous agents act well in tragic dilemmas. First, it is important to remember that the virtuous agent does not find himself in this situation through past wrongdoing, that is, he does not enter the situation with his hands already dirty.²⁴ Secondly, if the dilemma is resolvable then the agent can be said to make the right decision, and as we have seen, Hursthouse allows for this. Of course, making the right decision does not ensure right action, for one could do the right thing for the wrong reasons (or for no reason at all) or in the wrong way, and so fail to act virtuously. In a tragic dilemma, however, the virtuous agent acts for a reason, rather than from inclination, and acts for the right reason, and this, for Hursthouse, is partly what is required for a right action.²⁵ Furthermore, the agent is motivated to act by what can be described as benevolence — the desire to avoid an even greater evil, which he knows will be the result of making the wrong decision. Finally, the agent has the appropriate attitude when he acts, which is another condition for right action noted by Hursthouse.²⁶ He acts with immense regret and pain instead of indifferently or gladly, thereby exercising and manifesting a virtuous character.

Acting Well and Feeling Terrible

The advantage of claiming, against Hursthouse, that it is possible for a virtuous agent to act well in a tragic dilemma is that it allows us to avoid the problem of moral luck. It also allows us to avoid the contradictory view that by doing what she ought to do, an agent acts wrongly, and it allows us to do so without having to appeal to a distinction between action guidance and action assessment. The question remains, however, what are we to make of the strong intuition that the act in question is wrong as well as of the fact that agents emerge from such dilemmas filled with sorrow, their lives forever marred or ruined? Do we, by giving the terrible act a tick of approval, concede to the view that virtue ethics is somehow 'soft and conciliating', in the way Hursthouse fears we would?

One can begin to respond to these questions by noting that we should not be too quick to assume that a dilemma does mar or ruin the agent's life. As we have seen, Hursthouse defines a tragic dilemma as 'one from which a virtuous agent cannot emerge with her life unmarred',²⁷ but this seems to me exactly what is at issue, namely whether the agent should allow this terrible situation to ruin her life, whether it is indeed a *tragic* dilemma (if we take a 'tragic' dilemma to be one that ruins the agent's life). Apart from the decision as to what to do, an agent faced with a moral dilemma is also faced with the question of how to respond to the situation as well as to her actions. For Aristotle, the virtues are dispositions not only to act, but to feel in certain ways; the virtuous person is one who feels the emotions on the right occasions, towards the right people, and for the right reasons. Hursthouse follows Aristotle in this regard, noting that the claim that full virtue involves feeling emotions correctly makes it clear that this would not be possible without the influence of reason: 'the emotions are indeed part of our rational nature, for they are, or are partly constituted by, judgements, at least some of which are evaluative'.²⁸

Now if this is so, then apart from deciding what to do in a tragic dilemma, the agent is also faced with the question as to what the appropriate emotional reaction would be. If she has not acted wrongly, then it would be inappropriate to feel guilty, and if she nevertheless feels guilt she should try to resist this, telling herself that she really is not to blame. In some cases we might say that the only appropriate response is for the virtuous person to take her own life, or to mourn the loss for the rest of her life, for to do anything else would be to fail to maintain her loyalty to the value that has been overridden. But at other times we would say that a courageous person would overcome her grief and sorrow over what she has done in order to fulfil her obligations to (say) her family. It is not only by their actions but also by the attitude they take towards their present and past actions that virtuous people distinguish themselves from the less than virtuous. Instead of thinking of such responses or feelings as 'residue' that inevitably remains after resolving moral dilemmas, I would argue that they present us with a second set of moral questions: 'Having decided to do x in this situation, do I owe someone an apology or explanation, should I try to make it up to them?', 'Would I be showing a lack of respect or compassion if I continued about my business much as before?', and so on.

Having said this, let us now consider cases where it is agreed that the only appropriate response is to be filled with sorrow or to take one's own life, making it a truly *tragic* dilemma. Does it follow that the act that gave rise to such sorrow cannot be described

as right? As we have seen, Hursthouse finds it counterintuitive to claim that such an act is right. This intuition is understandable, given that most acts of this kind would be wrong. The intuition is also supported by Aristotle's view that it is the mark of a fully virtuous person that he takes pleasure in acting virtuously.²⁹ The agent's sorrow seems to suggest either that the act is wrong (or at least not right) or that the agent is not truly virtuous.

However, despite the fact that there is some support for the conclusion that a virtuous agent cannot act well in a tragic dilemma, I think an even stronger case can be made in favour of the opposite conclusion, that is, that an act can be right even if it leaves (and should leave) the agent feeling terrible. In her discussion of a related problem Hursthouse herself argues, following Foot,³⁰ that Aristotle is generally correct in thinking that lack of pleasure in acting virtuously is sometimes a sign that the agent is less than fully virtuous, but that this is not always so. These are cases where what makes it hard for the agent to act well pertains to his character, for instance where a person finds it hard to restore the purse she saw someone drop because she is strongly tempted to keep it and has to conquer the temptation. This shows that she is less than thoroughly honest and morally inferior to the person who hastens to restore it with no thought of keeping what is not hers. However, other things that 'make it hard' for someone to act well do not pertain to their character, 'rather, they are circumstances in which the virtuous character is "severely tested" and comes through'. She notes that in situations that call for courage, for instance, someone who wants to risk and endure pain or death and enjoys doing so is not thereby courageous but a 'masochist' or a 'daredevil maniac'.³¹ It is notable that Aristotle himself finds it necessary to qualify his claim that virtuous conduct gives pleasure to the lover of virtue.³²

So, in short, the Aristotelian virtue ethicist can deny that a failure to take pleasure in acting well shows that the act is not virtuous, if what makes it difficult and unpleasant to act are the circumstances the agent finds himself in. I think this is what happens in tragic dilemmas: The virtuous agent is called to act against her inclination, to do something she would never consider doing under normal circumstances. She finds it difficult to act, not because of some weakness on her own behalf, but because the circumstances require her to sacrifice an important value. As Foot says, these circumstances most show virtue because, filling the agent with sorrow, they increase the virtue that is needed if an agent is to act well.³³

Conclusion

In criticizing Hursthouse's account of tragic dilemmas I have arrived at an alternative position, but one that, I think, sits more comfortably within the overall framework of her theory. I have argued that Hursthouse's criterion of right action, in its simpler form, is capable of dealing with the problems presented by tragic dilemmas, provided that we keep in mind that right acts are not necessarily accompanied by pleasant feelings. Whereas virtuous people usually do and should take pleasure in acting virtuously, this is not always the case. Tragic dilemmas present us with an example where performing a right act ought to be accompanied by sorrow, grief, anguish or the like, for it involves inflicting suffering, or ending a life, or breaking a promise. The virtuous agent emerges with clean hands, morally speaking, and has reason to emerge with a

clean conscience, even though he ought to emerge filled with sorrow or regret at finding himself in this situation. He emerges, in other words, having done something terrible, in the (non-moralised) sense of ‘unpleasant’, ‘fearful’, or ‘dreadful’, but having acted well. Although this conclusion runs counter to moral intuition, intuition should not be taken as the final arbiter when it comes to determining the correctness of moral judgements. I hope to have shown that the two-fold aim of avoiding contradictory judgements and steering clear of the paradox of moral luck provides us with good reason to revise our intuition in the case of tragic dilemmas.

Liezl van Zyl, Department of Philosophy and Religious Studies, Private Bag 3105, University of Waikato, Hamilton, New Zealand. liezl@waikato.ac.nz

NOTES

- 1 M. Walzer, ‘Political action: The problem of dirty hands’ in M. Cohen, T. Nagel, T. Scanlon (eds) *War and Moral Responsibility: A Philosophy and Public Affairs Reader* (Princeton, NJ: Princeton University Press, 1974), pp. 68–69.
- 2 Walzer op. cit., p. 66.
- 3 See, for example, A. Donagan, ‘Moral dilemmas, genuine and spurious: A comparative anatomy’, *Ethics* 104 (1993): 7–21.
- 4 Bernard Williams argues, for example, that the existence of moral dilemmas supports a non-realist interpretation of ought-statements. In his view, agents emerge from moral dilemmas understandably feeling guilt or remorse and believing that they ought to have taken the course they didn’t take, while also being convinced that they acted for the best. Williams suggests that allowing the appropriateness of both these responses requires an account of consistency that is peculiarly applicable to ought-statements. He argues that moral conflicts are more like conflicts of desire than of belief. If one decides in favour of one of two conflicting beliefs, the other cannot survive the decision and is implicitly rejected as untrue. By contrast, with conflicts of desire, the overridden desire is not eliminated but retains its force, reappearing in the form of regret for what was missed. See B. Williams, ‘Ethical consistency’, *Proceedings of the Aristotelian Society* suppl. vol. 39 (1965) and B. Williams ‘Consistency and Realism’, *Proceedings of the Aristotelian Society* suppl. vol. 40 (1966).
- 5 T. Nagel, ‘Moral luck’ in *Mortal Questions* (Cambridge: Cambridge University Press, 1991), p. 28.
- 6 R. Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), pp. 62–87.
- 7 Hursthouse op. cit., pp. 28–29.
- 8 Hursthouse notes on p. 86 of *On Virtue Ethics* that a virtuous person would not too readily see the situation as one in which she is forced to choose between two great evils. Instead, she would look for a third way out, for ‘situations in which we find it very difficult to decide what to do do not come to us conveniently labelled as distressing or tragic dilemmas’. I think Hursthouse is right to suggest that in the overwhelming majority of cases a genuinely virtuous person would be able to find such a way out, but let us assume that in this case, the politician has unsuccessfully explored every other way of locating the bombs without resorting to torture, and that he is reasonably certain that a failure to locate the bombs would be even worse than torturing the terrorist.
- 9 Hursthouse op. cit., p. 78.
- 10 Hursthouse op. cit., p. 46.
- 11 Hursthouse op. cit., p. 47.
- 12 Hursthouse op. cit., pp. 73–74.
- 13 Hursthouse op. cit., p. 79.
- 14 Another type of case in which Hursthouse thinks action assessment and action guidance can come apart is where an agent, through previous wrongdoing, lands himself in a situation where he is forced to choose between two evils. (So he finds himself in a dilemma, but not a tragic dilemma.) In *On Virtue Ethics* (p. 50) Hursthouse employs the example of a man who induces two women to bear a child of his by promising marriage. He cannot marry both, and so he is faced with a difficult choice. Now, if we were to suppose (as Hursthouse does) that there are sufficient moral grounds for marrying A rather than B, then

the dilemma is resolvable. In such a case Hursthouse would say that we can give moral advice in the form 'You ought to marry A', so that marrying A would be the right decision in these circumstances. However, she argues that it is not appropriate to say that the agent will be acting well or virtuously, or will do the right thing by marrying A, for that action involves breaking a promise to B. This example gives some plausibility to the claim that action guidance and action assessment can come apart in some cases, but it remains to be seen whether a tragic dilemma is one such case.

- 15 Hursthouse op. cit., pp. 73–74.
- 16 See, for example, Williams, 'Ethical consistency', pp. 103–124, and 'Consistency and Realism', pp. 1–22.
- 17 Hursthouse op. cit., p. 74.
- 18 Hursthouse op. cit., pp. 84–85.
- 19 See M. Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge: Cambridge University Press, 2001).
- 20 Hursthouse op. cit., pp. 74–75.
- 21 For example, she says that 'those of us who had racism inculcated in us early are unlucky; through no fault of our own, and despite our greatest efforts, we may remain morally inferior'; Hursthouse op. cit., p. 116.
- 22 Hursthouse op. cit., p. 78.
- 23 Hursthouse op. cit., p. 172.
- 24 In this regard it may be helpful to contrast a tragic dilemma with the one mentioned in endnote 14 above, namely where the agent faces a moral dilemma as a result of previous wrongdoing; Hursthouse op. cit., pp. 50ff.
- 25 Hursthouse op. cit., pp. 124–125.
- 26 Hursthouse op. cit., pp. 125–126.
- 27 Hursthouse op. cit., p. 79.
- 28 Hursthouse op. cit., p. 109.
- 29 See Aristotle, *Nicomachean Ethics* II.3, where he contrasts the fully virtuous person with one that is 'continent' or 'self-controlled', who does what he should do but does it contrary to his desires, and argues that the latter is morally inferior to the first.
- 30 P. Foot, *Virtues and Vices* (Oxford: Blackwell, 1978), pp. 10ff.
- 31 Hursthouse op. cit., pp. 95–97. In much the same way, Stohr argues that there are occasions where a virtuous agent will find right action painful and difficult; K. E. Stohr, 'Moral cacophony: When continence is a virtue', *The Journal of Ethics* 7 (2003): 339–363.
- 32 Aristotle, *Nicomachean Ethics*, 1117b10.
- 33 Foot op. cit., p. 11. See also Nussbaum's discussion of Agamemnon's decision to sacrifice his daughter in order to save his army. Nussbaum argues that Agamemnon is not blamed for killing his daughter, but for the attitude he takes towards his actions. Aeschylus shows Agamemnon agonising over the decision, but after he makes it he undergoes a change of heart and performs the deed with enthusiasm, seemingly oblivious to his daughter's suffering. He might have carried out the deed hesitantly, with revulsion, with his passions or attitude opposing his actions, thereby displaying some loyalty to the value that is being overridden. Instead, he allows his passions to turn in the same direction as the action, and this is the central blameworthy flaw in his behaviour, for he thereby fails to maintain his loyalty to the value of his daughter's life. Nussbaum op. cit., ch. 2.